
Proposed Zoning Ordinance of Macon County

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ZONING ORDINANCE OF MACON COUNTY, ALABAMA

AN ORDINANCE, IN PURSUANCE OF THE AUTHORITY GRANTED BY ACT NO. 2001-562 ENACTED BY THE LEGISLATURE OF ALABAMA, MAY 2001 TO PROVIDE FOR THE ESTABLISHMENT OF DISTRICTS WITHIN MACON COUNTY, ALABAMA: TO REGULATE WITHIN SUCH DISTRICTS THE HEIGHT, NUMBER OF STORIES, AND SIZE OF BUILDINGS AND OTHER STRUCTURES, THE PERCENTAGE OF LOT THAT MAY BE OCCUPIED, THE SIZE OF YARDS AND OTHER OPEN SPACES, THE DENSITY OF POPULATION AND THE USE OF BUILDINGS, STRUCTURES, AND LAND, AND TO PROVIDE METHODS OF ADMINISTRATION OF THIS ORDINANCE AND PENALTIES FOR THE VIOLATION THEREOF.

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ARTICLE 1
PURPOSE, ENACTMENT AND TITLE

Section 1.1 Purpose

The purpose of this ordinance is to promote the health, safety, morals and general welfare; to encourage the use of lands and natural resources in Macon County in accordance with their character and adaptability; to limit the improper use of land; to provide for the orderly development and growth of Macon County; to reduce hazards to life and property; to establish the location and size of and the specific uses for which dwellings, buildings and structures may hereafter be erected or altered, and the minimum open spaces and sanitary, safety and protective measures that shall be required for such buildings, dwellings, and structures; to avoid congestion on the public roads and streets; to provide safety in traffic and vehicular parking; to facilitate the development of an adequate system of transportation, education, recreation, sewage disposal, safe and sufficient water supply and other public requirements; to conserve life, property and natural resources and the expenditure of funds for public improvements and services to conform with the most advantageous uses of land, resources and properties, for the general good and benefit to the people of Macon County.

Section 1.2 Short Title

This ordinance shall be known and may be cited as the “*Macon County Zoning Ordinance.*”

Section 1.3 Authority

The rules and ordinances herein set forth are hereby adopted in accordance with the requirements of Alabama Legislative Act 2001-562 .

Section 1.4 Jurisdiction

This ordinance shall serve as the Zoning Ordinance for all the areas of Macon County, which are subject to the authority of the Macon County Planning Commission. Any Beat of the county in which a majority of the qualified electors vote to accept the zoning authority of the Planning Commission shall be subject to this ordinance and subsequent amendments thereto with the exception of all territories within the corporate limits of any municipality. Territories annexed by a municipality in the future shall be subject to the regulations of such municipality. In the event territory now lying within the corporate limits of a municipality, located in any beat subject to zoning, is removed from the corporate limits of such municipality the affected territory shall be automatically zoned RR Rural Residential until rezoned by the Macon County Planning Commission.

Section 1.5 Repeal of Regulations and Ordinances

This is a comprehensive enactment of zoning ordinances for Macon County in compliance with the requirements of Alabama Legislative Act 2001-562. All prior zoning regulations and ordinances adopted pursuant to Alabama Legislative Act 2001-562 are hereby superseded and repealed.

Section 1.6 Conflict With Other Laws

Whenever the requirements of these ordinances are at variance with the requirements of any other lawfully adopted statutes, rules, regulations or ordinances, the more restrictive, or that imposing the higher standards, shall govern.

Section 1.7 Separability

Each phrase, sentence, paragraph, section or other provision of these ordinances is severable from all other such phrases, sentences, paragraphs, sections and provisions. Should any phrase, sentence, paragraph, section or provision of these ordinances be declared by the courts to be unconstitutional or invalid, such declaration shall not affect any other portion or provision of these ordinances.

Section 1.8 Disclaimer of Liability

This ordinance shall not create liability on the part of the Macon County Commission or its assigns, the Macon County Planning Commission, the Macon County Board of Adjustment, or any officer or employee thereof for any damages that may result from reliance on these ordinances or any administrative decision lawfully made hereunder.

Section 1.9 Adoption

The *Macon County Zoning Ordinance* was adopted by the Macon County Commission on the _____ day of _____, 2007. It shall take effect and be in force from and after the date of adoption. The zoning map approved for each Beat that elects to come within the planning and zoning authority of the Macon County Commission is hereby adopted and made a part of this ordinance.

ARTICLE 2 DEFINITIONS

Section 2.1 Generally

For the purpose of this ordinance, certain terms and words are hereby defined. Words used in the present tense shall include the future; the singular number shall include the plural and the plural the singular; the word "building" shall include the word "structure"; the word "person" includes a firm or corporation as well as an individual; the word "lot" includes the word plot or parcel; the term "shall" is always mandatory; and, the word "used" or "occupied" as applied to any land or building shall be construed to include the words intended, arranged, or designed to be used or occupied.

Section 2.2 Definitions

For the purpose of this Ordinance certain words and terms shall be defined as follows:

Accessory structure or use. A subordinate structure or a portion of the main structure, the use of which is incidental to the main use of the premises. An accessory use is one, which is incidental to the main use of the premises.

Alley. A public thoroughfare, which affords only a secondary means of access to abutting property.

Apartment building. See "Multiple dwelling."

Assisted Living Facility. A general term for a permanent building, portion of a building, or group of buildings (not including manufactured homes or trailers), used for adult congregate care in which room, board, meals, laundry, and assistance with personal care and other services are provided for not less than twenty-four hours in any week to a minim of two ambulatory adults not related by blood or marriage to the owner and/or administrator, including independent living facilities and residential care facilities. Assisted living facilities shall be classified as set forth in the Alabama Administrative Code (AAC) 420-5-4.03.

Basement. A story having a part but not more than one half of its height below grade. A basement is counted as a story for the purpose of height regulations.

Boardinghouse. A dwelling other than a hotel, where for compensation and by prearrangement for definite periods, meals, or lodging and meals, are provided for three or more persons.

Building. Any structure having a roof supported by columns or walls designed or built for the support, enclosure, shelter, or protection of persons, animals, chattels, or property of any kind.

Building, height of. The vertical distance from the grade to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or to the average height between eaves and ridge for gable, hip and gambrel roofs.

Build-To Setback Line. A line shown on a site development plan which designates a specific location for proposed structures or landscaping for the purpose of meeting certain design or development purposes, in lieu of the minimum yard requirements and specified as part of a site development plan approved by the Planning Commission.

Cellar. That portion of a building between floor and ceiling which is wholly or partly below grade, and having more than one half of its height below grade. A cellar is not counted as a story for the purpose of height regulations.

Childcare facility. A facility established for the care of children as defined in §38-7-2 of the *Code of Alabama, 1975*. For the purposes of this ordinance, this definition includes the following:

- a. *Child care center.* This includes facilities licensed as day care centers and nighttime centers in accordance with §38-7-2 of the *Code of Alabama, 1975*. Day care centers and nighttime centers serve more than twelve children.
- b. *Child care institution.* This includes facilities licensed as group homes and child care institutions in accordance with §38-7-2 of the *Code of Alabama, 1975*. These facilities provide full time care.

Clinic. A building or a portion of a building where patients are not lodged overnight, but are admitted for examination and treatment by a group of physicians or dentists practicing together.

Club, private. A building or portion thereof or premises owned or operated by a corporation, association, person or persons for a social, educational, or recreational purpose, but not primarily for profit or to render a service which is customarily carried on as a business.

Continuing Care Retirement Community. A licensed housing development that is planned, designed, and operated to provide a full range of accommodations and services for elderly adults, including independent living, congregate residential housing, medical care, and other support services. These facilities are generally designed utilizing a campus concept, and may offer rental as well as ownership options. CCRCs may also accommodate adult day-care facilities within the community, provided sufficient land area for any additional structures and parking requirements is available.

District. Same as *Zoning District*.

Dwelling. Any building or portion thereof, which is used for residential purposes.

Dwelling, multiple. A building designed for or occupied exclusively by three or more families.

Dwelling, single-family. A building designed for or occupied exclusively by one family.

Dwelling, two-family. A building designed for or occupied exclusively by two families.

Dwelling unit. One or more rooms located within a building and forming a single habitable unit with facilities, which are used or intended to be used for living, sleeping, cooking and eating purposes.

Family. One or more persons occupying a dwelling and living in a single housekeeping unit, all of whom or all but two of whom are related to each other by birth, adoption, or marriage as distinguished from a group occupying a boardinghouse, rooming house, assisted living facility, independent living facility, residential care facility, nursing home or hotel, as herein defined. (MB 11/185 or Resolution # 98-04-27-03)

Floor area. The gross horizontal areas of all floors, including penthouses (but excluding such areas within a building which are used for parking) measured from the exterior faces of the exterior walls of a building. Basements and cellars shall not be included in the gross floor area.

Frontage, street. All the property on one side of a street between two streets which intersects such street (crossing or termination), measured along the line of the street, or if the street is

dead-ended, then all of the property abutting on one side between a street which intersects such street and the dead end of the street.

Garage, private. An accessory building designed or used for the storage of motor-driven vehicles owned and used by the occupants of the building to which it is accessory.

Garage, public. A building or portion thereof, other than a private, storage, or parking garage, designed or used for equipping, servicing, repairing, hiring, selling, or storing of motor-driven vehicles, but not including the storage of wrecked or junked vehicles.

Garage, storage or parking. A building or portion thereof designed or used exclusively for storage of motor-driven vehicles, and within which motor fuels and oils may be sold, but no vehicles are equipped, repaired, hired or sold.

Grade. The average level of the finished ground surface adjacent to the exterior walls of the building.

Home occupation. Any occupation or activity which is clearly incidental to use of the premises for dwelling purposes and which is carried on wholly within a main building or accessory building by a member of a family residing on the premises, in connection with which there is no advertising and no display or storage of materials or exterior identification of the home occupation or variation from the residential character of the premises and in connection with which no person outside the family is employed and no equipment used other than that normally used in connection with a residence. A home occupation shall not include beauty parlors, barbershops or doctors or dentists' offices for the treatment of patients.

Hotel. A building which lodging, or boarding and lodging are provided and offered to the public for compensation and in which ingress and egress to and from all rooms are made through an inside lobby or office supervised by a person in charge at all hours. A hotel is open to the transient public in contradistinction to a boardinghouse, or a rooming house, which are herein separately defined.

Independent Living Facility. A licensed facility planned, designed, and managed to include multi-unit rental housing with self-contained apartment dwellings intended for elderly adults. Support facilities may include meals, laundry, housekeeping, transportation, social, recreational, or other services. The facility may or may not include resident staff and administration.

Institution. The structure or land occupied by a group, cooperative, board, agency or organization created for the purpose of carrying on non-profit functions of a public or semi-public nature, including but not limited to hospitals, schools, churches, fraternal orders and orphanages, and also including residential accessory uses, such as rectories, parsonages, dormitories and dwellings for resident administrators, watchmen, custodians or caretakers.

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

Lot. Land occupied or intended for occupancy by a use including the yards and parking spaces required therein, and having its principal frontage upon a street.

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

Lot, through. A lot other than a corner lot abutting two streets.

Lot of record. A lot which is part of a subdivision, the plat of which has been recorded in the office of the probate judge of Macon County, Alabama, or a parcel of land described by meets and bounds, the plat of description of which has been recorded in said office. If a

portion of a lot or parcel has been conveyed at the time of the adoption of this ordinance, the remaining portion of said lot or parcel shall be considered a lot of record.

Lot width. The width of the lot at the front building setback line.

Manufactured home. A structure, originally designed to be transportable in one or more sections which is built on a permanent chassis, and designed to be used as a dwelling with or without permanent foundation, when connected to the required utilities, and includes plumbing heating, air-conditioning and electrical systems contained therein.

Manufactured home community. A contiguous parcel of land under single or same ownership, which has been planned, improved and used for the placement of six or more manufactured homes for residential occupancy. The placement of manufactured homes on the property shall be by leasehold only, and no individual lots may be sold within the community without proper subdivision approval.

Mobile home. Any manufactured home built prior to June 15, 1976. See also “Manufactured home.”

Mobile home park. See manufactured home community.

Motel. A building or group of buildings used for the temporary occupancy of transients and containing no facilities for cooking in the individual units.

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

Nursing Home. A licensed facility or home for the aged and/or infirm in which three or more persons not of the immediate family are received, kept, provided with food and shelter, or care for compensation; but not including hospitals, clinics, independent living facilities, residential care facilities, or similar establishments devoted primarily to the diagnosis and treatment of the sick or injured. Twenty-four hour direct medical, nursing, and other health services are provided.

Outdoor recreation. This land use includes areas where outdoor recreational activities are the primary use such as public parks or other recreational areas whether public or private. Activities may include picnicking, jogging, cycling, arboretums, hiking, golf courses, play grounds, ball fields, outdoor ball courts, stables, outdoor swimming pools, and water-related or water-dependent uses such as boat ramps, fishing docks and piers, and similar outdoor recreational uses. Specifically excluded from this group of uses are firing ranges, marinas, miniature golf courses, golf driving ranges, race tracks, and similar commercial recreational or quasi-recreational activities inconsistent with the allowable outdoor recreation uses described.

Overlay district. A special district that includes supplemental development and/or design guidelines or standards due to the overlay district’s special characteristics.

Parking lot. An open area used exclusively for the temporary storage of motor vehicles and within which motor fuels and oils may be sold and fees charged, but no vehicles are to be equipped, repaired, rented or sold.

Parking space, off-street. An accessible space permanently reserved for the temporary storage of one vehicle, connected with a street by a driveway or an alley, having a minimum area of not less than one hundred eighty square feet, a minimum width of nine feet, and a minimum, length of eighteen feet, exclusive of driveways and maneuvering area.

Planned district. A district with single or multiple uses with special provisions for dimensional, development and design standards or guidelines and developed in accord with a site development plan approved by the Planning Commission, prior to the establishment of such a district.

Portable building. A portable building is any building or vehicle comprised of one or more units designed, manufactured or converted for transportation on public streets or highways on wheels, arriving at the site substantially ready for occupancy, whether for residential, office, commercial or manufacturing use. Removal of packing, baffles, and other travel supports; assembly of units; and connection of or to utilities shall not be considered in determining whether a unit or units are substantially ready for occupancy. The towing hitch, wheels, axles, and other running gear may be removable for the placement of the portable building and may be reinstalled to permit its further movement. A mobile home or mobile office including any doublewide mobile home or office is a portable building.

Premises. A lot, together with all building and structures existing thereon.

Residential Care Facility. A licensed facility in which congregate private and/or shared room, staff-supervised meals, housekeeping, social services, and assistance with personal care and other services are provided for not less than twenty-four hours in a week to a minimum of two ambulatory adults not related by blood or marriage to the owner and/or administrator. The facility may or may not include resident staff and administration.

Rooming house. A building other than a hotel where lodging for three or more persons not of the immediate family is provided for definite periods and for compensation and by prearrangement for definite periods.

Service station. Any building, structure, or land used primarily for the dispensing, sale or offering for sale at retail of any automobile fuels, oils or accessories but not including major repair work such as motor overhaul, body and fender repair or spray painting.

Story. That portion of a building other than a cellar, included between the surface of any floor and the surface of the floor next above it, or, if there be no floor above it, then the space between the floor and the ceiling next above it.

Story, half. A space under a sloping roof which has the line of intersection of roof decking and wall face not more than three feet above the top floor level, and in which space not more than two thirds of the floor area is finished off for use. A half-story containing independent apartment or living quarters shall be counted as a full story.

Street. A public thoroughfare, which affords the principal means of access to abutting property.

Street line. A dividing line between a lot, tract or parcel of land and a contiguous street.

Structural alterations. Any change in the supporting members of a building or structure, such as bearing walls, columns, beams or girders; provided, however, that the application of any exterior siding to an existing building for the purpose of beautifying and modernizing shall not be considered of a structural alteration.

Structure. Anything constructed or erected, the use of which required a location on the ground, or attached to something having a location on the ground, including but not limited to buildings, signs, billboards, back stops for tennis courts, fences or radio towers.

Tourist home. A dwelling, also including bed and breakfast inns, in which accommodations are provided or offered for one or more transient guests for compensation.

Trailer. Any manufactured home built prior to June 15, 1976. See also "Manufactured home".

Transportation, communication and utility. This group of activities includes those uses which provide essential or important public services, and which may have characteristics of outdoor storage, or potential nuisance to adjacent properties due to noise, light and glare, or appearance. Uses include the following, and substantially similar activities, based upon similarity of characteristics:

- a. Emergency service activities such as buildings, garages, parking, and/or dispatch centers for ambulances, fire, police and rescue;
- b. Utility facilities, such as water plants, wastewater treatment plants, sanitary landfill operations and electric power substations;
- c. Maintenance facilities and storage yards for schools, government agencies, and telephone and cable companies;
- d. Airports, airfields, and truck or bus terminals; and
- e. Railroad stations, terminals, yards and service facilities.

Travel trailer. A trailer designed primarily for transport under its own power or by passenger vehicles and providing temporary living quarters.

Tourist home. A dwelling in which accommodations are provided or offered for one or more transient guests for compensation.

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

Yard. An open space between a building or use and the adjoining lot lines, unoccupied and unobstructed by any structure or use from the ground upward. In measuring a yard for the purpose of determining the width of a side yard, the depth of a front yard, or the depth of a rear yard, the minimum distance between the lot line and the main building shall be used. A required yard shall mean a yard the depth of which is specified in the "Area and Dimensional Regulations" pertaining to the district in which such yard is required to be provided.

Yard, front. A yard extending across the front of a lot between the side lot lines. On corner lots the front yard shall be considered as parallel to the street upon which the lot has its least dimension.

Yard, rear. A yard extending across the rear of a lot between the side lot lines. On all lots the rear yard shall be in the rear of the front yard.

Yard, side. A yard between the main building and the side lot line and extending from the required front yard to the required rear yard.

Zoning district. A section or sections of Macon County for which the zoning regulations governing the use of buildings and premises, the height of buildings, the size of yards, and the intensity of use are uniform.

Zoning district map. The zoning map.

Zoning map. The map referred to in Article I, of this ordinance.

**ARTICLE 3
DISTRICTS AND BOUNDARIES**

Section 3.1 Establishment of Zoning Districts.

In order to carry out the intent and purpose of this ordinance, Macon County is hereby divided into the following districts; the location, boundaries, and area of which are and shall be as shown and depicted upon the zoning map:

RSF-1	Low Density Residential (Single Family)
RSF-2	Medium Density Residential (Single Family)
RSF-3	Multifamily Residential
RGH	Residential Garden Homes
RT	Residential Townhouses and Duplexes
CS	Conservation Subdivision
MHP	Manufactured Home Park
MHS	Manufactured Home Subdivision
RR	Rural Residential
AG-1	Agricultural / Farms
HB	Highway Business
NB	Neighborhood Business
GB	General Business
TC	Town Center
OI	Office and Institutional
AGI	Agricultural Industry
LI	Light Industry
GI	General Industry
AG-2	Agriculture and Recreation
NR-1	Natural Resource Conservation / Timber and Forest
SPC-1	Special Corridor Districts-Commercial/Mixed Use
GW	Gateway

Section 3.2 Establishment of Planned Districts

In order to carry out the intent and purpose of this ordinance, Macon County hereby allows planned development of larger tracts of land in a coordinated, well planned manner. In addition to the Zoning Districts established in Section 3.1, the location, boundaries, and area of the following Planned Districts shall be as shown and depicted upon the zoning map:

PR	Planned Residential
PB	Planned Business / Shopping
PI	Planned Industry
PREC	Planned Recreational / Parks
PMXD	Planned Mixed Use
PMOI	Planned Major Office and Institutional

Section 3.3 Establishment of Overlay Districts

In order to carry out the intent and purpose of this ordinance, Macon County hereby establishes Overlay Districts that have a special purpose beyond the Zoning Districts established in Section 3.1. An Overlay District does not replace the requirements of the underlying Zoning District, but provides additional development requirements and standards which must be met by any development on property lying within an Overlay District. In addition to the Zoning Districts established in Section 3.1, the location, boundaries, and area of the following Overlay Districts shall be as shown and depicted upon the zoning map:

NR-2	Conservation Overlay
SPC-2	Scenic Corridors
FP	Flood Plain
FW	Floodway

Section 3.4 Zoning Map

The map or maps which are identified by the title "Official Zoning Map of Macon County", and which, together with the legends, words, figures, letters, symbols, and explanatory matter thereon, is hereby declared to be a part of this ordinance and shall be known as the "zoning map" throughout this ordinance.

Section 3.5 District Boundaries

The district boundary lines on the zoning map are intended to follow either natural boundaries, streets or alleys or lot lines. Where the districts designated on said map are bounded approximately by such streets, alley or lot lines, the center line of the street or alley or the lot lines shall be the boundary of the district unless such boundary is otherwise indicated on the map.

Where uncertainty exists with respect to the location of the boundaries of any zoning district as shown on the Official Zoning Map of Macon County, Alabama, the following rules shall apply:

- a. Where a zoning district boundary line divides a lot, the location of the line shall be the scaled distance from the lot lines. In this situation, the requirements of the zoning district in which the greater portion of the lot lies shall apply to the balance of the lot except that such extension shall not include any part of a lot that lies more than fifty feet beyond the zoning district boundary line.
- b. In the case of a through lot fronting on two approximately parallel streets that is divided by a zoning district boundary line paralleling the streets, the restrictions of the zoning district in which each frontage of the through lot lies shall apply to that portion of the through lot.

Section 3.6 Lots in Two Districts

Where a district boundary line divides any lot or parcel which was in single ownership at the time of passage of this Ordinance or any amendment thereto; the property shall be considered to have multiple districts and each portion of lot or parcel shall be governed by the district regulations in which it is located, except when said parcel has over seventy percent (70%) of its square footage in one district and said square footage fronts on a public street. In this case,

the entire parcel will be considered in the district that contains the seventy percent (70%) area.

Section 3.7 Vacation of Public Easements

Whenever any street, alley or other public easement is vacated, the district classifications of the property to which the vacated portions of land accrue shall become the classification of the vacated land.

Section 3.8 Non-classified Uses

For any use not specifically listed, the planning commission shall make a determination of the district or districts in which such use shall be permitted, either by right or on a conditional basis. Any such determination shall be based on the subject use's similarity in nature, intensity of land use impact and general character to other uses listed in the various districts.

Section 3.9 Establishment and Adoption of Future Development Schematic

By this section, the Future Development Schematic, as included in the *Macon County Development Plan* that has been adopted and amended as necessary by the Macon County Planning Commission and the Macon County Commission, is established as a guide for Macon County concerning proposed land uses, under which the unincorporated areas of the county are divided into the following land use categories:

- Residential
- Agricultural / Residential
- Highway Commercial
- Local Commercial
- Industrial
- Recreational / Buffer
- Forest

Section 3.10 Future Development Schematic Distinguished From Zoning

The future development schematic map is a guide and is not binding; it does not alter or affect the existing zoning districts in the county, does not effectuate an amendment to the official zoning map, and does not itself permit or prohibit any existing land uses.

ARTICLE 4 GENERAL PROVISIONS

Section 4.1 Generally

The general regulations contained in this Article shall apply in all districts except as specifically provided for in Articles 8: Supplementary Regulations and Article 13: Non Conformancies.

Section 4.2 Use of Land

No land shall be used except for a use permitted in the district in which it is located, except growing of agricultural crops in the open will be permitted in any district.

Section 4.3 Use of Structures

No structure shall be erected, converted, enlarged, reconstructed, moved or structurally altered, nor shall any building or structure be used, except for a use permitted in the district in which such building is located.

Section 4.4 Height of Structures

No structure shall be erected, converted, enlarged, reconstructed, moved or structurally altered to exceed the height limit herein established for the district in which such structure is located except as may be otherwise provided in these regulations.

Section 4.5 Dimensional Regulations

No structure shall be erected, converted, enlarged, reconstructed, moved or structurally altered except in conformity with the dimensional regulations of the district in which such structure is located. The area and dimensional requirements of the zoning districts contained herein shall apply to all developments.

Section 4.6 Yard Requirements and Reduction of Open Spaces

The minimum yards, parking spaces, and open space, required by this ordinance for each structure existing at the time of passage of this ordinance, or for any structure hereafter erected or structurally altered, shall not be encroached upon or considered as part of the yard or parking space or open space required for any other structure, nor shall any lot area be reduced below the lot area per family requirements of this ordinance for the district in which such lot is located.

4.6.1 Side Yards

Every part of a required yard shall be open to the sky, unobstructed, except for accessory buildings in a rear yard, and except for the ordinary projection of a cornice, eave, belt cornice, sill, canopy, or other similar architectural feature projecting not to exceed thirty-six (36) inches into said yard.

4.6.2 Landscape Features

Landscape features such as trees, flowers, or plants shall be permitted in any required front, side, or rear yard provided they do not violate the provisions of Section 4.6.5 below.

4.6.3 Double Frontage Lots

If a building is constructed on a through lot having frontage on two (2) streets not at an intersection, a setback from each road shall be provided equal to the front yard requirements for the district in which the lot is located.

4.6.4 Corner Lots

On a corner lot, when the frontage of one street exceeds the frontage of the other, the one with the least frontage shall be deemed the front of the lot. The side yard setback for a corner lot shall be twenty-five (25) feet in all zoning districts except where otherwise noted herein.

