

# CITY OF GENEVA ZONING ORDINANCE

Adopted by the Geneva City Council  
Following a public hearing on December 18, 2017

## TABLE OF CONTENTS

Article 1. Authority, Purpose and Scope.....	1
Section 1.01    Short Title .....	1
Section 1.02    Purpose .....	1
Section 1.03    Applicability, Conflict with Other Regulations .....	1
Section 1.04    Minimum Requirements .....	1
Section 1.05    Severability .....	1
Section 1.06    Repeal of Conflicting Ordinances .....	1
Section 1.07    Establishment of Districts .....	1
Section 1.08    District Boundaries.....	2
Section 1.09    Annexed Property .....	2
Section 1.10    Transitional Rules .....	2
Article 2. Definitions.....	2-1
Section 2.01    Purpose .....	2-1
Section 2.02    Interpretation.....	2-1
Section 2.03    Word Usage.....	2-1
Section 2.04    General Terms.....	2-1
Section 2.05    Uses Defined .....	2-5
Section 2.06    Abbreviations used in this Ordinance .....	2-11
Article 3. Supplemental Regulations.....	3-1
Section 3.01    General Regulations .....	3-1
Section 3.02    Interpretation of Uses .....	3-1
Section 3.03    Joint Occupancy .....	3-1
Section 3.04    Public Utilities .....	3-1
Section 3.05    Structures to be Moved.....	3-2
Section 3.06    Lot Area and Yards.....	3-2
Section 3.07    Height .....	3-2
Section 3.08    Fences .....	3-2
Section 3.09    Intersection Visibility .....	3-2
Section 3.10    Accessory Structures.....	3-3
Section 3.11    Common Open Spaces and Facilities .....	3-3
Section 3.12    Manufactured Homes, Recreational Vehicles.....	3-3
Section 3.13    Nonconformities .....	3-4
Article 4. Residential Districts .....	4-1
Section 4.01    General Regulations for "R" Residential Districts .....	4-1
Section 4.02    R-1 Residential District .....	4-1
Section 4.03    R-2 Residential District .....	4-2
Section 4.04    R-3 Residential District .....	4-2
Section 4.05    R-4 Residential District .....	4-2
Section 4.06    General Regulations for "T" Manufactured Home Districts.....	4-4
Section 4.07    T-1 Manufactured Home Overlay District .....	4-4
Section 4.08    T-2 Manufactured Home Park District. ....	4-4



Section 4.09	T-3 Manufactured Home Subdivision District .....	4-5
Article 5. Nonresidential Districts.....		5-1
Section 5.01	General Regulations for Nonresidential Districts .....	5-1
Section 5.02	B-1 Local Shopping District .....	5-1
Section 5.03	B-2 General Business District.....	5-1
Section 5.04	B-3 Downtown Business District.....	5-1
Section 5.05	INST Institutional District .....	5-2
Section 5.06	M-1 Light Industry District.....	5-2
Section 5.07	M-2 General Industry District.....	5-2
Article 6. Agricultural Districts.....		6-1
Section 6.01	General Regulations for Agricultural Districts .....	6-1
Section 6.02	AG-1 General Agriculture District .....	6-1
Section 6.03	AG-2 Limited Agriculture District.....	6-2
Section 6.04	AG-FW Agriculture/Floodway District .....	6-2
Article 7. Use-Specific Regulations .....		7-1
Section 7.01	Telecommunication Towers.....	7-1
Section 7.02	Conservation Development .....	7-4
Section 7.03	Home Occupations .....	7-6
Section 7.04	Mini-warehouses.....	7-7
Section 7.05	Wrecking and Junk Yards.....	7-7
Section 7.06	Accessory Dwellings.....	7-7
Section 7.07	Bed and Breakfasts .....	7-7
Section 7.08	Multifamily Dwellings .....	7-8
Section 7.09	Boarding Houses .....	7-9
Section 7.10	Townhouses .....	7-9
Article 8. Parking .....		8-1
Section 8.01	Off-street Parking and Loading Terms.....	8-1
Section 8.02	Required Off-street Parking Spaces.....	8-1
Section 8.03	Access Controls.....	8-5
Section 8.04	Off-Street Loading .....	8-5
Section 8.05	Change in Parking and Loading Requirements .....	8-6
Article 9. Sign Regulations .....		9-1
Article 10. Landscaping.....		10-1
Section 10.01	Buffers .....	10-1
Section 10.02	Screening.....	10-3
Section 10.03	Landscaping for Vehicular Areas.....	10-4
Section 10.04	Design Standards for Fences .....	10-4
Section 10.05	Landscaping Plan .....	10-4
Section 10.06	Modifications.....	10-4
Section 10.07	Maintenance and Irrigation .....	10-5
Article 11. Administration and Enforcement .....		11-1

Section 11.01	Enforcing Officer .....	11-1
Section 11.02	Building Permit Required .....	11-1
Section 11.03	Issuance of Building Permit .....	11-1
Section 11.04	Certificate of Occupancy Required .....	11-1
Section 11.05	Amendments.....	11-2
Section 11.06	Conditional Uses.....	11-2
Section 11.07	Statutory Review.....	11-3
Section 11.08	Unlawful Structure .....	11-3
Section 11.09	Penalties and Remedies.....	11-3
Section 11.10	Fees.....	11-3
Article 12.	Board of Adjustment.....	12-1
Section 12.01	Establishment and Membership .....	12-1
Section 12.02	Meetings, Procedures and Records .....	12-1
Section 12.03	Powers and Duties.....	12-1
Section 12.04	Administrative Appeals .....	12-1
Section 12.05	Variances.....	12-1
Section 12.06	Special Exceptions .....	12-2
Section 12.07	Abatement of Nuisance .....	12-3
Section 12.08	Rehearings .....	12-3
Section 12.09	Appeals from Action of the Board of Adjustment .....	12-4



## **ZONING ORDINANCE FOR THE CITY OF GENEVA**

### **Ordinance 12-2017-05**

Be it ordained by the City Council of Geneva, Alabama as follows:

That the "Zoning Ordinance of the City of Geneva, Alabama", adopted on August, 1956 as subsequently amended from time to time, is hereby revised to read as follows:

An ordinance, in pursuance of the authority by Title 11, Chapter 58, Code of Alabama, 1975, to provide for the establishment of districts within the corporate limits of the City of Geneva, Alabama; to regulate within such districts, the height, number of stories, and size of buildings and other structures, the percentage of lot that may be occupied, the size of yards and other open spaces, the density of population and the use of buildings, structures and land; 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 Council of the City of Geneva, Alabama as follows:





## *Article 1. AUTHORITY, PURPOSE AND SCOPE*

### **Section 1.01 Short Title**

This Ordinance shall be known as the "Zoning Ordinance of the City of Geneva, Alabama" and the Official Zoning Map herein referred to, known as the "Zoning Map of the City of Geneva, Alabama," shall be further identified by the signature of the mayor and attested by the city clerk. The Zoning Map of Geneva and all explanatory matter thereon is hereby adopted and made a part of this Ordinance. The map is filed in the office of the city clerk.

### **Section 1.02 Purpose**

The purpose of this Ordinance is to influence the use of property within the City of Geneva in accordance with Title 11, Chapter 52, of the Code of Alabama, 1975 Compilation, as amended; and generally to implement and support the Comprehensive Plan and the developmental policies of the City of Geneva.

### **Section 1.03 Applicability, Conflict with Other Regulations**

The provisions of this Ordinance apply to all property located within the corporate boundary of the City of Geneva. All uses, structures, sites, lots and parcels must be in compliance with the provisions of this Ordinance.

Wherever there is a conflict between the provisions of this Ordinance, and those of any statute, or any local law or regulation, the most restrictive provisions apply.

### **Section 1.04 Minimum Requirements**

The provisions of this Ordinance are minimum requirements to promote the public health, safety, and welfare. This Ordinance does not lower the restrictions of plats, deeds or private contracts, if they are greater than the provisions of this Ordinance. The more restrictive requirements apply.

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

### **Section 1.05 Severability**

If any clause, portion, provision, or section of this Ordinance is held invalid by any court of competent jurisdiction, the holding shall not render invalid any other clause, portion, provision, or section.

### **Section 1.06 Repeal of Conflicting Ordinances**

Except where otherwise stated herein, on the effective date of this Ordinance, all other local ordinances or parts of ordinances in conflict or inconsistent with this Ordinance, and all amendments thereto, are hereby repealed to the extent necessary to give this Ordinance full force and effect.

### **Section 1.07 Establishment of Districts**

The City is hereby subdivided into residential, commercial, industrial and special districts as shown on the Official Zoning Map. The Official Zoning Map, together with all explanatory materials it contains, is hereby made a part of this Ordinance.

For the purpose of this Ordinance the City of Geneva is hereby divided into types of districts designated as follows:

1. R-1 Residential District
2. R-2 Residential District



3. R-3 Residential District
4. T-1 Manufactured Home Overlay District
5. T-2 Manufactured Home Park District
6. T-3 Manufactured Home Subdivision District
7. B-1 Local Shopping District
8. B-2 General Business District
9. B-3 Downtown Business District
10. INST Institutional District
11. M-1 Light Industry District
12. M-2 General Industry District
13. AG-1 Agricultural District
14. AG-2 Agricultural District

#### Section 1.08 District Boundaries

The boundaries of the zoning districts shown on the Official Zoning Map are intended, as far as possible, to follow lot lines, the centerlines of streets or alleys, the centerline of railroad tracks, the centerlines of streams and watercourses, and the corporate boundary. Where any district boundary cannot be accurately determined from the Map, the Board of Adjustment determines where the boundary is officially located.

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

#### Section 1.09 Annexed Property

Following the adoption of this Ordinance, any property annexed into the City will be immediately and automatically placed in the AG-1 District, or another district(s) determined by the City Council. Any subsequent rezoning of the property will follow the procedures for amendments in this Ordinance.

#### Section 1.10 Transitional Rules

This Ordinance applies to applications accepted on or after the effective date of this Ordinance. This Ordinance will not affect any complete application accepted for review, but for which no final action has been taken, prior to this date. The application will be acted on under the law in effect at the time the completed application is accepted.

When a development plan has been started or approved under a previous version of this Ordinance, it may be completed only as follows:

1. If development, for which a site plan, subdivision plat or building permit was approved prior to the effective date of this Ordinance, fails to meet any time frames in effect for that development at the time of approval, the approval will expire; and future development will be subject to this Ordinance.
2. Any violation of the previous Ordinance shall be a violation under this Ordinance and subject to the penalties set out in [§11.10 Penalty and Remedies](#), unless the development, use or other activity complies with this Ordinance.



## Article 2. DEFINITIONS

### Section 2.01 Purpose

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

### Section 2.02 Interpretation

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

### Section 2.03 Word Usage

In the interpretation of this Ordinance, the provisions of this §2.03 must be observed and applied, except when the context clearly requires otherwise. Words used or defined in one tense or form include other tenses and derivative forms. Words in the singular number include the plural number and words in the plural number include the singular. The masculine gender includes the feminine and the feminine gender includes the masculine. The word "person" includes an individual, firm, association, organization, partnership, trust, company or corporation.

### Section 2.04 General Terms

1. *Abutting or Adjoining*: Touching along a common side, boundary or property line. Two pieces of property that are separated by a right of way are "adjacent", but not "abutting" or "adjoining".
2. *Accessory structures*: Any detached minor building consisting of masonry or frame walls and roof, one or two stories in height necessary as an adjunct to the use or occupancy of a principal or main structure. This does not include open structures such as pergolas and arbors.
3. *Accessory use*: A use of land or of a building or portion thereof commonly associated with and integrally related to the principal use of the land or building on the same lot.
4. *Addition*: A structure added to the original structure at some time after completion of or after a Certificate of Occupancy has been issued for the original structure.
5. *Adjacent*: Either abutting or on the opposite side of a street, right of way, or easement that separates it from the subject property. Properties separated by a railroad are not considered "adjacent".
6. *Alteration and altered*: Any addition to the height or depth of a building or structure; any change in the location of any of the exterior walls of a building or structure; or any increase in the interior accommodations of a building or structure. A structure is also considered altered when it is repaired, renovated, remodeled, or rebuilt at a cost in excess of 60% of its value prior to such changes.
7. *Applicant*: A person submitting an application for development, a variance, administrative appeal, special exception or rezoning.
8. *Basement*: A portion of a building located wholly or partially underground and having a floor-to-ceiling height of not less than 6.5 ft.
9. *Bedroom*: A room marketed, designed or otherwise intended to function primarily for sleeping.
10. *Block*: A tract or parcel of land entirely surrounded by public streets other than alleys or a combination of streets, public land, public parks, cemeteries, railroad rights-of-way, bodies of water or watercourses, or any other barrier to the continuity of development.



11. *Block, Double-tiered*: A residential block bounded on all sides by streets and within which lots front only on two of the surrounding streets. The corner lots of such blocks are considered "Single frontage corner lots".
12. *Board of Adjustment*: The Board of Adjustment of Geneva, Alabama.
13. *Buffer*: A strip of land that is landscaped to separate incompatible land uses, promoting visual harmony, reducing noise, diverting emissions, and reducing glare. Buffers may consist of trees, shrubs or other vegetation, fences or walls.
14. *Building*: Any structure having a roof supported by columns, or by walls, including lunch wagons, dining cars, trailers and similar structures whether stationary or moving.
15. *Building, Principal*: An enclosed structure designed to be used as a place of occupancy, storage or shelter and in which is conducted the principal use of the concerned lot.
16. *Building area*: The portion of the lot occupied by the main building, accessory building and other structures.
17. *Building height*: The vertical distance measured from grade level at the front lot line to the highest point of the roof if a flat roof, to deck line if a mansard roof; or to the mean height between eaves and ridge if a gable, hip, or gambrel roof. For buildings set back 15 ft or more from the front lot line, height is measured from grade level along the front building line.
18. *Building line, Front*: A line extending across the width of a lot coincident with the front-most plane of the building.
19. *Building spacing*: The minimum distance between buildings, measured from the outermost projection, excluding bay windows, chimneys, flues, ornamental features, cornices and eaves.
20. *City*: The City of Geneva, Alabama.
21. *Conditional Use*: A use that would not generally be appropriate throughout a zoning district without restriction(s), but which, if controlled as to number, location, area, size, traffic, noise, lighting or other impacts, would not be detrimental to public health. Conditional uses must be approved as required by §11.06.
22. *Council or City Council*: The City Council of the City of Geneva, Alabama.
23. *Density*: Lot area per dwelling unit or the number of dwelling units per acre of site area.
24. *Development*: The division of a parcel of land into two or more parcels; the construction, reconstruction, conversion, alteration, relocation or enlargement of a structure; any mining, dredging, filling, grading, paving, excavation, drilling or disturbance of land; and, any use or extension of the use of the land.
25. *Engineer*: A professional engineer registered and in good standing with the Alabama Board of Engineers and Land Surveyors.
26. *Family*: Any one of the following arrangements when living together in a dwelling as a single-housekeeping unit: a) an individual, b) two or more persons related by legal adoption, blood, or a licit marriage plus up to two unrelated individuals, or 3) a group of not more than four unrelated persons.
27. *Fence*: An artificially constructed barrier of any material or combination of materials erected to enclose or screen areas of land.
28. *Floor area, Gross*: The total area of a building measured using the outside dimensions of the building at each floor level intended for occupancy or storage.
29. *Grade level*: For buildings, the average level of the finished grade at the front building line or front lot line (refer also to "Building Height"). For freestanding signs, trees, landscaping, and light fixtures, the level of finished grade at the base of the sign, tree, plant or fixture.

30. *Improvement*: Any permanent item that becomes a part of, is placed upon or is affixed to real estate.
31. *Livestock*: Animals kept for agricultural purposes including but not limited to cows, horses, goats, sheep, swine, ponies, chickens, turkeys, ducks, geese, quail and guineas.
32. *Lot*: A parcel of land, in one ownership, used or set aside and available for use as the site of one or more buildings and accessory structures or for any other purpose.
33. *Lot of record*: A lot that is part of a subdivision, the map or plat of which has been recorded in the office of the probate judge.
34. *Lot, Corner*: A lot abutting two or more streets at their intersections or on two parts of the same street forming an interior angle of less than 135 degrees.
  - a) *Single frontage corner lot*: A residential corner lot on a double-tiered block. A single-frontage corner lot has a primary front yard, abutting the front yard of the adjoining interior lot, and a narrower front yard along its secondary frontage.
35. *Lot, Interior*: A lot other than a corner lot.
36. *Lot, Through*: An interior lot that fronts on two streets that do not intersect at the boundaries of the lot.
37. *Lot area*: The total area within the lot lines of a lot, excluding any rights-of-way.
38. *Lot line*: A line bounding a lot, which divides it from another lot or from a street or from any other public or private place.
  - a) *Front lot line*: The lot line separating a lot from a street right-of-way. In the case of standard corner lots, there is a primary and secondary front line. The shorter of the two is the primary front lot line. For all other corner lots, both lot lines are considered front lot lines.
  - b) *Rear lot line*: That lot line which is parallel to and most distant from the front line. In the case of a triangular or irregularly shaped lot, a line 10 feet in length, entirely within the lot, parallel to and at the maximum distance from the front lot line.
  - c) *Side lot line*: Any lot line other than a front lot line or a rear lot line.
39. *Lot width*: The minimum distance measured between the side lot lines at the front building line. For corner lots, lot width is the distance measured between the side lot line and the opposite lot line.
40. *Manufactured home lot*: A lot designed for the placement of a manufactured home in a manufactured home subdivision.
41. *Manufactured home space*: A space designed for the placement of a manufactured home within a manufactured home park.
42. *Nonconformities*: Lawful uses of lots, structures or characteristics of uses, which, as a result of amendment to this Ordinance, no longer conform to all applicable zoning provisions.
43. *Nonresidential*: Land uses including agricultural, institutional, commercial, lodging and industrial activities. Developments containing residential and nonresidential uses within the same development site are considered nonresidential uses.
44. *Open space, Common*: Land area within a development that is held in common ownership and maintained by a property owner's association for all of the owners for recreation, protection of natural land features, amenities or buffers; is freely accessible to all owners of the development; and, is protected by the provisions of this Ordinance to insure that it remains in such uses.

