



ZONING ORDINANCE

City of Jackson, Alabama

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Article 1. TITLES, AUTHORITY, PURPOSE, AND JURISDICTION

Section 1.01 Title and Short Title

This ordinance is the "Zoning Ordinance of Jackson, Alabama" and may be referred to as the "Zoning Ordinance".

Section 1.02 Authority

This Zoning Ordinance is adopted by the City Council of the City of Jackson, Alabama under the authority of the Code of Alabama, 1975, §11-52-70 through §11-52-84, as amended.

Section 1.03 Purpose

This Zoning Ordinance is part of and consistent with other portions of the Comprehensive Plan for the City of Jackson, Alabama. The purposes of this Zoning Ordinance are to: control the uses of land and buildings; provide safe and sanitary structures; require improvements that provide for harmonious development; stabilize land values; avoid unnecessary population densities; and promote general health, safety, convenience, prosperity and welfare for the population of the City.

Section 1.04 Minimum Requirements

The provisions of this Ordinance are considered minimum requirements to promote the public health, safety, and welfare. The provisions of this Ordinance may not lower the restrictions of plats, deeds or private contracts, if they are more restrictive than the provisions of this Ordinance. If there is a conflict between this Ordinance, and those of any statute, or any local law or regulation, the most restrictive provisions apply.

No business license may be issued for the use of a property unless the use and the property are in compliance with this Ordinance.

Section 1.05 Jurisdiction

This Zoning Ordinance and Map govern and regulate all land within the City limits of Jackson, Alabama.

Section 1.06 Annexed Land

If additional territory is annexed to the City of Jackson at a subsequent date, that land will be designated as an A-O District until zoned in accordance with the amendment procedures set forth in this Zoning Ordinance.

Section 1.07 Transitional Rules

Nothing herein will require any change in the plans, size, construction or designated use of any building, structure or part thereof for which a Building Permit has been granted before the effective date of this Ordinance or amendment thereto. However, when construction has not begun under the outstanding permit within 60 days after passage of this Ordinance or where it has not been completed within 18 months after passage, any further construction must conform to the provisions of this Ordinance or amendment thereto.

§1.07.01. Construction means the erection and fastening of building material in a permanent manner in accordance with approved plans.

- §1.07.02. Where demolition and removal of an existing building has begun in preparation for rebuilding, or where excavation has begun for building, construction is deemed to have begun provided the work is diligently continued.
- §1.07.03. The storage of building materials or location of a temporary office on a lot is not deemed as having begun construction.

Article 2. TERMINOLOGY

Section 2.01 Purpose

For the purpose of interpreting this Zoning Ordinance, certain words or terms have the meanings defined in 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 applies.

Section 2.02 Interpretation of Certain Words and Terms

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

In the interpretation of this Zoning Ordinance, the provisions and rules of this Section are applied except when the context clearly requires otherwise. Words used or defined in one tense or form include the other tenses and derivative forms. Words in the singular number include the plural; and words in the plural number include the singular. The masculine gender includes the feminine and the feminine gender includes the masculine. The word "person" includes an individual, firm, association, organization, partnership, trust, company or corporation.

The words "used" or "occupied" as applied to any land or structure include all modifying words such as "intended", "arranged", or "designed" to be used or occupied.

Section 2.03 Definitions

§2.03.01. *Abutting*. Touching along a common side, boundary or property line. Two pieces of property that are separated by a right-of-way are "adjacent," but not "abutting."

§2.03.02. *Accessory Structure*. A structure detached from a principal building on the same lot and customarily incidental and subordinate to the principal building.

§2.03.03. *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.

§2.03.04. *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.

§2.03.05. *Adjacent*. Either abutting or on the opposite side of a street or other right-of-way that separates it from the subject property. Properties separated by a railroad are not considered "adjacent."

§2.03.06. *Agriculture or Agricultural Use*. The production, storage, keeping, harvesting, grading, packaging, processing, boarding or maintenance, for sale, lease, or personal use, of plants and animals, including but not limited to: forages and sod crops; grains and seed crops; dairy animals and products; poultry and poultry products; the keeping, raising and breeding of livestock; bees and apiary products; fur animals; trees and forest products; fruits, nuts and vegetables; plants and flowers; or lands that are devoted to soil conservation or forestry management.

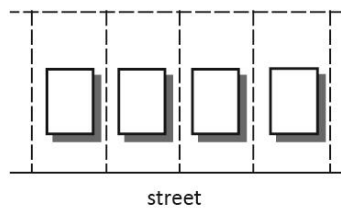
§2.03.07. *Alley*. A publicly or privately maintained, permanently reserved means of access to the rear or side of properties.

- §2.03.08. *Alteration*. A change or rearrangement of members, or parts, of an existing building or structure, such as bearing walls, columns, beams, girders, or interior partitions, doors or windows; or any enlargement or reduction of a building or structure, whether horizontally or vertically; or moving the building or structure from one location to another.
- §2.03.09. *Alternative Financial Service*. A check cashing business, payday advance or loan business, money transfer business, car title loan business, title pawn business, pawn shop or similar business engaged in non-traditional short-term lending.
- §2.03.10. *Amateur Radio Tower*. A tower with one or more antennas connected to radio equipment operated by a licensed amateur radio operator in accordance with applicable FCC laws and regulations.
- §2.03.11. *Animal Shelter*. A nonprofit or public establishment providing shelter for dogs, cats and other small domestic animals.
- §2.03.12. *Apartment*. See “Dwelling, Multifamily.”
- §2.03.13. *Applicant*. A person submitting an application for development, a variance, special exception, rezoning or other approval under this Zoning Ordinance.
- §2.03.14. *Architect or Registered Architect*. A person licensed in the State of Alabama to practice in the field of architecture.
- §2.03.15. *Assisted Living Facility*. A building, portion of a building, or group of buildings in which room, board, meals, laundry, and assistance with personal care and other non-medical services are provided for at least 24 hours in any week to at least two ambulatory adults not related by blood or marriage to the owner and/or administrator; excluding facilities licensed by the Alabama Department of Mental Health/Mental Retardation.
- §2.03.16. *Automobile Repair*.
- A. *Minor Automobile Repair*. Sales, installation, and servicing of mechanical equipment and parts, including audio equipment and electrical work, lubrication, tune-ups, wheel alignment, tire balancing, brake and muffler work, battery charging and/or replacement and similar activities.
 - B. *Major Automobile Repair*. The repair and maintenance of vehicles including painting, body work, rebuilding of engines or transmissions, upholstery work, fabrication of parts and similar activities
- §2.03.17. *Bakery, Major*. An establishment that bakes goods primarily for wholesale and that may include storage and distribution facilities.
- §2.03.18. *Bakery, Minor*. An establishment that bakes goods for on-premises retail sales.
- §2.03.19. *Bank*. A business engaged in providing banking or financial services to the general public, such as a bank, savings and loan institution, credit union or finance company.
- §2.03.20. *Basement*. A portion of a building having one-half or more of its floor-to-ceiling height below grade level and having a floor-to-ceiling height of at least 6.5 ft.
- §2.03.21. *Bed and Breakfast*. A dwelling or portion thereof using no more than six rooms to provide short term lodging accommodations and meals for the traveling public for a fee.
- §2.03.22. *Bedroom*. A room marketed, designed or otherwise intended to function primarily for sleeping.
- §2.03.23. *Billboard*. See “Off Premises Sign.”

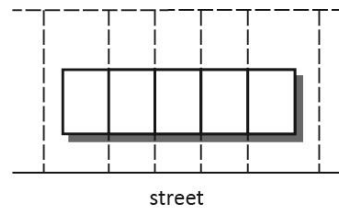
- §2.03.24. *Block*. A tract or parcel of land entirely surrounded by public streets other than alleys or a combination of streets, public land, public parks, cemeteries, railroad rights-of-way, bodies of water or watercourses, or any other barrier to the continuity of development.
- §2.03.25. *Board of Zoning Adjustment* or *BZA*. The Board of Zoning Adjustment of the City of Jackson, Alabama.
- §2.03.26. *Boarding House*. A dwelling or part thereof, other than a Bed and Breakfast, in which, lodging and meals for three or more persons are provided for a fee.
- §2.03.27. *Broadcast Studio*. An establishment primarily engaged in broadcasting and other information relay services accomplished through the use of electronic or telephonic mechanisms.
- §2.03.28. *Buffer*. A strip of land that is landscaped to separate incompatible land uses, promoting visual harmony, reducing noise, diverting emissions, and reducing glare. Buffers may consist of existing or planted trees, shrubs or vegetation, fences, walls or earth berm.
- §2.03.29. *Building*. A structure permanently fixed to the ground having one or more floors, walls and roof and built to be occupied and used for the enclosure and shelter or accommodation of persons, personal property or equipment, goods, or animals.
- §2.03.30. *Building Area*. That portion of a lot remaining after required minimum yard and open space requirements have been met. The area of a lot within which permitted buildings or structures may be erected, used and maintained.
- §2.03.31. *Building Height*. For flat or parapet roof buildings, the vertical distance measured from grade level at the front of the building to the highest point of the roof. For pitched-roof buildings, the vertical distance measured from grade level at the front of the building to the average of the eaves and ridges.
- §2.03.32. *Building Line, Front*. A line extending across the width of the lot coincident with the front-most plane of the building.
- §2.03.33. *Zoning Official*. The designated employee of the City of Jackson, Alabama responsible for enforcing the provisions of this Zoning Ordinance.
- §2.03.34. *Building, Principal*. The building or structure in which the primary use of the property is conducted.
- §2.03.35. *Building Separation*. The minimum horizontal distance between the nearest portions of any structures on the same lot.
- §2.03.36. *Business or Professional Office*. A room or group of rooms used for the conduct of a business or profession, including but not limited to doctors, lawyers, accountants, real estate, insurance, brokerages, architects, engineers, advertising, graphic and web design. Does not include medical clinics.
- §2.03.37. *Business Support Service*. A business which supplies support services primarily to other businesses, such as sales of office equipment, supplies and services; cleaning services; computer and office equipment repair and similar services.
- §2.03.38. *Campground*. Land on which two or more campsites are located, established or maintained for occupancy by camping units as temporary living quarters for recreation, education or vacation purposes.

- §2.03.39. *City Council*. The City Council of the City of Jackson, Alabama.
- §2.03.40. *Club, Private*. Buildings or facilities operated by an association of persons united by some common interest such as social, educational or recreational purposes and usually characterized by certain membership qualifications, payment of fees or dues, and holding of regular meetings.
- §2.03.41. *Commercial School*. See "School, Commercial."
- §2.03.42. *Commercial Recreation*. See "Recreation, Commercial."
- §2.03.43. *Conservation Subdivision*. A form of development that permits a reduction in dimensional requirements, provided there is no increase in the overall density of the development, and the remaining land area is devoted to open space, recreation, or preservation of environmentally sensitive areas. See [§7.07 Conservation Subdivisions](#).
- §2.03.44. *Construction Service*. A place of business engaged in construction and related trade activities with incidental storage such as a building contractor, electrician, plumber or similar trade and that may involve wholesaling of building materials. Includes wholesale building supply business.
- §2.03.45. *Convenience Store*. A retail establishment selling primarily food products, household items, newspapers and magazines, candy and beverages, and a limited amount of freshly prepared foods for off-premises consumption. A convenience store that sells vehicle fuels is considered a "gas station."
- §2.03.46. *Country Club*. Land or buildings containing recreational facilities and clubhouse for private club members and their guests.
- §2.03.47. *Coverage*. The percentage of the lot that is covered by all buildings (including accessory buildings), structures (detached carports), and non-pervious surfaces (drives and patios, etc).
- §2.03.48. *Day Care Facility*
- A. *Adult Day Care Center*. Any building or related premises used to provide care and daily activities to five or more adults for part of the day.
 - B. *Adult Day Care Home*. A dwelling used to provide care and daily activities to four or less adults for part of the day.
 - C. *Child Day Care Center*. Any building and related premises used for the care thirteen or more children for part of the day.
 - D. *Child Day Care Group Home*. A dwelling used for the care of seven to twelve children for part of the day with at least two adults present and supervising child care activities.
 - E. *Child Day Care Home*. A dwelling used for the care of six or less children for part of the day.
- §2.03.49. *Density*. The ratio of lot area per dwelling unit or the number of dwelling units per acre of site area.
- §2.03.50. *Development*. The subdivision or re-subdivision of land, the construction, reconstruction, conversion, alteration, relocation or enlargement of a structure; any mining, dredging, fitting, grading, paving, excavation, drilling or disturbance of land; and any use or extension of the use of land.

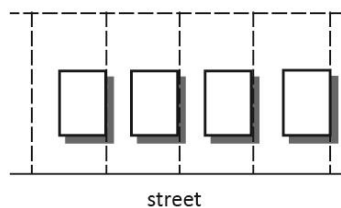
- §2.03.51. *Development Plan*. A plan for the use, excavation of, construction on, or rezoning of property. Includes site plans (buildings), plot plans (projects and rezonings), and subdivisions plats (divisions of land consistent with Subdivision Regulations).
- §2.03.52. *Distribution Center*. An establishment engaged in the receipt, storage, and distribution of goods, products or cargo, including by boat, rail, air or motor vehicle.
- §2.03.53. *Dwelling or Dwelling Unit*. A building or part thereof designed and used for residential occupancy by one family.
- A. *Dwelling, Accessory*. A dwelling located on the same lot of and that is subordinate to a detached, single-family dwelling. Accessory dwellings are commonly referred to as guest houses, garage apartments or mother-in-law units. See [§7.05 Accessory Dwellings](#).
 - B. *Dwelling, Caretaker*. A residence, incidental to a principal use, for an on-site manager, watchman or caretaker employed on the premises.
 - C. *Dwelling, Duplex*. A building containing two dwelling units totally separated from each other by an unpierced wall extending from basement to roof.
 - D. *Dwelling, Multifamily*. A building containing three or more dwelling units on one lot.



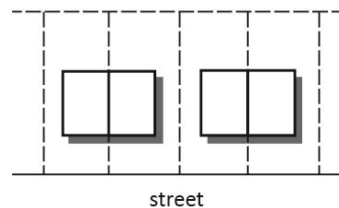
Single-family Detached Dwelling



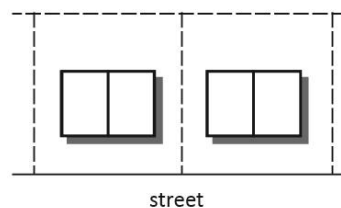
Single-family Attached Dwelling



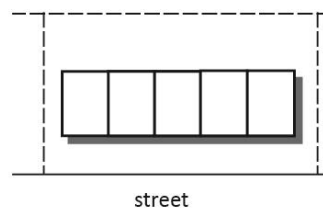
Single-family Zero Lot Line Dwelling



Single-family Semi-detached Dwelling



Duplex Dwelling

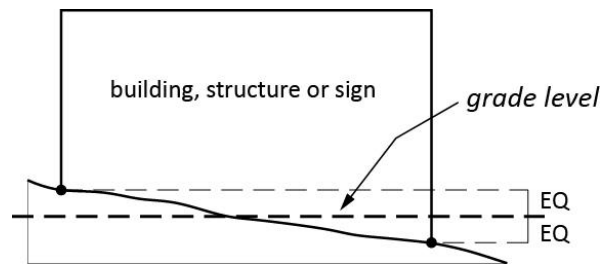


Multifamily Dwelling

- E. *Dwelling, Single Family Attached*. A dwelling in a row of at least three such units in which each unit has its own front and rear access to the outside, no unit is located over another, and each unit is separated by vertical common, fire-resistant walls.

- F. *Dwelling, Single Family Detached*. A building containing one dwelling unit and that is not attached to any other dwelling and is surrounded by open space or yards.
 - G. *Dwelling, Single Family Semi-Detached*. A single-family dwelling attached to one other single-family dwelling by a common, vertical wall, with each dwelling located on a separate lot.
 - H. *Dwelling, Tiny Home*. A pre-fabricated, modular or site-built single-family detached dwelling under 500 sf in habitable area, excluding loft space designed and constructed for residential occupancy in accordance with the City Building Code.
 - I. *Dwelling, Upper-story*. A dwelling unit located on a floor above another use in the same building.
 - J. *Dwelling, Zero Lot Line*. A single-family detached dwelling located on a lot so that one of the dwelling's sides rests on a lot line.
- §2.03.54. *Easement*. Authorization by a property owner of the use of a designated part of their property by another for a specified use.
- §2.03.55. *Engineer*. A professional engineer registered and in good standing with the Alabama Board of Engineers and Land Surveyors.
- §2.03.56. *Entertainment, Indoor*. A commercial establishment providing spectator entertainment within an enclosed building, including movie theaters, playhouses, concert halls, etc.
- §2.03.57. *Entertainment, Outdoor*. An establishment providing spectator entertainment in open or partially enclosed or screened facilities, including sports arenas, racing tracks, drive-in theaters, amusement parks, etc.
- §2.03.58. *Family*. Any one of the following arrangements when living together in a dwelling as a single-housekeeping unit: 1) an individual, 2) two or more persons related by legal adoption, blood or licit marriage plus up to two unrelated persons, 3) a group of not more than four unrelated persons.
- §2.03.59. *Farm*. Land upon which the predominant activity is agriculture, which may also include a single family dwelling and any accessory structures incidental to the dwelling or agricultural use.
- §2.03.60. *Farm Support Business*. A commercial establishment engaged in the sale of farm support goods and services, including but not limited to, 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 farm animals.
- §2.03.61. *Fence*. An artificially constructed barrier of any kind erected to enclose or screen.
- §2.03.62. *Fill or Filling*. Any artificial or mechanical act by which earth material is placed, pushed, dumped, pulled, transported or moved to a new location above the natural surface of the ground or on top of a stripped surface and including the conditions resulting from such act.
- §2.03.63. *Floor Area, Gross*. The total area of a building measured using the outside dimensions of the building at each floor level intended for occupancy or storage.
- §2.03.64. *Fowl*. Chickens, turkeys, ducks, geese, quail, guineas and similar birds raised, kept or bred for agricultural or commercial purposes or for egg or food production.

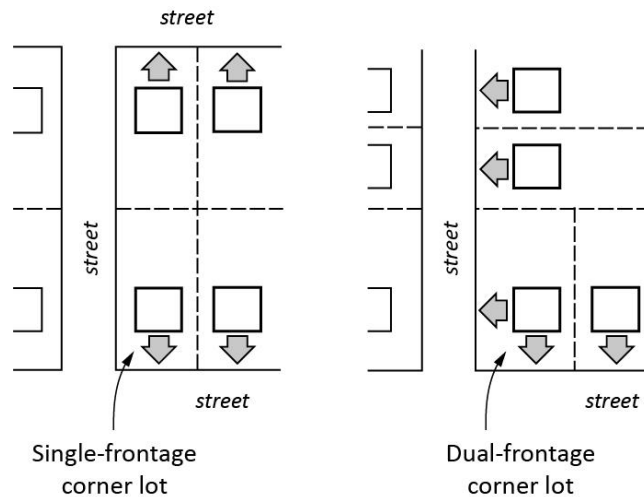
- §2.03.65. *Garden Center*. The growing, cultivation storage and sale of garden plants, trees, flowers, shrubs, and fertilizers, as well as the sale of garden tools and similar accessory and ancillary products, to the general public.
- §2.03.66. *Gas Station*. An establishment involving the retail dispensing of automotive fuels.
- §2.03.67. *Grade level*. For buildings, the average level of the finished grade at the front building line. For trees, landscaping, light fixtures and signs, the level of finished grade at the base of the tree, plant, fixture or sign.



- §2.03.68. *Grocery Store*. A retail establishment primarily selling food for off-premises consumption or preparation and other convenience and household goods.
- §2.03.69. *Gross Floor Area*. See "Floor Area, Gross."
- §2.03.70. *Group Care Home*. A dwelling for the sheltered care of persons, which, in addition to providing food and shelter, may also provide some combination of personal care, social or counseling services, and transportation. Residents are supervised by a sponsoring entity or its staff, which furnishes rehabilitative services to the residents. A group care home is owned or operated under the auspices of a nonprofit association, private care provider, government agency, or other legal entity, other than the residents themselves or their parents or legal guardians. Group Care Homes are further categorized as follows:
- A. *Emergency Care Home*. A group care home, serving up to 10 individuals, unrelated by blood or marriage, living together as a single housekeeping unit under the supervision of one or two resident managers, whose purpose is to provide a protective sanctuary and emergency housing to victims of crime or abuse.
 - B. *Family Care Home*. A group care home, serving up to 10 individuals, unrelated by blood or marriage, living together as a single housekeeping unit under the supervision of one or two resident managers, whose purpose is to serve socially, physically, mentally, or developmentally impaired children in a family-type living arrangement, and which meet or exceed the minimum requirements of Section 11-52-75.1 *Regulations as to housing of mentally retarded or mentally ill persons in multifamily zones*, Code of Alabama, 1975 as amended.
 - C. *Transitional Care Home*. A group care home, serving up to 10 individuals, unrelated by blood or marriage, living together as a single housekeeping unit under the supervision of one or two resident managers, whose purpose is to assist persons, especially those leaving institutions, to reenter society and learn to adapt to independent living.
- §2.03.71. *Hazardous Substances*. Material that, by reason of being toxic, caustic, corrosive, abrasive, or otherwise injurious, may be detrimental or deleterious to the health of any person handling or using or otherwise coming into contact with such material.

- §2.03.72. *Heavy Industry*. Meat or poultry processing, slaughterhouse, the storage or manufacturing of flammable, explosive or toxic materials or other materials generally considered to be hazardous or offensive in nature.
- §2.03.73. *Highway*. A major street that forms a part of an officially recognized highway system.
- A. *Federal Highway*. A road or street that is a recognized part of the existing Federal Aid Highway System.
 - B. *State Highway*. A road or street that is a recognized part of the existing Alabama State Highway system.
- §2.03.74. *Hobby Farm*. The on-site production, principally for use or consumption of the property owner or tenant, of plants, animals, or their products, including, but not limited to, gardening, fruit production, poultry, and keeping and raising of livestock. This does not include the sale of products produced off-site but does include the sale of products produced on-site as long as such sales are incidental to the principal use of the property as a residence. See also [§7.09 Hobby Farms](#).
- §2.03.75. *Home Improvement Center*. A place of business providing building, yard and garden materials, appliances, tools and supplies at retail or wholesale.
- §2.03.76. *Home Occupation*. An occupation for gain conducted entirely and as an incidental activity within a dwelling by one or more members of a family residing in the dwelling.
- §2.03.77. *Hospital*. An establishment providing primary health services and medical or surgical care to persons, primarily inpatients, suffering from illness, disease, injury, deformity, and other abnormal physical or mental conditions and including as an integral part of the institution related facilities such as laboratories, outpatient facilities, training facilities, medical offices and staff residences.
- §2.03.78. *Hotel*. An establishment providing sleeping accommodations for the traveling public, in which guest rooms are accessed from the interior of the building. Hotels may also include, as incidental uses, dining facilities, liquor lounges, fitness centers and similar guest services.
- §2.03.79. *Improvement*. Any permanent item that becomes a part of, is placed upon or is affixed to real estate.
- §2.03.80. *Independent Living Facility*. A residential facility for the elderly that may provide meals, housekeeping, linen service, transportation, social and recreational activities and similar services. Such facilities do not provide, in a majority of the units, assistance with activities of daily living such as supervision of medication, bathing, dressing, toileting, etc.
- §2.03.81. *Institutional Uses*. Structures or land occupied by a group, cooperative, or other entity created for nonprofit purposes or for public use or services. This does not include institutional facilities which involve on-premises garages, repair or storage yards, or warehouses. Institutional uses are categorized as follows:
- A. *Low intensity institutional uses*. Government and nonprofit cultural facilities up to 4,000 sf; places of assembly up to 200 seats. For the purposes of determining buffer requirements, day care centers; group care homes; assisted living and nursing care facilities for the aged up to 10,000 sf are considered "low intensity institutional uses."