4.6.5 Obstructions to Intersections

In all zoning districts, no fence, structure, sign, planting, or other obstruction (above a height of three (3) feet) shall be maintained within fifteen (15) feet of the intersection of the right-of-way lines extended of two streets, or of a street intersection with a railroad right-of-way.

4.6.6 Build-To Setback

In certain districts, a site development plan may include a provision for a build-to setback which may designate a specific location for structures or landscaping as part of the plan approved by the Planning Commission. In such case, the build-to line will serve in lieu of any minimum yard requirements.

Section 4.7 Septic Permit Required

No residential or commercial building or any type residence including manufactured homes shall hereafter be erected or placed on a lot without prior application for an approved septic tank and nitrification field. No occupancy of such buildings or mobile homes is permitted until the approved septic tank and nitrification field have been completely installed. This shall not apply where public sewerage is used at the property, provided it is properly connected.

Section 4.8 Off-Street Parking and Loading

No building shall be erected, converted, enlarged, reconstructed or moved except in conformity with the off-street parking and loading regulations of this ordinance.

Section 4.9 Building To Be On Lots

Every building hereafter erected, converted, enlarged, reconstructed, moved or structurally altered shall be located on a lot as herein defined.

Section 4.10 Accessory Buildings

- a. No accessory structure shall be constructed or moved upon a lot until the construction of the main building has actually been commenced.
- b. No accessory building shall be used for dwelling purposes other than by domestic servants entirely employed on the premises.

Section 4.11 Building Material Storage

Building materials or temporary structures for construction purposes shall not be placed or stored on any lot or parcel of land located in an Agricultural, Residential, or Business Zone District more than one month prior to the commencement of construction.

Section 4.12 Parking or Storage of Major Recreational Vehicles

Major recreational vehicles including houseboats, travel trailers, pick-up campers, motorized dwellings, tent trailers, and other like vehicles shall not be stored or parked on any required front yard of any lot in a residential district. No such equipment shall be used for living, sleeping, or housekeeping purposes for more than 21 days when parked or stored on a residential lot, or in any location not approved for such use.

Section 4.13 Parking and Storage of Certain Vehicles

- a. Automotive vehicles without current license plates shall not be parked or stored on any residentially zoned property other than in completely enclosed buildings.
- b. Commercial vehicles exceeding 10,000 lbs. G.V.M. and construction vehicles shall not be parked or stored in recorded residential subdivisions.

Section 4.14 Lot Width at Street Line

All lots shall have access to a public street. Minimum lot width at the street line shall be as defined in Article 5 of this Ordinance, Section 5.4: Area and Dimensions.

Section 4.15 Mobile Homes and Trailers

- a. Mobile homes or trailers may be used for sales offices for outside sales or merchandise such as mobile homes, camping trailers, or automobiles.
- b. The use of mobile homes or trailers for other business or industrial uses may be allowed temporarily by special permit issued by the Planning Commission. Said permit to be for a period not exceeding one year.
- c. All mobile homes shall be parked in authorized mobile home parks or mobile home subdivision, except as provided for in the AG-1: Agriculture-Farms district and with conditional approval by the Macon County Planning Commission in the RSF-1: Low Density Residential, RSF-2: Medium Density Residential, and RSF-3: Multifamily Residential districts.

Section 4.16 Home Repair and Remodeling

All home remodeling, repair, and modification shall be permitted provided that the minimum yard requirements are met for the district involved.

Section 4.17 Keeping of Animals

The keeping of animals shall be permitted in any district provided that compliance with all applicable laws including state and County Health Regulations are maintained.

ARTICLE 5 ZONING DISTRICT REGULATIONS

Section 5.1 Generally

Except as hereinafter provided, the regulations set by this ordinance within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land. Notwithstanding nonconforming uses as herein defined, no building, structure, or land shall hereafter be used or occupied, and no building or structure or part thereof, shall hereafter be erected, constructed, reconstructed, moved or structurally altered except in conformity with all the regulations as specified herein for the district in which it is located.

Unless otherwise specified by this ordinance, every principal building hereafter erected or moved shall be located on a separate lot and in no case shall there be more than one principal building and three permitted accessory buildings on all lots under three (3) acres. There shall be allowed one additional accessory building for every acre over three (3) acres. Industrial operations located in the General Industry District shall be exempted from this provision.

Section 5.2 Intent of Zoning Districts

The regulations set forth in this article, or set forth elsewhere in this ordinance when referred to in this article, are the regulations that apply to the zoning districts as they are established in Section 3.1. The general intent of these districts is outlined as follows:

5.2.1 RSF-1 - Low Density Residential (Single Family)

The purpose of the RSF-1 Low Density Residential District is to provide for low density residential uses. The principal use of land is for single household dwellings and related land uses and facilities, as may be conditionally approved, to provide the basic elements of a balanced and attractive residential area. These areas are intended to be well defined and protected from the encroachment of uses not performing a function appropriate to the residential environment. Internal stability, attractiveness, order and efficiency are encouraged by providing for adequate light, air, open space for dwellings and related facilities and through consideration of the proper functional relationships of each element.

5.2.2 RSF-2 - Medium Density Residential (Single Family)

The purpose of the RSF-2 Medium Density Residential District is to provide for medium density residential uses on smaller lots with reduced setbacks. The principal use of land is for single-household and related land uses and facilities, as may be conditionally approved, to provide the basic elements of a balanced and attractive residential area. These areas are intended to be well defined and protected from the encroachment of uses not performing a function appropriate to the residential environment. Internal stability, attractiveness, order and efficiency are encouraged by providing for adequate light, air, open space for dwellings and related facilities and through consideration of the proper functional relationships of each element.

5.2.3 RSF-3 - Multifamily Residential

The purpose of the RSF-3 Multifamily Residential District is to provide for residential uses that accommodate more than one housing unit on a single lot where access to the public transportation network, public water supply and an appropriate means of wastewater treatment and disposal can be made available to support multiunit development. The principal use of land is for residential structures normally associated with higher population densities, including apartments, condominiums, boarding houses and the like, and related land uses and facilities, as may be conditionally approved, to provide the basic elements of a balanced and attractive residential area. These areas are intended to be well defined and protected from the encroachment of uses not performing a function appropriate to the residential environment. Internal stability, attractiveness, order and efficiency are encouraged by providing for adequate light, air, open space for dwellings and related facilities and through consideration of the proper functional relationships of each element. The use of this district is appropriate as a transition between low density (RSF-1) or medium density (RSF-2) residential districts and higher intensity uses, such as commercial uses or limited industrial uses, that are not compatible with lower density residential environment.

5.2.4 RGH - Residential Garden Homes

The purpose of the RGH Residential Garden Home District is to provide for single family residential uses, including garden homes, patio homes and zero lot line homes, on medium to small lots where access to the public transportation network, public water supply and an appropriate means of wastewater treatment and disposal can be made available to support development. The principal use of land is for residential structures normally associated with medium to higher population densities and related land uses and facilities, as may be conditionally approved, to provide the basic elements of a balanced and attractive residential area. These areas are intended to be well defined and protected from the encroachment of uses not performing a function appropriate to the residential environment. Internal stability, attractiveness, order and efficiency are encouraged by providing for adequate light, air, open space for dwellings and related facilities and through consideration of the proper functional relationships of each element. The use of this district is appropriate as a transition between low density (RSF-1) or medium density (RSF-2) residential districts and higher intensity uses, such as commercial uses or limited industrial uses, that are not compatible with lower density residential environment.

5.2.5 RT - Residential Townhouses and Duplexes

The purpose of the RT Residential Townhouses and Duplexes District is to provide for single family residential uses on small lots in which the housing units share an adjacent wall, however, each unit and lot is individually owned, and where access to the public transportation network, public water supply and an appropriate means of wastewater treatment and disposal can be made available to support development. The principal use of land is for residential structures normally associated with higher population densities and related land uses and facilities, as may be conditionally approved, to provide the basic elements of a balanced and attractive residential area. These areas are intended to be well defined and protected from the encroachment of uses not performing a function appropriate to the residential environment. Internal stability, attractiveness, order and efficiency are encouraged by providing for adequate light, air, open space for dwellings and related

facilities and through consideration of the proper functional relationships of each element. The use of this district is appropriate as a transition between low density (RSF-1) or medium density (RSF-2) residential districts and higher intensity uses, such as commercial uses or limited industrial uses, that are not compatible with lower density residential environment.

5.2.6 CS - Conservation Subdivision

The purpose of the CS Conservation Subdivision District is to provide a development option that permits flexibility of design in order to promote environmentally-sensitive and efficient uses of the land; to preserve in perpetuity unique or sensitive natural resources such as groundwater, floodplains, wetlands, streams, steep slopes, woodlands, and wildlife habitat; to preserve important historic and archaeological sites; to permit clustering of houses and structures on less environmentally sensitive soils which will reduce the amount of infrastructure, including paved surfaces and utility easements, necessary for residential development; to reduce erosion and sedimentation by minimizing land disturbance and removal of vegetation in residential development through a reduced building footprint; to promote interconnected greenways and corridors throughout the community; to promote contiguous green space with adjacent jurisdictions; to encourage interaction in the community by clustering houses and orienting them closer to the street, providing public gathering places and encouraging use of parks and community facilities as focal points in the neighborhood; to encourage street designs which reduce traffic speeds and reliance on major arteries; to promote construction of convenient landscaped walking trails and bike paths both within the subdivision and connected to neighboring communities, businesses, and facilities to reduce reliance on automobiles; to conserve scenic views and reduce perceived density by maximizing the number of houses with direct access to and views of open space; to preserve prime agricultural and forest lands and reduce the economic pressures for converting such land to urbanized uses.

A Conservation Subdivision is a development of land, occupying 10 contiguous acres or more, that is under unified control and is planned and developed as a whole in a single development operation or programmed series of development stages. The development may cover more than one parcel as long as all parcels are contiguous, but the entirety of each included parcel shall be included in the gross area of the development. A Conservation Development requires a certain amount of permanently protected Open Space and does not require minimum lot or yard sizes. A Conservation Development must be clearly indicated as such on its Preliminary and Final Plats.

5.2.7 MHP - Manufactured Home Park

The purpose of the MHP Manufactured Home Park district is to provide for development of a single lot or tract of land for the location and placement of manufactured housing units that may or may not be individually owned. It is the intent of this Ordinance that these Districts may be located only in such areas as to not adversely affect the established residential subdivisions and residential densities in the County. Such location, however, shall have necessary public services, a healthful living environment and normal amenities associated with residential zones of the County.

5.2.8 MHS - Manufactured Home Subdivision

The purpose of the MHS Manufactured Home Subdivision District to provide areas for properly planned Manufactured Home Subdivisions in which lots are offered for sale and in which the purchaser receives fee simple title to the lot. It is the intent of this Ordinance that these Districts may be located only in such areas as to not adversely affect the established residential subdivisions and residential Districts in Hinds County. It is further the intent of this Ordinance that no manufactured home site subject to potential flooding be approved.

5.2.9 RR - Rural Residential

The purpose of the RR Rural Residential District to provide for very low density residential development while allowing limited scale or hobby agricultural and farm uses adjacent to areas where the character of development is established as or is planned to be predominantly residential. The principal use of land is for single household dwellings and related land uses and facilities, as may be conditionally approved, to provide the basic elements of a balanced and attractive residential area. Residential-design manufactured homes are permitted subject to compliance with these regulations. These areas are intended to be defined and protected from the encroachment of uses not performing a function appropriate to the rural residential environment. Internal stability, attractiveness, order and efficiency are encouraged by providing for adequate light, air and open space for dwellings and related facilities and through consideration of the proper functional relationships of each element.

5.2.10 AG-1 - Agricultural / Farms

The purpose of the AG-1 Agricultural / Farms District is to provide an area primarily for farming, agricultural, dairying, livestock and poultry raising and other similar enterprises or uses, and to preserve and protect agricultural resources. The district is not intended to serve the homeowner who lives on a small suburban lot, but is designed to accommodate agricultural operations on substantial acreage. Further, it is the purpose of this district to encourage and protect such agricultural uses from urbanization and suburban sprawl until change to such uses is warranted and can be accommodated with appropriate infrastructure for water supply, sanitary waste disposal, transportation and the provision of essential governmental services. Residential use incidental to and normally appurtenant to agricultural uses is consistent with the purpose of the AG-1 District. Development of lots or tracts primarily for residential use is not consistent with the purpose of the AG-1 District.

5.2.11 HB - Highway Business

The purpose of the HB Highway Business District is to provide relatively spacious areas for the development of vehicle-oriented traffic access and visibility from Interstate interchanges and frontage roads, State highways, and existing and proposed primary arterial roads. The HB District is intended to encourage those commercial activities that function relatively independent of pedestrian traffic and proximity of other commercial establishments. These districts are appropriate for the fringes of existing high intensity retail districts and along major thoroughfares.

5.2.12 NB - Neighborhood Business

The purpose of the NB Neighborhood Commercial District is to serve the convenience of nearby and/or adjacent residential areas with everyday retail and personal service needs. No use permitted in this district shall be dangerous, offensive, or detrimental by reasons of the

emission of dust, gas, smoke, noise, fumes, glare, odor, vibration, or constitute a chemical, fire or explosion hazard. Commercial uses permitted in the NB District shall not be of a type that cause undue traffic congestion in a residential neighborhood. Areas considered suitable for inclusion in an NB District shall have direct access to a public thoroughfare.

5.2.13 GB - General Business

The purpose of the GB General Business District is to serve high volume retail and service type trade. These types of establishments serve a market population beyond the community or neighborhood. The market area tends to be regional, often serving the entire county and adjacent areas. These types of establishments generate traffic which is best suited to arterial highways to avoid undue congestion. It is further the intent of this Ordinance that these commercial areas have such features as ample parking and loading space and adequate vehicular access from primary and secondary circulation routes.

5.2.14 TC - Town Center

The purpose of the TC Town Center district is to provide the opportunity to locate limited retail and service uses in a manner convenient to outlying rural areas. It is intended to provide for the recurring shopping and personal service needs of nearby rural residential areas. This zoning should be placed on properties that are located at or near intersections of arterial and/or collector streets in order to maximize accessibility from surrounding areas. The range of permitted uses is limited to those which are generally patronized on a frequent basis by area residents. Careful consideration should be given to these developments to ensure compatibility between commercial uses and surrounding rural areas, and to maintain the rural character of these areas.

5.2.15 OI - Office and Institutional

The purpose of the O-1 Office District is to provide areas for office and professional buildings compatible with adjacent or nearby commercial and residential environments and in cases where such uses can provide a transition between more restrictive residential districts and less restrictive commercial or industrial districts. The principal use of land is for professional offices for doctors, accountants, realtors, insurance agents, lawyers, dentists, architects, artists, engineers, and other business offices provided that the following uses shall not be permitted: any office, business or establishment wherein retail or wholesale trade or business is conducted or wherein any commodities, merchandise or products are stored, handled, conveyed, sold or otherwise disposed. These areas are intended to be well defined and protected from the encroachment of uses not performing a function appropriate to the office environment. Internal stability, attractiveness, order and efficiency are encouraged by providing for adequate light, air, open space for dwellings and related facilities and through consideration of the proper functional relationships of each element.

5.2.16 AGI - Agricultural Industry

The purpose of the AGI Agricultural Industry District is to provide an area for the location of those industries that use or produce renewable agricultural products or direct derivatives of renewable agricultural products as inputs for their manufacturing, processing, production, research, or refining operations. An Agricultural Industry District is intended to be occupied by multiple industries, including farming operations, so that the infrastructure, by-products,

expertise and jointly developed knowledge and technologies to generate new value added agricultural products can be shared and/or reused by the occupying industries. The AGI District seeks to encourage the formation and continuance of a compatible environment for similar types of industry and discourage any encroachment by residential developments or other uses capable of adversely affecting, or being affected by the agricultural and industrial character of the district.

5.2.17 LI - Light Industry

The purpose of the LI Light Industry District is to provide suitable areas for firms engaged in light manufacturing and for the storage and distribution of goods. Light industrial uses are those manufacturing, repair, assembly or processing establishments or operations which do not use water in the manufacturing operation either for processing, cooling, or heating and which do not emit smoke, noise, odor, dust vibrations or fumes beyond the walls of the building in which such use is housed. The LI District seeks to encourage the formation and continuance of a compatible environment for similar types of industry and discourage any encroachment by residential developments or other uses capable of adversely affecting, or being affected by the industrial character of the district.

5.2.18 GI - General Industry

The purpose of the GI General Industrial District is to provide suitable locations for service, manufacturing and warehousing activities which are non-noxious and the development of industrial uses that generally have extensive space requirements, require outdoor processing or storage, and/or generate substantial amounts of noise, vibration, odors, glare, or possess other objectionable characteristics. Heavy industrial uses, as may be conditionally approved by the Macon County Planning Commission, shall be located only in areas directly accessible from U.S. or State Highways and arterial roads. The GI District seeks to encourage the formation and continuance of a compatible environment for similar types of industry and discourage any encroachment by residential developments or other uses capable of adversely affecting, or being affected by the industrial character of the district.

5.2.19 AG-2 - Agriculture and Recreation

The purpose of the AG2 Agriculture and Recreation District is to accommodate and encourage the continuation of agricultural land uses and practices, to maximize and preserve areas of open space, and to provide suitable areas for compatible and related active and passive recreational activities as neighborhood centers, parks and play grounds, sports fields, golf courses, swimming pools, picnic areas, tennis courts, riding stables and academies, stadiums, outdoor tracks and other related sports and recreational uses.

5.2.20 NR-1 - Natural Resource Conservation / Timber and Forest

The purpose of the NR1 Natural Resource Conservation / Timber and Forest District is to provide established areas in which the principal use of land is devoted to forestry and silviculture operations, and the preservation and preservation of open space park and recreation lands, wilderness areas, scenic routes, scenic water bodies, historical and archeological sites, watersheds and water supply areas, hiking, cycling, equestrian trails, and fish and wildlife habitats.

5.2.21 SPC-1 - Special Corridor Districts-Commercial/Mixed Use

The purpose of the SPC1 Special Corridor District for Commercial and Mixed Uses is to provide for the orderly development along highways, to encourage the most appropriate use of adjacent lands, to maintain the scenic natural beauty of the area, and to promote the safe and efficient movement of traffic. These thoroughfares establish an image of the quality of life in Macon County for visitors and residents alike. Controlled access is required to enhance trade, capital investment, tourism and the general welfare. These ordinances will facilitate the adequate provision of transportation by promoting the safe and efficient movement of traffic and by encouraging development which reduces or eliminates visual clutter and poor site layout.

5.2.22 GW - Gateway District

The purpose of the GW Gateway District is to establish standards that upgrade the image and function of Macon County's gateway areas and strengthen the overall visual identity of Macon County, and improve visual linkages to other areas in the county. Macon County's gateways are the major entry points from surrounding areas. The physical gateway areas are comprised of the roads and surrounding properties a motorist encounters when first entering the county. These areas create a sense of arrival and connection to Macon County, and establish an image and initial impression of the county.

Section 5.3 District Use Regulations

The following Table of Uses identifies the uses that are permitted, uses that are permitted on a conditional basis, and the uses that are not permitted in each of the zoning districts. Uses shall be governed by conditions set forth in the following categories:

- a. Permitted Uses: Uses allowed by right are specified by a "P" in the chart.
- b. Uses Requiring Conditional Approval: Conditional uses are those uses which are permitted upon approval of location and the site plan thereof by the planning commission as being appropriate with regard to transportation and access, water supply, waste disposal, fire and police protection, and other public facilities, as not causing undue traffic congestion or creating a traffic hazard, and as being in harmony with the orderly and appropriate development of the district in which the use is located. A "C" indicates a use which requires planning commission approval.

All uses are subject to such other requirements of Federal and State law and regulatory authority as may be or become applicable, at any time, including but not limited to required permits.

Table of Uses

P = PERMITTED USE: Uses in the Table of Uses identified by (P) are permitted as of right, subject to the conditions specified in the Table or elsewhere in these ordinances.

C = CONDITIONAL USE: Uses in the Table of Uses identified by (C) are permitted upon conditional approval by the Planning Commission.

N = NON-PERMITTED USE: Uses in the Table of Uses identified by (N) are not permitted.

RESIDENTIAL	RSF-1	RSF-2	RSF-3	RGH	RT	CS	MHP	MHS	RR	AG-1	HB	NB	GB	TC	OI	AGI	LI	GI	AG-2	NR-1	SPC-1	GW
Accessory structures and uses	P	P	P	P	P	P	P	P	P	P	N	N	N	N	N	P	P	P	P	P	N	N
Boarding, rooming or lodging house, dormitory	C	C	P	N	N	C	N	N	C	C	N	C	N	C	N	N	N	N	N	N	N	N
Fraternity or sorority house	C	C	P	N	N	N	N	N	N	N	N	P	P	N	N	N	N	N	N	N	N	N
Mail order house	N	N	N	N	N	N	N	N	N	N	P	P	P	C	P	N	N	N	N	N	N	N
Manufactured housing park	N	N	N	N	N	N	P	P	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Mobile home / Manufactured home	C	C	C	N	N	N	P	P	N	P	N	N	N	N	N	N	N	N	N	N	N	N
Multiple family dwellings	N	N	P	P	N	P	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Single family dwelling	P	P	P	P	P	P	P	P	P	P	N	N	N	C	N	N	N	N	N	N	N	N
Two family dwelling	N	N	P	P	P	P	N	N	P	N	N	N	N	N	N	N	N	N	N	N	N	N
AGRICULTURE	RSF-1	RSF-2	RSF-3	RGH	RT	CS	MHP	MHS	RR	AG-1	HB	NB	GB	TC	OI	AGI	LI	GI	AG-2	NR-1	SPC-1	GW
Agriculture	N	N	N	N	N	N	N	N	N	P	N	N	N	N	N	P	N	N	P	N	N	N
Animal raising	N	N	N	N	N	N	N	N	C	P	N	N	N	N	N	P	N	N	C	N	N	N
Dairying	N	N	N	N	N	N	N	N	N	P	N	N	N	N	N	N	N	N	N	N	N	N
Farming	N	N	N	N	N	N	N	C	P	N	N	N	N	N	N	N	N	N	C	N	N	N
Floriculture	N	N	N	N	N	N	N	C	P	N	N	N	N	N	N	N	N	N	C	N	N	N
Hatchery, poultry and fish	N	N	N	N	N	N	N	N	N	P	N	N	N	N	N	N	N	N	C	N	N	N
Horticulture	N	N	N	N	N	N	N	C	P	N	N	N	N	N	N	N	N	N	C	N	N	N
Pasturage	N	N	N	N	N	N	N	N	N	P	N	N	N	N	N	N	N	N	C	N	N	N
Silviculture	N	N	N	N	N	N	N	N	N	P	N	N	N	N	N	N	N	N	N	P	N	N
Stables	N	N	N	N	N	N	N	N	P	P	N	N	N	N	N	N	N	N	C	N	N	N
Viticulture	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	C	N	N	N
INSTITUTIONAL	RSF-1	RSF-2	RSF-3	RGH	RT	CS	MHP	MHS	RR	AG-1	HB	NB	GB	TC	OI	AGI	LI	GI	AG-2	NR-1	SPC-1	GW
Ambulance/EMS Service	N	N	N	N	N	N	N	N	N	N	P	C	P	N	N	P	P	P	P	N	N	N
Art gallery or museum	N	N	N	N	N	N	N	N	N	N	P	P	P	P	N	N	N	N	N	N	N	N
Auditorium, stadium, coliseum	N	N	N	N	N	N	N	N	N	N	P	N	N	N	N	N	N	N	N	N	P	N
Business school or college	N	N	N	N	N	N	N	N	N	N	P	N	P	C	P	P	N	N	N	N	P	N
Cemetery	N	N	N	N	N	N	N	N	C	P	N	N	N	N	C	N	N	N	C	N	N	N
Church or similar religious facility	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C
City hall or courthouse	N	N	N	N	N	N	N	N	N	N	N	N	N	P	N	N	N	N	N	N	N	N
Club or lodge	N	N	N	N	N	N	N	N	N	N	C	C	P	C	C	N	N	N	N	N	C	N
College or university	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N