45. *Owner*: The person having the right and legal title to, beneficial interest in or a contractual right to purchase a lot or parcel of land, or their authorized designee.
46. *Perimeter*: The boundaries or borders of a lot, tract or parcel of land.
47. *Planning Commission* or *Commission*: The Planning Commission of the City of Geneva, Alabama.
48. *Premises*: A lot, parcel, tract or plot or land together with the structures thereon.
49. *Property line*: The lot line or boundary line.
50. *Recreational vehicle*: A vehicular type portable structure without permanent foundation that can be towed, hauled, or driven and is designed primarily as a temporary living accommodation of recreational and camping purposes.
51. *Screen*: To visually shield or obscure a building, structure or use from adjacent property or public view by means of opaque fencing, walls, or densely planted vegetation.
52. *Site*: Land intended to have one or more buildings or intended to be subdivided into one or more lots.
53. *Special exception*: A use or characteristics of development that would not generally be appropriate in a zoning district without restriction, but which, if controlled as to number, area, location or relation to the area, would not be detrimental to public health, safety and general welfare. Special exceptions require approval of the Board of Adjustment. See §12.06.
54. *Story*: That portion of a building included between the upper surface of any floor and the upper surface of the floor next above; or any portion of a building between the topmost floor and the roof, in which the floor area with eight ft or more of head clearance is equivalent to 50% or more of the floor area of the story immediately below. A top floor in which the floor area with eight ft or more of head clearance is less than 50% of the floor area of the story immediately below is considered a "half-story". A basement is considered a story if its ceiling is more than five ft above grade level or if it is used for residential purposes.
55. *Street*: A vehicular way dedicated for public use including all land within the right-of-way.
56. *Structure*: A combination of materials that form a construction for use, occupancy, or ornamentation whether installed on, above or below the surface of land or water. All buildings are structures but not all structures are buildings.
57. *Surveyor*: A professional surveyor registered and in good standing with the Alabama Board of Engineers and Land Surveyors.
58. *Terrace*: A level, landscaped or surfaced area on a lot directly adjacent to or close to a principal building and not covered by a permanent roof.
59. *Variance*: A relaxation or waiver of the terms of this Ordinance (other than use provisions) as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this Ordinance will result in unnecessary hardship.
60. *Yard*: A minimum open area unobstructed from the ground up extending along a lot line and inward to the structure. The yard is measured as the shortest distance between the structure and the lot line.
  - a) *Front yard*: A yard extending the full width of the lot between any building and the front lot line and measured perpendicular to the building at the front building line. Corner lots provide a front yard on both frontages. However, single frontage corner lots have a "primary front yard" and a narrower "secondary front yard" as provided in the district regulations.
  - b) *Rear yard*: A yard extending the full width of the lot between the principal building and the rear lot line and measured perpendicular to the building to the closest point of the rear lot line.



- c) *Side yard*: A yard extending from the front yard to the rear yard between the principal building and the side lot line and measured perpendicular from the side lot line to the closest point of the principal building.

## Section 2.05 Uses Defined

1. *Agriculture*: The production, storage, keeping, harvesting, grading, packaging, processing, boarding or maintenance, for sale, lease, or personal use, of plants and animals, including but not limited to: forages and sod crops; grains and seed crops; dairy animals and products; poultry and poultry products; the keeping, raising and breeding of livestock; bees and apiary products; fur animals; trees and forest products; fruits, nuts and vegetables; plants and flowers; or lands that are devoted to soil conservation or forestry management.
2. *Animal shelter*: A nonprofit or public organization providing shelter for small domestic animals.
3. *Assisted living facility*: A building, portion of a building, or a group of buildings in which room, board, meals, laundry, and assistance with personal care and other services are provided for not less than 24 hours in any week to at least two ambulatory adults not related by blood or marriage to the owner and/or administrator and licensed by the State of Alabama.
4. *Bakery, Major*: An establishment which bakes goods primarily for wholesale and/or retail and in which may include storage and distribution facilities.
5. *Bakery, Minor*: An establishment, which bakes goods for on-premises retail sale only.
6. *Bank or financial institution*: A business engaged in providing banking or financial services to the general public, such as a bank, savings and loan institution, credit union, finance company and similar uses.
7. *Bed and breakfast*: A detached single-family dwelling, or portion thereof, in which short-term lodging rooms and meals are provided. See [§7.07](#).
8. *Boarding house*: A detached single-family dwelling or part thereof in which, for compensation, lodging and meals are provided for no more than nine individuals.
9. *Broadcast studio*: An establishment primarily engaged in broadcasting and other information relay services accomplished through the use of electronic and telephonic mechanisms.
10. *Business support service*: A business which supplies support services primarily to business establishments, such as sales of office equipment, supplies and services; cleaning services; computer and office equipment repair and similar services.
11. *Campground*: A plot of ground on which two or more campsites are located, established, or maintained for occupancy by camping units as temporary living quarters for recreation, education or vacation purposes.
12. *Club*: A group of people organized for a common purpose to pursue common goals, interests and activities and usually characterized by certain membership qualifications, payment of fees or dues, which holds regular meetings and has a constitution or by-laws.
13. *Commercial parking*: Parking of motor vehicles within a commercially-operated, off-street parking lot or garage.
14. *Commercial school*: A private, gainful business providing instruction in arts, business, crafts, trades or professions.
15. *Conservation development*: A form of development that permits a reduction in area or dimensional requirements, provided there is no increase in the overall density of the development, and the remaining land area is devoted to open space, recreation, or environmental conservation. See [§7.02](#).



16. *Construction service*: A place of business engaged in construction activities and incidental storage as well as wholesaling of building materials (but not a retail home improvement center) such as a building contractor, trade contractor or wholesale building supply store.
17. *Convenience store*: See "Retail, General."
18. *Country club*: Land or buildings containing recreational facilities and clubhouse for private club members and their guests.
19. *Day care center*: A licensed facility, that is not a dwelling, providing day care on a regular basis to more than six children, elderly, handicapped or infirmed persons who do not stay overnight at the facility. 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.
20. *Day care home*: A single-family dwelling in which a permanent adult occupant thereof provides care for up to six children for only part of the day and which is duly licensed to operate as a day care home. Those receiving care are not all related to the occupant or to each other by blood or marriage and are not the legal wards or foster children of the attendant adults, and do not reside on the site. Within this ordinance, day care homes are regulated separately from home occupations.
21. *Distribution center*: See "Warehousing and Distribution."
22. *Drive-in theatre*: See "Entertainment, Outdoor."
23. *Dwelling*: Any building or portion thereof, which is designed and used for residential occupancy.
24. *Dwelling, Accessory*: A dwelling located on the same lot of and that is subordinate to a detached, single-family dwelling. Accessory dwellings are commonly referred to as guest houses, carriage houses, garage apartments, or mother-in-law units. See §7.06.
25. *Dwelling, Caretaker*: A residence, incidental to a principal use, for an on-site manager, watchman or caretaker employed on the premises.
26. *Dwelling, Multifamily*: A building containing five or more dwelling units on a commonly shared lot.
27. *Dwelling, Duplex*: A building containing two single-family dwelling units totally separated from each other by an unpierced wall extending from basement to roof.
28. *Dwelling, Multiplex*: A building containing three to four dwelling units, each of which has direct access to the outside or to a common hall.
29. *Dwelling, Townhouse*: A single-family dwelling in a row of at least three such units in which each unit has its own front and rear access to the outside, no unit is located over another, and each unit is separated by one or more vertical common fire-resistant walls.
30. *Dwelling, Single-family (Detached)*: A building containing one dwelling unit and that is not attached to any other dwelling by any means and is surrounded by open space or yards.
31. *Dwelling unit*: One or more rooms occupied 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.
32. *Dwelling, Upper-story*: A dwelling unit located on a floor above a nonresidential use.
33. *Entertainment, Indoor*: A commercial establishment providing spectator entertainment within an enclosed building, including movie theaters, playhouses, concert halls, etc.

34. *Entertainment, Outdoor*: An establishment providing spectator entertainment in open or partially enclosed or screened facilities, including sports arenas, racing tracks, drive-in theaters, amusement parks, etc.
35. *Farm*: Land used primarily for agricultural purposes.
36. *Farm support business*: A commercial establishment engaged in the sale of farm support goods and services, including but not limited to the following: the sale of feed, grains, fertilizers, pesticides and similar farm support goods; the provision of warehousing and storage facilities for raw farm products; and the provision of veterinary services to farm animals. Does not include the sale of tractors or other farm vehicles and similar equipment.
37. *Flea Market*: See "Retail, General, Unenclosed."
38. *Funeral Home*: A building used for the preparation of the deceased for burial and the display of the deceased and rituals connected therewith before burial or cremation.
39. *Garden center or Nursery*: The growing, cultivation storage and sale of garden plants, trees, flowers, shrubs, and fertilizers, as well as the sale of garden tools and similar accessory and ancillary products, to the general public.
40. *Gas station*: A commercial establishment involving the retail dispensing of automotive fuels. Gas stations that provide vehicle repair services are classified as either "Vehicle repair, Major" or "Vehicle repair, Minor."
41. *Grocery store*. See "Retail, General."
42. *Group Home*: A dwelling for the sheltered care of 10 persons unrelated by blood or marriage, living together as a single housekeeping unit under the supervision of one or two resident managers, which, in addition to providing food and shelter, may also provide some combination of personal care, social or counseling services, and transportation.
43. *Heavy industry*: Industries including but not limited to meat or poultry processing, slaughterhouse, the storage or manufacturing of flammable, explosive or toxic materials or other materials generally considered to be hazardous or offensive in nature.
44. *Home improvement center*: A place of business providing building, yard and garden materials, appliances, tools and supplies at retail or wholesale.
45. *Home occupation*: A business, profession, occupation or trade conducted for gain or support as an incidental activity within a dwelling. See also §7.03.
46. *Hospital*: An establishment providing primary health services and medical or surgical care to persons, primarily inpatients, suffering from illness, disease, injury, deformity, and other abnormal physical or mental conditions and including as an integral part of the institution related facilities such as laboratories, outpatient facilities, training facilities, medical offices and staff residences.
47. *Hotel*: An establishment providing sleeping accommodations for transients, in which lodging rooms are accessed from the interior of the building. Hotels may also include, as an incidental use, a liquor lounge.
48. *Independent living facility*: A multifamily residential facility for the elderly. These facilities may provide meals and other services such as housekeeping, linen service, transportation, and social and recreational activities. Such facilities do not provide, in a majority of the units, assistance with activities of daily living such as supervision of medication, bathing, dressing, toileting, etc.
49. *Institutional uses*: Structures or land occupied by a group, cooperative, or other entity created for nonprofit purposes or for public use or services. This does not include institutional facilities in which principal functions on the site involve garages, repair or storage yards, or warehouses. For the purposes of this Ordinance, institutional uses are categorized as follows:

- a) *Low intensity institutional uses*: places of assembly up to 150 seats; day care centers; group care homes; nursing care facilities and other homes for the aged up to 10,000 sf.
  - b) *Medium intensity institutional uses*: government buildings up to 12,500 sf; health institutions up to 35,000 sf; elementary and junior high/middle schools; places of assembly up to 300 seats; stadiums and arenas up to 3,000 seats; other institutions up to 35,000 sf.
  - c) *High intensity institutional uses*: government buildings greater than 12,500 sf; health institutions greater than 35,000 sf; places of assembly greater than 300 seats; high schools, universities, colleges, junior colleges; other institutions greater than 35,000 sf.
50. *Kenel*: An establishment in which domesticated animals are housed, groomed, bred, boarded, trained, or sold, all for compensation.
51. *Laundering plant*: An establishment primarily engaged in high volume laundry and garment services, including commercial and industrial laundries; garment pressing and dry cleaning; linen supply; diaper service; industrial laundries; carpet and upholstery cleaners, but excluding laundromats and dry cleaning pick-up stations without dry cleaning equipment.
52. *Laundry services*: Laundromat, laundry and dry cleaning pick-up stations, dryer, and clothing storage, but excluding laundering, dry cleaning, and dyeing plants.
53. *Liquor lounge*: A licensed establishment engaged in the preparation, sale or serving of liquor for consumption on the premises only. This includes but is not limited to the following terms: taverns, bars, cocktail lounges, nightclubs and similar uses where liquor sales and consumption occur on the premises.
54. *Livestock sales*: The sale of animal livestock within an enclosed yard or structure, including livestock markets, horse or cattle auctions and similar activities.
55. *Maintenance service*: An establishment providing building and yard maintenance services, such as janitorial services, exterminating services, landscaping services, window cleaning services, office cleaning services and similar uses.
56. *Manufactured home*. A manufactured home that complies with the *Manufactured Housing Construction and Safety Standards Code* (Title VI of the 1974 Housing and Community Development Act [42 USC 5401 et seq.], as amended). Manufactured homes that do not comply with the code are considered "mobile homes" and are not permitted as dwellings or for nonresidential use in the City.
- a) *Double-wide manufactured home*: A manufactured home with a minimum width of 16 ft.
  - b) *Single-wide manufactured home*: A manufactured home other than a "double-wide manufactured home".
57. *Manufactured home park*: Land used or designed as a manufactured home community containing multiple spaces for rent or lease.
58. *Manufactured home subdivision*: A subdivision designed and intended for the siting of manufactured homes.
59. *Manufacturing, General*: The basic processing and manufacturing of materials or products predominately from extracted or raw materials and the incidental storage, sale and distribution of such products.
60. *Manufacturing, Light*: The manufacture, predominately from previously prepared materials of finished products or parts, including processing, fabrication, assembly, treatment and packing of such products and the incidental storage, sale and distribution of such products
61. *Medical clinic*: A facility providing medical, psychiatric or surgical services for sick or injured persons exclusively on an out-patient basis.

62. *Medical support service*: A place of business, which supplies medical support services to individuals, medical practitioners, clinics and hospitals, including but not limited to a pharmacy, medical and surgical supply store, and an optician.
63. *Mini-warehouse*: A structure group of structures partitioned for leasing of individual storage spaces and is exclusively used for the storage of non-volatile, non-toxic and non-explosive materials.
64. *Mixed use or Mixed use development*: The combination of a residential use with commercial and/or institutional uses on the same site or within the same building.
65. *Motel*: An establishment providing sleeping accommodations for transients, in which lodging rooms are accessed from the exterior of the building. Motels may also include, as an incidental use, a liquor lounge.
66. *Office, Business or Professional*: A room or group of rooms used for conducting the affairs of a business, profession, service, or industry and generally furnished with desks, tables and communications equipment.
67. *Outdoor storage*: The keeping, in an unenclosed area, of any goods, materials, merchandise, products or vehicles in the same place for more than 48 hours.
68. *Park*: Publicly-owned and operated parks, playgrounds, recreation facilities and open spaces. Parks owned and operated by a property owners association are referred to as "Common Open Spaces."
69. *Personal service*: An establishment primarily engaged in providing services involving the care of a person or their personal goods or apparel.
70. *Place of assembly*: A facility used for and providing religious, fraternal, recreational, social, educational or cultural activities.
71. *Printing establishment, Minor*: Blue printing, copying, printing, engraving or other reproduction services with 2,500 sf or less of floor space.
72. *Printing establishment, Major*: Blue printing, copying, printing, engraving or other reproduction services with no limit on floor space/area.
73. *Public facility*: Buildings providing public services, not otherwise defined in this Section, including government offices, post offices, museums, libraries, transit stations, police and fire stations, emergency service stations, civil defense operations and similar uses.
74. *Public utility facility*: A facility that provides public utility services to the public at large, including water and sewer, gas distribution, electric transmission and distribution, and cable transmission and distribution facilities.
75. *Recreation*: A commercial establishment providing recreational or sports activities to participants, including bowling alleys, billiard parlors, video game centers, ice and roller skating rinks, driving ranges, miniature golf courses, conventional golf courses, swimming pools, tennis courts and other commercial recreational and sports activities.
76. *Recycling center*: Land, with or without buildings, upon which used materials are separated and processed for shipment for eventual reuse in new products.
77. *Recycling plant*: A facility, other than a junkyard, in which recoverable resources, such as newspapers, magazines, books and other paper products; glass, metal cans and other products are recycled, reprocessed and treated to return such products to a condition in which they may be used again in new products.
78. *Research laboratory*: A building or group of buildings in which are located facilities for scientific research, investigation, testing or experimentation, but not facilities for the manufacture or sale of products, except as incidental to the main purpose of the laboratory.



