

ORDINANCE NO: 009-2019

ZONING ORDINANCE

Adopted: March 25, 2019



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ARTICLE I, General Provisions

Section 1.01, Title

This ordinance shall be referred to as the "Zoning Ordinance of Good Hope, Alabama" or "this ordinance".

Section 1.02, Purposes

This ordinance shall have the following primary purposes:

- A. Provide for the establishment of zoning districts within the corporate limits of the City of Good Hope, Alabama (City).
- B. Regulate within such zoning districts, the height, size of yards and other open spaces, the density of population, the use of buildings, structures, signs, and land.
- C. Lessen congestion in the public streets;
- D. Secure safety from fire;
- E. Provide adequate light and air;
- F. Promote health and the general welfare;
- G. Conserve the value of buildings by encouraging the most appropriate use of the land;
- H. Provide methods of administration of this ordinance; and
- I. Provide for penalties to be enforced against those who violate this ordinance.

Section 1.03, Application

- A. **Minimum Requirements.** The provisions of this ordinance shall be considered minimum requirements adopted for the promotion of the public health, safety, morals, convenience, order, prosperity and general welfare of the community.
- B. **Relationship to Private Restrictions.** This ordinance shall not lower the restrictions of plats, deeds, or private contracts, if such are greater than the provisions of this ordinance.
- C. **Conformance Required.** No land, building, structure, or part thereof shall be used, occupied, erected, constructed, reconstructed, moved or structurally altered except in conformity with all of the general regulations of this ordinance and those regulations that are specific to the Zoning District in which it is located.

Section 1.04, Authority and Enactment of Zoning

The public welfare requiring it and under the authority granted by Chapter 11-52, Code of Alabama 1975 as amended, there is hereby created a Planning Commission for the City which shall serve and be appointed with the powers of a Zoning Commission as granted under § 11-52-19 of the Code of Alabama.

Section 1.05, Jurisdiction

This ordinance, and all amendments, as adopted by the City Council of the City shall apply within the corporate limits of the City as such corporate limits exist or may exist in the future and such maximum territorial boundaries as allowed by Alabama law.

Section 1.06, Enactment and Effective Date

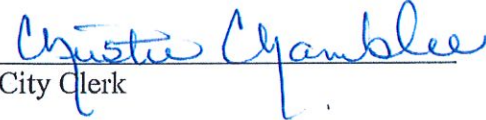
- A. **Enactment.** The enactment of this ordinance shall repeal the City of Good Hope, Alabama Zoning Ordinance as adopted on October 12, 2015, by Ordinance #014-2015; and replace it with this Ordinance 009-2019; hereafter titled "Zoning Ordinance of Good Hope, Alabama."
- B. **Effective Date.** The effective date of March 25, 2019 shall be the date when this ordinance enters into the full force of law.

ADOPTED THIS THE 25th day of MARCH, 2019.



Jerry Bartlett, Mayor

ATTEST:



City Clerk



ARTICLE II, Zoning Districts and Zoning Map

Section 2.01, Districts Established and Purposes

The City is divided into seven zoning districts that are established by Table 2.01, *Zoning Districts Established*.

| Table 2.01 Zoning Districts Established | | | | |
|--|---|--------|-------------------------------------|---|
| District Classification | District Name | Symbol | Districts Consolidated ¹ | District Purpose |
| Rural | Rural / Agricultural | RA | AG-1 | The purpose of this District is to preserve the rural character of the areas which are primarily located outside the urbanized portion of the City by promoting agriculture related uses. |
| Residential | Single Family Detached | R1 | R-1 | The purpose of this District is to provide for the protection of existing single-family residential areas and the development of new single-family residential areas. |
| | Single Family Detached (Manufactured Housing) | R2 | R-2 | The purpose of this district is to provide for the protection of existing single-family residential areas while also permitting homes built as manufactured housing. |
| | Single Family and Multi-Family | R3 | R-3, R-4, R-5 | The purpose of this District is to provide for the protection of existing single family residential areas and the development of new areas at a medium to high population density. |
| Nonresidential | Outdoor Recreation | OR | New | The purpose of this District is to accommodate uses that are designed for commercial amusement, outdoor recreation, and entertainment. |
| | General Commercial | GC | B-1, B-2, B-3, CBD | This District is designed primarily to accommodate the development of a range of commercial businesses and services. |
| | Industrial | IN | M-1, M-2, M-3 | This District is established for those areas of the City where the principal use of the land is for industrial activities. |

Notes:
¹Districts consolidated refers to the zoning districts which were in effect prior to the adoption of this ordinance.

Section 2.02, Zoning Map

- A. **Relationship to Zoning Ordinance.** The Official Zoning Map of the City of Good Hope, Alabama (Zoning Map) is an integral part of the Zoning Ordinance. The Zoning Map identified by the signature of the Mayor of Good Hope, Alabama and attested to by the City Clerk, shall be known as the “zoning map”; and all explanatory matter thereon are hereby adopted and made a part of this ordinance.
- B. **Amendments and Map Availability.** As the City continues its growth, (residential, business, manufacturing and agriculture), construction requires changing of zoning district boundaries that result in amending the zoning map. Therefore, in order that the public has access to the latest map, it may be viewed and obtained at City Hall at the Office of the City Clerk.
- C. **Annexed Properties.** All territory, which may hereafter be annexed to the City shall be classified as RA unless otherwise classified by the City Council.
- D. **Zoning Map Interpretation.** The boundaries of the above districts are hereby established as shown on the zoning map. Unless otherwise shown on the zoning map, the boundaries of districts are lot lines, the centerlines of streets or alleys or such lines extended, the centerline of railroad tracks, or the corporate limit lines as they existed at the time of enactment of this ordinance or as they may exist in the future. Where uncertainty exists with respect to the boundaries of any of the aforesaid districts as shown on the zoning map the following rule shall apply:
1. *Parallel to Streets, Highways, or Railroads.* Where District boundaries are so indicated that they are approximately parallel to the centerlines of streets, highways or railroads, or rights-of-way of same, such district boundaries shall be construed as being parallel thereto and at such distance is given.
 2. *Two or More Zoning Districts Applicable to Single Lot.* Where a District boundary line divides a lot in single ownership, the district requirements for the least restricted portion of such lot shall be deemed to apply to the whole, provided that such extensions shall not include any part of such a lot more than 35 feet beyond the district boundary line.

Section 2.03, Land Use Table

- A. **Generally.** This section sets out the land uses that are permitted, granted by special exception, and prohibited within each zoning district.
- B. **Table Symbols.** Table 2.03, *Land Use Table*, uses the following symbols:
1. “P” means that the use is *Permitted* in the specified zoning district subject to any additional applicable standards in this ordinance and the Subdivision Regulations.
 2. “S” means that the use may be granted by *Special Exception* in the specific zoning district subject to Section 6.09, *Special Exception*.
 3. “-” means that the use is *Prohibited* in the specified zoning district.
- C. **Uses Not Listed.** Any land use that is not specifically listed in Table 2.03, *Land Use Table*, is either prohibited or may be determined to be a subcategory of, or functionally similar to another land use as determined by subsection (D) below.
- D. **Functionally Similar Uses.** The following decision criteria shall be evaluated by Administrative staff, or at staff’s discretion the Planning Commission, to determine

whether a proposed use is a subcategory of, or is functionally comparable to another land use:

1. Parking demand;
2. Average daily and peak hour trip generation (cars and trucks);
3. Impervious surface;
4. Regulated air or water emissions;
5. Noise;
6. Lighting;
7. Solid waste generation;
8. Use and storage of hazardous materials;
9. Character of buildings and structures;
10. Nature and impacts of operation; and
11. Hours of Operation.

| Table 2.03, Land Use Table ¹ | | | | | | | |
|---|------------------|----|----|----|----|----|----|
| Land Uses | Zoning Districts | | | | | | |
| | RA | R1 | R2 | R3 | OR | GB | IN |
| Agricultural Uses | | | | | | | |
| Corral ² | P | -- | -- | -- | P | -- | -- |
| General Farming Activities | P | -- | -- | -- | -- | -- | -- |
| Livestock | P | -- | -- | -- | -- | -- | -- |
| Stable ⁶ | P | -- | -- | -- | P | -- | -- |
| Commercial Uses | | | | | | | |
| Alcohol Sales (Off-Site Consumption) | -- | -- | -- | -- | -- | P | -- |
| Alcohol Sales (On-Site Consumption) | -- | -- | -- | -- | P | P | -- |
| Animal Clinic / Animal Hospital / Animal Kennel | S | -- | -- | -- | -- | S | S |
| Automatic-Type Car Wash | -- | -- | -- | -- | -- | P | -- |
| Automobile Service Stations | -- | -- | -- | -- | -- | S | -- |
| Auto-Repair Shop and Truck Repair Shop | -- | -- | -- | -- | -- | P | -- |
| Bank | -- | -- | -- | -- | -- | S | -- |
| Building Supplies | -- | -- | -- | -- | -- | P | -- |
| Day Care Center | -- | -- | -- | S | -- | S | -- |
| Doctor / Dentist Office | -- | -- | -- | -- | -- | P | -- |
| Farm Equipment Sales and Service | -- | -- | -- | -- | -- | P | -- |
| Hotel / Motel | -- | -- | -- | -- | -- | P | -- |
| Manufacturing (incidental to retail business where articles sold on premises) | -- | -- | -- | -- | -- | S | -- |
| Manufactured Home Sales | -- | -- | -- | -- | -- | S | -- |
| Retail Store | -- | -- | -- | -- | -- | P | -- |
| Recreational Vehicle Park / Campsite | S | -- | -- | -- | S | -- | -- |
| Restaurant (including drive-thru) | -- | -- | -- | -- | -- | P | -- |
| Planned Shopping Centers | -- | -- | -- | -- | -- | S | -- |
| Tattoo, Branding, and Body Piercing Shops ⁷ | -- | -- | -- | -- | -- | S | -- |
| Zoo | S | -- | -- | -- | S | -- | -- |
| Industrial Uses | | | | | | | |

Table 2.03, Land Use Table¹

| Land Uses | Zoning Districts | | | | | | |
|---|------------------|----|----|----|----|----|----|
| | RA | R1 | R2 | R3 | OR | GB | IN |
| Baking Plants | -- | -- | -- | -- | -- | -- | P |
| Bottling Plants | -- | -- | -- | -- | -- | -- | P |
| Concrete & Concrete Block Manufacturing Plant | -- | -- | -- | -- | -- | -- | S |
| Contractor Storage Yards | -- | -- | -- | -- | -- | -- | S |
| Electrical Manufacturing and Repair | -- | -- | -- | -- | -- | -- | P |
| Equipment Manufacturing | -- | -- | -- | -- | -- | -- | P |
| Food Processing Plant | -- | -- | -- | -- | -- | -- | S |
| Industrial Supplies | -- | -- | -- | -- | -- | -- | P |
| Junkyard | -- | -- | -- | -- | -- | -- | -- |
| Lumber Mill | -- | -- | -- | -- | -- | -- | S |
| Machine Tool Manufacturing | -- | -- | -- | -- | -- | -- | P |
| Metal Fabrication | -- | -- | -- | -- | -- | -- | P |
| Mini-Warehouse Units | -- | -- | -- | -- | -- | S | S |
| Storage of Building Materials | -- | -- | -- | -- | -- | -- | S |
| Tire Recapping and Retreading | -- | -- | -- | -- | -- | -- | P |
| Truck and Van Warehousing Terminal | -- | -- | -- | -- | -- | -- | P |
| Warehousing (except storage of dangerous or offensive items) | -- | -- | -- | -- | -- | -- | P |
| Institutional & Recreational Uses | | | | | | | |
| Amphitheater / Stadium | - | - | - | - | P | S | S |
| Country Club / Golf Courses | S | S | S | S | P | -- | -- |
| Funeral Home | -- | -- | -- | -- | -- | S | -- |
| Governmental Service (Fire, Police, Emergency Management) | P | P | P | P | P | P | P |
| Hospital (excluding Animal) | -- | -- | -- | -- | -- | S | -- |
| Library | S | S | S | S | -- | S | -- |
| Nursing Home | S | -- | -- | -- | -- | P | -- |
| Public Assembly Facilities, Indoor | S | S | S | S | S | S | -- |
| Public Parks / Playground / Recreational Areas – Government Sponsored | S | S | S | S | P | -- | -- |
| Schools (Public or Private) | S | S | S | S | S | S | -- |
| Residential Uses | | | | | | | |
| Accessory Structures | P | P | P | P | -- | -- | -- |
| Apartment | -- | -- | -- | P | -- | P | -- |
| Duplex | -- | -- | P | P | -- | -- | -- |
| Home Occupations ³ | P | P | P | P | -- | -- | -- |
| Manufactured Home Park ⁴ | S | -- | -- | -- | -- | -- | -- |
| Manufactured Housing (HUD Code) ⁵ | S | -- | S | -- | -- | -- | -- |
| Mobile Home | -- | -- | -- | -- | -- | -- | -- |
| Modular Housing | P | -- | P | P | -- | -- | -- |
| Protective Shelter | P | P | P | P | P | P | P |
| Single-Family Attached Dwellings (Includes Condominium, Patio, Garden, Townhouse, Zero Lot Line) ⁸ | -- | -- | -- | -- | -- | -- | -- |
| Single-Family Detached Dwellings | P | P | P | P | -- | -- | -- |

| Table 2.03, Land Use Table ¹ | | | | | | | |
|---|------------------|----|----|----|----|----|----|
| Land Uses | Zoning Districts | | | | | | |
| | RA | R1 | R2 | R3 | OR | GB | IN |
| ¹ All land uses within a flood hazard area shall be approved as a special exception. See Section 4.04, <i>Flood Hazard Areas</i> | | | | | | | |
| ² Corrals are permitted subject to the standards in Section 4.02 | | | | | | | |
| ³ Home Occupations are permitted subject to the standards in Section 4.05. | | | | | | | |
| ⁴ Manufactured Home Parks are permitted subject to the standards in Section 4.07 | | | | | | | |
| ⁵ Manufactured Housing (HUD Code) are permitted subject to the standards in Section 4.08. | | | | | | | |
| ⁶ Stables are permitted subject to the standards in Section 4.17. | | | | | | | |
| ⁷ Tattoo, Branding, and Body Piercing Shops are permitted subject to the standards in Section 4.18. | | | | | | | |
| ⁸ Single-Family Attached Dwellings are permitted through the Planned Development District Regulations. See Section 2.04 | | | | | | | |

Section 2.04, Planned Development (PD) District Regulations

- A. Purposes.** In order that the public health, safety, integrity, and general welfare may be furthered to meet shifting market demands, the Planned Development (PD) zone is established to provide project variety and diversity through the modification of standards within this ordinance, so that maximum long-range neighborhood and community benefits can be gained for the following purposes:
1. To encourage a pattern of development that enhances the landscape in a manner which could not otherwise be accomplished using a different zone, such that placement and construction of buildings, paths, and roads tend to enhance the natural assets, and unique landforms which are already present on-site;
 2. To encourage innovations in residential, commercial, recreational, and industrial development so that the demands of the population may be met by greater variety in type, design, and layout of buildings; and
 3. To provide for necessary commercial, recreational, and educational facilities conveniently located in proximity to residential uses.
- B. Applicability.**
1. *Threshold.* No PD zone shall be created unless it is demonstrated that the zone materially advances the purposes set out in subsection (A) above.
 2. *Higher Quality.* Any development approved through the use of the PD zone shall be of a higher quality than would otherwise be achieved through the application of this ordinance.
 3. *No Avoidance of Sections of this Ordinance.* PD zones shall not be used to avoid the intent of requirements of this Ordinance which provides for community benefit that more than offsets the impacts of the development allowed with a PD.
- C. Requirements.** The following regulations are required for an applicant to request a rezone to a Planned Development (PD) District:
1. *Land Use Regulations.* Any and all residential uses whether or not explicitly stated in Section 2.03, *Land Use Table*, other than mobile homes, recreational vehicle parks, manufactured homes, and manufactured home parks may be permitted within a PD. An example of a land use that is permitted within a PD, but is not permitted within another zoning district is a Single-Family Attached Dwelling.
 2. *Subdivision Regulations.* All PDs shall be required to fully comply with the City’s Subdivision Rules and Regulations Ordinance.