INSTITUTIONAL, CONTINUED	RSF-1	RSF-2	RSF-3	RGH	RT	CS	MHP	MHS	RR	AG-1	HB	NB	GB	TC	OI	AGI	LI	GI	AG-2	NR-1	SPC-1	GW	
Convalescent or nursing home, Assisted Living	N	N	N	N	N	N	N	N	N	N	P	P	C	N	P	N	N	N	N	N	N	N	N
Correctional, detention, or penal institution	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Child care center	N	N	N	N	N	N	N	N	N	N	P	P	P	C	C	N	N	N	N	N	N	N	N
Child care institution	N	N	N	N	N	N	N	N	N	C	N	N	N	N	N	N	N	N	C	N	N	N	N
Day care home	C	C	C	C	C	C	C	C	C	C	N	N	N	P	P	N	N	N	N	N	N	N	N
Animal shelter	N	N	N	N	N	N	N	N	N	C	N	N	N	N	N	N	N	N	C	N	N	N	N
Fire station	N	N	N	N	N	N	N	N	P	P	P	C	P	C	C	P	P	P	N	N	N	N	N
Funeral home	N	N	N	N	N	N	N	N	C	N	P	P	P	C	P	N	N	N	N	N	N	N	N
Hospital	N	N	N	N	N	N	N	N	N	N	P	P	P	N	P	N	N	N	N	N	N	P	N
Library	C	C	C	C	C	C	C	C	C	C	P	P	P	P	P	C	C	C	C	C	C	C	C
Police station	N	N	N	N	N	N	N	N	N	N	P	P	P	P	P	P	P	P	N	N	N	N	N
Post office	N	N	N	N	N	N	N	N	C	C	N	P	P	P	P	N	N	N	N	N	N	N	N
Sanitarium	N	N	N	N	N	N	N	N	N	N	P	P	P	P	P	N	N	N	N	N	N	P	N
School (public or private)	N	N	N	N	N	N	N	N	C	C	P	P	P	P	P	N	N	N	C	N	P	N	N
Teen club or youth center	N	N	P	N	N	N	N	N	C	C	N	P	P	P	P	N	N	N	C	N	N	N	N
YMCA, YWCA	N	N	N	N	N	P	N	C	C	N	P	P	C	P	N	N	N	N	C	N	N	N	N
Zoo	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
PROFESSIONAL, SERVICE AND OFFICE USES	RSF-1	RSF-2	RSF-3	RGH	RT	CS	MHP	MHS	RR	AG-1	HB	NB	GB	TC	OI	AGI	LI	GI	AG-2	NR-1	SPC-1	GW	
Bank	N	N	N	N	N	N	N	N	N	P	P	P	P	P	P	N	N	N	N	N	N	N	N
Barber shop or beauty parlor	N	N	N	N	N	N	N	N	N	N	N	P	P	P	N	N	N	N	N	N	C	N	N
Clinic or doctor office (medical, dental, psychiatric)	N	N	N	N	N	N	N	N	N	N	N	P	P	P	P	N	N	N	N	N	C	N	N
Office	N	N	N	N	N	N	N	N	N	N	N	N	P	P	P	N	N	N	N	N	C	N	N
Optician	N	N	N	N	N	N	N	N	N	N	N	N	P	P	P	N	N	N	N	N	C	N	N
Laboratory, scientific, medical, dental	N	N	N	N	N	N	N	N	N	N	N	N	P	N	N	N	N	N	N	N	C	N	N
Mixed commercial/residential	N	N	N	N	N	N	N	N	N	N	P	P	P	P	N	N	N	N	N	N	C	N	N
Studio for dance, music, photography, painting, etc.	N	N	N	N	N	N	N	N	N	N	P	C	P	C	N	N	N	N	N	N	P	N	N
LOCAL COMMERCIAL	RSF-1	RSF-2	RSF-3	RGH	RT	CS	MHP	MHS	RR	AG-1	HB	NB	GB	TC	OI	AGI	LI	GI	AG-2	NR-1	SPC-1	GW	
Accessory structures and uses such as food service, gift or novelty shops, and barber or beauty shops conducted primarily for the convenience of visitors or patrons on the premises and contained within a principal building	N	N	N	N	N	N	N	N	N	N	P	C	P	N	C	N	P	N	N	N	N	N	N
Apparel and accessory store	N	N	N	N	N	N	N	N	N	N	N	P	P	P	P	N	N	N	N	N	N	N	N
Appliance store including repair	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Art supplies	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Automobile parts sales	N	N	N	N	N	N	N	N	N	N	N	P	P	P	N	N	N	N	N	N	N	N	N

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LOCAL COMMERCIAL, CONTINUED	RSF-1	RSF-2	RSF-3	RGH	RT	CS	MHP	MHS	RR	AG-1	HB	NB	GB	TC	OI	AGI	LI	GI	AG-2	NR-1	SPC-1	GW
Bakery retail	N	N	N	N	N	N	N	N	N	N	P	P	P	P	P	N	N	N	N	N	N	N
Bed and breakfast or tourist home	N	N	N	N	N	N	N	N	N	N	P	P	P	P	N	N	N	N	N	N	N	N
Bicycle sales and service	N	N	N	N	N	N	N	N	N	N	N	P	P	P	N	N	N	N	N	N	N	N
Book store	N	N	N	N	N	N	N	N	N	N	N	P	P	P	P	N	N	N	N	N	N	N
Café	N	N	N	N	N	N	N	N	N	N	P	P	P	P	P	N	N	N	N	N	P	N
Camera and photo shop	N	N	N	N	N	N	N	N	N	N	P	P	P	P	N	N	N	N	N	N	N	N
Candy store	N	N	N	N	N	N	N	N	N	N	N	P	P	P	P	N	N	N	N	N	N	C
Catering shop or service	N	N	N	N	N	N	N	N	N	N	N	P	P	P	C	N	N	N	N	N	P	N
Copy shop	N	N	N	N	N	N	N	N	N	N	N	P	P	P	P	N	N	N	N	N	N	N
Delicatessen	N	N	N	N	N	N	N	N	N	N	N	P	P	P	P	N	N	N	N	N	P	N
Discount / variety store (< 8,000 sq ft)	N	N	N	N	N	N	N	N	N	N	N	P	P	P	N	N	N	N	N	N	N	N
Drug store (< 8,000 sq ft)	N	N	N	N	N	N	N	N	N	N	N	P	P	P	N	N	N	N	N	N	N	N
Fixture sales	N	N	N	N	N	N	N	N	N	N	N	N	P	N	N	N	N	N	N	N	N	N
Floor covering sales or service	N	N	N	N	N	N	N	N	N	N	N	N	P	N	N	N	N	N	N	N	N	N
Florist	N	N	N	N	N	N	N	N	N	N	N	P	P	P	N	N	N	N	N	N	N	N
Fruit and produce store	N	N	N	N	N	N	N	N	N	N	N	P	P	P	N	N	N	N	N	N	N	N
Gift shop	N	N	N	N	N	N	N	N	N	N	N	P	P	P	N	N	N	N	N	N	N	N
Hardware store, retail	N	N	N	N	N	N	N	N	N	N	N	P	P	P	N	N	N	N	N	N	N	N
Ice cream parlor	N	N	N	N	N	N	N	N	N	N	N	P	P	P	N	N	N	N	N	N	N	N
Interior decorating shop	N	N	N	N	N	N	N	N	N	N	N	P	P	P	N	N	N	N	N	N	N	N
Laundry and dry cleaning store	N	N	N	N	N	N	N	N	N	N	N	P	P	P	N	N	P	N	N	N	N	N
Laundry, self service	N	N	N	N	N	N	N	N	N	N	N	P	P	P	N	N	P	N	N	N	N	N
Locksmith	N	N	N	N	N	N	N	N	N	N	N	P	P	P	N	N	N	N	N	N	N	N
Music store	N	N	N	N	N	N	N	N	N	N	N	P	P	P	N	N	N	N	N	N	N	N
Neighborhood convenience store	N	N	N	N	N	N	N	N	N	N	N	P	P	P	C	N	N	N	N	N	P	N
News stand	N	N	N	N	N	N	N	N	N	N	N	P	P	P	N	N	N	N	N	N	N	N
Paint and wallpaper store	N	N	N	N	N	N	N	N	N	N	N	P	P	P	N	N	N	N	N	N	N	N
Picture framing and/or mirror silvering	N	N	N	N	N	N	N	N	N	N	N	P	P	P	N	N	N	N	N	N	N	N
Restaurant	N	N	N	N	N	N	N	N	N	N	P	P	P	P	P	N	N	N	N	N	P	N
Shoe repair shop	N	N	N	N	N	N	N	N	N	N	N	P	P	P	P	N	N	N	N	N	N	N
Shoe store	N	N	N	N	N	N	N	N	N	N	P	P	P	P	N	N	N	N	N	N	N	N
Sign shop	N	N	N	N	N	N	N	N	N	N	N	N	P	N	N	N	N	N	N	N	N	N
Sporting goods store	N	N	N	N	N	N	N	N	N	N	N	P	P	P	N	N	N	N	N	N	N	N
Tailor shop	N	N	N	N	N	N	N	N	N	N	N	P	P	P	N	N	N	N	N	N	N	N
Tobacco store	N	N	N	N	N	N	N	N	N	N	P	P	P	P	N	N	N	N	N	N	P	N
Toy store	N	N	N	N	N	N	N	N	N	N	P	P	P	P	N	N	N	N	N	N	P	N

GENERAL COMMERCIAL	RSF-1	RSF-2	RSF-3	RGH	RT	CS	MHP	MHS	RR	AG-1	HB	NB	GB	TC	OI	AGI	LI	GI	AG-2	NR-1	SPC-1	GW
Air conditioning sales and service	N	N	N	N	N	N	N	N	N	N	N	P	P	C	P	N	C	C	N	N	N	N
Amusement arcade	N	N	N	N	N	N	N	N	N	N	N	P	P	P	P	N	N	N	N	N	N	N
Animal clinic / kennels	N	N	N	N	N	N	N	N	C	P	N	P	P	C	P	N	N	N	N	N	N	N
Bakery, wholesale	N	N	N	N	N	N	N	N	N	N	N	P	P	C	P	N	P	N	N	N	N	N
Bowling alley	N	N	N	N	N	N	N	N	N	N	N	P	P	P	P	N	N	N	N	N	C	N
Business machine sales and service	N	N	N	N	N	N	N	N	N	N	N	P	P	P	P	N	P	N	N	N	C	N
Propane gas sales	N	N	N	N	N	N	N	N	N	N	N	P	P	P	P	C	C	C	N	N	N	N
Car wash	N	N	N	N	N	N	N	N	N	N	N	C	P	C	C	P	P	P	N	N	C	N
Convenience store	N	N	N	N	N	N	N	N	N	N	N	P	P	P	P	N	N	N	N	N	C	N
Country club	N	N	N	N	N	N	N	N	N	N	N	P	P	N	P	N	N	N	N	N	N	N
Department store	N	N	N	N	N	N	N	N	N	N	N	P	P	P	C	N	N	N	N	N	P	N
Discount / variety store (> 8,000 sq ft)	N	N	N	N	N	N	N	N	N	N	N	P	P	N	P	N	N	N	N	N	C	N
Drug store (> 8,000 sq ft)	N	N	N	N	N	N	N	N	N	N	N	P	P	P	C	N	N	N	N	N	P	N
Elevator maintenance service	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	P	P	N	N	N	N
Exterminator service office	N	N	N	N	N	N	N	N	N	N	N	N	N	N	C	N	C	C	N	N	N	N
Farmer's market / truck crops	N	N	N	N	N	N	N	N	N	P	N	P	P	C	C	P	N	N	N	N	C	N
Feed Store	N	N	N	N	N	N	N	N	N	P	C	N	N	N	N	P	N	N	N	N	N	N
Firing range	N	N	N	N	N	N	N	N	N	C	N	N	N	N	N	N	N	N	C	N	N	N
Fitness center or gym	N	N	N	N	N	N	N	N	N	N	N	P	P	P	P	N	N	N	N	N	C	N
Golf driving range	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	P	N	C	N
Grocery store	N	N	N	N	N	N	N	N	N	N	C	P	P	P	P	N	N	N	N	N	N	N
Landscape sales	N	N	N	N	N	N	N	N	N	P	C	P	P	C	C	P	N	N	N	N	C	N
Lawnmower sales and service	N	N	N	N	N	N	N	N	N	C	N	P	P	C	C	C	C	N	N	N	C	N
Liquor store	N	N	N	N	N	N	N	N	N	N	C	N	P	C	C	N	N	N	N	N	C	N
Miniature golf	N	N	N	N	N	N	N	N	N	N	N	N	P	N	N	N	N	N	N	N	C	N
Mini-warehouse	N	N	N	N	N	N	N	N	C	C	C	P	P	N	C	N	N	N	N	N	C	N
Night club, bar, tavern	N	N	N	N	N	N	N	N	N	N	C	C	P	P	P	N	N	N	N	N	P	N
Plant nursery	N	N	N	N	N	N	N	N	N	C	N	N	N	N	N	C	N	N	N	N	N	N
Office equipment and supplies sales	N	N	N	N	N	N	N	N	N	N	C	C	P	P	P	N	N	N	N	N	C	N
Pawn shop	N	N	N	N	N	N	N	N	N	N	P	C	P	P	N	N	N	N	N	N	N	N
Pet shop	N	N	N	N	N	N	N	N	N	N	N	N	P	P	N	N	N	N	N	N	C	N
Plumbing shop	N	N	N	N	N	N	N	N	N	N	P	P	P	P	P	N	P	N	N	N	N	N
Printing and publishing establishment	N	N	N	N	N	N	N	N	N	N	N	C	C	C	C	N	P	N	N	N	N	N
Race track	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	C	N
Restaurant sales and supplies	N	N	N	N	N	N	N	N	N	N	N	P	P	P	P	N	N	N	N	N	P	N
Rug and/or drapery cleaning service	N	N	N	N	N	N	N	N	N	N	N	C	C	C	C	N	P	N	N	N	N	N
Seafood store	N	N	N	N	N	N	N	N	N	N	N	C	C	C	C	P	P	C	N	N	P	N
Skating rink	N	N	N	N	N	N	N	N	N	N	N	N	P	P	N	N	N	N	N	N	C	N
Stone monument sales	N	N	N	N	N	N	N	N	N	N	N	P	P	P	N	N	C	N	N	N	C	N
Taxidermy	N	N	N	N	N	N	N	N	N	N	N	P	P	P	P	C	N	N	N	N	N	N

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MAJOR COMMERCIAL	RSF-1	RSF-2	RSF-3	RGH	RT	CS	MHP	MHS	RR	AG-1	HB	NB	GB	TC	OI	AGI	LI	GI	AG-2	NR-1	SPC-1	GW	
Amusement park	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	C	N	N	N	
Auto convenience market	N	N	N	N	N	N	N	N	N	N	N	N	P	P	N	N	N	N	N	N	N	N	
Automobile parts sales	N	N	N	N	N	N	N	N	N	N	N	C	P	P	N	N	N	N	N	N	C	N	
Automobile repair (mechanical and body)	N	N	N	N	N	N	N	N	N	N	C	C	P	N	N	N	C	C	N	N	N	N	
Automobile sales	N	N	N	N	N	N	N	N	N	N	N	N	C	C	N	N	N	N	N	N	P	N	
Automobile service station	N	N	N	N	N	N	N	N	N	N	P	P	P	P	C	C	C	C	N	N	P	N	
Automobile storage (parking lot/garage)	N	N	N	N	N	N	N	N	N	N	N	N	P	C	P	N	N	N	N	N	N	N	
Boat sales and service	N	N	N	N	N	N	N	N	N	N	N	N	C	C	N	N	N	N	N	N	P	N	
Building materials	N	N	N	N	N	N	N	N	N	N	C	C	P	N	N	C	P	N	N	N	C	N	
Farm implements	N	N	N	N	N	N	N	N	N	P	N	N	N	N	N	P	P	N	N	N	C	N	
Flea market	N	N	N	N	N	N	N	N	N	N	C	N	P	C	N	N	N	N	N	N	C	N	
Home improvement center	N	N	N	N	N	N	N	N	N	N	C	C	P	N	N	C	P	N	N	N	C	N	
Hotel or motel	N	N	N	N	N	N	N	N	N	N	P	N	P	C	C	N	N	N	N	N	P	N	
Manufactured housing sales, service and repair	N	N	N	N	N	N	N	N	N	N	C	N	C	N	N	N	C	N	N	N	N	N	
Motorcycle sales, service and repair	N	N	N	N	N	N	N	N	N	N	C	N	C	C	N	N	P	N	N	N	P	N	
Movie theatre	N	N	N	N	N	N	N	N	N	N	P	N	P	P	C	N	N	N	N	N	C	N	
Recreational vehicle park	N	N	N	N	N	N	N	N	N	N	C	N	N	N	N	N	N	N	N	N	N	N	
Recreational vehicle sales, service and repair	N	N	N	N	N	N	N	N	N	N	P	N	N	N	N	N	C	N	N	N	N	N	
Restaurant, drive-in	N	N	N	N	N	N	N	N	N	N	P	P	P	P	P	N	N	N	N	N	C	N	
Restaurant, fast food	N	N	N	N	N	N	N	N	N	N	P	P	P	P	P	N	N	N	N	N	C	N	
OUTDOOR RECREATION	RSF-1	RSF-2	RSF-3	RGH	RT	CS	MHP	MHS	RR	AG-1	HB	NB	GB	TC	OI	AGI	LI	GI	AG-2	NR-1	SPC-1	GW	
Arboretums	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	C	N	N
Ball fields	N	N	N	N	N	N	N	N	N	N	N	C	N	N	N	N	N	N	N	N	N	N	N
Golf course	N	N	N	N	N	N	N	N	N	N	N	C	N	N	N	N	N	N	N	N	N	N	N
Park or playground	C	C	C	C	C	C	C	C	C	C	N	C	C	C	C	N	N	N	C	C	C	N	
Riding academy	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	C	C	N	N	
Swimming pool (outdoor)	C	C	C	C	C	C	C	C	C	C	N	N	N	N	C	N	N	N	N	N	N	N	
Tennis court (outdoor)	C	C	C	C	C	CS	C	C	C	C	N	N	N	N	C	N	N	N	N	N	N	N	
Wildlife sanctuary	N	N	N	N	N	N	N	N	N	C	N	N	N	N	N	N	N	N	P	C	N	N	
TRANSPORTATION, COMMUNICATION AND UTILITY USES	RSF-1	RSF-2	RSF-3	RGH	RT	CS	MHP	MHS	RR	AG-1	HB	NB	GB	TC	OI	AGI	LI	GI	AG-2	NR-1	SPC-1	GW	
Airport	N	N	N	N	N	N	N	N	N	N	N	N	N	N	C	P	N	C	N	N	N	N	N
Armory	N	N	N	N	N	N	N	N	N	N	N	C	C	N	N	C	C	N	N	N	N	N	N
Broadcasting station	N	N	N	N	N	N	N	N	N	C	N	C	P	C	C	P	P	N	N	N	N	N	N
Bus and railroad terminal facilities	N	N	N	N	N	N	N	N	N	N	C	N	C	N	N	P	P	P	N	N	N	N	N
Electric power substations	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C
Freight depot, rail or truck	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	C	C	C	N	N	N	N	N

TRANSPORTATION, COMMUNICATION AND UTILITY USES	RSF-1	RSF-2	RSF-3	RGH	RT	CS	MHP	MHS	RR	AG-1	HB	NB	GB	TC	OI	AGI	LI	GI	AG-2	NR-1	SPC-1	GW
Landfill	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	C	C	C	N	N	N	N
Maintenance facility / storage yard for schools, government agencies, and telephone and cable companies	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	C	C	C	N	N	N	N
Radio and television station and transmitting tower	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C
Railroad facilities	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	C	C	C	N	N	N	N
Sewage treatment plant	N	N	N	N	N	N	N	N	N	C	N	N	N	N	N	C	C	C	N	N	N	N
Taxi dispatching station	N	N	N	N	N	N	N	N	N	N	N	P	P	P	P	N	N	N	N	N	N	N
Taxi terminal	N	N	N	N	N	N	N	N	N	N	N	N	C	N	N	N	C	N	N	N	N	N
Telephone exchange	C	C	C	C	C	C	C	C	C	C	C	P	P	C	P	C	P	P	C	C	C	C
Water or sewage pumping station	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C
Water plant	N	N	N	N	N	N	N	N	N	N	N	N	N	N	C	C	C	C	N	N	N	N
Water storage tank	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C
Water well (public or private)	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C
Wireless telecommunication facilities	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C
LIGHT INDUSTRY	RSF-1	RSF-2	RSF-3	RGH	RT	CS	MHP	MHS	RR	AG-1	HB	NB	GB	TC	OI	AGI	LI	GI	AG-2	NR-1	SPC-1	GW
Automobile manufacture	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	C	C	N	N	N	N
Bottling works	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	C	C	N	N	N	N
Cabinet shop	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	P	P	N	N	N	N
Contractor's yard	N	N	N	N	N	N	N	N	N	N	N	N	C	N	N	C	C	P	N	N	N	N
Grain milling storage and elevators	N	N	N	N	N	N	N	N	N	C	N	N	N	N	N	C	C	C	N	N	N	N
Ice plant	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	P	P	P	N	N	N	N
Lumberyard	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	P	P	N	N	N	N
Machine shop	N	N	N	N	N	N	N	N	N	N	N	C	C	C	C	C	P	P	N	N	N	N
Machinery, tools and construction equipment sales and service	N	N	N	N	N	N	N	N	N	N	N	C	C	N	N	N	P	P	N	N	N	N
Manufacturing, repair, assembly or processing of a light industrial nature including: food/milk products; clothing; musical instruments; scientific, optical, medical & electronic equip; souvenirs and novelties; toys, sporting goods	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	P	P	N	N	N	N
Millwork	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	P	P	N	N	N	N
Sand and gravel storage yard	N	N	N	N	N	N	N	N	N	N	N	N	C	N	N	C	P	P	N	N	N	N
Sawmill or planing mill	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	C	C	N	N	N	N
Warehouse and storage facilities	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	P	P	P	N	N	N	N
Welding shop	N	N	N	N	N	N	N	N	N	C	N	N	C	N	N	C	P	P	N	N	N	N

GENERAL INDUSTRY	RSF-1	RSF-2	RSF-3	RGH	RT	CS	MHP	MHS	RR	AG-1	HB	NB	GB	TC	OI	AGI	LI	GI	AG-2	NR-1	SPC-1	GW
Automobile wrecking and salvage	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	C	N	N	N	N
Concentrated animal feeding (CAFO)	N	N	N	N	N	N	N	N	N	C	N	N	N	N	N	N	N	N	N	N	N	N
Electric power generating plant	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	C	C	C	N	N	N	N
Extraction or removal of natural resources on or under land	N	N	N	N	N	N	N	N	N	C	N	N	N	N	N	C	C	C	N	N	N	N
Junk yard	N	N	N	N	N	N	N	N	N	C	N	N	N	N	N	N	N	C	N	N	N	N
Manufacturing, repair, assembly, processing, fabrication establishments of a general industrial nature including: acetylene gas; acid; asbestos; ammonia; bleaching powder; chlorine; asphalt or asphalt products; cement or cement products; lime; gypsum; plaster of paris; coal tar or derivatives thereof; creosote or creosote treatment; clay, tile or vitrified products; emery cloth or sandpaper; explosives or fireworks; fertilizer; glue; size or gelatin; linoleum; matches; paint; oil; shellac; turpentine; varnish; rubber and gutta percha products; plastics; soca compounds; petroleum refining; tanning; curing or storage of hides and skins; boiler works; foundry or forge operation; incineration; fat rendering; storage of junk, iron or rags; distillation of bones, coal, or wood	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	C	N	N	N	N
Meat slaughtering and/or packing	N	N	N	N	N	N	N	N	N	C	N	N	N	N	N	C	C	C	N	N	N	N
Shipbuilding and repair yard	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	C	N	N	N	N
Stone cutting and processing	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	C	N	N	N	N

Section 5.4 Area and Dimensions

The area, yard, height and other dimensional requirements specified in the table on the following page are established for the various districts defined by this ordinance. The minimum area, yard, height and other dimensional requirements vary by development type and are individually specified in the table. The Macon County Health Department and/or the Alabama Department of Public Health may require a greater lot area for approval of on-site septic waste disposal systems.

DISTRICT	Minimum Lot Area	Minimum Lot Width at Building Line	Minimum Lot Width at Street	Minimum Front Yard	Minimum Rear Yard	Minimum Side Yard	Abutting Street Side Yard	Maximum Building Area	Maximum Height	Density
	sq. ft.	ft	ft	ft	ft	ft	ft	%	ft / stories	units per acre
RSF-1	15,000	100	40	40	30 / 5	10	15	25%	35 ft / 2	2
RSF-2	12,000	85	35	35	35 / 5	10	25	25%	35 ft / 2	3
RSF-3	10,000 or 12,000 GH +2,000 / unit	75 or 20 per TH or 40 per GH + 10 ft / unit	35	35	35 / 5	10	20	30% for GH Apts. are subject to Dev. Plan	35 ft / 2	4
RGH	6,000	40	40	40	20	10 (1 side)	15	30%	35 ft / 2	7
RT	2,400	24	24	25	n / a	0	15	80%	35 ft / 2 ½	10
CS	Subject to Development Plan									
MHP	5 acres	300	300	50	50	50	50	25%	25 ft / 1	4
MHS	4,000	40	40	40	40	10	20	30%	25 ft / 1	3
RR	1 acre	200	200	50	50	50	50	10%	35 ft / 2	1
AG-1	3 acres	200	200	40	40	40	40	10%	35 ft / 2	1
HB	n / a	75	75	35	0 / 15 adjacent to Res.	0 / 15 adjacent to Res.	15	50%	35 ft / 2	n/a
NB	n / a	50	50	30	0 / 15 adjacent to Res.	0 / 15 adjacent to Res.	15	80%	35 ft / 2	n/a
GB	Subject to Development Plan									
TC	Subject to Development Plan									
OI	n / a	50	50	35	20	10	15	40%		n/a
AGI	1 acre	50	50	50	50	50	50	20% 80%	45 ft	n/a
LI	n / a	75	75	40	25 / 40 adjacent to Res.	25 / 40 adjacent to Res.	25	50% bldg / 80% site	45 ft	n/a
GI	1 acre	100	100	40	25 / 40 adjacent to Res.	25 / 40 adjacent to Res.	40	50% bldg / 80% site	45 ft / 3	n/a
AG-2	Open space 1 acre / family	150	150	50	50	50	50	10%	45 ft / 3	1
NR-1	n/a	n/a	n/a	50	50	20	20	10%	45 ft / 3	1
SPC-1	n/a	n/a	n/a	35	35	10	20	50%	45 ft / 3	n/a
GW	n/a	n/a	n/a	35	35	10	20	50%	45 ft / 3	n/a

5.4.1 Building Height Measurement

When a building is located in a flood zone identified on a FEMA rate map, building height limits shall be measured from a point two (2) feet above the base flood elevation as determined by FEMA provided that no habitable space or living space is located below the measurement point elevation. Automobile parking may be located under structures elevated above flood hazards provided that such elevation is sufficient to accommodate parking and the space is designed in a fashion that will not impede water flow or elevate the base flood elevation. Any structure which exceeds thirty-five (35) feet in height will require a site plan and approval from the fire marshal which states that the fire district has reviewed the plans and that the fire department's equipment and training can adequately fight a fire on the site.

