

City of Alabaster Zoning Ordinance

**Ordinance Number 99-010
Amended by Ordinance Number 05-Z-07**

**Adopted By the Alabaster City Council
September 21, 1999**

TABLE OF CONTENTS

ARTICLE I	SHORT TITLE	1
ARTICLE II	PURPOSE AND METHOD	1
Section 1.0	Purpose	1
Section 2.0	Method	1
2.1	Zoning Districts	2
2.2	Zoning map	3
2.3	Interpretation of District Boundaries	3
ARTICLE III	ADMINISTRATION AND REVIEW PROCEDURES	3
Section 1.0	General Administration	3
1.1	Building Permit	4
1.2	Review of Building Permit Applications	4
1.3	Certificate of Occupancy	5
1.4	Expiration of Building Permit	5
1.5	Unlawful Structure	5
1.6	Penalties	5
1.7	Remedies	6
1.8	City Not Subject to Ordinance	6
Section 2.0	Zoning Amendments	6
2.1	Rezoning by Petition	6
2.2	Initiation of Zoning Amendments by the City	8
Section 3.0	Board of Zoning Adjustment	8
3.1	Administrative Appeal	8
3.2	Special Exception Uses	9
3.3	Variances	10
3.4	Rules of Procedure	11
3.5	Appeals from a Decision of the Board	11
ARTICLE IV	DEFINITIONS	11
ARTICLE V	GENERAL REGULATIONS	23
Section 1.0	General Use Requirements	23
1.1	Application of this Ordinance	23
1.2	Except as Otherwise Provided By This Ordinance	23
1.3	Public Utilities	24
Section 2.0	Nonconforming Uses of Land and Buildings	24
2.1	Continuance	25
2.2	Restoration to Safe Condition	25
2.3	Restoration After Damages	25

2.4	Abandonment	25
2.5	Change in Use	25
2.6	Structures Conforming to District Regulations But Not Other Regulations	25
2.7	Non Conforming Dwellings	25
2.8	Property Zoned RPG	26
Section 3.0	Annexed Property	26
Section 4.0	Abandoned Right-of-Way	26
Section 5.0	Area Modification for Lots of Record	26
Section 6.0	General Yard Modifications	26
Section 7.0	Height Modifications	27
Section 8.0	Porches, Terraces, Balconies, Cornices, Eaves and Accessory Structures	27
Section 9.0	Storm Drainage and Flooding	28
 ARTICLE VI ZONING DISTRICTS		 29
Section 1.0	Agriculture District (A)	29
Section 2.0	Single Family Estate District (E)	31
Section 3.0	Single Family District (R-1)	32
Section 4.0	Single Family District (R-2)	33
Section 5.0	Single Family District (R-3)	34
Section 6.0	Residential Patio/Garden District (R-4)	36
Section 7.0	Two-Family District (R-5)	37
Section 8.0	Multifamily District (R-6)	38
Section 9.0	Townhouse District (R-7)	39
Section 10.0	Manufactured and Mobile Home District (R-8)	40
Section 11.0	Institution District (I)	42
Section 12.0	Office District (B-1)	44
Section 13.0	Neighborhood Business District (B-2)	46
Section 14.0	Community Business District (B-3)	49
Section 15.0	General Business District (B-4)	52
Section 16.0	Central Business District (B-5)	53
Section 17.0	Light Industrial District (M-1)	55
Section 18.0	Heavy Industrial District (M-2)	57
Section 19.0	Planned Development District (PDD)	59
Section 20.0	Mobile Home Park and Subdivision District (MHD)	70
Section 21.0	Municipal Reserve (MR)	74
Section 22.0	Mixed Use District	74
 ARTICLE VII SUPPLEMENTAL REGULATIONS		 79
Section 1.0	Fences and Walls	79
Section 2.0	Temporary Structures, Building Material Storage and Disposal of Waste	80

Section 3.0	Outdoor Storage of Recreational and Other Vehicles	81
Section 4.0	Storage of Inoperable Motor Vehicles	81
Section 5.0	Keeping of Animals	82
Section 6.0	Swimming Pools	82
Section 7.0	Private Tennis Courts	83
Section 8.0	Sidewalks	83
Section 9.0	Storage and Dispensing of Combustible and Flammable Liquids	83
Section 10.0	Each Business to be Located in Permanent Building	84
Section 11.0	High Traffic Corridors	84
Section 12.0	Gasoline Service Stations	84
Section 13.0	Exterior Lighting	85
Section 14.0	Garbage and Trash Containers	87
Section 15.0	Mobile Buildings and Modular Homes	87
Section 16.0	Self-Service Storage Facilities	87
Section 17.0	Industrial Park Requirements	89
Section 18.0	Home Occupations	90
 ARTICLE VIII WIRELESS TELECOMMUNICATIONS FACILITIES		 91
Section 1.0	Intent	91
Section 2.0	Definitions	91
Section 3.0	Permit Requirements	92
Section 4.0	Zoning Use Requirements	92
Section 5.0	Co-Location	95
Section 6.0	Appearance	96
Section 7.0	Accessory Structures	96
Section 8.0	Non Vegetative Screening	96
Section 9.0	Buffers	97
Section 10.0	Lighting	97
Section 11.0	Access	97
Section 12.0	Environmental Impact	97
Section 13.0	Safety	98
Section 14.0	Removal of Abandoned Towers	98
 ARTICLE IX OFF-STREET PARKING AND LOADING REQUIREMENTS		 99
Section 1.0	Parking Requirements For Specific Uses	99
Section 2.0	Rules in Applying Off-Street Parking Standards	102
Section 3.0	Loading Area Requirements	104
 ARTICLE X SIGN REGULATIONS		 105
Section 1.0	Purposes	105
Section 2.0	Permits, Fees, and Inspections	106
Section 3.0	Signs Permitted in the A, E, R-1, R-2, R-3,	

	R-4, R-5, R-7 and R-8 Districts	107
Section 4.0	Signs Permitted in the R-6 and MHD Districts	108
Section 5.0	Signs Permitted in the Institution, B-1, B-4, M-1 and M-2 districts	108
Section 6.0	Signs Permitted in the B-2 District	109
Section 7.0	Signs Permitted in the B-3 District	110
Section 8.0	Signs Permitted in the B-5 District	112
Section 9.0	Signs Permitted in the PDD	112
Section 10.0	Signs permitted in the MXD	112
Section 11.0	Free Sanding Signs Generally	113
Section 12.0	Off-Premise Signs and Billboards	113
Section 13.0	Substitution of Messages	114
Section 14.0	Signs Permitted in the Public Right-of-Way	114
Section 15.0	Signs Prohibited	115
Section 16.0	Permit Exception, Exempt, and Temporary Signs	116
Section 17.0	Non-conforming Signs	120
Section 18.0	Other Effects	121
Section 19.0	Other Provisions	122
ARTICLE XI	LANDSCAPING AND BUFFERS	123
Section 1.0	Intent	123
Section 2.0	Landscaping for Dwellings	123
Section 3.0	Buffers	124
Section 4.0	Landscaping for Parking and Vehicle Areas In High Traffic Corridors	125
Section 5.0	Maintenance and Irrigation	126
Section 6.0	Shade Tree List	127
Section 7.0	Landscaping Plan	127
Section 8.0	Enforcement	128
ARTICLE XII	LEGAL STATUS PROVISIONS	128
Section 1.0	Interpretation and Purpose	128
Section 2.0	Severability Clause	129
Section 3.0	Effective Date	129

AN ORDINANCE, IN PURSUANCE OF THE AUTHORITY GRANTED BY TITLE 11, CHAPTER 52, ARTICLE 4, CODE OF ALABAMA, 1975, AS AMENDED AND SUPPLANTED BY ALL APPLICABLE LAWS TO PROVIDE FOR THE ESTABLISHMENT OF DISTRICTS WITHIN THE CORPORATE LIMITS OF ALABASTER, ALABAMA: TO REGULATE WITHIN SUCH DISTRICTS THE HEIGHT, NUMBER OF STORIES, AND SIZE OF BUILDINGS AND OTHER STRUCTURES, THE PERCENTAGE OF LOTS THAT MAY BE OCCUPIED, THE SIZE OF YARDS AND OTHER OPEN SPACES, THE DENSITY OF POPULATION AND USE OF BUILDINGS, STRUCTURES AND LAND: TO REPEAL ALL EXISTING ZONING ORDINANCES AND TO PROVIDE METHODS OF ADMINISTRATION OF THIS ORDINANCE AND PENALTIES FOR THE VIOLATION THEREOF.

THE PUBLIC WELFARE REQUIRING IT, be it ordained by the City of Alabaster, Alabama, as follows:

ARTICLE I. SHORT TITLE

This Ordinance shall be known as the "Zoning Ordinance of Alabaster, Alabama," and the map herein referred to, identified by the title "Zoning Map of Alabaster, Alabama," shall be further identified by the signature of the Mayor of Alabaster and attested by the City Clerk. The zoning map of Alabaster is hereby adopted and made a part of this Ordinance. Said zoning map shall zone only territory within Alabaster. Such map is filed with the Clerk of Alabaster at the time of the introduction of this Ordinance, will remain on file in the office of the said Clerk and upon the adoption of the Ordinance, said map will show by endorsement thereon the date of such adoption.

ARTICLE II. PURPOSE AND METHOD

Section 1.0. Purpose.

The fundamental purpose of this Ordinance is to promote the public health, safety, morals and general welfare; to provide for the orderly development and growth of Alabaster; to avoid congestion on the public roads and streets; to conserve life, property and natural resources and the expenditure of funds for public improvements and services to conform with the most advantageous uses of land, resources and properties, for the general good and benefit to the people of Alabaster.

Section 2.0. Method.

For the purpose hereinafter stated, the City of Alabaster is divided into districts of such number, shape and area, and of such common unity of purpose, adaptability or use, which are deemed most suitable to provide for the best general civic use, protect the common rights and interests within each district, preserve the general rights, and interests of all; and by further regulations to limit the location, uses and occupancy of buildings, structures and land to be used for trade, industry, residence or other

structures, including the ratio of lots occupancy and coverage, street setback lines, sizes of yards, and other open spaces.

2.1. *Zoning districts.* In order to classify, regulate, and restrict the location of buildings designed for specific uses, to regulate and limit the height and bulk of buildings hereafter erected or structurally altered, to regulate and limit the intensity of the use of the land area, and to regulate and determine the areas of open spaces within and surrounding such buildings, the City of Alabaster, Alabama, is hereby divided into the following zoning districts:

2.11. A Agriculture District.

2.12. Residential Districts.

- A. Estate District.
- B. R-1 Single-Family Residential District.
- C. R-2 Single-Family Residential District.
- D. R-3 Single-Family Residential District.
- E. R-4 Residential Patio/Garden Home District.
- F. R-5 Two-Family District.
- G. R-6 Multifamily District.
- H. R-7 Townhouse District
- I. R-8 Manufactured and Mobile Home District

2.13 Institution District (I)

2.14. Commercial Districts.

- A. B-1 - Office and Institution District.
- B. B-2 Neighborhood Business District
- C. B-3 Community Business District
- D. B-4 General Business District
- E. B-5 Central Business District

2.15. Industrial Districts

- A. M-1 Light Industrial District.
- B. M-2 Heavy Industrial District

2.16. PDD Planned Development District

2.17 (MHD) Mobile Home Park and Subdivision District

2.18 (MR) Municipal Reserve District

2.19 (MXD) Mixed Use District

2.2. *Zoning map.* The boundaries of the districts are as shown on the map which shall be known as the "Alabaster Zoning Map." Unless otherwise shown on said Zoning Map, the boundaries of districts are lot lines, the centerlines of streets or alleys or such lines extended, railroad right-of-way lines, or the corporate limit lines as they existed at the time of enactment of this Ordinance.

2.3. *Interpretation of district boundaries.* The Building Official shall make an interpretation of the "Alabaster Zoning Map" upon request of any person. Where uncertainty exists as to the boundaries of any district shown on said maps the following rules shall apply:

- A. Where boundaries are indicated as approximately following street and alley lines or land lot lines, such lines shall be construed to lie along such boundaries.
- B. In unsubdivided property or tracts where a district boundary divides a lot, the location of such boundaries, unless same are indicated by dimensions, shall be determined by the use of the scale appearing on such maps.
- C. Where boundaries are so indicated that they are approximately parallel to the centerlines or street lines of streets or to the centerlines or alley lines of alleys or to the centerlines or right-of-way lines of highways, such boundaries shall be construed as being parallel thereto and at such distance therefrom as indicated on the Zoning Map. If no distance is given, such dimensions shall be determined by the use of the scale shown on the said maps.

ARTICLE III. ADMINISTRATION AND REVIEW PROCEDURES

Section 1.0. General Administration.

The provisions of this Ordinance shall be administered and enforced by the Building Official of the City. This official shall have the right to enter upon any premises at any reasonable time prior to the issuance of certificate of occupancy or occupancy of the dwelling for the purpose of making inspections of buildings or premises necessary to carry out his duties in the enforcement of this Ordinance.

1.1 *Building permit.* It shall be unlawful to commence the construction of any building or other structure, including accessory structures, or to store building materials or erect temporary field offices, or to commence the moving, alteration, or repair of any structure, including accessory structure, until the Building Official of the City has issued for such work a building permit including a statement that the plans, specifications and, intended use of such structure in all respects conform with the provisions of this Ordinance. This permit requirement shall apply to signs requiring a permit in accordance with the provisions of Article X. Application for a building permit shall be made to the Building Official of the City on forms provided for that purpose. Building permits shall not be required for any construction, or alteration the cost of which is less than one thousand dollars (\$1,000.00). Every building permit issued shall become invalid unless the work authorized by such permit is commenced within six months after its issuance, or if the work authorized by such permit is suspended or abandoned for a period of six months after the time the work is commenced.

1.2. *Review of building permit applications.* It shall be unlawful for the Building Official of the City to approve any plans or issue a building permit for any excavation or construction until he has inspected such plans in detail and found them in conformity with this Ordinance. The review of applications for building permits for signs shall be in accordance with Article X, Sect. 2; the review of all other applications for building permits shall be in accordance with this section. The plan accompanying an application for a building permit (other than a sign permit) shall include:

- A. The actual shape, proportion and dimensions of the lot.
- B. The shape, size, use, and location of all buildings, signs, or other structures to be erected, altered or moved and of any buildings or other structures already on the lot, both above and below existing grade.
- C. The existing and proposed facilities for the disposal of storm water drainage.
- D. The setback and side lines of buildings on adjoining lots and such other information concerning the lot or adjoining lots as may be essential for determining conformance with the provisions of this Ordinance.
- E. Written certification from the appropriate county department regarding the adequacy of sanitary sewage disposal for the site.
- F. Every application for the use of land under and by virtue of the provisions of this Ordinance shall include therewith a plan showing the location of necessary fire hydrants with adequate fire flow.

In addition thereto, the applicant shall submit a written agreement between the applicant and the Alabaster Water Department, which agreement shall specify that the applicant shall assume the responsibility for purchasing

and having installed such fire hydrants as required by the Alabaster Fire Department.

- G. In the event such application requests such a permit for the construction of a facility that requires approval by the Building Commission of the State of Alabama, the applicant shall furnish to the Building Official a written certification from the applicant's architect affirming that the plans have been approved by said Commission.

1.21. *Approval of building permit applications.* If the proposed construction, moving, or alteration as set forth in the application, are in conformity with the provisions of this Ordinance and other applicable regulations, the Building Official of the City shall issue a building permit accordingly.

1.22. *Denial of building permit applications.* The Building Official shall notify the applicant in writing, that his or her building permit has been denied and said notification shall state the reasons for denial.

1.3. *Certificate of occupancy.* No land or building or other structure or part thereof hereafter erected, moved or altered in its use shall be used or occupied, including an increase in the number of dwellings, until the Building Official of the City shall have issued a Certificate of Occupancy.

1.4. *Expiration of building permit.* Any permit under which no construction work has been done above the foundation wall or other foundation support within six (6) months from the date of issuance shall expire by limitation, but shall upon re-application be renewable, subject, however, to the provisions of all ordinances in force at the time of said renewal and any renewal fees that may be required by the City. In no event shall any permit be renewed more than one time.

1.5. *Unlawful structure.* Any uses of land or dwellings or construction or alteration of buildings, or structures erected, altered, razed or converted in violation of any of the provisions of this Ordinance are hereby declared to be a nuisance per se. The Building Official is hereby authorized to apply to a court of equity to abate the nuisance created by such unlawful use of structure. Whenever the Building Official has declared a structure to be not conforming with the provisions of this Ordinance, the owner or occupant shall, within seventy two (72) hours from the issuance of a notice from the Building Official to vacate such premises, accomplish such vacation of such structure or premises which shall not again be used or occupied until such structure or premises has been adapted to conform to the provisions of this Ordinance.

1.6. *Penalties.* Any person, firm, corporation, or other organization which violates any provision of this Ordinance shall be fined upon conviction not less than one dollar (\$1.00) nor more than five hundred dollars (\$500.00) and cost of court for each offense. Each day such violation continues shall constitute a separate offense. The minimum fine on a first offense within a twelve-month period of time on a finding of guilty or a plea of guilty shall be two hundred fifty dollars (\$250.00), on a second offense within a

twelve-month period of time on a finding of guilty or a plea of guilty the minimum fine shall be five hundred dollars (\$500.00) which first and second offenses may be resolved administratively as proved in Section 1-9(h) of the Code of Ordinances; provided, however, that upon the third offense and subsequent offense charged within a twelve-month period the offender shall be required to appear in court and, upon a finding of guilty or a plea of guilty, the minimum fine shall be five hundred dollars plus court costs and/or a sentence for a definite term of imprisonment or hard labor for the city. A sentence of imprisonment or hard labor for the city may not exceed six months. A sentence to pay a fine for a violation of this Ordinance shall be for a definite amount, fixed by the court, and shall not exceed \$500.00. The penalty imposed upon a corporation shall consist of the fine only, plus costs of court.

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

1.8 *City Not Subject to Ordinance.* Any provision of this Ordinance to the contrary notwithstanding the City in exercising any governmental function, power, or authority, shall not be subject to the provisions of this Ordinance or in anywise limited thereby in the exercise of such governmental function, power of authority.

Section 2.0. Zoning Amendments.

A proposed change of the zoning district boundaries or of the regulations as they pertain to a piece of property may be initiated by the City or at the request of the owner or owners of the property to be rezoned or their authorized agents.

2.1 When a rezoning request is made by a petition the following procedure shall be followed:

- A. The applicant shall submit a complete zoning amendment application to the Building Official of the Inspection Services Department, at least eighteen (18) days prior to the Planning and Zoning Commission meeting at which the amendment is to be considered, containing as a minimum, the following information:
 1. A one hundred dollar (\$100.00) fee to defray the cost of processing the application.

2. A vicinity map, drawn to scale, showing the exact location of the subject property in relation to the vicinity in which it is located.
 3. A site development plan, drawn to a scale no larger than one inch equals 50 feet, which shows the following:
 - a. Property lines, rights-of-way and easements
 - b. Location and dimensions of all existing and proposed improvements
 - c. Points of ingress and egress to the property
 - d. Direction of storm water flow and method of handling same
 4. A written statement indicating:
 - a. Reason for the rezoning request.
 - b. Expected traffic volumes to be generated by the proposal, if applicable.
 - c. Availability of required utilities.
 - d. Relationship of the proposed rezoning to the land use pattern of the vicinity.
 5. Landscaping and buffer plan if applicable.
 6. Legal description and a boundary survey of the subject property, certified by a registered land surveyor.
- B. A minimum of ten (10) days prior to the Planning and Zoning Commission meeting at which the rezoning request is initially considered, the Building Official of the Inspection Services Department shall mail notification to all owners of adjacent property as their names appear on the plats of the Tax Assessor. The notice shall state:
1. Location of the rezoning request (by mailing address and legal description).
 2. The nature of the rezoning request (indicating the current zoning of the site and the proposed zoning classification).
 3. The time, date and location of the Planning and Zoning Commission meeting at which the rezoning request is to be considered, and stating further that all persons who desire shall have an opportunity of being heard in opposition to such ordinance.
- C. The Planning and Zoning Commission shall schedule a hearing on the application at the first regularly scheduled meeting after compliance with notice provisions as set forth herein.
- D. Upon receipt of a recommendation from the Planning and Zoning Commission, the City Clerk shall, in accord with the Code of Alabama,

schedule and advertise the proposed amendment for a public hearing before the City Council.

- E. When the City Council denies a rezoning request, the Planning and Zoning Commission shall not reconsider the same request for a period of six (6) months. Each time the city considers a zoning request, the one hundred dollar (\$100.00) administrative fee must be paid.

2.2. Initiation of zoning amendments by the city. The City may initiate zoning amendments. In such case, the City shall, in accordance with the Code of Alabama, initiate public hearings for the consideration of any proposed amendment to the provisions of this Ordinance and/or the Zoning Map.

Section 3.0 Board of Zoning Adjustment.

The Board of Adjustment shall have only those powers specifically enumerated in Section 11-52-80, Code of Alabama, 1975; which are:

- A. To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by an administrative official in the enforcement of this article or of any ordinance adopted pursuant thereto;
- B. To hear and decide special exceptions to the terms of the ordinance upon which such board is required to pass under such ordinance; and
- C. To authorize upon appeal in specific cases such variance from the terms of the ordinance as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of the ordinance will result in unnecessary hardship and so that the spirit of the ordinance shall be observed and substantial justice done.

3.1 Administrative Appeal. Appeals to the Board of Adjustment concerning interpretation or administration of this Ordinance may be taken by any person aggrieved by any decision of the Building Official. Such appeal shall be taken within 30 days of the administrative decision which is the subject of the appeal. The Building Official shall forthwith transmit to the Board, all papers constituting the record upon which the action appealed from was taken.

- A. The applicant shall submit a complete administrative appeal application, including a non-refundable application fee of one hundred dollars (\$100.00), to the Building Official of the Inspection Services Department, at least fourteen (14) days prior to the Board of Zoning Adjustment meeting at which the appeal is to be considered.
- B. A minimum of seven (7) days prior to the Board of Zoning Adjustment meeting at which the appeal is initially considered, the Building Official of

the Inspection Services Department shall mail notification to all owners of adjacent property as their names appear on the plats of the Tax Assessor. The notice shall state:

1. Location of the property which is the subject of the appeal (by mailing address and legal description).
 2. The nature of the administrative appeal
 3. The time, date and location of the Board of Adjustment meeting at which the administrative appeal is to be considered.
- C. The Board of Zoning Adjustment shall schedule a hearing on the appeal at the first regularly scheduled meeting after compliance with notice provisions as set forth herein.

3.2 Special Exception Uses.

Requests for special exception uses as stipulated within the zoning district regulations are permitted only after approval by the Board of Zoning Adjustment. When a Special Exception request is received by the City, the following procedure shall be followed:

- A. The applicant shall submit a complete Special Exception application to the Building Official of the Inspection Services Department, at least eighteen (18) days prior to the Board of Zoning Adjustment meeting at which the request is to be considered, containing as a minimum, the following information:
1. A non-refundable application fee of one hundred dollars (\$100.00) to defray the cost of processing the application.
 2. A vicinity map, drawn to scale, showing the exact location of the subject property in relation to the vicinity in which it is located
 3. A site development plan, drawn to a scale no larger than one inch equals 50 feet, which shows the following:
 - a. Property lines, rights-of-way and easements
 - b. Location and dimensions of all existing and proposed improvements, buildings and structures
 - c. Exterior lighting and signs
 - d. Buffers and fences
 - e. Outside storage areas
 - f. Parking and loading areas
 - g. Points of ingress and egress to the property
 - h. Direction of storm water flow and method of handling same
 4. A written statement indicating:
 - a. Expected traffic volumes to be generated by the proposal
 - c. Availability of required utilities.
 - d. Relationship of the proposed special exception to the land use pattern of the vicinity.
 - e. Legal description of proposed special exception site.

5. Landscaping and buffer plan if applicable.
- B. A minimum of fourteen (14) days prior to the Board of Zoning Adjustment meeting at which the Special Exception request is initially considered, the Building Official of the Inspection Services Department shall mail notification to all owners of adjacent property as their names appear on the plats of the Tax Assessor. The notice shall state:
 1. Location of the Special Exception request (by mailing address and legal description).
 2. The nature of the Special Exception request (indicating the current zoning of the site and the proposed use).
 3. The time, date and location of the Board of Adjustment meeting at which the Special Exception request is to be considered.
- C. The Board of Zoning Adjustment shall schedule a hearing on the application at the first regularly scheduled meeting after compliance with notice provisions as set forth herein.

3.3 Variances. A variance to the requirements of the Zoning Ordinance must be approved by the Board of Adjustment at a public hearing as stipulated herein.