3. *Building Codes.* All PDs shall be required to fully comply with the City's adopted building codes.
 4. *Site Standards.* No provisions of Article IV, *Site Standards*, are to be waived as part of a PD application.
 5. *Minimum Acreage.* Five Acres
 6. *Maximum Building Height.* 45 ft. measured from the finished grade next to the building.
 7. *Maximum Building Area:* 30 percent of total area.
 8. *Minimum Setbacks.*
 - a. *Front.* 30 ft.
 - b. *Side.* None
 - c. *Rear.* 25 ft.
 9. *Sidewalks.* Sidewalks are required and must conform to the requirements of Section 4.14.
 10. *Common Areas.*
 - a. There shall be provided a common recreational area, located away from traffic and easily accessible to residents.
 - b. This common area shall not be less than 500 square feet per dwelling unit.
 - c. A legal instrument detailing the legal maintenance responsibilities of the property shall be developed. The legal instrument will require approval of the City Attorney prior to approval of any application.
 11. *Parking Regulations.* Off-street parking spaces shall be provided in accordance with the requirements for specific land uses as set forth in Section 4.11, *Off-Street Parking Requirements*.
 12. *Garbage.* Areas for individual storage of refuse and garbage shall be screened.
- D. Rezoning Procedural Process.** See Section 6.07, *Rezoning*.

ARTICLE III, Development Standards

Section 3.01, General Standards and Exceptions to Development Standards

A. Development Standards Applicable to All Zoning Districts.

1. *One Primary Building or Structure per Lot.* There shall be only one primary building or structure per lot with the exception of any properties where more than one primary building or structure lawfully existed prior to the adoption of this ordinance.
2. *Lot Coverage.* Accessory structures shall not cover more than 30 percent of any required rear yard.
3. *Easements.* No structure or building shall be built on a valid easement.
4. *No Accessory Structures in Front Yard Setback.* With the exception of a protective shelter, there shall be no accessory structures built within a front yard setback as specified within each zoning district as shown within this Article.
5. *Accessory Compliance to Primary Requirements.* Unless otherwise explicitly stated, all primary building and structure development standards of Article III shall also apply to all accessory building and structures. The accessory structure standards are exceptions to the general requirement which permit a less restrictive standard. For example, accessory structures may be granted a less restrictive setback requirement for a rear lot line than primary structures within certain zoning districts.

B. Exceptions to Development Standards in All Zoning Districts.

1. *Alternative Setback Compliance.* If the primary buildings along the frontage of any street segment located between two intersecting streets in any residential zoning district has an average setback which is lesser in dimension than the minimum front setback established for the zoning district in which the street frontage is located then an average setback of all buildings fronting upon such street may be used as the front setback requirement.
2. *Height Exceptions to 80 Feet.* The height limitations for spires; belfries; copulas and domes not intended for human occupancy; monuments; water towers, observation towers; chimneys; smokestacks; conveyors; flag poles; radio towers; television towers; masts; aerials; and similar structures, except as otherwise restricted in the vicinity of airports shall be 80 feet regardless of what zoning district a proposed structure is located within.

Section 3.02, (RA) Rural / Agricultural District

A. Primary Structures.

1. *Minimum Lot Area:* One acre
2. *Minimum Lot Width:* 150 ft.
3. *Maximum Building Height:* 65 feet measured from the finished grade next to the building.
4. *Minimum Setbacks:*
 - a. *Front:* 100 ft.
 - b. *Side:* 50 ft.

c. *Rear*: 50 ft.

B. Accessory Structures.

1. Any corral, stable, or any other building or structure used for the housing of livestock, poultry, or another animal shall not be located closer than 200 feet to any property line (front, side, or rear).
2. All accessory buildings or structures other than the exemptions listed in subsection (A)4(b)1 shall be at least 25 feet from either a rear or side lot line.

Section 3.03, (R1) Single-Family Detached

A. Primary Structures.

1. *Minimum Lot Width*: 100 ft.
2. *Minimum Lot Area*: 12,000 sq. ft.
3. *Maximum Building Area*: 30 percent of total lot area.
4. *Maximum Building Height*: 45 ft.
5. *Minimum Setbacks*:
 - a. *Front*: 30 ft.
 - b. *Side*: 15 ft.
 - c. *Rear*: 40 ft.
 - d. *Corner Lots*: Both the front and side setbacks shall be 30 ft. or be in line with the front setback of adjacent residential properties, whichever is greater.

B. Accessory Structures.

- a. Any structure used for the housing of household pets of any land shall not be located closer than 25 feet to any side lot line.
- b. All accessory structures shall be at least 15 feet from a rear lot line.
- c. All accessory structures built on a corner lot, with the exception of protective shelters, shall conform to the front yard primary structure requirement of an adjoining lot that faces a side street.

Section 3.04, (R2) Single-Family Detached [Manufactured Housing]

A. Primary Structures.

1. *Minimum Lot Width*: 75 ft.
2. *Minimum Lot Area*: 10,000 sq. ft.
3. *Maximum Building Area*: 30 percent of total lot area.
4. *Maximum Building Height*: 45 ft. measured from the finished grade next to the building.
5. *Minimum Setbacks*:
 - a. *Front*: 30 ft.
 - b. *Side*: 15 ft.
 - c. *Rear*: 30 ft.
 - d. *Corner Lots*: Both the front and side setbacks shall be 30 ft. or be in line with the front setback of adjacent residential properties, whichever is greater.

B. Accessory Structures.

1. Any structure used for the housing of household pets of any land shall not be located closer than 25 feet to any side lot line.
2. All accessory structures shall be at least 15 feet from the rear lot line.
3. All accessory structures built on a corner lot, with the exception of protective shelters, shall to conform to the front yard primary structure requirement of an adjoining lot that faces a side street.

Section 3.05, (R3) Single-Family and Multi-Family**A. Primary Structures.**

1. *Minimum Lot Width:* 70 ft.
2. *Minimum Lot Area:* 8,500 sq. ft.
3. *Maximum Building Height:* 65 ft. measured from the finished grade next to the building.
4. *Maximum Building Area:* 30 percent of total lot area.
5. *Minimum Setbacks:*
 - a. *Front:* 30 ft.
 - b. *Side:* 10 ft.
 - c. *Rear:* 30 ft.
 - d. *Corner Lots:* Both the front and side setbacks shall be 30 ft. or be in line with the front setback of adjacent residential properties, whichever is greater.

B. Accessory Structures.

1. Any structure used for the housing of household pets of any kind shall not be located closer than 25 feet to any property line.
2. All accessory structures built on a corner lot, with the exception of protective shelters, shall to conform to the front yard primary structure requirement of an adjoining lot that faces a side street.

Section 3.06, (OR) Outdoor Recreation**A. Primary Structures.**

1. *Minimum Lot Area:* Five acres
2. *Minimum Lot Width:* 300 ft.
3. *Maximum Building Height:* 65 feet measured from the finished grade next to the building.
4. *Minimum Setbacks:*
 - a. *Front:* 100 ft.
 - b. *Side:* 50 ft.
 - c. *Rear:* 50 ft.

- B. Accessory Structures.** Any corral, stable, or any other building or structure used for the housing of livestock, poultry, or another animal shall not be located closer than 200 feet to any property line (front, side, or rear).

- C. **Required Buffering and Screening.** There shall be provided and maintained along said property line a continuous planting strip or fence in accordance with Section 4.01, *Required Buffering and Screening*.

Section 3.07, (GB) General Business District

The following regulations apply to all buildings and structure regardless of whether the building or structure is primary or accessory.

- A. **Minimum Lot Area:** 7,500 sq. ft.
 B. **Minimum Street Frontage:** 75 ft.
 C. **Maximum Building Height:** 65 feet measured from the finished grade next to the building.
 D. **Minimum Setbacks:**
1. *Front:* 30 ft.
 2. *Side:* 15 ft.
 3. *Rear:* 30 ft.
 4. *Corner Lots:* Both the front and side setbacks shall be 30 ft. or be in line with the front setback of adjacent residential properties, whichever is greater.
- E. **Required Buffering and Screening.** Where this district abuts a lot in a residential district (R1, R2, or R3), or as required, there shall be provided and maintained along said property line a continuous planting strip or fence in accordance with Section 4.01, *Buffering and Screening*.

Section 3.08, (IN) Industrial District

The following regulations apply to all buildings and structure regardless of whether the building or structure is primary or accessory.

- A. **Minimum Lot Area.** 10,000 sq. ft.
 B. **Minimum Street Frontage.** 50 ft.
 C. **Maximum Building Height.** 65 feet measured from the finished grade next to the building.
 D. **Minimum Setbacks.**
1. *Front:* 30 ft.
 2. *Side:* 20 ft.
 3. *Rear:* 30 ft.
 4. *Corner Lots:* Both the front and side setbacks shall be 30 ft. or be in line with the front setback of adjacent residential properties, whichever is greater.
- E. **Required Buffering and Screening.** Where this district abuts a lot in a residential district (R1, R2, or R3), or as required, there shall be provided and maintained along said property line a continuous planting strip or fence in accordance with Section 4.01, *Buffering and Screening*.

ARTICLE IV, Site Standards

Section 4.01, Buffering and Screening

- A. **Generally.** To satisfy the buffering and screening requirements of Section 2.04, *Planned Development District Regulations*, Section 3.06, *Outdoor Recreation (OR)*, Section 3.07, *General Business (GB)*, or Section 3.08, *Industrial (IN)*, the requirements of either subsection (B), *Planting Strip*, or subsection (C), *Fence*, shall be met.
- B. **Planting Strip.**
1. *Requirements.* To satisfy any buffering and screening requirements under a planting strip standard the planting strip shall be:
 - a. At least 10 feet in width;
 - b. Composed of evergreen trees not less than six feet in height, and spaced not more than 10 feet apart; and
 - c. Not less than one row of dense shrubs that are at minimum two feet in diameter, and spaced not more than 10 feet apart;
 - d. Planted and maintained in healthy growing condition by the property owner.
 2. *Natural Vegetative Cover.* Natural vegetative cover that meets, exceeds, or has the effect of providing for the necessary screening and that serves the intent of this buffering and screening regulation may also satisfy the planting strip requirements of subsection (A)1 above.
- C. **Fence.** To satisfy any buffering and screening requirements under a fencing standard, an opaque fence of not less than six feet high may be used instead of the planting strip as described in subsection (B) above.
- D. **Visibility at Intersections.** On a corner lot nothing shall be erected, placed, planted, or allowed to grow in such a manner as to materially impede vision between a height of two and one-half feet and 10 feet above the existing grade triangular area formed by a diagonal line between two points on the right of way lines, 20 feet from where they intersect, or any two streets or railroads or a street and a railroad.

Section 4.02, Corral

- A. **Minimum Area – Animals.** It shall be unlawful for any person to keep any animal, as defined by Section 11.03, *Definitions*, in any corral in the City, unless such corral shall have a minimum area of:
1. 10,000 square feet for one animal;
 2. 1,000 square feet for each additional animal.
- B. **Minimum Area – Fowl.** It shall be unlawful for any person to keep any duck, goose, chicken, guinea, peacock, turkey, pigeon or other fowl in any corral unless such corral shall have a minimum area of 15 square feet of space for each such duck, goose, chicken, guinea, peacock, turkey, pigeon or other fowl.
- C. **Corrals - Distance from Dwellings.** It shall be unlawful for any person to keep any animal or fowl in any corral in the City, any part of which is within 200 feet of a dwelling occupied by a person other than the person keeping said animal or fowl.

Section 4.03, Façade Regulations

A. Purpose and Intent.

1. To create standards for building design which:
 - a. Preserves and protects the form of the City;
 - b. Enhance the economic vitality of its various commercial areas;
 - c. Prevent blight; and
 - d. Protect property values.
2. Encourage development and redevelopment that:
 - a. Protects and enhances the traditional character of neighborhoods and other areas of the City;
 - b. Reinforces a sense of community identity;
 - c. Achieves the physical qualities necessary to maintain and enhance the economic vitality of the business district;
 - d. Maintains the desired character of the City;
 - e. Prevents the creation of blight, and protect property values; and
3. Promote the preservation and renovation of existing buildings and sites; and
4. Ensure new buildings are compatible with, and enhance the character of, the City's cultural, social, economic, and architectural heritage.

B. Applicability. All uses within the General Business District (GB) and Industrial District (IN) shall comply with the design standards of Subsections (C), (D), (E) and (F) under the following circumstances;

1. *New buildings:* All uses, except residential and agricultural, that receive site plan approval for construction of a new building after the effective date of this Section must fully comply with its design standards.
2. *Expansions to buildings:* For buildings existing prior to the effective date of this Section, major building improvements or expansions that require site plan approval may be permitted by the Planning Commission without a complete upgrade to meet the standards of this Section, provided there are reasonable improvements to the building in relation to the scale and construction cost of the building improvements or expansion. Major exterior renovations must be consistent with the building design standards herein to the extent deemed practical.
3. *Minor improvements to buildings:* For buildings existing prior to the effective date of this Section, minor changes, improvements, and modifications that are approved administratively will be permitted, provided the improvements do not increase noncompliance with the requirements of this Section.