5.4.2 Required Buffers

Where, a commercial use abuts a residential district, a minimum buffer of twenty-five (25) feet shall be provided adjacent to the residential district. Such space shall be screened from the abutting residential district by planted berms, walls or fences or by other screening not less than six (6) feet in height, in a manner acceptable to the County Planning Commission.

The side yard building setback line on each side of the lot shall be not less than twenty-five (25) feet as measured from the side lot line to the nearest building or structure except in instances where a light industrial use abuts a residential district, in which case a minimum side yard of one hundred (100) feet shall be provided on the side adjacent to the residential district. Such space will remain open and unoccupied by any other structure or uses and will be screened from residential district by a fence not less than six (6) feet in height.

The rear yard building setback line shall be not less than fifty (50) feet except in instances where light industrial use abuts a residential district, in which case a rear yard of not less than one-hundred (100) feet shall be provided. Such space shall remain open and unoccupied by any structure or use. Where a light industrial use backs upon a railroad spur, a rear yard may not be required.

Section 5.5 Conditional Uses

Conditional uses add flexibility to the Macon County Zoning Ordinance. Subject to high standards of planning and design, certain property uses are allowed in several districts where those uses would not otherwise be acceptable. Uses that are permitted on a conditional basis in specific zoning districts, planned development districts and overlay districts are identified in the Tables of Uses in Section 5.3, Section 6.4 and Section 7.3. Conditional uses may be established and maintained only with the approval of the Macon County Planning Commission. This review and approval process is intended to :

- a. Provide for uses which are beneficial to the community but that may involve a potential hazard to the development of an area unless appropriate provisions are made for their impacts; and
- b. Properly integrate the uses permitted on a conditional basis with other uses located in the district.

Conditional uses, and associated site or development plans, shall be reviewed by the Planning Commission and approved, approved with conditions or denied under the procedures outlines in Article 15, Section 3.

Section 5.6 Design Standards

In certain zoning districts, it is necessary to apply design standards or guidelines in lieu of, or as supplemental to, other dimensional or area requirements. Such design standards may be allowed in all planned districts, overlay districts and certain other districts requiring site development approval prior to their establishment.

In these districts, the Planning Commission may approve development plans which specify such design standards, provided such standards are part of a site development plan approved by the Planning Commission.

Design standards may include specific guidelines or requirements for:

- a. Streets, alleys and sidewalks, public and private;
- b. Building setbacks and yards, including build-to lines for specific building placement;
- c. Allowable or prescribed building densities in units per acre or square feet per area of site;
- d. Building heights;
- e. Location and character of building openings and porches;
- f. Location and character of wall openings and open versus solid walls;
- g. Location and character of landscaping, signage, parking, lighting and site furnishings;

Design standards shall supersede other dimensional or area requirements except in cases which would conflict with public health, safety and welfare as specified in the Zoning Ordinance. Design standards must be specified as part of an approved development plan and such approval may be appealed to the Board of Zoning Adjustments as a variance from the Macon County Zoning Ordinance or special condition.

ARTICLE 6 PLANNED DEVELOPMENT DISTRICTS

Section 6.1 General

In addition to other districts requiring approval by the Planning Commission, Planned Development Districts may be established to permit the development of specific types of land uses which because of their large size, special character or unique nature have the potential to create significant impact on abutting or nearby properties and therefore require special consideration and planning to avoid adverse impact on their surroundings and the community at large. Planned development districts may include a single use of land or a group of associated or related uses. In order to establish Planned Districts, a site development plan, including any required design standards must be approved by the Planning Commission, prior to the establishment of the district.

Section 6.2 Intent of Planned Development Districts

The regulations set forth in this article, or set forth elsewhere in this ordinance when referred to in this article, are the regulations that apply to the planned development districts as they are established in Section 3.1. The general intent of these districts is outlined as follows:

6.2.1 PR - Planned Residential

The purpose of the Planned Residential District is to accommodate the development of residential communities that may incorporate a full range of housing types and limited commercial uses that primarily serve the residents of the planned residential community. In order to encourage high-quality design and innovative arrangements of buildings and open space uses throughout the project site, this district provides substantial flexibility from the conventional use and dimensional requirements found in the general residential zoning districts.

The purpose for special regulations for planned residential developments is to promote variety, innovation, and flexibility in development by allowing certain variations in lot sizes, dwelling unit types and use or design requirements which:

- a. Permit a creative approach to the development of residential land;
- b. Accomplish a more desirable environment than would be possible through the strict application of minimum requirements of the Zoning Ordinance;
- c. Provide for an efficient use of land;
- d. Enhance the appearance of neighborhoods through preservation of natural features;
- e. Provide for recreational areas and open space; and
- f. Provide an opportunity for new approaches to living environment and provide an environment of stable character compatible with surrounding residential areas.

6.2.2 PB - Planned Business / Shopping

The Planned Business / Shopping District is intended for a unified grouping of commercial buildings which do not require or desire a central business district location. It is the objective of this planned district to achieve the highest quality site design, building arrangement, landscaping and traffic circulation patterns possible.

It is not the intent of this planned development district to restrict potential development by limiting uses. In general, uses permitted shall include office, commercial services and light distribution centers. Since some permitted uses may be incompatible with others the developer of a planned commercial complex shall provide the Planning Commission with a list of uses permitted in his development which shall be compatible with each other and neighboring uses as authorized under restrictive covenants; provided, however, that no use that allows the selling of beer for consumption on premises shall be located within five hundred feet of any residential or agricultural zone.

6.2.3 PI - Planned Industry

The purpose of the Planned Industry Development District is to create a planned industrial area which provides for one or more principal industrial uses to be located in the development. Such development shall take place in one or more programmed series of development operations and provide for employment opportunities for local residents to be developed in an orderly manner.

The Planned Industry District shall serve as an alternative to the general and light industry districts for industrial uses to be located. Rezoning to a Planned Industry District shall be voluntary on the part of the applicant. The Planned Industry District is viewed as a sound means of introducing industrial developments in portions of Macon County which may not have witnessed industrial development in the past while at the same time protecting property values of surrounding properties.

6.2.4 PREC - Planned Recreational

The purpose of the Planned Recreational District is to accommodate the development of large-scale recreational facilities and their related support services. Intended uses for the Planned Recreational District includes such compatible and related active and passive recreational activities as regional recreation centers (which may include swimming pools, tennis courts, BMX tracks, bicycle trails and the like), major parks and multiple-use trails, golf courses, riding stables and trails, sports stadiums, outdoor tracks and related recreational uses.

6.2.5 PMXD - Planned Mixed Use

The purpose of the Planned Mixed Use District is to allow a variety of complimentary residential, office and commercial uses in a planned and orderly layout. Unlike most other zoning districts in this Ordinance, the Planned Mixed Use District allows for commercial and residential areas to be interspersed and developed adjacent to each other in one integral unit in either a horizontal or vertical manner. It is intended that this District help create mixed use complexes in which mutually supporting residential, commercial and office complexes are scaled, balanced and located so as to result in a more homogenous environment than if such

uses were developed individually. The end result of this process should be that housing will be provided in close proximity to shopping and employment destinations and traffic can be better channeled within such a development rather than along the existing highway network. In order to promote good design, the safety of pedestrians and motorists, and efficient usage of land, the following criteria shall be addressed and incorporated into all areas proposed for Planned Mixed Use zoning:

- a. That residential uses be so separated from major vehicular traffic flows and other disquieting influences as to protect privacy and tranquility;
- b. That general commercial and service uses be concentrated for maximum pedestrian convenience and located for easy accessibility by residents of the district, workers within the district, and that commercial frontage is uninterrupted by residential or office uses;
- c. That major employment uses be so located as to be convenient to collector or arterial streets.
- d. Where such Districts adjoin residential neighborhoods, it is intended that arrangement of buildings, uses, open space, and vehicular access be such as to provide appropriate transition and reduce potential adverse effects.

6.2.5 PMOI - Planned Major Office and Institutional

The purpose of the Planned Major Office and Institutional District is to accommodate the development of large-scale office complexes, educational campuses, or office / education / research facilities. Expected development would include facilities such as professional office park, secondary schools, colleges and universities, technical and vocational training facilities and related activities including auditoriums, libraries and other directly related educational facilities, government or other public service centers, research parks and related facilities.

Section 6.3 Creation of Planned Development Districts

A Planned Development District may hereafter be established by amendment to the Macon County Zoning Map and related amendatory action, changing the designation of one or more contiguous lots from their existing zoning classification to one of the several Planned Districts contained in this Ordinance. Such zoning change may only be made by the Macon County Planning Commission where it has been determined that the area is suitable in location and character for the uses and structures proposed are to be planned and developed on a unified basis, according to the requirements and procedures set forth herein.

Planned Development Districts shall be appropriately located with respect to intended functions, to the pattern and timing of development, in accord with the Macon County Development Plan, and to public and private facilities existing or to be available by the time the development reaches the stage where they will be needed. All major residential subdivisions must be created within a planned residential or planned mixed use district and will be reviewed using the criteria specified in this chapter and the Macon County Subdivision Regulations.

Section 6.4 Planned Development District Use Regulations

The following Table of Uses identifies the uses that are permitted, uses that are permitted on a conditional basis, and the uses that are not permitted in each of the planned development zoning districts. Uses shall be governed by conditions set forth in the following categories:

- a. Permitted Uses: Uses allowed by right are specified by a "P" in the chart.
- b. Uses Requiring Conditional Approval: Conditional uses are those uses which are permitted upon approval of location and the site plan thereof by the planning commission as being appropriate with regard to transportation and access, water supply, waste disposal, fire and police protection, and other public facilities, as not causing undue traffic congestion or creating a traffic hazard, and as being in harmony with the orderly and appropriate development of the district in which the use is located. A "C" indicates a use which requires planning commission approval.

All uses are subject to such other requirements of Federal and State law and regulatory authority as may be or become applicable, at any time, including but not limited to required permits.

Table of Uses

P = PERMITTED USE: Uses in the Table of Uses identified by (P) are permitted as of right, subject to the conditions specified in the Table or elsewhere in these ordinances.

C = CONDITIONAL USE: Uses in the Table of Uses identified by (C) are permitted upon conditional approval by the Planning Commission.

N = NON-PERMITTED USE: Uses in the Table of Uses identified by (N) are not permitted.

RESIDENTIAL	PR	PB	PI	PREC	PMXD	PMOI
Accessory structures and uses	P	N	C	P	N	N
Boarding, rooming or lodging house, dormitory	N	N	N	N	N	N
Fraternity or sorority house	N	N	N	N	N	N
Mail order house	N	C	N	N	N	P
Manufactured housing park	N	N	N	N	N	N
Mobile home / Manufactured home	N	N	N	N	N	N
Multiple family dwellings	P	C	N	N	C	N
Single family dwelling	P	N	N	N	C	N
Two family dwelling	P	N	N	N	C	N
AGRICULTURE	PR	PB	PI	PREC	PMXD	PMOI
Agriculture	N	N	N	N	N	N
Animal raising	N	N	N	N	N	N
Dairying	N	N	N	N	N	N
Farming	N	N	N	N	N	N
Floriculture	N	N	N	N	N	N
Hatchery, poultry and fish	N	N	N	N	N	N
Horticulture	N	N	N	N	N	N
Pasturage	N	N	N	N	N	N
Silviculture	N	N	N	N	N	N
Stables	N	N	N	C	N	N
Viticulture	N	N	N	N	N	N
INSTITUTIONAL	PR	PB	PI	PREC	PMXD	PMOI
Ambulance/EMS Service	N	C	P	N	C	N
Art gallery or museum	N	P	N	N	P	N
Auditorium, stadium, coliseum	N	C	N	P	N	N
Business school or college	N	C	N	N	N	P
Cemetery	N	N	N	N	N	C
Church or similar religious facility	C	C	C	C	C	C
City hall or courthouse	N	N	N	N	N	N
Club or lodge	N	C	N	C	C	C
College or university	N	N	N	N	N	P
Convalescent or nursing home, Assisted Living	C	N	N	N	C	P
Correctional, detention, or penal institution	N	N	N	N	N	P
Child care center	C	C	N	N	C	P
Child care institution	N	N	N	N	N	P
Day care home	C	N	N	N	C	N

INSTITUTIONAL, continued	PR	PB	PI	PREC	PMXD	PMOI
Animal Shelter	N	N	N	N	N	C
Fire station	N	C	P	N	N	N
Funeral home	N	N	N	N	N	N
Hospital	N	N	N	N	N	P
Library	C	P	C	C	P	P
Police station	N	C	P	N	N	P
Post office	N	P	N	N	C	C
Sanitarium	N	C	N	N	N	N
School (public or private)	N	C	N	N	C	P
Teen club or youth center	N	P	N	N	C	N
YMCA, YWCA	N	C	N	N	C	N
Zoo	N	N	N	P	N	N
PROFESSIONAL, SERVICE AND OFFICE USES	PR	PB	PI	PREC	PMXD	PMOI
Bank	N	P	N	N	P	P
Barber shop or beauty parlor	N	P	N	N	N	N
Clinic or doctor office (medical, dental, psychiatric)	N	P	N	N	C	N
Office	N	C	N	N	C	N
Optician	N	P	N	N	N	N
Laboratory, scientific, medical, dental	N	N	N	N	C	C
Mixed commercial/residential	C	P	N	N	C	N
Studio for dance, music, photography, painting, etc.	N	P	N	N	C	N
LOCAL COMMERCIAL	PR	PB	PI	PREC	PMXD	PMOI
Accessory structures and uses such as food service, gift or novelty shops, and barber or beauty shops conducted primarily for the convenience of visitors or patrons on the premises and contained within a principal building	C	P	N	C	C	N
Apparel and accessory store	N	P	N	N	P	N
Appliance store including repair	N	C	N	N	N	N
Art supplies	N	P	N	N	P	N
Automobile parts sales	N	C	N	N	N	N
Bakery retail	N	P	N	N	P	N
Bed and breakfast or tourist home	N	P	N	N	C	N
Bicycle sales and service	N	P	N	N	P	N
Book store	C	P	N	N	P	N
Café	C	P	N	N	P	N
Camera and photo shop	N	P	N	N	P	N
Candy store	C	P	N	N	P	N
Catering shop or service	N	P	N	N	C	N
Copy shop	N	P	N	N	C	N
Delicatessen	C	P	N	C	P	N
Discount / variety store (<8,000 sq ft)	N	P	N	N	C	N
Drug store (< 8,000 sq ft)	N	P	N	N	P	N
Fixture sales	N	C	N	N	N	N

LOCAL COMMERCIAL, continued	PR	PB	PI	PREC	PMXD	PMOI
Floor covering sales or service	N	P	N	N	N	N
Florist	N	P	N	N	P	N
Fruit and produce store	N	P	N	N	P	N
Gift shop	N	P	N	N	P	N
Hardware store, retail	N	P	N	N	P	N
Ice cream parlor	C	P	N	C	P	N
Interior decorating shop	N	P	N	N	C	N
Laundry and dry cleaning store	N	P	N	N	N	N
Laundry, self service	C	P	N	N	C	N
Locksmith	N	P	N	N	N	N
Music store	N	P	N	N	N	N
Neighborhood convenience store	C	P	N	N	N	N
News stand	N	P	N	N	P	N
Paint and wallpaper store	N	P	N	N	N	N
Picture framing and/or mirror silvering	N	P	N	N	P	N
Restaurant	C	P	N	C	P	N
Shoe repair shop	N	P	N	N	N	N
Shoe store	N	P	N	N	P	N
Sign shop	N	P	N	N	N	N
Sporting goods store	N	P	N	N	P	N
Tailor shop	N	P	N	N	P	N
Tobacco store	N	P	N	N	P	N
Toy store	N	P	N	N	P	N
GENERAL COMMERCIAL	PR	PB	PI	PREC	PMXD	PMOI
Air conditioning sales and service	N	C	C	N	N	N
Amusement arcade	N	P	N	C	N	N
Animal clinic / kennels	N	C	N	N	N	N
Bakery, wholesale	N	P	C	N	N	N
Bowling alley	N	P	N	C	N	N
Business machine sales and service	N	P	N	N	N	P
Propane gas sales	N	C	C	N	C	N
Car wash	N	C	P	N	N	N
Convenience store	N	P	N	N	N	N
Country club	N	P	N	C	N	N
Department store	N	P	N	N	P	P
Discount / variety store (exceeding 8,000 square feet)	N	P	N	N	C	N
Drug store (exceeding 8,000 square feet)	N	P	N	N	C	N
Elevator maintenance service	N	N	P	N	N	N
Exterminator service office	N	N	C	N	N	N
Farmer's market/truck crops	N	P	N	N	N	N
Feed Store	N	N	N	N	N	N
Firing range	N	N	N	C	N	N
Fitness center or gym	N	P	N	P	N	N
Golf driving range	N	N	N	P	N	N

GENERAL COMMERCIAL, continued	PR	PB	PI	PREC	PMXD	PMOI
Grocery store	N	P	N	N	N	N
Landscape sales	N	C	N	N	C	N
Lawnmower sales and service	N	C	N	N	N	N
Liquor store	N	P	N	N	N	N
Miniature golf	N	C	N	P	N	N
Mini-warehouse	N	N	N	N	C	C
Night club, bar, tavern	N	P	N	N	C	C
PLANT Nursery	N	N	C	N	N	N
Office equipment and supplies sales	N	P	N	N	C	C
Pawn shop	N	P	N	N	N	N
Pet shop	N	P	N	N	C	N
Plumbing shop	N	P	C	N	N	N
Printing and publishing establishment	N	C	N	N	C	C
Race track	N	N	N	C	N	N
Restaurant sales and supplies	N	P	N	N	N	N
Rug and/or drapery cleaning service	N	C	C	N	N	N
Seafood store	N	C	C	N	N	N
Skating rink	N	C	N	P	N	N
Stone monument sales	N	C	C	N	N	N
Taxidermy	N	C	N	N	N	N
MAJOR COMMERCIAL	PR	PB	PI	PREC	PMXD	PMOI
Amusement park	N	N	N	P	N	N
Auto convenience market	N	N	P	N	N	N
Automobile parts sales	N	C	P	N	N	N
Automobile repair (mechanical and body)	N	N	C	N	N	N
Automobile sales	N	N	N	N	N	N
Automobile service station	N	P	C	N	C	N
Automobile storage (parking lot/garage)	N	C	N	N	C	C
Boat sales and service	N	N	N	P	N	N
Building materials	N	C	N	N	N	N
Farm implements	N	N	N	N	N	N
Flea market	N	C	N	N	N	N
Home improvement center	N	C	N	N	N	N
Hotel or motel	N	C	N	N	C	C
Manufactured housing sales, service and repair	N	N	N	N	N	N
Motorcycle sales, service and repair	N	N	N	N	N	N
Movie theatre	N	P	N	N	C	C
Recreational vehicle park	N	N	N	P	N	N
Recreational vehicle sales, service and repair	N	N	N	N	N	N
Restaurant, drive-in	N	P	N	C	C	C
Restaurant, fast food	N	P	N	C	C	C

OUTDOOR RECREATION	PR	PB	PI	PREC	PMXD	PMOI
Arboretums	N	N	N	P	N	N
Ball fields	N	N	N	P	C	C
Golf course	N	N	N	P	N	N
Park or playground	C	C	N	P	C	C
Riding academy	N	N	N	P	N	N
Swimming pool (outdoor)	C	N	N	P	C	C
Tennis court (outdoor)	C	N	N	P	C	C
Wildlife sanctuary	N	N	N	P	N	N
TRANSPORTATION, COMMUNICATION AND UTILITY USES	PR	PB	PI	PREC	PMXD	PMOI
Airport	N	N	C	N	N	N
Armory	N	N	N	N	N	N
Broadcasting station	N	C	N	N	N	N
Bus and railroad terminal facilities	N	N	P	N	N	N
Electric power substations	C	N	C	C	C	C
Freight depot, rail or truck	N	N	C	N	N	N
Landfill	N	N	C	N	N	N
Maintenance facility / storage yard for schools, government agencies, and telephone and cable companies	N	N	C	N	N	N
Radio and television station and transmitting tower	C	C	C	C	C	C
Railroad facilities	N	N	C	N	N	N
Sewage treatment plant	N	N	C	N	N	N
Taxi dispatching station	N	C	N	N	C	C
Taxi terminal	N	N	N	N	N	N
Telephone exchange	C	P	C	C	C	C
Water or sewage pumping station	C	C	C	C	C	C
Water plant	N	N	C	N	N	N
Water storage tank	C	N	C	C	C	C
Water well (public or private)	C	N	C	C	C	C
Wireless telecommunication facilities	C	C	C	C	C	C
LIGHT INDUSTRY	PR	PB	PI	PREC	PMXD	PMOI
Automobile manufacture	N	N	C	N	N	N
Bottling works	N	N	C	N	N	N
Cabinet shop	N	N	P	N	N	N
Contractor's yard	N	N	C	N	N	N
Grain milling storage and elevators	N	N	C	N	N	N
Ice plant	N	N	P	N	N	N
Lumberyard	N	N	P	N	N	N
Machine shop	N	N	P	N	N	N
Machinery, tools and construction equipment sales and service	N	N	P	N	N	N

LIGHT INDUSTRY, continued	PR	PB	PI	PREC	PMXD	PMOI
Manufacturing, repair, assembly or processing of a light industrial nature including: food/milk products; clothing; musical instruments; scientific, optical, medical & electronic equip; souvenirs and novelties; toys, sporting goods	N	N	P	N	N	N
Millwork	N	N	P	N	N	N
Sand and gravel storage yard	N	N	P	N	N	N
Sawmill or planning mill	N	N	C	N	N	N
Warehouse and storage facilities	N	N	P	N	N	N
Welding shop	N	N	P	N	N	N
GENERAL INDUSTRY	PR	PB	PI	PREC	PMXD	PMOI
Automobile wrecking and salvage	N	N	N	N	N	N
Concentrated animal feeding (CAFO)	N	N	N	N	N	N
Electric power generating plant	N	N	C	N	N	N
Extraction or removal of natural resources on or under land	N	N	C	N	N	N
Junk yard	N	N	C	N	N	N
Manufacturing, repair, assembly, processing, fabrication establishments of a general industrial nature including: acetylene gas; acid; asbestos; ammonia; bleaching powder; chlorine; asphalt or asphalt products; cement or cement products; lime; gypsum; plaster of paris; coal tar or derivatives thereof; creosote or creosote treatment; clay, tile or vitrified products; emery cloth or sandpaper; explosives or fireworks; fertilizer; glue; size or gelatin; linoleum; matches; paint; oil; shellac; turpentine; varnish; rubber and gutta percha products; plastics; soca compounds; petroleum refining; tanning; curing or storage of hides and skins; boiler works; foundry or forge operation; incineration; fat rendering; storage of junk, iron or rags; distillation of bones, coal, or wood	N	N	C	N	N	N
Meat slaughtering and/or packing	N	N	C	N	N	N
Shipbuilding and repair yard	N	N	C	N	N	N
Stone cutting and processing	N	N	N	N	N	N

Section 6.5 Special Requirements for Areas Included in a Planned District

6.5.1 Relationship to Road Network

A Planned Development District created pursuant to this Ordinance shall have access to and from a collector or arterial road (as designated by the Alabama Department of Transportation). In no instance, however, shall any lot within such district access directly upon such arterial or collector road. Access to all lots within a Planned Development District shall be via internal roads designed to channel traffic into and out of the area contained in the Planned Development District. Roads which provide public access but are privately maintained (i.e., private roads) may be allowed in a planned development. All such roads,

however, shall be subject to meeting all applicable minimum Macon County road specifications and standards.

6.5.2 Physical Character of the Site

A parcel, or parcels, located in a Planned Development District shall be suitable for development in the manner proposed without hazards to persons or property, on or off the tract, free from the probability of flooding, erosion, subsidence or slipping of the soil, or other dangers. Conditions of soil, ground water level, drainage, and topography shall all be appropriate to both the kind and pattern of use intended. If appropriate to the form of planned development, lands to be included in Planned Development Districts may be divided by streets, alleys, rights-of-way, or easements, but shall be so located, dimensioned, and arranged as to permit unified planning and development and to meet all requirements in connection therewith, as well as to provide necessary protection against adverse relationships between uses in the district and uses in surrounding areas.