- A. The applicant shall submit a complete variance application to the Building Official of the Inspection Services Department, at least fourteen (14) days prior to the Board of Zoning Adjustment meeting at which the request is to be considered, containing as a minimum, the following information:
 1. A non-refundable application fee of one hundred dollars (\$100.00) to defray the cost of processing the application.
 2. A vicinity map, drawn to scale, showing the exact location of the subject property in relation to the vicinity in which it is located
 3. A site development plan, drawn to scale which shows the following:
 - a. Property lines, rights-of-way and easements
 - b. The location, dimensions, and building setback for all existing and proposed buildings and structures on the site and adjacent to the site
 - c. All dimensions of the building, structure or area which is the subject of the variance request
- B. A minimum of seven (7) days prior to the Board of Zoning Adjustment meeting at which the variance is initially considered, the Building Official of the Inspection Services Department shall mail notification to all owners of adjacent property as their names appear on the plats of the Tax Assessor. The notice shall state:
 1. Location of the variance (by mailing address and legal description).
 2. The nature of the variance
 3. The time, date and location of the Board of Adjustment meeting at which the variance is to be considered.

- C. The Board of Zoning Adjustment shall schedule a hearing on the application at the first regularly scheduled meeting after compliance with notice provisions as set forth herein.
- D. A variance shall expire if a building permit is not issued pursuant thereto, within twelve (12) months after the date of approval by the Board of Adjustment. Upon expiration, the applicant may re-apply, subject to the provisions of all ordinances in effect at the time of re-application and to all fees that may be required by the City.

3.4 Rules of Procedure. The Board of Adjustment shall adopt rules of procedure which govern the application process, conduct of meetings and hearings, election of officers and other subjects deemed appropriate by the Board.

3.5 Appeals From a Decision of the Board. Any party aggrieved by any final judgement or decision of the Board of Adjustment may within 15 days thereafter appeal therefrom to the Circuit Court by filing with such Board a written notice of appeal specifying the judgement or decision from which the appeal is taken. An appellant shall be required to pay a filing fee in Circuit Court at the time that a Notice of Appeal is filed with that Court. The Board shall cause a transcript of the proceedings in the case to be certified to the Court to which the appeal is taken and the case in such Court shall be tried de novo. Said transcript shall consist of the minutes of the proceeding, together with true and correct copies of all exhibits, documents or other evidence presented for consideration by the Board.

ARTICLE IV. DEFINITIONS

For the purpose of this Ordinance certain terms used herein are herewith defined. When not consistent with the context, words used in the present tense include the future, words in the singular include the plural number and words in the plural include the singular number. The word "shall" is mandatory and not directory.

Accessory structure: A structure which is normally incidental to, subordinate to and related exclusively to the principal use of the premises.

Accessory use: A use normally incidental to and subordinate to and related exclusively to the principal use of the premises.

Alley: A public thoroughfare or way which affords a secondary means of access to abutting property.

Alter and alteration:. Any change or modification in construction or occupancy of a building or premises.

Assisted Living Facility: A licensed facility in which room, board, meals, laundry, and assistance with personal care and other services are provided for not less than twenty-four hours in any week to a minimum of two ambulatory adults not related by blood or marriage to the owner and/or administrator.

Automobile Repair, Major. Body shops, engine overhauls, frame and suspension repair, hydraulic repair, radiator rebuilding, spray painting and sand blasting of vehicles or equipment.

Automobile Repair, Minor. Battery, brake, electrical system repair, front-end alignment, muffler, oil change, tire and tune-up shops.

Basement: That portion of a building which is partly or wholly below grade but so located that the vertical distance from the average grade to the floor is greater than the vertical distance from the average grade to the ceiling.

Bed and Breakfast: A single family, owner occupied dwelling, wherein a fee is charged to provide more than two bedrooms as overnight accommodations for guests and where meals may be served to overnight guests but meals are not served to the non-resident general public.

Billboard. An off-premise sign on which advertising space is leased or rented for compensation.

Block: All land fronting on one side of a street between the nearest intersecting streets, roads, railroad rights-of-way and waterways, meeting or crossing the aforesaid street and bounding such land.

Buffer: An area planted with live vegetation as required by this Ordinance, intended to separate incompatible land uses and thereby mitigate the effects of the incompatibility.

Building: A structure having a roof supported by columns or walls for the shelter, support or enclosure of persons, animals or chattels.

Building area: That portion of a lot or parcel covered by a building.

Building face or wall: All window and wall area of a building in one plane or elevation.

Building height: The vertical distance measured from the average elevation of the proposed finished grade at the front of the building of the highest point of the roof for flat roofs, to the decked line for mansard roofs, and to the mean height between eaves and ridges for gable, hip and gambrel roofs.

Building setback line: Lines which parallel property lines and determine the location of the building setback with respect to the street and other property lines.

Building, principle: A permanent building in which is conducted or is intended to be conducted the principal use of the lot on which said building is located. The principle building shall be a permanent building which has a roof supported by columns or walls, with walls constructed of wood, metal, glass, brick or masonry materials, which completely enclose the principle building area. A principle building shall not be a mobile building.

Carport: An accessory structure attached to a principal building, having a roof with one or more open sides and intended for the sheltering of motor vehicles.

Commercial Message: Any sign, wording, logo, or other representation that, directly or indirectly, names, advertises or calls attention to a business, product, service or other commercial activity.

Convenience Store/Market: A retail business that sells snacks, grocery items, health and beauty aids, off-premise beer and wine and gasoline. Automobile repair and the sale of liquor are not permitted.

Copy area: The area in square feet of the smallest geometric figure which describes the area enclosed by the actual copy of a sign. Copy shall include text, emblems, logos, pictures, insignia and other graphic displays intended to inform, identify or attract attention to the premises.

Cul-de-sac: A circular terminus of a dead-end street having a minimum right-of-way radius of fifty (50) feet.

Day care center: Any child or adult care facility receiving more than six (6) people for care during part of the day that is not located in a dwelling. The term does not include: programs operated as part of public or private schools; programs operated on federal governmental premises; and special activities programs such as athletics, crafts, and similar activities conducted on an organized and periodic basis by civic, charitable and governmental organizations.

Day care home: Any child or adult care facility which receives not more than six (6) people for care during part of the day, located within an owner occupied, single family detached, dwelling.

DBH: Diameter-at- Breast height is a measure of tree size, and is a tree trunk diameter measured in inches at a height of 4.5 feet above the ground.

Directional sign: Any sign which serves solely to designate the location or direction of any place or area.

Dripline: A vertical line extending from the outer surface of a tree's branch tips down to the ground.

Drive-in theater: A theater designed for the patron to view the performance while being seated in a vehicle.

Dwelling: Any building or portion thereof which is designed or used exclusively for residential occupancy.

Dwelling, multiple: A building situated on one lot or parcel which contains more than two dwelling units.

Dwelling-single family: A dwelling unit, other than a manufactured or mobile home, which is not attached to any other dwelling by any means

Dwelling-two family: A building situated on one lot or parcel which contains two dwelling units.

Dwelling unit: One or more rooms, designed, occupied or intended for occupancy as separate living quarters, with cooking, sleeping and sanitary facilities provided within the dwelling unit for the exclusive use of a single family maintaining a household.

*Entrance wall :*A free-standing masonry structure, located on private property, the sole purpose of which is to highlight or emphasize the appearance and location of a private driveway entrance from a public road.

Erect: Construct, including build, reconstruction, alteration, moved upon or any similar physical operations on the premises. Excavation, earthwork, fill, drainage work, utilities installations and other work as it relates to the construction or use of a building or structure shall be considered within the meaning of erect.

Family: One or more persons occupying a dwelling unit and living as a single housekeeping unit, all but two (2) of whom are related to each other by birth, adoption or marriage.

Notwithstanding the definition in the preceding paragraph, a family shall be deemed to include up to three (3) unrelated persons occupying a dwelling unit and living as a single, non-profit housekeeping unit, if any one or more of said three (3) unrelated occupants is handicapped as defined in Title VIII of the Civil Rights Act of 1968 as amended by the "Fair Housing Act Amendments of 1988" and the "Alabama Fair Housing Law", Code of Alabama 24-8-1, et seq. Such unrelated individual(s) shall have the right to occupy a dwelling unit in the same manner and to the same extent as any family unit as defined in the first paragraph of this definition.

Fence: A structure intended for a barrier or enclosure.

First floor, residential: The term "first floor" shall mean the lowest floor surface of that portion of a structure defined as a story.

Floor area, livable: The livable floor area for all residential uses shall be the area of the first floor plus the area of the floors next above, and the area under a sloping roof having a minimum ceiling height of five (5) feet. Livable floor area is measured as gross floor area less the thickness of exterior finishes. Garage floor area, basements, decks, porches, patios, terraces, and carport floor area and other non-heated areas are not included as livable floor area.

Floor area nonresidential: The gross floor area, including basement, of any structure.

Garage, private: A garage for which the principal use is storage of privately owned vehicles and is an accessory use on the lot.

Garage-public: Any garage for which compensation is received for the parking of vehicles.

Gasoline service station: Any building, structure or land at which the sale of combustible and flammable fuels is the principle use.

Group day care home: Any child or adult care facility which receives at least seven (7) but no more than twelve (12) people for care during part of the day, where there are at least two adults present and supervising the activities, located within an owner occupied, single family detached, dwelling.

Group Home. A dwelling which is occupied by persons who collectively do not comply the definition of family.

High Traffic Corridor: Land adjoining a public street or highway with a traffic volume equal to or exceeding 10,000 vehicles per day.

Home occupation: A use conducted entirely within an enclosed dwelling, which except for a group day care home, employs only the inhabitants thereof, and complies with the standards set forth in Article VII, Section 18.

Hospital: A public or proprietary institution providing medical diagnosis, treatment, or other care of human ailments, operating under license by the Alabama State Health Department, and which, unless otherwise specified, shall be deemed to include institutions primarily for treatment of contagious diseases and the insane or feeble minded but not including nursing homes.

Hotel: A facility offering transient lodging accommodations to the general public, where the rooms are accessed from the interior of the building, and providing additional services such as dining, meeting rooms and recreation facilities.

Independent Living Facility: Multi-family dwellings, restricted to occupancy by persons 62 years and older, which may provide common facilities and services, but which are not defined as an Assisted Living Facility.

Indirectly Illuminated Sign. A sign which is illuminated by a light source which is external to the sign cabinet or structure.

Industrial park: A tract of industrial land subdivided into at least two (2) parcels each of which have frontage on a public street.

Inn. An establishment which is located in a building which was originally designed and used as a single family dwelling, wherein a fee is charged to provide overnight accommodations for guests.

Internally Illuminated Sign. A sign which is illuminated by a light source which is behind the sign face.

Junk: Any scrap, waste, reclaimable material or debris, whether or not stored or used in conjunction with dismantling, processing, salvage, storage, baling, disposal or other use or disposition; including but not limited to: vehicles, tires, vehicle parts, equipment, paper, rags, metal, glass, building materials, household appliances, brush, wood and lumber.

Junk yard: Any area, lot, land, parcel, building or structure, or portion thereof, used for the storage, collection, processing, purchase, sale or abandonment of junk.

Kenel-indoor: A building in which five (5) or more domestic animals are permanently or temporarily boarded, groomed, trained or treated, for compensation.

Kenel-outdoor: A premises where five (5) or more domestic animals are permanently or temporarily boarded, groomed, trained or treated, for compensation, outside of a building.

Land area: Property which is not water surface area.

Legible: A message is "legible" if it can be read or understood by a person of ordinary eyesight wearing any corrective lenses required for an Alabama driver's license but with no other aids to vision, where such person is between 5 feet and 6 feet in height and is standing at grade level at the location from which "legibility" is to be determined.

Live entertainment: Any activity performed by persons for the entertainment of patrons on the premises of establishments dispensing alcoholic beverages.

Loading space: A space having a minimum dimension of twelve by thirty-five feet and a vertical clearance of at least fourteen feet within the main building or on the same lot, providing for the standing, loading or unloading of trucks.

Lot: A parcel of land intended for transfer of ownership or for building development, which shall be comprised of land area or a combination of land area and water surface area which complies with the area and dimensional regulations of the zoning district in which it is located. Each lot shall be comprised of land area in an amount equal to or

greater than the minimum lot area required in the zoning district in which it is located. Said land area shall be contiguous and have principle frontage upon a public street. (See Article V, Section 1.2(E).

Lot-corner: A lot abutting upon two (2) or more streets at their intersection.

Lot line: The lines bounding a lot as defined herein.

Lot line-front: In the case of a lot line abutting upon one street, the front lot line is the line separating such lot from such a street. On corner lots and through lots, the front lot line shall be considered as parallel to the streets upon which the lot is located.

Lot line-rear: The rear lot line is that opposite the front line, except in the case of a through lot. In case of a lot terminating at a point at the rear of the lot, or having a rear lot line less than ten (10) feet long, the rear lot line shall be considered a line parallel to the front lot line having a length not less than ten (10) feet long.

Lot line-side: Any lot line other than front lot line or rear lot line.

Lot-of-record: A legally platted lot shown on the records in the Office of the Judge of Probate

Lot-through: A lot which abuts two (2) parallel or approximately parallel streets.

Lot width: The width of the lot measured at the minimum required building setback line.

Manufactured Home: A structure defined by and constructed in accordance with the national Manufactured Housing Construction and Safety Standards Act of 1974 as amended, 42 U.S.C. Section 5401 , et seq. The definition at the date of adoption of this Ordinance is as follows:

A structure, transportable in one or more sections, which in the traveling mode, is eight (8) body feet or more in width and forty (40) body feet or more in length, or when erected on site, is three hundred twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation, when connected with required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein; except that such term shall include any structure which meets all of the requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary and complies with the standards established under this title.

Mezzanine: An intermediate or fractional story between the floor and ceiling or a main story occupying not more than one-third (1/3) of the floor area of such main story.

Mobile Building: A building used for non residential purposes which is transportable in one or more sections, built on a permanent chassis, and designed to be occupied and used with or without a permanent foundation.

Mobile Home: A structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation, and which does not meet the standards required of a Manufactured Home herein.

Mobile Home or Manufactured Home Park: A lot or parcel which contains more than one mobile home or manufactured home used as living quarters, or a lot or parcel containing more than one space designed or intended for parking of mobile homes or manufactured homes, to be used as living quarters.

Modular Home. A single family dwelling, factory fabricated and transportable as a building consisting of units designed to be incorporated at a building site on a permanent foundation into a permanent structure to be used for residential purposes and which bears a seal of compliance with the regulations of the Alabama Manufactured Housing Commission.

Motel: A facility offering transient lodging accommodations to the general public, where most of the rooms have separate and direct access to the outside, and which may provide additional services such as dining, meeting rooms and recreation.

Nonconforming use: The use of any building, structure or land which was lawful at the time of the passage of this Ordinance, or amendment thereto but which use does not conform, after the passage of this Ordinance or amendment thereto, with the use regulations of the district in which it is located.

Nursing Home: A licensed facility providing inpatient care for convalescents or other persons not acutely ill and not in need of acute general hospital care, but do require skilled nursing care.

Office: Space or rooms for professional, administrative, clerical and similar uses.

Parking area : Space which is surfaced by either bituminous pavement or concrete, used or intended to be used exclusively for the off-street parking of vehicles.

Parking space: An area surfaced by either bituminous pavement or concrete, which is at least nine (9) feet wide and twenty (20) feet long.

Premises: A lot or parcel, together with all buildings and structures existing thereon; except that in the case of leased space in a multiple tenant building, the premises shall be the subject leased space.

Public utility: Any person, firm, corporation, municipal department or board, duly authorized to furnish and furnishing under regulations to the public, electricity, gas, steam, wired telephone, telegraph, water or sewer service.

Restaurant: An establishment where food is cooked, patrons dine on or off the premises and where there is no drive-up or walk-up window service or service to customers in their vehicles.

Restaurant, drive-up: An establishment where food is cooked or prepared, and where there is drive-up or walk-up window service, or service to customers in their vehicles.

Roadway: The paved portion of a public thoroughfare designed for and used by vehicular traffic.

Roofline: The top edge of the roof or the top of the parapet, whichever forms the top line of the building silhouette.

Seasonal business: A business which is operated, due to its nature, on a seasonal business, including but not limited to: fruit or vegetable stands, Christmas tree sales, and income tax preparation.

Self-Service Storage, Limited Access: A self-service storage facility with limited access points from the exterior of the building to interior halls that provide the only access to individual storage units.

Self-Service Storage, Multi-Access: A self-service storage facility with access points from the exterior of the building to individual storage units.

Shopping center: Two (2) or more retail or service establishments located in one (1) building or a group of architecturally unified buildings; said buildings being under one (1) ownership or management, with selected tenants, and having an integrated parking area.

Sidewalk: The paved portion of a public right-of-way designed for use by pedestrians in conformity with the requirements of the Subdivision Regulations.

Sign: A device, fixture, placard, or structure that uses any form, color, graphic, illumination, symbol or writing which directs attention to an object, product, place, activity, facility, service, event, attraction, person, institution, organization or business, or to communicate information of any kind to the public and which is legible from any street, right-of-way, sidewalk, alley, park or other public property.

Sign, animated: Any sign with irregular intensity of illumination or movement whether mechanical or electrical.

Sign, attached: Any sign which is permanently fastened, attached or supported by a building or structure which is permanently attached to the ground. All attached signs and supporting structures shall conform to Building Codes adopted by the City.

Sign, banner: Any sign, other than a canopy sign, applied to cloth, paper, flexible plastic or fabric of any kind.

Sign, building wall: A sign attached to the front or side exterior wall of a building, which shall not project more than 12 inches from the wall, nor above the top of the building wall. Said signs may be attached to, but not above, a mansard roof or parapet wall.

Sign, canopy: A sign painted or otherwise depicted upon a canopy.

Sign, directional: Any sign which serves solely to designate the location or direction of any place or area.

Sign, electrical: Any sign containing electrical wiring which is attached or equipped to be attached to an electrical energy source.

Sign, flashing: Any sign which contains an intermittent or flashing light source, or which includes the illusion of intermittent or flashing light by means of animation, or an externally-mounted intermittent light source. Public service time and temperature signs are not classified as flashing signs.

Sign face area: The sign face area of a building wall sign or other sign with only one sign face, shall be computed by means of the smallest geometric figure that encompasses the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed.

The sign face area for a sign with more than one face shall be computed by adding together the area of all sign faces visible from any one point. When two sign faces are placed back to back, so that both faces cannot be viewed from any point at the same time, and when such sign faces are not more than 42 inches apart, with a horizontal angle no greater than 30 degrees, the sign area shall be computed by the measurement of one of the sign faces.

Sign, free standing: Any sign erected on a free standing frame, foundation, mast or pole and not attached to a building.

Sign, indirectly illuminated. A sign which is illuminated by a light source which is external to the sign cabinet or structure.

Sign, internally illuminated. A sign which is illuminated by a light source which is behind the sign face.

Sign, instructional: A sign, generally informational, that has a purpose secondary to the use of the development site on which it is located. This category includes but is not limited to signs with non-commercial messages such as "no parking," "entrance," "loading only," "telephone," and similar information and directives. No sign with a commercial message legible from a position off the development site on which the sign is located shall be considered Instructional.

Sign, Marquee. A sign which is permanently attached to and projects above a marquee. The sign shall be at least nine (9) feet at its lowest level from the sidewalk and shall extend not more than within eighteen (18) inches of the curbline. For the

purpose of sign regulation, a marquee is defined as a permanent roof projecting beyond the front wall of a building, designed to provide protection from the weather.

Sign, off-premise. A sign which advertises or directs attention to an object, product, place, activity, facility, service, event, attraction, person, institution, organization or business which is not located on the same lot or parcel as the sign.

Sign, portable: Any sign not attached to the ground or other permanent structure or a sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels; signs made as A-frames or T-frames; menu and sandwich board signs; balloons used as signs; umbrellas used for commercial messages; and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless said vehicle is used in the normal day-to-day operations of the business.

Sign structure: The structure of a sign shall include the entire sign, its supporting devices, source of illumination, and copy area. However, with regard to internally illuminated signs in which the copy area is depicted on a sign face which is designed to be removed from the sign cabinet for maintenance, repair, or change of copy, the sign structure shall not include the sign face or source of illumination.

Story: That part of a building, except a mezzanine as defined herein, included between the surface of one floor and the surface of the next floor, or if there is no floor above, then the ceiling next above. A story thus defined shall not be counted as a story when more than fifty (50) percent, by cubic content, is below the height level of the adjoining ground.

Street: A public thoroughfare which affords a principal means of access to abutting property and which has been accepted by the City as a public street.

Structure: Any construction or production of a piece of work artificially built up or composed of parts joined together in some definite manner.

Tourist Home. A single family, owner occupied dwelling, wherein a fee is charged to provide not more than two bedrooms as overnight accommodations for guests and where meals may be served to overnight guests but meals are not served to the non-resident general public.

Townhouse: Two (2) or more dwelling units, attached by at least twenty (20) feet of continuous common side wall(s), each unit of which is located on an individual lot and designed to be occupied and owned by one (1) family.

Tree: Any self supporting woody plant, usually having a single woody trunk and a potential DBH of two inches or more and normally attaining a mature height of 25 feet.

Tree Cover. The area directly beneath the crown and within the dripline of a tree.

Use: A use is the purpose for which land or buildings and structures thereon are designed, arranged or intended to be used, occupied or maintained.

Vehicle barricade: A fence or wall less than thirty (30) inches high, located within the front yard, for the sole purpose of restraining motor vehicles from entering said yard. The vehicle barricade may not be located on the public road right-of-way.

Water surface area: Property within lakes, ponds, rivers and year-round streams. Water surface area shall not include property within storm drainage structures, drainage ways which periodically contain water or swimming pools and other structures which contain water.

Wholesale establishment: Any establishment which exclusively sells goods in large quantities, as for resale by a retailer.

Yard: An open space that lies between the principal or accessory building(s) and the nearest lot line. Such yard is unoccupied and unobstructed from the ground upward except as may be specifically provided in this Ordinance.

Yard-front: A yard, or yards in the case of a corner lot or through lot, extending across the full width or depth of the lot between the front of the principle building and the closest lot line; and between the principle building and any public street right-of-way.

Yard-rear: A yard extending across the full width of the lot between the rear lot line and the principle building.

Yard-side: A yard between the side of the lot and the nearest line of the principal building and extending from the front yard to the rear yard, or, in the absence of either of such yards, to the front or rear lot line, as the case may be, except that on a corner lot the side yard adjacent to a street shall extend the full depth of the lot.

ARTICLE V. GENERAL REGULATIONS

Section 1.0. General use requirements.

The following general regulations pertain to the administration, enforcement of and compliance with this Ordinance.

1.1. *Application of this Ordinance.* No structure shall be constructed, erected, placed or maintained and no land use commenced or continued within the City except as specially or by necessary implication authorized by this Ordinance. In addition, no excavation for foundations, nor any erection, or structural alteration of any structure shall be undertaken prior to appropriate permits having been approved and issued by the Building Official.

1.2. *Except as otherwise provided in this ordinance:*

- A. No land may be used except for a use permitted in the district in which it is located.
- B. No building or structure shall be erected, converted, enlarged, reconstructed, moved or structurally altered, nor shall any building be used except for a use permitted in the district in which the building is located.
- C. No building or structure shall be erected, converted, enlarged, reconstructed or structurally altered except in conformity with the area regulations and height limit of the district in which the building is located.
- D. The minimum building lines, lot area, parking spaces, buffers and other criteria required by this Ordinance for each and every building existing at the time of the passage of this Ordinance or for any building hereafter erected, shall not be encroached upon or considered as a required building, parking or open space for any other building, nor shall any lot area be reduced below the requirements of this Ordinance.
- E. Every building hereafter erected or structurally altered shall be located on one lot as herein defined and in no case shall there be more than one principal building on one lot; except in the case of multi-family dwellings; self storage facilities; shopping centers, provided that all outparcels are a separate lot; churches; schools and similar institutional campuses and the Mixed Use District. Accessory structures shall not include living quarters, except for resident managers at self storage facilities.
- F. No accessory structure shall be constructed or moved upon a lot more than thirty (30) days prior to the beginning of construction of the principal building.

1.3. *Public utilities.* Public utility structures including by not limited to: poles, wires, crossarms, transformers attached to poles, guy wires, insulators, conduits and other facilities necessary for the transmission or distribution of electric power or to provide telephone or telegraph service, and pipelines, vents, valves, hydrants, regulators, meters and other facilities necessary for the transmission or distribution of gas, oil, water or other utilities, may be constructed, erected, repaired, maintained or replaced in any zoning district. This is not to be construed to include the erection or construction of buildings or wireless telecommunication facilities. A six foot chain link fence is required around all pumping stations.

Section 2.0. Nonconforming uses of land and buildings.

Within the districts established by this Ordinance or amendments that may later be adopted, there exist lots, structures, uses of land and structures, and characteristics of use which were lawful before the Ordinance was passed or amended, but which would be prohibited, regulated or restricted under the terms of this Ordinance or future amendment. It is the intent of this Ordinance to permit these non conformities to continue until they are removed, but not to encourage their survival. It is further the intent of this Ordinance that non conformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district. The provisions of this section shall not apply to nonconforming signs. Nonconforming signs are addressed in Article X, Section 13.0

The provisions of this section shall not apply to parking and vehicle areas which do not conform to Article XI. Such parking and vehicle areas are addressed in Article XI.