C. Exterior Wall Design Standards.

1. *Wall materials.* The use of exterior wall materials on walls that are visible from a public road, alley or a parking lot must be:
 - a. In compliance with the maximum percentages permitted in Table 4.03, *Maximum Percent of Wall that may be Covered by Certain Building Materials*; and
 - b. Shall be constructed of not less than 25 percent brick, face brick, stone, or cast stone.

| Table 4.03, Maximum Percent of Wall that may be Covered by Certain Building Materials ¹ | | |
|--|------------------|-----------------|
| Building Materials | Zoning Districts | |
| | GB | LI |
| Brick or Face Brick | 100 | 100 |
| Cast Stone ² | 100 | 50 |
| Concrete Formed in Place | NP ³ | 100 |
| Finishes ⁴ | 25 | 50 |
| Glass Block | 25% | 25 |
| Metal | NP ⁵ | 75 ⁶ |
| Precast Concrete | NP ³ | 100 |
| Reflective Glass | 25 | 50 |
| Stone (Cut) | 100 | 100 |
| Split Face Block | 50 | 50 |
| Vinyl Siding | NP | 50 |
| Wood Siding ⁷ | 25 | NP |

Key:
 NP: Not Permitted
¹ Does not include façade areas consisting of doors and windows.
² Includes lightweight artificial stone building panels and must complement other materials found in the surrounding area.
³ Parking structures are exempt from this regulation.
⁴ Includes fiberglass, reinforced concrete, polymer plastic (fypon), exterior insulation and finishing systems (EIFS), plaster, stucco and similar materials. Such materials cannot be used where contact with vehicles may occur, such as parking areas, traffic ways, and loading areas, unless such walls are adequately protected to prevent damage.
⁵ Decorative metal and other embellishments may be approved by the Building Inspector.
⁶ Includes flat sheets and seamed or ribbed panels, including aluminum, porcelain and stainless steel and similar material. Such materials cannot be used where contact with vehicles may occur, such as parking areas, traffic ways, and loading areas, unless such walls are adequately protected to prevent damage.
⁷ Must be clapboards, shiplap, cedar shingles, or similar materials.

2. *Allowance for Other Materials.* The Planning Commission may waive strict compliance with Table 4.03, *Maximum Percent of Wall that may be Covered by Certain Building Materials*, when the qualities below can be demonstrated:
 - a. A written design statement which describes how the selected wall materials and material combinations will be consistent with and enhance the building design;
 - b. The design and materials are found to be in keeping with the character and history of the neighborhood or other areas of the City;
 - c. The materials are found to be permanent and durable;
 - d. The design and materials are compatible with the type of use and development proposed;
 - e. The design and materials can easily be adapted to another use in the future; and
 - f. The design and materials meet the intent of this Section.
3. *Mixture of Materials.*
 - a. The application of these standards promotes integration and mixture of materials where more than one material is used on a building.
 - b. If only one material is used, architectural detailing and articulation, massing, texture and form must be introduced into the building design.

- c. Building roof materials must be in harmony with the style and material used on the building walls.
- 4. *Long Walls*. When building walls are 100 feet or greater in length, design variations must be applied to assure that the building is not monotonous in appearance. Such variations include but are not limited to the following:
 - a. Recess and projections along the building facade. Variations in depth should be a minimum of 10 feet wide;
 - b. Architectural details or features;
 - c. Enhanced ornamentation around building entryways;
 - d. Landscaping;
 - e. Streetscape elements; and
 - f. Variations in building height.
- 5. *Colors*. Information on building colors must be submitted with the site plan and considered to be part of any site plan approval under Article V, *Site Plan Review*. Colors must be compatible with the surrounding area.

D. Roof Design Standards.

- 1. *Compatible Design Character*. Roof design and materials are considered to be key elements of the City's character, and thus must be consistent with the character of the neighborhood or other area of the City. As a part of building design, roofs must be designed in keeping with the overall architecture of the building.
- 2. *Roof Materials*. The following regulations apply to roof materials:
 - a. *Permitted Materials*. Asphalt, fiberglass, tile, slate, cedar shingles, and standing seam metal roof systems.
 - b. Asphalt shingles must be heavily textured with colors that are compatible with the building architecture.
 - c. Standing metal seam roof systems must be subtle and compatible with exterior building materials.
- 3. *Screening Rooftop Equipment*. Rooftop equipment must be screened from view of adjacent properties and public rights-of-way. The method to screen rooftop equipment must be compatible with the building through color, scale, materials, and architectural style. The Planning Commission may require cross-section details to confirm compliance.

E. Fenestration.

- 1. Windows and doors must comprise at least 40 percent of the first floor front facade of a building.
- 2. The window area of a facade above the first floor cannot exceed 35 percent of the total facade area of that floor.
- 3. Windows above the first floor must be vertical in proportion. Large windows shall be broken-up to maintain a vertical proportion.
- 4. Window areas must be non-reflective glass and clear or lightly tinted in color.
- 5. Double or fixed hung windows must be used in all retail applications.
- 6. Window areas cannot be permanently blocked in a manner that obstructs views into the buildings, such as shelving, unless it is used as a display case for products sold on-site.

F. General Building Design Accent Standards.

1. *Front Facade.*
 - a. Blank walls cannot face a public street.
 - b. Walls facing a public street must include windows and architectural features customarily found on the front facade of a building, such as awnings, cornice work, edge detailing or other decorative finish materials.
 - c. A prominent and usable public building entrance must be provided at the front of the building.
 - d. Wall massing must be broken up with vertical pilasters or other architectural elements to reduce scale.
2. *Pedestrian Orientation.*
 - a. Buildings must be designed at a pedestrian scale with relationship to the street and sidewalk.
 - b. Buildings must include windows that face the sidewalk and street.
 - c. Convenient and safe pedestrian access must be provided between the public sidewalk and the building entrance.
3. *Awnings.*
 - a. Awnings with straight sheds may supplement facades.
 - b. Awnings cannot be cubed or curved except over doorways.
 - c. Awnings must be of an opaque material.
4. *Canopies.*
 - a. Canopies, such as over gasoline pumps or drive-through structures, shall be designed to be consistent with the approved building materials and colors.
 - b. Support columns must be brick or comprised of materials compatible with the principal structure.
5. *Quality and Workmanship.* This Section is not intended to regulate the quality, workmanship and requirements for materials relative to strength and durability.

Section 4.04, Flood Hazard Areas

- A. **Generally.** All land uses, as defined by Section 2.03, *Land Use Table*, that are located within a flood hazard area shall be considered through a Special Exception process (See Section 6.09) and shall be subject to restrictions of the Board of Adjustment.
- B. **Delineation of Flood Areas.** Flood hazard areas shall be those areas declared by the Department of Housing and Urban Development and indicated on the Flood Map of the most recent issue.
- C. **Permit.** In addition to the required building permit for all property within the municipal limits of the City, to develop in a flood hazard area approval is required via Section 6.02.E, *Permit to Develop in a Special Flood Area*.

Section 4.05, Home Occupation

All home occupations shall comply with the following conditions:

- A. No person other than the immediate members of the family residing in the dwelling shall be engaged in such occupation.

- B. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants.
- C. Not more than 25 percent of the floor area of the dwelling unit shall be used in the conduct of the home occupation.
- D. There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation, other than one sign, not exceeding two square feet in area, non-illuminated, and mounted flat against the wall of the principal building. Signs or displays of goods on public property are prohibited.
- E. No home occupation shall be conducted in any accessory building; in yards or open spaces with the exception of subsection (J), and subject to fenced areas used in connection with day care homes.
- F. No traffic shall be generated by such home occupation in greater volume than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met off the street and other than in a required front yard or side yard.
- G. No equipment or process shall be used in such home occupation, which creates noise, vibration, glare, fumes, odor, or electrical interference detectable to the normal senses off the lot. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises.
- H. The following, which are listed for emphasis, are NOT considered home occupations; the giving of group instructions; band instrument instruction; swimming instruction; studio group instructions; beauty shops; barber shops, public dining facilities or tea rooms; food services; antique or gift shops; pet shops; veterinarians; kennels or places keeping caged animals; fortune tellers or similar activities; professional services or learned professions (doctors, lawyers, real estate, or theology); photographic studies; wholesale or retail sales; outdoor sales or service; nursery schools, kindergartens, or similar type uses involving six or more children.
- I. The giving of individual instruction to one person at a time, such as art or piano teaching, shall be deemed a home occupation, provided however, that the provisions of subparagraph (f) above shall apply to prohibiting individual instructions as a home occupation for those activities listed in subparagraph (f) above.
- J. Fabrication of articles such as are commonly classified under the terms "arts and handicrafts" may be deemed a home occupation subject to the other terms and conditions of this definition, provided that retail sales, wholesaling or warehousing of goods for commercial use, sales or distribution are prohibited.
- K. All home occupation existing at the time of adoption of this Ordinance must fully comply with the requirements set for home occupations after one year, or the next licensing date.
- L. Exceptions, yard sales, garage sales, and like sales are permitted one time each year for a two day period and comply with the requirements for home occupation. Goods or articles for sale shall be used items derived from the premises or person holding said sale. A permit to hold a sale is required prior to sale date. Failure to obtain said permit may be subject to a fine as provided in Section 6.03, *Certificate of Occupancy Required*.
- M. A Certificate of Occupancy permit is required for each home occupation prior to licensing, and expiration dates shall be on the same day and shall not exceed twelve months. No Certificate of Occupancy for a home occupation shall be issued except upon approval of the Board of Adjustment, and subject to such conditions as the Board of

Adjustment may be required to preserve and protect the character of the district in which the use is proposed.

Section 4.06, Liquid Petroleum Fuel Tanks

The provisions of NFPA58, latest addition, shall be in effect within the corporate limits of the City for the installation of liquid petroleum fuel tanks. Under no circumstances, shall the installation of any liquid petroleum fuel tank be permitted in the front yard of any structure within the corporate limits of the City.

Section 4.07, Manufactured Home Parks

See Amendment Ordinance No: 020-2020

- ~~A. **Purpose.** The purpose of this section is to provide the requirements for the development of Manufactured Home Parks while deriving for the City the advantage of improved appearance, compatibility of uses, optimum service by the community facilities and adequate vehicular access and circulation.~~
- ~~B. **Special Exception Use Permit Required.** No Manufactured Home Park shall be developed, redeveloped, altered or expanded without a Special Exception Permit secured from the Board of Adjustment (see Section 6.09, *Special Exception*).~~
- ~~C. **License Required.** It shall be unlawful for any person to establish, operate, or maintain, or permit to be established, operated, or maintained upon any property owned, leased, or controlled by him, a Manufactured Home Park without having first secured a license for each such Manufactured Home Park from the City pursuant to this section.~~
- ~~D. **Minimum Requirements.** Any development, redevelopment, alternation, or expansion of a Manufactured Home Park within the City shall be done in compliance with the following requirements:~~
- ~~1. A Manufactured Home Park shall be located only in the (RA) Rural / Agricultural District and only after securing a Special Exception Use Permit from the Board of Adjustment (see Section 6.09, *Special Exception*), and Site Plan approval from the Planning Commission (See Article V, *Site Plan Review*).~~
 - ~~2. The minimum size of the Manufactured Home Park shall be four acres.~~
 - ~~3. Each stand shall provide a minimum size of 5,000 square feet in area, while having a minimum width of 50 feet and a minimum length of 100 feet.~~
 - ~~4. There shall be constructed and maintained a permanent buffer as specified in Section 4.01, *Buffering and Screening*.~~
 - ~~5. The minimum front yard setback shall be 15 feet from the nearest corner of the Manufactured Home to the front line of the stand.~~
 - ~~6. The minimum distance between Manufactured homes shall be 20 feet on the sides and 15 feet in the rear.~~
 - ~~7. The maximum height for any Manufactured home shall not exceed 18 feet and the maximum height of the Manufactured home frame, above the ground, shall not exceed three feet.~~
 - ~~8. All parking, stand, and walkway areas shall be paved while all yard areas shall be grass.~~
 - ~~9. The ground surface in all parts of the park shall be graded and equipped to drain all surface water in a safe, efficient manner. A professional engineer, licensed in the State of Alabama, shall verify the adequacy of drainage facilities.~~

10. Storage facilities with a minimum capacity of 200 cubic feet per stand shall be provided on the stand or in compounds located within 100 feet of each stand. Storage facilities shall be designed in a manner that will satisfy The Standard Building Code and local ordinances.
11. Said Manufactured Home Park shall not accept manufactured homes unless and until items shown on the approved Site Plan are in place and approved by the Building Inspector.
- E. Access and Traffic Circulation.**
1. Internal streets shall be privately owned, built, and maintained and shall be designed for safe and convenient access to all stands, parking spaces, and all common use areas of the Manufactured Home Park.
 2. All internal streets shall be a minimum of 30 feet in width. The internal streets shall be continuous or shall be provided with a cul-de-sac having a minimum radius of 60 feet. No internal street ending in a cul-de-sac shall exceed 400 feet in length.
 3. All streets shall be constructed to meet the minimum specifications for streets within the City except the curbing. A concrete lay-down curb shall be used in place of the standard street curb.
 4. Every manufactured home stand shall have two off-street parking spaces, paved to comply with the requirements of the City.
 5. Internal streets shall be maintained free of cracks, holes, and other hazards at the expense of the licensee.
 6. All streets within the Manufactured Home Park shall be numbered or named in a manner approved by the Building Inspector.
 7. Internal streets shall intersect adjoining public streets at 90 degrees and at locations, subject to Planning Commission approval, which will eliminate or minimize interference with the traffic on those public streets.
 8. At each entrance to the Manufactured Home Park, an eighteen by twenty-four (18"x 24") inch sign shall be posted stating "Private Drive, No Thru Traffic". The licensee shall also post speed limit at appropriate places throughout the manufactured home park.
- F. Recreation Area.** All manufactured home parks shall have at least one recreation area located in an area free of traffic hazards, easily accessible to all park residents and centrally located where topography permits. Not less than then 10 percent of the gross park area shall be devoted to recreational facilities. The licensee shall maintain such space in a usable and sanitary condition.
- G. Utility Requirements.** Each manufactured home shall be connected to the municipal water system and the municipal sewage disposal system if available. The design and specifications of the interior utility systems shall comply with the requirements of the City. If the municipal sewage disposal system is not available, then an on-site central disposal system shall be required, until such time as a municipal sewage system is available. The on-site sewage disposal system shall be designed to comply with the Health Department Regulations and installed to their specifications.