79. *Resource extraction*: The removal of soil, sand, stone, chert, clay, gravel, limestone, or other minerals or similar materials, for commercial purposes, including quarries, sand and gravel operations, gas extraction, and mining operations, and the loading, sizing, crushing, and processing of such materials, and the incidental storage, sale and distribution of such materials.
80. *Restaurant, Fast food*: An establishment where food and drink are rapidly prepared for drive-through or drive-in service.
81. *Restaurant, Standard*: An establishment where food and drink are prepared, served and primarily consumed within the building where patrons are seated and served.
82. *Restaurant, Take-out only*: An establishment where food and drink are prepared and served for consumption off-premises only.
83. *Retail, General*
- a) *General retail, Enclosed*: Retail sales of goods and services conducted fully or primarily within a building, including, but not limited to; food sales, department stores, clothing stores, home furnishings, appliance stores, automobile parts and supply stores, video rental, gift shops, florist shops, hardware stores, specialty shops, jewelry stores, variety stores, sporting goods stores, antique shops, auction houses and similar retail activities.
  - b) *General retail, Unenclosed*: Retail sales of goods and services in which 50% or more of the total sales area is unenclosed, including but not limited to outdoor sales, flea markets, and similar activities. "Vehicle sales" is separately defined and regulated.
84. *Rooming house*: See "Boarding House."
85. *Sanitary landfill*: A State-approved site for solid waste disposal employing an engineering method of disposing of solid wastes in a manner that minimizes environmental hazards by spreading, compacting to the smallest volume and applying cover material over all exposed waste at the end of each operating day.
86. *School*: A public or nonprofit primary or secondary school. Does not include "Commercial school" or "College."
87. *Shopping center*: A group of commercial establishments located on a lot planned and developed in a unified manner and design with shared parking and driveway facilities and under a common ownership or management authority.
88. *Stable*: An accessory structure in which horses are kept for private or commercial use.
89. *Studio*: A place of work for an artist, photographer or craftsman, including instruction, display, production and retail sales of materials produced on the premises.
90. *Truck stop*: An establishment involving the maintenance, servicing, storage or repair of commercial vehicles; the retail dispensing of motor vehicle fuels; and the sale of accessories or equipment for trucks and similar commercial vehicles. Truck stops may include overnight accommodations or dining.
91. *Truck terminal*: A premises on which trucks load and unload cargo and freight and where the cargo and freight may be broken down or aggregated into smaller or larger loads for transfer to other vehicles or modes of transportation.
92. *Vehicle and equipment sales, rental and service*: An establishment engaged in the sale or rental of heavy trucks (over one ton), construction equipment, tractors farm implements and similar equipment, including the storage, maintenance and servicing of such vehicles and equipment.

93. *Vehicle repair, Major*: An establishment engaged in the repair and maintenance of vehicles including painting, body work, rebuilding of engines or transmissions, upholstery work, fabrication of parts and similar activities all of which are performed entirely within an enclosed building.
94. *Vehicle repair, Minor*: An establishment engaged in sales, installation, and servicing of mechanical equipment and parts, including audio equipment and electrical work, lubrication, tune-ups, wheel alignment, tire balancing, brake and muffler work, battery charging and/or replacement and similar activities.
95. *Vehicle sales or rental*: An establishment engaged in the sale or rental of automobiles, light trucks, recreational vehicles, boats, motorcycles, including the incidental parking, storage, maintenance, servicing and repair of such vehicles.
96. *Veterinary hospital*: A place where animals are given medical care and the boarding of animals is limited to short-term care incidental to the hospital use.
97. *Warehousing and distribution*: An establishment engaged in the receipt, storage, and distribution of goods, products, cargo and materials, including transshipment by boat, rail, air or motor vehicle, excluding any retail sales, assembly, or product processing.
98. *Wholesaling establishment*: An establishment primarily engaged in selling merchandise to other businesses, including retailers, industrial, commercial, institutional, or professional business users, other wholesalers, or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies.
99. *Wrecking or Junk yard*: A lot or structure or part thereof, used primarily for the collecting, storage and sale of waste paper, rags, scrap metal or discarded material or for the collecting, dismantling, storage and salvaging of machinery or vehicles not in running condition or for the sale of parts thereof.

#### Section 2.06 Abbreviations used in this Ordinance

1. BR – Bedroom
2. DU – Dwelling Unit
3. FCC – Federal Communications Commission
4. ft – foot or feet
5. GFA – Gross Floor Area
6. max. – maximum
7. min. – minimum
8. n/a – not applicable
9. sf – square feet
10. % - percent
11. § - Section, Subsection, Paragraph or Item within this Ordinance or other regulations, as specified.

This page intentionally left blank.

## Article 3. SUPPLEMENTAL REGULATIONS

### Section 3.01 General Regulations

Except as otherwise provided for in this Ordinance:

1. No land may be used nor building erected, enlarged, reconstructed, moved, structurally altered or used except for a use permitted by right, by Special Exception, or as a Conditional Use in the applicable district. Uses are permitted within each district as specified in this Article and in [Articles 4, 5 and 6](#).
2. Structures must be located on each lot in accordance with the area and dimensional regulations in [Articles 4, 5 and 6](#) unless modified by any applicable Use-Specific Regulations (refer to [Article 7](#)).

All buildings erected, enlarged, reconstructed, moved or structurally altered must conform to the dimensional regulations of the applicable district. The minimum lot area, yard setbacks, open spaces and parking spaces required for each building, may not be encroached upon or counted toward the requirements for any other building unless stated otherwise in this Ordinance.

3. No building for human occupancy may be erected without unrestricted vehicular access to a public street.
4. No private permanent building, fence or other structure may be placed or constructed within a public right-of-way or easement.
5. No lot may be reduced in area so that yards and open spaces total less than that required under this Ordinance.

### Section 3.02 Interpretation of Uses

The Zoning Official may classify a use not set out in this ordinance within a listed use of most similar impact and characteristics. Appeals to this interpretation may be filed with the Board of Adjustment.

In the event the Zoning Official finds a new or unusual use that cannot appropriately fit a listed use, the following procedures apply:

1. If compatible with the existing zoning district, the unclassified use may be permitted by Special Exception upon approval by the Board of Adjustment.
2. If the unclassified use would not be compatible with the existing zoning district, the Zoning Official will determine the most appropriate district and inform the applicant accordingly, at which time the applicant may apply for rezoning (see [§11.05 Amendments](#)). The unclassified use may then be considered as a Special Exception by the Board.

Following final action as (1) and (2) above may require, the Commission may amend this Ordinance to list the newly permitted use in the most appropriate district(s).

### Section 3.03 Joint Occupancy

Except as specifically provided for upper-story dwellings, accessory dwellings, home occupations and caretaker dwellings, no structure may be used as a dwelling simultaneously with any other use.

### Section 3.04 Public Utilities

Utility poles, wires, cross-arms, transformers attached to poles, guy wires, insulators, conduits and other utility structures necessary for electric power, telephone or telegraph service, distribution of gas, oil, water or other utilities may be constructed, erected, repaired, maintained or replaced within any district of the City.



### Section 3.05 Structures to be Moved

Any structure to be moved within the city limits will be considered a new building under construction; and must conform to all applicable provisions of this Ordinance.

### Section 3.06 Lot Area and Yards

1. No building will be required to be set back more than the average setback of existing buildings within 100 ft on each side.
2. Single frontage corner lots for detached single-family and duplex dwellings have a primary (greater) front yard and a secondary (lesser) front yard, as specified in the district regulations. Corner lots, in all other cases, must provide a front yard on each street frontage.
3. Through lots must provide a front yard setback on both street frontages.
4. The following projections into required yards are permitted:
  - a) Chimneys, roof overhangs, eaves and similar architectural features may not be closer than three ft to any side or rear lot line.
  - b) Terraces, steps, uncovered porches and similar features that extend no more than three ft above the ground may project into a required yard but no closer than five ft to any side or rear lot line.
5. In residential districts, satellite dish antennas must be located behind the front building line and no closer to any property line than 10 ft.
6. For any lot which, at the time of adoption of this Ordinance or subsequent amendment, may be reduced in area by widening a public street to a future street line as indicated on a duly adopted "Major Street Plan", or as reserved under the mapped street provisions of Title 35, Chapter 2, Article 3, Sections 50-62, inclusive, Code of Alabama 1975 (as amended), area and dimensional requirements must be met considering the future street line(s) as the lot lines.

### Section 3.07 Height

Each structure hereafter erected or altered may not exceed the maximum height of the applicable district. Height limitations do not apply to steeples, barns, silos, farm structures, chimneys, flag poles, public utility poles, radio and television towers and aerials, cooling towers, water tanks, industrial structures (when required by manufacturing process), and similar structures or portions thereof.

### Section 3.08 Fences

Fences or walls on residentially zoned property or abutting a residential district may not exceed eight ft above the ground. Otherwise, where the lot line abuts a nonresidential district, fences and walls may be taller but may not exceed ten ft.

### Section 3.09 Intersection Visibility

Visibility for drivers must be maintained within a triangular area at the junction of any two streets or a street with a driveway or alley. The size of this triangular area is a function of the classification of the streets, which is determined by the relative volume and speed of traffic on them. Within these areas, nothing may be planted, placed, erected, or allowed to grow that interferes with visibility between a height of 2.5 ft and eight ft above finished grade at the intersection of the street centerline with that of the other street.



For streets that intersect at an oblique angle; or, in cases where there are unusual circumstances that require special consideration, the triangular area is determined using the standards of the latest edition of the *Manual of Uniform Traffic Control Devices*.

Where a driveway or alley intersects with a public street, the triangular area extends 10 ft from the intersection along the right-of-way and 10 ft from the intersection along the edge of the driveway or alley.

### Section 3.10 Accessory Structures

1. Accessory structures may not be used for human habitation, except as allowed for accessory dwellings.
2. Accessory structures may not be erected forward of the front building line. In residential districts, they may only be placed to the rear of the dwelling or other principal building.
3. Accessory structures may not exceed two stories in height and may not cover more than 30% of any required rear yard. They must be set back at least five ft from rear and side lot lines.
4. Private below-ground swimming pools on residential lots may be located in the rear yard only and must be set back 10 ft or more from the nearest lot line.

### Section 3.11 Common Open Spaces and Facilities

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

1. If not owned and maintained by the developer, an association representing the owners must own the common open space or facility in perpetuity. Membership in the association is mandatory and automatic for all owners of the subdivision or condominium and their successors. The association must have lien authority to ensure the collection of dues from members. The responsibility for maintaining the common open space and/or facilities will be borne by the association.
2. Management Plan. The applicant must submit a plan for management of open space that:
  - a) allocates responsibility and guidelines for maintenance and operation;
  - b) estimates the costs for maintenance, operation, and insurance and outlines the means of funding;
  - c) provides that any changes to the plan be approved by the Commission; and
  - d) provides for enforcement of the plan
3. In the event the party responsible for maintenance fails to maintain the facility in reasonable order and condition, the City may assume responsibility for maintenance and may enter the premises and take corrective action. Costs incurred may be charged to the association or its members. Such costs will become a lien on all involved properties.

### Section 3.12 Manufactured Homes, Recreational Vehicles

1. Manufactured homes must be located in an approved manufactured home sales establishment or manufactured home district, except as follows:
  - a) A manufactured home may be temporarily parked and used as a construction office or the quarters of a night watchman at a construction site with approval of the Zoning Official. Such approval expires upon completion of construction.
  - b) A manufactured home may be used as an office in the B-2, M-1 or M-2 Districts through approval of a Special Exception from the Board of Adjustment.

- c) A manufactured home may be temporarily occupied for residential purposes in an AG-1, AG-2, R-1, R-2 or R-3 District for up to three years through approval of a Special Exception from the Board.
2. For public health and safety purposes, at the time of installation, manufactured homes must be inspected and approved by the Building Inspector. Manufactured homes must have the undercarriage skirted with commercially-approved skirting and must meet any State and local tie-down and sewerage regulations.
3. Recreational vehicles, travel trailers, motor homes, boats and boat rigs may be stored in any district provided they are stored in the rear yard or in an enclosed building. Other methods of storage must be approved as a Special Exception by the Board of Adjustment.

### Section 3.13 Nonconformities

#### 1. *General Provisions.*

- a) Except as otherwise provided in this Section, any nonconforming lot, structure or use lawfully existing on the effective date of this Ordinance, or subsequent amendment thereto, may continue so long as it remains otherwise lawful.
- b) Nothing in this Section may be interpreted to prohibit routine maintenance, restoration of a structure to a safe condition, internal renovations and modifications, and external improvements that do not increase in scope or scale the nonconformity of a structure.
- c) No nonconformity may be moved to any other location on the same or any other lot unless the entire structure will conform, after being moved, to district regulations.
- d) No use or structure that is accessory to a nonconforming principal use may continue after the principal use ceases, unless it thereafter conforms to all applicable regulations.
- e) The burden of establishing the lawful status of a nonconforming structure or use rests with the owner.

#### 2. *Definitions.* For the purposes of this Section the following definitions apply:

- a) *Nonconforming Lot of Record:* Any vacant lot legally established prior to the effective date of this Ordinance or amendment thereto, that does not fully comply with area and dimensional regulations.
- b) *Nonconforming Developed Lot:* Any lot containing a structure or activity legally established prior to the effective date of this Ordinance or amendment thereto, that does not comply with area and dimensional regulations.
- c) *Nonconforming Improvements:* Any physical improvements, including drainage improvements, driveways, landscaping, lighting and parking areas, but excluding structures or signs, legally established prior to the effective date of this Ordinance or amendment thereto, that do not comply with applicable regulations for such improvements.
- d) *Nonconforming Structure:* Any building or structure, other than a sign, legally established prior to the effective date of this Ordinance or amendment thereto, that does not fully comply with area and dimensional regulations.
- e) *Nonconforming Use:* An activity using land or structures for purposes, which were legal prior to the effective date of this Ordinance or amendment thereto, but which does not comply with the use regulations of this Ordinance.

#### 3. *Nonconforming Lots and Structures.*

- a) Where the owner of a nonconforming lot of record does not own sufficient abutting land to enable compliance with the dimensional regulations of this Ordinance, one building and its accessory structures

may be built on the lot provided they conform as closely as possible to district requirements. No side yard, if required to be greater than five ft in the particular district, may be reduced to less than five ft.

- b) Nonconforming developed lots and structures used for permitted uses may be modified, enlarged, and/or expanded provided that the change conforms to or increases conformity with the this Ordinance.

4. *Nonconforming Uses.*

- a) A nonconforming use may be changed to another nonconforming use that is the same or lesser intensity. Once a nonconforming use changes to a permitted use, it may not revert to a nonconforming use.
- b) A nonconforming use may not be altered, enlarged, or intensified in any way that increases its nonconformity, but may be altered or reduced to decrease its nonconformity.
- c) If a nonconforming use is damaged to the extent that restoration costs exceed 60% of the value of the use immediately before the damage occurred, or is discontinued and remains vacant for one year or more, subsequent use of the lot or structure must comply with district regulations.

- 5. *Nonconforming Improvements.* Off-street parking, loading areas and landscaping must be brought into conformance prior to occupancy by a new use (when a building permit is required), expansion of an existing use or occupancy following a period of vacancy of 365 calendar days or longer. The Board of Adjustment may modify this requirement through approval of a special exception if it finds that full compliance is either not practicable or unreasonable in the particular case.



This page intentionally left blank.

## Article 4. RESIDENTIAL DISTRICTS

### Section 4.01 General Regulations for "R" Residential Districts

1. *Uses Permitted.* See [Table 4-3 Use Regulations, Residential Districts](#).

Except as provided in this Article, nonresidential uses are prohibited in residential districts. Low intensity institutional uses, as defined in [Article 2](#), are permitted by right in residential districts. Medium intensity institutional uses may be permitted as Conditional Uses. Likewise, existing institutional uses may be expanded to medium intensity only upon approval of a Conditional Use. High intensity institutional uses, whether by expansion of an existing use or new construction, are not permitted in residential districts.

2. *Development Criteria.* See [Table 4-2 Area and Dimensional Regulations, Residential Districts](#).
3. *Parking Regulations.* See [Article 8 Parking](#).
4. *Sign Regulations.* See [Article 9 Signs](#).
5. *Landscaping, Screening and Buffers.* See [Article 10 Landscaping](#) for multifamily and nonresidential uses.

### Section 4.02 R-1 Residential District

The purpose of the R-1 District is to provide for low to medium-density single-family dwelling areas. The district regulations are designed to protect its residential character from incompatible uses; to encourage a suitable neighborhood environment by including parks and open spaces, schools and places of worship; and to preserve the openness of the areas through minimum yard and area standards.

1. *Uses Permitted.* In addition to the uses permitted under [Table 4-3](#), single-family dwelling lots of three acres or larger and that are located either north of the Choctawhatchee River/Double Bridges Creek or south of the Pea River may also include crop farming, beekeeping and keeping of livestock subject to the following:
  - a) Up to two animal equivalent units (see Table 4-1) are permitted per one acre of lot area.

Table 4-1 Animal Equivalent Units			
Slaughter/feed cattle	1.0	Ostrich and emus	0.2
Dairy cattle	1.4	Turkeys, ducks and geese	0.03
Horses, mules and donkeys	1.0	Laying hens or broilers	0.02
Sheep and goats	0.2	Rabbits	0.02
Deer	0.2		
For any animal not listed, the animal equivalent unit is calculated by dividing the average weight of the animal by 1,000 pounds			

- b) Minimum setback of structures for livestock housing, watering, feeding and animal waste storage and disposal:
  - 1) from adjoining property lines: 100 ft, 25 ft if the adjoining property is zoned for agriculture
  - 2) from street right-of-way lines: 100 ft
  - 3) from nearest dwelling other than that of the owner: 150 ft
- c) Offensive animal odors must not be detectable at the property line.



### Section 4.03 R-2 Residential District

The purpose of the R-2 District is to provide for medium-density single-family dwelling areas. The district regulations are designed to protect its residential character from incompatible uses; to encourage a suitable neighborhood environment by including parks and open spaces, schools and places of worship; and to preserve the openness of the areas through minimum yard and area standards.