2.1. *Continuance.* A lawful nonconforming use existing at the effective date of this Ordinance may be continued, except as hereafter provided, although such use does not conform with the provisions of this Ordinance.

2.2. *Restoration to safe condition.* Nothing in this Ordinance shall prevent the restoration of any building or structure to a safe or sanitary condition when required by the proper authorities.

2.3. *Restoration after damages.* Except for detached, single family dwellings, no nonconforming building or structure which has been damaged by fire or other causes to the extent of more than fifty (50) percent of its current replacement value at the time of such damage shall be rebuilt or restored except in conformity with the provisions of this Ordinance. If a nonconforming building, other than detached, single family dwelling, is damaged less than fifty (50) percent of its current replacement value it may be rebuilt or restored and used as before the damage, provided that such rebuilding or restoration is completed within twelve (12) months of the date of such damage.

2.4. *Abandonment.* Except detached, single family dwellings, a nonconforming use which has been discontinued for a continuous period of one (1) year shall not be re-established and any future use shall be in conformity with the provisions of this Ordinance.

2.5. *Change in use.* A nonconforming use shall not be changed to another nonconforming use. A nonconforming use which is changed to a conforming use shall not be permitted to revert to a non conforming use.

2.6. *Structures conforming to district regulations but not other regulations.* A structure or building conforming to the use regulations of a district, but not conforming to other provisions of this Ordinance, may be enlarged or altered, provided, that such enlargement or alteration conforms to the provisions of this Ordinance.

2.7. *Non-Conforming Dwellings.* Non-conforming single family dwellings may be enlarged, expanded, structurally altered and continued after abandonment or destruction; provided all new construction or alterations conform to the dimensional requirements of the district in which it is located.

2.8. *Property zoned RPG.* Due to the degree of non-conformity of the RPG zoning district with this Ordinance, vacant property which was zoned RPG prior to adoption of this Ordinance, shall be developed in compliance with the regulations of the zoning district in which it is located, except that the following area and dimensional regulations shall apply to said property: Minimum lot size: 5,000 square feet; Minimum lot width: 50 feet; Minimum front setback: 20 feet; Minimum rear setback: 15 feet; Minimum side setback: 16 feet between dwellings; Minimum floor area for a one story dwelling: 1,000 square feet; Minimum floor area for a one and one half or two story dwelling: 1,100 square feet.

Section 3.0 Annexed property.

On the effective date of annexation all newly-annexed property shall be zoned MR Municipal Reserve District. Prior to issuance of a building permit for property which was annexed into the City of Alabaster, the City shall zone the property in accordance with Article III, Section 2.1 of this Ordinance.

Section 4.0 Abandoned right-of-way.

Whenever any street, alley or other public way is vacated or abandoned by official action of the City of Alabaster, the zoning district adjoining each side of such street, alley or public way shall be automatically extended to the center of same and all area included therein shall then be subject to all appropriate regulations of the extended district.

Section 5.0. Area modification for lots of record.

Where a lot of record at the time of the effective date of this Ordinance has less area or less width than herein required for the district in which it is located, said lot may nonetheless be used as a building site upon approval by the Board of Zoning Adjustment. When two or more nonconforming lots exist together, with contiguous frontage and under single ownership, said lots shall be re surveyed to conform as closely as possible to the provisions of this Ordinance.

Section 6.0. General yard modifications.

- A. Every part of a required yard shall be open to the sky unobstructed by any structure or part thereof and unoccupied for storage, servicing or similar uses except as provided herein.
- B. More than one multiple dwelling or institutional building may be located upon a lot or tract, but such buildings shall not encroach upon the front, side and rear yards required by the district regulations.
- C. Where forty (40) percent or more of the frontage on the same side of a street between two (2) intersecting streets is presently developed or may hereafter be developed with buildings that have (with a variation of five (5) feet or less), a front yard greater or lesser in depth than herein required, new buildings shall not be erected closer to the street than the average front yard so established by the existing buildings.
- D. Where forty (40) percent or more of the frontage on one side of a street between two (2) intersecting streets is presently developed or may hereafter be developed with buildings that do not have a front yard as described above, then:

1. Where a building is to be erected on a parcel of land that is within one hundred (100) feet of existing buildings on both sides, the minimum front yard shall be a line drawn between the closest front corners of the adjacent buildings, or
 2. Where a building is to be erected on a parcel of land that is within one hundred (100) feet of an existing building on one side only, such building may be erected as close to the street as the existing adjacent building.
- E. Through lots shall provide the required front yard on both sides.
- F. Corner lots shall provide a front yard on each street side.

Section 7.0. Height modifications.

Chimneys, fire towers, steeples, and public utility water storage tanks, where permitted, may be erected to any height not in conflict with existing or hereafter adopted ordinances of the City of Alabaster, except that where permitted on property which is adjacent to property zoned for residential use, such structures shall be limited to a height of twenty-five (25) feet above the average height of structures permitted in that district.

Section 8.0. Porches, terraces, balconies, cornices, eaves and accessory structures.

- A. Sills or ornamental features of a structure, except awnings, shall not project more than six (6) inches into any building setback which is less than ten (10) feet.
- B. Cornices or eaves shall not project more than twenty-four (24) inches into any required yard.
- C. Except as regulated elsewhere in this section, uncovered patios, terraces, walkways and porches, which do not extend more than three (3) feet above grade, may project into a required yard, provided such projections are not closer than twenty-five (25) feet from the front lot line, six (6) feet from the side lot line, and eight (8) feet from the rear lot line. No such structure may extend into a public easement or right-of-way.

When constructed as part of a multifamily dwelling, said structures may extend a maximum of fifteen (15) feet beyond the dwelling into a rear or front yard and a maximum of five (5) feet into a side yard.

- D. Except as regulated elsewhere in this section, an uncovered balcony, deck or fire escape in a single family or two-family residential district, may project into a required rear or side yard provided such structures shall not

be located closer than twenty-five (25) feet from the rear property line nor ten (10) feet from either side property line.

- E. In multifamily residential districts, an uncovered balcony, deck or fire escape may project not more than twelve (12) feet into a required rear yard and nor more than eight (8) feet into a required side, but said structures shall not be located closer than twenty-five (25) feet from any property line.
- F. In commercial and industrial zones, an uncovered balcony, deck or fire escape which projects into a rear or side yard that abuts a residential district boundary shall comply with the minimum building setbacks for the district in which it is located. Said structures which do not project into a yard which abuts a residential district may project not more than eight (8) feet into a rear or side yard.
- G. Accessory buildings and structures are permitted only in a rear yard, and shall have a cumulative gross floor area which is less than fifteen (15) percent of the required rear yard. Minimum building setback for accessory buildings and structures shall be five (5) feet.

Section 9.0 Storm Drainage and Flooding

- A. Every lot created after the effective date of this Ordinance, shall contain an area equal to or greater than the minimum lot area of the zoning district in which the lot is located, outside of the 100 Year Regulatory Flood Area as determined and mapped by the FEMA.
- B. All developed property shall be graded to eliminate ponding and standing water.
- C. All property shall be developed in compliance with the City's Floodplain Ordinance. Variances authorized under such ordinance shall be heard by the Board of Zoning Adjustment.

ARTICLE VI. ZONING DISTRICTS

Section 1.0. Agriculture District (A).

1.1 *Intent.* To establish and preserve areas for agricultural, low density residential and outdoor recreation uses without permitting an intensity of development which would require the provision of urban facilities and services.

1.2 *Permitted uses.*

Single family dwellings
Day care home
Tourist home
Bed and breakfast
Greenhouse
Home occupations
Municipal public safety buildings and facilities

The raising and keeping of livestock, except commercial feed lots, poultry houses, and the raising and keeping of swine

The raising of crops, roadside stands for the sale only of fruit and vegetables grown on the premises

1.3 *Special Exception Uses.*

Agricultural uses that are not a permitted use in this district.
Group day care home
Group home
Inn

Private kennels for more than five (5) dogs, provided that open pens or runs are located at least 100 feet from any lot line

Stables and riding academies

Utility uses such as: Electric substations, water storage tanks, above-ground pumping stations

1.4 *Prohibited uses.*

Duplex or two-family dwellings
Townhouses
Multifamily dwellings
All permitted uses in the Institution District

All commercial and industrial uses except as specified in Sub sections 1.2 and 1.3 of this Section.

1.5 *Area and dimensional regulations.*

AREA AND DIMENSIONAL REGULATIONS	
Minimum Lot Area	3 acres
Minimum Lot Width	150 feet
Maximum Building Height	Permitted Uses: 35 feet Special Exception Uses: 30 feet
Minimum Building Setbacks	
Front	75 feet
Rear	75 feet
Side	25 feet
Minimum Livable Floor Area	
One Story Dwelling	1,000 square feet
More Than One Story Dwelling	1,300 square feet

1.6. *Buffer Regulations.* All special exception uses, except group home and inn, shall provide a buffer which is at least twelve (12) feet wide on all rear and side property lines which abut an agriculture or residential district.

1.7. *Additional Regulations.*

- A. A minimum lot area of three (3) acres is required in order to house or raise any livestock or animals other than those permitted in the residential districts of the City.
- B. Provision must be made to dispose of manure and other organic wastes in such a manner as to avoid pollution of ground water or any lake or stream.
- C. All structures, cages, pens and other facilities used for the feeding or housing of any livestock or animals, which are not permitted within the residential districts of the City, must be set back a minimum of fifty (50) feet from the side and rear property lines, seventy-five (75) feet from the front property line and one hundred (100) feet from any residential dwelling other than the principal single family dwelling located on the premises.
- D. Wireless Telecommunication Facilities, Article VIII
- E. Off-street Parking and Loading Regulations, Article IX.
- F. Sign Regulations, Article X.
- G. Landscaping and Buffer Regulations, Article XI

Section 2.0. Single-Family Estate Residential District (E).

2.1. *Intent.* To provide minimum density and maximum open space and privacy for single-family housing, free from other uses which are not compatible with low density residential use.

2.2. Permitted uses.

Single-family dwellings
Day care home
Home occupations
Municipal police, fire and emergency medical stations.

2.3. Special Exception Uses.

Special exception uses, except utility uses, shall only be permitted on lots which front a public street with paving at least twenty-two (22) feet in width.

Bed and breakfast
Group day care home
Group home
Tourist home

Utility uses such as: Electric substations, water storage tanks, above-ground pumping stations

2.4. Prohibited uses:

Duplex or two-family dwellings
Townhouses
Multifamily dwellings
Manufactured homes and mobile homes
Private kennels for more than five (5) dogs

All permitted uses in the Institution District

All industrial uses and all commercial uses except those specified as a special exception use

2.5. *Area and dimensional regulations.*

AREA AND DIMENSIONAL REGULATIONS	
Minimum Lot Area	1 acre
Minimum Lot Width	150 feet
Maximum Building Height	35 feet
Minimum Building Setbacks	
Front	75 feet
Rear	75 feet
Side	25 feet
Minimum Livable Floor Area	
One Story Dwelling	2,400 square feet
More Than One Story Dwelling	First Floor: 1,800 square feet Total Dwelling: 2,800 square feet

2.6. *Buffer Regulations.* All special exception utility uses, shall provide a buffer which is at least twelve (12) feet wide on all rear and side property lines which abut a residential district.

2.7. *Additional regulations.*

- A. Wireless Telecommunication Facilities, Article VIII.
- B. Off-street Parking and Loading Regulations, Article IX.
- C. Sign Regulations, Article X.
- D. Landscaping and Buffer regulations, Article XI.
- E. Horses are permitted subject to the following:
 - 1. Minimum lot area of three (3) acres
 - 2. Maximum of one horse per acre

Section 3.0. Single-Family Residential District (R-1).

3.1. *Intent.* To provide low density, open space and privacy for single-family housing, free from other uses which are not compatible with low density residential use.

3.2. *Permitted uses.*

Single-family dwellings
 Day care home
 Home occupations
 Municipal police, fire and emergency medical stations

3.3. *Special Exception Uses.* The same special exception uses as in District E, subject to the same conditions.

3.4. *Prohibited uses.* The same prohibited uses as in District E, subject to the same conditions.

3.5. *Area and dimensional regulations:*

AREA AND DIMENSIONAL REGULATIONS	
Minimum Lot Area	20,000 square feet
Minimum Lot Width	100 feet
Maximum Building Height	35 feet
Minimum Building Setbacks Front Rear Side	50 feet 50 feet 15 feet
Minimum Livable Floor Area One Story Dwelling	2,000 square feet
More Than One Story Dwelling	First Floor: 1,400 square feet Total Dwelling: 2,400 square feet

3.6. *Buffer Regulations:* Same as District E

3.7. *Additional regulations.*

- A. Wireless Telecommunication Facilities, Article VIII.
- B. Off-street Parking and Loading Regulations, Article IX.
- C. Sign Regulations, Article X.
- D. Landscaping and Buffers, Article XI.

Section. 4.0. Single-Family Residential District (R-2).

4.1. *Intent.* To provide medium density single-family housing free from other uses which are not compatible with medium density residential use.

4.2. *Permitted uses.*

- Single-family dwellings
- Day care home
- Home occupations
- Municipal police, fire and emergency medical stations.

4.3. *Special Exception Uses.* The same special exception uses as in District E, except bed and breakfast and tourist home, subject to the same conditions.

4.4. *Prohibited uses.* The same prohibited uses as in District E, subject to the same conditions.

4.5. *Area and dimensional regulations*

AREA AND DIMENSIONAL REGULATIONS	
Minimum Lot Area	15,000 square feet
Minimum Lot Width	90 feet
Maximum Building Height	35 feet
Minimum Building Setbacks	
Front	35 feet
Rear	35 feet
Side	10 feet
Minimum Livable Floor Area	
One Story Dwelling	1,600 square feet
More Than One Story Dwelling	First Floor: 1,200 square feet Total Dwelling: 2,000 square feet

4.6. *Buffer Regulations.* Same as District E

4.7. *Additional regulations*

- A. Wireless Telecommunication Facilities, Article VIII.
- B. Off-street Parking and Loading Regulations Article IX.
- C. Sign Regulations Article X.
- D. Landscaping and Buffer Regulations Article XI.

Section 5.0. Single-Family District (R-3).

5.1. *Intent.* To provide medium density single-family housing free from other uses which are not compatible with medium density residential use.

5.2. *Permitted uses.*

Single-family dwellings
Day care home
Home occupations
Municipal police, fire and emergency medical stations.

5.3. *Special Exception Uses.* The same special exception uses as in District E, except bed and breakfast and tourist home, subject to the same conditions.

5.4. *Prohibited uses.* The same prohibited uses as in District E, subject to the same conditions.

5.5. *Area and dimensional regulations.*

AREA AND DIMENSIONAL REGULATIONS	
Minimum Lot Area	10,000 square feet
Minimum Lot Width	80 feet
Maximum Building Height	35 feet
Minimum Building Setbacks Front Rear Side	30 feet 20 feet 13 feet between dwellings, with at least one side setback of 10 or more feet
Minimum Livable Floor Area One Story Dwelling More Than One Story Dwelling	1,400 square feet First Floor: 1,000 square feet Total Dwelling: 1,600 square feet

5.6. *Buffer Regulations.* Same as District E

5.7. *Additional regulations*

- A. Wireless Telecommunication Facilities, Article VIII.
- B. Sidewalk Regulations, Article VII, Sec.8.0.
- C. Off-street Parking and Loading Regulations, Article IX.
- D. Sign Regulations, Article X.
- E. Landscaping and Buffer Regulations Article XI.
- F. All utilities shall be installed underground.

Section 6.0. Residential Patio/Garden Home District (R-4)

6.1 *Intent.* To provide high density, single-family, detached housing free from other uses which are not compatible with high density detached residential use.

6.2 *Permitted uses.*

- Single-family dwellings
- Day care home
- Home occupations
- Municipal police, fire and emergency medical stations

6.3 *Special Exception Uses.* The same special exception uses as in District E, except bed and breakfast and tourist home, subject to the same conditions.

6.4 *Prohibited uses.* The same prohibited uses as in District E, subject to the same conditions.

6.5 *Area and dimensional regulations.*

AREA AND DIMENSIONAL REGULATIONS	
Minimum Required Acreage	6 acres
Minimum Lot Area	7,000 square feet
Minimum Lot Width	60 feet
Maximum Building Height	35 feet
Minimum Building Setbacks Front Rear Side	20 feet 15 feet 13 feet between dwellings, with at least one side setback of 10 or more feet
Minimum Livable Floor Area One Story Dwelling	1,400 square feet
More Than One Story Dwelling	First Floor: 1,000 square feet Total Dwelling: 1,600 square feet

6.6 *Buffer Regulations.* Same as in District E.

6.7 *Additional regulations.*

- A. Wireless Telecommunication Facilities, Article VIII.
- B. Sidewalk Regulations, Article VII, Sec. 8.0.
- C. Off street parking and loading regulations, Article IX.
- D. Sign regulations, Article X.
- E. Landscaping and Buffer Regulations, Article XI.
- F. All utilities shall be installed underground.

- G. An opaque fence or wall shall be erected along all side and rear property lines which abut an E, R-1, R-2 or R-3 district boundary.

Section 7.0. Two-Family Residential District (R-5).

7.1. *Intent.* To provide low density two-family housing free from uses which are not compatible with low density two family residential use.

7.2. *Permitted uses.*

- Two family dwellings
- Home occupations
- Municipal police, fire and emergency medical stations.

7.3. *Special Exception Uses.* The same special exception use as in District E, except bed and breakfast and tourist home, subject to the same conditions.

7.4. *Prohibited uses.* Single family dwellings, multi-family dwellings and all commercial and industrial uses unless otherwise stipulated in Sub section 7.3 of this Section.

7.5. *Area and dimensional regulations.*

AREA AND DIMENSIONAL REGULATIONS	
Minimum Lot Area	7,500 square feet
Minimum Lot Width	60 feet
Maximum Building Height	35 feet
Minimum Building Setbacks	
Front	35 feet
Rear	35 feet
Side	10 feet
Minimum Livable Floor Area Per Dwelling Unit	
One Story Dwelling	1,200 square feet
More Than One Story Dwelling	First Floor: 700 square feet Total Dwelling: 1,600 square feet

7.6. *Buffer Regulations.* Same as District E

7.7. *Additional regulations*

- A. Sidewalk Regulations, Article VII, Sec. 8.0.
- B. Wireless Telecommunication Facilities, Article VIII.
- C. Off-street Parking and Loading Regulations, Article IX.
- D. Sign Regulations, Article X.
- E. Landscaping and Buffer Regulations, Article XI.
- F. All utilities shall be installed underground.

Section 8.0. Multi-family District (R-6).

8.1 *Intent:* To provide areas for multi-family residential uses which are free from uses which are not compatible with low density multi-family residential use.

8.2 *Permitted uses.*

Assisted living facilities
Multi-family dwellings, including apartments and condominiums

8.3 *Special Exception Uses.* The same special exception use as in District E, plus:
Inn

Utility uses such as: Electric substations, water storage tanks, above-ground pumping stations

8.4. *Prohibited uses.*

Single-family dwellings
All permitted uses in the Institution District
All industrial uses and all commercial uses which are not a special exception use.

8.5. *Area and dimensional regulations.*

AREA AND DIMENSIONAL REGULATIONS	
Maximum Density	4,000 square feet per unit
Minimum Lot Width	40 feet
Maximum Building Height	35 feet
Minimum Building Setbacks Front Rear Side	35 feet 30 feet 25 feet, (15 feet if adjoining property is zoned multi family residential or commercial). All structures shall be located so as to conform to the International Building Code as amended and the Southern Fire Protection Code.
Minimum Livable Floor Area	800 square feet per unit

8.6. *Buffer Regulations.* When any permitted or special exception use is located wholly or partially adjacent to a single-family or two-family residential district or an agriculture district, said use shall provide a buffer which is at least twenty (20) feet wide on all rear and side property lines which abut said districts.

8.7. *Additional regulations*

A. Sidewalk Regulations, Article VII, Sec. 8.0.

- B. Wireless Telecommunication Facilities, Article VIII
- C. Off-street Parking and Loading Regulations, Article IX.
- D. Sign Regulations, Article X.
- E. Landscaping and Buffer Regulations, Article XI.
- F. All utilities shall be installed underground.

Section 9.0. Townhouse District (R-7).

9.1. *Intent.* To provide townhouse residential areas which are free from uses which are not compatible with townhouse residential use.

9.2. *Permitted use.* Townhouse dwellings.

9.3 *Special Exception Uses.* Because of the unique nature of townhouse developments and small lot sizes, no use other than townhouse dwellings is permitted.

9.4. *Prohibited uses.* Any use other than townhouse dwellings and accessory structures.

9.5. Area and dimensional regulations.

AREA AND DIMENSIONAL REGULATIONS	
Maximum Density	8 dwellings per gross acre
Minimum Lot Width	18 feet
Minimum Building Separation	20 feet
Maximum Building Height	35 feet
Minimum Building Setbacks	25 feet from a dedicated street right-of-way and R-7 district boundary. All dwellings shall be located so as to comply with the International Building Code as amended and the Standard Fire Prevention Code
Minimum Livable Floor Area One Story Dwelling	1,000 square feet
More Than One Story Dwelling	First Floor: 550 square feet Total Dwelling: 1,000 square feet

9.6. *Buffer Regulations.* A townhouse development shall provide a buffer which is at least ten (10) feet wide along all rear and side property lines which abut a single-family or two-family residential district or agriculture district.

9.7. *Additional Regulations.*

- A. Sidewalk Regulations, Article VII, Sec. 8.0.
- B. Wireless Telecommunication Facilities, Article VIII

- C. Off-street Parking and Loading Regulations, Article IX.
- D. Sign Regulations, Article X.
- E. Landscaping and Buffer Regulations, Article XI.
- F. Each townhouse shall be located on a separate lot and designed and constructed so as to enable the sale of each as a separate housing unit.
- G. All utilities shall be installed underground.

Section 10.0 Manufactured and Mobile Home Residential District (R-8)

10.1 Intent. To establish areas for manufactured or mobile homes and single family dwellings, free from uses which are not compatible with medium density residential use.

10.2 Permitted Uses.

- Single family dwellings
- Day care home
- Manufactured homes
- Mobile homes
- Home occupations
- Municipal police, fire and emergency medical stations

10.3 Special Exception Uses.

The same special exception uses as in District E, except bed and breakfast and tourist home, subject to the same conditions.

10.4 Prohibited Uses. The same prohibited uses as in District E, except manufactured homes and mobile homes, subject to the same conditions.

10.5 Area and Dimensional Regulations

AREA AND DIMENSIONAL REGULATIONS	
Minimum Lot Area	10,000 square feet
Minimum Lot Width	80 feet
Maximum Building Height	35 feet
Minimum Building Setbacks	
Front	30 feet
Rear	30 feet
Side	10 feet
Minimum Livable Floor Area	1,200 square feet

10.6. Buffer Regulations. Same as District E

10.7 *Supplemental Requirements for Single Family Dwellings and Manufactured and Mobile Homes:*

- A. All manufactured and mobile homes shall have underpinning which extends from the ground to the bottom of the exterior wall and surrounds the entire dwelling, the underpinning shall be material designed specifically for that use.
- B. Each manufactured or mobile home shall be blocked and anchored in compliance with applicable law, rule or regulations.
- C. Axles, trailer tongues, wheels, tires and tail lights shall be removed or hidden from view.
- D. All dwellings shall have permanent steps, porches or decks on all outside doorways, the supports for which shall be permanently anchored in the ground.
- E. The applicant shall submit proof that there are no restrictive covenants preventing the placement of a manufactured or mobile home on the subject property.
- F. Manufactured or mobile homes shall be installed as provided in the rules of the Alabama Manufactured Housing Commission Administrative Procedures Code.

10.8. *Additional regulations*

- A. Wireless Telecommunication Facilities, Article VIII
- B. Sidewalk Regulations, Article VII, Sec.8.0
- C. Off street parking and loading regulations, Article IX.
- D. Sign regulations, Article X.
- E. Landscaping and buffer regulations Article XI.

Section 11.0 Institution District

11.1 Intent. To establish areas for institution uses which are neither residential nor commercial in nature.

11.2 Permitted Uses.

Business college or vocational school
 Cemetery
 Church or other place of worship
 College or University
 Hospital
 Lodges and fraternal orders wherein alcoholic beverages are not consumed nor sold
 Nursing home
 Post Office
 Public buildings and facilities, except those which are listed as a permitted use in the M-1 or M-2 districts

Public park and recreation facilities
 Public and private schools

11.3 Special Exception Uses

None Specified

11.4 Prohibited Uses

Any use which is not a permitted use

1.5 Area and Dimensional Regulations

AREA AND DIMENSIONAL REGULATIONS	
Minimum Lot Area	None
Minimum Lot Width	40 feet
Maximum Building Height	60 feet, (30 feet when any portion of the property adjoins a single family or two family residential district)
Minimum Building Setbacks	
Front	25 feet
Rear	20 feet, (15 feet if adjoining property is zoned business)
Side	15 feet, (10 feet if adjoining property is zoned business)

11.6. *Buffer Regulations.* All uses shall provide a buffer which is at least twelve (12) feet wide on all rear and side property lines which abut a residential or agriculture district. Uses which feature outdoor activity, such as parks and playgrounds, shall provide a twenty (20) foot wide buffer along all side and rear property lines which abut said districts.