- B. *Medium intensity institutional uses*. Government and nonprofit cultural facilities up to 7,000 sf; health institutions up to 35,000 sf; elementary and junior high/middle schools; places of assembly up to 500 seats; other institutions up to 35,000 sf.
 - C. *High intensity institutional uses*. Government and cultural facilities greater than 12,500 sf; health institutions greater than 35,000 sf; places of assembly greater than 500 seats; high schools, universities, colleges, junior colleges; stadiums and arenas up to 3,000 seats; other institutions greater than 35,000 sf.
- §2.03.82. *Intersection Sight Distance*. See "Sight Distance, Intersection."
- §2.03.83. *Junk Yard*. A lot or structure or part thereof, used primarily for the collecting, storage and sale of waste paper, rags, scrap metal or discarded material or for the collecting, dismantling, storage and salvaging of machinery or vehicles not in running condition or for the sale of parts thereof.
- §2.03.84. *Kenel*. An establishment in which domesticated animals are housed, groomed, bred, boarded, trained or sold, all for compensation.
- §2.03.85. *Land Use*. The utilization of land for trade, industry, residence, recreation or any other activity or purpose including, but not limited to, land development activities necessary for the preparation of a site for a use.
- §2.03.86. *Laundering Plant*. An establishment primarily engaged in high volume laundry and garment services, including commercial and industrial laundries; garment pressing and dry cleaning; linen supply; diaper service; carpet and upholstery cleaners, but excluding laundromats, laundry and dry cleaning pick-up stations.
- §2.03.87. *Laundry Services*. Laundromat, laundry and dry cleaning pick-up stations and clothing storage, excluding laundering plants.
- §2.03.88. *Liquor Lounge*. A licensed establishment engaged in the preparation, sale or serving of liquor for consumption on the premises only. This includes taverns, bars, cocktail lounges, nightclubs and similar uses where liquor is sold for consumption on-premises.
- §2.03.89. *Livestock*. Cows, horses, goats, sheep, swine, ponies and other animals raised, kept or bred for agricultural or commercial purposes or for milk or food production
- §2.03.90. *Live-Work*. A mixed-use development, in which one dwelling unit is located in the same building as a nonresidential use. Typically, the dwelling unit is located in an upper floor with the nonresidential use at ground level, and the business use is operated by the resident.
- §2.03.91. *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 structures or for any other purpose.
- A. *Lot, Corner*. A lot located at the intersection of two or more intersecting streets or one street that curves and in which the interior angle is less than 135 degrees.
 - 1) *Dual Frontage Corner Lot*. A residential corner lot that abuts an interior lot on each side.
 - 2) *Single-Frontage Corner Lot*. A residential corner lot that abuts an interior lot on one side and a corner lot on the other side, including when separated by an alley.



B. *Lot, Interior.* A lot other than a corner lot.

C. *Lot, Through.* A lot that fronts on two streets that do not intersect at the boundaries of the lot.

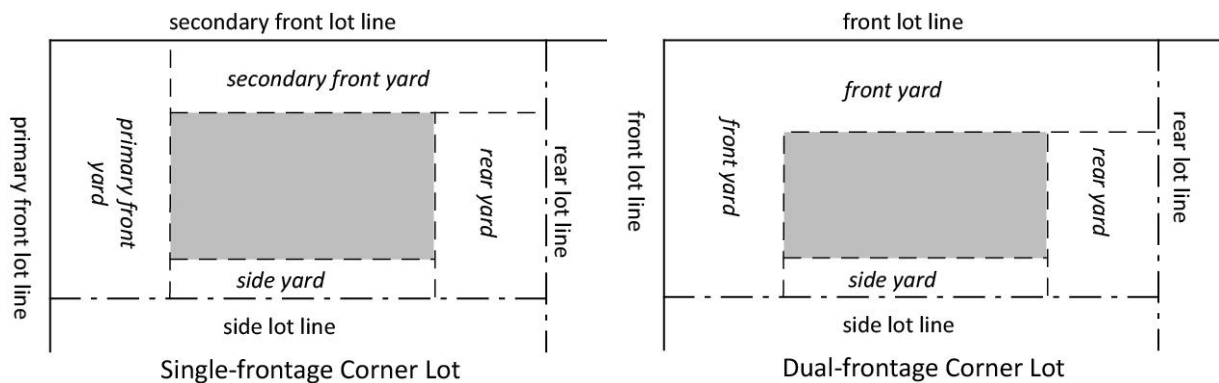
§2.03.92. *Lot Area.* The gross area of land within the property lines defining the lot.

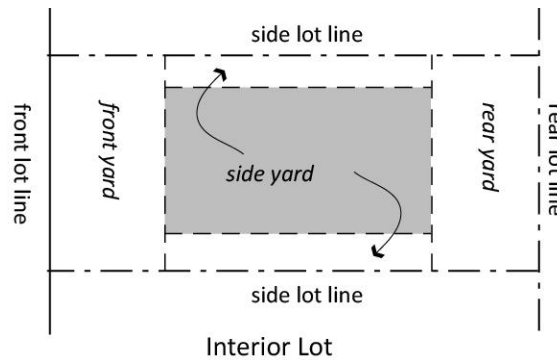
§2.03.93. *Lot Lines.* The legally defined boundaries of a lot.

A. *Lot Line, Front.* The lot line coincident with the street right-of-way line upon which the lot fronts. For single-frontage corner lots, there is a primary and secondary front line. The shorter of the two is the primary front lot line. For dual-frontage corner lots, both lot lines along streets are considered front lot lines.

B. *Lot Line, Rear.* That lot line which is parallel to and most distant from the front line. In the case of a triangular or irregularly shaped lot, a line 10 ft in length, entirely within the lot, parallel to and at the maximum distance from the front lot line.

C. *Lot Line, Side.* Any lot line other than the front or rear lot line.





- §2.03.94. *Lot of Record*. A lot which is part of a recorded plat or plot described by metes and bounds, the map and/or description of which has been recorded according to Alabama Law.
- §2.03.95. *Lot Width*. The horizontal distance between the side lot lines at the front building line. For corner lots, the distance measured between the side lot line and the opposite lot line.
- §2.03.96. *Maintenance Service*. An establishment providing building and yard maintenance services, such as janitorial services, exterminating services, landscaping services, window cleaning services, office cleaning services and similar uses.
- §2.03.97. *Major Street*. See "Street, Major".
- §2.03.98. *Manufactured Home*. A structure, transportable in one or more sections, which in the traveling mode, is eight body ft or more in width or 40 body ft or more in length, or, when erected on site is 320 or more sf, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation, when connected to required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems therein and constructed in accordance with the standards of the National Manufactured Housing Construction and Safety Standards Act of 1974, as amended.
- A. *Single Wide*. A manufactured home having a width of 14 ft or less excluding expansion bays.
 - B. *Double Wide*. A manufactured home manufactured in two parts, that when assembled becomes a single structural unit wider than 14 ft.
- §2.03.99. *Manufactured Home Park*. Land designed and used as a residential community with spaces rented or leased for the siting of manufactured homes, mobile homes, trailers, campers or recreational vehicles .
- §2.03.100. *Manufactured Home Space*. A space within a Manufactured Home Park designed for the accommodation of one manufactured home.
- §2.03.101. *Manufactured Home Subdivision*. A subdivision designed and intended for the siting of manufactured homes on their own lots.
- §2.03.102. *Manufacturing, General*. The basic processing and manufacturing of materials or products predominately from extracted or raw materials and the incidental storage, sale and distribution of such products.
- §2.03.103. *Manufacturing, Light*. The manufacture, predominately from previously prepared materials of finished products or parts, including processing, fabrication, assembly, treatment and packing of such products and the incidental storage, sale and distribution of such products.

- §2.03.104. *Medical Clinic*. A facility providing medical, dental, psychiatric or surgical services for persons exclusively on an out-patient basis.
- §2.03.105. *Medical Support Service*. A place of business, which supplies medical support services to individuals, medical practitioners, clinics and hospitals, including but not limited to a pharmacy, medical and surgical supply store, and an optician.
- §2.03.106. *Mini-Storage Warehouse*. A structure, part of a structure or group of structures, divided into units rented or leased to the general public only for the storage of personal goods, materials and equipment.
- §2.03.107. *Mixed Use or Mixed Use Development*. The combination of a residential use with nonresidential uses on the same site or within the same building.
- §2.03.108. *Mobile Home*. A manufactured home that does not comply with the National Manufactured Housing Construction and Safety Standards Act of 1974, as amended.
- §2.03.109. *Modular Building*. A factory fabricated building constructed in one or more units constructed to site built standards and transported to a site to be incorporated into a permanent building.
- §2.03.110. *Motel*. An establishment providing sleeping accommodations for the travelling public, in which lodging rooms are accessed from the exterior of the building. Motels may also include, as incidental uses, dining facilities and liquor lounges.
- §2.03.111. *Nonconformity*. Lawful use of a lot, structure or characteristic of use, which, as a result of the adoption of or amendment to this Ordinance, no longer conforms to all applicable zoning provisions.
- §2.03.112. *Nonresidential*. Any use that is not a residential use or accessory to a residential use. Mixed-use developments are considered nonresidential uses.
- §2.03.113. *Nursing Care Facility*. A licensed institution 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 an assisted or independent living facility.
- §2.03.114. *Office*. See also "Business or Professional Office."
- §2.03.115. *Open Space*. Undeveloped area, extending from the ground to the sky.
- §2.03.116. *Open Space, Common*. Land area within a development that is held in common ownership and maintained by a property owner's association for all of the owners for recreation, protection of natural land features, amenities or buffers; is freely accessible to all owners of the development; and, is protected by the provisions of this ordinance to insure that it remains in such uses.
- §2.03.117. *Outdoor Storage*. The keeping, in an unenclosed area, of any goods, materials, merchandise, products or vehicles in the same place for more than 48 hours. Does not include retail display.
- §2.03.118. *Park*. Publicly-owned and operated parks, playgrounds, recreation facilities and open spaces. Parks owned and operated by a property owners association are referred to as "Common Open Spaces."
- §2.03.119. *Parking*. An area of land or space in buildings or structures designed, used and maintained for storing vehicles.

- A. *Parking, Commercial*. An off-street parking facility on a lot not occupied by another use.
 - B. *Parking, Off Street*. An area of land or space in structures that is used for parking and storing vehicles and that is not located in a street right-of-way.
- §2.03.120. *Personal Service*. An establishment primarily engaged in providing services involving the care of a person or their personal goods or apparel.
- §2.03.121. *Place of Assembly*. A facility used for and providing religious, fraternal, recreational, social, educational or cultural activities.
- §2.03.122. *Planning Commission or Commission*. The Planning Commission of the City of Jackson, Alabama.
- §2.03.123. *Plot Plan*. A scale drawing showing: i) the relationship of a lot or tract of land to off-site properties, buildings and structures in the general vicinity of the property; and ii) on-site proposals for a moderate to large sized or complex projects including buildings, structures, related infrastructure improvements (e.g., utility services, stormwater drainage) and other improvements.
- §2.03.124. *Principal Building*. See “Building, Principal”.
- §2.03.125. *Printing Establishment, Major*. Blue printing, copying, printing, engraving or other reproduction services with no limit on floor space/area.
- §2.03.126. *Printing Establishment, Minor*. Blue printing, copying, printing, engraving or other reproduction services with 2,500 sf or less of floor space.
- §2.03.127. *Public Facility*. Buildings providing public services, not otherwise defined in this Section, including government offices, post offices, museums, libraries, transit stations, police and fire stations, emergency service stations, civil defense operations and similar uses.
- §2.03.128. *Public Utility Facility*. A facility that provides public utility services to the public at large, including water and sewer, gas distribution, electric transmission and distribution, and cable transmission and distribution facilities.
- §2.03.129. *Recreation, Commercial*. A commercial establishment providing recreational or sports activities to participants, including bowling alleys, video game centers, ice and roller skating rinks, driving ranges, miniature golf courses, conventional golf courses, swimming pools, tennis courts and other commercial recreational and sports activities.
- §2.03.130. *Recreation Facility, Public*. A recreation facility open to the general public.
- §2.03.131. *Recreation Space*. Open space for general recreational activities such as playgrounds.
- §2.03.132. *Recreational Vehicle*. A vehicular type portable structure without permanent foundation that can be towed, hauled, or driven and is designed as a temporary living accommodation for recreational and camping purposes.
- §2.03.133. *Recycling Center*. Land, with or without buildings, upon which used materials are separated and processed for shipment for eventual reuse in new products.
- §2.03.134. *Recycling Plant*. A facility, other than a junkyard, in which recoverable resources, such as paper, plastic, glass, and metal cans are recycled, reprocessed and treated to return such products to a condition in which they may be used again in new products.

- §2.03.135. *Research Laboratory*. Facility for scientific research, investigation, testing or experimentation, but not facilities for the manufacture or sale of products, except as incidental to the main purpose of the laboratory.
- §2.03.136. *Resource Extraction*. The removal of soil, sand, stone, chert, clay, gravel, limestone or similar materials, for commercial purposes, including quarries, sand and gravel operations, gas extraction, and mining operations, and the loading, sizing, crushing, and processing of such materials, and the incidental storage, sale and distribution of the same.
- §2.03.137. *Restaurant, Fast Food*. An establishment where food and drink may be ordered from and delivered to an automobile.
- §2.03.138. *Restaurant, Pick-Up and Delivery Only*. An establishment where food and drink are prepared and sold for consumption off-premises only.
- §2.03.139. *Restaurant, Standard*. An establishment where food and drink are prepared, served and consumed, mostly within the principal building.
- §2.03.140. *Retail, General*. Retail sales of goods and services including, but not limited to; clothing and shoe stores, home furnishings, appliance stores, automobile parts and supply stores, gift shops, florist shops, drugstores, medical supplies, hardware stores, jewelry stores, sporting goods stores and antique shops.
- §2.03.141. *Retail, Unenclosed*. Retail sales of goods and services conducted partially or fully outside of a building, including but not limited to sidewalk sales, flea markets, monument sales, lumber yards and similar activities.
- §2.03.142. *Salvage Yard*. See “Junk Yard.”
- §2.03.143. *Sanitary Landfill*. A State-regulated site for solid waste disposal employing an engineering method of disposing of solid wastes in a manner that minimizes environmental hazards by spreading, compacting to the smallest volume and applying cover material over all exposed waste at the end of each operating day.
- §2.03.144. *School*. A public or nonprofit school.
- §2.03.145. *School, Commercial*. A private, gainful business providing instruction in arts, business, crafts, trades or professions.
- §2.03.146. *Screen*. To visually shield or obscure a structure or use from adjacent property or public view by means of opaque fencing, walls, berm or densely planted vegetation.
- §2.03.147. *Service Station*. A gas station that offers minor automobile repair services.
- §2.03.148. *Shopping Center*. A group of commercial establishments located on a lot planned and developed in a unified manner and design with shared parking and driveway facilities and under a common ownership or management authority.
- §2.03.149. *Sight Distance, Intersection*. The length of a line of sight between a motorist, stopped at an intersection or driveway, and the nearest intersection, alley or other access point to the left or to the right of the motorist.
- §2.03.150. *Sign*. Refer to [Article 8](#) for all definitions relating to signs.

- §2.03.151. *Site*. Any lot or parcel of land, or contiguous combination of the two, upon which land use or development may occur.
- §2.03.152. *Site Area*. See “Lot Area.”
- §2.03.153. *Site Plan*. An accurately scaled drawing that illustrates: i) the relationship of a lot to adjacent off-site property lines, buildings and structures; ii) existing on-site conditions and requirements; and iii) proposed on-site improvements such as buildings, structures, utilities, and access points and circulation, parking and loading areas, screening walls or fences, and landscaping.
- §2.03.154. *Small-scale Industry*. Manufacturing or industrial operations employing no more than 20 workers and occupying no more than 15,000 sf of gross floor area.
- §2.03.155. *Special Exception*. A use or characteristic of development that would not generally be appropriate in a zoning district without restriction, but which, if controlled as to number, area, location or relation to the neighborhood, would not be detrimental to public health, safety and general welfare. See [§12.03 Special Exceptions](#).
- §2.03.156. *Stable*. A structure for the keeping of horses, mules, donkeys or ponies.
- §2.03.157. *Story*. That portion of a building or structure included between the surface of any floor and the bottom of the above floor or roof.
- §2.03.158. *Story, Half*. That portion of a structure under a sloping roof, the floor area of which, at a height of five feet above the floor, does not exceed 2/3 of the floor area of the story below it; and at least 200 sf of floor space maintains a height of at least 7.5 ft.
- §2.03.159. *Street*. A public or private maintained road that affords the primary means of access to abutting properties.
- §2.03.160. *Street, Major*. A US or State highway or other major street designated as such on a Major Street Plan for the City of Jackson.
- §2.03.161. *Street Line*. A property line marking the dividing line between a street right-of-way and a lot.
- §2.03.162. *Structure*. A combination of materials that form a construction for use, occupancy or ornamentation whether installed on, above or below the surface of land or water. This includes, but is not limited to: buildings, walls, swimming pools, stadiums, radio and television towers, storage bins, sheds, fences, signs and temporary structures such as platforms, staging and flooring used for standing or seating purposes. All buildings are considered structures but not all structures are buildings.
- §2.03.163. *Studio*. A place of work for an artist, photographer or craftsman, including instruction, display, production and retail sales of materials produced on the premises.
- §2.03.164. *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.
- §2.03.165. *Telecommunication Tower*. A transmission tower that serves an individual user and is not available to the general public; is privately owned and operated for the purpose of leasing tower space to others; or is a single purpose facility and not part of a cellular network.

- §2.03.166. *Truck Stop*. An establishment involving the maintenance, servicing, storage or repair of commercial vehicles; the retail dispensing of motor vehicle fuels; and the sale of accessories or equipment for trucks and similar commercial vehicles. Truck stops may also include overnight accommodations or dining.
- §2.03.167. *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 would result in unnecessary hardship.
- §2.03.168. *Vehicle and Equipment Sales, Rental and Service*. The sale or rental of heavy trucks (over one ton), construction equipment, tractors, farm implements and similar equipment, including the storage, maintenance and servicing of the same.
- §2.03.169. *Vehicle Sales or Rental*. The sale or rental of automobiles, light trucks, recreational vehicles, boats, motorcycles, including the incidental parking, storage, maintenance, servicing and repair of the same.
- §2.03.170. *Veterinary Hospital*. A place where animals are given medical care and the boarding of animals is limited to short-term care incidental to the hospital use.
- §2.03.171. *Wholesaling Establishment*. An establishment primarily engaged in selling merchandise to other businesses, including retailers, industrial, commercial, institutional, or professional business users, other wholesalers, or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies.
- §2.03.172. *Wireless Communication*. Any personal wireless services as defined by the Telecommunications Act of 1996 and licensed by the Federal Communications Commission, including, but not limited to, the types commonly known as cellular, personal communications services, specialized mobile radio, enhanced specialized mobile radio, paging, ground based repeaters for satellite radio services, microcell antennae and similar systems, which exist now or may be developed in the future and exhibit technological characteristics similar to them.
- §2.03.173. *Wireless Equipment*. A wireless communication installation including antennas, antenna array, and any structure or device used to contain ancillary equipment for a wireless facility. This does not include "Telecommunication Tower".
- §2.03.174. *Yard*. Required open space between a lot line and a structure that is unobstructed from the ground to the sky. Yards are measured as the shortest distance between the structure and the lot line. Refer also to illustration under "Lot Lines."
- A. *Yard, Front*. A yard that extends the full width of the lot between any building and the front property line and measured perpendicular to the building at the closest point to the front lot line.
 - B. *Yard, Rear*. A yard extending the full width of the lot between the rear lot line and the principal building measured perpendicular to the building to the closest point of the rear lot line.
 - C. *Yard, Side*. A yard that extends from the front yard to the rear yard between the side lot line and the principal building and measured perpendicular from the side lot line to the closest point of the principal building.

Article 3. ESTABLISHMENT AND DELINEATION OF DISTRICTS

Section 3.01 Creation of Districts

For the purpose of this Zoning Ordinance the City of Jackson is divided using the following designated districts.

- A-O Agricultural District
- R-1 Low Density Residential District
- R-2 Medium Density Residential District
- R-3 High Density Residential District
- R-4 Manufactured Housing District
- B-2 Downtown Business District
- B-3 General Business District
- MU-1 Mixed Use-Neighborhood Center District
- MU-2 Mixed Use-Commercial District
- I Industrial District
- INST Institutional District

Section 3.02 Zoning Map

The boundaries of districts are as shown on the Zoning Map of the City of Jackson. The "Zoning Map of Jackson, Alabama," identified by the signature of the Mayor and attested by the City Clerk, is hereby adopted and made a part of this Zoning Ordinance.

Section 3.03 Location and Interpretation of District Boundaries

The district boundaries are shown on the Zoning Map. The exact location of district boundaries are determined using the following rules.

- §3.03.01. When boundaries are indicated as following the corporate limits, lot lines or the center line of streets or alleys, or such lines extended, railroads or waterways, such lines are construed to be the district boundaries.
- §3.03.02. *Parallel Lines:* When district boundaries are indicated approximately parallel to corporate limits, lot lines, the center lines of streets and alleys, or such lines extended, railroads or waterways, such lines are construed as being parallel thereto and at the distance indicated on the Zoning Map. If no dimension is given, the distance is determined using the scale on the Zoning Map.
- §3.03.03. *Divisions of Land:* When district boundaries cross a lot, the district line, unless following a waterway or specified by dimensions, is determined using the scale on the Zoning Map.

- §3.03.04. *Vacated Rights-of-Way*: When a street, alley or other public land or a private right-of-way is vacated or abandoned in accordance with the Code of Alabama, 1975 as amended, the zoning district adjoining each side of the street, alley, public land or right-of-way is automatically extended to the center of the street, alley, public land or right-of-way.
- §3.03.05. *Interpretation by Board*: In the case of any uncertainty, the Board of Zoning Adjustment determines the exact location of district boundaries. The Board may order detailed maps prepared to interpret the exact location of the boundaries, following the guidelines in this §3.03.

Article 4. REQUIREMENTS FOR ALL DISTRICTS

Section 4.01 Applicability

The requirements and provisions of this Article apply to all portions and uses of land and structures within the City regardless of district designation.

Section 4.02 Use Regulations

§4.02.01. *Uses Permitted by District.* Uses are permitted in each district as specified in the Use Tables in Articles 5 and 6. No land or structure may be occupied, altered or used except for a use permitted by right, a “special exception use” approved by the Board of Zoning Adjustment or a conditional use approved by the Planning Commission.