### Section 4.04 R-3 Residential District

The purpose of the R-3 District is to provide for high density residential uses, including garden homes, townhouses and multifamily dwellings. The district regulations are designed to protect its residential character from incompatible uses; to encourage a suitable neighborhood environment by including parks and open spaces, schools and places of worship; and to preserve the openness of the areas through minimum yard and area standards.

1. All properties zoned R-3 must be served by municipal water and sewer.
2. Multifamily developments with sites greater than one acre, containing more than eight dwelling units, or containing more than one building are subject to [§7.08 Multifamily Dwellings](#).

### Section 4.05 R-4 Residential District

The purpose of the R-4 District is to provide exclusively for development of detached single-family dwellings in select locations. The district regulations are designed to protect its residential character from incompatible uses and to preserve the openness of the areas through minimum yard and area standards.

Table 4-2 Area and Dimensional Regulations, Residential Districts

	R-1	R-2	R-3	R-4
Minimum Lot Area				
Detached single-family dwelling	15,000 sf*	12,000 sf*	9,000 sf*	9,000 sf*
Duplex	-	-	9,000 sf	-
Townhouse	-	-	See <a href="#">§7.10</a>	-
Multifamily dwelling	-	-	See <a href="#">§7.08</a>	-
Minimum Lot Width				
Detached single-family dwelling	100 ft	80 ft	50 ft	80 ft
Duplex	-	-	60 ft	-
Townhouse	-	-	See <a href="#">§7.10</a>	-
Multifamily dwelling	-	-	See <a href="#">§7.08</a>	-
Minimum Front Yard	35 ft	30 ft	25 ft	20 ft
Secondary Front Yard (see <a href="#">§3.06.2</a> )	35 ft	20 ft	15 ft	15 ft
Minimum Rear Yard	40 ft	35 ft	30 ft	15 ft
Minimum Side Yard	10 ft	10 ft	10 ft	5 ft
Maximum Building Height	35 ft or 2.5 stories	35 ft or 2.5 stories	35 ft or 2.5 stories	35 ft or 2.5 stories
* Any lots without water or sewer are subject to any minimum lot requirements established by the County Health Department.				



Table 4-3 Use Regulations, Residential Districts

For T-1 Overlay District, refer to §4.07.

	R-1	R-2	R-3	R-4	T-2	T-3
Accessory Structures, Residential	R	R	R	R	R	R
Bed and Breakfast, see <a href="#">§7.07</a>	SE	SE				
Boarding House, subject to <a href="#">§7.09</a>	SE	SE	R			
Cemetery	C	C	C			
Conservation Development, see <a href="#">§7.02</a>	R	R	R			
Country Club	R	R	R			
Day Care Center			SE		SE	C
Day Care Home	R	R	R			SE
Dwelling, Accessory, see <a href="#">§7.06</a>	R	R	R			
Dwelling, Duplex		R	R			
Dwelling, Multiplex		C	R			
Dwelling, Multifamily, see <a href="#">§7.08</a>			R			
Dwelling, Single-family detached	R	R	R	R		
Dwelling, Townhouse, see <a href="#">§7.10</a>			R			
Gardens, as an accessory use to a dwelling	R	R	R		R	R
Garden, as a principal use (e.g. community garden)	SE	SE	SE		SE	SE
Golf Course	C	C	C			
Group Home			R			
Home Occupation, see <a href="#">§7.03</a>	R	R	R	R	SE	SE
Independent Living Facility			R			
Manufactured Home on a separately platted lot						R
Manufactured Home Park					R	
Parks, Open Space and Greenways	R	R	R		R	R
Parking, Nonresidential	SE	SE	SE			
Place of Assembly, up to 150 seats	R	R	R			
Place of Assembly, up to 300 seats	C	C	C			
Public Facility, up to 12,500 sf	C	C	C			
Public Utility Facility	SE	SE	SE		SE	SE
School, Elementary or middle/junior high	C	C	C			
Telecommunications Tower, see <a href="#">§7.01</a>	SE	SE	SE		SE	SE

**R** – The use is permitted by right.**SE** – The use requires action by the Board of Adjustment as a special exception per [§12.06](#).**C** – The use is conditional and requires review by the Commission and Council per [§11.06](#).

A blank cell in the Table indicates that the use is not permitted.



#### Section 4.06 General Regulations for "T" Manufactured Home Districts

Where there is any conflict with the regulations of Sections 4.06, 4.07, 4.08 and 4.09 and those of the City's Mobile Home Ordinance, as amended, the provisions of the Mobile Home Ordinance governs.

1. In addition to the following requirements, manufactured homes in T Districts are also subject to [§3.12 Manufactured Homes](#).
2. Rezoning to a Manufactured Home District. A sign will be posted on the property giving the proposed zoning district and the date, time and location of the public hearing. The sign must be posted seven days prior to the hearing.
3. No manufactured homes may be placed in manufactured home parks and subdivisions until at least 10 home spaces or lots have been completely developed together with facilities required by the Geneva Subdivision Regulations and any other applicable State or local regulations.
4. Before any manufactured home is moved onto a lot in a T-1 or T-3 District, an application must be submitted and approved by the Zoning Official to assure compliance with all regulations.
5. Manufactured homes must be inspected and approved by the Building Inspector as required by the City's Mobile Home Ordinance, as amended. Manufactured homes must have the undercarriage skirted with commercially-approved skirting and must meet any State and local tie-down and sewerage regulations.

#### Section 4.07 T-1 Manufactured Home Overlay District

The purpose of the T-1 District is to accommodate manufactured homes in existing subdivisions subject to regulations to assure compatibility with adjoining site-built residential uses.

1. The regulations of the underlying zoning district, including the uses permitted, remain in effect except as modified in this Subsection, which apply only to manufactured homes.
2. T-1 Districts may only be established in existing subdivisions platted and recorded with the Geneva County Probate Judge. Only one manufactured home may be placed on each lot, subject to the area and dimensional regulations in [Table 4-4](#).
3. All lots must have frontage on an approved, City-maintained street.

#### Section 4.08 T-2 Manufactured Home Park District.

The purpose of the T-2 District is to accommodate development of manufactured home park communities.

1. Procedure. A master plan showing the exact manner in which the entire tract will be improved and used must be presented to the Commission for review and approval before the Council may consider rezoning, if required and before any grading or improvements may be installed. The plan must include detailed engineering plans and specifications as required by the Zoning Official.
2. Uses permitted, see [Table 4-3 Use Regulations, Residential Districts](#). Single-wide and double-wide manufactured homes are permitted. The following accessory uses may be permitted in a manufactured home park with Commission approval of the master plan:
  - a) caretaker dwelling
  - b) offices and maintenance buildings incidental to a manufactured home park
  - c) laundromat and concession building for the use of residents of the park only
  - d) swimming pools, cabanas, and other outdoor recreational facilities



3. Manufactured home parks are subject to the area and dimensional regulations in [Table 4-5](#).
4. Manufactured home parks must be served by municipal water and sewer unless approved by County Health Department for septic service.
5. An NPDES phase II permit from the Alabama Department of Environmental Management must be obtained. All requirements of the stormwater pollution prevention plan (SWPPP) required by the permit must be implemented. Copies of the permit and SWPPP must be submitted to the Zoning Official.
6. At least two parking spaces must be provided for each manufactured home space. Required parking may be provided in common parking areas or on manufactured home spaces.
7. Interior streets and parking areas must be paved with an all-weather surface resistant to erosion. Interior streets must have a minimum surface width of 18 ft and a minimum clearance of 40 ft.
8. One principal use sign no larger than 50 sf is allowed for each manufactured home park. Other signage is permitted within the interior of the park but it may not be located so as to be legible from public rights-of-way.
9. Dry powder type 2.5 gallon fire extinguishers must be within 100 ft of all manufactured homes. Water hoses may be approved in lieu of fire extinguishers by the Fire Department.

#### Section 4.09 T-3 Manufactured Home Subdivision District.

The purpose of the T-3 District is accommodate the planned development of manufactured home subdivisions together with uses customary to residential neighborhoods.

1. Procedure. Manufactured home subdivisions are reviewed and approved according to the procedure set out in the Geneva Subdivision Regulations. When rezoning is required, the preliminary plat may be submitted and approved by the Commission simultaneously with the rezoning request. No grading or construction may proceed until after the preliminary plat is approved and rezoning is approved by the Council, if required.
2. An NPDES phase II permit from the Alabama Department of Environmental Management must be obtained. All requirements of the stormwater pollution prevention plan (SWPPP) required by the permit must be implemented. Copies of the permit and SWPPP must be submitted to the Zoning Official.
3. Uses permitted, see [Table 4-3 Use Regulations, Residential Districts](#).
4. Manufactured home subdivisions are subject to the area and dimensional regulations in [Table 4-4](#).

Table 4-4 Area and Dimensional Regulations, T-1 and T-3 Districts			
	Without water or sewer service	With water but no sewer service	With water and sewer service
Minimum Lot Area	20,000 sf	15,000 sf	12,000 sf
Minimum Lot Width	100 ft	100 ft	100 ft
Minimum Front Yard	35 ft	35 ft	30 ft
Minimum Rear Yard	40 ft	40 ft	35 ft
Minimum Side Yard	10 ft	10 ft	10 ft

Table 4-5 Area and Dimensional Regulations, T-2 District	
Min. acreage for a Manufactured home Park	3 acres
Manufactured Home Space	
Min. width	60 ft
Min. length	120 ft
Min. Separation between Manufactured Homes	20 ft
Min. Setback from Exterior Lot Lines	20 ft
Maximum Building Height	1 story



## Article 5. NONRESIDENTIAL DISTRICTS

### Section 5.01 General Regulations for Nonresidential Districts

1. *Development Criteria.* See [Table 5-1 Area and Dimensional Regulations, Nonresidential Districts](#).
2. *Uses Permitted.* See [Table 5-2 Use Regulations, Nonresidential Districts](#).  
NOTE: Home occupations in nonresidential districts are not subject to §7.03.
3. *Parking Regulations.* See [Article 8 Parking](#).
4. *Sign Regulations.* See [Article 9 Signs](#).
5. *Landscaping, Screening and Buffers.* See [Article 10 Landscaping](#).

### Section 5.02 B-1 Local Shopping District

The purpose of the B-1 District is to provide for retail sales, personal and professional services, and other compatible businesses in locations convenient to and to a limited scale and intensity to assure compatibility with adjacent neighborhoods.

1. A minimum of one acre is required to establish a B-1 District.
2. *Uses Permitted.* See [Table 5-2 Use Regulations, Nonresidential Districts](#) and the following limitations:
  - a) Minor vehicle repair. All parts storage, repair and related functions must be conducted entirely within an enclosed building.
  - b) Multifamily dwellings are permitted only in the upper floors of a building, in which the ground floor is occupied by a nonresidential use.

### Section 5.03 B-2 General Business District

The purpose of the B-2 District is to provide for general retail sales, personal and professional services, and other compatible businesses serving a citywide and larger market area.

1. A minimum of two acres is required to establish a B-2 District.
2. *Uses Permitted.* See [Table 5-2 Use Regulations, Nonresidential Districts](#) and the following limitations:
  - a) Multifamily dwellings are permitted only in the upper floors of a building, in which the ground floor is occupied by a nonresidential use.

### Section 5.04 B-3 Downtown Business District

The purpose of the B-3 District is to provide for the continued use and reinvestment in land and buildings in historic Downtown Geneva. Permitted uses include retail sales, personal and professional services, entertainment, and public services and facilities. The use of upper floors for residential use is also encouraged. The district regulations are designed to preserve Downtown Geneva's traditional, compact and pedestrian-oriented development pattern.

1. *Uses Permitted.* See [Table 5-2 Use Regulations, Nonresidential Districts](#) and the following limitations:
  - a) Minor vehicle repair. All parts storage, repair and related functions must be conducted entirely within an enclosed building.
  - b) Multifamily dwellings are permitted only in the upper floors of a building, in which the ground floor is occupied by a nonresidential use.



2. *Pedestrian Circulation.* Buildings must be designed to provide pedestrian access from sidewalks and from off-street parking areas.

### Section 5.05 INST Institutional District

The purpose of the INST District is to provide for and protect uses that are institutional in nature, while assuring compatibility with development in adjoining districts.

1. *Uses Permitted.* See [Table 5-2 Use Regulations, Nonresidential Districts](#).

### Section 5.06 M-1 Light Industry District

The purpose of the M-1 District is to provide for light manufacturing, processing, assembly, warehousing, wholesaling and related activities. M-1 Districts are intended to have convenient access to major roads and/or railroads. To minimize adverse impacts on surrounding non-industrial properties due to noise, vibration, heat, waste, dust, odor or glare, M-1 Districts are to be located and developments designed so that they are separated from less intensive land uses.

1. *Uses Permitted.* See [Table 5-2 Use Regulations, Nonresidential Districts](#) and the following limitations:

In no case may the following uses be permitted: slaughter house, stockyard; bag cleaning; central mixing plant for cement, mortar, plaster or paving materials; curing; tanning or storage of hides; distillation of bones; coal, tar or wood; fat rendering; forge plant; manufacture of acetylene, acid; alcohol, ammonia, bleaching powder, brick pottery, terra cotta or tile, concrete blocks; disinfectants, dyestuffs, fertilizers, paint, turpentine, varnish, soap and tar products, wool pulling or scouring; junk yards and/or wrecking establishments; cotton waste reclaiming; and similar types of plants or operations.

### Section 5.07 M-2 General Industry District

The purpose of the M-2 District is to provide for general manufacturing and other industrial uses that due to noise, vibration, heat, waste, dust, odor or glare may pose more adverse impacts on neighboring properties than may be permitted in the M-1 District. M-2 Districts are intended to have convenient access to major roads and/or railroads. To minimize adverse impacts on surrounding non-industrial properties, M-2 Districts are to be located and developments designed so that they are separated from less intensive land uses.

1. *Uses Permitted.* See [Table 5-2 Use Regulations, Nonresidential Districts](#).

Table 5-1 Area and Dimensional Regulations, Nonresidential Districts

	B-1	B-2	B-3	M-1	M-2	INST
Minimum Lot Area	None specified, except that lots must be of sufficient size to meet minimum setback, parking, loading, unloading and landscaping requirements.					
Minimum Setbacks						
Front Yard <sup>1</sup>	20 ft	0 ft	0-25 ft <sup>2</sup>	0 ft	0 ft	10 ft
Rear Yard <sup>3</sup>	20 ft	0 ft	0 ft	0 ft	0 ft	10 ft
Side Yard <sup>3</sup>	0/10 ft <sup>4</sup>	0/10 ft <sup>4</sup>	0/10 ft <sup>4</sup>	0/10 ft <sup>4</sup>	0/10 ft <sup>4</sup>	10 ft
Maximum Building Height	35 ft or 2 stories	65 ft or 5 stories	45 ft or 3 stories	45 ft or 3 stories	45 ft or 3 stories	45 ft or 3 stories

<sup>1</sup> See [§3.06.1](#) for front yard modifications.

<sup>2</sup> The front building line must be within 25 ft of the front lot line.

<sup>3</sup> Buffers are required when the development abuts a use of lesser intensity and may increase side or rear yard setbacks.

<sup>4</sup> If not built to the lot line, buildings must be set back a minimum of 10 ft from side lot lines.



Table 5-2 Use Regulations, Nonresidential Districts

	B-1	B-2	B-3	M-1	M-2	INST
Airport				C	C	C
Animal Shelter		C		R		C
Assisted Living Facility						R
Bakery, Major		C		R	R	
Bakery, Minor	R	R	R			
Bank or Financial Service	R	R	R			
Broadcast Studio		R	R	R		
Business or Professional Office	R	R	R	R	R	
Business Support Service	R	R	R	R	R	
Car Wash		R		R		
Campground		C				
Cemetery		R	R			R
Club	R	R	R	R		R
Construction Service				R	R	
Country Club						R
Day Care Center	R	R	R			R
Dwelling, Caretaker	R	R	R	R	R	R
Dwelling, Detached Single-family	R	R	R			
Dwelling, Multifamily (3+ units) , see <a href="#">§7.08</a>	C	R	R			
Entertainment, Indoor		R	R			
Entertainment, Outdoor		C	C			C
Farm Support Business		R		R	R	
Funeral Home		R	R			R
Garden Center or Nursery	R	R	C			
Gas Station	C	R	C	R	R	
Group Home						R
Home Improvement Center		R	C			
Home Occupation	R	R	R			
Hospital						C
Hotel		R	R			
Industry, Heavy					C	
Kennel				R		
Landfill, Inert or Sanitary					C	
Laundering Plant				SE	R	
Laundry Service	R	R	R	R		
Liquor Lounge		R	R			

R – The use is permitted by right.

SE – The use requires action by the Board of Adjustment as a special exception per [§12.06](#).

C – The use is conditional and requires review by the Commission and Council per [§11.06](#).

A blank cell in the Table indicates that the use is not permitted.