11.7. *Additional regulations*

- A. High Traffic Corridors, Article VII, Sec. 11.0.
- B. Wireless Telecommunication Facilities, Article VIII
- C. Off-street Parking and Loading Regulations, Article IX.
- D. Sign Regulations, Article X.
- E. Landscaping and Buffer Regulations, Article XI.
- F. Because of the unique nature of institution uses, and their need to be located in proximity to residential areas, the use of each lot or parcel in the Institution District shall be limited to those uses and configuration shown on the site development plan approved as part of the rezoning process. Amendments to the approved site development plan must be approved by the City according to the procedures set forth in Article III, Sub Section 2.1.

Because of the unique nature of institution uses, rezoning applications for the Institution District shall submit a site development plan which includes all of the information required in Article III, Sub Section 2.1, plus the location and dimensions of the following:

- 1. Buildings and structures
 - 2. Exterior lighting and signs
 - 3. Buffers and fences
 - 4. Outside storage areas
 - 5. Parking and loading areas
- G. The following regulations are applicable when an Institution District is adjacent to a residential district:
- 1. Each principal building shall have a service yard, or yards, adequate for the handling of wastes and garbage. Such service yard shall be paved, have access to a public street or alley, be located to the side or rear of the principal building and be enclosed on four (4) sides with a permanent wall or fence, at least six (6) feet tall and adequate to conceal the service yard from visibility off the premises.
 - 2. No exterior lighting fixture including lighting for parking areas, walkways, general illumination or any other purposes, except signs, shall extend more than twelve (12) feet in height measured from the ground. All exterior lighting fixtures shall be constructed to direct

the light below the horizontal plane of the fixture and shall reflect away from any adjacent residential areas.

Section 12.0. Office District (B-1)

12.1. *Intent.* To establish areas for office buildings which are compatible with nearby residential areas.

12.2. *Permitted uses.*

Any use permitted in the Institution District

Business offices, professional offices, government offices and offices of public or private non-profit organizations

Medical clinic

Assisted living facilities

Office uses which are similar to the above stated uses and comply with the intent of this district

12.3. *Special Exception Uses.*

Research and testing laboratories

Utility uses such as: Electric substations, water storage tanks, above-ground pumping stations

12.4. *Prohibited uses.*

Residential dwellings

Except as permitted in subsections 12.2 and 12.3 of this Section, any office, business or establishment wherein retail or wholesale trade is conducted or wherein any commodities, merchandise, or products are manufactured or stored.

Any use, or any use which is similar to a use, which is a permitted use in the B-2, B-3, B-4, M-1 and M-2 districts.

12.5. *Area and dimensional regulations.*

AREA AND DIMENSIONAL REGULATIONS	
Minimum Lot Area	None
Minimum Lot Width	40 feet
Maximum Building Height	60 feet, (30 feet when any portion of the property adjoins a single family or two family residential district)
Minimum Building Setbacks	
Front	25 feet
Rear	20 feet, (15 feet if adjoining property is zoned business)
Side	15 feet, (10 feet if adjoining property is zoned business)

12.6. *Buffer Regulations.* All uses shall provide a buffer which is at least twelve (12) feet wide along all rear and side property lines which abut a residential or agriculture district.

12.7. *Additional regulations*

- A. High Traffic Corridors, Article VII, Sec. 11.0.
- B. Wireless Telecommunication Facilities, Article VIII
- C. Off-street Parking and Loading Regulations, Article IX.
- D. Sign Regulations, Article X.
- E. Landscaping and Buffer Regulations, Article XI.
- F. The following regulations are applicable when a B-1 District is adjacent to a residential district:
 - 1. Each principal building shall have a service yard, or yards, adequate for the handling of wastes and garbage. Such service yard shall be paved, have access to a public street or alley, be located to the side or rear of the principal building and be enclosed on four (4) sides with a permanent wall or fence, at least six (6) feet tall and adequate to conceal the service yard from visibility off the premises.
 - 2. No exterior lighting fixture including lighting for parking areas, walkways, general illumination or any other purposes, except signs, shall extend more than twelve (12) feet in height measured from the ground. All exterior lighting fixtures shall be constructed to direct the light below the horizontal plane of the fixture and shall reflect away from any adjacent residential areas.

Section 13.0. Neighborhood Business District. (B-2)

13.1. *Intent.* To establish and preserve areas for neighborhood retail and service uses which serve and are compatible with surrounding residential areas.

13.2. *Permitted uses.*

Establishments may display merchandise outdoor, but shall not have any outside storage of materials, merchandise, equipment or supplies. Permitted uses shall include the following:

Any use permitted in the B-1 District

Bank or lending institution

Barber shop, beauty shop and similar personal service shops

Child or adult care center

Coin operated laundries

Convenience store, provided that gasoline pumps shall be located at least two hundred (200)feet from a residential district boundary

Dance, gymnastics, martial arts and music schools

Day Care Center

Drug store

Dry cleaning and laundry outlets

Hardware store

Inn

Mail and packaging services

Off-premise sale of beer and wine

Photocopy center

Photograph developing and processing shops

Restaurant

Shopping center

Specialty shops including but not limited to: antiques, art and school supplies, art galleries and studios, books, cosmetics, stationary, camera, glassware, clothing, coins, stamps, florist, gifts, novelties, hobbies, arts and crafts, jewelry, leather, magazines, photography studios, picture framing, shoes, sporting goods, tailoring, toys, upholstery shops and variety stores

Video tape rental

Retail and service uses which are similar to the above stated uses and comply with the intent of this district

13.3. *Special Exception Uses.*

Utility uses such as: Electric substations, water storage tanks, above-ground pumping stations

13.4. *Prohibited uses.*

Residential dwellings
Wholesale establishment

Any retail establishment which requires outside storage of equipment, commodities or other materials

On-premise sale of alcoholic beverages
Off-premise sale of liquor
Live entertainment

All permitted uses in the Institution District

Any use, or any use which is similar to a use, which is a permitted use in the B-3, B-4, M-1 and M-2 districts.

13.5. *Area and dimensional regulations.*

AREA AND DIMENSIONAL REGULATIONS	
Minimum Lot Area	None
Minimum Lot Width	None
Maximum Gross Floor Area per Establishment	2,500 square feet
Maximum Building Height	60 feet, (30 feet when any portion of the property adjoins a single family or two family residential district)
Minimum Building Setbacks	
Front	40 feet
Rear	30 feet, (15 feet if adjoining property is zoned business)
Side	20 feet, (10 feet if adjoining property is zoned business)

13.6. *Buffer Regulations.* All uses shall provide a buffer which is at least twenty (20) feet wide along all rear and side property lines which abut a residential or agriculture district.

13.7. *Additional regulations*

- A. High Traffic Corridors, Article VII, Sec. 11.0
- B. Wireless Telecommunication Facilities, Article VIII
- C. Off-street Parking and Loading Requirements, Article IX.
- D. Sign Regulations, Article X.
- E. Landscaping and Buffer Regulations, Article XI.
- F. The following regulations are applicable when a B-2 District is adjacent to a residential district.
 - 1. Each principal building shall have a service yard, adequate for the handling of wastes and garbage. Such service yard shall be paved, have access to a public street or alley, be located to the side or rear of the structure and be enclosed on four (4) sides with a permanent wall or fence, at least six (6) feet tall and adequate to conceal the service yard from visibility off the premises.
 - 2. No exterior lighting fixture including lighting for parking areas, walkways, general illumination or any other purposes, except signs, shall extend more than twelve (12) feet in height measured from the ground. All exterior lighting fixtures shall be constructed to direct the light below the horizontal plane of the fixture and shall reflect away from any adjacent residential areas.

Section 14.0. Community Business District. (B-3)

14.1. *Intent.* To provide areas for retail and service businesses which serve a community-wide market and are generally not compatible in proximity to nor within residential areas.

14.2. *Permitted uses.*

Any use permitted in the B-2 Business district, plus:

Automobile dealership, used car lot

Minor automobile repair, provided that all service work is done within an enclosed building, all vehicles are stored within an enclosed building or a yard which is paved with a concrete or asphalt surface and screened from view from off the premises, and no vehicle shall be stored on the premises for more than 30 days.

Bakeries

Bowing alley

Business services such as blueprinting, duplicating, and computer and copier sales and service

Car wash

Catering shop

Discount and department stores

Equipment and vehicle rental business, provided that all service work is done within an enclosed building and all outdoor storage is screened from view from all public rights-of-way and residential districts

Fraternal orders and lodges wherein alcoholic beverages are sold or consumed

Funeral home

Gasoline service station

Grocery Store

Home furnishing establishments including, carpet, furniture and appliances

Home improvement centers and retail lumber yards

Hotels and motels

Indoor flea market

Manufactured Home Sales and service

On and off-premise sale of alcoholic beverages

Outdoor, commercial recreation uses such as miniature golf, par 3 golf, golf driving range, batting cages, go-cart tracks, paint ball courses and similar uses

Paint, wallpaper and home decorating stores

Pawn shop

Plant nursery, greenhouse

Power equipment sales and service centers, provided that all service work is done within an enclosed building and all storage is screened from view from all public rights-of-way and residential districts

Radio or television broadcasting studio

Repair service for such items as appliances, electronics, shoes, watches or jewelry

Research and testing laboratories

Restaurant, drive-up

Shopping center

Skating rink

Taxidermy

Theater and drive-in theater

Vehicle towing service, with no vehicle storage on premises

Veterinarian, with no outdoor kennels

Video arcade

Vision center

Retail and service uses which are similar to the above stated uses and comply with the intent of this district

14.3. *Special Exception Uses.*

Live entertainment

Self service storage facilities

Utility uses such as: Electric substations, water storage tanks, above-ground pumping stations

14.4. *Prohibited uses.*

All permitted uses in the Institution District

Any wholesale establishment

Any residential dwelling

Any industrial, manufacturing, storage or other use not in accordance with the intent of this district, including any use, or any use which is similar to a use, which is a permitted use in the B-4, M-1 and M-2 districts.

14.5. *Area and dimensional regulations.*

AREA AND DIMENSIONAL REGULATIONS	
Minimum Lot Area	None
Minimum Lot Width	50 feet
Maximum Building Height	60 feet, (30 feet when any portion of the property adjoins a single family or two family residential district)
Minimum Building Setbacks	
Front	50 feet
Rear	60 feet, (15 feet if adjoining property is zoned business)
Side	40 feet, (5 feet if adjoining property is zoned business)

14.6. *Buffer Regulations.* All uses shall provide a buffer which is at least twenty (20) feet wide along all rear and side property lines which abut a single-family or two-family residential district or agriculture district.

14.7. *Additional regulations*

- A. High Traffic Corridors Regulations, Article VII, Sec. 11.0.
- B. Gasoline Service Station Regulations, Article VII, Sec. 12.0.
- C. Self Service Storage Regulations, Article VII, Sec.16.0.
- D. Off-street Parking and Loading Regulations, Article IX.
- E. Sign Regulations, Article X.
- F. Landscaping and Buffer Regulations, Article XI.
- G. Wireless Telecommunication Facilities, Article VIII
- H. No materials, supplies nor equipment shall be stored in any area on a site except within an enclosed building, or behind a visual barrier screening such areas so that they are not visible from neighboring properties and public streets. Said visual barrier shall be either a planting screen of evergreen shrubs or a wall or fence constructed of material similar to and compatible with that of the principal building.

Section 15.0. General Business District (B-4).

15.1. *Intent.* To establish areas for wholesale trade, warehousing and service and repair businesses which are not appropriate in a retail environment and where all business activity and storage is conducted within an enclosed building or a yard which is screened from view from off the premises.

15.2. *Permitted uses.*

Service and repair businesses including heating and cooling, plumbing, electrical, glass, flooring, painting and pest control

Major automobile repair

Self service storage facilities

Warehouse

Office-warehouse

Recycling collection point for household items

Theater and drive-in theater

Wholesale business and factory representatives

Similar service and storage uses which comply with the intent of this district

15.3. *Special Exception Uses.*

Utility uses such as: Electric substations, water storage tanks, above-ground pumping stations

Veterinarian clinics and pet boarding establishments with outside kennels

15.4. *Prohibited uses.*

Any residential dwelling

All permitted uses in the Institution District

Retail sales except in conjunction with a permitted use, any industrial, manufacturing, storage or other uses not in accordance with the intent of this district, including any use, or any use which is similar to a use, which is a permitted use in the M-1 and M-2 districts.

15.5. *Area and dimensional regulations.*

AREA AND DIMENSIONAL REGULATIONS	
Minimum Lot Area	None
Minimum Lot Width	None
Maximum Building Height	60 feet, (30 feet when any portion of the property adjoins a residential district)
Minimum Building Setbacks	
Front	50 feet
Rear	60 feet, (15 feet if adjoining property is zoned B-4, M-1 or M-2)
Side	40 feet, (5 feet if adjoining property is zoned B-4, M-1 or M-2)

15.6. *Buffer Regulations.* All uses shall provide a buffer which is at least thirty (30) feet wide along all rear and side property lines which abut a single-family or two-family residential district or agriculture district. All uses shall provide a buffer which is at least twelve (12) feet wide along all rear and side property lines which abut an R-6, Institution or B-1 Office district.

15.7. *Additional regulations*

- A. High Traffic Corridors, Article VII, Sec. 11.0.
- B. Self Service Storage Regulations, Article VII, Sec. 18.0
- C. Wireless Telecommunication Facilities, Article VIII
- D. Off-street Parking and Loading Regulations, Article IX.
- E. Sign Regulations, Article X.
- F. Landscaping and Buffer Regulations, Article XI.
- G. All business activity and storage of equipment and materials shall be within an enclosed building or a yard which is screened from view from off the premises.

Section 16.0 Central Business District (B-5)

16.1 *Intent.* To protect the core of the central business district from uses which are detrimental to the retail shopping environment.

16.2 *Permitted Uses.*

Retail and service establishments where all business activity as well as the storage of commodities, equipment, materials and supplies are within an enclosed building, such as:

Art and school supply stores
Art galleries and studios
Bakeries
Bank or lending institution
Barber shops and beauty shops

Business service shop such as blueprinting, accounting, duplicating or employment agency

Business, music or dancing school
Catering shop
Department stores
Drug stores
Eyeglass and vision centers
Food stores
Fraternal orders and lodges wherein alcoholic beverages are sold or consumed
Furniture stores
Hardware stores
Mail and packaging services
On-premise sale of alcoholic beverages
Offices
Paint, wallpaper and home decorating stores
Pawn shop
Photocopy center
Photograph developing and processing shops
Photographer or artist's studios
Fraternal organizations
Repair service for such items as electronics, shoes, watches or jewelry
Restaurants, except drive-in restaurants

Second hand stores

Specialty shops including but not limited to: antiques, books, cosmetics, stationary, camera, glassware, clothing, coins, stamps, florist, gifts, novelties, hobbies, arts and crafts, jewelry, leather, magazines, picture framing, shoes, sporting goods, tailoring, toys, and variety stores

Video arcade
Video tape rental
Vision Center
Other retail and service uses which comply with the intent of the B-5 District

16.3 Special Exception Uses.

Utility uses such as: Electric substations, water storage tanks, above ground pumping stations

16.4 Prohibited Uses.

Any use that is not a permitted use

16.5 Area and Dimensional Regulations.

AREA AND DIMENSIONAL REGULATIONS	
Minimum Lot Area	None
Minimum Lot Width	None
Maximum Building Height	30 feet
Minimum Building Setbacks	
Front	None
Rear	None
Side	None

16.6 Off-street Parking and Loading Regulations.

There shall be no off-street parking and loading requirements.

16.7 Buffer Regulations.

There shall be no buffer regulations

16.8 Additional Regulations

- A. High Traffic Corridors, Article VII, Sec. 11.0.
- B. Sign Regulations, Article X.

Section 17.0 Light Industrial District (M-1)

17.1 *Intent:* To provide areas for light manufacturing and storage uses which do not create any danger to health or safety in surrounding areas and which do not create any objectionable noise, vibration, smoke, dust, odor, heat or glare.

17.2 Permitted Uses:

Any use permitted in the B-4 General Business District, plus:

Above ground storage of liquid motor fuels, provided that loading platforms be set back from the closest property line a minimum of 150 feet. All above ground storage tanks shall be provided with separate containment reservoirs, each reservoir being of sufficient capacity to insure containment of the storage tank contents when completely full in event of rupture or leak. Such reservoirs shall be set back from the closest property line at least 200 feet.

Airport
 Major and minor automobile and truck repair
 Contractor or construction yard
 Crematorium
 Governmental public works facility
 Heavy equipment sales and service
 Manufacturing, fabricating, processing or assembling uses
 Truck terminal

Utility uses such as: Electric substations, water storage tanks, above-ground pumping stations

Vehicle towing service, with vehicle storage which is screened from view from off the premises

Veterinarian clinics and pet boarding establishments with outside kennels
 Similar light industrial uses which comply with the intent of this district

17.3 Special Exception Uses.

None Specified

17.4 Prohibited Uses.

Any residential dwelling

All permitted uses in the Institution, B-1, B-2 and B-3 districts

Retail sales except in conjunction with a permitted use, any use which is permitted, or any use which is similar to a use which is permitted in the M-2 District, and other uses which are detrimental to property or to the health and safety beyond the district by reason of the omission of odor, dust gas, fumes, smoke, noise, vibration, or waste material.

17.5 Area and Dimensional Regulations

AREA AND DIMENSIONAL REGULATIONS	
Minimum Lot Area	None
Minimum Lot Width	None
Maximum Building Height	60 feet, (30 feet when any portion of the property adjoins a residential district)
Minimum Building Setbacks	
Front	50 feet
Rear	25 feet*
Side	15 feet*

* 30 feet when a side or rear property line abuts a residential or agriculture district.

17.6 *Buffer Regulations.* All uses shall provide a buffer which is at least thirty (30) feet wide along all rear and side property lines which abut a residential or agriculture district. All uses shall provide a buffer which is at least twenty (20) feet wide along all rear and side property lines which abut a business district. All uses shall provide a buffer which is at least twelve (12) feet wide along all rear and side property lines which abut an Institution or B-1 Office district.

17.7 *Additional regulations*

- A. High Traffic Corridors Regulations, Article VII, Sec. 11.0.
- B. Self Service Storage Regulations, Article VII, Sec. 16.0.
- C. Industrial Park Regulations, Article VII, Section 17.0
- D. Wireless Telecommunication Facilities, Article VIII
- E. Off-street Parking and Loading Regulations, Article IX.
- F. Sign Regulations, Article X.
- G. Landscaping and Buffer Regulations, Article XI.

Section 18.0 Heavy Industrial District (M-2)

18.1 *Intent:* To establish and preserve areas for heavy industrial uses

18.2 *Permitted uses:*

Any use permitted in the M-1 Light Industrial District, plus:

Above ground storage of flammable or combustible liquids provided that loading platforms shall be set back at least 150 feet from all property lines. All above ground storage tanks shall be provided with separate containment reservoirs, each reservoir being of sufficient capacity to insure containment of the storage tank contents when completely full in event of rupture or leak. Such reservoirs shall be set back at least 200 feet from all property lines and 1,000 feet from any residential district boundary.

Automobile salvage and dismantling

Cement plant

Central mixing plant for cement, mortar, plaster or paving materials

Fixed plants for processing stone, chert, gravel and clay

Foundry

Manufacture of brick, tile and concrete blocks

Railroad yard

Salvage yard and processing of recycled materials

Saw mill

Vehicle towing service with vehicle storage

Wastewater Treatment Plant

Similar heavy industrial manufacturing uses which comply with the intent of this district

18.3 Special Exception Uses.

Except as otherwise permitted in Sub-section 18.2 Permitted uses, any use or process which involves volatile materials or which emits obnoxious odors, including but not limited to sanitary land fill and solid waste transfer station

18.4 Prohibited Uses.

Any residential dwelling
 Permitted uses in the Institution, B-1, B-2, and B-3 districts
 Retail sales except in conjunction with a permitted use
 Uses which are detrimental to property or to the health and safety beyond the district by reason of the omission of odor, dust gas, fumes, smoke, noise, vibration, or waste material.

18.5 Area and dimensional regulations:

AREA AND DIMENSIONAL REGULATIONS	
Minimum Lot Area	None
Minimum Lot Width	None
Maximum Building Height	60 feet, (30 feet when any portion of the property adjoins a residential district)
Minimum Building Setbacks	
Front	50 feet
Rear	25 feet
Side	15 feet

18.6 Buffer Regulations. Same as District M-1

18.7 Other regulations

- A. Self Service Storage Regulations, Article VII, Sec. 16.0.
- B. Industrial Park Regulations, Article VII, Section 17.0
- C. Wireless Telecommunication Facilities, Article VIII
- D. Off-street Parking and Loading Regulations, Article IX.
- E. Sign Regulations, Article X.
- F. Landscaping and Buffer Regulations, Article XI.

Section 19.0 Planned Development District (PDD)

19.1 *Intent.* Planned development is a method of development which permits more than one use to be developed on a tract of land according to an approved master development plan; the intent of which is to:

- A. Create a community which features a variety of residential densities and land uses in a manner which connects those neighborhoods and uses by a coordinated system of commonly owned open space, pedestrian ways and public streets.
- B. Permit flexibility and consequently more creative and imaginative design to accommodate planned associations of uses developed as integral land use units
- C. Promote the efficient use of land to facilitate a more economic arrangement of uses, buildings, pedestrian and vehicular circulation systems and utilities.
- D. Combine and coordinate uses, building forms, building relationships, architectural styles and circulations systems within the PDD
- E. Preserve and enhance the significant natural features of the site

19.2 PDD Standards

- A. Except when an existing approved PDD is amended to include additional area, any tract of land to be zoned PDD shall have a minimum of fifty (50) acres.
- B. Twenty (20) percent of the gross tract acreage of a PDD shall be devoted to commonly owned open space. At least one half of that amount shall be comprised of tree save and natural areas. All commonly owned open space shall be incorporated throughout the PDD to form a continuous network of open space which enhances scenic quality and pedestrian circulation within the PDD.
- C. The PDD shall have an architecturally unified design theme which runs throughout the community. The design theme shall be accomplished by unified design of the following elements: entrance features, landscaping, lighting, color, architecture, right-of-way treatments, signs, and similar elements that are common throughout the community.
- D. The average maximum residential density of a PDD shall be three (3) dwelling units per gross tract acre of property zoned for residential use. Although some areas may exceed this density, the average density of

property zoned for residential use in the PDD shall be three (3) dwelling units per acre.

- E. Each lot and parcel of land in the PDD, which is devoted to uses other than detached single family residential use, shall not exceed 80 percent impervious surfaces. Impervious surfaces include, but are not limited to: buildings, parking areas, paved drainage structures, walkways and other surfaces which are impervious to water.
- F. Every PDD shall feature a variety of land uses. If it is not appropriate to have commercial or industrial land uses in a PDD, land use variety shall be accomplished by providing a variety of residential densities. Every PDD shall feature a variety of residential densities.
- G. All of the property within the PDD shall be allocated to one or more of the following zoning districts:
 - 1. PRD-1 Planned Single Family Residential District
 - 2. PRD-2 Planned Attached Residential District
 - 3. POD Planned Office and Institution District
 - 4. PCD-1 Planned Neighborhood Commercial District
 - 5. PCD-2 Planned Commercial District
 - 6. PID Planned Industrial District
- H. Each PDD shall establish an entity which owns and is responsible for the perpetual maintenance of all commonly owned property and improvements.
- I. Every lot or parcel in a PDD shall front a public street and all public improvements shall comply with the Alabaster Subdivision Regulations.
- J. All structures shall be located so as to conform to the International Building Code, the National Fire Code and Standard Fire Prevention Code.
- K. The following standards shall apply to all property in the PDD, except PRD-1 zoning districts:
 - 1. Service and loading areas, outdoor storage areas, trash receptacles, utility equipment, mechanical units and similar appurtenances shall be located so as to minimize visibility from public property and shall be visually screened from view from public property. Trash receptacles shall be located within a four sided structure which completely conceals the trash receptacle. The color and architecture of the structure shall be compatible with that of the building which it serves.