- A. "Permitted Uses" are permitted upon application for a Building Permit, unless Development Plan Review by the Commission is required.
- B. "Special Exception Uses" are permitted after approval by the Board. They are subject to any conditions required by the Board to preserve and protect the character of the district and the public health, safety, convenience, prosperity and general welfare of the city.
- C. "Conditional uses" are subject to Development Plan Review by the Commission. Permits for conditional uses are issued only after Commission approval and are subject to any conditions required by the Commission to preserve and protect the character of the district and the public health, safety, convenience, prosperity and general welfare of the city.
- D. Certain uses appearing in Tables 5-2 and 6-3 are subject to “Use-Specific Regulations” in [Article 7](#). The regulations that apply to these uses are identified in these tables.
- E. *Uses Permitted in All Districts:*
 - 1) Temporary, protective shelters approved by the Alabama Emergency Management Agency may be used as temporary, emergency living quarters.
 - 2) Gardens for the cultivation of flowers, fruits, vegetables and other plants are permitted as an accessory use to any dwelling.

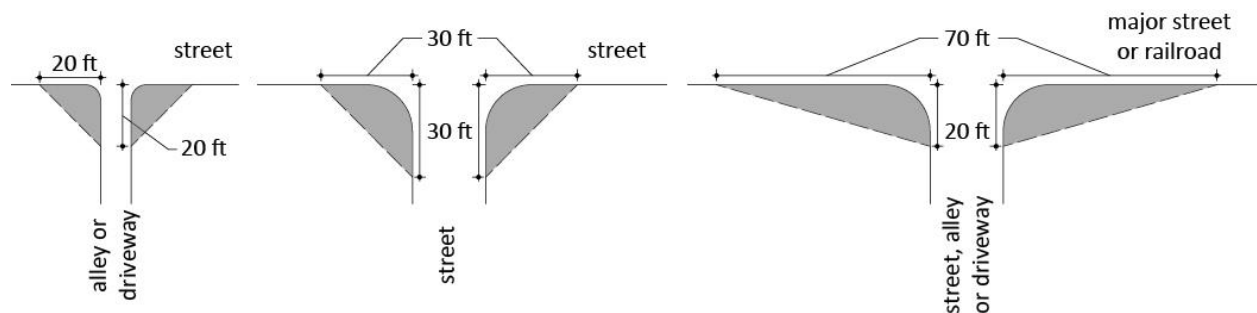
§4.02.02. *Use of Land Subject to Inundation:* No structure, either in part or whole, may be located, erected or altered on land subject to inundation or periodic flooding until the plans comply with applicable requirements for flood hazard areas.

Section 4.03 Area and Dimensional Regulations

§4.03.01. No structure may be occupied, erected, moved, altered or used except in conformity with the dimensional regulations of the applicable district and any other supplemental requirements of this Ordinance.

§4.03.02. Lots may not be reduced in size so that the resulting yards and open spaces are less than the minimum required in this Ordinance.

- §4.03.03. The lot area, setbacks, open spaces and parking spaces required for one building may not be encroached upon or counted toward the requirements for another building unless specifically provided for otherwise in this Ordinance.
- §4.03.04. *Future Street Lines:* The minimum lot area, lot width, setbacks and building area of any lot impacted by the widening a public street to a future street line, as indicated on an Official Map (including an adopted major street plan, official master plan, or street on an approved subdivision) is measured from the future street right-of-way line.
- §4.03.05. *Structure to be Moved:* Any structure moved to another location must conform to this Ordinance as if it were a new building under construction.
- §4.03.06. *Building Projections Permitted in Yard Area:* All of the required yard area must be open and unobstructed from the ground to the sky except for permitted accessory structures and ordinary projections of eaves, cornices and similar architectural features. Building projections may not extend more than three feet into any required yard. Open fire escapes may not extend into any required yard more than 3-1/2 ft. Building projections may not extend into the required yard or other open space of an abutting property unless it is under common ownership.
- §4.03.07. *Sight Triangles:* Safe sight lines must be maintained at intersections of railroads, streets, alleys and driveways. Other than traffic control signs, no fence, wall, landscaping, sign or other visual obstruction is permitted between the heights of three feet and 10 ft above street level within the required sight triangle. Requirements are determined as follows:
- At the intersection of two streets: 30 ft from the intersection measured along each curb line/edge of pavement
 - At the intersection of a street and a driveway: 20 ft from the intersection measured along the curb line/edge-of-pavement and 20 ft along the driveway pavement
 - At the intersection of a street and a major street or railroad: 20 ft from the intersection measured along the curb line/edge-of-pavement of the street and 70 ft along the curb line/edge-of-pavement of the major street or the railroad right-of-way, as applicable



Section 4.04 Height

- §4.04.01. Each structure erected or altered may not exceed the maximum height of the applicable district. Height limits do not apply to church steeples, farm structures (e.g., silos), chimneys, flag poles, public utility poles, radio and television towers and aerials, and industrial structures (e.g., cooling towers) required by the manufacturing process.

- §4.04.02. All areas in "Airport Approach Zones" are subject to height limitations determined by the glide angle approach to the airport established by the Federal Aviation Administration or Alabama Department of Transportation.

Section 4.05 Manufactured Homes

- §4.05.01. Manufactured homes must be installed according to the manufacturer's instructions and comply with the regulations of the National Manufactured Housing Construction and Safety Standards and Alabama Manufactured Housing Commission. Attention is directed to 535-X-13-.06 Minimum Blocking Standards, 535-X-13-.07 Minimum Anchoring Standards, and 535-X-13-.08 Installation of Anchors and Tiedown Devices. When complying with 535-X-13-.06 Minimum Blocking Standards, the maximum height of blocking piers is 48 inches.
- §4.05.02. The manufactured home must be connected to a public water and/or sewer system approved by the Alabama Department of Environmental Management or provide a well and/or septic tank approved by the Alabama Department of Public Health.
- §4.05.03. The area beneath the manufactured home must be enclosed with materials manufactured for such purposes, including but not limited to brick, block or rock approved by the Zoning Official.

Section 4.06 Accessory Structures

- §4.06.01. Accessory structures may not encroach upon any required front or side yard and must be at least 10 ft from any lot line and 15 ft from any other structure on the same lot unless a lesser setback is permitted in the district.
- §4.06.02. Accessory structures may not extend closer to any front lot line than the front building line. On corner lots, accessory structures must be set back the minimum front yard depth on both streets.
- §4.06.03. Accessory structures may not exceed two stories or 25 ft in height.
- §4.06.04. Accessory structures may not cover more than 30% of the required rear yard.
- §4.06.05. Accessory structures may not include living quarters except for permitted Accessory Dwellings.

Section 4.07 Temporary Buildings and Structures

Manufactured buildings and temporary structures may only be used on a temporary basis as an on-site construction office in connection with the construction or remodeling of a permanent structure. Temporary permits expire upon occupancy of the new or remodeled structure.

Section 4.08 Circulation and Points of Access

- §4.08.01. *Points of Access:* Safe access must be provided between developed property and public streets. Access to all parking facilities must be planned so that the impact of entrances and exits on traffic flow and safety is minimized. To this end, the number of access points must be held to a minimum and be located to provide maximum sight distances, minimum grades and maximum separation.
- §4.08.02. Guidelines. The following guidelines are used by the reviewing authority in reviewing and approving Development Plans:

- A. Access to a corner lot should be permitted only from the street of lesser classification or lower average daily traffic, except as otherwise specified herein. Where the classification of both streets is the same, access may be provided along either or both subject to [Table 4-1](#).
- B. The number and location of access points must be in accordance with [Table 4-1](#).

Table 4-1 Access Point Spacing Criteria				
Use and Street Type	Maximum Number of Access Points	Minimum required spacing		
		From intersection	Between driveways on same lot	Between driveways on separate lots
Major Arterials regardless of use	1 access for lots with street frontage < 600 ft ¹	250 ft	200 ft	200 ft
Minor arterials regardless of use	1 access for lots with street frontage < 400 ft ¹	200 ft	150 ft	150 ft
Nonresidential, multifamily and home parks on collectors	1 access for lots with street frontage < 125 ft ¹	150 ft	125 ft	125 ft
Single-family and duplex dwellings on collectors	1 access for lots with street frontage < 100 ft ¹	125 ft ²	50 ft	25 ft
Nonresidential, multifamily and home parks on local streets	1 access for lots with street frontage < 100 ft ¹	100 ft	75 ft	75 ft
Single-family and duplex dwellings on local streets	1 access for lots with street frontage < 100 ft 2 accesses for lots with street frontage ≥ 100 ft	75 ft ²	50 ft	10 ft
¹ Lots with greater street frontage may have a second driveway, provided the Commission finds that additional driveways, considering trip generation and topography, will have minimal impact to traffic safety. ² A corner lot abutting two local streets may have a driveway with less than the above required distance from the intersecting street, if, in the opinion of the Zoning Official, the driveway will not adversely affect traffic safety and movement on the streets.				

- C. Frontage roads are normally only be required along major arterials and only when they can be designed properly to provide safe and efficient access for properties.
- D. Single family and duplex lots:
- 1) should not front on nor have direct access from a major arterial;
 - 2) may have frontage along minor arterials though access should generally be from a local street, frontage road or alley;

- 3) may have frontage and access along a collector subject to [Table 4-1](#).
- E. For local streets, minimum separation distance may be reduced, provided that, if approved by the Zoning Official, the following conditions exist, based on commonly accepted and applied traffic engineering principles:
 - 1) shared access is not possible
 - 2) exceptional topographic or site conditions exist at the driveway location (such as in-place utility or drainage features) which would make strict application of the standard exceptionally and/or practically difficult and unduly harsh
 - 3) application of these requirements would conflict with other provisions of these regulations
 - 4) the reduction would not constitute a threat or danger to the safe and efficient flow of traffic
- §4.08.03. *Curb Cuts*: Vehicular areas on-site and portions of driveways within a street right-of-way must be lined with vertical curbs. The width of driveways within the street right-of-way must be kept to a minimum. Driveways intended to accommodate heavy trucks may not exceed 35 ft in width at the front lot line. For all other driveways, the maximum width at the front lot line is determined by the number of ingress and egress lanes, with 12 ft being the maximum width for any one lane.
- §4.08.04. Stacking lanes for drive-through facilities may not block traffic on streets or access to the property, to parking or to adjacent properties.

Section 4.09 Common Open Spaces and Facilities

For all proposals involving the creation of open spaces or facilities to be owned and maintained by the developer or a homeowner, property owner, or condominium association, the following apply:

- §4.09.01. If not owned and maintained by the developer, an association representing the owners must own the common open space or facility in perpetuity. Membership in the association is mandatory and automatic for all owners of the subdivision or condominium and their successors. The association must have lien authority to ensure the collection of dues from all members. The responsibility for maintaining the common open space and/or facilities is borne by the association.
- §4.09.02. Management Plan. The applicant must submit a plan for management of open space and/or common facilities that:
 - A. allocates responsibility and guidelines for the maintenance and operation of the common open space/facilities including provisions for ongoing maintenance and for long-term capital improvements;
 - B. estimates the costs and staffing requirements needed for maintenance and operation of, and insurance for, the common open space/facilities and outlines the means by which such funding will be obtained or provided;
 - C. provides that any changes to the plan be approved by the Commission; and
 - D. provides for enforcement of the plan
- §4.09.03. In the event the party responsible for maintenance of the common open space fails to maintain all or any portion in reasonable order and condition, the City may assume responsibility for its

maintenance and may enter the premises and take corrective action, including the provision of extended maintenance. The costs of such maintenance may be charged to the association, or to the individual owners that make up the association, and may include administrative costs and penalties. Costs will become a lien on all involved properties.

Section 4.10 Hillside Protection Standards

§4.10.01. Purpose. The Hillside Protection Standards are intended to ensure that land development and building construction in areas with steep slopes is accomplished in a manner that protects the public, property owners in the area, and the quality of the environment in locations vulnerable to damage. Steep slopes are susceptible to landslides and erosion. Improper development of these areas may precipitate unstable hillsides and excessive erosion. These standards are needed to protect hillside vegetation and contours, prevent off-site erosion, provide stable development and safe construction practices, and preserve prominent natural features that provide character and natural amenities.

§4.10.02. *Applicability.* All areas of 15% slope or more are subject to the Hillside Protection Standards.

§4.10.03. *Development Approval and Exemptions*

- A. All applications for use and development of properties with areas of 15% or higher slopes must include topographic data and slope calculations prepared by an engineer.
- B. *Approval Required for Excavation or Construction:* No changes may be made to the contours of the land nor any structure erected, located or altered until approval is granted. Approval is required for excavations, fills, removal of any soil, foundation or construction of any structures except as specifically exempted.
- C. *Exemptions:* The following activities requiring Building Permits are exempt from Hillside Protection Standards provided the filling or excavating undertaken does not: i) cause any slope to become unstable; ii) interfere with the natural drainage of the site or area of land tributary to the site; iii) obstruct, damage or adversely affect any lawful public or private drainage; iv) cause a stagnant pond of water to form; or v) cause erosion or sedimentation.
 - 1) All permits for plumbing, heating, air conditioning, fire alarms and extinguishing equipment, elevators and other mechanical equipment not involving a change of use or occupancy.
 - 2) Any permit necessary for compliance with a lawful order of the Zoning Official.
 - 3) All permits for interior decorations or repairs.
 - 4) All permits for demolition, wrecking and removal of buildings and structures provided the ground is graded to blend to the natural contours and re-vegetated upon completion.
 - 5) All permits for public utilities.
 - 6) All permits for fences.
 - 7) All permits for alteration and repairs of existing signs.
 - 8) All permits for exterior alterations and repairs of structures that do not increase the floor area of the first floor.

- 9) Temporary excavations for wells, tanks, vaults, and trenches for sewers, water lines, gas lines, electric lines or other underground utilities.
 - 10) Exploratory excavation under the direction of a registered architect or engineer, or a soil engineer, soil scientist or engineering geologist under their supervision, made to provide required data for construction and that the exploratory excavations are properly and immediately filled after completion of the work.
 - 11) Accessory buildings not exceeding 100 sf or accessory structures such as porches, patios and patio covers provided the combined impervious coverage does not exceed the limitations of the underlying zoning district.
 - 12) Normal cemetery operations for the opening and closing of graves.
 - 13) Public work performed by the City, Clarke County, the State of Alabama or an appropriate federal department or agency.
- §4.10.04. Permitted Uses. Only uses permitted in the applicable district are permitted and as further limited herein:
- A. Areas with slope of 15 to 24.99%:
 - 1) Agricultural and Open Space Uses. All uses of open land, including agriculture and golf courses are permitted. Construction of agricultural structures may be approved as Conditional Uses.
 - 2) Residential Uses. Detached single-family and duplex dwellings, including conservation subdivisions. Manufactured home and tiny home parks require Conditional Use approval.
 - 3) Commercial, Industrial and Institutional Uses. Parking, access drives and structures not exceeding a first floor area of 5,000 sf. Structures with a first floor area greater than 5,000 sf but not more than 10,000 sf required Conditional Use approval. Structures larger than 10,000 sf are prohibited.
 - B. Areas with slope of 25 to 50%:
 - 1) Agricultural and Open Space Uses. All uses of open land, including agriculture and golf courses are permitted. Construction of agricultural structures is prohibited.
 - 2) Residential Uses. All permanent, site built residential buildings allowed in the R-1, R-2 and R-3 districts are Conditional Uses not to exceed eight dwelling units per acre.
 - 3) Commercial, Industrial and Institutional Uses. Structures with a floor area of no more than 5,000 sf require Conditional Use approval. Structures greater than 5,000 sf are prohibited.
 - C. Areas with Slope Over 50%: All development requires Conditional Use approval.
- §4.10.05. Development Standards. Development plans for projects contained within or involving steep slope areas must be submitted for Development Plan Review and evaluated based on the following criteria:
- A. Streets must be designed to minimize disruption to the hillside environment. The design of both vertical and horizontal curves must eliminate blind spots.

- B. Whenever possible, parking areas must be placed in or under structures to limit the amount of impervious land and disruption to the hillside environment.
 - C. Areas within a site that are not well-suited for development, as indicated by slope, geologic and engineering studies must be retained as open space to the fullest extent feasible.
 - D. The design and location of structures must relate to the natural slope and contours of the land to minimize grading, excavation, erosion and placement of fill. Any grading must be performed in accordance with best management soil conservation practices to avoid landslides and to minimize effects on the natural environment.
 - E. Whenever possible, trees and natural vegetation must be maintained to minimize erosion, sedimentation and disruption of the hillside.
 - F. Cut and fill areas exposed during construction must be re-vegetated and restored before the development may be occupied and must blend with the surrounding terrain. All excavations must have stable slopes and be constructed so that re-vegetation can readily occur.
- §4.10.06. Development Review Procedure. Application for grading or development of any kind is made to the Zoning Official on forms provided for that purpose and follows the procedures for Development Plan Review specified in [§14.05 Review Procedures](#).

Article 5. RESIDENTIAL DISTRICT REGULATIONS

Section 5.01 Regulations for All Residential Districts

- §5.01.01. *Area and Dimensional Standards.* Refer to Tables 5-1A and 5-1B for standards for each district. Development on areas of land with 50% slope or greater is discouraged any requires conditional approval by the Planning Commission.
- §5.01.02. *Uses Permitted.* Refer to [Table 5-2](#) and any supplemental standards in the following sections.
- A. Dwellings are permitted accessory structures including but not limited to garages, storage buildings, tool and garden sheds, private barbecue pits, private swimming pools, and satellite dish antennas subject to [§4.06 Accessory Structures](#) and applicable area and dimensional standards in this Article 5.
- §5.01.03. *Parking Standards.* Refer to [Article 9 Parking Standards](#).
- §5.01.04. *Sign Regulations.* Refer to [Article 8 Sign Regulations](#).
- §5.01.05. *Landscaping, Screening and Buffer Standards.* For multifamily and nonresidential uses, refer to [Article 10 Landscaping Standards](#).

Section 5.02 R-1 Low Density Residential District

- §5.02.01. *Purpose.* The R-1 district is intended for low density, single family residential development along with other uses customary to residential neighborhoods.

Section 5.03 R-2 Medium Density Residential District

- §5.03.01. *Purpose:* The R-2 district is intended for low density, single and two family residential development along with other uses customary to residential neighborhoods.

Section 5.04 R-3 High Density Residential District

- §5.04.01. *Purpose:* The R-3 district is intended for detached and attached single-family dwellings and multifamily housing at relatively high densities along with other uses customary to residential neighborhoods.
- §5.04.02. *Uses Permitted.* In addition to the use regulations in [Table 5-2](#) the following limitations apply:

- A. Where permitted, bed and breakfasts are limited to three lodging rooms.
- B. Where permitted, fraternity and sorority houses are limited to 25 beds.

Section 5.05 R-4 Manufactured Housing District

- §5.05.01. *Purpose:* The R-4 district is intended for manufactured housing and manufactured and tiny home parks along with other uses customary to residential neighborhoods.

Table 5-1A: Lot Area and Impervious Land Cover in Relation to Slope of Land				
District		0 to 14.99%	15.0 to 24.99%	25 to 50%
R-1	Minimum Lot Area ¹	20,000 sf	30,000sf	40,000 sf
	Maximum Impervious Surface Coverage	25%	20%	15%
R-2	Minimum Lot Area ¹	10,000 sf 14,000 sf for duplex	20,000 sf 25,000 sf for duplex	35,000 sf 42,500 sf for duplex
	Maximum Impervious Surface Coverage	30%	20%	15%
R-3	Minimum Lot Area	8,000 sf plus 3,000 sf per additional dwelling	17,000 sf plus 5,000 sf per additional dwelling	25,000 sf plus 7,500 sf per additional dwelling
	Maximum Impervious Surface Coverage	50%	25%	20%
R-4	Minimum Lot Area	8,000 sf plus 2,500 sf per additional dwelling	17,000 sf plus 5,000 sf additional dwelling	25,000 sf plus 7,500 sf additional dwelling
	Maximum Impervious Surface Coverage	40%	30%	25%
¹ A larger area may be required by the Health Department for soil percolation of a septic tank.				

Table 5-1B: Area and Dimensional Standards				
	R-1	R-2	R-3	R-4 ¹
Minimum Lot Width	100 ft	80 ft	60 ft 20 ft for attached dwelling 75 ft for duplex 100 ft for multifamily	60 ft 75 ft for duplex 100 ft for multifamily
Minimum Front Yard	40 ft	35 ft	30 ft	25 ft
Minimum Rear Yard	35 ft	30 ft	25 ft	25 ft
Minimum Side Yard	12 ft	10 ft	12 ft one side 8 ft other side	12 ft one side 8 ft other side
Minimum Building Separation	15 ft	12 ft	10 ft	10 ft
Maximum Building Height	2-1/2 stories or 35 ft	2-1/2 stories or 35 ft	3 stories or 35 ft	3 stories or 35 ft
¹ Refer to §7.03 for area and dimensional requirements for manufactured home and tiny home parks.				

Table 5:2 Residential District Use Regulations

	R-1	R-2	R-3	R-4
Residential Uses				
Accessory Dwelling, see §7.05	C	C	C	C
Caretaker Dwelling			P	P
Duplex		P	P	
Single-family attached, see §7.10			P	
Single-family detached	P	P	P	P
Single-family semi-detached			P	
Manufactured home, on its own lot				P
Manufactured home park or “tiny home” park, see §7.03				C
Multifamily Dwelling, see §7.11			P	
Day Care Facilities				
Child or Adult Day Care Center			C	C
Adult Day Care Home	C	C	C	
Child Day Care Group Home	C	C	C	
Child Day Care Home	SE	SE	SE	SE
Residential Care Facilities				
Assisted Living Facility			C	C
Emergency Care Home		C	P	
Family Care Home		C	P	
Independent Living Facility			P	
Nursing Care Facility			C	C
Transitional Care Home			C	
Other Nonresidential Uses				
Amateur Radio Tower	SE	SE	SE	SE
Bed and Breakfast, see §7.04			P	P
Boarding House, see §7.12			P	P
Cemetery	C	C	C	C
Golf Course	C	C	C	C
Hobby Farm, see §7.09	SE			
Home Occupation, see §7.01	P	P	P	P
Institutional Use, Low Intensity	C	C	C	C
Institutional Use, Medium Intensity	C	C	C	C
Parks and Nature Preserves	P	P	P	P
Public Facility	C	C	C	C
Public Utility Facility	C	C	C	C
Recreation Facility, Public	C	C	C	C
Residential (Country) Club	C	C	C	C
Telecommunication Tower	C	C	C	C
Wireless Equipment	SE	SE	SE	SE
P – The use is permitted by right SE – Special Exception use, requires action by the Board per §12.04 . C – “Conditional use,” requires action by the Commission per §14.06 A blank cell in the Table indicates that the use is not permitted.				

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Article 6. NONRESIDENTIAL DISTRICT REGULATIONS

Section 6.01 Regulations for All Nonresidential Districts

§6.01.01. *Area and Dimensional Standards.*

- A. Refer to [Table 6-1](#) for standards for the B-2, B-3, MU-1, MU-2, I and INST Districts. Refer to [Table 6-2](#) for the AO District.
- B. Development on areas of land with 50% slope or greater is discouraged and requires conditional approval by the Planning Commission.

§6.01.02. *Development Plan Review.* All developments and uses of land are subject to Development Plan Review (see [§14.05 Review Procedures](#)) except as follows:

- A. Unless specified otherwise in [Table 6-3](#), Development Plan Review is not required for developments and uses of land in the AO District.
- B. Detached single-family dwellings and duplexes are not subject to Development Plan Review though subdivisions require Planning Commission approval.