6.5.3 Size and Dimensions

Any Planned Development District created shall consist of one or more tracts whose aggregate area shall be a minimum of fifteen (20) acres. Once a Planned Development District has been created, the Macon County Planning Commission shall have the authority to enlarge the size of the district, provided that all reasonable safeguards are taken to ensure that all enlargements serve to enhance the unity and coordination of the project with regard to physical design and layout and compatibility of land uses within and surrounding the boundaries of the district.

The intent of the Planned Development Districts is to provide the best design and coordinated arrangement of buildings and land uses. It is not likely therefore, that a planned commercial development would contain less than twenty acres. However, if in the opinion of the Planning Commission, the functional design of a building grouping meets the intent of these regulations the Commission may approve a planned development district of less than twenty acres. The following dimensions apply, regardless, of total development size:

- a. Periphery Boundary: All buildings shall be set back at least fifty feet from any peripheral boundary of the project, or any public street or road existing prior to the planned commercial district.
- b. Lot Coverage: Any project divided into individual lots or building sites shall specify yard and lot coverage requirements in its protective covenants provided however, that no buildings shall cover more than fifty percent of its lot at its ultimate expansion potential.
- c. Height: In general, height shall be limited to forty-five feet. However, to permit the greatest flexibility of design the Planning Commission may approve greater heights provided such height is an integral part of the building grouping and enhances the design of the entire project.
- d. Parking and Loading: Parking and loading requirements shall be specified in the restrictive covenants governing the development but in no case may they be less

than the requirements specified in Article 9 of this ordinance. No parking shall be permitted in the front yard of any structure constructed on an individual lot unless such parking area is landscaped with trees, shrubs, and grass islands to prevent the appearance of open parking lot.

- e. Storage: Outdoor storage shall be prohibited unless fully screened on all sides by an opaque ornamental screen.
- f. Landscaping: A landscape plan for the entire development shall be prepared and presented to the Planning Commission for approval. This plan shall show the type and location of plantings, locate and show the purpose of visual screens and establish a means to insure the accomplishment of the landscape plan. The landscaping plan shall include but not be limited to approaches to building entrances, appropriate visual screens and any parking areas.

Section 6.6 Development Procedures

The following items shall be submitted and procedures followed for rezoning one or more contiguous parcels to a Planned Development District classification.

6.6.1 Submittal of Project Proposal to the Planning and Zoning Enforcement Officer

The following items shall be submitted to the Planning and Zoning Enforcement Officer with regard to the establishment of a Planned Development District.

- a. Report. A report shall be submitted which identifies all property ownerships and beneficial interests within the boundaries of the proposed Planned Development District and giving evidence of unified control of its entire area. The report shall state agreement of all present owners and holders of beneficial interest:
 - (1) To proceed with the proposed development according to regulations existing when the map amendment creating the Planned Development District is passed, with such conditions as may be set by the Macon County Planning Commission;
 - (2) To conform in the process of development to the preliminary development concept plan, and to proposals for staging of development, according to requirements herein indicated;
 - (3) To provide such bonds, dedications, easements, guarantees, agreements, deeds of trusts, contracts, and/or covenants acceptable to the Planning Commission as may be reasonably necessary to protect the public interest in completion of such development according to approved plans, and for provision and continuing operation and maintenance of such areas, facilities, and functions as are not to be provided, operated, or maintained at general public expense, and to provide such dedications, contributions, or guarantees as are required for provision of needed public facilities and services.
- b. Survey. A survey of the proposed Planned Development District showing property lines and ownership's; and existing features, including streets, alleys,

easements, utility lines, existing land use, general topography, and physical features.

- c. Preliminary Development Concept Plan. A Preliminary Development Concept for the Planned Development District, indicating:
- (1) The name of the proposed planned development, and the names of the developer(s) and professional planner(s).
 - (2) Scale, date, north arrow.
 - (3) Location, height, floor area, and use of existing structures, if any, and approximate location, orientation, height, floor area, and use of proposed structures or portions of structures.
 - (4) Points of ingress and egress for principal pedestrian, private automotive, and waterway traffic, and circulation patterns within the Planned Development District.
 - (5) Location, character, and scale of parking and service facilities, such as area and number of spaces in parking lots, character of structural parking, and the like; location of principal service areas for major structures or complexes. Such shall not be required for developments, or portions thereof, containing single and two-family dwelling units.
 - (6) Relation of abutting land uses and zoning districts, including, where view protection is an objective, location of principal public viewpoints into or through the proposed Planned Development District.
 - (7) Existing lots and blocks, if any, and general pattern of proposed lots and blocks, if any.
 - (8) Type, location and character of existing and/or proposed public or private areas and/or facilities located within the development.
 - (9) Restrictions, if any, on type or mix of land uses proposed for the Planned Development District.
 - (10) Proposed floor area ratios, impervious surface ratios and common open space areas, as required by this Ordinance. Methods of how such open space areas shall be maintained; or proposals for conveyance of such open space areas to a public body.

The Preliminary Development Concept Plan is required for determination as to internal relationships between or among uses and activities proposed and their supporting systems and facilities, and relation to surrounding uses, activities, systems, and facilities. With respect to Preliminary Development Concept Plans, it is the intent of these regulations that such plans shall include all data reasonably necessary for determining whether the proposed development meets the specific requirements, limitations, and intent of a particular type of Planned Development District.

Therefore, information in addition to that specified above may be requested by the Planning and Zoning Enforcement Officer when necessary to make such determinations with respect to a particular Planned Development District. Such

information shall be provided, if reasonably necessary to make such determinations, before processing proceeds.

- d. Special Surveys, Approvals, or Reports Required. Where development is dependent on such special surveys, approvals, or reports required by law in the circumstances of a particular Planned Development proposal are required where development of a major element of the proposal or the entire proposal is dependent upon such special surveys, approvals, or reports.
- e. Indications as to Nature and Succession of Staging. Where a Planned Development is to be constructed in stages, indications as to the nature of the Planned Development, uses, location, and floor areas or residential densities to be developed, and timing of the beginning and end of development of the first stage; and similar information on succeeding stages; provided, that in lieu of an indication of specific timing on succeeding stages, the initiation of succeeding stages may be made dependent upon completion of all or substantial portions of the first stage, within the time limits provided.
- f. Proposals on Provision and Continuing Operation and Maintenance of Facilities for Common Use. Proposals describing provisions to be made concerning establishment and continuing operation and maintenance of such areas, facilities, and improvements as will be for common use by some of all of the occupants of the district and persons visiting the district, but which will not be provided, operated, or maintained at general public expense. These proposals shall give adequate assurance to the County that such areas, facilities and improvements will be continued, operated, and maintained without future expense to the taxpayers of Macon County.
- g. Proposals Concerning Restrictive Covenants. Proposals concerning any restrictive covenants to be recorded with respect to property included in the Planned Development District.
- h. Traffic Impact Study. A study prepared by a qualified transportation or traffic engineer or planner, including the following information:
 - (1) Existing traffic conditions within the study area boundary.
 - (2) Estimated traffic volumes to be generated by the proposed development, including the morning peak, and afternoon or evening peak.
 - (3) Analyses of the capacities of intersections located with the study area boundary.
 - (4) Recommendations for improvements to mitigate traffic impacts.

6.6.2 Zoning Administrator Review

On receipt of the items listed in Section 7.6.1, the Planning and Zoning Enforcement Officer shall review such items and circulate to other appropriate County and State agencies such documents to determine conformity with any adopted land use regulations, plans or studies applicable in the case. Unless delays occur caused by actions above and beyond the capacity

of the Planning and Zoning Enforcement Officer, the applicant shall have the initial review of the documents submitted to him within sixty (60) days of their submittal. If such delays occur, the applicant shall be notified by first class mail prior to the expiration of the sixty day period. Such notification shall explain the cause of the delay and an approximate date when the review is anticipated to be completed. If more than sixty (60) days otherwise goes by without comment by the Planning and Zoning Enforcement Officer, the application shall automatically be placed on the agenda of the Macon County Planning Commission's next regularly scheduled meeting.

6.6.3 Notification to Applicant

Following the review by the Planning and Zoning Enforcement Officer and others, the applicant shall be notified by first class mail by the Planning and Zoning Enforcement Officer concerning the suitability of the proposed development and any steps (if any) needed to be taken by the applicant to bring the development into conformity with all existing rules, regulations, adopted plans or comments made by persons reviewing the materials submitted. The Planning and Zoning Enforcement Officer shall also indicate that the applicant shall have thirty (30) days (from the date such notification is written) to confer with him in person concerning the proposed development. Should said thirty (30) day period pass and no further modifications to the materials submitted by the applicant are made, the Planning and Zoning Enforcement Officer shall make a report concerning the proposed Planned Development District to the Planning Commission.

If the applicant joins in such conferences with the Planning and Zoning Enforcement Officer, changes may be made in the original proposal, further conferences may be held, and additional material may be requested to guide in determinations. If the applicant joins in such conferences with the Planning and Zoning Enforcement Officer, the normal period specified for Planning and Zoning Enforcement Officer study of amendments shall be waived by the applicant, so that sufficient time may be available for the conferences.

In the course of such preliminary conferences, recommendations for changes shall be recorded in writing along with the reasons therefore, and shall become part of the record in the case. Applicants shall indicate, in writing, their agreement to such recommendations or their disagreement and the reasons therefore; such response by applicants shall also be included in the record.

6.6.4 Notification to Planning Commission

At such time as further conferences appear unnecessary, or at any time upon request of the applicant prior to or after the expiration of the thirty (30) day review period, the Planning and Zoning Enforcement Officer shall prepare a written report to the Planning Commission, containing the following findings:

- a. As to the suitability of the tract for the general type of Planned Development District proposed, physical characteristics of the land, and relation of the proposed development to surrounding areas and existing and probable future development;
- b. As to relation to major roads, utilities and other facilities, and services;
- c. As to the adequacy of evidence on unified control and suitability of any proposed agreements, contracts, deed restrictions, sureties, dedications, contributions,

- guarantees, or other instruments, or the need for such instruments, or for amendments in those proposed;
- d. As to the suitability of proposed plans and the desirability of amendments;
 - e. As to the adherence of Planned District or general regulations or as to desirable specific modifications in planned development or general regulations as applied to the particular case, based on determination that such modifications are necessary or justified in the particular case by demonstration that the public purposes of planned development or other regulations would be met to at least an equivalent degree by such modifications;
 - f. As to the suitability of the proposed time for the beginning and the completion of the Planned Development District.

Based on such findings, the Planning and Zoning Enforcement Officer shall recommend approval of the planned development amendment proposed, approval conditioned on specific modifications, or disapproval, with recorded reasons therefore.

6.6.5 Planning Commission Review

The Planning Commission shall review the materials submitted and the comments of the Planning and Zoning Enforcement Officer and other persons reviewing said materials in accordance with Section 7.6.2. The Planning Commission shall hold a public hearing on the application for a rezoning for the proposed Planned Development District. The Planning and Zoning Enforcement Officer shall, upon determination that an application for a planned development district complies with all submission requirements, receive the application and schedule it for public hearing by the Planning Commission. Notice of such public hearing shall be given 15 days in advance of the public hearing. Notification shall include the following:

- a. Posting of a sign on the property with the date, time and location of the public hearing; and
- b. Notices sent by regular mail to the owner, subdivider or his agent and all adjoining landowners as their names appear upon the plats in the Macon County Tax Assessor's Office.

The Planning Commission shall consider the application and render a recommendation to the Macon County Commission at the conclusion of the public hearing unless it is determined that action must be deferred to allow for additional input and review.

6.6.6 Macon County Commission Review

Following the action of the Macon County Planning Commission, the application and materials, along with the Planning Commission's recommendation will be forwarded to the Macon County Commission for review. Upon receipt of the recommendation of the Planning Commission regarding a rezoning request for a Planned Development District, the Macon County Commission shall hold a public hearing on the application. The County Commission shall give notice of such public hearing by two publications in a newspaper of general circulation with the second notice appearing 15 days in advance of the public hearing. The Macon County Commission shall consider the application and render a decision at the conclusion of the public hearing unless it is determined that action must be deferred to allow for additional input and review.

6.6.7 Macon County Commission Action

If the petition to rezone the parcel(s) in question to a Planned Development District is granted, the Macon County Commission shall, in its amending action, approve the Preliminary Development Concept Plan submitted by the applicant or indicate required modifications. Such approved plan, with required modifications, if any, shall be binding in determinations concerning final development plans.

If the amendment is granted, the development shall be required to be in accord with final development plans meeting the requirements of these and other regulations, as supplemented or modified by the Planning Commission in the particular case as part of the amending action, and shall conform to any time limitations established by the Planning Commission on beginning and completion of the development as a whole, or in specified stages. Before development may proceed, agreements, contracts, deed restrictions, sureties, and other instruments involved shall be in a form approved by appropriate officer(s) or agencies.

6.6.8 Issuance of Building Permits

After a Planned Development District has been established, no zoning permit shall be issued therein unless and until the Planning and Zoning Enforcement Officer has approved final plans and reports for the development as a whole or for stages or portions thereof deemed satisfactory in relation to total development. Approval of final plans and reports shall be based on compliance with regulations applying at the time the land was zoned to a Planned Development District status, including such specific modifications as were made by the Macon County Commission in its amending action. Final plan approval is an administrative action. No public notice or hearing is required in connection with approval proceedings on final plans or changes in approved plans. The Planning and Zoning Enforcement Officer may hold meetings, with such notice as he deems appropriate, in connection with such actions.

Except as provided below, final plans and reports approval shall be binding on the applicants and any successors in title, so long as planned zoning classification applies to the land. Changes in approved preliminary plans may be permitted by the Planning and Zoning Enforcement Officer on application by the original applicant or successors in interest, but only upon making a finding that such changes are in accord with the development concept plan approved by the Macon County Commission when creating said Planned Development District along with any conditions placed on the development in said Planned Development District.

In reaching his decision as to whether or not the change is substantial enough to require reference to the Planning Commission (for review) and Macon County Commission (for amendment to the zoning classification to permit such changes), the Planning and Zoning Enforcement Officer shall use the following criteria:

- a. Any increase in intensity of use shall constitute a modification requiring County Commission action. An increase in intensity of use shall be considered to be any of the following:
 - (1) an increase in usable floor area (in either principal or accessory structures) by greater than five (5) percent, or;

- (2) an increase in the number of dwelling or lodging units by greater than five (5) percent, or;
- (3) an increase in outside land area devoted to sales, displays, or demonstrations by greater than five (5) percent.
- b. Any change in parking resulting in an increase of five (5) percent or more in the number of spaces approved shall constitute a change requiring County Commission action.
- c. Structural alternations significantly affecting the basic size, form, and style of building, as shown on the approved plan, shall be considered a change requiring consideration by the County Commission.
- d. A decrease of more than five (5) percent in the amount of open space or any substantial change in the location or characteristics of open space, shall constitute a change requiring consideration by the County Commission action.
- e. A change of greater than five (5) percent in the mix of any particular dwelling type within the planning district containing residential uses.
- f. Any change in use from one use group to another shall constitute a change requiring consideration by the County Commission. In addition, a request to change a use to a use which has been specifically excluded from the development by the Macon County Commission shall require County Commission action.
- g. Substantial changes in pedestrian or vehicular access or circulation shall constitute a change requiring consideration by the County Commission.

6.6.9 Expiration of Time Limits of Planned Development Districts

If actions required in any amendment establishing a Planned Development District are not taken within the time limit set, the Planning and Zoning Enforcement Officer shall review the circumstances and recommend to the Planning Commission and the Macon County Commission:

- a. That the Planned Development District for the entire area be continued with revised time limits; or
- b. That the Planned Development District be continued for part of the area, with or without revised time limits, and the remainder be rezoned to an appropriate category; or
- c. That the entire district be rezoned from a Planned District to an appropriate general zoning district.

ARTICLE 7 OVERLAY DISTRICTS

Section 7.1 Generally

In addition to Planned Districts or other districts requiring site development plan approval by the Planning Commission, overlay districts may be established which include specific development or design standards or guidelines, in addition to provisions for land use. The regulations set forth in this article, or set forth elsewhere in this ordinance when referred to in this article, are the regulations that apply to the zoning districts as they are established in Section 3.1.

Section 7.2 Intent of Overlay Districts

Overlay Districts are established to provide for certain additional requirements for properties located in one or more general zoning districts. Thus, in addition to the requirements of the underlying general zoning district, the provisions of the Overlay District would also prevail in the areas so zoned. The initial zoning of areas to an Overlay District and/or any subsequent rezoning may be initiated by an individual, agency of Macon County, or member of the Planning Commission or County Commission. A zoning map change either establishing or changing any Overlay District shall be subject to the same procedures and requirements as any other zoning map change. In certain areas of Macon County, two or more Overlay Districts may apply. In any such instance where there are conflicting provisions, the more stringent requirements shall apply. The general intent of the established overlay districts in Macon County is outlined as follows:

7.2.1 NR-2 - Conservation Overlay District

The purpose of the Conservation Overlay District is to provide criteria that assures conservation of natural resources during and after development. Macon County's natural resources are significant because of their size and/or functional values, such as flood storage, wildlife habitat, and the enhancement of water quality and/or quantity. The preservation of these natural resources promotes the general public health, safety, and welfare in the county. The Conservation Overlay District is intended to maintain and enhance the quality and quantity of the county's natural resources, minimize impacts to existing land uses and lots, and prevent the destruction of, or significant changes to, those wetland areas, related water bodies and adjoining land which provide flood protection; and encourage those uses that can be appropriately and safely located within the Conservation Overlay District.

7.2.2 SPC-2 - Scenic Corridor Overlay District

The purpose of the Scenic Corridor Overlay District is to provide orderly development along scenic highways, to encourage the most appropriate use of adjacent lands, to maintain the scenic natural beauty of the area, and to promote the safe and efficient movement of traffic. These ordinances will facilitate the adequate provision of transportation by promoting the safe and efficient movement of traffic and by encouraging development which reduces or eliminates visual clutter and poor site layout.

7.2.3 FP - Flood Plain Overlay District

The purpose of the flood plain overlay district is to promote the public health, safety, and general welfare and to minimize public and private losses due to flood conditions in specific areas that are designated as flood plains by the latest edition available of the National Flood Insurance Program's Flood Insurance Rate (FIRM) Maps.

7.2.4 FW - Floodway Overlay District

The purpose of the flood plain overlay district is to promote the public health, safety, and general welfare and to minimize public and private losses due to flood conditions in specific areas that are designated as floodways by the latest edition available of the National Flood Insurance Program's Flood Insurance Rate (FIRM) Maps.

Section 7.3 Overlay District Use Regulations

The following Table of Uses identifies the uses that are permitted, uses that are permitted on a conditional basis, and the uses that are not permitted in each of the planned development zoning districts. Uses shall be governed by conditions set forth in the following categories:

- a. Permitted Uses: Uses allowed by right are specified by a "P" in the chart.
- b. Uses Requiring Conditional Approval: Conditional uses are those uses which are permitted upon approval of location and the site plan thereof by the planning commission as being appropriate with regard to transportation and access, water supply, waste disposal, fire and police protection, and other public facilities, as not causing undue traffic congestion or creating a traffic hazard, and as being in harmony with the orderly and appropriate development of the district in which the use is located. A "C" indicates a use which requires planning commission approval.

All uses are subject to such other requirements of Federal and State law and regulatory authority as may be or become applicable, at any time, including but not limited to required permits.

Table of Uses

P = PERMITTED USE: Uses in the Table of Uses identified by (P) are permitted as of right, subject to the conditions specified in the Table or elsewhere in these ordinances.

C = CONDITIONAL USE: Uses in the Table of Uses identified by (C) are permitted upon conditional approval by the Planning Commission.

N = NON-PERMITTED USE: Uses in the Table of Uses identified by (N) are not permitted.

RESIDENTIAL	NR-2	SPC-2	FP	FW
Accessory structures and uses	P	N	C	C
Boarding, rooming or lodging house, dormitory	N	N	N	N
Fraternity or sorority house	N	N	N	N
Mail order house	N	N	N	N
Manufactured housing park	N	N	N	N
Mobile home / Manufactured home	N	N	N	N
Multiple family dwellings	N	N	N	N
Single family dwelling	N	N	N	N
Two family dwelling	N	N	N	N
AGRICULTURE	NR-2	SPC-2	FP	FW
Agriculture	N	N	N	N
Animal raising	N	N	N	N
Dairying	N	N	N	N
Farming	N	N	N	N
Floriculture	N	N	N	N
Hatchery, poultry and fish	N	N	N	N
Horticulture	N	N	N	N
Pasturage	N	N	N	N
Silviculture	N	N	N	N
Stables	N	N	N	N
Viticulture	N	N	N	N
INSTITUTIONAL	NR-2	SPC-2	FP	FW
Ambulance/EMS Service	N	N	N	N
Art gallery or museum	N	N	N	N
Auditorium, stadium, coliseum	N	N	N	N
Business school or college	N	N	N	N
Cemetery	N	N	N	N
Church or similar religious facility	C	C	N	N
City hall or courthouse	N	N	N	N
Club or lodge	N	N	N	N
College or university	N	N	N	N
Convalescent or nursing home, Assisted Living	N	N	N	N
Correctional, detention, or penal institution	N	N	N	N
Child care center	N	N	N	N
Child care institution	N	N	N	N
Day care home	N	N	N	N
Animal Shelter	N	N	N	N

INSTITUTIONAL, continued	NR-2	SPC-2	FP	FW
Fire station	N	N	N	N
Funeral home	N	N	N	N
Hospital	N	N	N	N
Library	C	C	N	N
Police station	N	N	N	N
Post office	N	N	N	N
Sanitarium	N	N	N	N
School (public or private)	N	N	N	N
Teen club or youth center	N	N	N	N
YMCA, YWCA	N	N	N	N
Zoo	N	N	N	N
PROFESSIONAL, SERVICE AND OFFICE USES	NR-2	SPC-2	FP	FW
Bank	N	N	N	N
Barber shop or beauty parlor	N	N	N	N
Clinic or doctor office (medical, dental, psychiatric)	N	N	N	N
Office	N	N	N	N
Optician	N	N	N	N
Laboratory, scientific, medical, dental	N	N	N	N
Mixed commercial/residential	N	N	N	N
Studio for dance, music, photography, painting, etc.	N	N	N	N
LOCAL COMMERCIAL	NR-2	SPC-2	FP	FW
Accessory structures and uses such as food service, gift or novelty shops, and barber or beauty shops conducted primarily for the convenience of visitors or patrons on the premises and contained within a principal building	N	N	N	N
Apparel and accessory store	N	N	N	N
Appliance store including repair	N	N	N	N
Art supplies	N	N	N	N
Automobile parts sales	N	N	N	N
Bakery retail	N	N	N	N
Bed and breakfast or tourist home	N	N	N	N
Bicycle sales and service	N	N	N	N
Book store	N	N	N	N
Café	N	N	N	N
Camera and photo shop	N	N	N	N
Candy store	N	N	N	N
Catering shop or service	N	N	N	N
Copy shop	N	N	N	N
Delicatessen	N	N	N	N
Discount / variety store (<8,000 sq ft)	N	N	N	N
Drug store (< 8,000 sq ft)	N	N	N	N
Fixture sales	N	N	N	N
Floor covering sales or service	N	N	N	N
Florist	N	N	N	N

LOCAL COMMERCIAL, continued	NR-2	SPC-2	FP	FW
Fruit and produce store	N	N	N	N
Gift shop	N	N	N	N
Hardware store, retail	N	N	N	N
Ice cream parlor	N	N	N	N
Interior decorating shop	N	N	N	N
Laundry and dry cleaning store	N	N	N	N
Laundry, self service	N	N	N	N
Locksmith	N	N	N	N
Music store	N	N	N	N
Neighborhood convenience store	N	N	N	N
News stand	N	N	N	N
Paint and wallpaper store	N	N	N	N
Picture framing and/or mirror silvering	N	N	N	N
Restaurant	N	N	N	N
Shoe repair shop	N	N	N	N
Shoe store	N	N	N	N
Sign shop	N	N	N	N
Sporting goods store	N	N	N	N
Tailor shop	N	N	N	N
Tobacco store	N	N	N	N
Toy store	N	N	N	N
GENERAL COMMERCIAL	NR-2	SPC-2	FP	FW
Air conditioning sales and service	N	N	N	N
Amusement arcade	N	N	N	N
Animal clinic / kennels	N	N	N	N
Bakery, wholesale	N	N	N	N
Bowling alley	N	N	N	N
Business machine sales and service	N	N	N	N
Propane gas sales	N	N	N	N
Car wash	N	N	N	N
Convenience store	N	N	N	N
Country club	N	N	N	N
Department store	N	N	N	N
Discount / variety store (exceeding 8,000 square feet)	N	N	N	N
Drug store (exceeding 8,000 square feet)	N	N	N	N
Elevator maintenance service	N	N	N	N
Exterminator service office	N	N	N	N
Farmer's market/truck crops	N	N	N	N
Feed Store	N	N	N	N
Firing range	N	N	N	N
Fitness center or gym	N	N	N	N
Golf driving range	N	N	N	N
Grocery store	N	N	N	N
Landscape sales	N	N	N	N