2. The intensity, location and design of exterior lighting shall be such that light is not cast upon adjacent property or the public right-of-way. Light fixtures shall be designed to cast light downward. Where necessary, cut-off devices shall be used to minimize glare off premises. Exterior lights shall not exceed 24 feet in height and the fixtures and poles shall be compatible with the architecture of the buildings on the premises.
3. Article X, Sign Regulations shall apply to all PDD's, except that free standing signs shall not exceed 12 feet in height or the maximum height permitted in Article X for the subject sign, whichever height is less.

19.3 PDD Zoning Application Requirements

PDD zoning applications shall be reviewed in compliance with the procedures set forth in Article III, Section 2.1. PDD zoning applications shall also include the following information:

- A. A development plan, drawn to a scale of not more than one inch equals one hundred feet, which shows the following:
 1. Boundary of the PDD in relation to surrounding property, and public streets and highways.
 2. Boundary of each PDD zoning district.
 3. Conceptual public street plan and pedestrian circulation plan for the PDD and the manner in which the proposed streets will connect to the existing street system of the surrounding area.
 4. Proposed lot layout for the PDD
 5. The location of all existing and proposed: bodies of water, easements and rights-of-way, rivers, streams, railroads, tree save areas, commonly owned open space, proposed public use sites, pedestrian ways, buffers intended to separate the PDD from surround land uses and similar features and improvements.
- B. A topography map of the PDD in not less than ten (10) foot contour intervals.
- C. Development Criteria: Each application for a PDD shall include a written text which addresses the following planning issues:

1. A legal description of the total site proposed for the PDD and a legal description of each PDD zoning district.
2. A general description of the surrounding area, including current zoning and/or land uses.
3. A statement of planning objectives to be achieved by the PDD, and a description of the character of the proposed development.
4. A development schedule indicating the estimated date when construction of the PDD or stages of the PDD can be expected to begin.
5. Provisions and/or plans for providing necessary utilities to and within the PDD
6. Protective and/or restrictive covenants which shall encumber the property and establish standards pursuant to Subsection 19.2(c) of this Section.
7. A comprehensive traffic study, prepared by a registered professional engineer, which estimates the projected traffic to be generated by each component of the PDD, and the effect of the projected traffic attributed to the PDD upon the City of Alabaster.
8. Total acreage of the PDD and for each PDD zoning district.
9. Average density of development expressed in units per acre for residential property and gross floor area per acre for other land uses.
10. The amount of commonly owned open space and the percent distribution of open space within each PDD zoning district.

19.4 PRD-1 Planned Single Family Residential District

- A. *Intent.* To provide areas for detached single family residential dwellings which are connected to all other parts of the planned community by a network of commonly owned open space, pedestrian ways and public streets.
- B. *Permitted uses:* The same permitted uses as in District E, subject to the same conditions
- C. *Special Exception Uses:* The same special exception uses as in District E, subject to the same conditions.

D. *Prohibited uses:* The same prohibited uses as in District E, subject to the same conditions.

E. *Area and Dimensional Regulations:*

AREA AND DIMENSIONAL REGULATIONS	
Maximum Density	The average density of all residential districts in the PDD shall not exceed 3 dwelling units per acre
Minimum Lot Area	None
Minimum Lot Width	None
Maximum Building Height	35 feet
Minimum Building Setbacks	All dwellings shall be located so as to conform to the International Building Code as amended and the Standard Fire Prevention Code
Minimum Livable Floor Area One Story Dwelling	1,400 square feet, except that 20% of the dwellings in a PRD-1 may be 1,200 square feet
More Than One Story Dwelling	First Floor: 1,000 square feet Total Dwelling: 1,800 square feet

F. *Buffer Regulations.* Same as District E

G. *Additional Regulations:* Same as District E

19.5 PRD-2 Planned Attached Residential District

A. *Intent.* To provide areas for attached dwellings which are connected to all other parts of the planned community by a network of commonly owned open space, pedestrian ways and public streets.

B. *Permitted Uses:* The same permitted uses as in the R-5, R-6 and R-7 districts, subject to the same conditions

C. *Special Exception Uses.* The same special exception uses as in the R-5, R-6 and R-7 districts, subject to the same conditions

D. *Prohibited uses.* The same prohibited uses as in the R-5, R-6 and R-7 districts, subject to the same conditions

E. *Area and Dimensional Regulations:*

AREA AND DIMENSIONAL REGULATIONS	
Maximum Density	A maximum of 80 percent impervious surfaces. The average density of all residential districts in the PDD shall not exceed 3 dwelling units per acre
Minimum Lot Area	None
Minimum Lot Width	None
Maximum Building Height	35 feet
Minimum Building Setbacks	All buildings shall be located at least 25 feet from a public street right-of-way and the PRD-2 boundary. All dwellings shall be located so as to conform to the Southern Standard Building Code as amended and the Standard Fire Prevention Code
Minimum Livable Floor Area Two Family Dwellings Townhouse Dwellings Multiple Dwellings	Same as District R-5 Same as District R-7 Same as District R-6

F. *Buffer Regulations*

1. Two-family dwellings: Same as in District R-5.
2. Townhouse dwellings: Same as in District R-7
3. Multiple dwellings: Same as in District R-6

G. *Additional Regulations:* Same as the R-6 District

19.6 *POD Planned Office and Institution District*

- A. *Intent.* To provide areas for office and institution uses which are connected to all other parts of the planned community by a network of commonly owned open space, pedestrian ways and public streets.
- B. *Permitted uses.* The same permitted uses as in the Institution (I) District and District B-1, subject to the same conditions
- C. *Special Exception Uses.* The same special exception uses as in the Institution (I) District and District B-1, subject to the same conditions
- D. *Prohibited uses.* The same prohibited uses as in the Institution (I) District and District B-1, subject to the same conditions
- E. *Area and Dimensional Regulations:*

AREA AND DIMENSIONAL REGULATIONS	
Maximum Density	A maximum of 80 percent impervious surfaces
Minimum Lot Area	None
Minimum Lot Width	None
Maximum Building Height	Four stories
Minimum Building Setbacks	All buildings shall be located at least 25 feet from a public street right-of-way and the POD boundary.

- F. *Buffer Regulations:* Same as District B-1
- G. *Additional Regulations:* Same as District B-1

19.7 *Planned Neighborhood Commercial District (PCD-1)*

- A. *Intent.* To establish and preserve areas for neighborhood commercial facilities which serve and are compatible with surrounding residential areas and are connected to all other parts of the planned community by a network of commonly owned open space, pedestrian ways and public streets.
- B. *Permitted uses.* The same permitted uses as in District B-2, subject to the same conditions
- C. *Special Exception Uses.* The same special exception use as in District B-2, subject to the same conditions
- D. *Prohibited uses.* The same prohibited uses as in District B-2, subject to the same conditions

E. *Area and dimensional regulations.*

AREA AND DIMENSIONAL REGULATIONS	
Maximum Density	Maximum of 80 percent impervious surfaces
Maximum Gross Floor Area of each establishment	2,500 square feet
Minimum Lot Area	None
Minimum Lot Width	None
Maximum Building Height	35 feet
Minimum Building Setbacks	All buildings shall be located at least 25 feet from the PCD-1 boundary which adjoins a residential district

F. *Buffer Regulations.* Same as District B-2

G. *Additional regulations:* Same as District B-2

19.8 *Planned Commercial District (PCD-2)*

- A. *Intent.* To provide areas for retail and service businesses which serve a community-wide market and are generally not compatible within residential neighborhoods, but are connected to all other parts of the planned community by a network of commonly owned open space, pedestrian ways and public streets.
- B. *Permitted uses.* The same permitted uses as in District B-3, subject to the same conditions
- C. *Special Exception Uses.* The same special exception use as in District B-3, subject to the same conditions
- D. *Prohibited uses.* The same prohibited uses as in District B-3, subject to the same conditions

E. *Area and dimensional regulations.*

AREA AND DIMENSIONAL REGULATIONS	
Maximum Density	Maximum of 80 percent impervious surfaces
Minimum Lot Area	None
Minimum Lot Width	None
Maximum Building Height	35 feet
Minimum Building Setbacks	All buildings shall be located at least 25 feet from a PCD-2 boundary which adjoins a residential district

F. *Buffer Regulations.* Same as District B-3

G. *Additional regulations:* Same as District B-3

19.9 *Planned Industrial District (PID)*

A. *Intent:* To provide areas for manufacturing and storage which do not create any danger to health or safety in surrounding areas and which do not create any objectionable noise, vibration, smoke, dust, odor, heat or glare; and which may be connected to all other parts of the planned community by a network of commonly owned open space, pedestrian ways and public streets.

B. *Permitted Uses:*

Any use permitted in the B-4 General Business District, plus:

Manufacturing, fabricating, processing or assembling uses

Utility uses such as: Electric substations, water storage tanks, above-ground pumping stations

Vehicle towing service, with vehicle storage which is screened from view from off the premises

Veterinarian clinics and pet boarding establishments with outside kennels

Similar light industrial uses which comply with the intent of this district

C. *Special Exception Uses.* None specified

D. *Prohibited Uses.*

Any residential dwelling
 All permitted uses in the Institution District

Retail sales except that associated with a permitted or special exception use

Any use which is permitted, or any use which is similar to a use which is permitted in the M-2 District

Other uses which are detrimental to property or to the health and safety beyond the district by reason of the omission of odor, dust gas, fumes, smoke, noise, vibration, or waste material.

E. *Area and Dimensional regulations*

AREA AND DIMENSIONAL REGULATIONS	
Maximum Density	Maximum of 80 percent impervious surfaces
Minimum Lot Area	None
Minimum Lot Width	None
Maximum Building Height	35 feet
Minimum Building Setbacks	All buildings shall be located at least 25 feet from a PID boundary.

F. *Buffer Regulations.* Same as District M-1

G. *Additional regulations:* Same as District M-1

19.10. *Mixed Uses.* In the PCD-1 and PCD-2 districts, residential uses may be located on building floors above commercial uses. Such mixed uses shall be designated on the approved PDD Development Plan and described in Planning Criteria. All such dwellings shall count toward the maximum permitted residential density of three (3) dwelling units per acre.

19.11 *PDD Amendments.* The following changes to the Development Criteria or approved Development Plan, shall require approval by the Planning Commission and City Council pursuant the procedures set forth in Article III, Subsection 2.1:

- A. Any change in PDD zoning district boundaries
- B. Any change to the conceptual street plan which would:
 1. Change a cul-de-sac street to a through street
 2. Change a through street to a cul-de-sac or dead end street
 3. Change the intent or function of the pedestrian circulation system or commonly owned open space network

- C. Any change in the Development Criteria approved as part of the PDD.
- D. Any variances to zoning ordinance provisions which apply to a PDD and are not part of this Section 16.0, must be approved by the Board of Zoning Adjustment.

Section 20.0 Manufactured and Mobile Home Park and Subdivision District (MHD)

20.1 Intent. To provide areas for mobile home parks and subdivisions which are free from incompatible land uses and meet the minimum requirements set forth herein. All manufactured or mobile home parks and subdivisions created or established after the effective date of this Ordinance shall conform to the specifications and requirements as set forth herein. Any additions or alterations to existing manufactured home parks or subdivisions hereinafter established shall be in conformity with the provisions of this Ordinance.

20.2 Permitted Uses.

Manufactured homes

Mobile homes

Uses which are accessory to each dwelling and uses which are accessory to the manufactured or mobile home community such as recreation facilities for the common use of residents and owners, laundromat, business office, resident manager dwelling and similar accessory uses.

20.3 Special Exception Uses

None Specified

20.4 Prohibited Uses

Any use which is not a Permitted Use

20.5 Manufactured or Mobile Home Subdivision Regulations

- A. Minimum land area of six (6) acres shall be required in order to establish a manufactured or mobile home subdivision.
- B. All manufactured or mobile homes shall be located on a separate lot and each lot shall front and have direct vehicular access to a public street.
- C. The subdivision shall comply with the Alabaster Subdivision Regulations.

D. Area and Dimensional Regulations

AREA AND DIMENSIONAL REGULATIONS	
Minimum Lot Area	7,500 square feet
Minimum Lot Width	50 feet
Maximum Building Height	20 feet
Minimum Building Setbacks	
Front	25 feet
Rear	25 feet
Side	10 feet
Minimum Livable Floor Area	None

20.6 Manufactured or Mobile Home Park Regulations

- A. Minimum land area of ten (10) acres shall be required to establish a Manufactured or Mobile Home Park.
- B. The boundary of each manufactured or mobile home space shall be clearly delineated on the ground by the use of corner posts
- C. Each space shall front and have direct vehicular access to the manufactured or mobile home park access drive.
- D. The location, width and configuration of the access drive shall be approved by the City and the Fire Chief as part of the zoning approval process in order to ensure public safety access to each space.
- E. The access drive shall be paved with either concrete or bituminous pavement at least 28 feet wide, in order to accommodate on-drive parking for visitors.
- F. Each space shall have two parking spaces which meet the minimum standards of this Ordinance. Such spaces shall be configured such that vehicular parking does not interfere with vehicular traffic on the access drive.
- G. A resident manager shall be on duty at all times to keep the manufactured or mobile home park, its facilities and equipment in a clean, orderly, sanitary condition.

H. Area and Dimensional Regulations

AREA AND DIMENSIONAL REGULATIONS	
Minimum Lot Area	7,500 square feet
Minimum Lot Width	50 feet
Maximum Building Height	20 feet
Minimum Building Setbacks	
Front	25 feet
Rear	25 feet
Side	10 feet
Minimum Livable Floor Area	None

20.7 Regulations which pertain to both Manufactured and Mobile Home Parks and Subdivisions.

- A. The City Engineer must approve all storm water drainage plans for the facility including any storm water retention or detention ponds.
- B. Maximum height of any structure shall be twenty (20) feet
- C. Each manufactured or mobile home shall have permanent stairs or porches which are constructed in compliance with the International Building Code and each lot or space shall have an accessory storage building.
- D. Each manufactured or mobile home shall be installed upon a pad which contains a minimum of four (4) inches of compacted gravel, or other suitable pavement material.
- E. All manufactured or mobile homes shall have permanent underpinning which extends from the ground to the bottom of the exterior wall and surrounds the entire dwelling, the underpinning material shall be the same color as the exterior walls of the manufactured or mobile home.
- F. Manufactured or mobile homes shall be installed as provided in the rules of the Alabama Manufactured Housing Commission Administrative Procedures Code.
- G. Manufactured or mobile homes shall be blocked and anchored in compliance with the applicable law, rule or regulation.
- H. A thirty five (35) foot wide buffer shall be installed along the MHD boundary which abuts a single family residential district, and a ten foot wide buffer shall be installed along all other MHD boundaries.

- I. Each manufactured or mobile home shall be provided with a connection to a sanitary sewer line or to a sewer system approved by the Health Department.
- J. An adequate, safe, and potable supply of water approved by the Health Officer shall be provided to each manufactured or mobile home.
- K. Refuse storage, collection and disposal shall be in conformity with the laws and regulations prescribed by the Health Department.
- L. Recreation areas that equal or exceed an area having a minimum of one hundred and fifty (150) square feet of area for each manufactured or mobile home lot or space shall be provided. Such areas shall be consolidated into usable areas convenient to all residents of the park or subdivision.
- M. Only factory prefabricated portable attachments or awnings may be attached to or become a part of any manufactured or mobile home. No permanent addition of any kind shall be built onto, nor become a part of any manufactured or mobile home.

20.8 Zoning application requirements. An MHD zoning application shall consist of the information required in Article III, Section 2.1, and the following information:

- A. Proposed use of buildings shown on the site.
- B. The location and dimensions of all manufactured or mobile home lots and spaces
- C. An internal traffic circulation plan and the location of all points of ingress and egress to surrounding public streets.
- D. The location of all required buffers
- E. The location of all exterior light poles and fixtures
- F. The location, dimensions and materials of all walls and fences
- G. The location of all off-street parking spaces and vehicle maneuvering areas
- H. A time schedule for development which shall demonstrate the applicant's readiness and ability to implement the proposed plan.
- I. Storm drainage plan

- J. Other information that may be necessary to determine compliance with this Section

Section 21.0 Municipal Reserve District (MR)

- 21.1 *Intent:* To maintain the current use of property that has been recently annexed. All uses in existence at the time of annexation may lawfully continue.
- 21.2 *Permitted Uses:*
- Any use that existed on the premises at the time of annexation
- 21.3 *Special Exception Uses.* None
- 21.4 *Prohibited Uses.* Any use other than the use that existed at the time of annexation
- 21.5 *Additional regulations:* New construction shall not be permitted in the Municipal Reserve District. Prior to issuance of a building permit for property which was annexed into the City of Alabaster, the City shall zone the property in accordance with Article III, Section 2.1 of this Ordinance.

Section 22.0 MXD Mixed Use District (MXD)

22.1 *Intent.* The Mixed Use District is intended to combine commercial, institution, public and residential uses within a unified development concept that is diverse, compact and pedestrian oriented; with attributes sufficient to justify the application of a land use and development plan that may not comply in certain respects with other requirements of this Zoning Ordinance

22.2 *Permitted uses:*

Any use permitted in the B-2 District, except the sale of gasoline, plus the following uses:

Bakery
Catering shop
Discount and department stores

Dwelling, except that no dwelling may be located in the basement or the first floor of a building

Fraternal orders and lodges wherein alcoholic beverages are sold or consumed
Grocery Store
Home furnishing establishments including, carpet, furniture and appliances
Hotels and motels
On and off-premise sale of alcoholic beverages

Paint, wallpaper and home decorating stores
Repair service for such items as appliances, electronics, shoes, watches or jewelry
Theater
Video arcade
Vision center

Retail and service uses which are similar to the above stated uses and comply with the intent of this district

Accessory uses, buildings and structures customarily incidental to the uses specifically permitted in this section.

22.3 Special Exception Uses. Utility uses such as: Electric substations, water storage tanks, above ground pumping stations

22.4 Prohibited Uses: Any use that is not a permitted use.

22.5 Area and Dimensional Regulations:

Because of the unique nature of mixed use development, area and dimensional regulations shall be established for each mixed use development as part of the development plan review process as required in Subsection 22.8.

22.6 Buffer Regulations:

Because of the unique nature of mixed use development, area and dimensional regulations shall be established for each mixed use development as part of the development plan review process as required in Subsection 22.8.

22.7 Additional Regulations:

- A. Wireless Telecommunication Regulations, Article VIII.
- B. Because of the unique nature of mixed use development, Article IX Off Street Parking and Loading Requirements, Article X Sign Regulations, and Article XI Landscaping and Buffers shall not apply to a Mixed Use District. Requirements for parking and loading, signs and landscaping and buffers shall be established for each mixed use development as part of the development plan review process as required in Subsection 22.8.
- C. Refuse and garbage service yards. Each service yard shall be located so as to be conveniently accessible by vehicles collecting such refuse and to occupants of the building or buildings served by such yard. Each service yard shall be paved with asphalt or concrete and shall be enclosed with an opaque wall or fence of permanent construction least six (6) feet in height, and designed and constructed so as to conceal such storage area from visibility from outside such wall or fence. Each entrance to the service yard shall be screened with a gate constructed of an opaque material,

which gate must be at least six (6) feet, but not more than eight (8) feet in height.

- D. Exterior lighting. Exterior lighting shall be arranged so as to shine and reflect away from any adjacent residential areas and away from any adjacent streets. No light fixtures used for any parking area shall be elevated more than fourteen (14) feet above the ground. Each light fixture shall be designed and installed so as to direct its beam of light below the horizontal plane of such lighting fixture.
- E. At least twenty (20) percent of the gross land area of the Mixed Use District shall be devoted to functional open space which may include landscaping; sidewalks; courtyards, plazas and other congregation areas; and open space that is part of the pedestrian network.

22.8 Zoning Application: A development plan, containing the following information and the following additional items and information shall be filed with each application for a Mixed Use District. The following requirements are in addition to, and not in lieu of, the requirements of Article III, Section 2.1.

- A. Development Plan.
 - 1. Size, area, boundary lines, dimensions and street frontage of the subject property;
 - 2. Location of proposed land uses
 - 3. Location of parking areas and means of vehicular ingress and egress
 - 4. The location, size and dimensions of functional open space and buffers;
 - 5. Location and dimensions of service yards;
 - 6. Location, height, other dimensions and floor area of buildings;
 - 7. Pedestrian circulation network;
 - 8. Exterior lighting, fire hydrants and storm water retention and detention facilities;
 - 9. Outside appearance and exterior finishes of buildings;
 - 10. The distance between each building, and the front, rear and side building setbacks;

11. The percentage of the parcel devoted to each proposed use, including functional open space;
12. Building height and number of floors in each building;
13. The number of parking spaces and dimensions of all parking areas
14. Parking, driveway and sidewalk paving materials

The above information shall be shown on the development plan, except that where necessary for a clear explanation of such information, the site plan may be accompanied by supplemental material.

B. Additional items and information.

1. A current survey and legal description of the subject property;
2. The proposed density of land use for the subject property with tabulations by acreage and the percentage of the property to be occupied by each use, including functional open space;
3. A copy of any covenants or restrictions to which the property is subject;
4. A copy of any proposed covenants or restrictions which will be imposed upon the property or any improvements thereon;
5. A development schedule indicating the approximate commencement and completion dates of the development, and any phases thereof if the development is to be developed in phases;
6. A landscaping and buffer plan that shows the location and dimensions of all buffers and landscaping areas, as well as the type and size of plant material proposed for those areas.
7. Proposed sign regulations and a signage plan that shows the type, size and location of all building wall and free standing signs proposed for the mixed use development.
8. A comprehensive traffic analysis indicating the probable effect of the proposed development on traffic patterns and capacities of adjacent streets in the immediate area, prepared by a registered professional engineer. (When required by the City);

9. A fire protection plan, showing the location of all proposed fire hydrants and fire access lanes, as well as a description of all fire protection measures and devices for structures.
10. Text and drawings that describe the unified development concept for the Mixed Use District, including the design and appearance of the streetscape, buildings, outdoor lighting, outdoor seating and congregation areas, pedestrian oriented open space, and signs.
11. Designation of the Architectural Review Committee and review process that shall govern the construction of all improvements in the Mixed Use District.

22.9 Zoning Approval Procedures. For the purposes of this sub section the term development plan shall include the development plan and all accompanying information that comprises the Mixed Use District zoning application. The city council may: (a) Approve the development plan; (b) Disapprove the development plan; (c) Make suggestions for revisions to the development plan and, with the approval of the applicant, continue its consideration of the development plan to a future meeting of the city council; or (d) Approve the development plan subject to the applicant making certain specified minor revisions, which revisions would be subject to the approval of the Building Official.

Property which is the subject of an approved Mixed Use District zoning application shall be developed in compliance with the development plan and additional items and information approved by the city as part of the Mixed Use District zoning process.

An approved development plan may be amended by the City, provided the procedure specified in Subsection (3) of this Section for Mixed Use District zoning is followed.

Minor changes in the location, siting, elevation, or character of buildings and structures shown on the final development plan may be authorized by the zoning administrator. No change authorized by the Building Official under this section may increase the size of any building or structure by more than ten (10) percent, nor change the location of any building, or structure by more than ten (10) feet in any direction; provided, notwithstanding anything in the foregoing, the Building Official may not permit changes beyond the minimum or maximum requirements set forth in the Mixed Use District zoning approval.

Prior to issue of a building permit for improvements and/or structures in the Mixed Use District, the plans and specifications for the improvements and/or structures shall be submitted to and approved by the Architectural Review Committee identified for the Mixed Use District in the zoning application.

ARTICLE VII SUPPLEMENTAL REGULATIONS

Section 1.0. Fences and walls.

- A. Except as permitted in Paragraph C of this Section, only the following walls and fences are permitted in the front yard(s) of a residential district:
 - 1. Retaining wall
 - 2. Split rail type fence, which features vertical wood posts connected with horizontal, wooden rails or boards which are spaced at least eight (8) inches apart. Said fence shall not exceed four (4) feet in height. Vinyl or plastic fencing components which are designed to appear as wood may also be used.
 - 3. A picket fence which does not exceed forty (40) inches in height.

- B. In the Institution, office, business and manufacturing districts all privacy walls and fences located within the front yard(s) and parallel, or approximately parallel to a public right-of-way shall be separated from said right(s)-of-way by a landscaped strip at least ten (10) feet wide that meets the requirements of Article XI, Section 4.3.

- C. Privacy walls and fences shall not exceed a height of six and one-half (6 1/2) feet, except as required for a retaining wall or tennis court.

- D. Privacy walls and fences shall not be located between the front of a dwelling and a public street. However, privacy walls and fences may be located within that portion of a front yard that is located between the rear or side of a dwelling and a public street, subject to the following restrictions:
 - 1. All such privacy walls shall be constructed of masonry, with a masonry or brick surface.
 - 2. All such privacy fences shall have a finished surface facing the public street and shall have a landscaped strip at least four feet wide, located between the fence and public street right-of-way. The landscaped strip shall be located within the aforementioned common easement and shall be planted with a combination of shrubs and shade trees. The shrubs shall be at least thirty (30) inches tall at installation and planted on thirty six (36) inch centers. The shade trees shall be at least two and one half (2 1/2) inch caliper in size at installation and planted on 30 foot centers. All plant material shall be drought resistant or irrigated, and shall be maintained in perpetuity by the owners in common.