Section 4.08, Mobile and Manufactured Home Regulations

- A. **Purpose.** The purpose of these regulations is to provide standards and procedures specifically relevant to the location and development of manufactured housing.
- B. **Mobile Homes Prohibited.** As defined in Section 11.03, *Definitions*, the installation of new mobile homes is strictly prohibited.
- C. **Trailers and Buses Prohibited.** Trailers, buses, or any other structure so built to be mobile in character of its construction shall not be permitted in any District other than for the purpose of transportation.
- D. **Standards for All Manufactured Homes.** All manufactured homes shall comply with the following standards:
1. *Nonconforming Mobile Homes.* All mobile homes or trailers that are nonconforming prior to the effective date of the ordinance shall be treated as nonconforming uses.
 2. *Effect of Ordinance Adoption.* All manufactured homes placed after the effective date must comply with the requirements of this Zoning Ordinance.
 3. *HUD Seal Required.* Prior to installation, each manufactured home shall bear a seal certifying compliance with the Manufactured Home Construction and Safety Standards Act published by the U.S. Department of Housing and Urban Development. Any existing mobile home or trailer not bearing such a seal shall be deemed a non-conforming structure and shall be treated as a non-conforming structure and use in accordance with the regulations established in Section 4.09, *Nonconformities*.
 4. *Permit Required.* It shall be unlawful for any person to initially place, replace or relocate a manufactured home within the City without first being granted a permit approved by the Planning Commission.
 5. *Age.* The manufactured home must not have been constructed more than 15 years prior to the date of application to install the manufactured home.
 6. *Installation requirements.* All manufactured homes shall be set up, installed, and anchored in full compliance with the requirements of the Alabama Manufactured Housing Commission.
 7. *Skirting required.* All manufactured homes shall be skirted with a weather-resistant material, which resembles a single-family dwelling. Skirting shall be adequately vented.
 8. *Access to exterior entrances.* Immediately after installation and prior to occupation, a landing/porch/ deck shall be installed on all front and back entrances. Each landing/porch/deck must be a minimum of four feet wide and have steps with handrails. The steps must be securely anchored to the ground. At least one of said landings shall be no narrower than five feet in depth (as measured outward from the exterior of the structure) nor shorter than eight feet in length and containing a railing along all exterior edges of the landing. Stairways leading to decks shall be no less than three feet in width with exterior railing. All required stairways and landings/porches/ decks shall be constructed of wood or brick materials or some combination of both. Required railing may be constructed of wood or metal material.
 9. *Compatibility.* Additions to manufactured housing must be compatible with the home and surrounding area.

Section 4.09, Nonconformities

- A. **Generally.** Any parcel of land, use of land, building or structure existing at the time of the enactment of this ordinance of the City, or any amendment thereto, that does not conform to the requirements of the Zoning District in which it is located may be continued and maintained subject to the following provisions of this section.
- B. **Categories of Nonconformance.**
1. *Nonconforming Lots.* Lots occupied by buildings or structures at the time of the enactment of this amended ordinance that fail to comply with minimum requirements for area, width, front, side, and rear yard setbacks for the zoning district in which they are located.
 2. *Nonconforming Open Uses of Land.* Lots used for storage yards, used car lots, auto wrecking, junkyards, and similar open uses where the only buildings on the lot are accessory to the open use of the lot and where such use of the land is not permitted to be established hereafter, under this amended ordinance, in the zoning district in which it is located. A legally established non-conforming open use of land may be continued except as follows:
 - a. When a non-conforming open use of land has been changed to a conforming use, it shall not thereafter revert to any non-conforming use.
 - b. Non-conforming open uses of land, if changed, shall be changed to conforming uses.
 - c. A non-conforming open use of land shall not be enlarged to cover more land than was occupied by that use when it became non-conforming.
 3. *Nonconforming Uses of Buildings or Structures.* Buildings or structures used at the time of enactment of this amended ordinance for purposes of a use not permitted in the zoning district in which the building or structure is located. Such uses may be continued as follows:
 - a. An existing nonconforming use of a building or structure may not be changed to another non-conforming use.
 - b. When a non-conforming use of a building or structure has been changed to a conforming use, it shall not thereafter be used for any non-conforming use.
 - c. A non-conforming use of a building of structure shall not be extended or enlarged except into portions of the structure, which, at the time the use became non-conforming were already erected and arranged or designed for such non-conforming use.
 - d. Non-conforming existing residential structures in either business or industrial districts may be enlarged, extended or structurally altered provided no additional dwelling units result from such enlargement and the extension or alteration shall comply with the dimensional and parking requirements for the district in which it is located.
 - e. Maintenance and repairs necessary to keep a non-conforming structure in sound condition shall be permitted.
 - f. When any non-conforming use of a building or a structure is vacated for a continuous period of excess of 180 days, the building or structure shall not thereafter be used except in conformance with the regulations of the District in which it is located.

C. **Reconstruction of Damaged Buildings or Structures.** Any conforming or non-conforming use of a building or structure which has been damaged by fire, wind, flood, or other causes may be repaired and used as before if repairs are initiated in six months and completed within 12 months of such damage, unless such building or structure has been declared by the Building Inspector to have been damaged to an extent exceeding 60 percent of its assessed value at the time of destruction. If the building or structure is damaged to a degree greater than 60 percent, future use of the building and site must be in conformance with the regulations for the District in which it is located.

Section 4.10, Off-Street Loading and Unloading Requirements

- A. **Generally.** In connection with every building, structure or use erected, except residential uses as defined by Section 2.03, *Land Use Tables*, there shall be provided on the same lot with such building, off-street loading and unloading spaces meeting or exceeding the requirements of this section.
- B. **Plans.** Plans and specifications showing required loading and unloading spaces including the means of ingress and egress and interior circulation shall be submitted to the Office of the City Clerk for review at the time of application for a Building Permit.
- C. **Design.** Each off-street loading and unloading space shall not be less than 10 feet in width and not less than 55 feet in length with not less than 15 feet in vertical clearance.
- D. **Existing Loading and Unloading Spaces.** Required under this ordinance or any subsequent amendment thereto, any use, building or structure shall not be eliminated or changed to any other use, building or structure unless replacement off-street loading and unloading space is provided in accordance with this ordinance or any subsequent amendments thereto.
- E. **Required Spaces.** All off-street loading and unloading space requirements shall be based on the following table:

| Table 4.10 Required Off-Street Loading and Unloading Spaces | |
|---|-----------------|
| Building Area in Square Feet 0 to 40,000 | Required Spaces |
| 40,001 to 100,000 | 1 |
| 100,001 to 160,000 | 2 |
| 160,001 to 240,000 | 3 |
| 240,001 to 320,000 | 4 |
| 320,001 to 400,000 | 5 |

- F. **Maintenance.** Off-street loading and unloading facilities shall be constructed, maintained, and operated in accordance with the provisions of this section.
 - 1. *Water Runoff.* All off-street loading and unloading facilities shall be so designed as to prevent any and all water runoff from draining onto adjacent properties.
 - 2. *Surfacing.* All off-street loading and unloading facilities shall be surfaced with concrete, asphaltic concrete, asphalt or other hard surface pavement acceptable to the City and maintained in proper condition, free of weeds, dust, trash, and debris.
 - 3. *Lighting.* Lighting fixtures used to illuminate any off-street loading and unloading facilities shall be so arranged as to reflect the light away from any adjoining residential or institutional properties or into any traffic areas.

4. *Loading and Unloading.* All off-street loading and unloading facilities shall be so arranged that trucks are not required to back from a dedicated street or alley into the loading area, nor required to back from the loading area into a dedicated street or alley.

Section 4.11, Off-Street Parking Requirements

- A. **Generally.** Whenever any building, structure, or use is established, enlarged, or increased in capacity, off-street parking spaces for motor vehicles are required in accordance with this section. Such off-street parking spaces shall be maintained and shall not be encroach upon buildings, structures or other uses so long as the principal building, structures, or use remains, unless an equivalent number of such spaces are provided elsewhere in conformance with this ordinance.
- B. **Plans.** Plans and specifications showing required off-street parking spaces, including the means of access and interior circulation, shall be submitted to the Office of the City Clerk for review at the time of application for a building permit for the erection or enlargement of a building.
- C. **Location.** Required off-street parking facilities shall be located on the same lot as the principal building or on a lot within 300 feet. The distance shall not exceed 150 feet for single family and two family dwellings. This distance shall be measured from the nearest point of the parking facility to the nearest point of the lot occupied by the building or use that such facility is required to serve.
- D. **Residential Districts (R1, R2, and R3).** Parking of motor vehicles in Residential Districts (R1, R2, and R3) shall be limited to passenger vehicles and not more than one commercial vehicle of the light delivery type, not to exceed one-fourth ton shall be permitted per dwelling unit. The parking of any other type of commercial vehicle including those with the use of compressors or motor operated units is prohibited.
- E. **Design.** All off-street parking spaces, enclosed or unenclosed, shall meet the following requirements:
1. All spaces shall be 10 x 20 feet plus the appropriate parking aisles and access drives for ingress and egress.
 2. All single-family residential uses shall be provided with an access drive of at least 12 feet in width.
 3. All duplex and apartment uses shall be provided with an access drive of at least 20 feet in width.
 4. All non-residential uses shall be provided with an access drive of at least 25 feet in width.
 5. All access drives shall connect directly, without obstructions, to a dedicated street or alley.
 6. In all access drives requiring a turning radius or curb cuts, the radius shall be of such an arc as to reasonably allow an unobstructed flow of traffic.
 7. All access to streets or alleys shall be by approved drives and curb cuts located no closer than 30 feet from the nearest intersection. Said distance being defined as a point at which the right of way of two roads, streets or highways, or any combination thereof, meet to the nearest point of the access drive and shall not be less than 30 feet.

8. Parking aisles for all automobiles shall be of sufficient width to allow a minimum turning movement in and out of the parking space. The minimum width of such aisles shall be as follows:
 - a. For 90 degree or perpendicular parking, the aisle shall not be less than 25 feet in width.
 - b. For 60 degree parking, the aisle shall not be less than 20 feet in width.
 - c. For 45 degree parking, the aisle shall not be less than 18 feet in width.
 - d. For parallel parking, the aisle shall not be less than 15 feet in width.
9. All off-street parking spaces shall not be closer than five feet to any property line except where a wall, fence or compact planting strip exists as a parking barrier that prevents any part of the parked vehicle from extending past over or onto the property line. Plantings shall be maintained in good condition and not encroach on adjoining property.
10. All off-street parking areas (with the exception of permitted land uses in the RA – Rural/Agricultural District) shall be surfaced with concrete, asphaltic-concrete, asphalt or other hard surface pavement acceptable to the City and maintained in proper condition, free of weeds, dust, trash, and debris.
11. All non-residential off-street parking areas shall be striped to indicate automobile parking spaces as shown on the approved site plan.
12. Lighting fixtures used to illuminate any off-street parking area shall be so arranged as to reflect the light away from any adjoining properties or into any traffic areas.
13. An off-street parking area shall not be used for the sale, repair, dismantling, or servicing of any vehicles, equipment, materials, or supplies.
14. Any off-street parking area providing space for five or more vehicles shall be effectively screened on any side which adjoins property next to a residential lot by a wall, fence, or compact planting and to conform to Section 4.01, *Buffering and Screening*. Plantings shall be maintained in good condition and not encroach on adjoining property.
15. All off-street parking areas that require vehicles to back out directly into a dedicated public street or alley are prohibited. This prohibition shall not apply to off-street parking areas of one or two-family dwellings.

F. Collective Parking.

1. *General Requirement.* The parking requirements for all uses proposed on contiguous lots shall be cumulative.
2. *Exception.* Should the Planning Commission find that the parking requirements of a particular land use occurs at different hours from those of the other contiguous land use such that the parking areas can be advantageously used during non-conflicting hours by the other contiguous land use then the Planning Commission may reduce the parking requirement to a minimum of the greatest number of spaces required for any of such contiguous land use.

G. Required Number of Parking Spaces.

1. *Generally.* The minimum required off-street parking spaces are set out in Table 4.11, *Off-Street Parking Requirements by Land Use*.
2. *Calculation of Spaces.* The number of required parking spaces are calculated according to the formulas set out in this section. The variables used for parking

calculations are as follows:

- a. *Rounding*. If the final calculation of the number of required parking spaces includes a fractional space, the number of required parking spaces is rounded up to the nearest whole number, regardless of the fraction.
- b. *Per Square Foot (sf.) of Parking Floor Area (PFA)*. The phrase "per sf. of PFA" means that the number of parking spaces is calculated based on the number of "parking-related" square feet of floor area per the use. The "PFA" is 85 percent of the gross floor area, plus the area of any parts of the parcel proposed for development that are delineated and used in a manner that is comparable in function and intensity to the use of the inside of the building (e.g., outdoor dining areas).
- c. *Per Dwelling Unit (DU)*. The phrase "per DU" means that the number of parking spaces is calculated based on the number of dwelling units.
- d. *Per Bedroom (BR)*. The phrase "per BR" means the number of parking spaces is calculated based on the number of bedrooms.
- e. *Per Bed*. The phrase "per bed" means that the number of parking spaces is based on the total number of beds in any given facility. Per bed calculations are normally applied to uses that offer residential care or overnight accommodations with shared rooms.
- f. *Per Employee*. The phrase "per employee" means that the number of parking spaces is based on the number of employees during the shift in which the maximum number of employees is present.
- g. *Uses Involving Fleets or Vehicle Inventory*. Uses that involve fleets of vehicles (e.g. police stations fire stations, etc.) and uses that involve vehicle inventories (e.g. passenger vehicle sales or rental) shall provide parking for the fleet or inventory. Such parking shall not count toward the requirements of Table 4.11, *Off-Street Parking Requirements by Land Use*.
- h. *New and Unspecified Uses*. Where a determination of the minimum parking and/or loading requirements cannot be readily ascertained because there is uncertainty about the specific land use designation the process identified in Section 2.03.D, *Functionally Similar Uses*, shall be used to determine how to classify the use.