§6.01.03. *Uses Permitted.* Refer to [Table 6-3](#) and any supplemental standards in the following sections.

- A. Where permitted, dwellings are allowed accessory structures including but not limited to garages, storage buildings, tool and garden sheds, private barbecue pits, private swimming pools, and satellite dish antennas subject to [§4.06 Accessory Structures](#) and applicable area and dimensional standards in this Article 6.

§6.01.04. *Parking Standards.* Refer to [Article 9](#).

§6.01.05. *Sign Regulations.* Refer to [Article 8](#).

§6.01.06. *Landscaping, Screening and Buffer Standards.* For multifamily and nonresidential uses, refer to [Article 10](#).

Section 6.02 B-2 Downtown Business District

§6.02.01. *Purpose:* The B-2 district is intended for a diverse mixture of activities to serve local and regional market areas. It is intended that development be easily accessible in a compact setting to support pedestrian activity. It is also intended to allow medium to high density residential development provided certain conditions are met.

§6.02.02. *Development Plan Review Required:* All use of land, excavation, construction, moving or alterations of a building or structure are subject to Development Plan Review.

Section 6.03 B-3 General Business District

§6.03.01. *Purpose:* The B-3 district is intended to provide for neighborhood and general commercial development in locations other than the downtown area of Jackson.

Table 6-1: Nonresidential District Area and Dimensional Standards						
	B-2	B-3	MU-1	MU-2	I	INST
Minimum Lot Area and Width	Lots must be of sufficient size to provide for required yard setbacks; the normal operations of the use; parking and service bays; and all required buffers, screening and landscaping.					
Minimum Front Yard	0 ft	20 ft	10 ft ¹	10 ft ¹	30 ft	20 ft
Minimum Rear Yard ²	20 ft					
Minimum Side Yard ²	0 ft or 12 ft	12 ft	0 ft or 12 ft	0 ft or 12 ft	20 ft	12 ft
Minimum Building Separation	0 ft or 12 ft	0 ft or 12 ft	0 ft or 12 ft	0 ft or 12 ft	20 ft	0 ft or 12 ft
Maximum Building Height	3 stories ⁴		2-1/2 stories	3 stories ⁴		

¹ The minimum front yard for residential use is 20 ft on local streets. A larger setback may be required by the Commission when residential lots front on major streets.

² When a proposed use will abut a less intense use, buffer requirements in [§10.01 Buffers](#) may require greater separation along the applicable side and rear lot lines.

³ If slopes exceed 15%, refer to [§4.10 Hillside Protection Standards](#).

⁴ A structure may exceed three stories with express approval of and subject to any conditions required by the Fire Department.

Section 6.04 MU-1 and MU-2 Mixed Use Districts

§6.04.01. Purposes.

- A. The general purposes of Mixed Use Districts are to:
 - 1) encourage diversity and interaction of land uses in close proximity to each other
 - 2) ensure compatibility with existing development
 - 3) facilitate development proposals responsive to market conditions and encourage coordinated and harmonious developments under a unified plan
 - 4) provide a transition between nearby areas zoned for lower intensity uses.
- B. MU-1 District Purpose. In addition to the general purposes stated above, the MU-1 District is more specifically intended to accommodate a mix of residential and neighborhood-scale nonresidential uses to serve as a transition between more intensive nonresidential areas and less intensive residential ones.
- C. MU-2 District Purpose. In addition to the general purposes stated above, the MU-2 District is more specifically intended to accommodate a mix of residential and community-scale nonresidential uses in highly accessible locations including intersections of major streets.

§6.04.02. *Area and Dimensional Standards.* In addition to the standards in Table 6-1:

- 1) Buildings containing dwellings must have open space equal to or exceeding 25% of the gross residential floor area. Required open spaces include those used in common by residents for leisure or recreation purposes. Such open space may be covered but not enclosed and must be directly accessible to the residential building. Parking does not count toward this requirement.
- 2) If any portion of an accessory building is more than 15 ft tall, then the setback must be increased five feet for every additional 10 ft, or fraction thereof, in height of the accessory building above 15 ft.

Section 6.05 I Industrial District

§6.05.01. *Purpose:* The "I" district is intended for all industrial uses.

§6.05.02. *Uses Permitted:* Industrial operations not involving noxious materials or typically offensive characteristics. Such industrial uses include: bottling and central distribution plants; distribution centers and trucking terminals; food preparation plants such as baking plants, ice plants, ice cream plants and creameries; veterinarian, animal hospital or kennels; warehouses and mini-warehouses.

§6.05.03. *Conditional Uses:* Any industrial process typically having identifiable characteristics such as dust, effluents, noise, odor, smoke, outdoor storage, vibration and volatile or caustic materials whether the industry is producing such characteristics or using or storing such material. Examples of such industrial uses include: central plant for mortar, plaster, cement or other paving materials; plants producing or storing coal; dye-material, dyeing plants and textile mills; heavy metal fabrication or forge plants; saw and planer mills; fertilizers; soap; stockyards, slaughter houses, curing, tanning or storage of hides; tar or tar products; brick, pottery, terra cotta or tile products, concrete blocks or pipes; junk or salvage yards; other types of waste reclamation or processing activities; the manufacture or process use of acetylene, acid, alcohol, ammonia, bleaching powder, or disinfectants; dry cleaning and laundry plants; coal and illuminating or heating gases; paint, turpentine or varnish. Any other industrial use not specifically mentioned.

Section 6.06 Institutional District

§6.06.01. *Purpose.* The purpose of this district is to provide for uses that are institutional in nature, while assuring compatibility with development in adjoining districts.

Section 6.07 A-O Agricultural District

§6.07.01. *Purpose:* The A-O district is intended for agricultural uses, rural or low-density residential and open space uses.

§6.07.02. *Area and Dimensional Regulations:* See [Table 6-2](#).

§6.07.03. *Additional Use Regulations:* Seasonal roadside stands are permitted on private property.

Table 6-2: Area and Dimensional Standards, AO District					
Minimum Lot Width	200 ft				
Slope	Less than 15%		15.0 to 25%		Greater than 25%
Minimum Lot Area	1 acre) ¹		2 acres ¹		3 acres ¹
Maximum Impervious Surface Coverage	10%		6%		5%
	Minimum Yard Setback			Building Separation	Max. Bldg Height
	Front	Side	Rear		
Agricultural Uses of Land	0 ft ²			n/a	n/a
Agricultural structures	100 ft ³			20 ft	35 ft
Residential structures	50 ft	30 ft	40 ft	10 ft	2-1/2 stories
Nonresidential structures	70 ft	50 ft	50 ft	20 ft	2 stories
¹ Unless a larger area is required by the Health Department for soil percolation of a septic tank. ² Orchards and forest timber must be setback sufficient distance to allow the full growth of trees without overhanging adjacent property. ³ A greater distance may be required to prevent odor, fumes, dust or noise from being detectable at the property or right-of-way lines.					

Table 6-3 Nonresidential District Use Regulations							
	B-2	B-3	MU-1	MU-2	I	INST	AO
Commercial Uses							
Ambulance Service	P	P		SE	P		
Alternative Financial Services, see §7.06	P	P		P			
Automobile Repair, Minor (includes Service Stations)	C	C	C	P			
Automobile Repair, Major		C		C	P		
Business or Professional Office (includes Call Centers)	P	P	P	P			
Broadcast Studio	P	C		C			
Business Service	P	P		P			
Construction Service	P	P		P	P		
Campground		C		C			C
Car Wash	C	P		P			
Farm Support Business		C		C			C
Funeral Home	C	C	C	C	P	P	
Gas Station	C	C	C	P			
Home Occupation, see §7.01			P				P
Kennel					P		P
Liquor Lounge	P	C		C			
Live-work, see §7.06	P	P	P	P			
Medical Clinic	P	P	P	P			
Mini-storage Facility	C	C	C	C	P		
Outdoor Storage	C	C		C	P		
Parking, Commercial	C	C	C	C	P		
Repair Service	P	P		P	P		
Research Laboratory	SE	P		P	P		
School, Commercial	P	P	C	P	P		
Studio	P	P	P	P			
Truck Stop		C		C	P		
Vehicle and Equipment Sales, Rental and Service		C		C			
Vehicle Sales or Rental		C		C			
Warehouse, Accessory	C	C		P	P		
Wholesaling Establishment		P		P			
Wholesaling with sales to public	C	P		P			
<p>P – The use is permitted by right</p> <p>SE – Special Exception use, requires action by the Board per §12.04.</p> <p>C – “Conditional use,” requires action by the Commission per §14.06</p> <p>A blank cell in the Table indicates that the use is not permitted.</p>							

Table 6-3 Nonresidential District Use Regulations							
	B-2	B-3	MU-1	MU-2	I	INST	AO
Day Care Facilities							
Child or Adult Day Care Center	C	P	P	P		P	
Adult Day Care Home			P				C
Child Day Care Group Home			SE				C
Child Day Care Home			P				C
Residential Uses							
Accessory Dwelling, see §7.05			P				P
Caretaker Dwelling	P	P	P	P	P	P	P
Duplex			P				
Single-family attached, see §7.10			P	P			
Single-family detached			P				P
Manufactured home, on its own lot							
Manufactured home park or tiny home park, see §7.03				C			C
Multifamily, up to 7 dwelling units per bldg., see §7.11	C		P	P			
Multifamily, 8 to 24 dwelling units per bldg., see §7.11		C	P	P			
Upper-story dwellings, see §7.06	P	P	P	P			
Agricultural Uses							
Hobby farm, see §7.09							P
Row and crop farming				P			P
Tree farms and orchards				P			P
Turf farms				C			P
Timber production				C			P
Raising of livestock (including Stables)							P
Institutional Use							
Low intensity	P	P	P	P	P	P	P
Medium Intensity	C	C	C	P	P	P	C
High Intensity	C	C	C	C	P	P	C
Airport					C	C	
Animal Shelter		C		C	P		
Cemetery	C	C	C	C		C	P
Hospital						C	
P – The use is permitted by right SE – Special Exception use, requires action by the Board per §12.04 . C – “Conditional use,” requires action by the Commission per §14.06 A blank cell in the Table indicates that the use is not permitted.							

Table 6-3 Nonresidential District Use Regulations							
	B-2	B-3	MU-1	MU-2	I	INST	AO
Lodging							
Bed and Breakfast, see §7.04	P		P				P
Boarding House, see §7.12	C		P				
Hotel	P	P	P	P			
Motel	P	C		P			
Manufacturing and Industrial Uses							
Heavy Industry					C		
Landfill					C		
Laundering Plant					P		
Junk Yard, Wrecking Yard, Salvage Yard, see §7.08					C		
Manufacturing, General					P		
Manufacturing, Light	C	C			P		
Recycling Center	SE	P	SE	SE	P	SE	
Recycling Plant					P		
Resource Extraction				C	SE		SE
Small-scale Industry	C	C		C	P		
Warehousing and Distribution Center					P		
Personal services							
Personal services, general	P	P	P	P			
Laundry services	P	P	P	P			
Tattoo parlor	P	P		P			
Veterinary Hospital	SE	P	SE	SE			C
Recreation and Entertainment							
Entertainment, Indoor	C	C	C	C			
Entertainment, Outdoor	C	C	C	C			
Golf Course		C		C			C
Parks and Nature Preserves	P	P	P	P	P	P	P
Recreation, Commercial	C	C	C	C			
Recreation Facility, Public	C	C	C	C	C	C	C
Residential (Country) Club			C				C
P – The use is permitted by right SE – Special Exception use, requires action by the Board per §12.04 . C – “Conditional use,” requires action by the Commission per §14.06 A blank cell in the Table indicates that the use is not permitted.							

Table 6-3 Nonresidential District Use Regulations							
	B-2	B-3	MU-1	MU-2	I	INST	AO
Residential Care Facilities							
Assisted Living Facility	C	C	C	P		P	
Emergency Care Home			C				C
Family Care Home			C				C
Independent Living Facility	C	C	P	P			
Nursing Care Facility	C	C	C	P		P	
Transitional Care Home							C
Restaurant							
Fast Food Restaurant		C	C	C			
Pick-Up and Delivery Only Restaurant	P	P	P	P			
Standard Restaurant	P	P	P	P			
Standard Restaurant with accessory liquor sales	P	P	P	P			
Retail							
Small (up to 5,000 sf)	P	P	P	P			
Medium (5,001 to 15,000 sf)	P	P	C	P			
Large (larger than 15,000 sf)	C	P		P			
Garden centers, nurseries and greenhouses	C	C	C	C			C
Liquor sales for off-premises consumption	P	P		P			
Pawn shop	C	P		P			
Tobacco, Vape Store	P	P		P			
Unenclosed Retail	C	C		C	P		
Telecommunications and Utilities							
Amateur Radio Tower	SE	SE	SE	SE	P	SE	SE
Public Utility Facility	C	C	C	C	C	C	C
Telecommunication Tower	C	P	C	C	P	P	C
Wireless Facility	P	P	P	P	P	P	SE
P – The use is permitted by right SE – Special Exception use, requires action by the Board per §12.04 . C – “Conditional use,” requires action by the Commission per §14.06 A blank cell in the Table indicates that the use is not permitted.							

Article 7. USE SPECIFIC REGULATIONS

Section 7.01 Home Occupations

The following criteria is used to determine valid home occupations in all residential dwelling units.

§7.01.01. Impact Limitations

- A. There may be no use of utilities or community facilities beyond that reasonable to the use of the dwelling unit for residential purposes.
- B. The home occupation may not generate pedestrian or vehicular traffic beyond that reasonable for the residential district.
- C. In addition to family members who reside on the premises, not more than one other person may be employed on-site in association with the home occupation.

§7.01.02. Development Standards

- A. The dwelling may not be altered such that the home occupation is recognizable from abutting properties or public view.
- B. The operation of a home occupation may not create any nuisance such as noise, vibration, glare, odor, fumes, dust, heat, fire hazards, electrical interference or fluctuation in line voltage, or be present or noticeable beyond the property boundaries.
- C. The use of material or mechanical equipment may not exceed levels normally recognized as reasonable household uses.
- D. The home occupation may not exceed 25% of the gross floor area of the dwelling.
- E. Outdoor storage of materials and/or supplies is prohibited.

Section 7.02 Multiple Building Developments

§7.02.01. Purpose. To provide for and encourage a variety of architectural design, appropriate land planning, and regulatory flexibility for multiple building projects, the provisions of this section waive the requirement for a separate building site for each principal building and allow two or more principal buildings to be erected and maintained on an unsubdivided property subject to conditions set by the Planning Commission. Multiple building projects include, but are not limited to, multifamily dwellings (see [§7.11](#)), cluster developments, shopping centers, office complexes, mixed use developments (see [§7.06](#)), schools, hospitals, places of worship and manufactured home and tiny home parks (see [§7.03](#)).

§7.02.02. Applicability. Nothing in this section may be construed to allow a use in a district in which the use is not otherwise permissible.

§7.02.03. Development Plan. The Planning Commission must review and approve a Development Plan before a Building Permit may be issued.

§7.02.04. Special Conditions. The Commission may apply special requirements, including the provision of additional open space, landscaping and other elements, to ensure harmony between the character and occupancy of the project and the surrounding neighborhood or district.

Section 7.03 Manufactured Home and Tiny Home Parks

- §7.03.01. *Applicability.* Two or more manufactured or tiny homes on the same lot constitute a multiple manufactured home or tiny home park, respectively.
- §7.03.02. *Development Plan Approval:* The Planning Commission must review and approve a Development Plan before any permits may be issued for site development, building construction or locating any homes on the site.
- §7.03.03. *Development Standards.* Refer to Table 7-1 and the following:
- A. Required yards, along the front, side and rear property lines of the site, may not be developed for parking or on-site circulation, except that the front yard may contain up to two access drives. These required perimeter yards may not be counted toward the yard requirement for individual home sites.
 - B. Required yard space of a home site may be used for resident parking.
 - C. Accessory structures may not be located in the front yard of a home site. Enclosed accessory structures may not cover more than 25% of the home site after the home has been located on the home site.
 - D. Access and on-site circulation drives must be surfaced with an all-weather surface of asphalt or concrete, have a minimum paved width of 24 ft and provide access to all home sites.
- §7.03.04. *State Requirements.* Manufactured homes must be anchored and blocked in accordance with State of Alabama requirements and skirted at the perimeter of the undercarriage in accordance with City specifications.

Table 7-1: Area and Dimensional Standards for Manufactured and Tiny Home Parks			
Minimum Site Area	2 ac		
Minimum Lot Width	300 ft		
Minimum Front Yard	30 ft		
Minimum Side and Rear Yards	20 ft		
Maximum Building Height	One story or 18 ft		
Home Site Requirements	Single Wide Manufactured Home	Double Wide Manufactured Home	Tiny Home
Minimum Width	40 ft	50 ft	40 ft
Minimum Depth	110 ft	120 ft	60 ft
Minimum Front Yard	30 ft	30 ft	20 ft
Minimum Rear Yard	15 ft	20 ft	15 ft
Minimum Side Yard	10 ft	10 ft	10 ft

Section 7.04 Bed and Breakfast

Bed and breakfasts are permitted in single-family detached dwellings only, must be operated by the owner and resident of the dwelling, and must comply with the following provisions:

- §7.04.01. At least one parking space for each sleeping room must be provided on-site.
- §7.04.02. Food service is limited to overnight guests only. Individual guest rooms may not contain cooking equipment.
- §7.04.03. One ground mounted or wall mounted non-illuminated or externally illuminated sign no larger than 16 sf is permitted.
- §7.04.04. Vehicles may not be parked forward of the front building line.

Section 7.05 Accessory Dwelling

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

- §7.05.01. *Area and Dimensional Requirements.*
 - A. Accessory dwellings are permitted only on lots of at least 10,000 sf.
 - B. The habitable floor area must be at least 200 sf but not more than 30% of the gross floor area of the principal dwelling.
 - C. When located within an accessory structure, setback requirements for accessory structures apply.
- §7.05.02. *Additional Requirements.*
 - A. One parking space, in addition to that required for the principal dwelling, must be provided.
 - B. Accessory dwellings must maintain the appearance of the principal dwelling, including colors, materials, and style, and may not have separate entrances from the street.

Section 7.06 Mixed-Use Buildings with Dwellings

- §7.06.01. Dwellings in mixed-use buildings must be located on a floor above one or more nonresidential uses, unless the Planning Commission waives or modifies this requirement through Development Plan Review.
- §7.06.02. Emergency egress and fire separation must comply with all requirements of the Building and Fire Codes.
- §7.06.03. Live-work buildings, containing one dwelling above a business use, are normally intended for occupancy by the proprietor of the associated business use(s) within the building. In such cases, the dwelling may be accessible from within the business use. If the dwelling is to be occupied by other than the proprietor of the business use, the dwelling must have a separate entrance.
- §7.06.04. Multifamily Dwellings in a Mixed-Use Building.
 - A. Nonresidential uses may not be located on the same floor in the same building with any dwelling units.
 - B. Dwellings must be accessible from a shared exterior entrance or a lobby or similar interior space commonly shared by the uses housed in the upper floors of the building.
 - C. Dwelling units may not be accessible directly from another unit or use within the building.

Section 7.07 Conservation Subdivision

§7.07.01. Intent

- A. To provide flexibility to achieve the most effective development on lands constrained by natural hazards that may limit the amount or type of development
- B. To promote the creation of accessible green space
- C. To protect sensitive, environmental land features to promote the public health and safety
- D. To reduce erosion, sedimentation, land disturbance, and removal of vegetation
- E. To promote development of walking and bicycling facilities and greenways within new developments that can be connected to adjacent neighborhoods and activity centers
- F. To reduce perceived density by providing access to and views of open space.

§7.07.02. Applicability. The Conservation Subdivision option is available, upon approval by the Commission, for single-family detached residential development of at least three acres in any residential district. The applicant must comply with all other provisions of this Ordinance and all other applicable regulations, except those incompatible with the provisions herein.

§7.07.03. Ownership of Development Site. If held in multiple ownership, the site must be developed according to a single plan with common authority and common maintenance responsibility as approved by the City Attorney.

§7.07.04. Density Determination

- A. The maximum number of lots is determined by dividing the total area of the proposed subdivision by the most restrictive of the following: minimum lot size of the applicable district or by regulations as determined by Health Department standards for septic tanks, or by other density limitations, such as watershed protection requirements, applicable to the site. In making this calculation, the following may not be included in the total area of the tract:
 - 1) Designated floodway
 - 2) Bodies of open water over 5,000 sf of contiguous area
 - 3) Areas with slopes in excess of 50%
- B. The total area of front, rear and side yards must be at least 2.5 times the ground floor area of the dwelling. Dwellings must be separated by at least 15 ft.

§7.07.05. Application Requirements

- A. Site Analysis Map. The applicant must prepare and submit a site analysis map concurrently with the development plan and/or preliminary plat. The purpose of the site analysis map is to ensure that important site features have been identified prior to the creation of the site design, and that the proposed open space will meet the requirements herein. For specific submittal requirements, refer to the Appendix.
- B. Conservation Subdivision Plan. The applicant must prepare a Conservation Subdivision Plan, which yields no more lots than identified under §7.07.04 Density Determination. The Conservation Subdivision Plan must identify open spaces to be protected and include an open space

management plan (see §7.07.07), and must be submitted prior to the issuance of a grading permit.

- C. Instrument of Permanent Protection. An instrument of permanent protection, as described in §7.07.08, must be placed on the open space at the time of issuance of a grading permit.

§7.07.06. Other Requirements. The Applicant must adhere to all other requirements of the applicable district and the Subdivision Regulations.

§7.07.07. Open Space Management Plan. For the purposes of this Section, “open space” is defined as the portion of a Conservation Subdivision that has been set aside for permanent protection. Activities within the open space are restricted in perpetuity through the use of a legal instrument approved by the City Attorney.

A. Standards

- 1) The minimum open space must comprise at least 25% of the gross tract area.
- 2) The following priority conservation areas must be included within the open space, unless the applicant demonstrates that this would constitute an unusual hardship and be counter to the purposes of the Conservation Subdivision:
 - a) The 100-year floodplain
 - b) Riparian zones of at least 75 ft width along all perennial and intermittent streams
 - c) Slopes above 25% of at least 10,000 sf contiguous area
 - d) Wetlands, as defined by the Corps
 - e) Existing trails that connect the site to neighboring areas
 - f) Archaeological sites, cemeteries and burial grounds.
- 3) The following are considered Secondary Conservation Areas and should be included within the open space to the extent feasible:
 - a) Important historic sites
 - b) Existing healthy, native forests of at least one-acre contiguous area
 - c) Individual existing healthy trees greater than eight inches caliper
 - d) Other significant natural features and scenic viewsheds, particularly those that can be seen from public roads.
- 4) Utility rights-of-way and small areas of impervious surface may be included within the protected open space but cannot be counted towards the 25% minimum area requirement (exception: historic structures and existing trails may be counted). Large areas of impervious surface, such as portions of streets, parking and loading areas, are excluded from calculating open space.
- 5) At least 25% of the open space must be suitable for passive recreational use.

- 6) At least 50% of the open space must be in a contiguous tract, which may be divided by a local street whose area is excluded from the open space. The layout of open space should allow connection to any neighboring areas of open space.
- 7) The open space must be directly accessible to the largest practicable number of lots and/or buildings on the site. Non-abutting lots must be provided with safe, convenient access to the open space through sidewalks or paths.