Table 5-2 Use Regulations, Nonresidential Districts

	B-1	B-2	B-3	M-1	M-2	INST
Maintenance Service		R		R	R	
Manufactured Homes Sales		C		R		
Manufacturing, General					R	
Manufacturing, Light				R	R	
Medical Clinic	R	R	R			R
Medical Support Service		R	R			
Mini-warehouse, see <a href="#">§7.04</a>	C	C	C	R		
Motel		C				
Nursing Care Facility						R
Parks and Open Spaces	R	R	R	R	R	R
Parking, Nonresidential	R	R	R	R	R	R
Personal Service	R	R	R			
Place of Assembly	R	R	R			R
Printing Establishment, Major		C	C	R		
Printing Establishment, Minor		R	R	R		
Public Facility	SE	SE	SE	SE	SE	SE
Public Utility Facility	SE	SE	SE	SE	SE	SE
Recreation, Indoor		R	R			
Recreation, Outdoor		C	C			C
Recreational Vehicle Park		C				
Recycling Center	SE	SE	SE	SE	SE	SE
Recycling Plant				SE	R	
Rehabilitation Facility						R
Research Laboratory		C		R	R	C
Resource Extraction					C	
Restaurant, Fast Food	C	R	C			
Restaurant, Standard	R	R	R			
Restaurant, Take Out Only	R	R	R			
Retail, General, Enclosed	R	R	R			
Retail, General, Unenclosed		C	C	R		
School, Commercial		R	R	R		R
School, Nonprofit or Public			C			R

**R** – The use is permitted by right.

**SE** – The use requires action by the Board of Adjustment as a special exception per [§12.06](#).

**C** – The use is conditional and requires review by the Commission and Council per [§11.06](#).

A blank cell in the Table indicates that the use is not permitted.



Table 5-2 Use Regulations, Nonresidential Districts

	B-1	B-2	B-3	M-1	M-2	INST
Storage, Indoor		R	R	R		
Storage, Outdoor		C		R	R	
Studio	R	R	R			
Telecommunications Towers, see <a href="#">§7.01</a>	SE	SE	SE	SE	SE	SE
Transitional Care Home						R
Truck Stop		C		R	R	
Truck Terminal				R	R	
Vehicle and Equipment Sales, Rental and Service		C		R		
Vehicle Repair, Major		C	C	R		
Vehicle Repair, Minor	C	R	R	R		
Vehicle Sales or Rental		R	C			
Veterinary Hospital		R	R	R		
Warehousing and Distribution				R	R	
Wholesaling Establishment		C	C	R		
Wrecking and Junk Yards, see <a href="#">§7.05</a>				C	R	

**R** – The use is permitted by right.

**SE** – The use requires action by the Board of Adjustment as a special exception per [§12.06](#).

**C** – The use is conditional and requires review by the Commission and Council per [§11.06](#).

A blank cell in the Table indicates that the use is not permitted.

This page intentionally left blank.



## Article 6. AGRICULTURAL DISTRICTS

### Section 6.01 General Regulations for Agricultural Districts

1. *Development Criteria.*
  - a) See [Table 6-1 Area and Dimensional Regulations, Agricultural Districts](#).
  - b) Structures used for housing livestock, when permitted, must be set back at least 100 ft from the nearest property line and at least 200 ft from the nearest dwelling (other than that of the owner).
2. *Use Regulations.* Refer to district regulations. Concentrated animal feeding operations (as defined by the EPA); animal slaughtering; and commercial food or fish processing operations are prohibited.
3. *Parking Regulations.* See [Article 8 Parking](#).
4. *Sign Regulations.* See [Article 9 Signs](#).
5. *Landscaping, Screening and Buffers.* See [Article 10 Landscaping](#).

### Section 6.02 AG-1 General Agriculture District

The purpose of this district is to provide for agricultural, forestry and other compatible uses. The district regulations are designed to maintain the essentially natural, open and rural character of these areas by requiring certain minimum yard and area standards.

1. *Uses Permitted.*
  - a) Uses Permitted by Right: general farming, including crop farming, livestock, and similar agricultural uses; detached single-family dwellings; home occupations; parks and playgrounds; cemeteries; and accessory structures incidental to the preceding uses
  - b) Special Exception Uses. The following uses may be permitted upon approval by the Board of Adjustment in accordance with [§12.06](#) and subject to any use-specific regulations: bed and breakfast; boarding house; public facilities; public utility facilities; telecommunications towers
  - c) Conditional Uses. The following uses may be permitted upon approval in accordance with [§11.06](#): airports; campgrounds; clubs; country clubs; farm support business; golf courses; kennels; livestock sales; outdoor entertainment; outdoor recreation

Table 6-1 Area and Dimensional Regulations, Agricultural Districts		
	AG-1	AG-2
Minimum Lot Area	3 ac	2 ac
Minimum Lot Width	100 ft	100 ft
Minimum Setbacks		
Front Yard	45 ft	45 ft
Rear Yard	40 ft	40 ft
Side Yard	15 ft	15 ft
Maximum Building Height	3 stories or 45 ft	3 stories or 45 ft

2. *Development Criteria.*
  - a) A booth or stall from which farm produce grown on the same premises and sold to the general public may be permitted subject to the following:



- 1) Sales areas must be set back from all lot lines so as to meet the district yard requirements.
- 2) Sales areas may not occupy any part of a required off-street parking or loading area.

#### Section 6.03 AG-2 Limited Agriculture District

The purpose of this district is to provide and preserve land for "home-use agriculture" and other compatible uses. The district regulations are designed to maintain the essentially natural, open and rural character of these areas by requiring certain minimum yard and area standards.

1. *Uses Permitted.*
  - a) Uses Permitted by Right: crop farming; beekeeping; detached single-family dwellings; home occupations; parks and playgrounds; and accessory structures incidental to the preceding uses
  - b) Special Exception Uses. The following uses may be permitted upon approval by the Board of Adjustment in accordance with [§12.06](#) and subject to any use-specific regulations: raising and dairying of livestock; bed and breakfast; cemeteries; public facilities; public utility facilities; telecommunications towers
  - c) Conditional Uses. The following uses may be permitted upon approval in accordance with [§11.06](#): campgrounds; kennels; livestock sales; outdoor entertainment; outdoor recreation

#### Section 6.04 AG-FW Agriculture/Floodway District

The purpose of this district is to provide for limited agricultural uses within the floodway along the Choctawhatchee River, Pea River and Double Bridges Creek.

1. *Uses Permitted.* All agricultural activities permitted in an AG-1 General Agriculture District are permitted in the AG-FW District except that no permanent structures may be erected that would interfere with the flow of floodwaters, in accordance with the Flood Damage Prevention Ordinance.



## Article 7. USE-SPECIFIC REGULATIONS

### Section 7.01 Telecommunication Towers

1. *Required Approvals.* Construction of a tower and installation of an antenna or equipment requires approval of a Special Exception from the Board of Adjustment.
2. *Applicability.* All towers, antennas and equipment constructed or installed, whether on a new or existing tower compound, after the effective date of this Ordinance and any changes or additions to any tower or antenna in existence before the effective date of this Ordinance are subject to this Section. A tower proposed to be built on a co-location site is subject to the same requirements and conditions as all other towers. This does not include routine maintenance of, and repairs to, the communication facilities.
3. *Public hearing.* The Board will hold a public hearing on an application for the construction of a tower and/or the installation of the equipment to be used in connection with the first antenna to be placed on the tower. The installation of any additional antenna on the same tower, and the equipment used in connection with such additional antenna, requires the approval of the mayor and does not require approval of the Board unless:
  - a) the tower compound is to be enlarged or there is a change in the size or location of the existing tower; or
  - b) the mayor considers it appropriate that an application be referred to the Board for review and consideration.
4. *Co-location.* A new tower may not be constructed if space is available, on an economically reasonable basis, on an existing tower structurally and technically able to support the proposed antenna. An affidavit (as required by [§7.01.10.g](#)) that reasonable effort has been made to locate the proposed antenna on an existing tower must be submitted with the application for new tower construction. New towers must be designed to accommodate additional antennas to the extent practicable.
5. *Review Criteria.* In considering an application, the Board will consider the following criteria:
  - a) *Structural safety of towers:* Towers must comply with wind-load and other structural standards contained in applicable building and technical codes of the City, and the electronic industries associations code, so as not to endanger the health and safety of people in the event of the structural failure. The Zoning Official determines compliance with these requirements.
  - b) *Appearance of tower compounds:* Towers and tower compounds must be designed to be compatible with surrounding land uses through buffers and/or screening as approved by the Board.
6. *Development Criteria.* The Zoning Official reviews all applications for compliance with this Section. By a vote of a majority of the Board present at the public hearing, it may waive any one or more of the following requirements if the circumstances justify such waiver and provided the reasons for such waiver:
  - a) All towers must be monopoles.
  - b) New towers must be capable of accommodating at least one additional antenna.
  - c) The centerline of a tower may not be located closer than 100 ft from the boundary line of any residential property. If the land on which a tower compound is located, and all land which abuts the tower compound, is in a nonresidential district (including land in a Planned Development District used for nonresidential purposes) the centerline of the tower may not be closer than 50 ft from the boundary line of such property. The Board may reduce these requirements in cases where, due to unusual topographic conditions, the setback requirements would result in unnecessary hardship; provided that the reduced setback is not less than the minimum setback required in the district.



- d) No off-premise messages, may be attached to, or depicted on, a tower or antenna.
- e) Towers may not be illuminated except lights for security and maintenance purposes. Such light must be pointed downward from a height of not more than 10 ft and may not exceed a maximum of 150 watts. Lights must be located, directed and/or shielded so that they do not shine or reflect onto or toward any residential property.
- f) Tower compounds must be surrounded and fully secured by a dark colored, vinyl-coated or galvanized steel security fence or masonry wall or combination thereof, at least eight ft in height.
- g) All tower compounds must be surrounded by a landscaped screen at least eight ft in height to screen the compound from adjacent public ways and residential property. The screening, which may be located within the required setback area, must consist of a landscaped strip, at least four ft in depth, located outside of the fence. The landscaped strip must be planted with a combination of trees, shrubs, and/or ground covers attaining, at maturity, a height as high as the security fence. For tower compounds located within 1,000 ft of residential property or areas of special aesthetic concerns, such as schools, the Board may require wider landscaped areas and other items, such as decay-resistant, solid wood fences or masonry walls. All fences, walls and landscaping must be kept in good condition and repair.

In the application, the applicant must include the name and address of the party responsible for maintenance and repair of the facilities and any fences, walls and screening. If a different person becomes responsible for maintenance and repair, the owner must give the Zoning Official the person's name and address.

- h) In isolated nonresidential areas, alternative landscaping methods may be permitted on the condition that if the areas surrounding such tower compounds become developed, the Commission will have the right to require the owner to comply with the requirements of §7.01.7.f-g above.
  - i) Existing mature trees and natural land forms should be preserved to the maximum extent practicable. In some cases, preservation of a substantial amount of existing trees around the perimeter of the tower compound may be an acceptable substitute for required screening.
  - j) A parking area and driveway with all-weather surfaces must be provided for maintenance and emergency access. Subject to the approval of the Board and to an appropriate agreement with the owner, access may be by means of, and parking may be provided on, an adjoining property. Subject to the approval of the Board, one or more public streets adjoining the tower compound may serve as the parking area.
7. *Removal of Unused Towers.* Any tower no longer in use for its permitted purpose must be removed at the owner's expense. Within 10 working days of sending notice to the FCC of the intent to cease use of the tower, the owner must provide the City Clerk with a copy of the notice. The owner must remove the tower and all communication facilities within 90 calendar days from the day the tower ceases to be used or by an earlier date if required by the FCC. If the owner does not remove the tower within this period, the owner of the property on which the tower is located, if different from the owner of the tower, must remove it within 90 calendar days of receiving written notice from the City. If the tower is not removed within the time prescribed, the city may, but is not obligated to, remove the tower. If the city removes the tower it is entitled to recover costs from the owner(s). Notwithstanding the foregoing, a tower used by more than one party may continue to be used for telecommunication purposes as long as the tower is used for such purposes by at least one party. Any party who ceases to use a tower used by more than one party must remove its antenna and equipment within 90 calendar days after it ceases to use the tower, or within a shorter period if prescribed by the FCC, so that the tower and compound will be available for use by another party. If the tower is located on property owned by the City of Geneva, it has the right to purchase the tower for \$100.00 when it ceases to be used for telecommunication purposes by all parties who have an antenna located on the tower. The right to

purchase must be exercised within 60 calendar days of the date the City receives notice that the owner intends to cease use of the tower.

8. *Receiving Antennas.* A building permit is required for receiving antennas over 18 inches in diameter. A receiving antenna in a residential district is considered an accessory structure. A receiving antenna in a nonresidential district must be screened on four sides if it is located at ground level.
9. *Application.* Applications for a permit to construct a new tower or to locate an antenna or additional equipment on an existing tower compound, must include the following:
  - a) A list of the names and addresses of all owners of property located within 500 ft of the tower compound. The application must be accompanied by certification by the applicant, a surveyor or an attorney that the list of property owners was obtained from the tax assessor and that the list contains the names and addresses of all owners of property within 500 ft of the compound.
  - b) *Statement of impact on health, safety, and welfare:* A brief written statement concerning the steps the applicant has taken to comply with all applicable rules, regulations, and requirements concerning health and safety matters related to the proposed communication facilities.
  - c) *Site plans:* A site plan, prepared by a surveyor, scaled to not less than one inch equals 50 ft, showing the location and dimensions of the subject property, as well as the location of setback lines, driveways, parking areas, fencing, landscaping, and generators and the location, size and type of any fuel tanks. The site plan must also show:
    - 1) all parcels within 500 ft of the tower compound
    - 2) zoning classification of the property and of all parcels within 500 of the compound
    - 3) the latitude, longitude, section, township, range, tax parcel identification number, street address and the site identification number of the proposed tower compound.
    - 4) other information that may be required by the Board to determine compliance with this Ordinance. If the proposed tower is to be located on a portion of a larger property, its location with respect to the boundary lines of the property must be shown on the site plan.
  - d) *Elevation views:* a silhouette and elevation view of the proposed or existing tower, as applicable, all other communication facilities, and the tower compound, describing colors and materials to be used for the communication facilities and any fencing or walls. The configuration of proposed antenna arrays must be shown on the silhouette. The proposed location of future, additional antenna arrays must be shown on the silhouette by dashed lines.
  - e) The frequency band and maximum wattage of proposed communication facilities.
  - f) The estimated life of the tower, the antenna and the equipment.
  - g) *Affidavit:* An affidavit of the applicant stating that: 1) there is no existing tower from which the area to be served from the proposed new tower can be served; or 2) the applicant has made good faith efforts to have its antenna installed on an existing or proposed tower and has been unable to do so and describing the efforts made by the applicant to use such existing or proposed tower.
  - h) *Certification of Shared Use Design.* If the tower already includes one or more antennas, the application must be accompanied by certification from a qualified engineer stating that the tower is able to accommodate the proposed antenna, as well as the antennas already located on the tower.

To help defray the costs of processing applications, reviews and otherwise administering the provisions of this Section, the applicant must submit a non-refundable application fee of \$250 as well as any costs incurred by the City for public notice.

10. *Foundation Survey, As-Built Certification.* After the foundation for a tower is poured, a foundation survey, prepared by a surveyor, must be furnished to the Zoning Official, and no further construction work may be done until the Zoning Official has approved, in writing, the foundation. Upon the completion of construction and/or installation, the tower and antenna or the antenna may not be put into operation until a qualified engineer furnishes the City written certification that the construction and/or installation was performed in accordance with the plans submitted to the city.

## Section 7.02 Conservation Development

1. *Intent.*
  - a) To provide flexibility to achieve the most effective development on lands constrained by natural hazards that may limit the amount or type of development
  - b) To promote the creation of accessible green space
  - c) To protect sensitive, environmental land features and promote the public health and safety
  - d) To reduce erosion, sedimentation, land disturbance, and removal of vegetation
  - e) To promote development of walking and bicycling facilities and greenways within new developments that can be connected to adjacent neighborhoods and activity centers; and
  - f) To reduce perceived density by providing access to and views of open space.
2. *Applicability.* The Conservation Development option is available, upon approval by the Commission, for single-family detached residential development of at least three acres in the R-1, R-2 and R-3 Districts. The applicant must comply with all other applicable regulations, except as modified by this Section.
3. *Ownership of Development Site.* If held in multiple ownership, the site must be developed according to a single plan with common authority and common maintenance responsibility.
4. *Density Determination.* The maximum number of lots is determined by dividing the total area of the proposed subdivision by the most restrictive of the following: minimum lot size of the applicable district or by regulations of the City and/or County Health Department for septic tank use. In calculating tract area, the following must be excluded:
  - a) Designated floodway
  - b) Bodies of open water over 5,000 sf of contiguous area
  - c) Wetlands, as defined by the Army Corps of Engineers

The total area for front, rear and side yards for each dwelling must be 2.5 times the ground floor area of the dwelling. A minimum 15 ft of space between residential buildings must be provided.

5. *Application Requirements.*
  - a) *Site Analysis Map.* The applicant must submit a site analysis map concurrently with the preliminary plat. For submittal requirements, refer to Appendix A-3.
  - b) *Subdivision Plan.* The developer must submit a Subdivision Plan, which yields no more lots than allowed under this Section, identifies open spaces to be protected, and includes an open space plan (see §7.02.6). The Development Plan must be approved prior to any grading.
  - c) *Instrument of Permanent Protection.* An instrument of permanent protection, as described in §7.02.7, must be placed on designated open spaces at the time of approval.