- E. No fence, structure, or planting shall obstruct visibility of persons driving vehicles in the public right of way.

Section 2.0. Temporary structures, building material storage and disposal of waste.

- A. Building materials, temporary structures or construction debris or trash, shall not be placed or stored on any lot or parcel before appropriate building permits have been approved and issued for the premises, by the Building Official.
- B. All construction debris and/or waste materials shall be removed from the premises prior to issue of a Certificate of Occupancy. Said debris and/or waste materials shall be handled in accordance with all Federal, State and local laws and ordinances. No garbage, paint cans, or similar debris shall be buried on the property. Burning of appropriate materials is allowed in accordance with all applicable laws.
- C. All waste associated with construction of a building or structure shall be contained. Burning of waste or burying of waste in other than a landfill which is permitted by the Alabama Department of Environmental Management, is prohibited. Portable toilet, licensed by the Shelby County Health Department, shall be provided for all workers involved in the clearing or grading of land or the construction or demolition of a building or structure.
- D. All public streets and storm drainage structures shall be kept free from dirt, mud, trash and other debris associated with clearing, grading and the construction of any building or structure.

Section 3.0. Outdoor storage of recreation vehicles, tractor trailer trucks and buses.

The outdoor storage or parking of any airplane, truck tractor or truck trailers, buses, and similar large vehicles shall be prohibited for a period greater than seventy two (72) hours in all residential districts, except where expressly permitted by other provisions of this Ordinance unless the following minimum conditions are met:

- A. All such vehicles or equipment shall be placed within a completely enclosed building or located behind the front building line or lines in the case of a corner lot or through lot, but no closer than ten (10) feet to any property line.
- B. Storage or parking shall be limited to a lot or parcel of land which is improved with an inhabited dwelling and the vehicle or equipment is owned by the occupant.
- C. In the case of multifamily structures, all such vehicles shall be stored at one location designated for such use and shall be screened from view by a fence or vegetation adequate to conceal the vehicles from view from off the premises.
- D. Trailer coaches and other vehicles or equipment intended or adaptable for sleeping purposes shall remain unoccupied and shall not be used as a dwelling.

Section 4.0 Storage of inoperable motor vehicles.

It shall be unlawful for any person to park, leave or store upon any lot, place or premises within the City of Alabaster any inoperable motor vehicle for a period greater than thirty (30) days, unless such vehicle is in an enclosed building or screened from view by a visually impervious barrier such as a privacy fence or landscaping. Such privacy fencing shall comply with the provisions of Section 4.0 of this Article. For the purpose of this Ordinance, a vehicle shall be deemed inoperable if it cannot be started or driven under its own power and/or does not have a current and valid State Vehicle Registration. Provided, however, that this subsection shall not apply to a properly zoned and licensed business if such parking, leaving or storing of such motor vehicles is a reasonably necessary incident in the operation of said business.

Section 5.0 Keeping of animals

- A. No horse, mule, donkey, pony, cow, goat, sheep, swine, fowl or other farm animal or livestock shall be kept in any residential district except as specifically provided in Article VI.
- B. No animal listed in Sub section A shall be kept within 100 feet of any dwelling other than that occupied by the owner of the animal, or within 100 feet of any hotel, motel, restaurant, retail food store, school, church or hospital.
- C. No animal listed in Sub section A which is permitted in a residential district may be kept unless a special permit therefore is issued by the Building Official after an inspection of the premises and a finding that no nuisance will be created and that all ordinances and regulations have been complied with. A permit shall be for a term of one year, and no renewal shall be issued without reinspection.

Section 6.0. Swimming pools.

- A. All swimming pools, except those with inflatable sides, shall only be permitted in the rear yard when located in a single family or two family residential district and shall be located at least five (5) feet from any property line.
- B. All permanent swimming pools shall be located within a fenced in yard or enclosed by a fence with a childproof gate. The fence and gate shall be at least four (4) feet in height and constructed in compliance with the requirements of Section 1.0 of this Article. The owner of any existing pool shall be allowed a period of 45 days from the effective date of this ordinance in which to provide a fence for such pool as herein required.
- C. All exterior lighting fixtures shall be constructed to direct the beam below the horizontal plane of the fixture and shall reflect away from any adjacent property. Maximum height of the fixtures shall be ten (10) feet.
- D. Swimming pools shall not be located within a Regulated Flood Hazard Area as depicted on the City's Flood Hazard Boundary Map.

Section 7.0. Private tennis courts.

- A. Tennis courts constructed in a single-family or two-family residential district shall be located in the rear yard.
- B. Tennis courts shall be located at least twenty-five (25) feet from any property line and residential structure.
- C. All fences must meet the requirements of Section 4.0 of this Article.
- D. All exterior lighting fixtures shall be constructed to direct the beam below the horizontal plane of the fixture and shall reflect away from any adjacent property.

Section 8.0 Sidewalks

- A. In order to provide a safe pedestrian environment, sidewalks shall be provided in all subdivisions located in the R-3, R-4, R-5, R-7 and R-8 residential districts and in all residential communities in the R-6 District. The City may also require sidewalks in other districts, where the location and type of development warrants pedestrian circulation. Sidewalks in subdivisions shall be located in the public street right-of-way and constructed to City standards. Sidewalks and pedestrian ways on private property shall be at least four (4) feet wide.
- B. All sidewalks in the public right-of-way shall be a minimum of forty-eight inches wide, four inches thick, and shall have a 1/4 to 1/2 inch per foot crossfall. Additional sidewalk requirements may be addressed in the Subdivision Regulations.

Section 9.0. Storage and dispensing of combustible and flammable liquids, other than for sale.

9.1. *Above ground storage.* The above ground storage of gasoline, diesel fuel, kerosene and other hazardous liquids is prohibited within the City, except that protected above ground storage tanks at commercial, industrial, governmental or manufacturing facilities, intended for fueling vehicles used in connection with those facilities, may be allowed when approved by the Building Official of the Department of Building Safety.

Temporary use of movable tanks in conjunction with the dispensing of such liquids into the fuel tanks of motorized equipment on premises not normally accessible to the public is permitted only after written approval for such use has been obtained from the Building Official of the Department of Building Safety.

9.2. *Below ground storage.* The below ground storage and/or dispensing of gasoline, diesel fuel, kerosene and other hazardous liquids is prohibited in residential zones, except at governmental facilities when approved by the Building Official of the

Inspection Services Department. Such storage of hazardous liquids, other than for sale, is permitted in non-residential zones, upon written approval of the Building Official of the Department of Building Safety.

Section 10.0. Each business to be located in permanent building.

Except as otherwise permitted in this Article, the main building of a permanent or temporary business shall be a permanent building which has a roof supported by columns or walls, with walls constructed of wood, metal, glass, brick or masonry materials, which completely enclose the main building area. The permanent building and premises shall conform in all respects to the applicable land and building development codes and ordinances of the City. The main building of any permanent or temporary business shall not be a tent, shelter, mobile building or other structure which does not comply with the intent of this Section.

Section 11.0 High Traffic Corridors

A “High Traffic Corridor “ is defined as land adjoining a public street or highway with a traffic volume equal to or exceeding 10,000 vehicles per day. Any commercial building abutting or visible from a thoroughfare defined as a high traffic corridor must meet the following requirements in addition to other provisions of this Ordinance:

- A. Buildings shall be constructed so that, all exterior building walls that are visible from a public right-of-way are surfaced with a masonry material. Acceptable materials include brick, stone, drivit, or decorative block.
- B. Parking lots must include curbing and/or gutters and be landscaped in accordance with Article XI.

Section 12.0 Gasoline service stations

- A. No gasoline service station shall be located within a radius of three hundred (300) feet from a place of public assembly.
- B. All permanent storage of material, merchandise and equipment shall be within the principal building or within the setback lines, with the exception of garbage and trash, which shall be located in an area enclosed on four (4) sides by an opaque fence at least six (6) feet high and located within the setback lines.
- C. The principal building and three (3) islands of triple pumps shall require a minimum lot area of twelve thousand (12,000) square feet with one hundred and twenty (120) feet of continuous public road frontage.
 - 1. All driveways shall be set back at least twenty (20) feet from property corners, shall not exceed thirty-five (35) feet in width and shall be thirty (30) feet apart.

2. A minimum of one thousand six hundred (1,600) square feet of lot area is required for each additional triple pump island.
 3. A minimum of one thousand two hundred (1,200) square feet of lot area shall be provided for each service bay or car wash
 4. No pumps shall be located within fifty feet of a residential district boundary.
- D. Applicable only to construction of gasoline pumps and facilities to existing establishments. The following minimum standards shall apply to the gasoline dispensing area including pump islands and approach drives:
1. One triple pump island shall require two thousand seven hundred (2,700) square feet of lot area.
 2. One pay station and one triple pump island shall require five thousand two hundred (5,200) square feet of lot area.
 3. A minimum of one thousand six hundred (1,600) square feet of lot area shall be provided for each additional triple pump island and a minimum of one thousand two hundred (1,200) square feet of lot area shall be provided for each service bay and car wash.
- E. The following are prohibited uses in gasoline service stations located in any district other than M-1 and M-2:
1. Storage of vehicles on premises for purposes other than periodic maintenance or repair.
 2. Major automobile repair
 3. The sale of new or used motor vehicles
 4. Any use performed inside the building which is offensive or dangerous or which constitutes a nuisance to the occupants of adjacent properties, by reason of the emission of smoke, fumes, dust, odor, vibration, noise or unsightliness.

Section 13.0 Exterior Lighting

These regulations apply to all premises except detached single family dwellings. All outdoor lighting on private or public property shall be aimed, located, designed, fitted and maintained so as not to present a hazard to drivers or pedestrians by impairing their ability to safely traverse and so as not to create a nuisance by projecting or reflecting objectionable light onto a neighboring use or property. All outdoor light fixtures shall be shielded in such a manner that no light is emitted above a horizontal plane passing through the lowest point of the light emitting element, so that direct light emitted above the horizontal plane is eliminated.

- A. All outdoor fixtures that light the area under outdoor canopies shall be shielded in such a manner that no light is emitted above a horizontal plane passing through the lowest point of the light emitting element, so that direct light emitted above the horizontal plane is eliminated.

- B. Floodlights and spotlights shall be so installed or aimed that they do not project their output into the windows of neighboring dwellings, adjacent uses, skyward or onto a public roadway or pedestrian way.
- C. Security and night operation lighting for commercial, industrial, public recreational and institutional applications shall be controlled by automatic switching devices to permit extinguishing the outdoor lighting fixtures between 11p.m. and sunrise.
- D. Lighting proposed for use after 11 p.m., or after normal hours of operation of a business, which ever is earlier, for commercial, industrial, institutional or municipal applications, shall be reduced by at least 50 percent from then until dawn, unless supporting a specific purpose and approved by the Building Official.
- E. All illumination for advertising signs, building and/or surrounding landscapes for decorative, advertising or esthetic purposes is prohibited between 11 p.m. and sunrise, except that such lighting situated on the premises of a commercial establishment may remain illuminated while the establishment is open for business and until one hour after closing.
- F. In no case shall the illumination cast by a source or sources onto an adjacent residential property exceed 0.1 vertical footcandle measured line-of-site, from any point on the adjacent residential property.
- G. Externally illuminated signs shall be lighted by fixtures mounted at the top of the sign and aimed downward. All such fixtures shall be designed or fitted to concentrate the light output onto and not beyond the sign. All such lighting shall be extinguished between the hours of 11 p.m. and dawn except as specifically permitted by the Building Official.
- H. Except for athletic facilities, light fixtures shall not be mounted in excess of twenty (20) feet above grade.

Section 14.0 Garbage and Trash Containers

Except for single family residential dwellings, all garbage and trash containers shall be located within a three sided enclosure, which completely conceals the containers.

Section 15.0 Mobile Buildings and Modular Homes

- A. A mobile building may be used for sales offices for manufactured homes and camping trailers. Mobile buildings may be used for storage and office purposes, for a period not to exceed six (6) months, on the premises of a construction site for which all required permits have been issued.
- B. The Building Official of the Inspection Services Department shall enforce the following standards to the placement of a manufactured or mobile or modular home in a residential district, except the R-8 and MHD districts:
 - 1. The dwelling shall be constructed with the same or similar materials which are used in the construction of the majority of the other homes within the immediate area.
 - 2. All foundations, electrical, plumbing, and heating systems shall be substantially the same as other homes in the area.
 - 3. The dimensions, roof pitch and general appearance shall be essentially the same as other homes in the area.

Section 16.0 Self-Service Storage Facilities

16.1 Requirements for Self-Service Storage Facilities

- A. Submission of a site development plan
- B. Self-service storage facilities shall be limited to the rental of storage units and the pick-up and deposit of goods or property in dead storage.
- C. Vehicle and trailer rental may be permitted on the premises as an accessory use, subject to review and approval as a special exception use. Rental vehicles shall not be parked in required parking spaces, drives or parking lanes.
- D. Storage units shall not be used to manufacture, fabricate or process goods; conduct servicing or repair; conduct garage sales or retail sales of any kind; or conduct any other commercial or industrial activity.
- E. Individual storage units shall not have electrical outlets except ceiling light fixtures and necessary switches.
- F. The maximum gross floor area of an individual storage unit shall be 340 square feet.

- G. Individual storage units or private postal boxes within a self-service storage facility shall not be considered premises for the purpose of assigning a legal address in order to obtain a business license or other governmental permit or license to do business; nor as a legal address for residential purposes.
- H. The following materials shall not be stored in any self-service storage unit. Each lessee shall be required to sign a written statement certifying that none of the following will be stored in the unit leased by that individual or corporation:
 - 1. Hazardous materials
 - 2. Flammable and combustible liquids
 - 3. Explosives
 - 4. Black powder and smokeless powder
- I. Except as provided herein, all property stored on the premises shall be entirely within an enclosed building. Open storage of recreation vehicles and boats is permitted, subject to the following:
 - 1. Storage shall occur only in a designated area which is clearly delineated for open storage.
 - 2. Such areas shall not exceed 10 percent of the lot or parcel area.
 - 3. Such areas shall be screened from view from property zoned for detached single family residential use and public property, including the public right-of-way.
 - 4. Storage shall not occur in required parking spaces, drives, parking lanes nor within required building setback areas.
 - 5. No vehicle maintenance, washing or repair shall be permitted.
- J. Exterior light fixtures shall be designed and installed so that the light is focused down upon the premises and so that a minimum amount of light shines on adjacent property or the public right-of-way. If a facility abuts a residential district, exterior light fixtures shall not exceed 16 feet in height.
- K. A caretaker or security guard dwelling is permitted on the premises.
- L. Required parking spaces shall be located adjacent to the building or use which they serve. Floor area within the rental or leasing office, which is devoted to uses other than the rental of storage units, shall be provided with additional parking spaces, at a ratio of one space per 200 square feet of gross floor area.
- M. Self-service storage facilities which feature both multi-access and limited access storage facilities shall comply with all of the requirements pertaining to both types of storage units.

16.2 Supplemental Regulations Pertaining Only to Multi-Access Facilities

- A. Minimum lot area shall be three acres.
- B. All drives which provide direct access to storage units shall have an adjacent parking lane which extends the full length of the access drive, and is located between the access drive and the storage units. Access drives with direct access to storage units on only one side of the drive shall be at least 20 feet wide, plus one parking lane at least 10 feet wide, for a total width of 30 feet. Access drives with direct access to storage units on both sides of the drive shall be at least 20 feet wide, plus one parking lane at least 8 feet wide on each side of the drive, for a total width of 36 feet.
- C. Storage unit doors shall be screened from view from property zoned for detached single family residential use. The building, including storage unit doors, shall be a color which blends with the surrounding built and natural environment and shall not be a color which attracts attention to the premises.
- D. The facility shall feature appropriate access and circulation by vehicles and emergency equipment.

16.3 Supplemental Regulations Pertaining Only to Limited Access Facilities

- A. Multi-story facilities located in the B-3 or B-4 zoning districts shall feature building materials and architectural design which reduces the scale and mass of the structure, so that the building appears to be an office building, not a storage facility.
- B. Each entry point to the building used to access hallways leading to the storage units shall accommodate a minimum of two loading berths and related maneuvering areas. The loading and maneuvering areas shall not interfere with the traffic circulation system of the premises.

Section 17.0 Industrial Park Requirements

- A. Access by way of a major thoroughfare adequate and suitable for the accommodation of truck traffic.
- B. All streets or roadways within an industrial park shall have a minimum right-of-way width of seventy (70) feet, a maximum gradient of five (5) percent and shall conform to the City standards for commercial streets.
- C. Cul-de-sac streets shall be permitted in industrial parks when they are less than five hundred (500) feet long as measured from the terminal point of the cul de sac street to the closest intersection, and when such terminal

point is provided with a paved vehicle turnaround area having a minimum radius of seventy (70) feet.

- D. Sight distances at all points of ingress and egress to public thoroughfares or highways shall not be less than five hundred (500) feet, except where a traffic signal light is installed.

Section 18.0 Home Occupations

Home occupations are a permitted use in certain districts. In order to qualify as a home occupation, a business or activity must comply with the following standards:

- A. The business must be conducted entirely within an owner occupied dwelling and, except for group day care homes, employs only the inhabitants thereof.
- B. The business shall not occupy more than twenty five (25) percent of the gross floor area of the dwelling.
- C. The business shall not involve wholesale or retail sales wherein merchandise is delivered or distributed from the premises, except for art work, crafts and similar items which are made on the premises.
- D. The business shall not involve outdoor storage of merchandise, equipment or supplies nor large truck deliveries other than routine parcel delivery.
- E. The residential appearance of the premises shall be maintained and all off-street parking, other than those spaces located on the residential driveway, shall be located in the rear or side yard of the premises.
- F. The business shall not create any noise which is audible from off the premises and shall not emit any smoke, vibration, fumes or dust which effect nearby properties.

ARTICLE VIII WIRELESS TELECOMMUNICATION FACILITIES

Section 1.0 Intent.

The intent of this Article is to establish minimum standards for wireless telecommunications facilities. The underlying principles of these standards are to: (1) achieve a balance among the number, height, and density of wireless telecommunications facilities that is appropriate for the City; (2) encourage and maximize the use of existing towers, buildings and other structures to accommodate new wireless telecommunications facilities; (3) ensure the compatibility of towers with, and avoid adverse impacts to, nearby properties; and (4) discourage the proliferation of towers throughout the City.

Section 2.0 Definitions

Accessory structure compound: A fenced, secured, enclosure in which a wireless telecommunications facility and its equipment, buildings, parking area and other accessory devices and auxiliary structures are located.

Alternative support structure: Any structure other than a wireless telecommunications tower, which may include, but is not limited to, buildings, water towers, light poles, power poles, and similar structures.

Antenna: An electromagnetic device which conducts radio signals, through an attached cable or waveguide, to or from a radio transmitter or receiver. Typically this includes "whips," "cornucopia horns," "panels" and parabolic "dishes."

Antenna support structure: Any structure on which telecommunications antennas and cabling can be attached. Typically this includes steel towers with guy-wires, wooden, steel or concrete monopoles, self-supporting steel towers, and other alternative support structures.

Co-location: The placement of more than one wireless communications antenna on a single existing or new antenna support structure.

Concealment Techniques: A wireless telecommunications facility, including any antennas thereon, designed to unobtrusively blend into the existing surroundings and be disguised so as not to have the appearance of a wireless telecommunications facility.

FAA: Federal Aviation Administration.

FCC: Federal Communications Commission.

Height: When referring to a tower or other structure, the distance measured from the ground level at the base of the tower to the highest point on the tower or other structure, including if said highest point is an antenna placed on a structure or tower.

Temporary telecommunications facility: A mobile wireless telecommunications facility, mounted on a trailer or other vehicle, used or designed to be used on a temporary basis.

Tower: Any structure that is designed and constructed primarily for the purpose of supporting one or more antenna, including self supporting lattice towers, guyed towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common carrier towers, cellular telephone towers, and similar structures. See also definition of Antenna support structure.

Wireless telecommunications facility: A facility that transmits and/or receives electromagnetic signals. Including antennas, microwave dishes, horns, and other types of equipment for the transmission or receipt of such signals; telecommunications towers, broadcasting towers, radio towers, television towers, telephone transmission towers and similar structures supporting said equipment; equipment buildings, access roads, parking area, access roads and other accessory structures.

Section 3.0 Permit Requirements.

All wireless telecommunications facilities defined herein are subject to the requirements of this Article and shall require issue of a building permit prior to erection or construction.

Section 4.0 Zoning Use Requirements

The following table sets forth the zoning use requirements for Wireless Telecommunication Facilities

TYPE OF WIRELESS COMMUNICATION FACILITY	ZONING DISTRICTS						
	A	E, R-1, R-2, R-3, R-4, R-5, R-6, R-7, R-8, PRD-1, PRD-2	Institution, B-1, B-2, B-3, B-5, POD, PCD-1, PCD-2	B-4 M-1, M-2, PID	MHD	MR	MXD
Alternative Support Structure	P	P	P	P	X	X	SE
Co-Location Antenna	P	P	P	P	X	X	SE
Concealment Technique, Any Height	P	SE	P	P	X	X	SE
Antenna Support Structure 59 Feet or Less in Height	P	SE	P	P	X	X	SE

Antenna Support Structure 60 to 200 Feet in Height	SE	SE	P	P	X	X	SE
Antenna Support Structure More Than 200 Feet in Height	SE	X	SE	P	X	X	SE
Note to Table: P = Permitted, SE = Special Exception Use, X = Prohibited							

- A. The height limitations applicable to buildings and structures in each zoning district shall not apply to Wireless Telecommunications Facilities
- B. Towers and/or antennas utilizing alternative support structures shall not extend more than 15 feet above the existing structure on which they are placed.
- C. "Whips," "panels," cornucopia horns, and parabolic "dishes" placed on alternative support structures shall not exceed 100 square feet in area.
- D. Placement of temporary telecommunications facilities must be approved by the Board of Zoning Adjustment and in no case may the temporary facility be permitted for longer than one year. Temporary facilities may only be approved by the Board, for sites that have been approved for a permanent tower structure.

Application for a temporary facility may be made simultaneously with an application for a permanent tower. All portions of the temporary facility shall fall within the compound boundaries that are approved specifically for the permanent Wireless Telecommunications Facility. A temporary facility shall not exceed the height of the permanent facility approved for the site. These regulations shall not apply to portable mobile emergency or test tower facilities.

- E. Area and Dimensional Regulations.
 - 1. Minimum Lot Size.
 - a. Lot size must conform to the minimum lot size required for the underlying zoning district.
 - b. The minimum lot size for any new Wireless Telecommunications Facility shall be large enough to accommodate the antenna support structure and any ground-mounted accessory structures of the applicant and the ground-mounted accessory structures at least one additional co-locating service provider.
 - c. If only a portion of a parcel is being leased for a Wireless Telecommunications Facility, the leased parcel must be situated within the parent parcel so

that the Wireless Telecommunications Facility complies with the applicable antenna support structure setback requirements.

2. Setbacks.
 - a. Wireless telecommunications towers, guys, and accessory facilities must satisfy the minimum yard requirements of the zoning district in which they are located. The use of concealment techniques does not exempt a Wireless Telecommunications Facility from any minimum yard requirements.
 - b. Towers (but not guys and accessory facilities) must adhere to additional setbacks indicated in the following table. Tower setbacks do not apply to alternative support structures.

TOWER SETBACKS	
When property on which the tower is located is zoned:	The minimum setback from the property line shall be:
A	50 Feet for towers of any height, except as stipulated in (c) below
E, R-1, R-2, R-3, R-4, R-5, R-6, R-7, R-8, PRD-1, PRD-2, MHD	A distance equal to the height of the tower
Institution, B-1, B-2, B-3, B-5, POD, PCD-1, PCD-2, MXD	50 Feet for towers of any height, except as stipulated in (c) below
B-4, M-1, M-2, PID	30 Feet for towers of any height, except as stipulated in (c) below

- c. Towers shall be no closer than a distance equal to the height of the wireless telecommunications facility from any residential structure on adjacent property.

Section 5.0 Co-location

- A. New antenna support structures shall only be permitted when the applicant demonstrates that no existing antenna support structure or other structure can accommodate the applicant's needs.
- B. Documentation that all efforts have been made to achieve co-location shall be submitted along with all applications for a new antenna support structure. Such applications shall include an affidavit from the applicant verifying that no existing sites are available for co-location. If the owner of an approved antenna support structure refuses to allow a co-location, an affidavit shall be required that states the reason for the refusal.
- C. Antenna support structures less than or equal to 200 feet in height shall have the ability to accommodate at least one additional antenna, unless the co-location would cause the height of the antenna support structure to be increased. Antenna support structures greater than 200 feet in height shall have the ability to accommodate at least two additional antennas.

Section 6.0 Appearance.

The design of the tower shall be of a type that has the least visual impact on the surrounding area.