B. Permitted Uses of Open Space

- 1) Conservation of natural, archeological or historical resources
- 2) Meadows, woodlands, wetlands, wildlife corridors, game preserves, or similar conservation-oriented areas
- 3) Passive recreation areas, such as open fields, walking or bicycle trails
- 4) Active recreation areas, provided that they are limited to no more than 20% of the total open space and are not located within priority conservation areas. Active recreation areas may include impervious surfaces. Active recreation areas in excess of this limit must be located outside of the protected open space.
- 5) Landscaped stormwater management facilities, community and individual wastewater disposal systems located on soils particularly suited to such uses. Such facilities must be located outside of Primary Conservation Areas.
- 6) Easements for drainage, access, and underground utility lines
- 7) Other conservation-oriented uses compatible with the purposes of this Section.

C. Prohibited Uses of Open Space

- 1) Golf courses
- 2) Roads, parking lots and similar impervious surfaces, except as specifically authorized in the previous subsections
- 3) Agricultural and forestry activities not conducted according to accepted best management practices
- 4) Other activities as determined by the applicant and recorded on the legal instrument for permanent protection.

D. Ownership and Management of Open Space. See [§4.09 Common Open Spaces and Facilities](#).

§7.07.08. Legal Instrument for Protection of Open Space. The open space must be protected in perpetuity by a binding legal instrument recorded with the deed. The instrument for permanent protection must include clear restrictions on use of the open space, including all restrictions contained in this Subsection, and any restrictions the applicant chooses to place on the open space. The instrument must be one of the following:

A. A permanent conservation easement in favor of either:

- 1) a land trust or similar conservation-oriented nonprofit organization with legal authority to accept such easements. The organization must be bona fide and in perpetual existence and

the conveyance instruments must contain an appropriate provision for retransfer in the event the organization becomes unable to carry out its functions; or

- 2) a governmental entity with an interest in pursuing goals compatible with the purposes of this Subsection, and if the entity accepting the easement is not the City, then a third right of enforcement favoring the City must be included in the easement.

B. A permanent restrictive covenant for conservation purposes in favor of a governmental entity.

C. An equivalent legal tool that provides permanent protection, as approved by the City Attorney.

§7.07.09. Tax Assessment of Open Space. Once a legal instrument for permanent protection has been placed upon the open space, the County Tax Assessor may be requested to reassess the open space at a lower value to reflect its more limited use.

Section 7.08 Wrecking, Junk and Salvage Yards

§7.08.01. No automobile wrecking yard, salvage yard or junk yard may be established closer than 300 ft to an established residential district.

§7.08.02. All outdoor storage of salvage and wrecking operations must be completely contained within a fence or wall of not less than six nor more than 10 ft in height. The fence must be designed in accordance with [§10.04 Design Standards for Fences](#).

§7.08.03. The storage of wrecked automobile, junk, or salvaged materials may not exceed the height of the screen fence or wall.

Section 7.09 Hobby Farms

§7.09.01. The minimum lot area for hobby farms is two acres.

§7.09.02. The keeping and raising of livestock and fowl is limited as follows:

A. Poultry (does not include chicken houses or other facilities to house fowl), goats, sheep, horses, donkeys and ponies are permitted.

B. The keeping of sheep and swine in a hobby farm is prohibited.

§7.09.03. *Setback and Area Requirements*

A. Structures or fenced areas for the housing of farm animals must be set back at least 200 ft from any adjacent lot not zoned AO Agricultural District.

B. At least one acre of lot area must be provided for each permitted livestock animal. A maximum of 20 poultry are permitted for every 8,000 sf of lot area.

§7.09.04. Offensive animal odors must not be detectable at the property line.

Section 7.10 Attached Dwellings (Townhouses)

§7.10.01. *Development Criteria*

A. Sites must contain at least 2.5 acres and must be served by municipal water and sewer.

- B. Each dwelling must be located on its own platted lot unless developed in a condominium arrangement.
 - C. Buildings must contain no less than three and no more than 12 attached dwelling units. A minimum spacing of 40 ft must be provided between the front façade of an attached dwelling building and any other building façade, or between the rear facades of opposing attached dwelling buildings.
 - D. Area and dimensional requirements.
 - 1) Individual lots must be at least 18 ft in width.
 - 2) A side yard of at least 10 ft in width is required at the unattached end of a row of attached dwellings.
 - 3) Each dwelling must have its own yard of at least 400 sf, exclusive of parking space.
 - E. Attached dwelling developments must be equipped with fire hydrants. The type, size, number and location of hydrants must be approved by the Fire Department. Each dwelling unit must be within 500 ft of a fire hydrant.
 - F. Common trash collection areas located away from public views are encouraged.
 - G. Sidewalks not less than five feet in width must be installed along the street frontage.
- §7.10.02. *Parking.* See [Article 9 Parking](#). Off-street parking may be on and to the rear of the individual lots or in a common parking area in the interior of the development. Individual driveways are not permitted forward of the front building line.
- §7.10.03. *Review and Approval.* Developments must be approved in accordance with the City Subdivision Regulations. The Commission will consider the following criteria and may attach corresponding conditions to approval:
- A. Consistency of the proposed development with the Comprehensive Plan
 - B. Access, circulation and other traffic impacts of the proposed development on adjoining public streets
 - C. Extent to which the layout and design of the development will retain or disrupt natural features
 - D. Extent to which design features will complement architectural styles present in the surrounding neighborhood
 - E. Extent to which open space or recreational amenities are included

Section 7.11 Multifamily Dwellings

Multifamily dwellings are subject to the following requirements. Where there is any conflict between the provisions herein and the provisions of the applicable district, the more restrictive requirements govern.

- §7.11.01. *Dimensional Requirements.* In addition to the requirements set forth in Tables 5-1A and 5-1B, the lot area must be at least 9,000 sf plus an additional 2,000 sf for each additional dwelling after the first two. The lot must be at least 60 ft wide plus an additional five feet for each additional dwelling after the first two.

- §7.11.02. *Stormwater Management.* Stormwater facilities should be integrated in the design of parking areas and common open spaces as landscape amenities, where practicable.
- §7.11.03. *Access.* Driveway cuts along a public street must be minimized. On corner lots, driveway access must be located along the lesser street, when practicable, and located away from the street intersection.
- §7.11.04. *Parking.* Parking lots must be located to the side or rear of buildings, and may not be forward of the front building line.
- §7.11.05. *Waste Collection.* Adequate facilities for waste collection must be provided and located behind the front building line and away from public views. Each such area must be paved and the containers screened. See [§10.02 Screening](#).
- §7.11.06. *Storage Units.* Dedicated storage space of at least 280 cubic feet must be provided per dwelling unit.
- §7.11.07. *Fire Protection.* Multifamily developments must be equipped at all times with fire hydrant equipment in good working order. The type, size, number and location of hydrants must be approved by the Geneva Fire Department. All buildings must be within 500 ft of a fire hydrant.
- §7.11.08. *Open Space.* At least 20% of the site must be reserved as open space. At least 50% of the reserved open space must be improved for recreational use. All common open spaces and recreational areas must be well maintained in a safe and orderly condition. Children's playground area must be provided in the amount of 50 sf per unit. The minimum size of any playground is 3,000 sf. This does not apply to age-restricted developments, such as senior housing.
- §7.11.09. *Architectural Guidelines.* Buildings should reflect consistent design, textures, colors, and features. Building facades facing streets or open spaces should be articulated to provide visual interest.
- A. Building exteriors must have a coordinated color scheme, with a limited number of complementary colors used throughout. Developments with multiple buildings may alternate primary facade colors provided trim colors, materials and/or other design features visually tie the individual buildings together. Neutral or earth tone colors are recommended. Fluorescent and metallic paints are prohibited.
- B. Accessory structures must be consistent in design, materials and finish as multifamily buildings.

Section 7.12 Boarding Houses

- §7.12.01. The owner or lessee must reside within the dwelling used as a boarding house with the structure serving clearly as that person's permanent residence.
- §7.12.02. The living quarters of the permanent residents and boarders must be in the principal dwelling and no separate structure on the premises may be used for dwelling purposes.
- §7.12.03. No more than two parking spaces may be permitted forward of the front building line.

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Article 8. SIGN REGULATIONS

Section 8.01 Purpose

The purposes of this article are to: encourage the safe construction and effective use of signs as a means of communication with the public; to improve traffic and pedestrian safety; to prevent the accumulation of trash; to minimize adverse effects to nearby public and private property to protect property values; and to enhance the community environment.

Section 8.02 Applicability, Permitting

The provisions of this article apply to the entire corporate limits of Jackson, Alabama to govern the location, size and height of signs. Signs must be erected, placed, created, painted and maintained in conformance with these regulations.

§8.02.01. *Permitting Requirements*

- A. *Actions Requiring a Permit.* The following signs require a Sign Permit issued by the City except where indicated otherwise in item B below. Construction, repair and maintenance of all signs must comply with the City Building Code, if applicable. When required for a sign, a Building Permit must be approved before the sign is installed.
 - 1) Any sign exceeding 50 sf in area
 - 2) Any sign requiring a Building Permit
 - 3) Any permanent detached sign
 - 4) Any sign projecting over or located in any public right-of-way
 - 5) Any sign, the height of the which would indicate that if the sign fell it could strike another structure or obstruct a public right-of-way
 - 6) All Off-premise Signs
- B. *Actions Not Requiring a Permit.* The following signs or actions do not require a Sign Permit, but may still be subject to a building permit. Each sign exempt from the Sign Permit process must still comply with the height, area and locational standards established in this Article.
 - 1) Signs and notices issued by any court, officer or other person in performance of a governmental duty
 - 2) For the purposes of safety and emergency access, signs indicating the street number of a building or structure not exceeding six square feet in sign area
 - 3) Routine sign maintenance, including painting, repainting, cleaning and repair not involving structural changes or changes to the copy area or height
 - 4) The changing of copy on Changeable Copy Signs provided there are no structural changes or change in the primary light source
 - 5) Temporary signs

6) Window signs

- C. *Review of Application*: The Zoning Official must take action on a complete Sign Permit application or notify the applicant of any deficiencies in the application within 10 business days of receipt. If the application is denied the Zoning Official will state in writing the reasons for disapproval.
- D. *Expiration*. A Sign Permit will expire if work has not begun within 180 days from the date it is issued. Applicants are allowed one 90-day extension of each Sign Permit, provided the extension is applied for prior to the original permit's expiration. Requests for extensions will not be accepted more than 15 days prior to the expiration of the original permit.
- E. *Indemnification of City*: Every Sign Permit application must include an agreement of indemnification and hold the City harmless for any damages or expenses that may be incurred because of the sign and related structure.
- F. *Fees*: A permit fee, set from time to time by the Council, must be submitted at the time of Sign Permit application.
- G. *Identification Tag*: The sign contractor must attach a weatherproof identification tag to all signs requiring Sign Permits. The erection, placement or construction of a sign requiring a permit without a proper identification tag constitutes a violation of these requirements. The tag must have the following information permanently printed or impressed:
 - 1) "City of Jackson Sign Permit" followed by the Sign Permit number
 - 2) Year the sign was put in place
 - 3) The name and address of the sign contractor
- H. *Modification of Permitted Signs*: A Sign Permit must be obtained for any structural alterations to a permitted sign.
- I. *Permit Revocation*. The City will revoke a Sign Permit if it is found that there has been concealment or misrepresentation of material facts in the Sign Permit application or submitted plans.

Section 8.03 Definitions

- §8.03.01. *Abandoned sign*. A sign that is not operated or maintained for a period of 180 calendar days or longer. The following conditions are considered as the failure to operate or maintain a sign: (1) the sign displays advertising for a product or service which is no longer available, (2) the sign displays advertising for a business which is no longer licensed, or (3) the sign is blank. An abandoned sign includes a sign on which is advertised a business that is no longer doing business on the premises.
- §8.03.02. *Attached Sign*. A sign other than a Detached Sign, including Wall Signs, Projecting Signs and Awning and Canopy Signs.
- §8.03.03. *Awning or Canopy Sign*. A sign directly painted on or directly affixed to an awning or canopy.
- §8.03.04. *Changeable Copy Sign*. A sign in which the message may be manually or electronically changed without altering the sign.

- §8.03.05. *Commercial Message*. A sign message that identifies or directs attention to a business, commodity, service or entertainment sold or offered for sale or a fee.
- §8.03.06. *Detached Sign*. A sign erected or mounted on its own self-supporting structure or base detached from any supporting elements of a building, wall or fence.
- §8.03.07. *Double faced sign*: A sign constructed to display its message on the outer surfaces of two opposing planes. When only one face is legible from any vantage point along the street, the area of one side (the larger, if applicable) is counted toward allowable sign area. If both faces may be viewed from the same vantage point, the area of both sides is counted.
- §8.03.08. *Electronic Message Sign*. A sign designed so that the characters, letters or illustrations can be changed or rearranged electronically or through mechanical means.
- §8.03.09. *Government Sign*. Any sign, illuminated or not, erected on public property and maintained by the City, State or Federal Government for dissemination of general information and matters of public interest.
- §8.03.10. *Legible*. Able to be read by a person of ordinary eyesight standing at grade level at a location on the public right-of-way or on another private property.
- §8.03.11. *Monument Sign*. A detached sign with a solid-appearing base constructed of permanent material, excluding signs mounted on poles.
- §8.03.12. *Noncommercial Message*. Any message other than a commercial message. This definition includes messages or types of messages considered noncommercial speech by a court of law.
- §8.03.13. *Off-premises Sign*. Any sign that advertises a use, product, service, or activity occurring on a lot or parcel other than where the sign is located. Signs bearing noncommercial messages are not considered "off-premises."
- §8.03.14. *On-premises Sign*. Any sign that advertises a use, product, service or activity occurring on the lot or parcel where the sign is located.
- §8.03.15. *Permanent Sign*. A sign constructed of durable materials, attached to the ground or a building in a manner provided by the building code.
- §8.03.16. *Pole Sign*. A detached sign other than a Monument Sign.
- §8.03.17. *Portable Sign*. A sign not permanently attached to, mounted upon or affixed to a building, structure or the ground, and which is easily moved. Examples include A-Frame Signs, T-Frame Signs, and signs on wheels. Portable Sign does not include a Temporary Sign carried by a person or animal.
- §8.03.18. *Projecting Sign*. An attached sign permanently affixed at more or less a right angle to the façade of the building to which it is attached.
- §8.03.19. *Seasonal Decorations*. Decorations, signs and lighting in observance of religious, national or state holidays not intended to be permanent in nature and that contain no commercial message.
- §8.03.20. *Sign*. Any device, fixture, placard or structure, including its component parts, which draws attention to an object, product, place, activity, opinion, person, organization, or place of business, or which identifies or promotes the interests of any person and which may be viewed from the private property of another or from any public right-of-way or parking area (collectively referred to

as a “public area”). For the purposes of these regulations, the term “sign” includes all structural members. The term “sign” does not include the following objects when legible from a public area: cemetery markers, vending machines or express mail drop-off boxes, decorations, artwork or a building’s architectural features, or a manufacturer’s or seller’s markings on machinery or equipment.

- §8.03.21. *Sign Face*. The surface of the sign upon, against or through which the message of the sign is displayed.
- §8.03.22. *Wall Sign*. A sign painted on or permanently affixed or fastened to the wall of a structure in such a manner that the sign face is parallel to the plane of the wall and in which the wall is the supporting structure of the sign.
- §8.03.23. *Window Sign*. A sign applied or attached to a window, or displayed within 6 feet of the interior of a first floor window area so as to attract attention of persons outside the building. Window Signs do not include merchandise in a window display.
- §8.03.24. *Temporary Sign*. A sign not permanently attached to the ground, a wall or a building, and not designed or intended for permanent display.

Section 8.04 Nonconforming Signs

All signs erected prior to the adoption of these regulations, but not conforming to these regulations, are lawfully nonconforming signs and are regulated as follows:

§8.04.01. *Nonconforming Permanent Signs*

- A. Nonconforming signs may be continued and maintained after the effective date of this ordinance. Establishing that a sign is lawfully nonconforming is the responsibility of the person claiming such status for the sign.
- B. Normal maintenance, such as changes on the sign face, is not subject to these requirements.
- C. Lawfully nonconforming signs must be replaced or otherwise made to comply fully with these regulations in the following circumstances:
 - 1) When a sign is damaged by 60% or more of its fair market value immediately prior to the damage, including by natural acts, or becomes obsolete for any cause, any replacement sign must comply with these regulations.
 - 2) When the sign is moved, enlarged, structurally altered or changes are made to its height

§8.04.02. *Nonconforming Temporary Signs*. Signs made of paper, cloth and other non-durable material must be removed or made to conform to these regulations within 60 days of notice. All other temporary signs must be removed or made to be conform to these regulations within 120 days of notice.

Section 8.05 Sign Regulations Applying to All Districts

- §8.05.01. *Viewpoint Neutrality*. It is the policy of the City to regulate signs in a manner that does not favor commercial speech over noncommercial speech and does not regulate protected noncommercial speech by message content. No sign will be subject to any limitation based on the viewpoint of the sign message.

§8.05.02. *Substitution of Messages.* Signs authorized by this Article may carry noncommercial messages in lieu of any other commercial or noncommercial messages. Substitution of messages may be made without additional approval or permitting process. This provision prevails over any more specific provision to the contrary within this chapter. The purpose of this provision is to prevent an inadvertent favoring of commercial speech over noncommercial speech, or favoring of any particular noncommercial message over any other noncommercial message. This provision does not create a right to increase the total amount of signage on a lot, nor does it affect the requirement that a sign structure or mounting device be properly permitted.

§8.05.03. *Maintenance of Signs:*

- A. All signs and sign structures must be kept in a proper state of repair and preservation. The Zoning Official is authorized to inspect and order the painting, repair or alteration of poorly maintained or dilapidated signs, and the removal of abandoned signs, subject to these regulations, or signs that constitute a physical hazard to public safety. Any repair, painting, alteration or removal will be at the sign owner's expense. The Zoning Official, with or without notice, may cause any structurally unsafe or structurally insecure sign to be immediately removed if the sign presents an immediate peril to the public health or safety.
- B. Weeds and grass must be kept cut beneath and for a distance of 10 ft in all directions from the perimeter of a detached sign. This area must also be maintained free of debris and rubbish that would constitute a fire or health hazard or be construed as a nuisance.
- C. All signs that are no longer functional must be made functional or removed at the owner's expense within 30 days of becoming dysfunctional.
- D. Abandoned signs must be removed at the owner's expense.

§8.05.04. *Signs Permitted in All Districts:*

- A. One sign per property or per separately addressed building not exceeding three sf in surface area located on the front façade, on each side of an authorized US Postal Service mailbox or on one post no more than four feet in height and four inches in width.
- B. Temporary Signs, in accordance with [§8.06.04 Residential and Agricultural Districts](#), [§8.07.05 Commercial, Institutional and Mixed Use Districts](#) and [§8.08.04 Industrial Districts](#). Temporary signs may be used for commercial or noncommercial speech.
- C. Incidental Signs, whether detached or attached, less than four sf in area and less than four feet in height.
- D. Flagpoles and Stanchions
 - 1) Unless otherwise required by state law, for each parcel and development site in residential use with at least one principal structure, one flagpole is permitted. There is no limit to the number of flags that may be displayed per flagpole.
 - 2) For each parcel and development site over one-half acre in size and that is in nonresidential use, up to three flagpoles may be installed. For each additional acre, up to two additional flagpoles may be installed. Up to two flags may be displayed per flagpole.
 - 3) Flagpoles may not exceed 1.5 times the allowed building height for the district, but in no event may a flagpole exceed a height of 50 ft.

- 4) For each principal structure, up to two flag brackets or stanchions may be attached or placed for the display of flags.

§8.05.05. *Exempt Signs.* The following are exempt from regulation under this Article but may require building or other permits, as applicable:

- A. Signs that are not legible from the public right-of-way or from another property
- B. Government signs, including signs required for legal notices and other official instruments
- C. Signs on a vehicle, other than an Unlawful Vehicle Sign
- D. Traffic control device signs
- E. Warning or traffic safety signs required by public utility providers
- F. Seasonal decorations

§8.05.06. *Prohibited Signs.* The following signs are prohibited unless protected by state statute.

- A. Abandoned Signs
- B. Any sign that resembles or emulates in shape, color or other manner a traffic control device sign
- C. Any sign placed in any public right-of-way, required sight triangle, or on any public land except signs placed by a government agency or public utility provider
- D. Signs with moving or flashing lights, except as allowed for Electronic Message Signs
- E. Signs that employ any parts that move, rotate, whirl, spin or otherwise make use of motion to attract attention (this does not include Changeable Copy Signs)
- F. Signs that emit any detectable smoke, vapor, odor, particles or that include any lighting or control mechanism that interfere with radio, television or electronic means of communication
- G. Any sign, other than a Government Sign, painted on or attached to an object and placed less than 15 ft from the curb line or edge of pavement of a public street
- H. Signs attached to or painted on trees, fences, fire escapes, elevated water storage tanks (stand pipes), utility or light poles, or traffic sign standards
- I. Signs painted on a sloping roof or sloping wall of a building
- J. Inflatable signs of all types
- K. Signs constructed of mirrors or other surfaces that reflect light
- L. Signs or sign structures that obstruct openings required for ventilation or means of egress, including any fire escape, any window, any door or other opening, any stairway, any exit, any walkway, any utility access or Fire Department connection.

§8.05.07. *Removal and Confiscation.*

- A. City police and enforcement staff are authorized to remove and dispose of or order the removal and disposal of any prohibited sign (§8.05.06), any sign not permitted in accordance with these regulations, and any nonconforming sign that has lost its lawful status (§8.04).

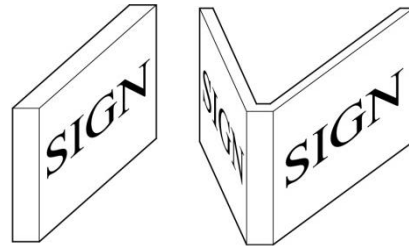
- B. If any applicable regulation in this Article is violated in the construction or maintenance of a sign, the Sign Permit will be revoked and the sign and sign structure must be removed or made to conform to the applicable regulation within 30 days.

§8.05.08. *Placement of Signs.*

- A. Except as required by state law, no sign may be displayed on a property without the consent of the legal owner. For purposes of this policy, "owner" means the holder of the legal title to the property and any party and person holding a present legal right to possession, control or use of the property.
- B. Except as required by State law or otherwise permitted by this Article, any sign installed or placed on public property is deemed illegal and will be forfeited to the public and subject to confiscation. In addition to other remedies, the City may recover from the owner or person placing the sign the cost of removal and disposal of the sign.
- C. Unless otherwise specified in these regulations, permanent and temporary detached signs must be set back at least 10 ft from the edge of pavement or curb and at least five feet from the nearest right-of-way line.
- D. Permanent Signs may not project into or over the public right-of-way without first obtaining an encroachment permit from the City.
- E. Vertical clearance. A clear height of at least eight feet above the walking surface must be maintained over any area intended for pedestrian use. A clear height of at least 14 ft above the driving surface must be maintained over an area intended for vehicular use.
- F. Any sign placed on a sidewalk or other public right of way must comply with this Article and applicable provisions of the Americans with Disability Act.
- G. No sign may be placed within or in any manner obstruct sight distance within a required sight triangle.