| Table 4.11 Off-Street Parking Requirements by Land Use | |
|---|--|
| Commercial Uses | Required Off-Street Parking Spaces |
| Animal Clinic / Animal Hospital / Animal Kennel | 1 space per 300 sf. PFA |
| Automatic-Type Car Wash | 1 space per unattended automated wash; 5 spaces per attended, automated wash with detail or hand-finishing services |
| Automobile Service Stations | 3 spaces per service bay |
| Auto-Repair Shop and Truck Repair Shop | 4 spaces per service bay |
| Bank | 1 space per 300 sf. PFA |
| Building Supplies | 1 space per 300 sf. PFA |

| Table 4.11 Off-Street Parking Requirements by Land Use | |
|---|---|
| Day Care Center | 1 space per employee + 1 space per 5 students + 5 spaces for short-term loading and unloading |
| Doctor / Dentist Office | 1 space per 300 sf. PFA |
| Farm Equipment Sales and Service | 1 space per 5,000 sf. of the use |
| Hotel / Motel | 1 space per guest room + 1 space per 300 sf. of meeting rooms and administrative offices |
| Manufactured Home Sales | 1 space per 500 sf. PFA + 1 space per 10,000 sf. outdoor storage area |
| Recreational Vehicle Park / Campground | 1 space per campsite |
| Retail Store | 1 space per 200 sf. PFA |
| Restaurant (including drive-thru) | 1 space per 75 sf. PFA |
| Planned Shopping Center | 1 space per 200 sf. PFA |
| Tattoo, Branding, and Body Piercing | 1 space per 300 sf. PFA |
| Zoo | 1 space per 300 sf. PFA |
| Industrial Uses | Required Off-Street Parking Spaces |
| Baking Plants | 1 space per 300 sf. of office area + 1 space per 1,000 sf. of warehouse |
| Bottling Plants | 1 space per 300 sf. of office area + 1 space per 1,000 sf. of warehouse |
| Concrete & Concrete Block Manufacturing | 1 space per 500 sf. of PFA |
| Electrical Manufacturing and Repair | 1 space per 400 sf of PFA |
| Equipment Manufacturing | 1 space per 400 sf of PFA |
| Food Processing Plant | 1 space per 400 sf of PFA |
| Industrial Supplies | 1 space per 300 sf of PFA |
| Junkyard | 1 space per 10,000 sf. of storage space |
| Lumber Mill | 1 space per 500 sf of PFA |
| Machine Tool Manufacturing | 1 space per 500 sf of PFA |
| Metal Fabrication | 1 space per 500 sf of PFA |
| Storage of Building Materials | 1 space per 300 sf. of office area + 1 space per 1,000 sf. of warehouse |
| Tire Recapping and Retreading | 1 space per 400 sf of PFA |
| Truck and Van Warehousing Terminal | 1 space per 300 sf. of office area + 1 space per 1,000 sf. of warehouse |
| Warehousing (except storage of dangerous or offensive items) | 1 space per 300 sf. of office area + 1 space per 1,000 sf. of warehouse |

| Table 4.11 Off-Street Parking Requirements by Land Use | |
|---|---|
| Institutional & Recreational Uses | Required Off-Street Parking Spaces |
| Amphitheater / Stadium | 1 space per 4 seats; or if no seats; 1 space per 150 sf. PFA |
| Country Club / Golf Courses | 1 space per 300 sf. PFA |
| Funeral Home | 1 space per 300 sf. PFA |
| Governmental Service (Fire, Police, Emergency Management) | 1 space per 300 sf. PFA |
| Hospital (excluding Animal) | 1 space per bed |
| Library | 1 space per 300 sf. PFA |
| Nursing Home | 1 space per 3 beds |
| Public Assembly Facilities, Indoor | 1 space per 4 seats; or if no seats; 1 space per 150 sf. PFA |
| Public Parks / Playground / Recreational Areas | 5 spaces per acre |
| Schools (Public or Private) | 1 space per 65 sq. ft. of classroom space + 1 space per 300 sq. ft. of office space |
| Residential Uses | Required Off-Street Parking Spaces |
| Apartment ¹ | 2 spaces per efficiency unit or 1 bedroom (BR); 3 spaces per du for 2 BR; 4 spaces per du for 3 BR plus |
| Duplex | 2 spaces per DU |
| Manufactured Home Park | 2 spaces per DU |
| Manufactured Housing (HUD Code) | 2 spaces per DU |
| Modular Housing | 2 spaces per DU |
| Single-Family Attached Dwellings | 2 spaces per DU |
| Single-Family Detached Dwellings | 2 spaces per DU |

Notes: ¹ The off-street parking spaces designated for each apartment unit shall be located within 100 feet of the dwelling unit served by such spaces.

Section 4.12, Outside Storage

- A. **Enclosure Required.** In all uses, other than single family detached dwellings, outside storage of permitted materials may be located in an enclosure approved by the Planning Commission and stored in such a manner as not to create a public nuisance.
- B. **Abatement.** The Board of Adjustment, in accordance with Section 7.05, *Abatement*, may abate any outside storage of permitted materials creating a public nuisance or any storage considered to be a health hazard.
- C. **Dumpster Requirements.** Approved dumpsters, which are scheduled for regular collection, shall:
1. Contain only approved refuse; and
 2. Be placed upon an isolated concrete pad measuring a minimum of 12 feet wide, 15 feet long and six inches thick. The dumpster pad does not require fencing.
- D. **Front Yard Prohibited.** No storage of any type shall be permitted in the front yard of any building.

Section 4.13, Portable Toilets

- A. **Requirement.** All new construction projects of single-family dwellings or projects of greater size shall be required to have at least one portable toilet, complying with all the regulations of ANSI z-4.3, located within the property lines of the project for which the portable toilet is required or such other areas as approved by the Planning Commission.
- B. **Statement of Compliance.** It shall be the responsibility of the Applicant to submit to the Office of the City Clerk a written statement confirming that any and all portable toilets are to be maintained in a manner conducive to the general public's health and safety.
- C. **Issuance of Building Permit.** It shall be unlawful for the Building Inspector to issue a Building Permit until:
 - 1. The Statement of Compliance has been received at the Office of the City Clerk; and
 - 2. The requirements Section 6.02, *Building Permit* have been met.

Section 4.14, Sidewalks

All properties zoned as General Business (GB) and Planned Development (PD) are required, as part of any land development application concerning this ordinance, to install a minimum of a five foot wide concrete sidewalk across the entire front property line, with the innermost edge of said sidewalk to be placed directly upon said property line. In the event that said commercial business or apartment is located on a corner lot, a similar five foot wide concrete sidewalk shall be located on the side property line facing the adjacent street.

Section 4.15, Signs and Advertising Structures

- A. **Purpose.** Advertising signs shall be used primarily for the purpose of identifying the place of business at that location.
- B. **Residential Districts.** Signs and advertising structures are prohibited in the City's residential districts.
- C. **Rural and Nonresidential Districts.** In the City's Rural/Agricultural (RA), Outdoor Recreation (OR), General Business (GB), and Industrial (IN) Districts signs and advertising structures are permitted provided that they are placed within the front yard of a place of business and shall conform to all regulations stated herein.
- D. **Obstructions and Dangerous Signs.**
 - 1. *Physical Obstructions Prohibited.* Signs and advertising structures shall not obstruct any window, door, fire escape, stairway or opening intended to provide light, air, ingress or egress for any building or structure.
 - 2. *Visual Obstructions Prohibited.* No advertising signs or structures shall be erected between four feet and ten feet above the ground that will obstruct the vision of a vehicle operator traveling upon any street, road, highway or alleyway within the City.
 - 3. *Abandoned and Unsafe Signs.* Whenever a sign or advertising structure becomes abandoned, structurally unsafe or endangers the safety of a building or premises or endangers the public safety, the Building Inspector shall order that such sign or advertising structure be made safe or removed.
 - 4. *Notice to Owner.* An order notifying the owner of a violation shall be served in

writing.

5. *Owner Responsibility.* An owner shall be required to repair or remove any violation within 30 days of receipt of the official notice..
6. *Removal.* After a second 30 day notice that a sign violates any requirement of this subsection, the City may remove the said sign or advertising structure at the owner's expense.

E. Lighting.

1. A sign may be illuminated if illumination is confined to the surface of the sign and the electrical wiring servicing said sign meets the electrical codes of the City.
2. Lighting shall be so designed that the intensity and characteristics of the lighting shall not interfere with adjoining properties or create danger of street traffic.
3. Signs shall not be erected or maintained which contain, include or are illuminated by any flashing, intermittent or moving lights, except those giving public information such as, but not limited to, time, date, temperature, weather, or news.

F. Home Occupations. One sign shall be permitted for any approved home occupation, not exceeding four square feet in area, non-illuminated and mounted flat against the wall of the principal building. Signs or displays of goods on public property are prohibited.

G. Temporary Signs. All temporary signs shall be removed by parties involved after their usefulness has been fulfilled or upon notification of the Building Inspector.

H. Billboard Signs. No billboard sign, display or device shall be hereafter erected or maintained except in the locations where the billboard signs exists as of the enactment date of this ordinance provided that the billboard sign:

1. Does not violate the current regulations of the Alabama Department of Transportation;
2. Shall not be erected, maintained, or illuminated with any flashing, intermittent or moving lights;
3. Shall not obscure or interfere with any official traffic sign, device, or signal; or
4. Shall not obstruct with the driver's view of approaching, merging or intersecting traffic.

Section 4.16, Silt Barrier

A continuous silt barrier shall be required on all construction projects, as directed by the Planning Commission, to minimize particulate run off, and shall consist of the following material:

- A. Metal fence post shall be self-fastener, angle steel type, a minimum of five feet long or a treated wood post having a minimum length of six feet. The posts shall extend a minimum of 40 inches above the ground and shall be spaced not more than the 10 feet apart.
- B. A metal field fence described as "939-6-12 1/2" shall be attached to the above-described posts with not less than "9 x 1-1/2" wire staples at each horizontal strand of wire.
- C. A filter fabric, equal in quality to MIRAFI 100x and at least 36 inches wide; shall extend a minimum of six into the ground and a minimum of 30 inches above the ground and there be attached to said metal field fence at a spacing not to exceed the manufacturer's requirements.
- D. The above described system shall be maintained throughout the life of the construction

- project and removed only at the discretion of the Building Inspector.
- E. If required, one area of the barrier, not more than 30 feet in length, may be removed to allow ingress to the property for construction equipment.

Section 4.17, Stable

It shall be unlawful to keep any animal or fowl in any stable in the City, any part of which is within 200 feet of a dwelling occupied by a person other than the person keeping the animal or fowl.

Section 4.18, Tattoo, Branding, and Body Piercing Shops

- A. **Distance Requirement to Other Land Uses.** It shall be prohibited for any tattoo facility to be located within 1,000 feet of any park, public assembly facility, public school, private school, kindergarten, daycare, public pool, athletic facility or ball facility, amusement park, miniature golf course, theater, library, places of amusement, public tennis courts, or other facilities which in the judgment of the Planning Commission, minors under the age of 18 years generally frequent or are encouraged to attend or are in the general spirit or intent of the above prohibited areas.
- B. **Distance Requirement to Other Tattoo Facilities.** It shall be prohibited for any tattoo facility to be located within a one mile radius of another tattoo facility, measuring from front door to front door.

Section 4.19, Temporary Field Offices

- A. **Location.** Structures used for temporary field offices shall be located within the property lines of the project for which the temporary field office is required, or such other areas as approved by the Planning Commission.
- B. **Installation and Removal.** All such temporary field offices shall be placed upon said property no earlier than the effective date of the Building Permit and MUST be removed from said property before the Certificate of Occupancy shall be issued. (See Section 6.02, *Building Permit*, and Section 6.03, *Certificate of Occupancy Required*.)
- C. **Power Connections.** Temporary field offices may be supplied with electrical power and telephone service, but such connections must comply with all local codes.
- D. **Use as a Dwelling Prohibited.** At no time shall any temporary field office be used as a dwelling unit.

ARTICLE V, Site Plan Review

Section 5.01, Purpose and Application

- A. **Purposes.** It is recognized by this Article that:
1. There is a value to the public in establishing safe and convenient traffic movement within the site and in relation to access streets;
 2. There is value in encouraging a harmonious relationship of buildings and uses both within a site and in relation to adjacent sites; and
 3. There are benefits to the public in conserving natural resources.
- B. **Application.** For the reasons stated in subsection (A), this ordinance requires site plan review by the Planning Commission for all commercial uses, industrial uses, institutional & recreational uses, and apartments and manufactured home parks as specified below in Section 5.02, *Site Plan Requirements*.

Section 5.02, Site Plan Requirements

- A. **All Site Plans.** All site plans shall include the following:
1. The proposed title of the project (if applicable).
 2. The name of the owners, engineer, architect, designer, and/or landscape architect.
 3. Official Application Date.
 4. Finished Ground elevations which may be shown on a separate drawing and drawn to a scale of one inch equals 100 ft. showing all buildings, sidewalks, parking areas, loading and unloading areas and driveways with special attention given to water drainage.
 5. All boundary lines of the proposed property.
 6. A legal description of the proposed property.
 7. A North Arrow and the scale of the drawing.
 8. A vicinity map showing the location of the proposed project in relation to the surrounding community.
 9. The Zoning District of the proposed building or structure and the zoning districts of the properties that immediately borders the applicant's property.
 10. All points of ingress and egress to the property and proposed structures including but not limited to all curb cuts and driveways.
 11. Off-street parking, showing:
 - a. The size of parking spaces;
 - b. The total number of parking spaces provided; and
 - c. All loading and unloading areas.
 12. Existing and proposed utilities and access roads.
 13. Buffering and Screening, if required per Section 4.01, *Buffering and Screening*.
 14. Signs, if any, and proposed exterior lighting with reference to flare, traffic and pedestrian safety, economic effect, compatibility and harmony with all other properties in the district.
 15. Location, use and dimensions of each building or structure to be constructed on building site.
 16. The location, dimensions, condition, and arrangement of all open spaces, yards,

access ways entrances, exits, pedestrian ways, widths and names of all roads or dedicated streets and size of all sidewalks.

17. The location, dimensions and type of enclosure of all outside storage facilities and refuse containers.

18. Any and all other physical improvements and/or standards as required by this ordinance.

B. Additional Requirements for Manufactured Home Parks. In addition to the requirements of Subsection (A) above, all proposed site plans that include a proposed manufactured home park(s) shall submit the following additional information as part of the site plan submittal:

1. The names and current addresses of all adjacent landowners.
2. The approximate location and size of all sanitary and storm sewers, water mains, gas lines, culverts, and any other underground facilities in or near the project.
3. Total acreage of all manufactured home projects within the total site.
4. Location of Manufactured Homes on stands, dimensions and design of each stand. Location and number of sanitary convenience including toilets, washrooms, laundries, and utility rooms to be occupied by the occupants of the manufactured home park.
5. Roadways and driveways including the width and type of surface treatment, curbs, and other physical circumstances.
6. Any area within or adjacent to the proposed manufactured home park subject to periodic inundation by storm drainage, overflow, or ponding shall be clearly shown and identified.
7. Any and all other necessary items to ensure that the requirements of Section 4.07, *Manufactured Home Parks*, and Section 4.08, *Mobile and Manufactured Home Regulations* are followed.