- A. Towers and antennas shall be painted a neutral or blending color so as to reduce visual obtrusiveness, except as may be required by the FAA standards. If an antenna is installed on a structure other than a tower, the antenna and supporting telecommunications facilities must be the same color as the supporting structure.
- B. Signs, symbols, or advertisements shall not be attached to any Wireless Telecommunications Facility.

Section 7.0 Accessory Structures

- A. The design of the Wireless Telecommunication Facility shall, to the extent possible, blend with the surrounding natural setting and built environment.
- B. In or adjacent to developed properties, accessory structures must be architecturally compatible with the surrounding built environment.

Section 8.0 Non vegetative Screening

- A. Non vegetative screening shall be required when it is necessary to reduce the visual impact of a wireless telecommunications compound upon adjacent public rights-of-ways, properties or private property. Within or adjacent to developed properties, non vegetative screening shall be provided in a manner which is compatible with the surrounding development, buildings, natural vegetation, and landscaping. Such screening, shall consist of one or more of the following: brick or masonry walls, solid wood fencing and berms. All non vegetative screening shall be properly maintained in perpetuity by the property owner or lessor.
- B. In certain locations where the visual impact of the tower would be minimal, such as remote, agricultural or rural locations or developed heavy industrial areas, the non vegetative screening requirement may be reduced or waived.
- C. Wireless Telecommunications Facilities utilizing underground vaults rather than aboveground equipment buildings may be exempted from any buffer and screening requirements.

Section 9.0 Buffers

- A. Landscaping shall be required along the perimeter or all Wireless Telecommunications Facilities, unless the facility is surrounded by natural vegetation which completely screens the compound from view from off the premises.
- B. The perimeter of the compound shall be landscaped with a buffer of plant materials that screens the view of the compound from adjacent property and public rights-of-way. The buffer shall consist of a landscaped strip of at least 4 feet wide outside the perimeter of the compound.
- C. A double staggered row of evergreen trees at least eight feet tall, planted on ten foot centers shall be installed around the perimeter of the compound fence.
- D. Plant material shall be drought tolerant. All plant material required herein shall be maintained in perpetuity by the property owner or lessor.

Section 10.0 Lighting

- A. Towers shall not be artificially lighted unless required by the FAA or other authority for safety purposes. If lighting is required, "dual lighting" (red at night/strobe during day) shall be preferred unless restricted by the FAA. Lighting must be shielded or directed inward to the greatest extent possible so as to minimize the amount of light that falls onto nearby properties.
- B. Security lighting in the compound may be permitted, but shall not include light fixtures which are more than 20 feet in height. Lighting shall be focused within the compound and shall be directed away from any adjacent property.

Section 11.0 Access

Access to each Wireless Telecommunications Facility shall be approved by the City and by the Fire Chief to ensure adequate public safety access.

Section 12.0 Environmental Impact.

All Wireless Telecommunications Facilities shall comply with the National Environmental Policy Act. If an environmental assessment is required by the Federal Communications Commission (FCC), a copy of the assessment, as well as documentation of the FCC's subsequent approval thereof, shall be submitted at the time of application.

Section 13.0 Safety

- A. The applicant shall submit documentation that the proposed Wireless Telecommunications Facility complies with FCC standards for radio frequency emissions, as adopted by the FCC on August 1, 1996.
- B. A Professional Engineer shall certify that all antenna support structure and wireless telecommunications equipment are erected and/or installed so as to comply with wind loading and other structural standards contained in the International Building Code and the applicable technical codes established by the Electronic Industries Association (EWTIA 222-E "Structural Standards for Steel Antenna towers and Antenna Supporting Structures) or the Telecommunications Industry Association. This shall apply to new and modified structures and facilities.
- C. Fencing shall be required to ensure that antenna support structures and their accessory buildings are fully secured. Anti-climbing measures shall be incorporated into each facility, to reduce potential for trespass and injury. A sign, not to exceed one square foot in area, shall be placed at the entrance of the compound fence, which indicates the name and telephone number of the person responsible for the safety and maintenance of the facility.

Section 14.0 Removal of Abandoned Towers.

In the event the use of any wireless telecommunications facility has been discontinued for the period of 180 consecutive days, the Wireless Telecommunications Facility shall be deemed to be abandoned. Determination of the date of the abandonment shall be made by the Building Official who shall have the right to request documentation and/or affidavits from the Wireless Telecommunications Facility owner regarding the issue of telecommunications facility usage. Upon such abandonment, the owner/operator of the wireless telecommunications facility shall have an additional 180 days within which to reactivate the use of the Wireless Telecommunications Facility or transfer the Wireless Telecommunications Facility to another owner/operator who makes actual use of the Wireless Telecommunications Facility, or dismantle and remove the Wireless Telecommunications Facility. At the earlier of 180 days from the date of abandonment with reactivation or upon completion of dismantling and removal, any variance approval for the Wireless Telecommunications Facility shall automatically expire. The applicant shall sign an affidavit to this effect, to be placed on file with the City of Alabaster.

**ARTICLE IX. OFF-STREET
PARKING AND LOADING REQUIREMENTS**

Section I.0 Parking requirements for specific uses.

1.1. Residential and Accessory Uses

1.	Single-family dwelling	2 spaces
2.	Manufactured or Mobile Home	2 spaces
3.	Two-family dwelling	1.5 spaces per dwelling unit
4.	Multifamily and townhouse dwelling	1.5 spaces per dwelling unit
5.	Tourist home, bed and breakfast	5 spaces plus one space per bedroom
6.	Independent Living Facility	1 space per dwelling unit
7.	Inn	5 spaces plus 1 space per bedroom
8.	Group home	2 spaces
9.	Assisted Living Facility	0.65 spaces per dwelling unit
10.	Private swim and tennis clubs	1 space per 75 square feet of swimming pool water surface area and 2 spaces per tennis court

1.2. Public and Institutional Uses

1.	Auditorium, arena, stadium, theater, church, concert hall and other spectator facilities	0.35 X the seating capacity
2.	College, university, vocational school	1 space per 50 square feet of classroom floor area
3.	Hospital	1 space per 3 beds plus 1 space per 2 employees

- | | | |
|----|-------------------------------|--|
| 4. | Library | 1 space per 800 square feet of floor area plus one space per 2 employees |
| 5. | Post Office | 1 space per 300 square feet of floor area |
| 6. | Public and private schools | |
| | Elementary and middle schools | 1 space per 8 auditorium seats or 2 spaces per classroom, whichever is greater |
| | High school | 1 space per 6 students and one space per 3 employees |

1.3. *Commercial and Industrial Facilities.*

- | | | |
|-----|-------------------------|--|
| 1. | Auto dealership | 1 space per 1, 000 sq ft of floor area |
| 2. | Auto repair and service | 2 spaces per repair bay |
| 3. | Auto parts sales | 1 space per 150 sq ft of retail sales floor area |
| 4. | Bank | 1 space per 150 sq ft of floor area |
| 5. | Barber and beauty shops | 2.5 spaces per chair |
| 6. | Bowling alley | 4 spaces per alley |
| 7. | Manual Car wash | 1 space per 200 square feet of floor area |
| 8. | Convenience store | 1 space per 155 sq ft of floor area |
| 9. | Dance or music studio | 1 space per 100 sq ft of floor area |
| 10. | Day care or nursery | One space designed for the safe and convenient loading and unloading of children per 10 children enrolled, based upon the maximum licensed capacity of the center, with a minimum of four spaces; plus one space for each employee on the maximum working shift. |

11.	Doctor-dentist office	1 space per 250 square feet of floor area
12.	Funeral home	1 space per 50 sq ft of floor area
13.	Gasoline service station	1 space per pump and 2 spaces per repair bay
14.	Golf course	7 spaces per golf hole
15.	Golf, carpet	1 space per golf hole
16.	Laundromat	0.5 spaces per machine
17.	Industry	1 space per 3 employees on the maximum working shift.
18.	Lumber yard and home improvement center	1 space per 200 sq ft of floor area and 1 space per 1,000 sq ft of outdoor storage area
19.	Motel or hotel	1 space per unit plus 1 space per 200 sq ft of office floor area.
20.	Nursing home	1 space per 4 beds
21.	Office building	1 space per 250 square feet of floor area
22.	Office/Warehouse	1 space per 250 square feet of office floor area and 1 space per 1,000 square feet of warehouse floor area
23.	Restaurant, lounge bar, night club	1 space per 100 square feet of floor area
24.	Restaurant, drive-up	1 space per 100 square feet of floor area
25.	Retail establishments which require an unusually large showroom such as furniture, carpet, and large appliances	One space per 800 sq ft of floor area

- | | | |
|-----|--|--|
| 25. | Self-Storage Facility,
Limited Access | One space per 30 storage units plus five spaces for the storage unit rental office, plus one space per 200 square feet of gross floor area devoted to sales or rental of other services or materials |
| 26. | Self-Storage Facility,
Multi-Access | Parking lanes as required in Article VIII, Section 10.2(N)(2), plus five spaces for the storage unit rental office, plus one space per 200 square feet of gross floor area devoted to sales or rental of other services or materials |
| 27. | Wholesale establishments | 1.5 spaces per 2 employees |
| 28. | Veterinarian | 1 space per 1,000 square feet of floor and kennel area |
| 29. | All other retail and
service establishments | 1 space per 200 square feet of floor area and 1 space per 500 square feet of permanent outdoor sales |

Section 2.0. Rules in applying off-street parking standards.

In applying the standards of Section 1.0 of this Article the following rules shall apply:

- A. A parking space shall be at least nine (9) feet wide and twenty (20) feet long except for the following situations:
 - 1. A parking space in a parking structure, which does not serve a retail or service use, may be a minimum of eight and one-half (8.5) feet wide and eighteen (18) feet long.
 - 2. A maximum of ten (10) percent of all parking spaces in a parking structure which serve a retail or service use may be a minimum of eight and one-half (8'1/2) feet wide and eighteen (18) feet long.
- B. The parking space requirement for a use not specifically mentioned herein shall be the same as required for a use of a similar nature.
- C. In the case of mixed or joint uses, the parking spaces required shall equal the sum of the requirements of the various uses computed separately.

- D. These standards shall apply fully to all uses and buildings established after the effective date of this Ordinance.
- E. These standards shall apply to all additions, expansions, enlargements or reconstruction on the basis of the addition, expansion, enlargement or reconstruction only.
- F. Off-street parking areas and spaces servicing publicly owned recreation facilities, may have a surface other than bituminous pavement or concrete, subject to the approval of the City Engineer.
- G. Parallel parking spaces shall contain a minimum rectangular area of nine (9) feet wide by twenty two (22) feet long.
- H. Because of the unique nature of mixed use development, Article IX Off Street Parking and Loading Requirements shall not apply to a Mixed Use District. Requirements for parking and loading shall be established for each mixed use development as part of the development plan review process as required in Article VI, Subsection 22.8 of this Ordinance.

2.1. Location and design of off-street parking areas.

- A. In districts A, E, R-1, R-2, R-3, R-4 , R-5, R-6, R-7 and R-8 required off-street parking shall be provided on the same lot as the use to which the parking pertains. In other districts such parking may be provided either on the same lot or an adjacent lot, not in one of the above districts, when an increase in the number of spaces is required by a change of use or enlargement of the building served, or where such spaces are provided collectively or used jointly by two (2) or more buildings or establishments
- B. In any case where the required parking spaces are not located on the same lot with the building or use served, or where such spaces are collectively or jointly provided and used, a written agreement thereby assuring their retention for such purposes shall be properly drawn and executed by the parties concerned, approved as to form by the City Attorney and shall be filed with the application for a building permit, and shall be in full force and effect until released by a resolution of the city council.
- C. All parking areas shall be provided with safe entrance to and exit from the public thoroughfare.
- D. No off-street parking spaces, except for detached single family residential uses shall be entered or exited directly from a public street or alley.

- E. The use of any required parking space for the storage of any motor vehicle for sale, rent or repair or any other purpose other than the temporary parking of motor vehicles by patrons, is prohibited.

Section 3.0. Loading area requirements.

3.1. *Required loading space.* On the same premises with every building or structure involving the receipt or dispatch of vehicles as a necessity for, or incidental to, the operation, or use of the building, there shall be provided and maintained adequate space for standing, loading and unloading services, in order to avoid interference with public use of streets or alleys, maintain necessary fire access lanes and to maintain vehicular circulation through the parking lot and ensure access to all required off-street parking spaces.

3.2. *Loading area site arrangement.* All loading areas shall be provided with safe entrance to and exit from the public thoroughfare. The entire loading area shall be paved and graded to properly drain.

3.3 Applicability

- A. These requirements shall apply fully to all buildings erected after the effective date of this Ordinance and all enlargements, expansions, or reconstruction thereof.
- B. No building or part thereof in the B Districts, heretofore erected, shall hereafter be enlarged or expanded to the extent of fifty percent or more in floor area or ground area used unless off-street loading space is provided in accordance with the requirements of this Section.
- C. No building or part thereof in the M Districts heretofore erected shall hereafter be enlarged or extended to provided an additional floor area of twenty-five thousand square feet or more, or to provide a total gross floor area of forty thousand square feet or more, unless off-street loading space is provided in accordance with the requirements of this Section.

ARTICLE X SIGN REGULATIONS

Section 1.0. Purposes

The purposes of these sign regulations are to encourage the effective use of signs as a means of communication for businesses, organizations and individuals in Alabaster;

1. to provide a means of way-finding in the community, thus reducing traffic confusion and congestion;
2. to provide a means for businesses located in Alabaster to identify their respective locations and businesses and to advertise products and services available at that location;
3. to reduce the proliferation of signs and the resulting clutter by restricting most new commercial signs to the premises of the business, allowing off-premise signs only along already commercial sections of major roads through the City;
4. to maintain and enhance the pleasing look of the City of Alabaster and to preserve Alabaster as a city that is attractive to business;
5. to improve pedestrian and traffic safety;
6. to differentiate among those signs that, because of their location, may distract drivers on public streets and those that may provide information to them while they remain in their cars but out of active traffic;
7. to minimize the possible adverse effects of signs on nearby public and private property;
8. to ensure that residents of the community continue to have the opportunity to express their views on public issues through signs located at their residences;
9. to ensure that persons seeking housing in Alabaster can easily find available housing by allowing commercial real estate signs in locations and circumstances where other commercial signs are not allowed; and
10. to implement the comprehensive plan of the City as updated from time to time.

Section 2.0. Permits, fees, and inspections.

2.1 Permits required. Except as otherwise provided in this Article it shall be unlawful for any person to erect, construct, enlarge, move, alter or convert any sign in the City or cause the same to be done, without first obtaining a building permit for each sign from the Building Official as required by this Ordinance. Permits are not required for routine sign maintenance. Any business, firm, or corporation engaged in the business of altering or erecting signs governed by the provisions of this Article shall first obtain a business license from the City.

2.2 Application for permit. Application for a permit to erect a permanent sign or to erect a temporary sign as stipulated in Sub Section 12.3 of this Article, shall be made to the Building Official upon a form provided by the Building Official and shall be accompanied by such information as may be required to assure compliance with all appropriate laws and regulations of the City, including:

- A. Name and address of owner of the sign.
- B. Name and address of owner or the person in possession of the premises where the sign is located or to be located.
- C. Clear and legible drawings showing the location of the sign which is subject to the permit and all other existing signs on the premises.
- D. Drawings showing the dimensions, construction supports, size, electrical wiring and component materials of the sign and method of attachment.
- E. In the case of a temporary sign, the date on which the sign will be erected and the date when the sign shall be removed.

2.3 Time Limits. Within five business days of receiving an application for a sign permit, the Building Official shall review it for completeness. If the Building Official finds that it is complete, the application shall then be processed. If the Building Official finds that it is incomplete, the Building Official shall within such five-day period, send to the applicant a notice of the specific ways in which the application is deficient, with appropriate references to the applicable subsections of this Ordinance. Within seven days of the submission of a complete application for a sign permit, the Building Official shall either:

- A. Issue the sign permit, if the sign(s) that is or are the subject of the application conform in every respect with the requirements of this Ordinance and other provisions of the City ordinances; or
- B. Deny the sign permit if the sign(s) that is or are the subject of the application fail(s) in any way to conform to the requirements of this Ordinance or other provisions of the City ordinances. In case of a denial, the Building Official shall specify in the rejection the subsection of this Ordinance or other applicable ordinance with which the sign(s) is or are inconsistent. Said statement shall be attached to the permit application.

2.4 Appeals of permit denial. Appeal may be taken to the Board of Adjustment upon denial of a building permit by the Building Official.

2.5 Permit fees. Application for permits shall be filed with the Building Official, together with a permit fee, as specified by the Building Official for each sign in accordance with this Ordinance. Building permit fees for signs shall be determined in the same manner as other building permits issued by the City.

2.6 Inspection of signs. The person erecting, altering, relocating, enlarging or converting any sign shall notify the Building Official upon completion of the work for

which permits are required and issued. All free standing signs shall be subject to a footing inspection and all signs to an electrical inspection by the Building Official.

2.7 Unlawful signs. Every sign in the City shall be maintained in sound structural condition. The Building Official may inspect any sign and shall have the authority to order the painting, repair, alteration or removal of any sign which does not comply with the Building Code, is abandoned for a period of thirty (30) days or more, or advertises a business, place or event which has moved from the premises or no longer exists. Sign removal shall be at the sign owner's expense. The owner of any such sign or the premises on which it is located may appeal such an order to the Board of Adjustment, and enforcement of the order shall be suspended pending a ruling from that Board.

Section 3.0. Signs permitted in the A, E, R-1, R-2, R-3, R-4, R-5, R-7 and R-8 districts.

- A. A maximum of one indirectly illuminated sign on each side of a public street entrance to a single family residential subdivision or one sign in a landscaped median of the public street entrance, is permitted. Each sign shall not exceed thirty two (32) square feet of sign face area nor six (6) feet in height and shall be located so as not to cause a safety hazard. Signs located in a landscaped median of a public street shall only be permitted when shown on a subdivision plat or street plan approved by the Planning Commission as part of the subdivision or street approval process.
- B. Special exception uses in the above stated districts are permitted one freestanding sign or one building wall sign, which does not exceed thirty-two (32) square feet of sign face area. Freestanding signs shall not exceed ten (10) feet in height.
- C. Garage and yard sales may have one, non-illuminated, temporary sign on the premises, which does not exceed four square feet of sign face area.

Section 4.0. Signs permitted in the R-6 and MHD districts.

Permitted and special exception uses in the R-6 district may have one free standing, indirectly illuminated sign, which does not exceed thirty-two (32) square feet of sign face area nor eight (8) feet in height, per public street entrance. Said sign(s) may be erected in the landscaped median of a public street when shown on a subdivision plat or street plan approved by the Planning Commission as part of the subdivision or street approval process.

Section 5.0. Signs permitted in the Institution, B-1, B-4, M-1 and M-2 districts

A. Signs Permitted for Individual Buildings

1. Buildings with less than twenty thousand (20,000) square feet of floor area are permitted one indirectly illuminated, free-standing sign not to exceed four (4) feet in height nor thirty two (32) square feet of sign face area; or one building wall sign or one canopy sign not to exceed a maximum of twenty (20) square feet of sign face area.
2. Buildings with more than twenty thousand (20,000), but less than one hundred thousand (100,000) square feet of floor area, are permitted one indirectly illuminated, free-standing sign not to exceed four (4) feet in height nor thirty two (32) square feet of sign face area, and one building wall sign or one canopy sign not to exceed a maximum of twenty (20) square feet of sign face area.
3. Buildings with more than one hundred thousand (100,000) square feet of floor area permitted one indirectly illuminated free-standing sign not to exceed four (4) feet in height nor eighty (80) square feet of sign face area, and one building wall sign or one canopy sign not to exceed a maximum of sixty (60) square feet of sign face area.
4. An office building with a retail tenant(s) shall incorporate signs for the retail tenant(s) into the type of sign and sign face area permitted for the office building.

B. Each office park, industrial park and institution campus which contains more than five (5) buildings, other than accessory buildings, may have one free-standing sign per public street entrance, which identifies the name of the park or campus.

1. Maximum height of the sign shall be four (4) feet.
2. The maximum sign face area of an internally illuminated sign shall be 32 square feet; 100 square feet for developments with buildings which contain a total of more than 500,000 square feet of gross floor area.
3. The maximum sign face area of a non-illuminated or indirectly illuminated sign shall be 60 square feet; 120 square feet for developments with buildings which contain a total of more than 500,000 square feet of gross floor area.

Section 6.0. Signs permitted in the B-2 District

- C. Non-retail uses which are permitted or special exception uses in the residential districts, the Institution District or the B-1 District are permitted signs as stipulated for that use in the applicable Section of this Article.
- D. Non-retail establishments which are not a permitted or special exception use in the residential districts, the Institution District or the B-1 District, are permitted one (1) building wall sign or one canopy sign not to exceed twenty (20) square feet of sign face area.
- E. Individual retail buildings may have one free standing sign which does not exceed twenty four (24) feet in height nor one hundred twenty (120) square feet of sign face area; and one building wall sign or one canopy sign per facing street.
- F. Each retail establishment located in a shopping center may have one building wall sign per facing street.
- G. Each shopping center may have one shopping center identification sign which does not exceed thirty five (35) feet in height nor one hundred twenty (120) square feet of sign face area.

Section 7.0. Signs permitted in the B-3 District

- A. Non-retail uses which are permitted or special exception uses in the residential districts, the Institution District or the B-1 District are permitted signs as stipulated for that use in the applicable Section of this Article.
- B. Non-retail establishments which are not a permitted or special exception use in the residential districts, the Institution District or the B-1 District, are permitted one (1) building wall sign or one canopy sign not to exceed twenty (20) square feet of sign face area.
- C. Individual retail buildings may have one free standing sign which does not exceed thirty five (35) feet in height nor one hundred twenty (120) square feet of sign face area; and one building wall sign or one canopy sign per facing street.
- D. Each establishment located in a shopping center may have one building wall sign or one canopy sign per facing street.
- E. Each shopping center may have one free standing, shopping center identification sign which does not exceed thirty five (35) feet in height nor one hundred twenty (120) square feet of sign face area.
- F. Gasoline service stations, in addition to other permitted signs, are permitted:
 - 1. Two (2) signs advertising the price of gasoline, credit cards accepted, or oil, not to exceed twelve (12) square feet of sign face area.
 - 2. A total of seventy-six (76) square feet of sign face area is permitted on the canopy and spandrels of a gasoline service station with not more than six (6) pumps or multiple dispensing units. Permitted sign face area may be increased by not more than twenty-eight (28) square feet for each additional island of two (2) or more pumps or multiple dispensing units. All such copy shall be limited to the brand name and logo of the oil company. The signs shall be constructed as an integral part of the canopy and spandrel structures and shall not extend above the roof-line of the canopy. Sign face area on the canopy and spandrels shall be the smallest geometric figure which describes the area enclosed by the actual copy of the signs, not the entire area of the canopy face or spandrel.
 - 3. Each car wash may have one building wall sign not to exceed twenty-four (24) square feet of sign face area, which identifies the car wash.
- G. Because of the number of automobile dealerships located in the City of Alabaster and their unique sign requirements, sign regulations for automobile dealerships with one franchise on the premises are as follows:

Signs Permitted for Automobile Dealerships in the B-3 District

	Auto Dealership With Less Than 30,000 Square Feet of Floor Area		Auto Dealership With More than 30,000 Square Feet of Floor Area	
Type Sign Permitted	Building Wall or Canopy Sign	Free Standing Sign	Building Wall or Canopy Sign	Free standing Sign
Sign Face Area (Square Feet)	100	220*	100	380*
Maximum Height	Top of Building Wall	40 Feet	Top of Building Wall	45 Feet
Maximum Number	N/A	Three	N/A	Three

*Permitted free-standing sign sign face area may be applied to permitted building wall sign or canopy sign face area. The maximum sign face area of a free-standing sign shall be two hundred sixty (260) square feet.

Automobile dealerships with more than one automobile franchise may increase the permitted sign face area for building wall and free-standing signs by thirty-three (33) per cent and the maximum number of free-standing signs by two (2), for each additional automobile franchise on the premises; except that no automobile dealership with floor area less than thirty thousand (30,000) square feet may have more than five hundred forty (540) square feet of total sign face area and no dealership with floor area greater than thirty thousand (30,000) square feet may have more than eight hundred (800) square feet of total sign face area.

Section 8.0. Signs permitted in the B-5 District

- A. Each business or other use may have one building wall sign or one canopy sign or one projecting sign per facing street. Maximum sign face area for a canopy sign or for a projecting sign shall be thirty-two (32) square feet. Maximum sign area of each building wall sign shall be ten (10) percent of the front building wall area or portion thereof, which encloses the business or other use.
- B. A movie theater may have any of the above signs or one marquee sign. Maximum sign face area of the marquee sign shall be twenty (20) percent of the front building wall area or portion thereof, which encloses the theater.