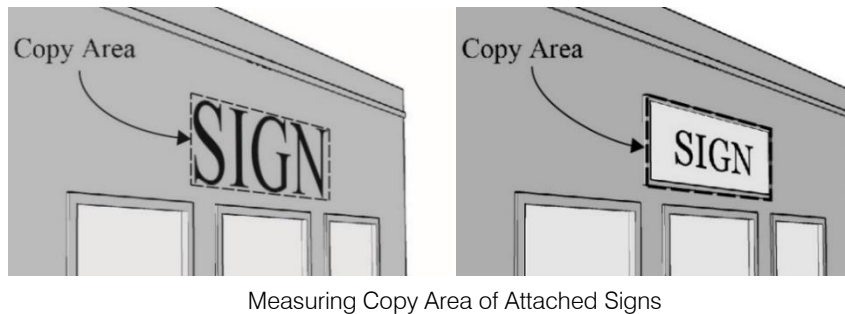
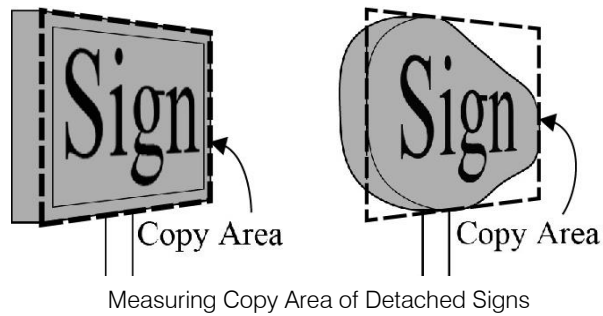
§8.05.09. *Measuring Copy Area*

- A. For sign copy mounted or painted on a background panel, cabinet, or surface distinctively painted, textured, lighted, or constructed to serve as the background for the sign copy, sign area is calculated by means of the smallest square, circle, rectangle, triangle, or combination thereof that encompasses the extreme limits of the background panel, cabinet, or surface.
- B. For sign copy where individual letters or elements are mounted or painted on a building façade and where there is no background panel, cabinet, or surface distinctively painted, textured, lighted, or constructed to serve as the background for the sign copy, sign area is calculated as the sum of the smallest square, circle, rectangle, triangle, or combination thereof that encloses all the letters or elements associated with the sign. In cases where there are multiple sign elements on the same surface, the Zoning Official determines the outermost boundaries of individual sign elements.



Double-faced signs: For the sign above left, copy area on only one face is counted. For the sign above right, copy area of both faces is counted.

- C. Supporting framework, bracing, or decorative fences or walls are not included in calculating sign area unless such structural support is determined to be an integral part of the message, as determined by the Zoning Official.
- D. In the case of a three-dimensional sign where the sign faces are not mounted back-to-back, the sign area is calculated as the smallest square, rectangle or circle that encompasses the profile of the sign message. The profile used is the largest area of the sign message visible from any one point.



§8.05.10. *Illumination*

- A. For externally illuminated signs, light sources must be aimed so that only the sign face is illuminated.
- B. Internally illuminated signs are not permitted within nor closer than 100 ft to an agricultural or residential district.

Section 8.06 Residential and Agricultural Districts

§8.06.01. *Prohibited Signs.* The following signs are prohibited in agricultural and residential districts:

- A. Off-premises Signs
- B. Electronic Message Signs

§8.06.02. *Attached Signs:* Each dwelling unit is permitted one attached sign, which must be placed on or within five feet of the main entrance and may not exceed two sf in area. In addition, each multifamily building is permitted one attached sign, which may not exceed eight sf in area. Each nonresidential building is permitted one attached sign, which may not exceed 16 sf in area.

§8.06.03. *Detached Signs*. Only the following detached signs, other than temporary signs, are permitted:

- A. Subdivisions. Each subdivision is permitted one monument sign per street entrance, which may not exceed four feet above grade level nor be larger than 30 sf in copy area. An acceptable legal entity must be identified to provide perpetual maintenance for the sign
- B. Multifamily Developments, Manufactured Home and Tiny Home Parks and Nonresidential Premises. Each housing development and nonresidential premises is permitted one monument sign, which may not exceed five feet in height nor be larger than 20 sf in copy area.
- C. Mailboxes. Each separately addressed premises receiving mail at a curbside mailbox may attach one sign to the mailbox in accordance with United States Postal Service regulations. These signs are limited to the length of the mailbox and may not extend higher than nine inches above the mail box or hang lower than one foot below the mailbox.

§8.06.04. *Temporary Signs*

- A. During construction of a residential development, only the following temporary signs are permitted:
 - 1) Subdivisions, Multifamily Developments and Manufactured Home and Tiny Home Parks. Up to two temporary signs are permitted at the primary entrance to a subdivision, multifamily development or manufactured home park. Each sign may be up to 32 sf in area and may not be taller than six feet above grade level. These signs may not be closer than 20 ft to an existing edge of pavement or curb. These signs must be removed within 30 days following the completion of the development, but not including the construction of dwellings.
 - 2) Individual Residential lots. Up to six temporary signs per lot may be posted during construction of the dwelling. Each sign may not exceed two sf in area nor be taller than three feet above grade level. These signs must be removed within seven days after construction of the dwelling has been completed.
- B. After initial construction, each residential and nonresidential premises is permitted the following temporary signs:
 - 1) At any time, three temporary signs with each sign no larger than five sf in area and no taller than four feet above grade level.
 - 2) For nonresidential uses, one additional temporary sign may be posted for up to 15 days from the time of its opening. The sign may not exceed 20 sf in area. If detached, it may not be taller than six feet above grade level.
 - 3) During repair, renovation or addition to a residential building, one additional temporary sign may be posted for up to 30 days on the premises. The sign may not exceed three sf in area or be taller than three feet above grade level. These signs must be removed within seven days of completion of the repair, renovation or addition.

Section 8.07 Commercial, Institutional and Mixed Use Districts

§8.07.01. *Applicability*: The following requirements apply to all land and structures in commercial zones. In mixed use zones, these requirements apply based on the actual development and use characteristics of the land or structure.

§8.07.02. *Prohibited Signs*: Off-premises signs are prohibited in the B-2 district.

§8.07.03. *Attached Signs*: Each ground floor tenant is permitted one attached sign subject to the following:

- A. **Attached Sign Area**. Attached signs may not exceed one square foot of sign per linear foot of wall on which the tenant has a main entrance or 100 sf, whichever is more restrictive. However, tenant spaces larger than 25,000 sf in gross floor area and that are set back 200 ft or more from the front lot line are allowed larger attached signs in accordance with Table 8-1. See also §8.07.04.A for attached sign area bonuses based on use of detached signs on the premises.

Table 8-1: Attached Sign Area for 25,000+ sf Tenants according to Setback	
Setback Distance	Total Sign Area (sf)
Over 200 ft and up to 299 ft	150
Over 300 ft and up to 399 ft	200
Over 400 ft	300

- B. Properties located at the intersection of major streets are allowed one additional attached sign on the secondary facade subject to the following conditions.
- 1) The additional sign may not exceed 65% of the sign area on the primary facade.
 - 2) If the intersecting street provides access to residential development immediately behind the lot or if residential development is directly across the intersecting street, then no additional sign is permitted.
- C. Window signs may not exceed 20% of the total glass area of the window. Illuminated window signs within five feet of any window are counted toward window sign area.
- D. Projecting Signs may not project more than five feet from the face of the building.
- E. Attached signs may not extend above the building parapet or more than 30 ft above grade level, whichever is less.
- F. In developments with multiple tenants, each tenant is allowed two canopy or marquee signs, with each limited to a maximum area of three sf.

§8.07.04. *Detached Signs*: Each premises is allowed one detached on-premises sign subject to the following conditions:

- A. Sign area bonuses are provided for attached signs based on the type of detached signs used as shown in Table 8-2.

Table 8-2: Attached Sign Area Bonuses	
Detached Sign	Attached Sign Area Bonus
No detached signs on the premises	+30%
Detached sign no taller than six feet above grade level, not more than 60 sf in copy area and located in a landscaped area	+15%
Detached sign taller than six feet above grade level, more than 60 sf in copy area or without landscaping	+ 0%

- B. Allowable Sign Area. The maximum copy area for detached signs is calculated at one square foot per linear foot of street frontage for the entire development up to a maximum of 300 sf of copy area. Multiple tenant developments may add an additional 20 sf of copy area per tenant up to a maximum of an additional 200 sf of copy area.
- C. Secondary Signs on Through Lots. A second detached sign may be located on the secondary frontage of a through lot subject to the following:
- 1) The maximum area of the second sign is 20 sf if the through lot is located across from or within 75 ft distance of any residential district; otherwise the sign may be 50 sf.
 - 2) The second sign must be within a landscaped area of at least 50 sf. The landscaped area must include shrubs, ground cover (in addition to grass), or other suitable plant materials and exclude impervious surfaces.
- D. Sign Height. The maximum height of detached signs is based on the classification of the street to which the sign is oriented and setback from the front lot line as shown in Table 8-3.

Table 8-3: Detached Sign Height	
Street Classification	Maximum Sign Height
Major street with 4 or more travel lanes	20 ft plus one additional ft in height per foot of setback above 20 ft up to 30 ft in height
Major street with less than 4 lanes	15 ft plus one additional ft in height per foot of setback above 20 ft up to 25 ft in height
All other streets	10 ft plus one additional ft in height per foot of setback above 20 ft up to 20 ft in height

§8.07.05. Temporary Signs

- A. During construction, only the following temporary signs are permitted:
- 1) For nonresidential development, one temporary sign is permitted at the primary entrance to the development. Each sign may be up to 32 sf in area and may not be taller than six feet above grade level. These signs must be removed within 30 days following the completion of the development.
 - 2) For developments including multiple residential lots, no more than six on-premises signs per lot may be posted during construction of the dwelling. Each sign may not exceed two sf in area nor be taller than three feet above grade level. These signs must be removed within seven days after construction of the dwelling has been completed.
- B. After initial construction, each residential and nonresidential premises is permitted the following temporary signs:
- 1) At any time, each nonresidential premises is permitted two temporary signs with each sign no larger than 16 sf in area nor taller than six feet above grade level.
 - 2) At any time, each residential premises is permitted three temporary signs with each sign no larger than five sf in area and no taller than four feet above grade level.

- 3) For nonresidential uses, one additional temporary sign may be posted for up to 15 days from the time of its opening. The sign may not exceed 40 sf in area. If detached, it may not be taller than six feet above grade level.
- 4) Temporary signs are permitted during repair, renovation or addition to an existing building as follows:
 - a) For residential buildings, one additional temporary sign may be posted for up to 30 days on the premises. The sign may not exceed three sf in area; be taller than three feet above grade level. These signs must be removed within seven days of completion of the repair, renovation or addition
 - b) For nonresidential buildings, one additional temporary sign per premises may be posted for up to 60 days. The sign may not exceed 12 sf in copy area nor be taller than six feet above grade level. These signs must be removed within seven days of completion of the repair, renovation or addition.

Section 8.08 Industrial Districts

§8.08.01. *Prohibited Signs:* The following signs are prohibited in all industrial districts:

- A. Off-premises Signs
- B. Roof-mounted signs

§8.08.02. *Attached Signs:* Each tenant may have one attached sign that may not exceed 200 sf. The sign may be internally or externally illuminated.

§8.08.03. *Detached Signs:* Each premises is permitted one detached sign that may not be larger than 120 sf in sign area nor taller than eight feet above grade level.

§8.08.04. *Temporary Signs*

- A. During construction, only the following temporary signs are permitted:
 - 1) one temporary sign is permitted at the primary entrance to the development. Each sign may be up to 32 sf in area and may not be taller than six feet above grade level. These signs must be removed within 30 days following the completion of the development.
- B. After initial construction, each premises is permitted the following temporary signs:
 - 1) At any time, each premises is permitted two temporary signs with each sign no larger than 16 sf in area and no taller than six feet above grade level
 - 2) For nonresidential uses, one additional temporary sign may be posted for up to 15 days from the time of its opening. The sign may not exceed 40 sf in area. If detached, it may not be taller than six feet above grade level.
 - 3) During repair, renovation or addition to an existing building, one additional temporary sign per premises may be posted for a period not to exceed 60 days. The sign may not exceed 12 sf in copy area nor be taller than six feet above grade level. These signs must be removed within seven days of completion of the repair, renovation or addition.

Section 8.09 Off-Premises Signs

Off-premises signs are permitted in the B-3 and Mixed Use Districts only subject to the following:

- §8.09.01. Off-premises signs may not be located within 200 ft of any residential district or 100 ft of an agricultural district or existing residential development in a B-3, MU-1 or MU-2 district.
- §8.09.02. Off-premises signs on property with frontage on a major street may not exceed a sign area of 672 sf per sign and may not exceed a height of 25 ft above grade level. All other permitted off-premises signs may not exceed a sign area of 500 sf per sign and may not exceed a height of 15 ft above grade level.
- §8.09.03. Off-premises Signs may not be located closer than 500 ft to another Off-premises Sign.
- §8.09.04. Off-premises Signs may be externally illuminated only and may not include any electronic message components.

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Article 9. PARKING STANDARDS

Section 9.01 Required Off-street Parking

Except as otherwise provided in this Ordinance, there must be, at the time of the erection of any building or before conversion from one type of use or occupancy to another, permanent off-street parking and loading space as required in this Article.

§9.01.01. *Definitions.* Certain terms, when used in this Article, have the following meanings:

- A. *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.
- B. *Gross Leasable Area (GLA).* 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.
- C. *Occupancy Load.* The maximum number of persons, which may be accommodated by the use as determined by its design or by fire code standards.
- D. *Stacking Space.* An off-street space for the temporary stacking of vehicles with an aisle intended to serve a drive-in teller window, take-out food window, dry cleaning/laundry pick-up or similar type activity station.

§9.01.02. *Permit.* Unless included within a Building Permit, a parking area permit approved by the Zoning Official is required for any parking area with a design capacity of 12 or more vehicles.

§9.01.03. *Collective and Remote Parking*

- A. All required parking spaces must be located on the same lot or an abutting lot under the same ownership as the concerned use, except as follows:
 - 1) Parking within multifamily, attached single-family dwelling, conservation subdivision, and other multiple building developments may be provided in common parking areas.
 - 2) If all required parking spaces cannot reasonably be provided on the same premises, remote parking within 400 ft of the concerned premises may be permitted as a special exception.
- B. Collective parking areas may contain required parking spaces for more than one use, provided the combined number of spaces complies with the parking required for all uses calculated individually. If, however, the combined uses will make use of the same spaces at different times, the same spaces may be credited to each separate use. Collective parking facilities must be approved as part of Development Plan Review. Refer to [§14.05 Review Procedures](#).
- C. For collective and remote parking facilities, a written agreement assuring the continued availability of the concerned parking spaces must be approved by the City Attorney and filed with the Building Permit application.

§9.01.04. Minimum Off-Street Parking

- A. The approving authority uses the parking standards in [Table 9-1](#) as a guide in reviewing development applications and has the authority to require parking spaces be provided as shown in the table. A lesser amount may be approved when evidence is presented showing the concerned use(s) will require less parking than shown in the table.
- B. No off-street parking spaces are required for nonresidential uses in the BC Downtown Business District except where the building exceeds two stories.
- C. Parking requirements for a mixed-use development may be reduced by calculation of shared parking demand using [Table 9-2](#). Parking must be provided in the amount required to accommodate that time period with the highest parking demand.

§9.01.05. Design Standards

- A. Parking spaces must comply with the minimum dimensions shown in [Table 9-3](#).
- B. Parking spaces must be paved to standards established by the City. All parking areas must be surfaced with dust-free materials and maintained in good condition, i.e. free of pot holes, weeds, trash, refuse, etc.
- C. In parking areas of 20 or more parking spaces, up to 20% of the spaces may be reserved for compact cars. Compact spaces have a minimum rectangular area of eight feet width and 16 ft length. These spaces must be clearly marked for compact cars only.
- D. Stacking space must have a minimum rectangular area of 10 ft in width and 20 ft in length and be separate from parking aisles and spaces.
- E. Accessible parking spaces must be provided in accordance with the Americans with Disabilities Act.
- F. Parking areas for multifamily and nonresidential developments must be designed so that vehicles may exit without backing onto a public street.
- G. Fire lanes may be required by the Fire Code.
- H. Unless expressly waived by the Zoning Official, parking spaces for multifamily and nonresidential premises must be demarcated with painted lines or other markings.
- I. Drainage in parking areas must direct stormwater back into the site from adjacent properties toward adequate drainage channels. Parking areas of 20 or more spaces may be required to provide on-site stormwater detention to mitigate the sudden discharge of high volumes of stormwater into the public drainage system.
- J. Refer to [§10.03 Landscaping for Vehicular Areas](#).

Table 9-1 Parking Standards by Use	
Agricultural Uses	
Farm Support Business	1 per 1.05 employees, plus 1 per company vehicle
Stable	1 per 3 persons of occupancy load plus 1 per 1.05 employees
Residential Uses	
Accessory Dwelling	1 per DU
Boarding House	1 per BR
Duplex	2 per DU
Independent Living Facility	2 per 3 DUs plus 1 space per employee
Mobile Home	2 per Mobile Home
Multifamily Developments	1 per studio, efficiency or 1-BR unit 1.75 per 2-BR unit 2.0 per 3+ BR unit 1 visitor space per 5 DU
Single-family Dwelling (any type)	2 per DU
Institutional Uses	
Assisted Living or Nursing Care Facility	1 per 4 residents plus 1 per employee
Club	1 per 100 sf of non-storage and non-service floor area
Community Center	1 per 300 sf of GLA
Country Club	1 per 3 persons of occupancy load
Day Care Center	1 per employee, plus 1 stacking or parking space per 8 persons enrolled of occupancy load
Group Care Home or Rehabilitation Facility	1 per 4 beds plus 1 per employee
Hospital	1 per 2 patient beds plus 1 per emergency room bed plus 1 per employee
Library	1 per 500 sf of GLA
Place of Assembly	1 per 3 seats in the main assembly space
Public Facility	1 per 300 sf of GLA
School, College or University	1 per 5 students plus 2 per 3 employees
School, Elementary or Junior High/Middle	1 per classroom, plus either 1 per employee or 1 per 3 seats in the main assembly space (whichever is greater)
School, High	1 per 8 students of occupancy load, plus either 2 spaces per classroom or 1 per 3 seats in the main assembly space (whichever is greater)
School, Vocational	1 per 3 students of occupancy load plus 1 per employee
Commercial Uses	
Animal Hospital	1 per 300 sf of GLA
Appliance Store	1 per 400 sf of GLA
Art Gallery	1 per 350 sf of GLA
Automobile Dealership	1 per 200 sf of interior sales area plus 1 per 4,000 sf of outdoor display area plus 1 stacking space per service bay
Automobile Parts Store	1 per 400 sf of GLA plus 1 per employee

Table 9-1 Parking Standards by Use	
Automobile Rental Establishment	1 per 400 sf of GLA plus 1 per rental vehicle
Automobile Repair Service	1 per employee plus 2 stacking spaces per service bay plus 1 per company vehicle
Bank	1 per 300 sf of GLA plus 3 stacking spaces per teller
Barber or Beauty Shop	2.5 per chair
Bowling Alley	2 per bowling lane
Call Center, Telemarketing Office	1 per 150 sf of GLA or 1 per employee, whichever is greater
Car Wash (full service or automated)	1 per employee plus 4 stacking spaces per bay
Car Wash (self-service)	2 stacking spaces per approach lane plus 1 drying space per stall
Clinic	6 per practitioner
Commercial School	1 per 3 students of occupancy load plus 1 per employee
Convenience Store	1 per 200 sf of GLA
Dry Cleaning Pick-Up	1 per 300 sf of GLA
Funeral Home	1 per 1 employee plus 1 per 3 seats of occupancy load plus 1 per company vehicle
Furniture Store	1 per 600 sf of GLA
Automotive Repair	2 per service bay plus 1 per company vehicle plus 1 per employee
Gas Station/Convenience Store	1 per 300 sf of GLA plus 1 stacking space per fuel island
General Retail Business	1 per 300 sf of GLA
Home Improvement Center	1 per 400 sf of GLA
Hotel or Motel	1 per room plus 1 per employee
Laundromat	1 per 2 washing machines
Lounge	1 per 100 sf of GLA
Mini-Storage Facility	5 spaces (adjacent to office, if any)
Office, business or professional	1 per 250 sf of GLA
Movie Theater	1 per 3 seats
Open Air Market	1 per 500 sf of display area plus 1 per employee
Outdoor Recreation	
Golf Course	4 per hole
Miniature Golf	2 per tee
Golf Driving Range	1 per tee
Other	1 per 3 persons of occupancy load
Pool Hall	1 per table
Restaurant, Carry-Out and/or Delivery	1 per employee plus 1 per 300 sf of GLA
Restaurant, Drive-in	1 per ordering station plus 1 per employee
Restaurant, Drive-thru	1 per 200 sf of GLA plus 4 stacking spaces per drive-thru window
Restaurant, Standard	1 per 4 seats of occupancy load
Shopping Center	see General Retail, plus requirements for non-retail uses
Tourist Home, Bed and Breakfast Inn	1 per guest bedroom plus 2 spaces

Table 9-1 Parking Standards by Use

Industrial Uses	
General Industry and Manufacturing, Research Laboratory and similar uses	1 per 1 employee plus 1 per company vehicle but not less than 1 per 1,000 sf of GLA
Warehouse, distribution and wholesale Business	1 per 1 employee plus 1 per company vehicle but not less than 1 per 500 sf of GLA

Table 9-2: Typical Shared Parking Demand by Use and Time of Day*

Parking Demand by Use	Weekday 8am-5pm	Weekday 6pm-12am	Weekday 12am-6am	Weekend 8am-5pm	Weekend 6pm-12am	Weekend 12am-6am
Residential	60%	100%	100%	80%	100%	100%
Office	100%	20%	5%	5%	5%	5%
Commercial	90%	80%	5%	100%	70%	5%
Lodging	70%	100%	100%	70%	100%	100%
Restaurant	70%	100%	10%	70%	100%	20%
Entertainment	40%	100%	10%	80%	100%	50%
Movie theater	40%	80%	10%	80%	100%	10%
Institutional (other than place of worship)	100%	20%	5%	10%	10%	5%
Place of worship	10%	5%	5%	100%	50%	5%
* Different parking demands may be used than the typical shown if documented in a parking demand study.						

Table 9-3 Parking Space Dimensional Standards

Angle of Parking	Stall Width (ft)	Stall Length (ft)	Stall Depth (ft)	Aisle Width (ft)		Interlock (ft)
				One-way	Two-Way	
0	8	22	8	12	20	n/a
30	8.5	20	17.4	15	20	3.9
45	8.5	20	20.2	15	20	3.2
60	8.5	19	21	20	24	2.3
90	9	19	19	20	24	n/a

Section 9.02 Off-Street Loading

In any district, in connection with every building, or building group or part thereof having a gross floor area of 4,000 sf or more, which is to be occupied by uses requiring the receipt or distribution of goods by trucks, there must be provided off-street loading berths in accordance with Table 9-4:

Table 9-4 Loading Standards	
Gross Floor Area	Number of Berths
4,000 - 25,000 sf	1 berth
25,001 - 40,000 sf	2 berths
40,001 - 60,000 sf	3 berths
For each additional 50,000 sf	1 berth

Loading berths must be at least 12 ft in width, 30 ft in length, and 14 ft in height, and may occupy all or any part of a required side or rear yard; provided, however, that loading berths must be screened from views from adjoining streets.