6. *Open Space Plan.* For the purposes of this Section, "open space" is defined as the portion of a Conservation Development set aside for permanent protection. Activities within the open space are restricted in perpetuity through the use of a legal instrument approved by the City Attorney.

a) *Standards.*

- 1) The minimum open space must comprise at least 25% of the gross tract area.
- 2) The following Priority Conservation Areas, if present, must be included within the open space(s) to be protected:
  - (i) The 100-year floodplain;
  - (ii) Riparian zones of at least 75 ft width along all perennial and intermittent streams;
  - (iii) Slopes above 25% of at least 10,000 sf contiguous area;
  - (iv) Wetlands, as defined by the Corps of Engineers;
  - (v) Archaeological sites, cemeteries and burial grounds.
- 3) The following areas should be included within the open space to the extent feasible:
  - (i) Important historic sites;
  - (ii) Existing healthy, native forests of at least one-acre contiguous area;
  - (iii) Individual existing healthy trees greater than eight inches caliper; and
  - (iv) Other significant natural features and scenic viewsheds.
- 4) Utility rights-of-way and small areas of impervious surface may be included within the protected open space but cannot be counted towards the 25% area requirement (exception: historic structures may be counted). Parking and loading areas are not permitted in the open space.
- 5) At least 25% of the total protected open space must be suitable for passive recreational use.
- 6) At least 50% of the open space must be contiguous, although it may be crossed by a local street. The layout of open space should allow connection to open spaces adjoining the site.
- 7) The open space should be directly accessible to the largest practicable number of lots or buildings on the site. Lots and buildings further from the open space should be connected to the open space through sidewalks or off-street walkways.

b) *Permitted Uses of Protected Open Space.*

- 1) Conservation of natural, archeological or historical resources;
- 2) Meadows, woodlands, wetlands, wildlife corridors, game preserves, or similar conservation-oriented areas;
- 3) Passive recreation areas, such as open fields, walking or bicycle trails;
- 4) Active recreation areas, provided they do not take up more than 20% of the total open space and are not located within priority conservation areas. Active recreation areas may include impervious surfaces. Active recreation areas in excess of this limit must be located outside of the protected open space.
- 5) Landscaped stormwater management facilities, community and individual wastewater disposal systems with adequate soils. These facilities may not be located in Primary Conservation Areas.
- 6) Easements for drainage, access, and underground utility lines.

- 7) Other conservation-oriented uses compatible with the purposes of this Section.
  - c) Prohibited Uses of Protected Open Space:
    - 1) Golf courses
    - 2) Streets, parking lots and similar impervious surfaces, except as specifically authorized in the previous subsections
    - 3) Impoundments
    - 4) Other activities as determined by the applicant and recorded on the legal instrument for permanent protection.
  - d) Ownership and Management of Open Space. See [§3.11](#).
7. *Legal Instrument for Protection of Open Space.* The open space must be protected in perpetuity by a binding legal instrument recorded with the deed. The instrument for permanent protection must include clear restrictions on use of the open space, including all restrictions contained in this Subsection and any restrictions the applicant chooses to place on the open space. The instrument must be one of the following:
- a) A permanent conservation easement in favor of either:
    - 1) a land trust or similar conservation-oriented nonprofit organization with legal authority to accept such easements. The organization must be bona fide and in perpetual existence and the conveyance instruments must contain an appropriate provision for retransfer in the event the organization becomes unable to carry out its functions; or
    - 2) a governmental entity with an interest in pursuing goals compatible with the purposes of this Subsection, and if the entity accepting the easement is not the City, then a third right of enforcement favoring the City must be included in the easement.
  - b) A permanent restrictive covenant for conservation purposes in favor of a governmental entity.
  - c) An equivalent legal tool that provides permanent protection, as approved by the City Attorney.
8. *Tax Assessment of Open Space.* Once a legal instrument for permanent protection has been placed upon the open space, the County Tax Assessor may be requested to reassess the open space at a lower value to reflect its limited use.

### Section 7.03 Home Occupations

In agricultural, residential and manufactured home districts, home occupations may be permitted only in single-family residences and duplexes subject to the following:

- 1. There may be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of the home occupation. Signage identifying the home occupation is prohibited.
- 2. The Home Occupation must be clearly incidental and subordinate to the residential use. Not more than 25% of the floor area of the dwelling unit may be devoted to the home occupation. A home occupation may not be conducted in an accessory structure without approval of a Special Exception by the Board.
- 3. Only members of the family residing on the premises may be engaged in the home occupation.
- 4. No traffic may be generated by the home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the home occupation must be provided off-street and may not be located in the required front yard.



5. The home occupation must not create a disturbance (noise, vibration, glare, fumes, odors, electrical interference, etc.) or blight or nuisance of any nature.

The above restrictions do not apply to home occupations in a B-1, B-2 or B-3 District.

#### Section 7.04 Mini-warehouses

1. Storage of volatile, toxic or explosive materials is prohibited.
2. Storage spaces may not be used for residential occupancy or for commercial activities other than periodic auctions to dispose of items that have been abandoned and/or for which the lease time has expired.
3. Landscaping or screening around the perimeter of the site may be required as part of any required Conditional Use approval. Outdoor storage must be screened as required in [§10.02](#).

#### Section 7.05 Wrecking and Junk Yards

1. No automobile wrecking yard, salvage yard or junkyard may be established closer than 300 ft to a residential district.
2. All outdoor storage of salvage and wrecking operations must be completely contained within a fence or wall of not less than six nor more than 10 ft in height and designed in accordance with [§10.04](#).
3. Wrecked automobile, junk, or salvaged materials may not exceed the height of the screen fence or wall.

#### Section 7.06 Accessory Dwellings

1. Accessory dwellings are permitted only as an accessory use to a permitted single-family detached dwelling.
2. Area and Dimensional Requirements.
  - a) The accessory dwelling may not exceed 50% of the floor area of the principal dwelling. Detached accessory dwellings are also subject to [§3.10 Accessory Structures](#).
  - b) Setbacks. If detached from the principal dwelling, accessory dwellings must be to the rear of the principal dwelling or within the upper floor of a detached garage or similar permitted accessory structure.
3. Additional Requirements.
  - a) One parking space, in addition to that required for the principal dwelling, must be provided.
  - b) Detached accessory dwellings must maintain the appearance of the principal dwelling, including colors, materials, and style.
  - c) Separate driveway entrances are not permitted.
  - d) Accessory dwellings may not be separately metered, including electricity, water and gas, unless required by the utility company.

#### Section 7.07 Bed and Breakfasts

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

1. All guest rooms must be located in the principal structure. Individual guest rooms may not contain cooking equipment.

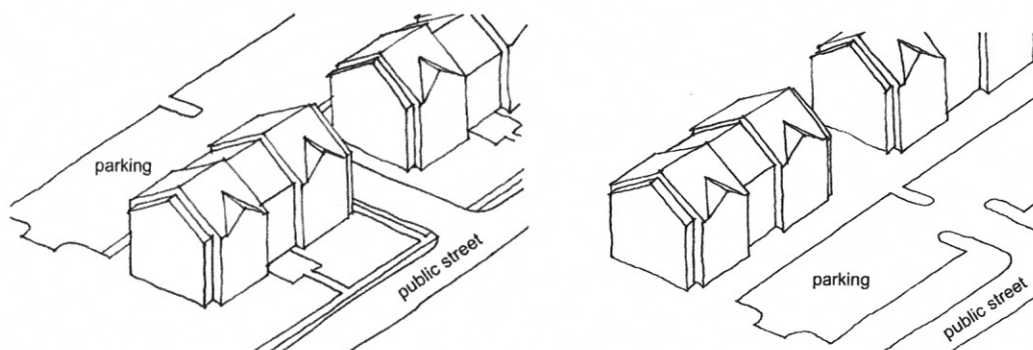


2. One parking space must be provided for each guest room in addition to the spaces required for the residence. Guest parking must be screened from adjacent properties. Recreational vehicle parking is permitted on lots one acre or larger only.

### Section 7.08 Multifamily Dwellings

Multifamily dwellings are subject to the following requirements. Where there is any conflict between the provisions herein and the provisions of [§4.04 R-3 Residential District](#), the more restrictive requirements govern.

1. *Dimensional Requirements.* In addition to the requirements set forth in Table 4-2, the lot area must be at least 9,000 sf plus an additional 2,000 sf for each additional dwelling after the first two. The lot must be at least 60 ft wide plus an additional five ft for each additional dwelling after the first two.
2. *Stormwater Management.* Stormwater facilities should be integrated in the design of parking areas and common open spaces as landscape amenities, where practicable.
3. *Access.* Driveway cuts along a public street must be minimized. On corner lots, driveway access must be located along the lesser street, when practicable, and located away from the street intersection.
4. *Parking.* Parking lots must be located to the side or rear of buildings, and may not be forward of the front building line.



Left: Permissible location of off-street parking. Right: Parking between multifamily buildings and public street is not permitted.

5. *Waste Collection.* Adequate facilities for waste collection must be provided and located behind the front building line and away from public views. Each such area must be paved and the containers screened. See [§10.02 Screening](#).
6. *Storage Units.* Dedicated storage space of at least 280 cubic feet must be provided per dwelling unit.
7. *Fire Protection.* Multifamily developments must be equipped at all times with fire hydrant equipment in good working order. The type, size, number and location of hydrants must be approved by the Geneva Fire Department. All buildings must be within 500 ft of a fire hydrant.
8. *Open Space.* At least 20% of the site must be reserved as open space. At least 50% of the reserved open space must be improved for recreational use. All common open spaces and recreational areas must be well maintained in a safe and orderly condition. Children's playground area must be provided in the amount of 50 sf per unit. The minimum size of any playground is 3,000 sf. This does not apply to age-restricted developments, such as senior housing.
9. *Architectural Guidelines.* Buildings should reflect consistent design, textures, colors, and features. Building facades facing streets or open spaces should be articulated to provide visual interest.



- a) Building exteriors must have a coordinated color scheme, with a limited number of complementary colors used throughout. Developments with multiple buildings may alternate primary facade colors provided trim colors, materials and/or other design features visually tie the individual buildings together. Neutral or earth tone colors are recommended. Fluorescent and metallic paints are prohibited.
- b) Accessory structures must be consistent in design, materials and finish as multifamily buildings.

#### Section 7.09 Boarding Houses

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

#### Section 7.10 Townhouses

1. *Development Criteria.*
  - a) Townhouse development sites must contain at least 2.5 acres and must be served by municipal water and sewer.
  - b) Each dwelling must be located on its own platted lot unless developed in a condominium arrangement.
  - c) Townhouse buildings must contain no less than three and no more than 12 attached dwelling units. A minimum spacing of 40 ft must be provided between the front façade of a townhouse building and any other building façade, or between the rear facades of opposing townhouse buildings.
  - d) Area and dimensional requirements.
    - 1) Individual townhouse lots must be at least 18 ft in width.
    - 2) A side yard of at least 10 ft in width is required at the unattached end of a row of townhouses.
    - 3) Each townhouse must have its own yard of at least 400 sf, exclusive of parking space.
  - e) Townhouse developments must be equipped with fire hydrants. The type, size, number and location of hydrants must be approved by the Geneva Fire Department. Each dwelling unit must be within 500 ft of a fire hydrant.
  - f) Common trash collection areas located away from public views are encouraged.
  - g) Sidewalks not less than five ft in width must be installed along the street frontage.
2. *Parking.* See [Article 8 Parking](#). Off-street parking may be on and to the rear of the individual lots or in a common parking area in the interior of the development. Individual driveways are not permitted forward of the front building line.
3. *Review and Approval.* Townhouse developments must be approved in accordance with the City Subdivision Regulations. The Commission will consider the following criteria and may attach corresponding conditions to approval:
  - a) Consistency of the proposed development with the Comprehensive Plan
  - b) Access, circulation and other traffic impacts of the proposed development on adjoining public streets
  - c) Extent to which the layout and design of the development will retain or disrupt natural features

- d) Extent to which design features will complement architectural styles present in the surrounding neighborhood
- e) Extent to which open space or recreational amenities are included



## Article 8. PARKING

### Section 8.01 Off-street Parking and Loading Terms

Terms used in this Article have the following meanings:

1. *Employee*. The maximum number of persons employed at the facility regardless of the time period during which this occurs or whether the persons are full-time employees. The major shift may be a particular day of the week or a lunch or dinner period in the case of a restaurant.
2. *Gross Leasable Area (GLA)*. The total floor area of a building designed for both tenant occupancy and exclusive use. GLA includes both owned and leased areas but does not include shared or common areas among tenants. Where the total floor area of a building is occupied or where a building has no shared or common area, GLA is the gross floor area measured by taking the outside dimensions of the building at each floor level intended for occupancy or storage.
3. *Loading Area*. That area used to satisfy the requirements of this Ordinance for truck loading and unloading.
4. *Loading Space*. An off-street space or berth used for the unloading or loading of commercial vehicles.
5. *Occupancy Load*. The maximum number of persons, which may be accommodated by the use as determined by its design or by fire code standards.
6. *Parking Aisle*. That portion of the parking area consisting of lanes providing access to parking spaces.
7. *Parking Area*. An improved area on a lot exclusively used or designed for use as a temporary storage area for motor vehicles, containing access driveways, parking aisles and parking spaces.
8. *Parking Space*. That portion of the parking area set aside for the parking of one vehicle.
9. *Stacking Space*. An off-street space for the temporary stacking of vehicles with an aisle intended to serve a drive-in teller window, take-out food window, dry cleaning/laundry pick-up or similar type activity station.

### Section 8.02 Required Off-street Parking Spaces

Unless otherwise provided for, all uses must provide parking in the amount prescribed in [Table 8-1](#). When the requirement is not readily determinable by [Table 8-1](#), the Zoning Official will determine parking requirements using the table as a guide.

1. *Shared and joint parking*. A joint parking area may contain required parking spaces for more than one use, provided the combined number of spaces complies with the parking for all uses. If the combined uses will use the same spaces at different times, the spaces may be credited to each separate use. The applicant must present a joint parking agreement; and, if sharing the same spaces, a time schedule for allocation of such spaces. Where appropriate, parking for multiple uses on the same premises may be reduced by calculation of shared parking requirements using [Table 8-2](#).
2. *Location of Required Parking*. All required parking spaces must be on the same lot as the use served by the parking, except where otherwise permitted in this Ordinance. If required parking spaces cannot reasonably be provided on the same lot or premises as the use, remote parking may be permitted by a Special Exception if within 500 ft of premises. Written legal documentation must show that the applicant has the right to the spaces.
3. *Restrictions in Residential Districts*. Parking in a residential district for a nonresidential use not located on the same lot may only be permitted as a Special Exception.
4. *Design Requirements*



- a) Parking space dimensions must comply with the requirements in Table 8-3.
- b) Stacking space must be 10 ft in width and 20 ft in length and be separate from parking aisles and spaces.
- c) Parking areas must be designed so that vehicles may exit the premises without backing onto a public street, excluding parking areas that serve single-family or duplex lots.
- d) Installation of off-street parking may not cause the destruction of any public right-of-way or easement, sidewalks, or trees located on any public right-of-way except for approved driveways.
- e) Parking areas must be surfaced with dust-free materials resistant to erosion, such as concrete, asphalt or pavers. The Zoning Administrator or other reviewing authority may permit an alternate surface in the AG-1, M-1 and M-2 Districts and in the 100-year floodplain. Parking spaces must be demarcated with painted lines or other markings except for those serving single-family or duplex dwelling units and where a parking surface has been approved that does not allow marking.
- f) Off-street parking must be maintained in good condition, i.e. free of pot holes, weeds, and trash.
- g) Driveways with more than two parking spaces must provide adequate turn-around space on the lot.
- h) Parking lots must be designed so that storm water is directed back into the site toward adequate drainage channels. Parking areas of 20 or more spaces may be required to provide on-site storm water detention. In such cases, drainage plans must be stamped by a registered engineer.