C. Licensed Surveyor. A surveyor who is legally registered in the State of Alabama shall prepare all site plans submitted to the Planning Commission according to the requirements of Section, and said surveyor shall affix his official seal to the drawing.

Section 5.03, Application for Review

A. Filing. Applications are to be filed as followed:

1. At the Office of the City Clerk;
2. At least 14 days prior to a regular scheduled Planning Commission meeting;
3. On forms furnished by the Office of the City Clerk;
4. Providing two copies of said Site Plan (as described in Section 5.02, *Site Plan Requirements*); and
5. A list of names and current addresses of all adjacent property owners.

B. Applicant Responsibilities. The applicant shall appear in person, by agent or attorney at the time and place of the Planning Commission meeting. Failure of the applicant to attend said Planning Commission meeting may result in the Site Plan review being rescheduled to a future Planning Commission meeting.

C. Staff Responsibilities. The Office of the City Clerk shall notify all adjacent property owners by written notice of the time and location of the Planning Commission meeting where the site plan will be reviewed.

Section 5.04, Planning Commission Actions

- A. **Review.** After a fully complete application is properly filed under Section 5.03(A), *Filing*, the Planning Commission shall review the requirements of Section 5.02, *Site Plan Requirements* to determine whether to approve or disapprove said application.
- B. **Approval.** Whenever the Planning Commission approves a Site Plan, the Office of the City Clerk shall:
 - 1. Retain one copy of the approved site plan; and
 - 2. Transmit one copy of the approved site plan to the applicant.
- C. **Denial.** Whenever the Planning Commission denies a Site Plan, the Office of the City Clerk shall notify the applicant in writing of the denial and state the specific reasons for the denial.
- D. **Amendments.** A site plan may be considered for an amendment by the Planning Commission upon the request of an applicant. The application to request the amendment must be filed by the applicant in accordance with Sec. 5.03(A), *Filing*.

Section 5.05, Expiration of Site Plan Approval

- A. **Timeframe to Obtain Building Permit.** An applicant has one year from the date of the approval of a site plan in which to obtain a building permit.
- B. **Expiration.** All site plans that do not receive a building permit within one year of the date of site plan approval shall become null and void.

ARTICLE VI, Permits and Procedures

Section 6.01, Building Inspector / Designated City Official

- A. **Generally.** The provisions of this ordinance, and all existing codes, shall be administered and enforced by the Building Inspector or a Designated City Official.
- B. **Right of Entry.** The Building Inspector or a Designated City Official shall have the right to enter upon any premises at any reasonable time prior to the issuance of a Certificate of Occupancy for the purposes of making an inspection of a building or premise necessary to enforce this ordinance. If entry is refused, the Building Inspector or a Designated City Official shall have recourse to every remedy provided by law.
- C. **Identification of Violations.** If the Building Inspector or a Designated City Official finds that any of the provisions of this ordinance are being violated he shall:
1. Notify in writing the person responsible for such violation(s), indicating the nature of the violation(s)
 2. Order the action necessary to correct any and all violations including but not limited to the:
 - a. Discontinuance of illegal use of land, buildings or structures;
 - b. Removal of illegal buildings or structures;
 - c. Discontinuance of any illegal work being done; or shall take action authorized by this ordinance, and all existing codes, to ensure compliance with or to prevent violation of its provisions. (See Section 10.01, *Enforcement*).

Section 6.02, Building Permit

- A. **Unlawful Activity.** It shall be unlawful to commence the excavation for or the construction of any building or other structure, including off-street parking facilities, accessory structures or to store building materials or erect temporary field offices, or to commence the moving, alteration, or repair, (except repairs, not changing the character of the structures and not exceed \$500.00 in total cost, or painting or wall papering) of any structure, including accessory structures, until the Building Inspector has issued for such work a building permit, and if required by the provisions of this ordinance, a certification by the Planning Commission that the Site Plan and intended use of such structure in all respects conform with the provisions of this ordinance.
- B. **Application.** Application for a building permit shall be made to the Office of the City Clerk on forms provided for that purpose.
- C. **Validity of Permit.** Any building permit issued shall become invalid unless the work authorized by it shall have been commenced within six months of its date of issue, or if the work authorized by it is suspended or abandoned for a period of one year.
- D. **Approval of Plans and Issuance of Building Permit.** It shall be unlawful for the Building Inspector to issue a building permit for any excavation or construction, until all plans and specifications have been approved by various departments involved and found to be in conformity with all existing Codes of this ordinance.
- E. **Permit to Develop in a Special Flood Area.** To apply for a building permit within a special flood hazard area, the general application for a building permit must be

completed, in addition to the "Application for Permit to Develop in a Special Flood Area." Both forms are available at the Office of the City Clerk. *See Section 4.04, Flood Hazard Areas.*

Section 6.03, Certificate of Occupancy

- A. **New Construction.** Any new building within the City limits of Good Hope, Alabama shall not be occupied nor shall the Building Inspector or a Designated City Official issue a Certificate of Occupancy unless all of the requirements of this ordinance have been satisfied.
- B. **Change in Occupancy.** Any change in the occupancy of any commercial building within the City Limits of Good Hope, Alabama shall require a Certificate of Occupancy to be issued by the Building Inspector or a Designated City Official. Such Certificate of Occupancy shall be issued only after inspection has been made of the premises in question and the premises are found to be in compliance with all ordinances of the City.
- C. **Hold on Power Service.**
1. *Unsafe or Substandard Condition.* Power shall be held on any building or structure when the Building Inspector or a Designated City Official deems the property unsafe or substandard.
 2. *Notice.* When power on any building or structure is to be held, the Building Inspector or a Designated City Official shall deliver to the power company written notice to hold such power. When the occupancy is to be changed on any such structure the power company shall notify the Office of the City Clerk when power has been discontinued.
 3. *Reinstatement of Power.* No power shall be reinstated on any such structure until the Building Inspector has made to ascertain whether or not said property meets all minimum requirements of all applicable ordinances and codes. The power company shall not reinstate such power until the Building Inspector has issued a Certificate of Occupancy.
- D. **Unlawful Activity.** It shall be unlawful for any utility Board, Electric Cooperative, Gas Board, or other such utility or their agents or employees to provide their services, tie-on or hook-up, to any new buildings within the City limits of Good Hope, Alabama without first having obtained a Certificate of Occupancy from the Building Inspector or a Designated City Official. The Building Inspector or a Designated City Official shall make an inspection of the premises in question and the building or buildings thereon to ascertain whether or not the building is in compliance with all ordinances of the City.
- E. **Temporary Service.** The Building Inspector or a Designated City Official may authorize a temporary service, tie-on or hook-up in the event temporary service is required or needed. The Building Inspector or a Designated City Official shall inspect the premises seeking such temporary service. The power company shall not tie-on or hook-up any temporary service until they have obtained notification from the Building Inspector.
- F. **Failure to Inspect.** In the event the Building Inspector or a Designated City Official fails to inspect the premises of the person, firm or corporation seeking either temporary or permanent service, within 10 days after request is submitted, then the request for a Certificate of Occupancy shall be considered waived and any Utility Board, Electric Cooperative, or other such utility may, at their discretion provide the service required.

- G. **Certificate of Occupancy Refusal.** If, after inspection is made, a Certificate of Occupancy is refused then the Building Inspector shall provide to the person, firm or corporation seeking said certificate the reasons for refusal in writing.

Section 6.04, Demolition Permit and Unsafe Buildings

- A. **Generally.** All unsafe buildings, structures, or service systems are hereby declared illegal and shall be abated by repair and rehabilitation or by demolition in accordance with the provisions of the Standard Unsafe Building Abatement Code.
- B. **Demolition Permit.** Should the owner of a property determine, on his own accord, without a judgment from a court of law that he or she would like to demolish an existing building or structure within the municipal limits of the City that he or she fully owns, then said owner shall apply for a demolition permit.
- C. **Application for Demolition Permit.** The application for a demolition permit shall:
1. Be on forms furnished by the Office of the City Clerk;
 2. Include the date and time of the proposed demolition; and
 3. Include the address of the property that is being requested for demolition.

Section 6.05, Manufactured Home Permit

- A. **Inspection.** Each manufactured home, regardless of whether it is permitted individually or as part of a manufactured home park, shall be inspected when it is placed on a lot prior to occupancy and power hook up in order to comply with this ordinance or any other ordinance of the City.
- B. **Permit.** There will be a \$25 inspection permit fee to inspect a manufactured home. If after inspection all regulations have been met, the Building Inspector will issue a Certificate of Occupancy (See Section 6.03, *Certificate of Occupancy*) or notify the power company to turn on power. However, if all regulations have not been met, the Building Inspector will issue a notice of correction to be completed by the home owner and a new inspection permit must be purchased.

Section 6.06, Performance Bond

- A. **Unlawful Activity.** It shall be unlawful for the Building Inspector or a Designated City Official to issue a Certificate of Occupancy for any new or renovated structure until sidewalks, off-street parking facilities and other such improvements have been constructed in accordance with this ordinance and the approved construction plan.
- B. **Issuance of Bond.** Upon recommendation of Building Inspector and upon approval of the City Clerk, a Performance Bond must be issued for any such improvements not completed at the time a Certificate of Occupancy is requested.
- C. **Bond Requirements.**
1. The Performance Bond must be in the proper amount, proper language, and with securities to cover a sum of one and one-half times the cost of the construction of required sidewalks, off-street parking, and other such improvements.
 2. The Performance Bond shall be in the form of a certified check or a certificate of deposit, in the name of the City.

3. At the time such improvements are completed and approved by the Building Inspector, the full amount of the Performance Bond shall be returned.

Section 6.07, Rezoning

A. Filing of Application.

1. *Required Forms.* An application for a Rezoning shall be made on forms furnished by the Office of the City Clerk.
2. *Ten Days Prior to Adoption Meeting.* Such application shall be filed with the Office of the City Clerk no later than 10 days prior to the Commission's meeting at which the application is to be considered.
3. *Application Content.* An application for any rezoning shall contain:
 - a. A description and/or statement of the present and proposed Zoning Regulation or district boundary to be applied;
 - b. The names and addresses of the owner or owners of the lot in question; and
 - c. The use of each adjacent property.
4. *Reapplication.* The Planning Commission will not reconsider said application, if denied by the City Council, for a period of 12 months.

B. Procedure.

1. *Planning Commission.* Any potential rezoning, whether initiated by the City or by a citizen request shall first be reviewed by the Planning Commission, who will make a recommendation to the City Council.
2. *City Council.* The City Council shall review the recommendation of the Planning Commission then make the final decision as to whether adopt, reject, or modify the recommendation.

C. **Fee.** A fee of \$100.00 shall be paid to the City for each application pursuant to this Section.

D. Public Hearing.

1. *Notice.*
 - a. No rezoning shall be passed unless and until the proposed ordinance has been published in full for one insertion.
 - b. An additional insertion of a synopsis of the proposed ordinance shall be required, one week after the first insertion, which synopsis shall refer to the date and name of the newspaper in which the proposed ordinance was first published.
 - c. Both insertions shall be published:
 - i. At least 15 days in advance of the ordinance's passage;
 - ii. In a newspaper of general circulation within the City;
 - iii. Contain a notice stating the time and place that the ordinance is to be considered by the City; and
 - iv. State a time and place for all persons who desire to have an opportunity to be heard in opposition to or in favor of such ordinance.
2. *Final Decisions.* No such ordinance shall become effective until after a Public Hearing.

Section 6.08, Sign Permit

- A. **Required.** Any sign or advertising structure shall be subject to a sign permit being issued.
- B. **Exception to Requirement.** No permit shall be required for signs measuring seven square feet or less in area.
- C. **Fee.** The fee for said permit shall be governed by the permit fee schedule adopted by the City.
- D. **Application.** Each permit application shall be accompanied by plans, which show the following:
 - 1. The proposed site by identifying the property owner, location, present use and zoning district.
 - 2. The location of the sign on the lot in relation to the property lines, existing signs, and structures.
 - 3. The complete structural specifications including footings, anchoring and support for protecting signs and outdoor advertising structures. Such structural specifications shall conform to the latest edition of the Standard Building Code and shall be designed by a professional engineer registered in the State of Alabama and said engineer shall place his official seal and signature to said structural specifications.
 - 4. Any additional information needed to determine if such sign is to be erected in conformance with Section 4.15, *Signs and Advertising Structures*, or any other section of this ordinance.
- E. **Decisions.** Sign Permit decisions are made by the Building Official.

Section 6.09, Special Exception

- A. **Filing of Application.**
 - 1. *Required Forms.* An application for a Special Exception Permit shall be made on forms furnished by the Office of the City Clerk.
 - 2. *Ten Days Prior to Adoption Meeting.* Such application shall be filed with the Office of the City Clerk no later than 10 days prior to the Commission's meeting at which the application is to be considered.
 - 3. *Fee.* A fee of \$100.00 shall be paid to the City for each application pursuant to this Section.
- B. **Procedure.**
 - 1. *Generally.* The Board of Adjustment shall approve or deny all special exception applications.
 - 2. *Criteria for Approval.* Special exceptions will be approved and the proposed land use shall be legal if:
 - a. In the opinion of the Board the necessary steps have been taken or will be taken by the applicant to minimize the impact of the land use upon neighboring properties.
 - b. The Board of Adjustment grants by written approval the special exception; and
 - c. The Planning Commission approves a corresponding site plan (See Article V, *Site Plan Review*).

Section 6.10, Text Amendment

A. Filing of Application.

1. *Required Forms.* An application for a Text Amendment shall be made on forms furnished by the Office of the City Clerk.
2. *Ten Days Prior to Adoption Meeting.* Such application shall be filed with the Office of the City Clerk no later than 10 days prior to the Commission's meeting at which the application is to be considered.
3. *Application Content.* An application for any amendment shall contain:
 - a. A description and/or statement of the present and proposed Zoning Regulation or district boundary to be applied;
 - b. The names and addresses of the owner or owners of the lot in question; and
 - c. The use of each adjacent property.
4. *Reapplication.* The Planning Commission will not reconsider said application, if denied by the City Council, for a period of 12 months.