Article 10. LANDSCAPING STANDARDS

This Article establishes standards for buffers required between incompatible land uses; screening of certain activities from public views, and landscaping associated with vehicular areas in multifamily and nonresidential developments. For the purposes of this Article, “fences” and “walls” have the same meaning.

Section 10.01 Buffers

§10.01.01. *Applicability.* Buffers must be provided as required in [Table 10-1A](#) and [10-1B](#) and as described in this Section. Buffers are the responsibility of the developing land use. A Landscaping Plan must be provided in accordance with [§10.05 Landscaping Plan](#). Buffer requirements are based on the developing land use and the existing, abutting use.

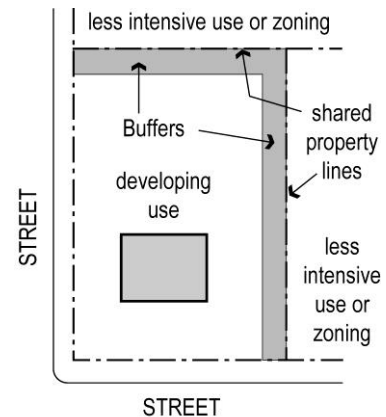
§10.01.02. Required yards, where corresponding with the buffer area, may overlap and may be counted toward buffer width requirements.

§10.01.03. *Modifications.* Buffer requirements may be modified by the approving authority as follows:

- A. When the proposed use will abut an existing, nonconforming use on a property that is designated for another use in the Comprehensive Plan and is zoned accordingly, the buffer may be modified to be consistent with the planned use of the neighboring property.
- B. If the land use relationship between two abutting lots changes so that a lesser buffer would be required, the previously provided buffer may be reduced.
- C. Whenever the proposed use abuts vacant land, buffer requirements are based on the zoning of the abutting property or the use projected by the Comprehensive Plan, whichever requires a lesser buffer.
- D. Buffers may not be used for parking, recreational use or any other purpose, except as provided herein. The approving authority may permit a walkway through a buffer where appropriate. Public utilities and storm drainage facilities may be constructed in a buffer provided the buffer otherwise complies with this Section.

§10.01.04. *Design Standards*

- A. Prior to occupancy of the premises, the buffer must provide a visually impervious barrier, from the ground to five feet above grade level throughout the length of the buffer. Within one year after installation, the buffer must be at least six feet above grade level throughout the length of the buffer.
- B. Required plantings must be evergreen and may be supplemented with other plant materials.
- C. The buffer width may be reduced as shown in [Table 10-1B](#) when a fence is provided that is five to seven feet tall and that meets the requirements in [§10.04 Design Standards for Fences](#).



Buffer Illustration

Table 10-1A Buffer Requirements By Use

Developing Land Use	Existing Abutting Uses or Zoning								
	Single-family		Multi-family	Lodging	Institutional			Business	Parks & green-ways
	detached	attache d			low/medium/high				
Residential and Lodging	Buffer Class Required								
Detached, single-family	n/a	n/a	A	A	A			A	n/a
Attached, single-family	A	n/a	A	A	A			A	n/a
Multifamily	B	A	n/a	n/a	n/a			n/a	n/a
Lodging	B	B	A	n/a	n/a			n/a	n/a
Mobile home/RV parks	B	B	B	B	A			B	A
Institutional									
Low intensity	A	A	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Medium intensity	A	A	A	n/a	n/a	n/a	n/a	n/a	A
High intensity	B	B	B	A	A	n/a	n/a	n/a	A
Business/Commercial									
Offices up to 50,000 sf	A	A	A	n/a	A	n/a	n/a	n/a	A
Offices greater than 50,000 sf	B	B	B	A	B	A	n/a	n/a	A
Amusement; outdoor entertainment	B	B	B	A	B	A	n/a	n/a	A
Retail, shopping centers, and restaurants up to 50,000 sf	B	B	A	A	A	A	n/a	n/a	A
Retail, shopping centers, and restaurants greater than 50,000 sf	B	B	B	A	B	A	n/a	n/a	A
Heavy commercial, including repair, contractor and automotive uses	B	B	B	A	B	A	n/a	n/a	A
Industry									
Warehousing, storage, and public utility facilities	C	C	C	C	C	B	B	A	B
Other industrial uses	C	C	C	C	C	C	C	B	B

Table 10-1B Planting Requirements By Buffer Class

Buffer Class	Width		Required trees per 100 ft
	With fence/wall	Without fence/wall	
A	10 ft	15 ft	8
B	15 ft	25 ft	10
C	25 ft	35 ft	12

Section 10.02 Screening

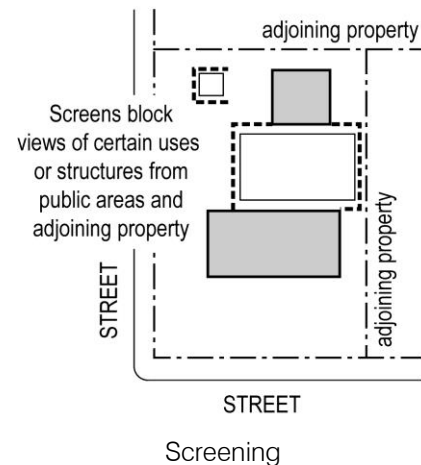
Screening provides visual separation of certain site elements from public areas and adjoining properties.

§10.02.01. *Applicability.* For all multifamily, nonresidential and mixed use developments, the following require screening:

- A. Garbage collection, recycling and refuse handling areas
- B. Maintenance areas, boilers, chillers and similar building appurtenances
- C. Outside runs for veterinary clinics, animal shelters, and kennels
- D. Outdoor storage of materials, stock, equipment, and vehicles (such as those stored for repair), not including retail display
- E. Any other uses for which screening may be required by the reviewing authority

§10.02.02. *Design Requirements.* Screening must comply with the following and as may otherwise be approved by the reviewing authority:

- A. Location should be the first consideration in screening applicable site elements. The reviewing authority may lessen screening requirements when the location of the site element obscures it from public view and from neighboring properties.
- B. Screening may not impede any drainage way or block access to any above-ground utility or fire hydrant.
- C. The method of screening, including height and materials, must sufficiently screen the site element from view. The minimum height needed is preferred.
- D. Multiple site elements may be screened together.
- E. Site elements that produce objectionable noise or odors must be located to minimize any nuisance to the public and abutting properties.



- F. Shrubs must be evergreen and spaced no more than five feet on center. If used in combination with a fence, shrubs may be deciduous and may be spaced no more than eight feet on center.
- G. Trees, when used, must be evergreen and, in the absence of a fence, must be supplemented with shrubs to create a continuous, opaque screen.

§10.02.03. Requirements for specific uses

- A. Refuse and recycling containers may not be located forward of the front building line. These containers must be screened on three sides with an opaque gate for access. The fence must be at least two feet taller than the container.
- B. Outdoor storage must be screened to a height of two feet taller than the material or equipment to be screened.
- C. Service areas, work yards, and similar uses should be located to minimize their visibility to the public and to any abutting properties to which such functions would be objectionable. Where location on site is insufficient to screen the element, required screening must be at least six feet in height.

Section 10.03 Landscaping for Vehicular Areas

§10.03.01. Applicability. These regulations apply to vehicular areas serving nonresidential, multifamily or mixed-use development of 12 or more spaces used for off-street parking and loading; vehicular storage, display, maneuvering and washing; and the dispensing of motor fuels. If the size of an existing vehicular area is increased by more than 20% or by 12 or more spaces, the new vehicular area must comply with this Section.

These standards do not apply to vehicular areas under or within a permanent structure or to parking areas in the I Industrial District more than 50 ft from any street right-of-way.

§10.03.02. Landscaping and Stormwater Management. Landscaped areas should be designed as an integral part of the development's stormwater management system. To that end, it is desirable for landscaped areas to be at a level to allow flow of stormwater from vehicular areas.

§10.03.03. Requirements

- A. Interior Landscaping. Each vehicular area must have interior landscaping, such as islands and peninsulas, covering at least 5% of the total vehicular area.
 - 1) Each separate landscaped area must be a minimum of 16 sf in area to be counted toward this requirement.
 - 2) There must be at least one tree for each 24 parking spaces. Trees must be a minimum of six feet in overall height immediately upon planting and have a minimum caliper of 1.5 inches in diameter. Trees should be evenly distributed but may not interfere with visibility at intersections.
 - 3) Interior landscaping must be protected from vehicular encroachment through curbing or wheel stops. The design should allow for stormwater drainage from paved areas into landscaped areas.
- B. Perimeter Landscaping. Where the vehicular area abuts a side or rear lot line, a landscaping strip at least five feet wide must be provided and planted with evergreen shrubs and one tree per 50 ft

of lot line. Where this overlaps or conflicts with other landscaping requirements, the greater requirement governs.

Vehicular and pedestrian connections between adjacent businesses and other compatible uses are encouraged and are subtracted from perimeter landscaping requirements.

C. Street Frontage Landscaping

- 1) A landscaped strip at least six feet wide must be located between any vehicular area and an adjoining street.
- 2) Shrubs must be evergreen and spaced no more than five feet on center. At least one tree per 50 ft of street frontage must be planted.
- 3) The landscaping strip may be reduced to five feet and no shrubs are required when a fence is provided that meets the requirements of §10.04 and that is between 2.5 to 3.5 ft tall.

Section 10.04 Design Standards for Fences

Fences used to meet the buffering, screening and any other landscaping requirements of this Article are subject to the following:

§10.04.01. Fences must be masonry, durable wood, or a combination thereof. Untreated wood, chain-link, plastic or wire fencing cannot be used to meet landscaping requirements. No more than 25% of the fence surface may be left open. The finished side of the fence must face abutting property or public views.

§10.04.02. Shrubs and trees must be planted on the exterior side of the fence.

§10.04.03. If a fence extends more than 100 ft in one direction, it must have columns of wood or masonry, which project outward from the fence surface. Columns must be spaced no greater than 50 ft on center.

Section 10.05 Landscaping Plan

A Landscaping Plan must be submitted with development applications involving required buffers, screening or landscaping. The plan must be drawn to a scale no smaller than one inch equals 50 ft and contain the information listed in the Appendix.

Section 10.06 Modifications

§10.06.01. Existing natural vegetation, which meets, in whole or in part, landscaping requirements, may be counted. However, additional planting may be required to fully achieve the requirement.

§10.06.02. Planting requirements may be modified in any of the following circumstances, as determined by the approving authority:

- A. Where impending development of adjacent property would make these standards unreasonable or impractical.
- B. Where the view from adjoining properties is blocked by a change in grade or other natural or man-made features.

- C. Where planting will not thrive due to poor soil conditions, intense shade or similar conditions that cannot be reasonably overcome.

Section 10.07 Maintenance and Irrigation

§10.07.01. All required fences must be permanently maintained in good condition and replaced or repaired as needed. Plant material must be tended and maintained in a healthy growing condition, replaced when dead and kept free of weeds, refuse and debris.

§10.07.02. Drought-tolerant, native species are recommended; otherwise, an automatic irrigation system may be required.

Article 11. NONCONFORMING USES

Section 11.01 Purpose

It is the intent of this Ordinance that nonconformities be allowed to continue, subject to the requirements of this Article, but may not be enlarged or used as grounds for adding additional nonconformities.

Section 11.02 General Provisions

§11.02.01. Except as otherwise provided in this Article, any nonconforming lot, structure or use lawfully existing on the effective date of this Ordinance, or subsequent amendment, may continue so long as it remains otherwise lawful.

§11.02.02. Nothing in this Article may be interpreted to prohibit routine maintenance, restoration of a structure to a safe condition, internal renovations and modifications, and external improvements that do not increase the scope or scale of a nonconformity.

§11.02.03. No nonconformity may be moved to any other location on the same or any other lot unless the entire structure will conform, after being moved, to all applicable regulations.

§11.02.04. No use or structure that is accessory to a nonconforming principal use may continue after the principal use ceases, unless it thereafter conforms to all applicable regulations.

§11.02.05. The burden of establishing the lawful status of a nonconforming structure or use rests with the owner.

Section 11.03 Nonconforming Lots of Record

When a lot exists at the time of adoption of this Ordinance, or any subsequent amendment, that does not include sufficient land area to enable compliance with the area and dimensional standards of the Ordinance, it is considered a nonconforming lot of record.

§11.03.01. *Effect of Single Owner:* If two or more contiguous nonconforming lots of record exist in single ownership at the time of adoption of this Zoning Ordinance or any subsequent amendment, the land involved will be considered an undivided tract of land. No portion of the tract may be sold or developed in a manner that diminishes the ability to comply with this Zoning Ordinance.

§11.03.02. *Appeal to Build on Nonconforming Lot of Record.* A nonconforming lot may be used as a building site upon approval of a variance by the Board of Zoning Adjustment. The lot area, setback and other requirements must conform as closely as possible to the requirements; and, further, provided that:

- A. The front yard setback may not be less than the average of the setbacks of existing buildings within 100 ft on each side of the lot;
- B. Unless otherwise permitted by the district, at least one side yard must be at least 10 ft in width and the other side yard not less than five feet in width;
- C. The rear yard setback may not be less than 20 ft; and
- D. Not more than one use and principal building is allowed on a nonconforming lot of record.

Section 11.04 Nonconforming Use of Land

A nonconforming use of land may not be extended to occupy greater land area or relocated, in whole or part, to another part of the land. If a nonconforming use of land ceases for 60 consecutive days for any reason, the use of the land may not be reestablished and any future use must conform to these regulations.

Section 11.05 Nonconforming Use of Structures

The nonconforming use of a structure is allowed to continue subject to the following conditions.

§11.05.01. *New Construction Must Conform to Regulations:* No additional structures may be erected that do not conform to this Ordinance and other applicable development regulations.

§11.05.02. *Enlarging Nonconforming Buildings and Structures Prohibited:* A structure may not be enlarged or altered in a manner that increases the nonconformity, but may be altered to decrease the nonconformity.

§11.05.03. *Expansion:* Extension of a nonconforming use within a structure is allowed provided the building was arranged or designed with contiguous space. Such extension is limited to within the building and may not be extended to occupy any land outside the building, including parking or loading areas required by the use of additional square footage within the building. A nonconforming use may not be expanded or relocated, in whole or part, to a non-contiguous part of a building or structure.

§11.05.04. *Repair and Restoration of Nonconforming Structures and Uses.* A nonconforming structure or use may not be rebuilt or restored except in conformance with the provisions of this Ordinance after being damaged by fire or other natural acts to the extent of 60% or more of its assessed value at the time the damage occurred. If a nonconforming building is damaged less than 60% of its assessed value at the time of damage, it may be rebuilt or restored and used provided that rebuilding or restoration is started within 12 months following the date of damage and that restoration work is diligently continued.

§11.05.05. *Termination of Abandoned Nonconforming Use.* Any nonconforming use that is discontinued for any reason for a period of 12 consecutive months may not be reestablished and any future use of the structure must comply with these regulations.

Article 12. BOARD OF ZONING ADJUSTMENT

Section 12.01 Establishment and Membership of the Board of Zoning Adjustment

The Board of Zoning Adjustment, hereinafter referred to as the "Board," is established as authorized by the Code of Alabama. The Board consists of five members appointed by the City Council. One member is appointed for a term of three years, two members for two years, and two members for one year. Thereafter, each member appointed serves for a term of three years or until a successor is appointed. Members of the Board may be removed from office by the City Council for cause upon written notification of charges and after a public hearing. Vacancies occurring for any reason are filled by the City Council for the unexpired term of the member being replaced.

Section 12.02 Powers and Duties

The Board has the following powers and duties as provided in the Code of Alabama Code, 1975, as amended.

§12.02.01. *Appeals*. To hear and decide appeals where it is alleged there is error in any order, requirements, decision or determination made by an Zoning Official in the enforcement of this Ordinance as set forth in §12.03 Appeals to the Board.

§12.02.02. *Special Exceptions*. To hear and decide request for special exceptions, as set forth in [§12.04 Special Exceptions](#), for uses as shown in [Articles 4](#) and [5](#).

§12.02.03. *Variances*. To hear and decide requests for variances from the provisions of this Ordinance in as set forth in [§12.05 Variances](#).

§12.02.04. *Abatement of Hazards and Nuisances*. To hear and issue abatement orders for hazards and nuisances related to development as provided in [§12.09 Abatement of Hazards and Nuisances](#).

Section 12.03 Appeals to the Board

Appeals to the Board may be taken by any person aggrieved or by any officer, department or board of the City affected by any decision of the Zoning Official. Appeals must be made in writing to the Board within 30 days after rendition of the order, requirement, decision or determination appealed. This does not, however, restrict the filing of a request for a Special Exception or variance by any person at any time as provided for elsewhere in this Article.

§12.03.01. *Procedure*. The Zoning Official must transmit to the Board all the papers constituting the record upon which the action appealed from was taken. An appeal stays all proceedings in furtherance of the action appealed from, unless the Zoning Official certifies to the Board, after the appeal has been filed, that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings may not be stayed by other than a restraining order, which may be granted by the Board or by a court of record on application or notice to the Zoning Official and on due cause shown.

§12.03.02. *Hearing on Appeal*. Before rendering a decision, the Board must hold a public hearing for which a reasonable time is set. Public notice must be given as well as due notice to the parties in interest. During the hearing any party may appear in person or by agent or by attorney. The Board may require the person appealing to send notice by general mail to the property owners within a reasonable area not to exceed a distance of 300 ft from the property involved and a minimum due

notice must be sent to abutting property owners. The mailing requirement to owners is based on the most current county assessment role.

Section 12.04 Special Exceptions

In granting any Special Exception, the Board must find that the grant will not adversely affect the public interest. A decision may be made only after receipt of a written advisory report from the Zoning Official and a public hearing conducted by the Board.

§12.04.01. *Criteria.* The Board uses the following criteria in its review of Special Exceptions:

- A. That the use is permitted as a Special Exception within the applicable district.
- B. That the use is designed, located and proposed to be operated in a manner that the public health, safety, welfare and convenience will be protected.
- C. That the use will not cause substantial injury to the value of other property in the adjoining neighborhood.
- D. That the use will be compatible with adjoining development and the proposed character of the applicable district.
- E. That adequate landscaping, screening and buffers are provided to protect neighboring properties from the nuisance of visual intrusions of activities or structures that would detract from the enjoyment of adjoining properties.
- F. That adequate off-street parking and loading is provided, that ingress and egress will cause minimal interference with traffic on abutting streets and that heavy traffic is not introduced on residential streets.
- G. That the use conforms to all applicable regulations of the applicable district.

§12.04.02. *Conditions.* The Board may prescribe any safeguards or conditions it deems necessary to secure substantially the objectives of this Ordinance. Violation of these conditions and safeguards are considered a violation of this Ordinance. The Board may prescribe a reasonable time limit within which the action for which the Special Exception is requested must be started or completed or both.

Section 12.05 Variances

Any property owner may apply for a variance from the requirements of this Ordinance where it is claimed that, by reason of exceptional narrowness, shallowness, or shape or by reason of exceptional topographic conditions, or other exceptional conditions of such property existing at the time of the adoption of this Ordinance, the strict application and literal enforcement of this Ordinance would result in unnecessary hardship.

It is the intent of this Ordinance that Variances be used only to overcome some physical condition of a property, which poses a practical difficulty to its development and prevents its owner from using the property in conformance with this Ordinance.

§12.05.01. An application must be filed on forms made available by the City at least 14 calendar days before the scheduled hearing date before the Board.

§12.05.02. The applicant must establish and substantiate that the Variance, if granted, will conform to all the criteria listed below:

- A. The variance will not permit the establishment of a use that is not otherwise permitted in the applicable district.
- B. There are unique conditions applicable to the land or building that do not apply generally to land or buildings in the vicinity, and which conditions are such that the strict application of this Ordinance would deprive the applicant of reasonable use of such land or buildings.
- C. There is proof of an unnecessary hardship suffered directly by the property in question resulting from the application of this Ordinance. The granting of variances under similar conditions on other properties is not sufficient evidence alone to prove an unnecessary hardship. Nor is it sufficient to show that greater value or profit would result. An unnecessary hardship is not self-created; nor can it be established on this basis by one who purchases the property with or without knowledge of the restrictions.
- D. The variance will not impair an adequate supply of light and air to adjacent property, substantially increase congestion in the public streets, increase the danger of fire, endanger the public safety, or substantially diminish or impair the value of adjacent properties.
- E. The variance will not grant the applicant any privilege denied by this Ordinance to other land or structures in the same zoning district.
- F. The variance as requested is the minimum variance that will enable the reasonable use of the property.
- G. The variance will be in harmony with the general purpose and regulations of the district, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

§12.05.03. *Conditions.* In granting a variance, the Board may prescribe any safeguards or conditions it deems necessary to secure substantially the objectives of the provisions of this Ordinance.

Section 12.06 Decisions of the Board of Zoning Adjustment

The concurring vote of at least four members is necessary on any matter brought before the Board.

Section 12.07 Proceedings

§12.07.01. *By-laws.* The Board adopts rules, in keeping with the provisions of this Ordinance, necessary for the conduct of its affairs.

§12.07.02. *Meetings.* Meetings are held at such times as the Board may determine or upon special call by the Chairman.

§12.07.03. *Minutes.* The Board keeps minutes to record its examinations and other official actions, showing the vote, or if absent or failing to vote, for each member upon each question before the Board. The Board minutes are a public record and are filed in the office of the Zoning Official.

Section 12.08 Appeal from Action of the Board

Any person aggrieved by any final decision of the Board may appeal to a court of competent jurisdiction by filing with the Board a written notice of appeal specifying the decision upon which the appeal is based. Upon receipt of notice of appeal the Board will have a record of the proceedings certified to the Court.

Section 12.09 Abatement of Hazards and Nuisances

§12.09.01. *Purpose.* The Board may require the conduct of any conforming or nonconforming use that results in any smoke, noise, radio interference, odor or other hazard or nuisance to an adjoining and nearby property to be changed to abate the hazard or nuisance.

§12.09.02. *Criteria*

- A. Noise emanating from any use or operation may not exceed five decibels above the ambient level of the area as measured by instruments at the property line and may not be normally perceptible without instruments at a distance of 100 ft from the structure.
- B. No use may create an odor in such quantity as to be readily detectable at the boundaries of the site. All dust and fumes must be effectively confined and disposed of in a manner to avoid air pollution.
- C. Except during construction, all refuse and waste materials must be stored within structures or screened receptacles prior to collection. No materials or waste may be stored in such a manner that may it be transferred off site by natural forces or causes. On-site disposal is prohibited.

§12.09.03. *Procedure.* The Board may direct the Zoning Official to issue an abatement order providing:

- A. A signed petition is filed by any person affected by the hazard or nuisance or initiated by the Board
- B. Notice of a public hearing is sent by certified mail to the owners or operators of the use causing the nuisance or hazard and advertised in a newspaper of general circulation
- C. A public hearing is held by the Board to consider issuance of the abatement order. An abatement order may only be directed by the Board after receiving reasonable evidence of the hazard or nuisance. Upon receipt of such order the hazard or nuisance must be abated by the owners and operators.