**Table 8-1 Required Off-Street Parking Spaces by Use**

<b>Table 8-1 Required Off-Street Parking Spaces by Use</b>	
<b>Agricultural Uses</b>	
Farm	1 per 1.5 employees
Farm Stand	1 per 350 sf of retail floor area
Farm Support Business	1 per 1.5 employees, plus 1 per company vehicle
Stable	1 per 4 persons of occupancy load plus 1 per 1.5 employees
<b>Residential Uses</b>	
Accessory Dwelling	1 per DU
Boarding House	1 per BR
Duplex	2 per DU
Independent Living Facility	1 per 2 DUs plus 1 space per employee
Manufactured Home	2 per manufactured home lot (in manufactured home subdivision)
Multifamily Developments	1 per studio or 1-BR unit; 1.5 per 2-BR unit; 2.0 per 3+ BR unit
Single-family Dwelling	2 per DU
<b>Institutional Uses</b>	
Assisted Living Facility	1 per 4 residents plus 1 per employee
Club	1 per 200 sf of non-storage and non-service floor area
Community Center	1 per 400 sf of GLA
Country Club	1 per 4 persons of occupancy load
Day Care Center	1 per employee, plus 1 stacking or parking space per 8 persons enrolled of occupancy load
Group Care Home	1 per 4 beds plus 1 per employee
Hospital	1 per 2 patient beds plus 1 per emergency room bed plus 1 per employee



Library	1 per 500 sf of GLA
Nursing Care Facility	1 per 4 beds plus 1 per employee
Place of Assembly	1 per 4 seats in the main assembly space
Public Facility	1 per 400 sf of GLA
Rehabilitation Facility	1 per 4 beds plus 1 per employee
School, College or University	1 per 5 students plus 1 per 2 employees
School, Elementary or Junior High/Middle	1 per classroom, plus either 1 per employee or 1 per 4 seats in the main assembly space (whichever is greater)
School, High	1 per 8 students of occupancy load, plus either 1 space per classroom or 1 per 4 seats in the main assembly space (whichever is greater)
School, Vocational	1 per 3 students of occupancy load plus 1 per employee
Commercial Uses	
Automobile Dealership	1 per 200 sf of interior sales area plus 1 per 4,000 sf of outdoor display area plus 1 stacking space per service bay
Automobile Parts Store	1 per 400 sf of GLA plus 1 per employee
Automobile Rental Establishment	1 per 400 sf of GLA plus 1 per rental vehicle
Automobile Repair Service	1 per employee plus 2 stacking spaces per service bay plus 1 per company vehicle
Bank (no drive-thru)	1 per 350 sf of GLA
Bank (drive-thru only)	1 per 2 employees plus 3 stacking spaces per teller
Bank (with drive-thru)	1 per 350 sf GLA plus 3 stacking spaces per teller
Barber or Beauty Shop	1.5 per chair
Bed and Breakfast	1 per guest bedroom plus 2 spaces
Bowling Alley	2 per bowling lane
Call Center, Telemarketing Office	1 per 150 sf of GLA or 1 per employee, whichever is greater
Car Wash (full service or automated)	1 per employee plus 4 stacking spaces per bay
Car Wash (self-service)	3 stacking spaces per approach lane plus 2 drying spaces per stall
Clinic	6 per practitioner
Commercial School	1 per 3 students of occupancy load plus 1 per employee
Convenience Store	1 per 200 sf of GLA
Dry Cleaning Pick-Up	1 per 300 sf of GLA
Funeral Home	1 per 1 employee plus 1 per 4 seats of occupancy load plus 1 per company vehicle
Furniture Store	1 per 600 sf of GLA
Service Station	2 per service bay plus 1 per company vehicle plus 1 per employee plus 1 stacking space per fuel island
Gas Station / Convenience Store	1 per 300 sf of GLA plus 1 stacking space per fuel island
General Retail Business	1 per 300 sf of GLA
Home Improvement / Appliance Store	1 per 500 sf of GLA
Hotel or Motel	1 per room plus 1 per employee
Laundromat	1 per 2 washing machines
Liquor Lounge (free standing)	1 per 200 sf of GLA

Mini-warehouse	5 spaces (adjacent to leasing office, if any)
Office, business or professional	1 per 400 sf of GLA
Movie Theater	1 per 3 seats
Outdoor Recreation	
Golf Course:	3 per hole
Miniature Golf:	1 per hole
Golf Driving Range:	1 per tee
Other:	1 per 4 persons of occupancy load
Pool Hall	2 per 3 tables
Restaurant, Take-out or delivery only	1 per employee plus 1 per 350 sf of GLA
Restaurant, Drive-in	1 per ordering station plus 1 per employee
Restaurant, Drive-thru	1 per 200 sf of GLA plus 4 stacking spaces per drive-thru window
Restaurant, Standard	1 per 4 seats of occupancy load
Shopping Center	see General Retail, plus requirements for any non-retail uses
Unenclosed Retail	1 per 600 sf of display area plus 1 per employee
Veterinary Hospital	1 per 300 sf of GLA
<b>Industrial Uses</b>	
General Industry and Manufacturing, Research Laboratory and similar uses	1 per 1,000 sf of GLA
Warehouse, distribution and wholesale Business	1 per 1 employee plus 1 per company vehicle but not less than 1 per 500 sf of GLA

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

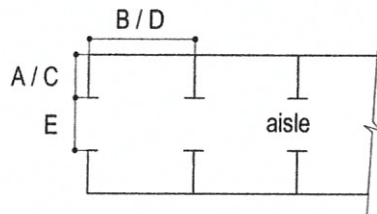
Parking Demand by Use	Weekday 8am-5pm	Weekday 6pm-12am	Weekday 12am-6am	Weekend 8am-5pm	Weekend 6pm-12am	Weekend 12am-6am
Residential	60%	100%	100%	80%	100%	100%
Office	100%	20%	5%	5%	5%	5%
Commercial	90%	80%	5%	100%	70%	5%
Lodging	70%	100%	100%	70%	100%	100%
Restaurant	70%	100%	10%	70%	100%	20%
Entertainment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

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

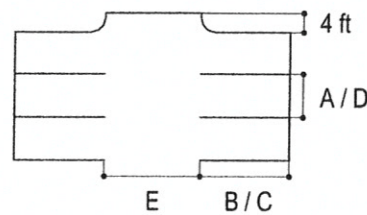


Table 8-3: Parking Lot Dimensional Requirements

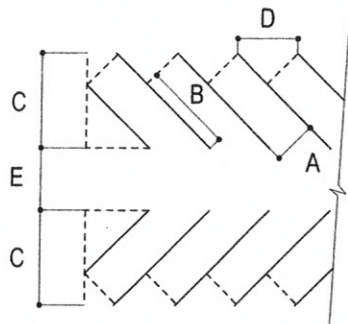
Parking Angle	Stall Width (A)	Stall Length (B)	Stall Depth (C)	Curb Length (D)	Aisle Width (E)		Interlock (F)
					One-Way	Two-Way	
0°	8 ft	22 ft	8 ft	22 ft	12 ft	20 ft	n/a
30°	8.5 ft	20 ft	17.4 ft	17 ft	15 ft	20 ft	3.9 ft
45°	8.5 ft	20 ft	20.2 ft	12 ft	15 ft	20 ft	3.2 ft
60°	9 ft	19 ft	21 ft	10.4 ft	20 ft	24 ft	2.3 ft
90°	9 ft	19 ft	19 ft	9 ft	20 ft	24 ft	n/a



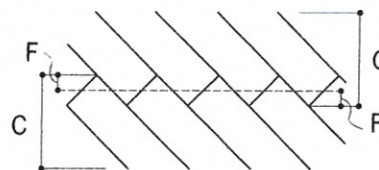
0° Parking



90° Parking



Angled Parking

Angled Parking  
with Interlock

### Section 8.03 Access Controls

1. Access points to public streets must be approved by the Street Superintendent. The proposed location, width, drainage structure, traffic conditions, sight distances and resurfacing must be provided with request for approval.
2. Driveways must be located as far from street intersections as practicable and the number of driveways serving any one premises must be kept to the minimum necessary.
3. The width of driveways within a public right-of-way must be kept to a minimum.
4. Driveways must be at least five ft from the nearest edge of a street drainage inlet.

### Section 8.04 Off-Street Loading

1. *Required Off-Street Loading Spaces.* Nonresidential uses must provide off-street space for the loading and unloading of materials or goods without encroaching upon or interfering with the use of adjoining properties, public streets, alleys and sidewalks. See [Table 8-4](#) for loading requirements.



## 2. Off-street Loading Design Standards

- a) Each loading space must have a minimum rectangular area of 12 ft in width and 55 ft in length, exclusive of driver and maneuvering space. Minimum vertical clearance is 14 ft.
- b) Loading space for two or more buildings on the same lot may be shared as long as the amount of space meets the combined requirements of the several buildings to be served.
- c) Loading spaces may not be located in a required front yard or within five ft of any property line.
- d) Loading spaces may not be located or designed in a manner that interferes with the circulation of traffic, nor result in a vehicle encroaching into a street right-of-way during loading or unloading.

Table 8-4 Required Loading Spaces	
Retail store, storage warehouse, wholesale establishment, industrial plant or factory, freight terminal, market, restaurant, funeral home, laundry or dry cleaning plant, or similar use	<ul style="list-style-type: none"> <li>• Less than 8,000 sf GFA: no space required unless the Commission determines that the specific use requires such space</li> <li>• 8,001-20,000 sf of GFA: 1 space</li> <li>• 20,001-60,000 sf GFA: 2 spaces</li> <li>• Over 60,000 sf GFA: 2 spaces plus 1 additional space for every 50,000 sf GFA or fraction thereof over 60,000 sf</li> </ul>
Auditorium, convention hall, exhibit hall, hotel, office building, stadium, sanitarium or similar use	<ul style="list-style-type: none"> <li>• Less than 10,000 sf GFA: no space is required unless the Commission determines that the specific use requires such space</li> <li>• 10,001-40,000 sf GFA: 1 space</li> <li>• Over 40,000 sf GFA: 1 space plus 1 additional space for every 50,000 sf or fraction thereof over 40,000 sf</li> </ul>

### Section 8.05 Change in Parking and Loading Requirements

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



*Article 9. SIGN REGULATIONS*

Reserved.

This page intentionally left blank.

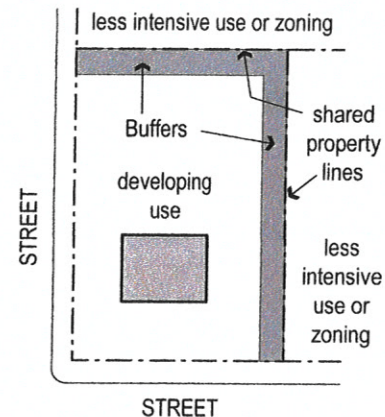


## Article 10. LANDSCAPING

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

### Section 10.01 Buffers

1. Applicability. Buffers must be provided as required in [Table 10-1](#) and as described in this Section. Buffers are the responsibility of the developing land use. A Landscaping Plan must be provided in accordance with [§10.05](#). Buffer requirements are based on the developing land use and the existing, abutting use.
2. Required yards, where corresponding with the buffer area, may overlap and may be counted toward buffer width requirements.
3. Buffer requirements may be modified by the approving authority as follows:
  - a) When the proposed use will abut an existing, nonconforming use on a property that is designated for another use in the Comprehensive Plan *and* is zoned accordingly, the buffer may be modified to be consistent with the planned use of the neighboring property.
  - b) If the land use relationship between two abutting lots changes so that a lesser buffer would be required, the previously provided buffer may be reduced.
  - c) Whenever the proposed use abuts vacant land, buffer requirements are based on the zoning of the abutting property or the use projected by the Comprehensive Plan, whichever requires a lesser buffer.
  - d) Buffers may not be used for parking, recreational use or any other purpose, except as provided herein. The approving authority may permit a walkway through a buffer where appropriate. Public utilities and storm drainage facilities may be constructed in a buffer, so long as the buffer otherwise complies with this Section.
4. Design Standards
  - a) Prior to occupancy of the premises, the buffer must provide a visually impervious barrier, from the ground to five ft above grade level throughout the length of the buffer. Within one year after installation, the buffer must be at least six ft above grade throughout the length of the buffer.
  - b) Required plantings must be evergreen and may be supplemented with other plant materials.
  - c) The buffer width may be reduced as provided in [Table 10-1](#) when a fence is provided that is five to seven ft tall and that meets the requirements in [§10.04](#).



Buffer Illustration

Table 10-1 Buffer Requirements By Use

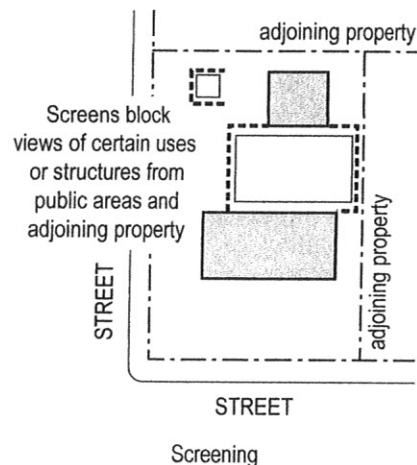
Developing Land Use	Existing Abutting Uses or Zoning								
	Single-family		Multi-family	Lodging	Institutional			Business	Parks & green-ways
	detached	attached			low/medium/high				
Residential and Lodging	Buffer Class Required								
Detached, single-family	n/a	n/a	A	A	A			A	n/a
Attached, single-family	A	n/a	A	A	A			A	n/a
Multi-family	B	A	n/a	n/a	n/a			n/a	n/a
Lodging	B	B	A	n/a	n/a			n/a	n/a
Manufactured home/RV parks	B	B	B	B	A			B	A
Institutional									
Low intensity	A	A	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Medium intensity	A	A	A	n/a	n/a	n/a	n/a	n/a	A
High intensity	B	B	B	A	A	n/a	n/a	n/a	A
Business/Commercial									
Offices up to 50,000 sf	A	A	A	n/a	A	n/a	n/a	n/a	A
Offices greater than 50,000 sf	B	B	B	A	B	A	n/a	n/a	A
Amusement; outdoor entertainment	B	B	B	A	B	A	n/a	n/a	A
Retail, shopping centers, and restaurants up to 50,000 sf	B	B	A	A	A	A	n/a	n/a	A
Retail, shopping centers, and restaurants greater than 50,000 sf	B	B	B	A	B	A	n/a	n/a	A
Heavy commercial, including repair, contractor and automotive uses	B	B	B	A	B	A	n/a	n/a	A
Industry									
Warehousing, storage, and public utility facilities	C	C	C	C	C	B	B	A	B
Other industrial uses	C	C	C	C	C	C	C	B	B
Planting Requirements by Buffer Class									
Buffer Class	Width				Required trees per 100 lf				
	With fence/wall		Without fence/wall						
A	10 ft		15 ft		8				
B	15 ft		20 ft		10				
C	22 ft		30 ft		12				



## Section 10.02 Screening

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

1. *Applicability.* For all multifamily, nonresidential and mixed use developments, the following require screening:
  - a) Garbage collection, recycling and refuse handling areas
  - b) Maintenance areas or utility structures associated with a building or development
  - c) Utility meters and air conditioners/mechanical units
  - d) Outside runs for veterinary clinics, animal shelters, and kennels
  - e) Outdoor storage of materials, stock, equipment, and vehicles (such as those stored for repair), not including retail display
  - f) Any other uses for which screening may be required by the reviewing authority
2. *Design Requirements.* Screening must comply with the following and as approved by the reviewing authority:
  - a) Location of the site element should be the first consideration in providing required screening. The reviewing authority may lessen screening requirements when the location of the site element obscures it from public view and from neighboring properties.
  - b) Screening may not impede any drainage way or block access to any above-ground, pad-mounted transformer. The utility company may require a minimum clear distance.
  - c) The method of screening, including height and materials, must sufficiently screen the site element from view. The minimum height needed is preferred.
  - d) Multiple site elements may be screened together.
  - e) Site elements that produce objectionable noise or odors must be located to minimize any nuisance to the public and abutting properties.
  - f) Shrubs must be evergreen and spaced no more than five feet on center. If used in combination with a fence, shrubs may be deciduous and may be spaced no more than eight ft on center.
  - g) Trees must be evergreen and, in the absence of a fence, must be supplemented with shrubs to create a continuous, opaque screen.
3. *Requirements for specific uses*
  - a) Refuse and recycling containers may not be located forward of the front building line. These containers must be screened on three sides with an opaque gate(s) for access. The fence must be at least two ft taller than the container.
  - b) Outdoor storage must be screened to a height of two ft taller than the material or equipment to be screened.
  - c) Service areas, work yards, and similar uses should be located to minimize their visibility to the public and to any abutting properties to which such functions would be objectionable. Where location on site is insufficient to screen the element, required screening must be at least six ft in height.



### Section 10.03 Landscaping for Vehicular Areas

1. Applicability. These regulations apply to vehicular areas on a nonresidential, multifamily or mixed-use development used for off-street parking and loading; vehicular storage, display, maneuvering and washing; and the dispensing of motor fuels. If the size of an existing vehicular area is increased by more than 20% or by 10 or more spaces, the new vehicular area must comply with this Section.
2. Requirements
  - a) Required trees must be a species that reaches a mature height of at least 20 ft.
  - b) Each vehicular area must have interior landscaping covering at least five percent of the total vehicular area.
  - c) Where the vehicular area abuts a side or rear lot line, a landscaping strip of five ft or greater in width must be provided and planted with evergreen shrubs and one tree per 50 ft of lot line. Where this overlaps or conflicts with other landscaping requirements, the greater requirement governs.

Driveway connections between adjacent businesses and other compatible uses are encouraged and are subtracted from perimeter landscaping requirements.
  - d) Street Frontage Landscaping
    - 1) A landscaped strip at least 10 ft wide must be located between any vehicular area and an adjoining street.
    - 2) Shrubs must be evergreen and spaced no more than five ft on center.
    - 3) At least one tree per 50 lf of street frontage must be planted.
    - 4) When a fence, meeting the requirements of §10.04 and that is between 2.5 to 3.5 ft tall, is provided, the landscaping strip may be reduced to five ft and no shrubs will be required.

### Section 10.04 Design Standards for Fences

Fences used to meet the landscaping requirements of this Article 10 are subject to the following:

1. Fences must be masonry, durable wood, or a combination thereof. Untreated wood, chain-link, plastic or wire fencing cannot be used to meet landscaping requirements. No more than 25% of the fence surface may be left open. The finished side of the fence must face abutting property or public views.
2. Shrubs and trees must be planted on the exterior side of the fence.
3. If a fence extends more than 100 ft in one direction, it must have columns of wood or masonry, which project outward from the fence surface and spaced no greater than 50 ft on center.

### Section 10.05 Landscaping Plan

A Landscaping Plan must be submitted with development applications involving required buffers, screening or landscaping. The plan must be drawn to a scale no larger than one inch equals 50 ft and contain the information listed in Appendix A-4.

### Section 10.06 Modifications

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



1. Existing natural vegetation, which meets, in whole or in part, landscaping requirements, may be counted. However, additional planting may be required to fully achieve the requirement.
2. Where impending development of adjacent property would make these standards unreasonable or impractical.
3. Where the view from adjoining properties is blocked by a change in grade or other natural or man-made features.
4. Where planting will not thrive due to poor soil conditions, intense shade or similar conditions that cannot be reasonably overcome.

#### Section 10.07 Maintenance and Irrigation

1. All required fences must be permanently maintained in good condition and replaced or repaired as needed. Plant material must be tended and maintained in a healthy growing condition, replaced when dead and kept free of weeds, refuse and debris.
2. Drought-tolerant, native species are recommended; otherwise, an automatic irrigation system may be required.

This page intentionally left blank.



## *Article 11. ADMINISTRATION AND ENFORCEMENT*

### *Section 11.01 Enforcing Officer*

The provisions of this Ordinance are administered and enforced by the Zoning Official or other authorized officers of the city. This official has the right to enter upon any premises at any reasonable time for the purpose of making inspections of buildings or premises necessary to carry out duties in the enforcement of this Ordinance.