B. Procedure.

1. *Planning Commission.* All potential ordinance text amendments, whether initiated by the City or by a citizen request shall first be reviewed by the Planning Commission, who will make a recommendation to the City Council.
2. *City Council.* The City Council shall review the recommendation of the Planning Commission then make the final decision as to whether adopt, reject, or modify the recommendation.

C. **Fee.** A fee of \$100.00 shall be paid to the City for each application pursuant to this Section.

D. Public Hearing.

1. *Notice.*
 - a. No text amendment shall be passed until the proposed ordinance has been published in full for one insertion.
 - b. An additional insertion of a synopsis of the proposed ordinance shall be required, one week after the first insertion, which synopsis shall refer to the date and name of the newspaper in which the proposed ordinance was first published.
 - c. Both insertions shall be published:
 - i. At least 15 days in advance of the ordinance's passage;
 - ii. In a newspaper of general circulation within the municipality;
 - iii. Contain a notice stating the time and place that the ordinance is to be considered by the municipal legislative authorities;
 - iv. State a time and place for all persons who desire to have an opportunity to be heard in opposition to or in favor of such ordinance.
2. *Final Decisions.* No such ordinance shall become effective until after a Public Hearing is held on the issue, at which parties in interest and citizens shall have an opportunity to be heard.

Section 6.11, Variance

- A. **Required Forms.** An application for a Variance shall be made on forms furnished by the Office of the City Clerk.
- B. **Process.** A variance may be granted in such individual cases of unnecessary hardship upon a finding by the Board of Adjustment provided that the following process is completed:
1. *Application.* A written application for a variance is submitted indicating the section of this ordinance under which the variance is requested. Scaled and dimensioned drawings indicating locations of existing and proposed buildings and structures, relationship to adjacent properties, both public and private, and all alleged physical constraints shall accompany the application. Photographs documenting the existing conditions may be included with the application,
 2. *Neighboring Property Owners Notified.* All contiguous property owners shall be individually notified by written letter of the time and place of the Board's meeting and the applicant's intentions at least one week prior to said meeting. The applicant shall furnish to the Office of the City Clerk a list containing the names and current addresses of said contiguous property owners.
 3. *Meeting Attendance.* The applicant shall appear in person or by agent or by attorney at the meeting.
 4. *Decision Criteria.* A variance may be granted in such individual cases of unnecessary hardship upon a finding by the Board of Adjustment using the following guidelines in their determination process:
 - a. There are exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography that are not applicable to other lands or structures in the same district.
 - b. A personal hardship exists on the part of an individual property owner, which will not permit him to enjoy the full utilization of his property, which is given to others within the City. A hardship exists only when it is not self-created, or when it is not economic in nature.
 - c. Granting the variance requested will not confer upon the applicant any special privileges that are denied to other residents of the district in which the property is located.
 - d. A literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other residents of the District in which the property is located.
 - e. The requested variance will be in harmony with the purpose of the intent of this ordinance and will not be injurious to the neighborhood or to the general welfare.
 - f. The special circumstances are not the result of the actions of the applicant.
 - g. The variance requested is the minimum variance that will make possible the legal use of the land, building, or structure.
 - h. The variance is not a request to permit a use of land, building or structure, which is not permitted in the District involved.
 5. *Building Permit Timeline.* Approval of the variance is void if a Building Permit has not been issued within twelve months of the effective date of said approval.

ARTICLE VII, Board of Adjustment

Section 7.01, Establishment

- A. **Membership.** The Board of Adjustment (Board) shall consist of five members, one of which may be a member of the Planning Commission.
- B. **Term of Appointment.** Each member is to be appointed for a term of three years except that in the first instance one member shall be appointed for a term of three years, two for a term of two years, two for a term of one year. Thereafter, each member appointed shall serve for a term of three years or until his successor is duly appointed.
- C. **Supernumerary Members.** In addition to the five regular members provided for in this subsection two supernumerary members shall be appointed to serve on such Board at the call of the Chairman only in the absence of regular members and whom so serving shall have and exercise the power and authority of regular members. Such supernumerary members shall be appointed to serve for three year terms and shall be eligible for reappointment.
- D. **Vacancy and Removal.** Appointed members may be removed for cause by the appointing authority upon written charges and after public hearing. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant.

Section 7.02, Meeting Procedure

- A. **Time of Meetings.** Meetings of the Board shall be held at the call of the Chairman and at such other times as the Board may determine. Such Chairman, or in his absence the Acting Chairman, may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public.
- B. **Rules.** The Board shall adopt and publish its own rules of procedure and keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and of other official actions, all of which shall be immediately filed in the office of the Board and shall be a public record.
- C. **Decisions.**
 - 1. *Actions Permissible.* In exercising the powers of this section, the Board may, in conformity with the provisions of this ordinance reverse or affirm wholly or partly, or may modify the decision.
 - 2. *Vote.* The concurring vote of four members of the Board shall be necessary to reverse any decision of the Building Official or a Designated City Official, or to decide in favor of the applicant on any matter concerning this ordinance.

Section 7.03, Powers of Board

The Board of Adjustment shall have the following powers:

- A. **Abatement.** Hear and decide at a public hearing whether or not a land use, whether conforming or non-conforming, meets the requirements to be abated. *See Section 7.05, Abatement.*
- B. **Administrative Appeals.** Hear and decide appeals where it is alleged there is error in

any order, requirement, decision, or determination made by an administrative official in the enforcement of this Article. *See Section 7.06, Appeals of Administrative Decisions.*

- C. **Special Exceptions.** Hear and decide special exceptions to the terms of the ordinance upon which such Board is required to pass under such ordinance. *See Section 6.09, Special Exception.*
- D. **Variances.** Authorize upon appeal in specific cases such variance from the terms of the ordinance as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of the ordinance will result in unnecessary hardship and so that the spirit of the ordinance shall be observed and substantial justice done. *See Section 6.11, Variance.*

Section 7.04, Applications

- A. **Generally.** The Board shall hear all requests and shall make final decisions based on applying the written provisions of this ordinance to said applications.
- B. **Applicant Responsibility.**
 1. *Filing in Office of the City Clerk.* The applicant must file an application in the Office of the City Clerk of the City of Good Hope.
 2. *Form and Filings.* All applications shall be made upon the form furnished for that purpose and all information shall be complete and fees paid before the application shall be considered as having been filed.
 3. *Application Fee.* Before any action shall be taken as provided in this ordinance, the applicant petitioning for amendment shall deposit with the City of Good Hope the sum of \$100 to cover the approximate cost of handling the application.
 4. *Deadline.* Applications must be filed by 4:30 p.m., 15 days prior to the date of hearing.
 5. *No Refunds.* Under no condition shall said sum or any part thereof be refunded because the Board decided to not approve an application.
 6. *Subsequent Applications.* No application for administrative appeal, special exception, or variance shall be initiated affecting the same parcel of land more often than once every 12 months.

Section 7.05, Abatement

- A. **Generally.** The Board may require the conduct of any use, conforming, or non-conforming which results in unreasonable noise, smoke, gas, vibration, fumes, dust, fire, radio interference, or explosive hazard or nuisance to surrounding property to be modified or changed to abate such hazard.
- B. **Public Hearing Required.** An order of abatement may only be directed by the Board after a Public Hearing, notice of which shall be sent by registered mail to the owners and/or operators of the property on which the use is conducted in addition to due notice of advertisement in a newspaper of general circulation.
- C. **Petition Required.** A hearing to consider issuance of an abatement order shall be held by the Board either upon petition signed by any person affected by the hazard or nuisance or upon the initiative of the Board.
- D. **Order.** An abatement order shall be directed by the Board only upon reasonable evidence

of hazard or nuisance and such order shall specify the date by which the hazard or nuisance shall be abated.

Section 7.06, Appeals of Administrative Decisions

A. Eligibility to Appeal.

1. Appeals to the Board may be taken by any person aggrieved by a decision of the Building Inspector or a Designated City Official.
2. Such appeal shall be taken within a reasonable time, not to exceed 60 days, as provided by the rules of the Board, by filing with the Building Inspector a written notice of appeal specifying the grounds thereof.

B. Procedure.

1. All papers constituting the record upon which the action appealed from was taken shall be transmitted to the Board. An appeal stays all proceedings in furtherance of the action appealed from, unless the Building Inspector certifies to the Board after the notice of appeal shall have been filed with him, that by reasons of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life and property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board or by a court of record on application, on to the Building Inspector and on due cause shown.
2. The Board shall fix a reasonable time for the public hearing of appeals or other matters referred to it, and give public notice thereof as well as due notice thereto to the parties in interest, and decide the same within a reasonable time. Upon a hearing, any party may appeal in person, or by agent or by attorney.

Section 7.07, Appeal of Board of Adjustment Decisions

Any party aggrieved by any final judgment or decision of the Board, may within 15 days thereafter appeal to the Circuit Court of Cullman County by filing a written notice of appeal specifying the judgment or decision from which the appeal is taken.

ARTICLE VIII, Planning Commission

Section 8.01, Establishment

A. Authority.

1. The Good Hope Planning Commission (Commission) is established under authority granted by the City Council of the City as provided in Title 11, Chapter 52, Article 1, Code of Alabama 1975.
2. The Commission shall be governed by this ordinance.

B. Composition.

1. *Members.* The membership of the Commission shall be composed of nine members which shall include:
 - a. The Mayor;
 - b. The City Clerk or a Designated City Official as selected by the Mayor;
 - c. A member of the City Council to be selected by the City Council as a member ex-officio; and
 - d. Six persons who shall be appointed by the Mayor.
2. *Chairman.*
 - a. A Chairman shall be elected by the members of the Commission.
 - b. The Chairman's term shall be for one year beginning with the date of election, and the chairman shall be eligible for re-election.
 - c. The Chairman shall decide upon all points of order and procedure subject to these Rules of Procedure unless directed otherwise by a majority of the Commission in session at the time.
 - d. The Chairman may appoint any subcommittee deemed necessary to investigate any matter before the Commission.
3. *Vice Chairman.*
 - a. A Vice Chairman shall be elected by the Commission from among its regular members in the same manner and for the same term as the Chairman.
 - b. The Vice Chairman shall serve as an acting Chairman in the absence of the Chairman, and at such times the Vice Chairman shall have the same powers and duties as the Chairman.
4. *Secretary.* The City Clerk shall:
 - a. Serve as Secretary;
 - b. Perform the administrative and clerical functions;
 - c. Keep all records; and
 - d. Handle all correspondence and notices for the Commission.

C. Terms of Membership.

1. The terms of ex-officio members shall correspond to their respective official tenures, except that the term of the administrative official selected by the Mayor shall terminate with the term of the Mayor selecting such administrative official.
2. The term of each appointed member shall be six years or until his successor takes office.

D. Method of Replacement.

Vacancies occurring otherwise than through the regular expiration of term shall be filled for the unexpired term by:

1. The Mayor in the case of members selected or appointed by the Mayor; and
2. The City Council in the case of council members selected by council.

Section 8.02, Meeting Procedure

- A. **Regular Meetings.** Regular meetings of the Commission shall be held in City Hall, however if the Commission Chairman so directs, meetings may be held at any other location in the City.
- B. **Special Meetings.** Special meetings of the Commission may be called at any time by the Chairman. Written or oral notice of the time and place of a special meeting shall be given to each member of the Commission.
- C. **Cancelation of Meeting.** Whenever there are no applications, public hearings, or other business for the Commission, the Chairman may dispense with a regular meeting by giving written or oral notice to all members.
- D. **Meetings Open to the Public.** All meetings shall be open to the public. The order of business at regular meetings shall be as follows:
 1. Roll Call.
 2. Approval of minutes of previous meeting.
 3. Hearing of cases.
 4. Unfinished business.
 5. New Business.
- E. **Conflicts of Interest.** No commission member shall take part in the hearing or decision of any case in which such member shall be personally or financially interested.
- F. **Quorum.** A quorum shall consist of four members of the Commission. When less than four members are present for any hearing, then those that are present shall agree to and announce the time and place for a continued hearing.
- G. **Minutes.** The minutes of every meeting of the Commission shall be kept in a permanent volume in the office of the City Clerk, and shall be a public record. These shall show the record of every action taken by the Commission and the reason therefore and every resolution acted upon by the Commission.

Section 8.03, Powers of Commission

The Planning Commission shall have the following powers:

- A. **Rezoning.** Review and provide a recommendation to the City Council as to whether or not to approve or deny all rezoning applications.
- B. **Text Amendments.** Review and provide a recommendation to the City Council as to whether or not to approve or deny all text amendment applications which would modify the provisions of this ordinance.
- C. **Site Plans.** Review, approve, deny, and/or amend all site plans properly submitted to the City using the requirements of Article V, *Site Plan Review*, to determine compliance.

Section 8.04, Applications

- A. **Generally.** The Commission shall hear all requests and shall transmit their recommendations to the City Council.

B. Applicant Responsibility.

1. *Filing in Office of the City Clerk.* The applicant must file an application for a hearing in the Office of the City Clerk of the City of Good Hope.
2. *Form and Filings.* All applications shall be made upon the form furnished for that purpose and all information shall be complete and fees paid before the application shall be considered as having been filed.
3. *Application Fee.* Before any action shall be taken as provided in this ordinance, the applicant petitioning for amendment shall pay a fee of \$100.
4. *Deadline.* Applications must be filed by 4:30 p.m., 15 days prior to the date of hearing.
5. *No Refunds.* Under no condition shall said sum or any part thereof be refunded for failure of each proposed amendment to be enacted into law.
6. *Subsequent Applications.* No action shall be initiated for rezoning affecting the same parcel of land more often than once every 12 months unless a unanimous resolution of the City Council is passed as an exception to this rule.

Section 8.05, Hearings**A. Applicant Attendance.** Any party may appear at the hearing to represent their interests either by appearing

1. In person;
2. By agent; or
3. By attorney.

B. Order of Hearing. The order of each hearing shall be as follows:

1. The Chairman, or such person as the chairman shall direct, shall give a preliminary statement of the case.
2. The applicant shall present the argument in support of the application.
3. Persons opposed to the application shall present the argument against the application.
4. Both sides will be permitted to present rebuttals to opposing testimony.
5. The Chairman shall summarize the evidence which has been presented, giving the parties opportunity to make objections and corrections.

C. Submittal of Evidence.

1. Witnesses may be called and factual evidence may be submitted, but the Commission shall not be limited to consideration of such evidence as would be admissible in a court of law.
2. The Commission may view the premises before arriving at a decision.