Section 9.0. Signs permitted in the Planned Development District (PDD)

Minimum standards for signs in each PDD shall be set forth in the development criteria of the PDD, as approved by the City during the review and approval process. The standards shall not be less restrictive than the applicable regulations of this Article. Off-premise signs are prohibited in a PDD.

Section 10.0 Signs permitted in the Mixed Use District (MXD)

Because of the unique nature of mixed use development, Article X Sign Regulations, shall not apply to a Mixed Use District. Requirements for signs shall be established for each mixed use development as part of the development plan review process as required in Article VI, Subsection 22.8 of this Ordinance.

Section 11.0. Free-standing signs, generally.

- A. No sign shall cause a public hazard, obstruct or impair motorists' vision, diminish safe ingress and egress to any property or impede flow of pedestrian or vehicular circulation in parking areas, sidewalks, or public roads.
- B. The height of a free standing sign shall be measured from the average elevation of the ground at the base of the sign to the highest point of the sign structure. Berms or fill material which raise the base of the sign above the average elevation of the surrounding ground, shall not be used to increase the height of a free standing sign.

Section 12.0 Off Premise Signs

- A. Off-premise signs, except as provided herein, are prohibited.
- B. Off-premise signs are only permitted in the B-3, B-4, M-1 and M-2 districts, on parcels which abut the Interstate Highway 65 right-of-way, and oriented so as to be viewed from the main traveling lanes of interstate Highway 65.
- C. No off-premise sign shall be erected closer than 500 feet from a residential district boundary, measured from nearest edge of the sign.
- D. Any illumination for an off-premise sign shall be focused upon the sign face and shall not be directed toward a residential district
- E. No portion of an off-premise sign shall encroach or project over any public property or right-of-way.
- F. There shall be at least fifteen hundred (1,500) feet between off-premise sign structures on the same side of the highway.
- G. Maximum sign face area for an off-premise sign shall be 800 square feet. Maximum height of the sign shall be 30 feet for signs located on an elevated grade and 40 feet in all other locations.
- H. Each off-premise sign shall be set back at least thirty (30) feet from any public right-of-way and property line.

Section 13.0. Substitution of Messages

Any sign allowed under this Ordinance may contain, in lieu of any other message or copy, any lawful noncommercial message that does not direct attention to a business operated for profit, or to a product, commodity or service for sale or lease, or to any other commercial interest or activity, so long as said sign complies with the size, height, area and other requirements of this Ordinance.

Section 14.0. Signs Permitted in Public Right-of-Way

The following signs, and only the following signs, may be placed or erected in the public right-of-way. Such signs, if erected by or at the request of any entity other than an agency of the State of Alabama, Shelby County, or the City of Alabaster, shall be allowed under a license, which may be revoked by the City at any time, with or without cause, with or without notice, and without compensation to the entity placing or using the sign. The signs permitted under this section are:

- A. Signs erected by the Alabama Department of Transportation along a state highway or other state road;
- B. Traffic signs erected by the City and, when erected, conforming to the standards set forth in the Uniform Manual of Traffic Control Devices;
- C. Public notices placed by a public agency acting under lawful court order or in accordance with mandatory provisions of Alabama state law;
- D. Signs erected by a public or regulated mass transit service along its routes, identifying the location of bus or transit stops and providing schedule information, provided that no such sign shall exceed two square feet in area;
- E. Signs erected by a public utility company on its poles, above its underground facilities, or on its other facilities in the right-of-way, and providing safety or other information about the facility, provided that no such sign shall exceed two square feet in area;
- F. Signs erected by the City at the request of a non-profit organization, subject to the following conditions:
 1. Such signs shall be available only to organizations approved for deductions under Section 501(c)(3) of the Internal Revenue Code;
 2. Such signs shall provide directions to a permanent facility of the non-profit organization, which facility is located in the City of Alabaster and is open to and serves the public; and
 3. No such sign shall be larger than two square feet in area.

Section 15.0. Signs Prohibited

The following signs are prohibited, unless otherwise exempted or permitted by this Article.

- A. Signs which do not comply with the adopted building, electrical or fire codes;
- B. Any sign which constitutes a safety hazard, including signs which obstruct visibility at intersections.
- C. Portable signs and any other signs which are not permanently attached to the ground or a building, except for those expressly permitted as “temporary signs” under Section 16.3;
- D. Signs located in the public right-of-way, except those signs permitted in accordance with Section 14;
- E. Signs attached to trees, utility poles, or other structures located in the public right-of-way, except for instructional signs posted by the owner of a pole or other structure;
- F. Animated signs, including signs which move, revolve, rotate, or appear to be animated by mechanical, electronic or other means;
- G. Signs with flashing, blinking, moving or intermittent light or with light which varies in intensity or color, except time and temperature signs;
- H. Strings of light bulbs, inflatable signs, and signs which emit noise, odor or visible matter such as smoke or steam;
- I. Banners, except as permitted in Section 16.3(C) of this Article.
- J. Wind driven signs including pennants, ribbons, spinners, streamers, captive balloons and similar devices; this restriction does not apply to flags permitted in accordance with Section 16.2(G);
- K. Roof signs; and
- L. Off premise signs, except as permitted in Section 12.0 of this Article.

Section 16.0. Permit exceptions, signs allowed without a permit and temporary signs.

16.1 Permit exceptions.

No permit shall be required for the following work on signs which otherwise require a permit:

- A. Changing of the advertising copy of message on an existing approved sign or marquee which is specifically designed for the use of replaceable copy.
- B. Painting, cleaning or other normal maintenance and repair of a sign not involving structural changes.

16.2 Signs allowed without a permit.

The following signs shall be allowed, subject to the following conditions, but no sign permit shall be required for such signs:

- A. Signs posted by a public agency, acting in accordance with an adopted law or ordinance,;
- B. Directional signs which do not exceed four (4) square feet of sign face area nor three (3) feet in height, located in a parking area or private drive, which are intended to direct traffic through the area and do not contain any commercial message.
- C. Signs which are incorporated into vending machines by a manufacturer or distributor which identify or advertise only the product or service dispensed by the machine and which are not legible from the public right-of-way or other site not part of the lot on which the vending machine is located.
- D. A sign indicating that the property on which the sign is located has received a property-related award from a non-profit organization holding tax exempt status under Sect. 501(c)(3) of the Internal Revenue Code and with an office or other principal location in Alabaster.
- E. Political campaign signs, subject to the following:
 - 1. Political signs shall only be located in a residential zoning district on property which is improved with a dwelling or in commercial zoning districts, subject to the conditions of Section 13.0 and 15.3(G).
 - 2. Political signs shall not exceed ten (10) feet in height nor thirty-two (32) square feet in sign face area.
 - 3. Political signs shall not be separately illuminated.
 - 4. Owners of residential property may place or grant permission for the placement of political signs in their respective yards, provided that no sign shall be placed in a public right-of-way.
 - 5. Political signs shall not be placed in a public right-of-way or on any utility pole or tree, whether on public or private property.
 - 6. Political signs related to an election or other particular event shall be removed within ten (10) days following the election or other event. If a sign related to an election or a particular event is not

removed by such time, the City may remove the signs at the expense of the named candidate, other sponsor or the owner of the property on which the sign is located.

- F. Building marker signs shall be permitted, subject to the following conditions:
 - 1. Such signs shall not exceed three (3) square feet in area,
 - 2. Such signs shall contain no logo or commercial message,
 - 3. Such signs shall be made of permanent material, such as bronze or masonry, and shall be permanently affixed to or made part of the building, and
 - 4. There shall be only one such sign on any building.
- G. The display of flags shall be subject to the following limitations:
 - 1. There shall be no more than one flagpole per principal building on any development site;
 - 2. Each flagpole must be within thirty (30) feet of the principal entrance to the building to which it is oriented,
 - 3. There shall be no more than one flag per pole,
 - 4. No flag shall be larger than five (5) feet by eight (8) feet,
 - 5. No flag may contain a commercial message,
 - 6. No flagpole in a residential district shall exceed twenty (20) feet in height; no flagpole in a nonresidential district shall exceed thirty (30) feet in height, and
 - 7. A flagpole shall be have a setback of at least 5 feet from any property line,
 - 8. No rooftop flagpoles shall be permitted in any zoning district.
- H. Instructional signs may be displayed, subject to the following. Such signs shall not be larger than 4 square feet and, if freestanding, shall not exceed 3 feet in height. Instructional signs may carry any type of information except a commercial message. Typical instructional signs include, but are not limited to, "restroom," "phone," "no parking," "entrance," "exit," and generic directions such as "office," "atm," or "stores." No such sign shall carry any commercial message whatsoever.
- I. Holiday Decorations may be displayed for a period of not more than forty-five (45) consecutive days nor more than sixty (60) days in any one (1) year. Holiday decorations shall not contain a commercial message.

16.3 Temporary signs.

- A. Temporary signs shall not be located in the public right-of-way.
- B. A non-profit organization recognized by the Internal Revenue Service under Sect. 501(c)(3) of the Internal Revenue Code, may have a maximum of four (4) temporary signs, for a period of not more than thirty (30) days during any calendar year, which announce events or meetings of that organization.
- C. Each new business may have one temporary sign, not to exceed thirty-two (32) square feet of sign face area. The sign is permitted for a period not to exceed sixty (60) days, or until a permanent sign is erected, whichever

time period is shorter. Each new business may also have not more than two (2) banners advertising the grand opening of the business. The banners are permitted for a period not to exceed fourteen (14) days.

- D. Commercial property may have one, non-illuminated, free standing, temporary identification sign per facing street, while the property is being developed, which shall not exceed 48 square feet of sign face area nor 10 feet in height. For a single tenant project, the sign shall be removed when the project is complete, or the permanent sign has been erected, whichever occurs first. For multi-tenant projects, the sign shall be removed when 75 percent of the tenant spaces have been leased, or the permanent sign has been erected, whichever occurs first.
- E. As an accessory commercial use to a temporary sales office or model home located in a new residential subdivision with five (5) or more lots, there may be one temporary identification sign while the subdivision is being developed, which shall not exceed thirty-two (32) square feet nor ten (10) feet in height. The sign shall not be illuminated and shall be removed when seventy-five (75) percent of the homes in subdivision have been constructed or the permanent subdivision identification sign is erected, whichever occurs first.
- F. Real estate signs:
 - 1. Each residential lot may have one “for sale” or “for rent” sign for residential property, provided such sign is located on the lot and does not exceed four (4) square feet of sign face area. The sign shall be removed when the property is sold or rented.
 - 2. Any person attempting to sell or rent a residential unit in a residential district, or such person’s agent, may install off-premise signs advertising the sale or rental of such property, subject to the following conditions:
 - a. Each such sign shall be have a sign face of two square feet or less;
 - b. No such sign shall be installed on the public right-of-way;
 - c. Such sign may be installed only on private property, with the express permission of the property owner; and
 - d. Such sign(s) shall be displayed only between 3 p.m. on a Friday afternoon and 5 p.m. on the following Sunday evening. Any such sign not removed by 5 p.m. on Sunday shall be deemed abandoned and may be removed and discarded by the City, in addition to the imposition of penalties or other enforcement actions under this Ordinance.
 - 3. Each commercial lot, building or tenant space may have one real estate “for sale” or “for rent” sign, provided such sign is located on the subject lot or premises and does not exceed thirty-two (32) square feet of sign face area. The sign shall be removed when the property or premises is sold or rented.
- H. Temporary Political Signs in non-Residential Districts.
In addition to the temporary political signs allowed in the residential districts as contemplated by Section 16.2(E)(1), each commercial lot,

building or tenant space may have one temporary political sign, provided such sign is located on the subject lot or premises and does not exceed thirty-two (32) square feet of sign face area, and that such display is the only temporary sign allowed thereon. The sign shall be removed in accordance with the policy set forth in Section 16.2(E)(6).

Section 17.0 Nonconforming signs.

All signs constructed after adoption of this Ordinance shall conform in all respects to the requirements and provisions contained herein. Within the districts established by this Ordinance or amendments that may later be adopted, there exists signs which were lawful before the Ordinance was passed or amended, but which would be prohibited, regulated or restricted under the terms of the Ordinance or future amendment. It is the intent of this Ordinance to permit these nonconforming signs to remain until they are removed, discontinued or altered, but not to encourage their survival.

17.1 Nonconforming on-premise signs

- A. Non-conforming signs which are structurally altered shall, upon completion of the alteration, conform in all respects to the provisions of this Ordinance.
- B. Nonconforming signs shall be maintained, if a structural alteration is required to accomplish maintenance, the sign shall, upon completion of the alteration, conform in all respects to the provisions of this Ordinance.
- C. The sign face area of an internally illuminated, nonconforming sign may be removed from the sign structure without jeopardizing the legal nonconforming status of the sign.
- D. Maintenance of sign face area on a nonconforming sign in which the sign face area is an integral and permanent part of the sign structure, shall require the sign to conform in all respects to the provisions of this Ordinance.

17.2 Nonconforming off-premise signs. Structural alteration of a nonconforming off-premise sign shall require its removal. The message of a nonconforming off-premise sign may change without affecting the legal nonconforming status of the sign.

17.3 Restoration after damages. A nonconforming sign which is damaged by fire, wind, or other causes, to the extent that repair of the sign requires structural alteration, or the extent of the damage is more than ten (10) percent of the appraised value of the sign immediately prior to said damage, shall upon completion of the alteration, conform, in all respects to the provisions of this Ordinance.

17.4 Abandonment. Any on premises sign which no longer advertises a bone fide business, institution, person, event, location, product, or service for a continuous period of thirty (30) days or more, shall be altered or removed to conform in all respects to the provisions of this Ordinance within thirty (30) days following notification of abandonment.

Section 18.0 Other effects.

This Ordinance shall have no effect on provisions of the Zoning Ordinance not specifically amended by its language; all other provisions of the Zoning Ordinance shall remain in full force and effect.

Section 19.0 Other provisions.

- A. **Effective Date**
This Ordinance shall be effective on January 1, 2004.
- B. **Violations Continue**
Any violation of the previous sign regulations of the City will continue to be a violation under this Ordinance and will be subject to penalties and enforcement under the terms of the Zoning Ordinance. The adoption of this Ordinance does not affect nor prevent any pending or future prosecution of, or action to abate, violations of the previous City of Alabaster ordinances that occurred prior to the adoption of this Ordinance.
- C. **Applications Submitted Before January 1, 2004**
Any sign for which a complete application was submitted to the City before January 1, 2004 and pending approval on January 1, 2004, may, at the applicant's option, be reviewed wholly under the terms of the sign regulations in effect immediately before January 1, 2004. If approved, such sign may be installed and used in accordance with the standards in effect at the time of application. Any re-application for an expired permit shall meet the standards in effect at the time of re-application.
- D. **Permits Issued Before January 1, 2004**
Any sign for which a permit was duly issued before January 1, 2004 may be completed in conformance with the issued permit and other applicable permits and conditions, even if such sign does not fully comply with provisions of this Ordinance. If the installation of the sign is not completed in accordance with the applicable permit terms, the issuing officer may, upon receipt of a written request and payment of the required fee, grant one 6-month time extension. If the installation of the sign is not completed within the time allowed under the original permit or any extension granted, then the sign may be installed or used only in strict compliance with the requirements of this Ordinance.
- E. **Severability**
If any portion of this Development Code is held to be invalid or unconstitutional by a court of competent jurisdiction, that portion held to be invalid or unconstitutional is to be deemed severed from the Development Code, and in no way affects the validity of any other portion of the Development Code.

ARTICLE XI. LANDSCAPING AND BUFFERS

Section 1.0 Intent

The intent of this Article is to require a minimum number of trees in residential areas, to establish standards for buffers required between incompatible land uses and to provide for landscaping surrounding and within vehicular areas in high traffic corridors.

Because of the unique nature of mixed use development, Article XI Landscaping and Buffers shall not apply to a Mixed Use District. Requirements for landscaping and buffers shall be established for each mixed use development as part of the development plan review process as required in Article VI, Subsection 22.8 of this Ordinance.

Section 2.0 Landscaping for Dwellings

The following standards shall apply to the construction of single family and two family dwellings and the placement of manufactured and mobile homes.

- A. Prior to issue of a certificate of occupancy for a single family dwelling, two family dwelling, manufactured home or mobile home, on a lot that is seventy (70) or less feet in width that was created after the effective date of this Ordinance, the owner shall plant at least two (2) shade trees in the front or side yards and at least one (1) shade tree in the rear yard.
- B. Prior to issue of a certificate of occupancy for a single family dwelling, two family dwelling, manufactured home or mobile home, on a lot that is more than seventy (70) feet in width that was created after the effective date of this Ordinance, the owner shall plant at least three shade trees in the front or side yards and at least two (2) shade trees in the rear yard.
- C. Only shade trees listed in Section 6.0 may be planted to comply with the requirements of this Section.
- D. Existing trees which are at least six (6) inches in diameter may be used toward meeting the requirements of subsections A and B of this Section, if the area within the drip line of the trees has been left in its natural condition and no filling, grading, excavation, or parking of vehicles or equipment, or other activity which could damage or kill the tree, has occurred within the dripline of said existing trees.

Section 3.0 Buffers.

3.1 Applicability. Buffer Regulations are set forth in each of the zoning district sections of Article VI. A Landscaping Plan shall be required as part of every zoning application, special exception use application, variance application and building permit application for new construction which is required by this Ordinance to have a buffer.

3.2 Standards. In order to decrease incompatibility between neighboring land uses, the following standards shall apply to all buffers required by the Zoning Ordinance; whether the buffer is comprised of planted, natural or a combination of planted and natural vegetation.

- A. Prior to occupancy of the building or premises, the buffer shall provide a visually impervious barrier, uniformly dense at all heights from the ground, and a minimum of five (5) feet above grade throughout the entire length of the buffer. Within one year after installation the buffer shall be at least six (6) feet above grade throughout the entire length of the buffer. The buffer shall be comprised of vegetation which meets or exceeds these minimum standards throughout the calendar year.
- B. In the case of planted buffers, the entire surface area of the buffer shall be planted as prescribed in this Section. Only evergreen plant materials may be planted within a required buffer.
- C. Public utilities and storm drainage facilities may be constructed in a required buffer, provided the buffer is installed in compliance with the approved Landscaping Plan. The City may require supplemental evergreen plantings in order to mitigate the effect of land disturbance in the buffer.
- D. The owner shall be responsible for the maintenance, repair and replacement of all landscaping materials and irrigation systems required by this Section. All plant material shall be maintained in a healthy growing condition, replaced when dead and kept free of weeds, refuse and debris.
- E. All planted buffers shall be irrigated by an automatic irrigation system.

Section 4.0 Landscaping for Vehicular Areas in High Traffic Corridors

4.1 Applicability. These regulations apply to all areas which are located within or visible from a high traffic corridor defined by this Ordinance, and used for drives; off-street parking and loading; vehicular storage, display, maneuvering and washing; and the dispensing of motor fuels; (hereinafter referred to as vehicular areas).

A Landscaping Plan shall be required as part of every zoning application, special exception use application, variance application and building permit application for new construction which includes vehicular areas as herein described. This Section shall apply to new vehicular areas for all uses, except single family dwellings, two family dwellings and manufactured or mobile homes. If the size of an existing vehicular area is increased by ten (10) percent or more, the new vehicular area and the existing vehicular area shall comply with the requirements of this Article; except that landscaping in the existing vehicular area shall be exempt from the irrigation requirement.

4.2 Interior Vehicular Area Landscaping Requirements

- A. Each vehicular area shall have interior landscaping covering not less than five (5) percent of the total vehicular area. Such landscaping shall be in addition to all planting within six (6) feet of a building.
- B. The primary landscaping materials used in vehicular areas shall be shade trees which comply with the standards of Section 6.0. Shrubs and other planting materials may be used to compliment the shade tree planting, but shall not be the sole component of the landscaping.
- C. The interior dimensions of any planting area shall be sufficient to protect all landscaping materials planted therein.
- D. All required landscaping shall be irrigated by an automatic irrigation system

4.3 Perimeter Landscaping Requirements Adjacent to Public Rights-of-Way

- A. Only shade trees listed in Section 6.0 may be used to comply with the requirements of this subsection.
- B. A landscaped strip at least ten (10) feet wide, which shall not include a sidewalk or trail, shall be located between the vehicular area and the public right-of-way, except where driveways cross the property line.
- C. The entire ten (10) foot wide strip shall be planted with a double staggered row of shrubs. The shrubs shall be evergreen and a minimum of thirty (30) inches high at installation.
- D. At least one shade tree for every thirty (30) linear feet of required landscape strip, or portion thereof, shall be planted in the landscaped strip.
- E. Landscaping shall not be planted in a manner or location which causes a hazard to vehicles entering or within the public right-of-way.
- F. All required landscaping shall be irrigated by an automatic irrigation system

4.4 Peripheral Landscaping Adjacent to Private Property

- A. Only shade trees listed in Section 6.0 may be used to comply with the requirements of this subsection.
- B. A landscaped strip at least five (5) feet wide shall be located along all property lines which separate vehicular areas and drives from adjoining property, except where driveways cross the property line.

- C. At least one shade tree for every thirty (30) linear feet of required landscape strip, or portion thereof, shall be planted in the landscaped strip.
- D. All required landscaping shall be irrigated by an automatic irrigation system

Section 5.0 Maintenance and Irrigation

- A. The owner shall be responsible for the maintenance, repair and replacement of all landscaping materials required by Sections 3.0 and 4.0 of this Article. All plant material shall be tended and maintained in a healthy growing condition, replaced when dead and kept free of weeds, refuse and debris.
- B. All landscaping required in Sections 3.0 and 4.0 of this Article shall be irrigated by an automatic irrigation system.

Section 6.0 Shade Tree List

Only the following shade trees may be planted in order to comply with the requirements of Sections 3.0 and 4.0. All such trees shall be at least two (2) inches in diameter, measured five feet above the root ball of the tree.

- | | | | |
|----|----------------|----|---------------|
| A. | American Holly | F. | Red Oak |
| B. | Chinese Elm | G. | Shumard Oak |
| C. | Crape Myrtle | H. | Willow Oak |
| D. | Ginkgo | I. | Zelcova |
| E. | Pin Oak | J. | Bradford Pear |
| | | K. | Magnolia |

Section 7.0 Landscaping Plan

Landscaping Plan. A Landscaping Plan shall be required as part of every zoning application, special exception use application, variance application and building permit application for new construction which requires a buffer and/or landscaping in vehicular areas. The Landscape Plan shall be drawn to a scale no larger than one inch equals 50 feet and shall contain the following information:

- A. The location and dimension of all areas proposed for landscaping and planting, including a description of the proposed plant materials.
- B. All dimensions and distances, property lines, easements, rights-of-way and buffers
- C. Existing and proposed buildings and structures, including signs, trash and garbage containers, utility and drainage structures.
- D. Existing and proposed buildings and structures on the subject property and on adjacent property affected by a required buffer. When the finished floor elevation of buildings on the subject property differs by ten (10) feet or more from the finished floor elevation of the buildings on the adjacent property affected by the buffer, the plan shall include a cross section which accurately shows the comparative elevations of the buildings in relationship to the buffer.
- E. Bodies of water Including water detention and retention areas
- F. Driveways, vehicular areas, existing and proposed parking spaces, access aisles and other vehicular areas
- G. Sufficient information and detail to demonstrate compliance with the requirements of this Article.

Section 8.0 Enforcement.

- A. A required Landscape Plan shall be submitted to and approved by the City prior to issue of a building permit for the subject property. The City shall not approve a Landscaping Plan required by Section 3.0 or 4.0 of this Article, until a financial guarantee of performance is submitted, in an amount determined by the City to be not less than one hundred and fifty (150) percent of the cost of implementing the Landscaping Plan. The guarantee shall be in the form of a bond, irrevocable letter of credit or certificate of deposit made payable to the City of Alabaster. Prior to release of the financial guarantee and prior to issuance of a certificate of occupancy, the City shall determine that the Landscaping Plan has been implemented.
- B. Prior to issue of a certificate of occupancy for a single family dwelling, two family dwelling, manufactured home or mobile home, on a lot which was created after the effective date of this Ordinance; the owner shall comply with the requirements of Section 2.0 of this Article.

ARTICLE XII. LEGAL STATUS PROVISIONS

Section 1.0. Interpretation and purpose.

In their interpretation and application the provisions of this Ordinance shall be considered minimum requirements adopted for the promotion of the public health, safety, morals, convenience, order, prosperity, and general welfare of the community. Where other ordinances or regulations heretofore adopted or which may be adopted hereafter impose greater restrictions than those specified herein, compliance with such other ordinances or regulations is mandatory.

Section 2.0. Severability clause.

If any section, subsection, clause, provision, or portion of this Ordinance shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, subsection, clause, provision, or portion of this ordinance which is not in and of itself invalid or unconstitutional.

Section 3.0 This Ordinance shall become effective immediately upon its adoption, and publication according to law.

ADOPTED this the 21st day of September, 1999.

President of the City Council

ATTESTED BY:

City Clerk