### *Section 11.02 Building Permit Required*

It is unlawful to commence excavation for or the construction of any structure, including accessory structures, or to store building materials or erect temporary field offices, moving or alteration (except necessary repairs not affecting the external or party walls, chimneys, stairways or heights of building) of any structure, including accessory structures, until the Building Inspector has issued a building permit indicating that the plans, specifications and intended use conform with this Ordinance. Application for a building permit is made to the Zoning Official on forms provided for that purpose.

### *Section 11.03 Issuance of Building Permit*

1. Applications for a building permit for excavation, construction, use of land, moving or alteration must be accompanied by a plan or plat drawn to scale and showing the following in sufficient detail to enable the Zoning Official to determine conformance with this Ordinance:
  - a) The actual shape, proportion and dimension of the lot to be built upon
  - b) The shape, size, and location of all structures to be erected, altered, or moved and any structures already on the lot
  - c) The existing and intended use of all structures
  - d) The setbacks, lot lines, building lines on adjoining lots and other information necessary to determine conformance
  - e) Drainage plan, including topographic information, when required by the Zoning Official.
2. If the proposed excavation, construction, moving or alteration conforms to this Ordinance, the Zoning Official will issue a building permit accordingly. If an application for a building permit is not approved, the Zoning Official will state in writing the cause for disapproval. Issuance of a building permit will, in no case, be construed as waiving any provision of this Ordinance.
3. A reproducible set of the final approved site plan must be submitted by the applicant and retained on file by the Zoning Official. All subsequent building permits and subdivision plats submitted by the applicant must be in substantial accord with the final site plan.
4. Building permits become null and void if construction does not begin within one year or if work above the foundation has not begun within two years from the date of issuance.

### *Section 11.04 Certificate of Occupancy Required*

No land or structure, hereafter erected, moved or altered in its use may be used until a certificate of occupancy is issued stating that such land or structure is in conformity with this Ordinance.

Within three days after the owner or his agent has notified the Zoning Official that a building or premises is substantially ready for occupancy or use, it is the duty of the Zoning Official to make a final inspection and to issue a



certificate of occupancy if the building or premises conforms with this Ordinance. If a certificate is refused, the Zoning Official must provide notice of and reason for the refusal to the owner.

### Section 11.05 Amendments

The regulations and boundaries of districts established by this Ordinance may be amended, supplemented, or repealed by the City Council upon receipt of a report by the Planning Commission. Petitions to amend the Zoning Map may be initiated by the owner of property proposed to be rezoned, by the Commission or by the City Council.

1. *Action on Petition.* Proposed amendments must first be submitted to the Commission for its recommendation and report. The Commission has 60 calendar days within which to submit its recommendations to the Council. The Commission must hold a public hearing and give public notice thereof, as required by law. If the Commission fails to submit a report within the 60 day period, it is deemed to have approved the proposed amendment and the Council will proceed to hold a public hearing pursuant to Title 11, Chapter 52 of Code of Alabama, 1975, as amended.
2. *Limit on Initiation of Amendments.* No action may be initiated for an amendment to this Ordinance affecting the same parcel of land more than once a year, unless specifically authorized by the Council on the grounds that the circumstances and conditions have changed significantly since the prior hearing.

### Section 11.06 Conditional Uses

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

1. Applications for conditional uses must first be submitted to the Commission for its recommendation and report. Applications must be filed at least 20 working days prior to the date on which the application is scheduled to be heard, and must include a Site Plan per Appendix A-2. Notice is provided to adjoining landowners.  
  
The Commission has 60 calendar days within which to submit its recommendations to the Council. The Commission must hold a public hearing and give public notice. If the Commission fails to submit a report within the 60 day period, it is deemed to have recommended approval of the proposed conditional use and the Council will proceed to hold a public hearing.
2. The Commission and Council will review the proposal for compliance with the Comprehensive Plan, this Ordinance and other applicable City policies and regulations. The Commission must determine that satisfactory provisions have been made concerning the following:
  - a) Access to and from the property and the proposed structure and/or uses, with particular attention to vehicular and pedestrian safety and convenience, traffic flow and control, and emergency access
  - b) The location and accessibility of off-street parking and loading areas
  - c) The location and accessibility of refuse and service areas and their potentially adverse effects on surrounding properties
  - d) The screening and buffering of potentially adverse views and activities from surrounding properties
  - e) Control of noise, glare, odor, stormwater runoff, and other potential impacts on surrounding properties



- f) The availability, location, and capacity of utilities
  - g) The location and scale of signs and lighting with regard to traffic safety, glare, and compatibility with surrounding properties
  - h) The bulk, density, and lot coverage of structures, and yards and open areas, with regard to their compatibility with the character of the surrounding area
- 3. The City may impose such conditions for approval as it deems necessary in the particular case to protect the public interest, in relation to the issues listed above and to any other factor it deems relevant. Such approval and conditions will be attached to the property, structure, and/or use and not to a particular person.
  - 4. Violations of conditions attached to any conditional use are considered violations of this Ordinance.

#### Section 11.07 Statutory Review

The Commission reviews the character, location and extent of any public street, square, park or other public way, ground, open space or building or structure, or any major utility project, whether publicly or privately owned, in accordance with Section 11-52-11 of the Code of Alabama, 1975, as amended. The purpose of such review is to determine whether or not the projects are consistent with the Comprehensive Plan. The Commission's findings and recommendations are transmitted to the Council.

#### Section 11.08 Unlawful Structure

Any uses of land or dwellings or construction or alteration of buildings or structures erected, altered, razed or converted in violation of this Ordinance are declared a nuisance *per se*. The Zoning Official is authorized to apply to a court of competent jurisdiction to abate the nuisance created by unlawful use of a structure, land or building. Whenever the Zoning Official has declared a structure to be in violation of this Ordinance, the owner or occupant must, within 72 hours from receipt of notice, must vacate the premises until the structure or premises has been adapted to conform to this Ordinance. Notification will be by one of the following methods:

- 1. By delivery to the owner personally, or by leaving the notice at the usual place of residence of the owner with a person of suitable age and discretion
- 2. By depositing the notice in the United States as first class certified mail
- 3. By posting and keeping posted for 72 hours, a copy of the notice in a conspicuous place on the premises to be repaired.

#### Section 11.09 Penalties and Remedies

Any person violating any provision of this Ordinance will be fined upon conviction not less than \$10.00 nor more than \$100.00 and cost of court for each offense. Each day such violation continues constitutes a separate offense. The conviction of a violation and imposition of any fine does not exempt the violation from being made to comply.

When a structure is erected, constructed, reconstructed, altered, repaired, converted or maintained or a structure or land is used in violation of this Ordinance, the Zoning Official or an adjacent property owner, who would be specially damaged by the violation, in addition to other remedies, may institute injunction, mandamus or other appropriate action or proceeding to prevent, correct or abate the violation.

#### Section 11.10 Fees

A schedule of fees for consideration of all approvals, permits, certificates, and public hearings required under this Ordinance is established and may be amended from time to time by the Council.

This page intentionally left blank.



## Article 12. BOARD OF ADJUSTMENT

### Section 12.01 Establishment and Membership

The Board of Adjustment previously established is hereby continued, and its members are appointed and vacancies filled in accordance with Sections 11-52-80 and 11-52-81 of the Code of Alabama, 1975, as amended.

### Section 12.02 Meetings, Procedures and Records

Meetings of the Board are held at the call of the chairman and are open to the public. The Board may adopt and publish rules of procedure; keep minutes of its proceedings; and keep records of its official actions, all of which must be a public record.

### Section 12.03 Powers and Duties

The Board has the following powers:

1. *Interpretation of Boundaries.* To hear and decide upon interpretation of district boundaries shown on the Official Zoning Map in accord with criteria specified in [§1.08](#).
2. *Appeals.* To hear and decide appeals of any order, requirement, decision or determination made by the Zoning Official, acting under the authority of this Ordinance.
3. *Variances.* To hear and decide appeals for a variance from the provisions of this Ordinance in accordance with §12.05 Variances.
4. *Special Exceptions.* To hear and decide Special Exceptions for uses designated in [Articles 4, 5 and 6](#) and any other Special Exceptions provided for in this Ordinance.

### Section 12.04 Administrative Appeals

1. Appeals to the Board may be made by any person aggrieved or affected by a decision made by the Zoning Official relating to the provisions of this Ordinance. Appeals must be filed within 15 working days of the date of the decision. Appeals must be filed in writing on forms made available by the City.
2. An appeal stays all proceedings in furtherance of the action appealed from, unless the Zoning Official certifies to the Board after the notice has been filed, that by reason of facts cited in the certification a stay would cause imminent peril to life or property.
3. The Board may affirm, reverse wholly or in part, or modify the Zoning Official's decision.

### Section 12.05 Variances

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

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

1. An application must be filed on forms made available by the City at least 20 calendar days before the scheduled hearing date before the Board. The City must provide notice to all adjacent property owners.

2. The applicant must show that the variance, if granted, will conform to *all* the criteria listed below:
  - a) The variance will not allow establishment of a use that is not permitted in the district.
  - b) There are conditions peculiar to the land or buildings that do not apply generally to land or buildings in the vicinity, and the conditions are such that the strict application of this Ordinance would deprive the applicant of reasonable use of the land or buildings.
  - c) There is proof of an unnecessary hardship suffered directly by the property in question resulting from the application of this Ordinance. Variances granted under similar conditions on other properties is not sufficient evidence to prove an unnecessary hardship. Nor is it sufficient to show that greater value or profit would result. An unnecessary hardship is not self-created; nor can it be established on this basis by one who purchases the property with or without knowledge of the restrictions.
  - d) The variance will not impair an adequate supply of light and air to adjacent property, substantially increase congestion in the public streets, increase the danger of fire, endanger the public safety, or substantially diminish or impair the value of adjacent properties.
  - e) The variance will not grant any special privilege that is denied to other land or structures in the same zoning district.
  - f) The variance as requested is the minimum variance that will enable the reasonable use of the property.
  - g) The variance will be in harmony with the general purpose and regulations of the district, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.
3. The Board may prescribe any safeguards or conditions that it deems necessary to secure substantially the objectives of the provisions to which the variance applies.

#### Section 12.06 Special Exceptions

1. Applications for Special Exceptions must be filed at least 20 working days before the scheduled hearing date before the Board. The application must be filed by the property owner or authorized agent on a form made available by the City. The City must provide notice to all adjoining property owners.
2. The Board will review requests for compliance with this Ordinance and all other applicable regulations of the City. The Board must determine that satisfactory provisions have been made concerning the following, among other considerations:
  - a) Access to and from the property and the proposed structure and/or uses, with particular attention to vehicular and pedestrian safety and convenience, traffic flow and control, and emergency access
  - b) The location and accessibility of off-street parking and loading areas
  - c) The location and accessibility of refuse and service areas and potentially adverse effects on surrounding properties
  - d) The screening and buffering of potentially adverse views and activities from surrounding properties
  - e) Control of noise, glare, odor, surface water runoff, and other potentially disturbing impacts upon surrounding properties
  - f) The availability, location, and capacity of utilities
  - g) The location and scale of signs and lighting with regard to traffic safety, glare, and compatibility with surrounding properties



- h) The bulk, density, and lot coverage of structures, and yards and open areas, with regard to their compatibility with the character of the surrounding area

The Board may impose such conditions for approval that it deems necessary in the particular case to protect the public interest and the intent of the Comprehensive Plan and this Ordinance in relation to the items listed above and as may otherwise be reasonably necessary. Any conditions apply to the land, structure, and use and not to a particular person. Violations of conditions attached to any Special Exception are considered violations of this Ordinance.

- 3. The Board may grant Special Exceptions for use of manufactured homes outside of a Manufactured Home District as provided in [§3.12 Manufactured Homes](#). In considering requests for temporary residential occupancy of a manufactured home, the applicant must demonstrate to the Board extenuating circumstances, including but not limited to, illness of a family member who will reside temporarily on the premises and damage to the principal dwelling that prevents its occupancy during repairs.

#### Section 12.07 Abatement of Nuisance

The Board may require the conduct of any use, conforming or nonconforming, which results in unreasonable noise, smoke, gas, vibration, fumes, dust, fire, radio interference, or explosion hazard or nuisance to surrounding property to be modified to abate such hazard to health, comfort, and convenience. The Board may direct the Zoning Official to issue an abatement order, but only after a public hearing by the Board, notice of which is sent to the owners and/or operator of the property in addition to advertisement in a newspaper of general circulation. A hearing to consider an abatement order may be held by the Board on petition by any person affected by the hazard or nuisance or upon the initiative of the Board. An abatement order will be issued only upon reasonable evidence of hazard or nuisance and the order will specify the date by which it must be abated.

#### Section 12.08 Rehearings

- 1. All decisions rendered by the Board are final and binding on all parties. No appeal of an administrative decision, or decision on a variance or a special exception may be reheard, and no further application may be accepted once a decision has been rendered except under one or more of the following conditions:
  - a) New evidence or information pertinent to the request has been discovered which was not available to the applicant at the time of the original hearing.
  - b) The decision resulted from an error in procedures made by the Board, the Zoning Official, or any other City officials.
  - c) The decision resulted from an error in substantive law under the provisions of this Ordinance or the Code of Alabama, 1975, as amended.
- 2. Where no error is alleged and no new evidence is available, a new or more effective presentation by the applicant does not constitute grounds for rehearing. Any applicant wishing a rehearing must appear before the Board to present one or more of the qualifying conditions listed in this Section. If the Board finds that one or more of the qualifying conditions exist, the applicant may submit a new application to be heard at a subsequent meeting.



Section 12.10 Appeals from Action of the Board of Adjustment

Any party aggrieved by any final judgment or decision of the Board may within 15 working days thereafter make an appeal to the circuit court or court of like jurisdiction, by filing with the Board a written notice of appeal specifying the judgment or decision from which appeal is taken. In case of such appeal, the Board must cause a transcript of the proceedings in the case to be certified to the court to which the appeal is taken and the cause in such court will be tried *de novo*.



## **Appendix**

1. Submittal Requirements for Special Exception and Conditional Uses
2. Submittal Requirements for Conservation Developments
3. Submittal Requirements for Landscape Plan

## **1. Submittal Requirements for Special Exception and Conditional Uses**

- a) One or more scaled drawings or maps (1"=20' unless size dictates a more appropriate scale), clearly showing the following:
  - 1) Vicinity map, north arrow, scale, accurate shape proportion and dimensions of the site, name of property owner, developer and person drawing map.
  - 2) Existing and proposed topography in contour intervals of two-feet (unless another interval is accepted by the Zoning Official) showing the location of existing wooded areas, streams, wetlands, flood hazard areas, and other natural features.
  - 3) Location and dimensions of existing and proposed structures, curb cuts, driveways, parking and loading areas, signs, exterior lighting, walls, fences, screen planting, landscaping, pedestrian walks, open space, and recreational areas for use by employees, residents, tenants or the general public.
  - 4) Proposed storm drainage plan.
  - 5) Proposed traffic circulation system.
  - 6) Proposed dedication of land for public use, including streets, easements, park and school sites, if any.
  - 7) The location of all existing and proposed power lines, gas lines, sewer and water lines, and the location of any easements to be granted for these utilities.
- b) Drawings showing the proposed appearance of the buildings, structures and site.
- c) A statement of the area of land involved in the site and any of the following, as applicable: the number of acres and percentage designated for each proposed land use including public facilities, the percentage of the site proposed to be covered by buildings, the total number of dwelling units proposed, the number of dwelling units proposed per acre, the area proposed to be devoted to open space, the area proposed to be paved for parking, driveways, loading space, sidewalks, the total number of parking spaces for the use proposed, the number of employees excepted per shift, the total floor area of proposed commercial uses and the proposed manner of illumination of signs.
- d) Private restrictions or covenants proposed on the use of property.
- e) Plans for the protection of abutting properties.
- f) Disclosure of whether any variances or special exceptions are also being requested on the property.
- g) Such other additional information as may be reasonably required by the Commission to accomplish the purpose of the site plan review function.

## **2. Submittal Requirements for Conservation Development**

- a) Site Analysis Map including the following:
  - 1) Property boundaries
  - 2) All streams, rivers, lakes, wetlands, flood hazard boundaries, and other hydrologic features
  - 3) All boundaries of applicable regulated buffer areas, easements, and ROWs
  - 4) Topography at 5 ft or smaller intervals
  - 5) Primary and secondary conservation Areas labeled by type




- 6) General vegetation characteristics
- 7) General soil types
- 8) Proposed location of protected open space
- 9) Existing roads and structures
- 10) Potential connections with any adjoining open space or trails
- b) Conservation Development Plan, including all materials normally provided with a preliminary plat
- c) Instrument of Permanent Protection

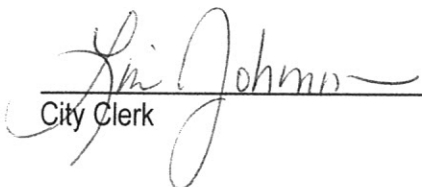
**3. Submittal Requirements for Landscape Plan**

- 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, setbacks and buffers
- c) Existing and proposed structures, signs, garbage containers, utility and drainage structures
- d) Existing buildings and structures on abutting property adjacent to any required screening or buffers
- e) Bodies of water including detention and retention areas
- f) Driveways, existing and proposed parking spaces, access aisles and other vehicular areas
- g) Sufficient information and detail to demonstrate compliance with the requirements of Article 10

Adopted this 18<sup>th</sup> day of December 2017.

  
Mayor

Attest:

  
City Clerk