GENERAL COMMERCIAL, continued	NR-2	SPC-2	FP	FW
Lawnmower sales and service	N	N	N	N
Liquor store	N	N	N	N
Miniature golf	N	N	N	N
Mini-warehouse	N	N	N	N
Night club, bar, tavern	N	N	N	N
Plant Nursery	N	N	N	N
Office equipment and supplies sales	N	N	N	N
Pawn shop	N	N	N	N
Pet shop	N	N	N	N
Plumbing shop	N	N	N	N
Printing and publishing establishment	N	N	N	N
Race track	N	N	N	N
Restaurant sales and supplies	N	N	N	N
Rug and/or drapery cleaning service	N	N	N	N
Seafood store	N	N	N	N
Skating rink	N	N	N	N
Stone monument sales	N	N	N	N
Taxidermy	N	N	N	N
MAJOR COMMERCIAL	NR-2	SPC-2	FP	FW
Amusement park	N	N	N	N
Auto convenience market	N	N	N	N
Automobile parts sales	N	N	N	N
Automobile repair (mechanical and body)	N	N	N	N
Automobile sales	N	N	N	N
Automobile service station	N	N	N	N
Automobile storage (parking lot/garage)	N	N	N	N
Boat sales and service	N	N	N	N
Building materials	N	N	N	N
Farm implements	N	N	N	N
Flea market	N	N	N	N
Home improvement center	N	N	N	N
Hotel or motel	N	N	N	N
Manufactured housing sales, service and repair	N	N	N	N
Motorcycle sales, service and repair	N	N	N	N
Movie theatre	N	N	N	N
Recreational vehicle park	N	N	N	N
Recreational vehicle sales, service and repair	N	N	N	N
Restaurant, drive-in	N	N	N	N
Restaurant, fast food	N	N	N	N
OUTDOOR RECREATION	NR-2	SPC-2	FP	FW
Arboretums	C	N	N	N
Ball fields	N	N	N	N
Golf course	N	N	N	N

OUTDOOR RECREATION, continued	NR-2	SPC-2	FP	FW
Park or playground	C	C	P	P
Riding academy	C	C	C	C
Swimming pool (outdoor)	N	N	N	N
Tennis court (outdoor)	N	N	N	N
Wildlife sanctuary	C	N	N	N
TRANSPORTATION, COMMUNICATION AND UTILITY USES	NR-2	SPC-2	FP	FW
Airport	N	N	N	N
Armory	N	N	N	N
Broadcasting station	N	N	N	N
Bus and railroad terminal facilities	N	N	N	N
Electric power substations	C	C	C	C
Freight depot, rail or truck	N	N	N	N
Landfill	N	N	N	N
Maintenance facility / storage yard for schools, government agencies, and telephone and cable companies	N	N	N	N
Radio and television station and transmitting tower	C	C	C	C
Railroad facilities	N	N	N	N
Sewage treatment plant	N	N	N	N
Taxi dispatching station	N	N	N	N
Taxi terminal	N	N	N	N
Telephone exchange	C	C	C	C
Water or sewage pumping station	C	C	C	C
Water plant	N	N	N	N
Water storage tank	C	C	C	C
Water well (public or private)	C	C	C	C
Wireless telecommunication facilities	C	C	C	C
LIGHT INDUSTRY	NR-2	SPC-2	FP	FW
Automobile manufacture	N	N	N	N
Bottling works	N	N	N	N
Cabinet shop	N	N	N	N
Contractor's yard	N	N	N	N
Grain milling storage and elevators	N	N	N	N
Ice plant	N	N	N	N
Lumberyard	N	N	N	N
Machine shop	N	N	N	N
Machinery, tools and construction equipment sales and service	N	N	N	N
Manufacturing, repair, assembly or processing of a light industrial nature including: food/milk products; clothing; musical instruments; scientific, optical, medical & electronic equip; souvenirs and novelties; toys, sporting goods	N	N	N	N
Millwork	N	N	N	N
Sand and gravel storage yard	N	N	N	N
Sawmill or planing mill	N	N	N	N
Warehouse and storage facilities	N	N	N	N
Welding shop	N	N	N	N

GENERAL INDUSTRY	NR-2	SPC-2	FP	FW
Automobile wrecking and salvage	N	N	N	N
Concentrated animal feeding (CAFO)	N	N	N	N
Electric power generating plant	N	N	N	N
Extraction or removal of natural resources on or under land	N	N	N	N
Junk yard	N	N	N	N
Manufacturing, repair, assembly, processing, fabrication establishments of a general industrial nature including: acetylene gas; acid; asbestos; ammonia; bleaching powder; chlorine; asphalt or asphalt products; cement or cement products; lime; gypsum; plaster of paris; coal tar or derivatives thereof; creosote or creosote treatment; clay, tile or vitrified products; emery cloth or sandpaper; explosives or fireworks; fertilizer; glue; size or gelatin; linoleum; matches; paint; oil; shellac; turpentine; varnish; rubber and gutta percha products; plastics; soda compounds; petroleum refining; tanning; curing or storage of hides and skins; boiler works; foundry or forge operation; incineration; fat rendering; storage of junk, iron or rags; distillation of bones, coal, or wood	N	N	N	N
Meat slaughtering and/or packing	N	N	N	N
Shipbuilding and repair yard	N	N	N	N
Stone cutting and processing	N	N	N	N

Section 7.4 Conservation Overlay District Requirements and Standards

Within resource conservation areas, special consideration shall be given to the specific environmental resource(s) present and the proposed use. When determining the potential for Conservation Overlay District designation, the Planning Commission and County Commission shall ensure that at least one of the following criteria are satisfied:

- a. District designation conforms to County plans and policies;
- b. Evidence that a Conservation Overlay District designation would be an appropriate and effective method for conserving the area’s natural resources.

7.4.1 Criteria for Evaluating a Conservation Overlay District

The following objectives will form the basic criteria for evaluating a development within a Conservation Overlay District:

- a. A significant natural environmental feature will be conserved, e.g., a forest, wetland, watercourse or water body, steep slopes or rock outcrops.
- b. Views of natural features will be preserved along existing roads thereby protecting existing community character.
- c. Development patterns will aggregate infrastructure and building, allowing the conservation of natural features and providing economical, compact development.
- d. Natural areas may be protected as either common areas or as portions of individual lots; in either event, easements or covenants acceptable to the Macon County Planning Commission shall be required specifying the protection offered.

7.4.2 Establishing a Conservation Overlay District

The zoning of land to a Conservation Overlay District may occur at the request of the property owner, upon the initiative of the Macon County Commission, or upon the request to the Macon County Planning Commission following the rezoning procedures outlined in Article 17 of this Ordinance.

7.4.3 Minimum Area Requirements

The minimum land area for a conservation overlay district is ten (10) contiguous acres. The Planning Commission and County Commission may consider smaller parcels, greater than or equal to five acres, if the applicant can demonstrate one of the following:

- a. the proposed Open Space provides a connection between unconnected existing open space, green space, or other protected natural resource areas and will not result in isolated fragments of open space; or
- b. the proposed development would ensure a unique natural or historically significant area will be protected.

7.4.4 Conservation Criteria

All requests for including a land area in a Conservation Overlay District shall be accompanied by a written report, supplemented with graphic illustrations, indicating the type and extent of natural features for which protection is sought. Graphic illustrations may include air photos, local wetland maps, or other maps illustrating the extent of natural features. The written report shall address the following criteria which are mandatory for designation of a Conservation Overlay District:

- a. Identification of the natural features to be protected;
- b. At least twenty-five (25) percent of the site must be comprised of natural features. The total natural area on any site shall be not less than one acre in size;
- c. Forested areas shall be characterized by stands of trees at least thirty (30) feet in height at their highest point.
- d. Any wetland designated by the Alabama Department of Environmental Management shall be presumed to be a wetland under this chapter. Any unmapped wetland one acre or larger in size and meeting the three wetland indicators used by the United States Army Corps of Engineers (hydrology, soils and vegetation) shall qualify as a wetland if mapped by a certified wetland expert.
- e. Steep slopes and rock outcrops shall include all slopes in excess of thirty (30) percent and all rock outcrops fifty (50) square feet or more in area.

7.4.5 Development Procedure Within a Conservation Overlay District

Once a Conservation Overlay District is established, any development of previously undisturbed land within the district requires the submittal and approval by the Macon County Planning Commission of a Conservation Development Plan drawn to a minimum scale of one inch equals fifty (50) feet on an overall sheet size not to exceed twenty-four (24) by thirty-six (36) inches. When more than one sheet is required, an index sheet of the same size shall be included showing the entire parcel with individual sheet numbers

referenced thereon. The following information is required on or in an acceptable form so as to accompany the Development Conservation Plan:

- (1) Development Conservation Plan Name.
- (2) North arrow, scale and date prepared.
- (3) Legal description.
- (4) Location map.
- (5) Underlying zoning district(s) assigned to the property, which is the subject of the development conservation plan and adjacent properties.
- (6) Identification of watercourses, wetlands, tree masses and specimen trees, including description and location of understory, ground cover vegetation and wildlife habitats or other environmentally unique areas.
- (7) Gross and net site area expressed in square feet and acres.
- (8) Number of units proposed, if any.
- (9) Floor area devoted to each category of use.
- (10) Delineation in mapped form and computation of the area of the site devoted to building coverage and other impervious surfaces expressed in square feet and as a percentage of the overall site.
- (11) Number of parking spaces required (stated in relationship to the applicable formula) and proposed.
- (12) Location of all driveways, parking areas and curb cuts and the total paved vehicular use area (including but not limited to all paved parking spaces and driveways), expressed in square feet and as a percentage of the area of the overall site.
- (13) Location of all public and private easements and streets within and adjacent to the site.
- (14) The location, size and height of all existing and proposed buildings and structures on the site.
- (15) Location of all refuse collection facilities, including screening and access thereto.
- (16) Provisions for both on-and off-site storm water drainage and detention related to the proposed development.
- (17) Existing and proposed utilities, including size and location of all water lines, fire hydrants, sewer lines, manholes, and lift stations.
- (18) Existing two-foot contours or key spot elevations on the site, and such off-site elevations as may be specifically required and not otherwise available which may affect the drainage or retention on the site.
- (19) The proposed general use and development of internal spaces, including all recreational and open space areas, plazas and major landscape areas by function, and the general location and description of all proposed outdoor furniture (such as seating, lighting, and telephones).
- (20) The location of all earth or water retaining walls, earth berms, and public and private sidewalks.
- (21) Phase lines, if development is to be constructed in phases.
- (22) Dimensions of lot lines, streets, drives, building lines, building setbacks, building height, structural overhangs, and building separations.

- (23) Shadow cast information if the proposed building is higher than any immediately adjacent building or if the height of the building is greater than the distance of the building to any lot line.
- (24) Long-term ownership and maintenance plan of any area intended to be used for public open space or recreation purposes.

The Development Conservation Plan shall also be accompanied by the required fee according to the current schedule of fees established by the Macon County Commission for the particular category of application. This fee shall be nonrefundable irrespective of the final disposition of the application.

The Planning Commission shall review the materials as submitted at a regular Planning Commission meeting and render a decision within sixty (60) days from the date of the first presentation of the proposed Conservation Development Plan. The Planning Commission may approve the Plan as presented, approve the Plan with modifications or disapprove the Plan. The decision of the Planning Commission shall be noted on the Conservation Development Plan and the developer shall be notified by first-class mail of the Planning Commission's action.

7.4.6 Development Guidelines Within a Conservation Overlay District

The following guidelines outline the minimum requirements for development within a Conservation Overlay District:

- a. Natural features shall be protected by conserving a minimum of fifty (50) percent of all natural areas or the minimum area required by state or federal regulations. Such areas, both existing and proposed for protection, shall be subject to review and approval of the Planning Commission. Enhancement of natural features may be permitted, and such features, if any, shall be illustrated on the development plan and any other requisite construction drawings.
- b. All natural areas approved for protection in the development plan shall be clearly demarcated on site during construction. Construction-related activities, such as storage of materials or equipment, shall be allowed only within the approved construction area. No construction activity shall occur closer than 10 feet to any tree to be preserved. Any broken limbs or other tree wounds shall be immediately trimmed and treated with a tree wound product.
- c. Setbacks and Buffer Areas.
 - (1) There shall be twenty-five-foot minimum buffers provided along both sides of any stream or water body, which may be increased for more environmentally sensitive water bodies.
 - (2) Notwithstanding any other provisions of zoning districts in Macon County, a Conservation Overlay District may require the following setbacks in conserving natural features identified in the development plan:

- (a) Fifty- to one-hundred-foot setbacks from roads, but in all cases fifty (50) feet will be a minimum setback from said road.
 - (b) Limited access curb cuts off existing roads.
 - (c) Variation of any side or rear yard setbacks on individual lots but in no instance by more than fifty (50) percent of the underlying zone requirement.
- d. Disturbance of Natural Areas.
No natural areas or features shall be disturbed unless so indicated on the approved development plan for the site. Any areas disturbed, for construction purposes, shall comply with all provisions of applicable state, federal or local ordinances.
- e. Landscape Restoration.
A landscape restoration plan shall be submitted indicating plantings for all disturbed areas of property developed within a Conservation Overlay District. The plan shall graphically show all proposed plants and shall indicate, in chart form, common and botanical names, sizes at planting time and at maturity, root condition and quantities.
- (1) Preference will be given to native plants in all planting plans, with a mixture of trees, shrubs and herbaceous material. Major trees shall be a minimum of two to 2 ½ inches in caliper, 16 to 18 feet in height. Minor trees shall be a minimum of 1 ½ to 2 inches in caliper, 8 to 10 feet in height. Shrubs with a mature size of five feet or greater shall be 3 ½ to 4 feet in height at planting. All other shrubs shall be a minimum of 1 ½ to 2 feet in size at planting. All planting beds must be clearly marked on plans and must be mulched with two inches of seasoned hardwood chips or shredded hardwood mulch.
 - (2) The planting plan shall indicate who is responsible for replacing and maintaining plant material. All plants must be replaced if dead or dying with the same or similar species within 120 days. Planted areas must be properly maintained, including weeded, trimmed, pruned and treated as necessary for diseases. All mulched areas shall be maintained with required depth of mulch.

Section 7.5 Scenic Corridor Overlay District Requirements and Standards

In a Scenic Corridor Overlay District, notwithstanding the underlying zoning district, no land shall be developed and no building shall be erected or structurally altered except in conformance with the provisions of this Article. The provisions of this Article shall apply in addition to other requirements of these regulations. In case of conflict, the most restrictive provisions shall govern except as otherwise provided in this Article.

7.5.1 Scenic Roadway Setback

To ensure a more uniform pattern of structural development, a minimum building setback will be established within Scenic Corridor Overlay Districts, as follows:

- a. Along designated scenic corridors, the building setback is established at 140 feet from the centerline of the right-of-way.
- b. Principle structures on commercially developed parcels shall be required to be constructed no more than two feet to the rear of the minimum setback.
- c. Principle structures on residentially developed parcels shall be required to be constructed to the rear of the minimum setback.
- d. The Planning and Zoning Enforcement Officer may vary this requirement as part of site plan approval, taking into consideration the topography of the area, traffic volumes for the designated roadway, surrounding land uses, existing land uses, the actual location of the roadway, and the size of land parcels.

7.5.2 Maximum Impervious Surface

The impervious surface of development proposals in the Scenic Corridor Overlay District shall not exceed seventy (70) percent of the gross area of the site.

7.5.3 Utilities

All on-site utilities shall be located underground unless required by the utility to be otherwise located.

7.5.4 Building Materials

Buildings should be designed to utilize, to the greatest extent feasible, natural building materials such as rock, stone, brick, and wood, which are compatible with the environment. Although building colors are not specified, bright, garish colors are discouraged. Pigmented surfaces should be of earth tone or natural coloration. No mirrored glass with a reflectance greater than twenty percent (20%) shall be permitted.

7.5.5 Height

The maximum building height for structures within a Scenic Corridor Overlay District shall be fifty (50') feet.

7.5.6 Off Street Parking

Off-street parking shall be determined by the requirements of the underlying zoning district with the further requirement that there shall be allowed only one (1) double-loaded bay of off-street parking parallel to the designated Scenic Roadway. Peninsulas and islands in parking areas shall be as uniformly distributed as practicable to subdivide large expanses of parking area, regulate traffic flow, protect pedestrians, and permit access by emergency vehicles. Landscaped peninsulas and islands shall be placed at ends of parking rows or between the circulation drives and parking rows throughout the development. Other off-street parking may be located at the sides and/or rear of structures. The Development Review Committee may vary this requirement as part of site plan approval.

7.5.7 Landscaping Requirements

- a. Scenic Roadway Buffer.
A Scenic Roadway Buffer, parallel and abutting the designated Scenic Roadway right-of-way boundary and extending to sixty (60) feet from the

minimum Scenic Roadway Setback shall be maintained on all property within a Scenic Corridor Overlay District. The Director may reduce or expand the required width of this buffer, taking into consideration the topography of the area, traffic volumes for the designated roadway, surrounding land uses, existing land uses, the actual location of the roadway, the size of land parcels affected by the buffer, and whether the buffer requirement would render the entire property unusable. No development, other than necessary construction for safe ingress, egress, signage, or utility service to the site shall be allowed within the buffer. With the exception of the Scenic Roadway Screen (below) the buffer shall be planted in suitable landscape materials, such as grass or low-growing shrubbery.

- b. Scenic Roadway Screen. A Scenic Roadway Screen within the required Scenic Roadway Buffer, along and parallel to the edge of the buffer furthest from the roadway, shall be provided by one of the following methods:
 - (1) An earth berm or bank at least four (4) feet high with a required width of at least ten (10) feet and covered with an acceptable grass or landscape cover suitable to the slope used; or
 - (2) A planting screen consisting of a minimum of two (2) staggered rows of evergreen shrubs such as, but not limited to, Ligustrum, Burford Holly, Elaeagnus, Boxwood, or Juniper with a minimum height of three (3) feet installed and a maximum spacing suitable to the particular plant used but yet forming an effective visual screen. This planted screen shall, at driveway and roadway intersections, meet adequate sight distance visibility requirements; or
 - (3) A screening wall or fence of a material similar to and compatible with that of the building. No woven metal or chain link fencing shall be used along designated Scenic Roadway frontage. This fence shall be no taller than six (6) feet except at driveway/roadway intersections where such a wall or fence must meet adequate sight distance visibility requirements.

- c. Parking Area/Storm Water Detention Screening.

All parking areas and storm water detention/retention ponds shall use existing vegetation or installed landscape planting to screen pavement, vehicles and ponds from the roadway and from adjacent properties. This screening may include dense massing of trees in addition to existing native understory vegetation, or shrubs, massing or berms. Topographic changes shall be considered in reviewing this provision. A median of not less than 10 feet (10') in width containing both existing or installed trees, and grass, shall be placed between each parking bay.

- d. Maintenance.

The property owner shall be responsible for the maintenance, repair, and replacement of all landscaping materials, barriers, and irrigation systems as required by the provisions of this Article. All plant material shall be tended

and maintained in a healthy growing condition, replaced when dead and kept free of weeds, refuse, and debris.

7.5.8 Signage Requirements

- a. All applicable provisions of Article XIX. Sign Regulations of these regulations shall apply in a Scenic Corridor Overlay District with additional requirements as follows:
 - (1) Permitted Signs. One (1) freestanding monument sign shall be permitted for each street frontage. Where street frontage exceeds four hundred feet (400'), two such signs shall be permitted. Such signs shall not exceed eight feet (8') in height above normal ground level.
 - (2) Placement. Freestanding signs may be placed in the Scenic Roadway Buffer but must be placed so as to be incorporated into the Scenic Roadway Screen.
 - (3) Materials. The sign base/structure shall be constructed of a material similar to and compatible with that of the associated building on the same property. At least one of the colors in each sign shall match the predominant colors in the building.
 - (4) Lighting. All spotlights and exterior lighting shall be concealed from view and oriented away from adjacent properties and roadways.

7.5.9 Traffic Requirements

- a. Access. Access to a designated Scenic Roadway may be prohibited from any tract having access to a street intersecting with a designated Scenic Roadway or any tract with frontage on a designated Scenic Roadway, which has access through an existing joint-use access easement or driveway. Otherwise, access to a designated Scenic Roadway shall be limited to one driveway unless otherwise permitted by the County Engineer.
- b. Driveway Location. Maximum practical spacing between driveways shall be required. Unless otherwise approved by the County Engineer, no driveway accessing a designated Scenic Roadway shall be located:
 - (1) closer than three hundred feet (300') from the nearest adjacent driveway, unless no other access is available to a parcel of land;
 - (2) where the sight distance is less than ten times the posted speed limit on the corridor roadway;
 - (3) on the inside radius of a curve; or
 - (4) where the roadway grade of the Scenic Roadway corridor exceeds seven and one-half percent (7.5%).
- c. Intersections. Minimum spacing between local streets intersecting the designated Scenic Roadway shall be six hundred feet (600') and between collector streets shall be thirteen hundred and twenty feet (1320'). Improvements to intersections with a designated Scenic Roadway will be based upon a review of a competent professional traffic analysis.

- d. Scenic Roadway Median. The Scenic Roadway median should be designed and landscaped to be compatible with the intent of the Scenic Corridor Overlay District. The number of median breaks on scenic roadway corridors should be minimized. Future connecting streets should align with median breaks to the greatest extent practicable.

Section 7.6 Flood Plain Overlay District Requirements and Standards

The purpose of the Floodway Overlay District is to establish designated areas that are necessary to meet the needs of streams to carry floodwaters of a five hundred (500) year frequency flood and protecting the river, creek channels and flood plains from encroachment so that flood heights and flood damage will not be increased; to provide the necessary regulations for the protection of the public health and safety in areas subject to flooding; and to reduce the financial burdens imposed on the community by floods and the overflow of lands.

7.6.1 Designation of a Flood Plain Overlay District

The Floodway Overlay District includes those areas designated as a five-hundred (500) year flood plain on the most current FEMA Flood Insurance Rate Map (FIRM) for Macon County and as shown on the Macon County Zoning Map. Should there be a conflict between the Macon County Zoning Map and the most current FIRM Map for an area of Macon County, the FIRM Map will prevail.

7.6.2 Development Permit and Certification Requirements

Application for a development permit shall be made to the Planning and Zoning Enforcement Officer on forms furnished by the Planning and Zoning Enforcement Officer prior to any development activities. The development permit application shall include, but not be limited to, plans in duplicate drawn to scale showing: the nature, location, dimensions, and elevations of the area in question; existing or proposed structures; and the location of fill materials, storage areas, and drainage facilities. Specifically, the following information is required:

- a. A plot plan that shows the boundary of the area of special flood hazard or a statement that the entire lot is within the area of special flood hazard must be provided by the development permit applicant when the lot is within or appears to be within the area of special flood hazard as on the FIRM Map. The plot plan must be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by same.
- b. Where base flood elevation data is provided, the application for a development permit within the area of special flood hazard shall show:
 - (1) the elevation (in relation to mean sea level) of the lowest floor (including basement) of all new and substantially improved structures, and
 - (2) if the non-residential structure will be floodproofed, the elevation (in relation to mean sea level) to which the structure will be floodproofed.

- c. Where the base flood elevation data is not provided, the application for a development permit must show construction of the lowest floor at least two (2) feet above the highest adjacent grade.
- d. Where any watercourse will be altered or relocated as a result of proposed development, the application for a development permit shall include:
 - (1) a description of the extent of watercourse alteration or relocation;
 - (2) an engineering report on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects to properties located both upstream and downstream; and
 - (3) a map showing the location of the proposed watercourse alteration or relocation.
- e. When a structure is floodproofed, the applicant shall provide a certification from a registered professional engineer or architect that the non- residential floodproofed structure meets industry standards.
- f. A floor elevation or floodproofing certification is required after the lowest floor is completed. Within twenty-one (21) calendar days of establishment of the lowest floor elevation, or floodproofing by whatever construction means, whichever is applicable, it shall be the duty of the permit holder to submit to the Planning and Zoning Enforcement Officer a certification of the elevation of the lowest floor, or floodproofed elevation, whichever is applicable, as built, in relation to mean sea level. Said certification shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by same. When floodproofing is utilized for a particular building, said certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. Any work done within the twenty-one (21) day calendar period and prior to submission of the certification shall be at the permit holder's risk. The administrator shall review the floor elevation survey data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further progressive work being permitted to proceed. Failure to submit the survey or failure to make said corrections required hereby shall be cause to issue a stopwork order for the project.

The Development Permit Application shall also be accompanied by the required fee according to the current schedule of fees established by the Macon County Commission for the particular category of application. This fee shall be nonrefundable irrespective of the final disposition of the application.

The Planning and Zoning Enforcement Officer and the Macon County Engineer shall review the materials as submitted and render a determination as to whether or not all requirements of the Development Permit have been met within thirty (30) days from the submittal of the Development Permit Application. If the requirements have been met, a

Development Permit will be issued by the office of the Planning and Zoning Enforcement Officer.