D. Rehearings.

1. An application for a rehearing may be made in the same manner as provided for in an original hearing.
2. The application for rehearing shall be denied by the Commission if from the record it shall appear that there has been no substantial change in facts, evidence, or conditions.

Section 8.06, Decisions

- A. **Majority of Members Present.** Provided that a quorum per Section 8.02(F) is present, a majority of the members present at a meeting must either recommend or decide in favor of a matter for that matter to either be approved or recommended to the City Council.
- B. **Record of Decision.** The final decision of the Commission shall be shown in the record of the case as entered in the minutes of the Commission and signed by the Chairman and City Clerk. Such record shall show the reasons for the determination.

ARTICLE IX, Mayor and City Council

Section 9.01, Membership and Meeting Procedure

- A. **Membership.** The City Council consists of the Mayor and five City Council members.
- B. **Meeting Procedure.** The Office of the City Clerk maintains all processes and procedures relating to the Mayor and the City Council and the integration of this ordinance.

Section 9.02, Powers of the Mayor and City Council

The Mayor City Council shall have the following powers as it relates to this ordinance:

- A. **Ordinance Amendments.** The Mayor and City Council shall have the final decision making authority as to the any amendment to this ordinance.
- B. **Rezoning.** The Mayor and City Council shall have the final decision making authority as to any rezoning application.
- C. **Appointments to the Board of Adjustment and Planning Commission.** The Mayor and City Council shall have the power to appoint persons to the Board of Adjustment and the Planning Commission as specified in Article VII, *Board of Adjustment*, and Article VIII, *Planning Commission*.

ARTICLE X, Enforcement and Remedies

Section 10.01, Enforcement

Any person, firm or cooperation violating any provision of this ordinance shall be subject to the following procedures:

- A. **Notification of Violation.** The Building Inspector shall notify the person, firm, or cooperation that they are in violation of this ordinance by presenting in person or by Certified Mail with return receipt:
 1. A copy of the section of the ordinance being violated;
 2. A written explanation of the exact cause of the violation; and
 3. A specified amount of time in which to correct said violation.
 4. One such notice shall be issued to any person, firm, or cooperation at the same address provided the occupancy or ownership does not change.
- B. **Expiration of Time to Correct Violation.** If, after the above described notice has been served, the time period for correcting the violation has expired the Building Inspector shall prepare a legal notice to be signed by himself and a duly appointed City official to be mailed by Certified Mail with return receipt requested, to the person, firm, or cooperation in violation of said this ordinance. The legal notice shall contain a copy of the section of the ordinance being violated, a "written explanation of the exact cause of the violation, a specified amount of time in which to correct said violation and photographs of said violation.
- C. **Issuance of Citation by Sheriff.** If, after the procedures listed above have been followed, the violation has not been corrected, the Building Inspector shall certify to the Sheriff of Cullman County, on a form provided for that purpose, that the violation has not been corrected. The Sheriff or his authorized representative shall issue a citation to the person, firm, or cooperation violating said ordinance. The citation shall contain an explanation of the violation and the fine as prescribed by law.
- D. **Repeated Violations.** Repeated violations of the same section of this ordinance by the same person, firm, or cooperation at the same address shall be subject to subsection C of the above-described procedure without benefit of subsections A or B.
- E. **Dispute as to Property Boundary.** For the purpose of this Section of this ordinance, if a person, firm or cooperation does not agree with the Building Inspector as to the exact location of property lines, it shall be the responsibility of the person, firm, or cooperation to provide a land survey at their expense to determine said property lines.
- F. **Violation of Certificate of Occupancy.** If any person, firm, corporation, Utility Board, Electric Cooperative, or other such utility provides the services of their utility without a Certificate of Occupancy, they shall be guilty of a misdemeanor and upon conviction, in a court of law, shall be punished as follows: A fine of not less than \$25.00 nor more than \$500.00 or imprisonment in the City jail for a term not to exceed six months, or both such fine and imprisonment.

Section 10.02, Remedies

In case any building or other structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained, or any building, structure or land is used in violation of this ordinance, the Building Inspector may institute injunction, mandamus, or other appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use, to correct or abate such violation or to prevent occupancy of such buildings, structure, or land.

ARTICLE XI, Definitions and Interpretation

Section 11.01, Interpretation of Commonly Used Terms and Words

- A. **Words Not Defined.** Except as defined in Section 11.03, *Definitions*, all other words used in this ordinance shall have their customary dictionary definition.
- B. **Use of Word Tense.**
1. Words used in the present tense include the future tense.
 2. Words used in the singular number include the plural, and words used in the plural include the singular, unless the natural construction of the wording indicates otherwise.
 3. The word "person" includes a firm, association, corporation, trust, and company, as well as the individual.
 4. The word "shall" is mandatory; the word "may" is permissive.
 5. The words "used" or "occupied" include the words "intended"; "designed" or "arranged to be used or occupied".

Section 11.02, Severability

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

Section 11.03, Definitions

Access: A way of approaching or entering a property.

Accessory Structure: A detached subordinate, located on the same building site with the main structure, the use of which is incidental to that of the main structure.

Accessory Use: A use customarily incidental to the principal use of a building site or to a structure and located upon the same building site with the principal use.

Adjoining: Having property of district lines in common.

Alley: Any public space or thoroughfare 20 feet or less in width which has been dedicated or deeded for public use, but which affords only a secondary means of access to abutting property and not intended for general traffic circulation.

Alteration: Any change or modification in construction or occupancy.

Animal: Any domesticated creature of the canine, feline, equine, bovine, sheep, goat, or swine species or type.

Apartment: A dwelling unit.

Apartment House: Any building or portion thereof used as a multiple dwelling for the purpose of providing three or more separate dwelling units which may share means of egress and other essential facilities.

Attached: Dwelling units sharing a common wall.

Automatic Car wash: Any apparatus, which mechanically washes vehicles, whether coin, operated or manually operated.

Board: The Board of Adjustment as established by this ordinance.

Boarding House: A building other than a hotel, cafe, or restaurant where, for compensation and by prearrangement, meals are provided for three or more persons.

Buffer Strip: A separation area established to protect one type of land use from another.

Building: Any structure having a roof supported by columns or by walls, and intended for shelter, housing or enclosure of persons, animals or chattels.

Buildable Area: The portion of a lot remaining after required yard setbacks have been provided and occupied by the main building, including porches, carports, accessory buildings and other structures.

Building, Front: The side facing the main access street.

Building Height: The vertical distance from the grade line adjacent to a building to the highest finished roof surface in the case of flat roofs, or to a point at the mean height between the eave and ridge of a gable, hip or gambrel roof.

Building Inspector: Unless otherwise specifically stated as such, this is the administrative officer who is empowered to enforce this ordinance. The term Building Inspector may include a Designated City Official if and only if the inspection being completed does not require a state approved license and/or permit.

Building Setback Line: A line parallel to the property line in front of which no structure may be erected.

Building Site: The land occupied or to be occupied by a structure and its accessory structures and including such open spaces, yards, off-street parking and loading areas as required by this ordinance.

Certificate of Occupancy: Official certification that a premise conforms to the provisions of the this ordinance and all building codes and may be used or occupied.

City: The City of Good Hope, Alabama.

Clinic, Dental, or Medical: A building in which a group of physicians, dentists, and allied professional assistants are associated for the purpose of carrying on their profession; the clinic may include a dental or medical laboratory but it shall not include in-patient care or operating rooms for major surgery.

Club: An organization catering exclusively to members and their guests, including premises and buildings for social, recreational, athletic, and other purposes of common interest, which are not conducted primarily for gain, and whose chief activity is not a service customarily carried on in a business.

Commerce: Buying and selling of goods made or done primarily for profit.

Completely Enclosed Structure: A building enclosed by a permanent roof and solid exterior walls pierced only by windows and customary entrance and exit doors.

Condominiums: A single-family dwelling constructed in a complex or group of attached units where the residents have individual ownership of the dwelling units while they have collective of all lands associated with the complex.

Designated City Official: The Mayor, City Clerk, or other City official with a title and position with the City that permits the individual to complete inspections on the behalf of the City. This term does not include those duties that require a state approved license to grant an administrative permit.

District: Any section of the City in which zoning regulations are uniform.

Drive-In Restaurant: A restaurant or public eating business, so constructed that food, meals, or refreshments are brought to the motor vehicles for consumption by the customer or patron.

Duplex: A building arranged to be occupied by two families, living independently of each other, the structure having two dwelling units.

Dwelling Unit: One or more rooms in the same structure, connected together and constituting a separate, independent housekeeping unit for permanent residential occupancy and with facilities for sleeping and cooking.

Easement: A grant by the property owners of use, by the public, a corporation, or persons of a strip of land for specified reasons, or as created by law.

Family: One or more persons living together as a single housekeeping unit and doing their cooking on the premises.

Floor Area: shall mean gross floor area. When this term is used for calculating required parking spaces, the term shall not include any area used for parking within the principal building or any area used for incidental service storage, installations of mechanical equipment, ventilators and

heating systems, and similar uses.

Front Yard: Area bounded by a line running from one side property line to the other side property line across the front of the building to the front property line at the main access street.

Home Occupation: An occupation, as approved by the Board of Adjustment, conducted entirely within the dwelling unit.

Hospital: An institution providing health services, primarily for in-patients, and medical and surgical care of the sick or injured, including as an integral part of the institution, such related facilities as laboratories, out-patient departments, training facilities, central service facilities and staff offices.

Hotel: Any building or portion thereof, which contains at least 10 guest rooms, intended for occupancy by individuals for compensation whether paid directly or indirectly.

Junkyard: The use of more than 600 square feet of any lot or tract for the outdoor storage and/or sale of waste paper, rags, scrap metal, or other junk.

Land Covenants: Unless restrictions established by covenants with the land are prohibited by, or are contrary to, the provisions of this ordinance, nothing herein contained shall be construed to render such covenants inoperative.

Lot: A portion of a subdivision or any parcel of land intended as a unit for transfer or ownership or for development, or both. The word "lot" shall also include the word "plot" or "parcel".

Lot, Corner: A parcel of land, which occupies the interior angle at the intersection of two or more streets. The street line forming the least footage shall be deemed the front of the lot except where the street lines are equal, in which case the owner shall be required to specify which is the front.

Lot Depth: The mean distance of the side lines of the lot as measured from the midpoint of the front lot line to the midpoint of the rear lot line.

Lot Width: The distance between the side lot lines as measured at the building setback line.

Manufactured Home: A home transportable in one or more sections, which in the traveling mode is eight body feet or more in width or forty body feet or more in length, or when erected on site is three hundred twenty or more square feet and which is built on a permanent foundation, when connected to the required utilities, and includes plumbing, heating, air conditioning and electrical systems. The home is built to the National Manufactured Housing Construction and Safety Standards Act.

Minimum Regulations: Regulations set forth by this ordinance shall be Minimum regulations. If the District requirements set forth in this ordinance are in conflict with the requirements of any other lawfully adopted uses, regulations or ordinances the more restrictive or higher standard

shall govern.

Modular Home: A factory fabricated transportable home consisting of units designed to be incorporated at a building site on a foundation and used for residential purposes. A modular home must have a seal of compliance according to the regulations of the Alabama Manufactured Housing Commission.

Mobile Home: Any detached residential dwelling, built prior to June 15, 1976, prior to the National Manufactured Housing Construction Safety Standards Act. Designed and fabricated to be transported on its own wheels and axles arriving at the site where it is to be occupied as a dwelling, completed and ready for occupancy includes the plumbing, heating, air conditioning and electrical systems. Travel Trailers, campers, recreational vehicles, and motor homes are not to be considered as Manufactured Homes, Mobile Homes, or House Trailers.

Motel: A building or group of buildings containing 10 or more guest rooms having separate outside entrances for each room or suite.

Non-Conforming: Though ordinarily lawful, does not conform to the provisions of this ordinance or any amendments thereto for the district.

Off-Street Parking: The placing of any object that is mobile in character within the lot.

Offices: Space or rooms used for conducting a business or service activity in private.

Open Space: A yard area not used for a building, structure, driveway, parking, loading or storage.

Open Storage: Unroofed storage areas, whether fenced or not.

Parking Space: A designated space, for parking of an object that is mobile in character, containing no less than 200 square feet.

Permitted Use: Allowed use in a district when conforming to the provisions of this ordinance.

Planned Development: A tract of land under single, corporation; firm, partnership or association ownership, planned and developed as an integral unit, in a single development operation or a definitely programmed series of development operations and according to an approved development plan.

Prohibited Use: Use not allowed in the District.

Public or Private Transportation System: Any mode of transportation engaged in or available for moving the general public from one destination to another, which utilizes public roads and highways.

Rooming House: Any building or portion thereof which contains not less than three nor more

than nine guest rooms which are designed or intended to be used, let or hired out for occupancy by individuals for compensation whether paid directly or indirectly.

Seating Capacity: The number of persons for which a public assembly uses is designed to seat. This is typically determined by the number of seat that exist within a facility. Where bench type seating is provided, a distance of 18 inches shall be used to determine the total number of seats.

Setback: The distance, perpendicular to the appropriated building face, measured from the outside of the structure to the nearest building line.

Sign: Any structure or part thereof, which is used to announce, direct attention to, or advertise.

Single Family Dwelling: A building designed, arranged, and/or used for one family living as a single housekeeping unit with cooking facilities; the structure having only one dwelling unit.

Special Exception: A use that may be allowed within the district, but only upon the written approval of the Board of Adjustment and subject to the approval of the site and development plan by the Planning Commission.

Stand: An area within a manufactured home park which has been improved for a single manufactured home as provided by this ordinance.

Storage: A building or outside area where materials are kept.

Street: A dedicated and accepted public right of way for vehicular traffic which affords the principle means of access to abutting properties.

Street Line: The dividing line between a right of way and the contiguous property.

Structure: Anything constructed or erected, the use of which requires permanent location on the ground, or attachment to something having permanent location on the ground, including buildings or signs.

Use: The purpose, for which land, buildings or structures are designed, arranged or intended, or for which they may be occupied or maintained.

Variance: A relaxation of the terms of this ordinance where such relaxation will not be contrary to the public interest.

Warehouse: A building where goods are stored before being distributed to a retailer.

Yard: An open area of a lot, not occupied by any building or structure measured from a property line to the nearest point of a structure.

Yard, Front: That area extending across the entire width of a lot between the front of the main building and the front lot line.

Yard, Rear: That area extending across the entire width of a lot between the rear of the main building and the rear lot line.

Yard, Side: That area extending along a side lot line, from the front yard to the rear yard, between the main building and said side lot line.