Article 13. AMENDMENT

Section 13.01 Methods to Initiate Amendments

The City Council, may from time to time, revise the regulations or modify the boundaries of districts based upon: i) petition by an owner or their agent accompanied by a recommendation from the Planning Commission; ii) a recommendation of the Planning Commission; or iii) its own motion. Amendments must follow public notice and hearing requirements in accordance with the Code of Alabama of 1975, as amended.

Section 13.02 Procedure.

§13.02.01. *Planning Commission*. Regardless of the source of the proposed change the Planning Commission must first prepare a preliminary report, hold a public hearing thereon, and submit a final report to the City Council.

§13.02.02. *Petition by Property Owners*. Whenever the owner of any property desires a change in zoning classification, a change of the conditions or regulations of any district or any other provision of this Ordinance, he must make application to the City Clerk on a form provided by the City with the appropriate fee, as set from time to time by the Council. The application must be accompanied by any necessary information supporting the request.

Section 13.03 Public Hearings and Notice

Note: Additional information on the rezoning process is included in the Appendix.

§13.03.01. *Planning Commission*. The City Council will hold its public hearing and take action on an amendment only after it has received a final report from the Commission. The Commission must hold a public hearing before submitting its report to the Council. If no recommendation is received from the Commission within 60 days of the date of application, the Council may proceed to hold a public hearing. For property owner rezoning requests, if the Commission does not make a recommendation to the Council within 60 days of the public hearing, the Commission will be considered to have approved the request.

§13.03.02. *Mailed Notice*. At least 15 days prior to the Commission's public hearing, notice is sent to owners of property lying within 300 ft of the concerned property. Notice is served by posting the same, postage paid, in the United States Post Office, to owners of record as their name and address appear on the last approved tax roll of Clarke County.

§13.03.03. *City Council*. Within a reasonable time after receipt of the Commission's final report or after 60 days of the date of the application, the Council will cause the proposed amendment to be published, hold a public hearing on the request and take action on the proposed amendment.

§13.03.04. No action may be initiated for a zoning amendment affecting the same parcel more often than once every twelve months; provided, by resolution of the Council that such action may be initiated at any time.

§13.03.05. Both the Council and Commission must, at a minimum, consider the following criteria on all amendments to the official zoning map:

- A. Whether the rezoning will permit a use that is suitable in view of the use and development of adjacent and nearby property
- B. Whether the rezoning will adversely affect the existing use or usability of adjoining or nearby property
- C. Whether the concerned property has a reasonable economic use as currently zoned
- D. Whether the rezoning will result in excessive or burdensome use of existing streets, transportation facilities, utilities or schools
- E. Whether the rezoning conforms to the most recently adopted land use plan
- F. Whether there are other existing or changing conditions affecting the use and development of the property that give supporting grounds for either approval or disapproval of the zoning proposal.

Article 14. ADMINISTRATION AND ENFORCEMENT

Section 14.01 Enforcing Officer

The provisions of this Ordinance are administered and enforced by the Zoning Official. The Zoning Official has the right to enter on any land, building, structure, or parts thereof, at any reasonable time prior to the issuance of Certificate of Occupancy for the purpose of making inspections necessary to carry out duties related to the enforcement of this Ordinance and other applicable development regulations.

Section 14.02 General Sequence of Steps.

All persons desiring to undertake any excavation or development must apply to the Zoning Official for a Building Permit and Certificate of Occupancy, or statement of zoning compliance, by an appropriate application and required fee. If the proposal requires Development Plan Review no Building Permit or Certificate of Occupancy may be issued until the plan has been approved by the Planning Commission. Upon receipt of an application, and following Development Plan approval, when required, the Zoning Official will issue or refuse to issue a Building Permit or refer the application to the Board of Zoning Adjustment.

After the Building Permit has been issued, the applicant may proceed. If the Zoning Official finds that the action of the applicant has been taken in accordance with the Building Permit, a Certificate of Occupancy will then be issued allowing the premises to be occupied or a statement of zoning compliance will be issued.

Section 14.03 Building Permit Required

It is unlawful to: i) commence excavation or construction of any structure; ii) store building materials; iii) erect temporary field offices; iv) commence the moving, alteration, or repairs exceeding \$1,500.00 in costs (except painting; wall papering, replacement of appliances and temporary emergency repairs such as holes in walls or roof caused by natural acts); or v) other repairs, regardless of cost, that change the character of any structure until the Zoning Official has issued a Building Permit.

The Zoning Official may not approve any plans or issue a Building Permit for any excavation or development until the plans have been inspected and found in conformance with this Ordinance and other applicable regulations.

Section 14.04 Building Permit Application

Building permit applications are made to the Zoning Official on forms provided for that purpose. The application must include all documentation required by the City. It is the responsibility of the applicant, to provide sufficient detail to enable the Zoning Official to determine whether the proposal complies with this Ordinance and other applicable regulations.

Section 14.05 Review Procedures

§14.05.01. *Pre-submission Conference*. Prior to the submission of a development application, the applicant is encouraged to confer with the Zoning Official.

§14.05.02. *Administrative Examination*. The Zoning Official has ten working days following submission of an application to determine that the application is complete.

§14.05.04. *Type of Review.*

- A. Administrative Review. All proposals involving one principal structure that are limited to residential use, fully meet all requirements and do not involve land dedication or acceptance of maintenance only require Administrative Review by the Zoning Official. Upon determination that all requirements are met, the site and building plans are subject to the Building Permit process and applicable code enforcement procedures.
- B. Development Plan Review. If a proposed development includes one or more of the following, the Development Plan must be reviewed and approved by the Commission:
 - 1) One or more conditional uses must be considered by the Commission
 - 2) The proposal involves nonresidential uses
 - 3) More than one principal structure will be located on the same lot
 - 4) Land will be subdivided for the proposal
 - 5) Development will be phased
 - 6) Land is being proposed for dedication or for city maintenance.
- C. If any special exceptions, variances or other actions are required by the Board, those decisions must be forwarded to the Commission before it makes a final decision on a Development Plan.
- D. The Commission must review the proposal, including any special exceptions or variances decided by the Board, to determine if additional conditions are needed to maintain harmony between the proposal and the surrounding area and to protect neighboring uses. After finding that all requirements are met or appropriate conditions are attached, and providing that no land dedication or acceptance of maintenance is required, the Commission will approve and submit the proposal to the Zoning Official for the processing of Building Permits and code enforcement procedures.
- E. If a development proposal involves acceptance of property dedication or maintenance responsibility, final approval is contingent on acceptance by the City Council and, when appropriate, recording of the dedicated land.

§14.05.05. *Development Plan Recording.* The original copy of the development plan is maintained by the Zoning Official. When land dedication, restrictive covenants or special features such as architectural review requirements are included a certified copy of the approved development plan and all related legal documents are recorded with the Clarke County Probate Office. The approved and signed plan is binding on the developers and owners for purposes of enforcement. The approved Development Plan and related legal documents are also used as the basis for the issuance of appropriate permits and certificates. Two copies of the approved plan are returned to the applicant.

§14.05.06. *Amendment or Withdrawal of the Development Plan.* Following the same procedures and requirements, any applicant can request an amendment to an approved development plan. Requests for withdrawal of partially completed developments are only permitted if the original development was phased. All structures and uses under the amended, or remaining under a partially withdrawn development plan, are subject to all the conditions and regulations of the applicable zone.

Section 14.06 Building Permit Decision and Duration

§14.06.01. *Effect of Building Permit Approval.* If the proposed excavation or development, as set forth in the application, is in conformance with this Ordinance and other applicable development regulations, the Zoning Official will issue a Building Permit. If the proposed excavation or development has special conditions attached by either the Board or the Commission, those conditions are considered part of the proposal. Issuance of a Building Permit may not be construed as waiving any provision of this Ordinance, conditions attached to the approval, or any other applicable development regulation.

§14.06.02. *Denial of Building Permit.* If a Building Permit is not approved, the Zoning Official must notify the applicant in writing of the reason for disapproval.

§14.06.03. *Duration of Building Permit.* A Building Permit will become invalid if the work authorized is not begun within six months of the date issued, or if the work is not diligently pursued for a period of 12 consecutive months.

Section 14.07 Conditional Uses

Conditional uses are those that have some special effect, which differs from the potential impacts of permitted uses or exceeds them in intensity, or have uniqueness such that their effect upon the surrounding environment cannot be determined in advance of a use being proposed in a particular location. As such, conditional uses must be reviewed in terms of existing zoning and land uses in the vicinity of the proposed use: whether, and to what extent the use at the proposed location is consistent with the Comprehensive Plan, the intent of this Ordinance, and any other development policies and/or regulations of the City; and whether and to what extent all steps possible have been taken by the developer to minimize adverse effects of the use on the immediate vicinity and on the public health, welfare and safety in general.

§14.07.01. All conditional uses require application to and approval by the Commission. The application must be filed at least 20 working days prior to the date on which it is scheduled to be heard by the Commission, and must include a Development Plan in accordance with the submittal requirements in the Appendix. At least 15 working days prior to the scheduled Commission hearing, the City must give written notice to all adjoining property owners.

§14.07.02. The Commission will review the proposed conditional use for compliance with this Ordinance and other applicable regulations, and for compatibility with the purposes of the applicable zoning district. In particular the Commission must determine that satisfactory provisions have been made concerning the following:

- A. Access to and from the property and the proposed structure and/or uses, with particular attention to vehicular and pedestrian safety and convenience, traffic flow and control, and emergency access
- B. The location and accessibility of off-street parking and loading areas
- C. The location and accessibility of refuse and service areas and their potentially adverse effects upon surrounding properties
- D. The screening and buffering of potentially adverse views and activities from surrounding properties
- E. Control of noise, glare, odor, surface water runoff, and other potentially disturbing impacts upon surrounding properties

- F. The availability, location, and capacity of utilities
- G. The location and scale of signs and lighting with particular reference to traffic safety, glare, and visual compatibility with surrounding properties
- H. The bulk, density, and lot coverage of structures, and yards and open areas, with reference to their compatibility with the character of the surrounding area

§14.07.03. The Commission may impose conditions it deems necessary to protect the public interest and further the purposes of this Ordinance, in relation to the items listed above and to any other factor it deems relevant. Such approval and conditions are attached to the property, structure, and/or use for which conditional use is approved and not to a particular person. Violations of conditions attached to any conditional use are considered violations of this Ordinance.

§14.07.04. Within 60 calendar days of the public hearing, unless an extension of time is agreed to by the applicant, the Commission must approve the application for a conditional use, approve it with conditions, or deny it. Failure of the Commission to act on an application within this timeframe constitutes approval.

Section 14.08 Certificate of Occupancy Required

§14.08.01. *Certificate of Occupancy Required.* No land, structure, or part thereof, may be occupied or used until the Zoning Official has issued a Certificate of Occupancy.

§14.08.02. *Inspection for a Certificate of Occupancy.* The owner or appropriate agent must notify the Zoning Official that land, structure, or part thereof, is ready for occupancy or use. Within three days after notification the Zoning Official must make a final inspection and determine if the land, structure, or part thereof, conforms to this Ordinance and other applicable development regulations

§14.08.03. *Issuance of a Certificate of Occupancy.* If all applicable regulations are met, the Zoning Official will issue a Certificate of Occupancy stating that the land, structure, or part thereof, conforms to applicable development regulations and may be used or occupied.

§14.08.04. *Denial of a Certificate of Occupancy.* If a Certificate of Occupancy is denied, the Zoning Official must notify the applicant and state, in writing, the reason for disapproval.

Section 14.09 Phased Development

§14.09.01. *Single Phase Development Assumed.* If no phasing schedule is submitted with the application, then the proposed project is considered to be a single phase development.

§14.09.02. *Criteria for Phased Development.* Phased development of projects is allowed under the following conditions.

- A. Off-site improvements (e.g. access points) must be completed in the first phase of development.
- B. Each on-site phase must be independent of other phases so that completed phases of the project can be completely utilized. All on-site improvements must be made as required for the completion of later phases. No infrastructure may be undersized based on phasing of the development. The phased development of all infrastructure, structures and uses must be detailed as a part of the phasing plan.

- C. A phasing schedule must be provided with the Development Plan application. The schedule must include the number of phases and dates when the various phases will begin and be completed.
- D. Construction of successive phases may not be permitted until the current phase is at least 85% complete as determined by the Zoning Official.
- E. Time limits on phased development are as follows.
 - 1) Construction of a multiple phase development must commence within six months of Building Permit approval.
 - 2) Projects must be diligently continued and completed in accordance with the phasing plan unless an extension is granted by the Commission.
 - 3) Under no circumstances may development of any one phase of a multiple phase project exceed two years from initiation of construction.

Section 14.10 Remedies

When any land, structure, or part thereof, is erected, constructed, reconstructed, altered, repaired, converted or maintained, and used in violation of this Ordinance: i) the Zoning Official; ii) any other appropriate authority; or iii) any adjacent or neighboring property owner who would be damaged by the violation, may institute injunction, mandamus, or other appropriate actions, proceedings or other remedies to prevent unlawful excavation or development and to correct or abate the violation or to prevent the use or occupancy of the land, building, structure, or part thereof.

Prior to any criminal prosecution, the Zoning Official must give written notice or citation to the person or other entity violating this Ordinance stating the regulation being violated and notifying the person or entity to cease and desist the violation immediately. Otherwise, the person or entity will be prosecuted as provided herein.

Section 14.11 Penalties

Any person violating any provision of this Ordinance or other applicable development regulation will, upon conviction, be fined not less than \$10.00, nor more than \$500.00 and court costs for each offense. Each day the violation continues will constitute a separate offense.

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Article 15. LEGAL PROVISIONS

Section 15.01 Savings Clause

All portions of this Ordinance are severable. If any article, section, portion or clause of this Ordinance is held to be unconstitutional or invalid by any court of competent jurisdiction, such decision may not affect the validity of any other clause, portion, section or article of this Ordinance.

Section 15.02 Conflicting Ordinances

The existing Zoning Ordinance of the City and all subsequent amendments conflicting with this revision of the Zoning Ordinance are hereby repealed upon the effective date of this ordinance.

Section 15.03 Effective Date

This Zoning Ordinance takes effect and will be in force from and after its passage and adoption this **13th** day of **August, 2019**.

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APPENDIX

EXHIBIT A – Rezoning Application

EXHIBIT B - Sample Map for Inclusion With Proposed Property to be Rezoned

EXHIBIT C - Sample Legal Notice Regarding Public Hearing by Planning Commission

EXHIBIT D - Sample Legal Advertisement Regarding Public Hearing By City Council

EXHIBIT E - Sample Registered Letter Sent to Property Owners of Adjacent Property

Procedural Information for Zoning Amendments

EXHIBIT A REZONING APPLICATION

CITY OF JACKSON, ALABAMA

1. Address of property to be rezoned:	
2. Legal description of subject property:	
3. Names and addresses of record property owners immediately adjacent to property to be rezoned:	
4. Current zoning classification:	
5. Requested zoning classification:	
6. Is there an immediate specific use for this property? If so, describe:	
7. Description of buildings or other improvements to be constructed on this property:	
8. Approximate date contemplated construction to begin, if applicable:	

I am the owner of the herein described property. It is warranted in good faith by the applicant whose name is signed hereto that all the above facts are true and correct, and that applicant agrees to pay advertising cost of \$25.00 (attached to this application).

Date	Owner	Date	Applicant, if other than owner
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Note:

(1) Please file original and five copies.

(2) Attach drawing of property and proposed building with yard setbacks and parking plan, for multifamily, nonresidential and mixed-use developments.

(3) If the owner does not own the property in fee simple, the mortgagor must sign the application.

EXHIBIT B SAMPLE MAP FOR INCLUSION WITH PROPOSED PROPERTY TO BE REZONED

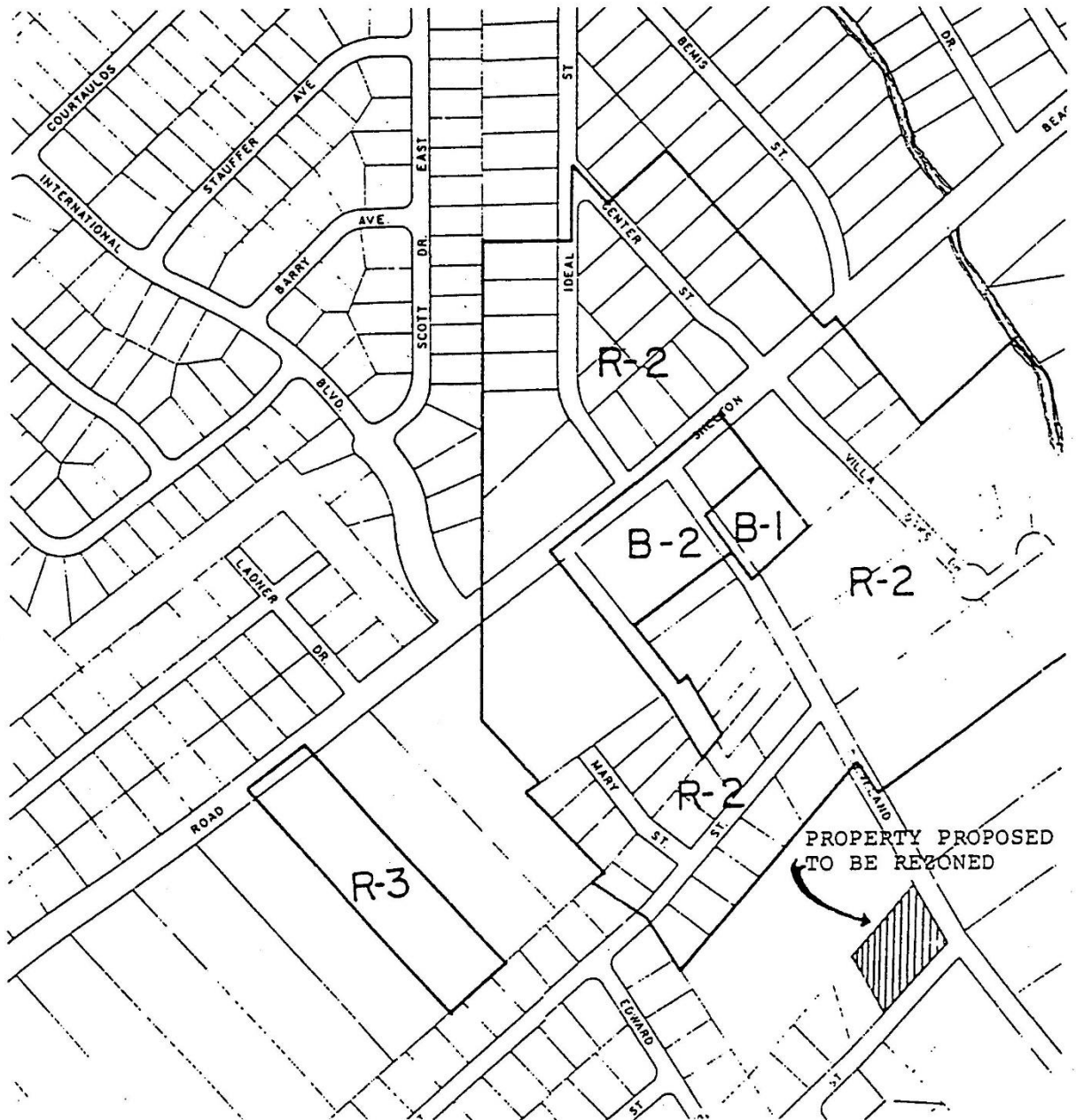


EXHIBIT C SAMPLE LEGAL NOTICE FOR PUBLIC HEARING BY PLANNING COMMISSION

NOTICE IS HEREBY GIVEN to the interested public, that a public hearing will be held on the _____ day of _____, 20____ at AM/PM in the City Hall of Jackson, Alabama, by the Planning Commission concerning the request to rezone from _____ to _____, submitted by _____ the following described property.

INSERT LEGAL DESCRIPTION

Interested public should attend this meeting of the Planning Commission.

Signed _____

Recording Secretary

EXHIBIT D SAMPLE LEGAL ADVERTISEMENT FOR PUBLIC HEARING FOR REZONING

NOTICE IS HEREBY GIVEN to the interested public, that a public hearing will be held on the _____ day of _____, 20____ at AM/PM in the City Hall of Jackson, Alabama, by the Jackson City Council concerning the request to rezone from _____ to _____ submitted by _____ the following described property.

INSERT LEGAL DESCRIPTION

ed public should attend this public hearing.

Interest

EXHIBIT E SAMPLE REGISTERED LETTER SENT TO ADJACENT PROPERTY OWNERS

JACKSON, ALABAMA

DATE:

Mr. and Mrs. John H. Jones
#2 Exciting Skeet
Jackson, Alabama

Dear Mr. and Mrs. Jones:

A public hearing is scheduled by the Jackson City Council for _____ 20_____, at
PM at the City Hall. The purpose of this meeting will be to consider rezoning from
_____ to _____ property owned by
_____ which is immediately adjacent to your property.

The legal description of this property is as follows:

"Lot 14 and 15 in Unit 4, Delwood Subdivision recorded in Plat Book 110, Page 36 in the records of the
Clarke County Courthouse. This property measures 120 ft on Shelton Beach Road by 100 ft deep."

You are cordially invited to attend this meeting regarding this rezoning proposal.

Yours truly,

City Clerk
City of Jackson, Alabama

PROCEDURAL INFORMATION FOR ZONING AMENDMENTS

1. Property owner-initiated Rezoning Process

A. Upon receipt of the application for rezoning, copies of the application are distributed as follows:

- 1) The original and one copy are sent to the Planning Commission Recording Secretary.
- 2) One copy is retained by the Zoning Official who reviews the application and submits written comments to the Commission prior to the regularly scheduled Commission meeting at which the application will be considered.
- 3) One copy is sent to the Utility Department to review the application and submit written comments prior to the regularly scheduled Commission meeting at which the application will be considered.
- 4) The Zoning Official sends a letter and a copy of the application to all Commission members.

Note: The rezoning process initiated by a property owner continues at paragraph 2.A.2 below.

2. Commission Initiated Amendment Process

A. The City Clerk publishes a legal notice in the local newspaper specifying:

- 1) The date, time, and location of the public hearing on the proposed amendment;
- 2) If the amendment is a rezoning (map amendment):
 - a) The notice will include: i) a description of the property to be rezoned; ii) the current zoning; and iii) the proposed zoning.
 - b) The Zoning Official will place a sign on the property advising the public of the Commission's public hearing date, time and place.
- 3) If the amendment is a change of regulations, the notice will include:
 - a) Identification of the sections of the Zoning Ordinance to be amended;
 - b) A synopsis of the intent of the amendment; and
 - c) The proposed language of the amendment.

3. Procedure for Council Consideration of Amendment

A. The time, date, and place for a public hearing to be held by the Mayor and Council is set. (See Exhibit D – Sample Legal Advertisement Regarding Public Hearing by City Council)

B. The City Clerk will:

- 1) Publish a notice regarding the proposed rezoning in accordance with the requirements of state law; and
- 2) Send registered letters to all the immediately adjacent property owners of record. (See Exhibit E – Sample Registered Letter Sent to Property Owners of Adjacent Property)

- 3) When an amendment is approved by the City Council the City Clerk will:
 - a) If a district rezoning, have the Zoning Map amended within 60 days.
 - b) If an amendment of regulations, have the text of the Zoning Ordinance in the copies maintained by the Zoning Official and City Clerk amended within 30 days.