If the requirements of the Development Permit Application have not been met or special considerations or additional information are needed, the applicant will be notified by the Planning and Zoning Enforcement Officer and presented with a written outline to the omissions or additional information that is needed. Upon resubmittal of a completed application, the Planning and Zoning Enforcement Officer and Macon County Engineer shall have another 20 days to render a determination as to whether or not all requirements of the Development Permit Application have been met; and, if so, issue a Development Permit. If the application remains incomplete, this process will be repeated.

7.6.3 General Standards

In all areas of special flood hazard the following provisions are required:

- a. All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure;
- b. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage;
- c. All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damages;
- d. Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;
- e. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
- f. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters;
- g. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding; and,
- h. Any alteration, repair, reconstruction, or improvements to a structure which is in compliance with the provisions of this ordinance, shall meet the requirements of "new construction" as contained in this ordinance.
- i. Construction of new solid waste disposal facilities, hazardous waste management facilities, salvage yards, and chemical storage facilities shall not be permitted in areas of special flood hazard. A structure or tank for chemical or fuel storage incidental to an allowed use or to the operation of a water

treatment plant or wastewater treatment facility may be located in an area of special flood hazard only if the structure or tank is either elevated above base flood elevation or designed to be watertight with walls substantially impermeable to the passage of water and with structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy.

7.6.4 Specific Standards for a Flood Plain Overlay District

In all areas designated as a Flood Plain Overlay District on the Macon County Zoning Map, the following provisions are required:

a. Residential Construction.

New construction or substantial improvement of any residential structure (including manufactured homes) shall have the lowest floor, including basement, elevated no lower than two (2) feet above the base flood elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of flood waters shall be provided.

b. Non-Residential Construction.

New construction or substantial improvement of any commercial, industrial, or non-residential structure shall have the lowest floor, including basement, elevated no lower than two (2) feet above the level of the base flood elevation. Structures may be floodproofed to the flood protection level in lieu of elevation provided that all areas of the structure below the required elevation are watertight with walls substantially impermeable to the passage of water, using structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied.

c. Manufactured Homes.

(1) Manufactured homes that are placed or substantially improved on sites (i) outside a manufactured home park or subdivision; (ii) in a new manufactured home park or subdivision; (iii) in an expansion to an existing manufactured home park or subdivision; or, (iv) in an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as the result of a flood, must be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated no lower than two (2) feet above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

(2) Manufactured homes that are to be placed or substantially improved on sites in an existing manufactured home park or subdivision that are not subject to the provisions of Article 5, Section B(3)(a) of this ordinance must be elevated on reinforced piers or other structural elements so that the lowest floor of the manufactured home is no lower than two (2) feet above the base flood elevation and be securely anchored to an

adequately anchored foundation to resist flotation, collapse, and lateral movement.

- (3) Manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement. For the purpose of this requirement, manufactured homes must be anchored to resist flotation, collapse, or lateral movement. Additionally, when the elevation would be met by an elevation of the chassis which is not more than thirty-six (36) inches or less above the grade at the site, the chassis shall be supported by reinforced piers or other foundation elements of at least equivalent strength. When the elevation of the chassis is above thirty-six (36) inches in height an engineering certification is required.
- (4) An evacuation plan must be developed for evacuation of all residents of all new, substantially improved or substantially damaged manufactured home parks or subdivisions located within flood prone areas. This plan shall be filed with and approved by the administrator and the Macon County Emergency Management Director.

d. Recreational Vehicles.

A recreational vehicle is ready for highway use if it is on wheels or jacking system, is attached to the site only by quick-disconnect type utilities and security devices, and has no permanently attached additions. Recreational vehicles placed on sites shall be on site for fewer than 180 consecutive days and be fully licensed and ready for highway use.

e. Elevated Buildings.

New construction or substantial improvements of elevated buildings that include fully enclosed areas that are usable solely for the parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to preclude finished living space and be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of flood waters. Designs for complying with this requirement must either be certified by a professional engineer or architect or meet the following minimum criteria:

- (1) Provide a minimum of two openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding;
- (2) The bottom of all required openings shall be no higher than one (1) foot above grade; and,
- (3) Openings may be equipped with screens, louvers, valves, or other coverings or devices provided they permit the automatic flow of flood waters in both directions.

Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the

living area (stairway or elevator). The interior portion of such enclosed area shall not be partitioned or finished into separate rooms, except to enclose storage areas.

f. Temporary Structures.

Prior to the issuance of a development permit for a temporary structure the following requirements must be met:

- (1) All applicants must submit to the administrator prior to the issuance of the development permit a plan for the removal of such structure(s) in the event of a hurricane or flash flood warning notification. The plan must include the following information:
 - (a) a specified time period for which the temporary use will be permitted;
 - (b) the name, address and phone number of the individual responsible for the removal of the temporary structure;
 - (d) the time frame prior to the event at which a structure will be removed (i.e. minimum of 72 hours before landfall of a hurricane or immediately upon flood warning notification);
 - (e) a copy of the contract or other suitable instrument with a trucking company to insure the availability of removal equipment when needed; and
 - (f) designation, accompanied by documentation, of a location outside the area of special flood hazard to which the temporary structure will be moved.
- (2) The above information shall be submitted in writing to the Planning and Zoning Enforcement Officer for review and written approval.

g. Accessory Structures.

When accessory structures (sheds, detached garages, etc.) with a value of \$3,000 or less, are to be placed within an area of special flood hazard, the following criteria shall be met:

- (1) Accessory structures shall not be used for human habitation (including work, sleeping, living, cooking, or restroom areas);
- (2) Accessory structures shall be designed to have low flood damage potential;
- (3) Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of flood waters;
- (4) Accessory structures shall be firmly anchored;
- (5) Service facilities such as electrical and heating equipment shall be installed in accordance Macon County building standards; and
- (6) Openings to relieve hydrostatic pressure during a flood shall be provided below base flood elevation.

Section 7.7 Floodway Overlay District Requirements and Standards

The purpose of the Floodway Overlay District is to establish designated areas that are necessary to meet the needs of streams to carry floodwaters of a one hundred (100) year

frequency flood and protecting the river, creek channels and floodplains from encroachment so that flood heights and flood damage will not be increased; to provide the necessary regulations for the protection of the public health and safety in areas subject to flooding; and to reduce the financial burdens imposed on the community by floods and the overflow of lands.

7.7.1 Designation of a Floodway Overlay District

The Floodway Overlay District includes those areas designated as an one-hundred (100) year flood plain on the most current FEMA Flood Insurance Rate Map (FIRM) for Macon County and as shown on the Macon County Zoning Map. Should there be a conflict between the Macon County Zoning Map and the most current FIRM Map for an area of Macon County, the FIRM Map will prevail.

7.7.2 Development Permit and Certification Requirements

The process for submitting a Development Permit Application and obtaining a Development Permit within an area designated as a Flood Way Overlay District is the same as the process for a Flood Plain Overlay District, as outlined in Section 7.6.2.

7.7.3 General Standards

All general standards for development in a Flood Plain Overlay District, as outlined in Section 7.6.3, also pertain to development to development in a Floodway Overlay District.

7.7.4 Specific Standards for a Floodway Overlay District

The floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris and potential projectiles and have erosion potential. In all areas designated as a Floodway Overlay District on the Macon County Zoning Map, the following provisions are required in addition to the requirements of Section 7.6.4. Where there is a conflicting requirement, the more stringent shall apply.

- a. No encroachments, including fill, new construction, substantial improvements and other developments shall be permitted unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in the flood levels during the occurrence of the base flood. Such certification and technical data shall be presented to the Planning and Zoning Enforcement Officer.
- b. All new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions.
- c. No manufactured homes shall be permitted, except in an existing manufactured home park or subdivision. A replacement manufactured home may be placed on a lot in an existing manufactured home park or subdivision provided the applicable anchoring and the elevation standards are met.

Section 7.8 Standards for Areas Without Established Base Flood Elevations

Located within areas of special flood hazard consideration, as may be established over time, are rivers and streams where no base flood elevation data have been provided on the FIRM. The following provisions apply within such areas:

- a. If base flood elevation data are available from other sources, all new construction and substantial improvements within such areas shall comply with all applicable flood plain overlay district requirements and shall be elevated or floodproofed in accordance with elevations established.
- b. When base flood elevation data are not available from a Federal, State, or other source, the lowest floor, including basement, shall be elevated at least two (2) feet above the highest adjacent grade.

Also located within the areas of special flood hazard consideration are rivers and streams where base flood elevation data are provided but floodways have not been identified on the FIRM. The following provisions apply within such areas:

- a. No new construction, substantial improvements, or new development (including fill) shall be permitted unless such development occurs outside of a non-encroachment area whose boundaries are determined using data from the Macon County Flood Insurance Study, or unless certification with supporting technical data by a registered professional engineer is provided demonstrating that such development shall not result in any increase in flood levels within the community during the occurrence of the base flood discharge.
- b. When data to determine the boundaries of a non-encroachment area are not provided in the Flood Insurance Study, no new construction, substantial improvements, or other development (including fill) shall be permitted unless certification with supporting technical data by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any location.

ARTICLE 8 SUPPLEMENTARY REGULATIONS

Section 8.1 Purpose

The regulations set forth in this article supplement or modify the district regulations appearing elsewhere in this ordinance. Whenever the specific district regulations pertaining to one district permit the uses of a more restrictive district, such uses shall be subject to the conditions as set forth in the regulations of the more restrictive district unless otherwise specified.

Section 8.2 Excess Height

In any district, a radio, television and/or other communication transmission tower and the primary structures in any District or Special Use and Overlay District may be erected or altered to a height in excess of that specified for such district or districts provided that each dimension provided herein for required front, side and rear yard is increased one foot for each two (2) feet of such excess height. Provided, further, that where no yard is required, the part of the structure exceeding the height specified for the district shall be set back from the vertical plane of the adjacent building site line one foot for each two (2) feet of such excess height.

Section 8.3 Guest Cottage

A guest cottage dwelling shall be allowed by a conditional use permit as an accessory structure to the principal detached single household dwelling in those zoning districts specified in Article 5.

Section 8.4 Extractive Operation

Before operations may commence, and at all times thereafter as may be required by law, the owner or operator of an extraction operation shall be in compliance with all applicable laws and requirements of the State of Alabama.

8.4.1 Conditional Use Permit Required

A Conditional Use Permit shall be obtained before operations commence if the use is located in a zoning district requiring such permit.

8.4.2 Drainage Plan Required

The applicant shall be required to submit a drainage plan to the Macon County Planning and Zoning Enforcement Officer for approval by the County Engineer. The plan shall provide for the restoration of the site and detail a schedule of rehabilitation measures upon completion of the excavation.

8.4.3 Site Plan Required

A detailed site plan shall be submitted to the Planning and Zoning Enforcement Officer for approval and shall include, at a minimum, the following:

- a. An outline of the area to be excavated;
- b. The proposed locations of sorting, grading, crushing, and similar equipment necessary to the operation and initial distribution of the excavated products; and
- c. The proposed location of any building, scale-house, equipment storage areas, equipment repair sheds or areas, and pit access routes.

8.4.4 Setbacks

The use shall be setback at least 100 feet from road rights-of-way and property lines bordering undeveloped parcels. A minimum 200 foot setback shall be required from property lines abutting developed parcels.

8.4.5 Buffers

A minimum buffer of 50 feet shall be maintained within the specified setback area along all interior property lines. Said buffer shall consist of native vegetation or planted shrubs and offer sufficient opacity to obscure the view of the operations area.

8.4.6 Required Fencing

The removal area shall be sealed by fencing or grading or other device from general public access. All entrances shall be fenced and locked during non-business hours.

8.4.7 Nuisance

The extraction operation shall not produce dust of sufficient magnitude to become a nuisance to nearby land uses.

8.4.8 Inspections

An approved up to date drainage and site plan, accompanied by a copy of the state extraction permit or claim of exemption, will be maintained on file in the office of the Macon County Planning and Zoning Enforcement Officer for public inspection.

Section 8.5 Residential Accessory Buildings

For the purpose of maintaining the residential character of neighborhoods, it is in the interest of Macon County to set limits on the size, appearance and number of buildings that are accessory to primary one- or two-family residences. A structure used as an accessory building to a primary residential use shall meet the following conditions:

- a. The cumulative square footage under roof of all accessory buildings on the property in a residential zoning district shall not exceed the overall square footage of the primary residential structure.
- b. A property shall have no more than three (3) accessory structures allowed per primary residence.
- c. A guest cottage permitted under Section 8.3 shall not be included in the cumulative calculation for accessory buildings.
- d. Agricultural buildings described below in Subsection 3, or the portion thereof dedicated to an agricultural use, shall not be included in the cumulative calculation for accessory buildings.

- e. The total property coverage of all buildings, including those exempted for the purpose of calculation of the allowable accessory building size limit, shall not exceed the allowance of Section 5.4 of this ordinance.

8.5.1 Appearance

Except as noted, the appearance and construction of an accessory building shall be similar or complimentary to the primary residence and shall not be out of character with the neighborhood.

- a. Accessory buildings for agricultural purposes shall be exempt.
- b. Utility enclosures not exceeding one hundred (100) square feet shall be exempt.
- c. Buildings constructed on a steel chassis shall not be allowed for accessory use.
- d. Pre-manufactured steel or plastic storage sheds of one hundred and ninety-two (192) square feet or less in overall size are exempt.

8.5.2 Agricultural Exemptions

A building constructed for the purpose of being an accessory building to a primary agricultural use on a parcel of twenty (20) acres or greater is exempt as long as the building is maintained as an agricultural accessory use. Accessory residential storage within such an agricultural building will be allowed as long as the area devoted to this activity does not exceed the overall square footage as allowed in Section 5.4.

8.5.3 Legal Non-Conformancies

Accessory buildings not meeting the intent of this Section that were placed in service before the adoption of this Section shall be considered to be legally non-conforming.

Section 8.6 Recreational Vehicles

Overnight recreational vehicle parks and the general use of recreational vehicles shall meet the following minimum standards.

8.6.1 Permissible Use and Location

A recreational vehicle shall only be used as a temporary occupancy for travel and recreational purposes, and when used as such, it must be located in a recreational vehicle park. A recreational vehicle shall be fully licensed and ready for highway use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and securing devices and has no permanently attached additions. A recreational vehicle park shall be allowed as stated in the Table of Uses included in Section 5.3.

8.6.2 Exceptions

- a. An individual owner may use a self-contained recreational vehicle for a period not to exceed two (2) consecutive days within a thirty-day period provided that such recreational vehicle is parked on property on which the owner's principal residence is located.

- b. A self-contained recreational vehicle may be used as allowed in Section 8.6.3 of this section, Temporary Use of Recreation Vehicles in Hunting Camps and along Waterfront Property.

8.6.3 Procedures and Standards for Recreational Vehicle Parks

- a. All recreational vehicle parks are subject to the standards contained in this section.
- b. Recreational vehicle parks are permitted by right and may be permitted as a conditional use as outlined in the Table of Uses included in Section 5.3. No recreational vehicle shall be used as a permanent dwelling. Continuous occupancy extending beyond four (4) months in any twelve (12) month period shall be considered permanent occupancy. Recreational vehicles may be parked or stored in residential districts as provided in Article 9.
- c. The maximum number of campsites is 15 per acre.
- d. The minimum land area of a recreation vehicle park is three (3) acres.
- e. Use of spaces in recreational vehicle parks is limited to recreational vehicles.
- f. Each recreational vehicle park shall be served with a public/private water supply system capable of providing domestic water use and fire protection.
- g. Each recreational vehicle park shall be served with public/private sanitary sewer treatment facilities or on-site sanitary sewer facilities meeting all requirements of the Macon County Health Department.
- h. No space shall be so located that any part intended for occupancy for sleeping purposes shall be within 30-feet of any property line. Recreational vehicles must be separated from each other and from other structures by at least 10-feet.
- i. No recreational vehicle park shall be located except with direct access to a paved county, state or federal highway, with a minimum lot width of not less than fifty (50) feet for the portion used for entrance and exit. No entrance or exit shall be through an existing residential subdivision. Access drives must be a minimum of twenty-four (24) feet wide for a two-way street and twelve (12) feet wide for a one-way street and must be improved with a suitable hard surface permanent type of pavement such as asphalt, concrete, limestone or other similar surface approved by the Planning Commission.
- j. Management headquarters, recreational facilities, toilets, showers, laundry facilities and other uses and structures customarily incidental to the operation of a recreational vehicle park are permitted as accessory uses.
- k. Each recreational vehicle site must be at least 1,600 square feet in area and must contain a parking pad improved with a suitable all-weather surface. Each recreational vehicle site must also contain at least one (1) off-street parking space improved with a suitable all-weather surface.

Section 8.7 Outdoor Lighting

Good outdoor lighting at night benefits everyone. It increases safety, enhances the County's nighttime character, and helps provide security. New lighting technologies have produced lights that are extremely powerful, and these types of lights may be improperly installed so that they create problems of excessive glare, light trespass, and

higher energy use. Excessive glare can be annoying and may cause safety problems. Light trespass reduces everyone's privacy, and higher energy use results in increased costs for everyone. Appropriately regulated and properly installed, outdoor lighting will contribute to the safety and welfare of the residents of Macon County. Luminaries on all properties, in all zoning districts, shall be installed with the idea of being a "good neighbor", with attempts to keep unnecessary direct light from shining onto abutting properties or streets.

Spotlights and floodlights shall be angled so that the center of the beam will strike the ground within said property line. Any exterior lighting that can be reasonably expected to create a nuisance to the adjacent neighboring properties is prohibited.

Section 8.8 Design Guidelines

In considering site development plans and proposed development in certain types of districts, the Planning Commission will consider design guidelines in evaluating proposed rezoning cases or proposed site development. These guidelines are general in nature and provide a guide to assist the Planning Commission in ensuring consistency between specific site development and the Macon County Development Plan.

8.8.1 Design Guidelines in Gateway Business Developments

- a. Land uses in gateway business districts should include large retail centers, highway type commercial, large office and institutional uses and interstate travel services.
- b. Land uses in tourism and entertainment gateways should include large gaming and amusement developments, travel parks, hotels, specialty retail, such as restaurants, gift shops, etc.
- c. Land uses in highway convenience districts should include highway services and convenience business, such as convenience stores, service stations, auto parts and dealerships and car lots, etc.
- d. Redevelopment in Gateway business includes the reorganization and reuse of currently developed property. Land uses should include a combination of Gateway business, Highway convenience and tourism/entertainment development.
- e. Design of streets and roads should reflect interstate design, with parkway design being considered for major roadways. Access management with limited curb cuts and access points should be a priority.
- f. Consideration should be given to community facilities in gateway districts to include visitor information, regional health care and similar facilities, large scale parks and public facilities. Tourism services should be considered a priority.
- g. Important design considerations include controlled interstate signs and limited highway signs. Controlled large scale signs should be considered in tourism and entertainment developments. Interstate scale lighting is appropriate, near the interstate. Highway scale lighting is appropriate along major roadways, with more controlled lighting in parking lots, etc.
- h. Landscaped streets and parking lots are an important consideration.

- i. Consideration should be given to architectural style that is consistent with large scale commercial development and in conformance with landscape, signage and other provisions of the Ordinance.

8.8.2 Design Guidelines in Mixed Use Developments

- a. Land uses in mixed use civic core districts should include city halls, county offices, government offices, post offices, public buildings and places, health care facilities, museums, etc. Civic places should be considered in conjunction with Town center type developments. It is critical that many city and other government facilities be located in a central place. All new public facilities should reflect the design character of the historic and context design of nearby developments.
- b. Land uses in Town center developments should include community retail business, professional offices, higher density housing, town markets, community services, community scale entertainment and recreation developments.
- c. Land uses in mixed use neighborhood districts should include medium density housing, neighborhood scale business, bed and breakfast developments, home offices, professional offices.
- d. Redevelopment in mixed use districts includes the reorganization and reuse of currently developed property. Land uses should include a combination of town center, mixed use neighborhoods and civic core uses.
- e. Design of streets and roads should reflect grid street pattern, “complete streets”, sidewalks, public transportation facilities, rear service and alleys.
- f. Consideration should be given to community facilities in mixed use districts to include town squares and parks, public spaces, public market spaces. There should be an emphasis in mixed use neighborhoods to schools, parks, trails, community centers and churches of neighborhood scale.
- g. Important design considerations include limited public signage, landscaped parking and public spaces, public scale lighting and pedestrian amenities and lighting.
- h. In town centers, controlled business signage should be considered with limited parking in front of buildings and include pedestrian scale lighting and amenities. In mixed use neighborhoods, special business signs should be considered to reflect residential and business character. Architectural scale and style considerations should reflect residential scale buildings, historic and town and country architecture.
- i. Landscaped streets and parking lots are an important consideration.
- j. Consideration should be given to architectural style that is consistent with large scale commercial development and in conformance with landscape, signage and other provisions of the Ordinance.

8.6.3 Design Guidelines in Industrial Districts

- a. Land uses in industrial parks should include indoor manufacturing, distribution, limited commercial, business offices and transportation.

Industrial parks should generally include permanent type structures and include planned landscaping, signage and lighting.

- b. Land uses in inter-modal transportation type districts should be limited primarily to transportation related development including transportation related facilities, rail and truck facilities and distribution systems. Inter-modal facilities should be developed in conjunction with industrial parks, with well designed access and connections for highway, rail and truck use.
- c. Land uses in research centers should include university related research centers, controlled industrial uses and demonstration facilities.
- d. Design of streets and roads should reflect major industrial access and street system with controlled access and limited curb cuts. Direct rail access and inter-modal connections are a priority, as is, proximity to the interstate. Pedestrian traffic should be carefully controlled in industrial parks and inter-modal centers. Trails may considered as an alternative to sidewalks in industrial parks and research centers. Considerations should be given to public transportation to industrial and research sites.
- e. Consideration should be given to industrial, transportation and inter-modal facilities, training and education facilities. Community access, community facilities and semi-public space, meeting and conference space, trails and special recreation facilities are a consideration in the research center.
- f. Important design considerations include very limited and controlled corporate style signage, industrial or institutional scale lighting, landscaped parking and public spaces, and buffers between industrial uses and residential and commercial properties as needed.
- g. Consideration should be given to architectural style that includes standards for permanent building and materials. Research centers should reflect the character and style consistent with other institutional development and include landscaped parking and grounds as well as pedestrian scale lighting where appropriate.

8.6.4 Design Guidelines in Residential Districts

- a. Land uses in affordable housing districts should include higher density residential development, multi-family housing, single family housing on small lots, mixed use in conjunction with town center and other mixed uses and planned manufactured home parks or subdivisions.
- b. Affordable housing, for the most part, should be constructed in traditional neighborhood patterns and, when possible, in developments that include market rate housing and mixed use developments. Affordable housing should be compatible with traditional and market rate housing. Manufactured housing should be encouraged in subdivisions in lieu of mobile home parks.
- c. Land uses in traditional neighborhood developments should include medium density residential, limited multi-family housing and limited mixed use neighborhoods. New residential land use should be encouraged as traditional neighborhood development, if development is to be medium to high density residential. Such neighborhoods should include new neighborhoods laid out grid street patterns as well as incorporated into existing neighborhoods where

the traditional grid street pattern might need to be modified to reflect existing conditions. Public and semi-public facilities are important to these neighborhoods as are home occupations. Affordable housing should be incorporated into traditional neighborhood development whenever possible.

- d. Land uses and patterns of development for retirement housing should include mixed use residential densities, special assisted living amenities and access to nursing facilities, in certain cases. Retirement and senior housing should be developed in conjunction with the town center, mixed use or traditional neighborhoods and conveniently located to public facilities and transportation and other services. Other retirement housing might be built in more rural development patterns, as houses in the woods.
- e. Design of streets and roads should reflect grid street pattern, “complete streets”, sidewalks, public transportation facilities, rear service and alleys. Trails should be incorporated into housing developments. In some cases, street design will need to reflect a modified street grid pattern to accommodate existing neighborhoods or a more rural pattern. The street pattern, however, can still include the concept of complete streets and selective use of sidewalks and trails.
- f. Consideration should be given to community facilities such as parks, public spaces, community centers, schools, neighborhood scale churches, libraries and day cares, museums, etc.
- g. Important design considerations include residential scale lighting and signage and pedestrian amenities. Architectural style and scale should reflect Town and Country housing for single family and multi-family development, with a strong emphasis on landscaping and preserving natural areas.

8.6.5 Design Guidelines in Open Space Districts

- a. Land uses in natural resource management open space districts should include forest preserves, game management areas, flood plain and watershed protection uses. For the most part, these areas are at the edge of or outside of urban development. The emphasis in these areas is on preservation and conservation, with limited development or disturbance of natural resources.
- b. Land uses in agricultural industry districts should include forest production, natural resource extraction, recovery, and farmers markets. These activities present wide ranging land uses, from farms that have minimal environmental impact or disturbance to neighborhoods to resource extraction, such as sand and gravel operations which require substantial buffers from other land uses. Most of these uses should be located outside urban parts of the county. Zoning and other regulatory provisions will need to provide for mitigation of the impact of these developments.
- c. Land uses in outdoor recreation districts should include large scale parks, hunting and fishing clubs, trails and campgrounds. Some of these uses are large areas, such as parks or reserves. Others are linear, in the form of trails or greenways. Consequently, many of these uses are public facilities and are present in many other development districts. These land uses often serve as buffers between incompatible land uses.

- d. Land uses in agriculture and rural housing districts include homesteads, working farms, horse farms, non-working farms, houses in the woods and estate type housing. These land uses follow a typical pattern that now exists in Macon county both inside and outside town limits. These developments range from large country homes on family farms to new homes in subdivisions with large lots to conservation subdivisions which preserve existing natural areas.
- e. Design of streets and roads should reflect, generally, two lane and county roads, highway and county road access to agriculture industry. Controlled truck and equipment access is required in agriculture industry areas or large scale recreation. Hiking, biking and riding trails along streams and creeks and scenic byways are a priority in outdoor recreation and rural housing areas.
- f. Consideration should be given to community facilities in open space districts to parks, trails, churches, tourism sites, visitor information, recreation and retreat centers.
- g. Important design considerations include preservation of natural forests and other natural resource areas, preservation of flood plains and watersheds, well maintained rural roads and scenic byways, very limited signage and lighting. Architectural character and style should reflect town and country style, compatible outdoor structures, controlled signage and lighting.

Section 8.9 Adult Entertainment

The purpose of this provision is to avoid potential adverse secondary effects of adult entertainment businesses on other residential, commercial, industrial and institutional properties within Macon County and to recognize the need for dispersion of adult entertainment businesses to avoid such secondary effects as the impact of undue concentration of population and traffic during evening and nighttime hours. The Ordinance provision is specifically not intended to deny any freedom of expression or speech.

8.9.1 Applicability

It is the intention of this provision to leave sufficient locational opportunity within Macon County for adult entertainment businesses with an adequate number of sites that are appropriately zoned and generally suitable for this type of commercial enterprise. The locational restrictions contained herein are intended to withstand review under the relevant real estate market standard.

8.9.2 Definitions

The definition of Adult Entertainment Businesses shall include the following:

- a. Adult Arcade: An establishment where, for any form of consideration, one or more motion picture projectors, slide projectors, or similar machines, for viewing by five or fewer persons each, are used to show films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by emphasis upon the depiction or description of "specified sexual activities" or "specified anatomical areas". Notwithstanding any language or definitions used herein, this definition does not permit any acts or

- displays which violate the obscenity statutes or any other laws of the State of Alabama.
- b. Adult Bookstore: An establishment which has as a substantial portion of its stock-in-trade and offers for sale or lease for any form of consideration any one or more of the following:
 - (1) Books, magazines, periodicals, or other printed matter, or photographs, films, motion pictures, video cassettes, slides or other visual representations which are characterized by an emphasis upon the depiction or description of "specified sexual activities" or "specified anatomical areas",
 - (2) Instruments, devices or paraphernalia which are designed for use in connection with "specified anatomical areas." *Notwithstanding any language or definitions used herein, this definition does not permit any acts or displays which violate the obscenity statutes or any other laws of the State of Alabama.*
 - c. Adult Cabaret: A nightclub, bar, restaurant, theater, or similar establishment which regularly features live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities", or films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by an emphasis upon the depiction or description of "specified sexual activities" or "specified anatomical areas." *Notwithstanding any language or definitions used herein, this definition does not permit any acts or displays which violate the obscenity statutes or any other laws of the State of Alabama.*
 - d. Adult Motion Picture Theater: An establishment where, for any form of consideration, films, motion pictures, video cassettes, slides or similar photographic reproductions are shown, and in which a substantial portion of the total presentation time is devoted to the showing of material which is characterized by an emphasis upon the depiction or description of "specified sexual activities" or "specified anatomical areas." *Notwithstanding any language or definitions used herein, this definition does not permit any acts or displays which violate the obscenity statutes or any other laws of the State of Alabama.*
 - e. Ancillary Definitions:
 - (1) Specified Anatomical Areas: Less than completely and opaquely covered:
 - (a) human genitals, pubic region,
 - (b) buttocks,
 - (c) anus,
 - (d) That portion of the human female breast encompassed within an area falling below the horizontal line one would have to draw to intersect a point immediately above the top of the areola. This definition shall include the entire lower portion of the female breast

- (2) Human male genitals in a discernibly turgid state even if completely and opaquely covered. *Notwithstanding any language or definitions used herein, this definition does not permit any acts or displays which violate the obscenity statutes or any other laws of the State of Alabama.*
- (3) Specified Sexual Activity: Human genitals in a state of sexual stimulation or arousal; acts of human masturbation, sexual intercourse, or sodomy; If fondling or other erotic touching of human genitals, pubic regions, buttocks or female breasts; flagellation or torture in the context of a sexual relationship; masochism, erotic or sexually oriented torture, beating or the infliction of physical pain; erotic touching, fondling or other such contact with an animal by a human being; or human excretion, urination, menstruation, vaginal or anal irrigation as part of or in connection with any of the activities set forth in this section.
Notwithstanding any language or definitions used herein, this definition does not permit any acts or displays which violate the obscenity statutes or any other laws of the State of Alabama.
- f. Adult entertainment premises: Any premises to which the public, patrons or members are invited or admitted and wherein any adult entertainment is provided to a member of the public, a patron or a member.
- g. Employee: Any and all persons, including but not limited to, managers, entertainers, and independent contractors, who work in or render any services directly related to the operation of an adult entertainment business.
- h. Entertainer: Any person who on any occasion provides adult entertainment within an adult entertainment premises as defined in this section, whether or not a fee is charged or accepted for entertainment, or whether or not the entertainer; is paid.
- i. Entertainment: Exhibition or dance of any type, pantomime, modeling or any other performance.
- j. Manager: Any person who manages, directs, administers, or is in charge of, the affairs and or conduct of any portion of any activity involving adult entertainment occurring at any adult entertainment business.
- k. Operator: Any person operating, conducting or maintaining an adult entertainment business.
- l. Person: Any individual, partnership, corporation, trust, incorporated and unincorporated association, marital community, joint venture, governmental entity, or other entity or group of persons however organized.
- m. Public place: Any area generally visible to public view and includes streets, sidewalks, bridges, alleys, plazas, parks, driveways, parking lots, and automobiles whether moving or not.

8.9.3 Location Requirements

Adult entertainment establishments must be location in the following areas:

- a. Adult entertainment establishments may be located only in General Industry (GI) zoning districts.
- b. Adult entertainment businesses must be located and directly accessible from a State Highway.

- c. Adult entertainment businesses must be located in a single occupancy commercial building which meets all State and County Building and Safety Codes.
- d. An adult entertainment business may not be located in the same building or structure, or portion thereof, in which another adult entertainment business is located.
- e. Adult entertainment businesses must have all applicable State and County Licenses and Permits posted in proper locations.
- f. Minimum admittance age must be clearly posted on all entry doors to adult entertainment establishments.
- g. Adult entertainment businesses must be connected to public water and sewer systems or certificated utility.
- h. An adult entertainment business may not be operated within one quarter mile (1,320) feet of the closest property line of the site used for:
 - (1) a church, synagogue or regular place of religious worship and related facilities,
 - (2) a public, parochial or private pre school, elementary, intermediate, high school or special education institution and related facilities,
 - (3) a community college, college or university and related facilities,
 - (4) an institution or facility of Federal, State or Local governments,
 - (5) any platted residential subdivision,
 - (6) any residential lot or tract which is occupied with a residence, located on a lot outside a platted residential subdivision, or on acreage,
 - (7) a public or private park, playground, sports facility, racetrack, golf course, riding stable or recreation center,
 - (8) a library, recognized historic site or property, community center or public assembly building,
 - (9) a licensed day-care center,
 - (10) a public or private hospital or clinic,
 - (11) a public or private extended care facility or nursing home,
 - (12) another adult entertainment business.

For purposes of this Ordinance, such linear measurement shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the building or structure used as a part of the premises where an adult entertainment business is located to the nearest property line of the premises of the facilities enumerated in Subsection 8.9.3.h.

For the purpose of Subsection 8.9.3.h.11 above, the distance between any two (2) adult entertainment businesses shall be measured in a straight line, without regard to intervening structures or objects, from the closest exterior wall of the structure in which each such business is located.

ARTICLE 9 PARKING AND OFF-STREET LOADING

Section 9.1 Design Standards for Off-Street Automobile Parking

Off-street automobile parking shall be provided in accordance with all applicable provisions of this article of the Macon County Zoning Ordinance.

9.1.1 Design Standards

All parking facilities, including entrances, exits and maneuvering areas, shall comply with the following provisions:

- a. Shall have access to a public street or easement approved by the County;
- b. Entrances and exits shall be graded and paved as specified by the County and shall be curbed when needed for effective drainage control;
- c. Paved parking facilities shall have all spaces marked with paint lines, curbstones or other similar designations in accord with the following:
 - (1) Each space set at a ninety degree (90°) angle shall have not less than one hundred sixty-two (162) square feet and shall be not less than eight (8) feet six (6) inches wide and nineteen (19) feet deep, exclusive of passageways, which shall be not less than twenty-four (24) feet wide;
 - (2) Each space set at a sixty degree (60°) angle shall have not less than one hundred seventy-six (176) square feet and shall be not less than eight (8) feet six (6) inches wide and twenty (20) feet eight (8) inches deep, exclusive of passageways, which shall be not less than eighteen (18) feet six (6) inches;
 - (3) Each space set at a forty-five degree (45°) angle shall have not less than one hundred sixty-five (165) square feet and shall be not less than eight (8) feet six (6) inches wide and nineteen (19) feet five (5) inches deep, exclusive of passageways, which shall be not less than thirteen (13) feet six (6) inches wide;
 - (4) There shall be adequate interior drives to connect each space with a public street;
- d. Shall be drained so as to prevent damage to abutting properties or public streets;
- e. Adequate lighting shall be provided if the facilities are to be used at night. Such lighting shall be arranged and installed so as not to reflect or cause glare on abutting properties;
- f. Any parking areas within the required front yard of any structure shall not be closer than ten (10) feet to any public right-of-way;
- g. The provisions of (c), (e), and (f) above shall not apply to single-family residential uses where three (3) or less spaces are required.

9.1.2 Location

The required space for all parking facilities shall be provided on the same plot with the use it serves, except as provided herein:

- a. If vehicular parking or storage space required cannot be reasonably provided on the same lot on which the principal use is conducted, the Macon County Planning Commission may permit such space to be provided on other off-street property, provided such space lies within four hundred (400) feet of the main entrance to such principal use. Such vehicular parking space shall be associated with the permitted use and shall not hereafter be reduced or encroached upon in any manner; and
- b. The required parking space for any number of separate uses may be combined in one lot but the required space assigned to one use may not be assigned to another use at the same time, except that one-half of the parking space required for churches, theaters, or assembly halls whose peak attendance will be at night or on Sunday may be assigned to a use which will be closed at nights or on Sundays.

Section 9.2 Required Spaces

The number of parking spaces or area required for a particular use shall be as follows:

TYPE OF USE	PARKING REQUIREMENTS
Accessory retail sales and services	Number required for office or institutional, motel, hotel, high-rise apartment use to which it is accessory. If it is a permitted secondary use in a structure other than the primary use: one space per 200 sq. ft. (net) of floor space
Adult entertainment establishments	1 space per 100 sq. ft. (net) of floor space
Agricultural produce stands	3 spaces per stand
Ambulance services	1 space per employee, 1 space per ambulance parked on site
Ambulance services, if accessory to hospitals or funeral homes	1 space per ambulance parked on site
Amphitheaters	1 space per 4 seats in amphitheater
Amusement centers	1 space per 2,000 sq. ft. (gross) of site area with a minimum of 25 spaces required and a maximum of 100 spaces
Ancillary retail sales	Number of spaces required for the primary use
Animal hospitals	1 space per 285 sq. ft. (net) of floor space
Appliance repair (major)	1 space per 200 sq. ft. (net) of floor space, 1 space per loading dock
Arcades	1 space per 200 sq. ft. (net) of floor space
Asphalt plants	1 space per employee, 1 space per vehicle parked on site
Assembly halls	1 space per 3 seats for every person lawfully permitted within the assembly hall at one time
Athletic and health clubs	1 space per 200 sq. ft. (net) of floor space
Automobile, truck and trailer lease and rental facilities (accessory use)	1 space per employee, 1 space per vehicle parked on site
Automobile, truck and trailer lease and rental facilities (principal use)	1 space per employee, 1 space per 250 sq. ft. (net) of floor space, 1 space per vehicle parked on site
Automobile and truck sales and service facilities	1 space per 200 sq. ft. (net) of floor space, 1 space per vehicle parked on site

TYPE OF USE	PARKING REQUIREMENTS
Automobile paint and body repair shops	1 space per 200 sq. ft. (net) of floor space, 1 space per vehicle parked on site
Automotive parking lots or garages	As may be required to serve the principal use (see specific principal use for requirement), for freestanding parking garage – not applicable
Automotive storage yards and wrecker services; salvage yards	1 space per 300 sq. ft. (net) of floor space, 1 space per employee, with minimum of 5 spaces
Automotive upholstery shops	1 space per 300 sq. ft. (net) of floor space, 1 space per employee
Aviation airports (private)	1 space per 500 sq. ft. (net) of floor space, 1 space per hanger or tie down pad
Banks / financial institutions with drive-in establishments and/or automated transfer machines	1 space per 285 sq. ft. (net) of floor space, 3 additional spaces per automated transfer machine, 5 queue spaces per drive-in teller
Billiards and pool halls	2 spaces per pool table
Bio-medical waste transfer and disposal facilities	1 space per employee
Boarding / rooming houses	1 space per guest room, 2 spaces for the owners if resident on premises
Boat sales and service establishments	1 space per 200 sq. ft. (net) of floor space, 1 space per employee, 1 space per boat parked on site
Bowling alley	2 spaces per alley, 1 space per employee
Breeding and boarding kennels	1 space per 250 sq. ft. (net) of floor space, 1 space per employee
Building materials stores	1 space per 100 sq. ft. (net) of floor space, 1 space per vehicle parked on site, 1 space per loading dock
Bus stations	1 space per 300 sq. ft. (net) of floor space
Bus stations for freight	1 space per 500 sq. ft. (net) of floor space, 1 space per loading dock
Car washes	1 space per 200 sq. ft. (net) of floor space, 5 queue spaces per service line
Cemeteries	1 space per 300 sq. ft. (net) of floor space
Chemical plants or storage facilities	1 space per 500 sq. ft. (net) of floor space, 1 space per employee, 1 space per vehicle parked on site
Churches, chapels, temples, synagogues, and other places of worship	1 space per 4 seats in the principal place of worship, provided that the number of spaces required may be reduced by not more than 50% if the place of worship is located within 500 feet of any public parking lot or any commercial parking lot where sufficient spaces are available by permission of the owner(s) without charge, during the time of services to make up the additional spaces required
Clinics, medical / dental	4 spaces per physician or dentist, 1 space per employee
Clubs or lodges (non-commercial)	1 space per 250 sq. ft. (net) of floor space
Coliseums, stadiums, and convention centers (privately owned)	1 space per 3 seats for every person lawfully permitted within the coliseum or stadium at one time, plus 1 space per employee
Colleges and universities (private), including but not limited to research and training facilities	1 space per each 10 students for whom the school was designed, plus 1 space per classroom and administrative office
Commercial greenhouses and plant nurseries	1 space per 200 sq. ft. (net) of floor space, 1 space per employee
Commercial indoor recreation uses	1 space per 200 sq. ft. (net) of floor space
Commercial recreation restaurant	1 space for each 4 seats, plus 1 for each 250 sq. ft. of gross floor area
Community fairs	1 space per 2,000 sq. ft. (net) of site area
Community retail uses	1 space per 200 sq. ft. (net) of floor space

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TYPE OF USE	PARKING REQUIREMENTS
Composting plants	1 space per employee, 1 space per vehicle parked on site
Concrete plants	1 space per employee, 1 space per vehicle parked on site
Condominiums	2 spaces per dwelling unit
Contractors (general, heavy, special)	1 space per 285 sq. ft. (net) of floor space, 1 space per vehicle parked on site
Convenience food stores with self-service fuels	A minimum of 5 spaces, 1 space per employee
Corporate or administrative offices for any permitted uses	1 space per 285 sq. ft. (net) of floor space
Crematories	1 space per employee
Cultural facilities	1 space per 400 sq. ft. (net) of floor space
Dairies	1 space per employee
Designated recycling collection locations	A minimum of 10 spaces
Dry cleaning plants	1 space per employee
Eating and drinking establishments (including drive-in fast food restaurants)	1 space per 100 sq. ft. (net) of floor space
Electrical supply stores	1 space per 100 sq. ft. (net) of floor space, 1 space per loading dock
Emissions inspections	2 spaces minimum, 5 queue spaces per bay, 1 space per employee
Exterminating facilities (insect and/or rodent)	1 space per 285 sq. ft. (net) of floor space, 1 space per vehicle parked on site
Farm and garden supply stores	1 space per 100 sq. ft. (net) of floor space, 1 space per loading dock
Farm equipment stores / repair establishments	1 space per 100 sq. ft. (net) of floor space, 1 space per loading dock
Farmers markets (fully enclosed)	1 space per 100 sq. ft. (net) of floor space, 1 space per loading dock
Flea markets	1 space per 500 sq. ft. (net) of site area
Freight terminals	1 space per 500 sq. ft. (net) of floor space, 1 space per employee, 1 space per vehicle parked on site
Fuel and ice dealers	1 space per employee, 1 space per vehicle parked on site
Full service gasoline stations	3 spaces per bay, 1 space per employee
Funeral homes	1 space per 4 seats in assembly room, 1 space per 250 sq. ft. (net) of floor space
Golf Courses	5 spaces per hole, 1 space per 300 sq. ft. (net) of floor space
Group homes	1 space per 2 residents
Halfway houses	1 space per 1.5 residents
Hazardous waste sites	1 space per employee, 1 space per vehicle parked on site
Heavy automotive repair establishments	1 space per bay, 1 space per loading dock, 1 space per employee
Heavy manufacturing establishments	1 space per employee, 1 space per loading dock
Heavy repair services and trade stores	1 space per 500 sq. ft. (net) of floor space, 1 space per employee, 1 space per vehicle parked on site
High-rise apartments	1.75 spaces per dwelling unit
Hospitals	1 space per 2 beds
Hotels	1.25 spaces per unit
In-home day care	Off street parking and loading/unloading must be provided
Landfills (private)	1 space per employee, with minimum of 5 spaces

TYPE OF USE	PARKING REQUIREMENTS
Laundry & dry cleaning pick-up establishments	1 space per 200 sq. ft. (net) of floor space, 2 queue spaces each drive-in window
Light automotive repair establishments	3 spaces per bay, 1 space per employee
Light manufacturing establishments	1 space per employee, 1 space per loading dock
Linen and diaper services	1 space per employee, 1 space per vehicle parked on site
Livestock sales pavilions	1 space per 2,000 sq. ft. of site area
Machine shops	1 space per employee
Mausoleums	1 space per employee
Medical and dental laboratories, provided that no chemicals are manufactured on site	1 space per employee
Mining operations	1 space per employee
Motels / extended stay	1.25 spaces per unit
Motorcycle, all-terrain vehicles (ATV), and three-wheel vehicle sales and service facilities	1 space per 200 sq. ft. (net) of floor space
Multi-family dwelling units	1.75 spaces per dwelling unit
Neighborhood retail uses	1 space per 200 sq. ft. (net) of floor space
Newspaper publishing facilities	1 space per employee, 1 space per vehicle parked on site, 1 space per loading dock
Nightclubs	1 space per 200 sq. ft. (net) of floor space
Non-automotive repair service establishments	1 space per 200 sq. ft. (net) of floor space, 1 space per vehicle parked on site
Non-profit riding stables	1 space per employee, 1 space per stall
Non-profit (seasonal use) fishing lakes	Off-street parking area must be provided
Nursery schools and child day care centers	A minimum of 20 spaces
Offices not elsewhere Classified	1 space per 285 sq. ft. (net) of floor space
Office service and supply establishments	1 space per 200 sq. ft. (net) of floor space, 1 space per employee
Other consumer goods and services	1 space per 200 sq. ft. (net) of floor space
Other facilities for disposal of the deceased	1 space per employee
Outdoor commercial racing (motorcycle, automobile, truck, tractor, and motorized vehicles)	1 space per employee, 1 space per 200 sq. ft. of site area
Outdoor golf driving ranges	1.5 spaces per tee, 1 space per 100 sq. ft. (net) of floor space for pro shop/clubhouses
Pawn shops	1 space per 200 sq. ft. (net) of floor space
Petroleum or bulk storage stations	1 space per employee, 1 space per vehicle parked on site
Photography studios	1 space per 200 sq. ft. (net) of floor space
Plumbing and/or heating equipment dealers	1 space per 200 sq. ft. (net) of floor space
Poultry hatcheries	1 space per employee, 1 space per vehicle parked on site
Printing, publishing, and lithography	1 space per 200 sq. ft. (net) of floor space, 1 space per employee
Private community centers	1 space per every person lawfully permitted within the assembly area at one time plus 1 space per employee. In the absence of designated assembly area, 1 space per 300 sq. ft. (net) of floor space
Parks	1 space per 3,000 sq. ft. (net) of site area

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TYPE OF USE	PARKING REQUIREMENTS
Private schools of general and special education	1 space per classroom, 1 space per employee
Pro shops (accessory to driving ranges/golf courses)	1 space per 100 sq. ft. (net) of floor space
Professional offices	1 space per 285 sq. ft. (net) of floor space
Radio and television stations	1 space per 285 sq. ft. (net) of floor space, 1 space per employee
Rail stations	1 space per 300 sq. ft. (net) of floor space
Railroad car classification yards	1 space per employee
Railroad stations for freight	1 space per 500 sq. ft. (net) of floor space, plus 1 space per employee
Recreation grounds other than tennis courts and golf courses	1 space per 10,000 sq. ft. (net) of site area
Recycling drop-off centers	A minimum of 10 spaces
Research and development centers	1 space per 500 sq. ft. (net) of floor space, 1 space per employee
Research testing laboratories	1 space per 500 sq. ft. (net) of floor space, 1 space per employee
Rest/personal care / convalescent homes	1 space per 4 beds
Re-upholstery and furniture repair	1 space per 250 sq. ft. (net) of floor space, 1 space per employee
Rooming and boarding houses	1 space per 2 residents
Self-service laundry facilities	1 space per 200 sq. ft. (net) of floor space
Self-services storage facilities	A minimum of 5 spaces
Shelters (homeless)	1 space per employee
Signs and outdoor advertising facilities	1 space per 300 sq. ft./ (net) of floor space, plus 1 space per employee
Single-family dwelling units (attached)	2 spaces per dwelling unit
Single-family dwelling units (detached)	2 spaces per dwelling unit
Studios and supplies	1 space per 250 sq. ft. (net) of floor space
Theaters	1 space per 100 sq. ft. (net) of floor space
Tire retreading and recapping facilities	1 space per employee, 1 space per vehicle parked on site
Townhouse dwelling units (attached)	2 spaces per dwelling unit
Trailer salesrooms and sales lots	1 space per 500 sq. ft. (net) of site area
Transportation equipment storage and maintenance facilities	1 space per employee
Truck terminals	1 space per employee
Two-family dwelling units	4 spaces per dwelling unit (duplex)
Utility facilities (private)	1 space per 500 sq. ft. (net) of floor space, 1 space per employee
Vending machine sales, service, rental, or repair establishments	1 space per 500 sq. ft. (net) of floor space, 1 space per loading dock
Vocational schools	1 space per each 10 students for whom the school was designed, plus 1 space per classroom and administrative office
Warehouse and storage facilities	1 space per 2,000 sq. ft. (net) of storage space, with a minimum of 5 spaces
Wholesale sales offices	1 space per 300 sq. ft. (net) of floor space
Wholesale trade and distribution facilities	1 space per 300 sq. ft. (net) of floor space, 1 space per loading dock
Wholesale trade offices in conjunction with office showrooms	1 space per 300 sq. ft. (net) of floor space, 1 space per loading dock

Section 9.3 Off-Street Loading and Unloading

On the same premises with every building or structure erected hereafter and occupied for any manufacturing, processing, or related uses, storage, warehousing, wholesaling, or related uses, and retailing, trade, and its related uses involving the receipt or distribution by vehicles of material or merchandise, there shall be provided and maintained on the same lot adequate space for standing, loading, and unloading in order to avoid undue interference with the public use of sidewalk, street, or alley. Such space, unless otherwise adequately provided for, shall include at minimum:

- a. A twelve (12) foot by twenty-five (25) foot loading space, with fourteen (14) feet overhead clearance for every twenty thousand (20,000) square feet or fraction thereof in excess of seven thousand (7,000) square feet of floor area of land used for above-mentioned purpose.
- b. An off-street loading space or spaces of sufficient dimensions and size to allow normal off-street loading and unloading operations of a kind appropriate to the property served thereby, where the floor area of land used for above mentioned purposes is less than seven thousand (7,000) square feet.
- c. In no case shall a loading berth or loading space be so located as to hinder the free movement of vehicles and pedestrians over a street, sidewalk, alley, or access route to or from an off-street parking area.
- d. Any light used to illuminate any parking/loading area shall be so arranged as to reflect light away from adjoining premises in a residential district.

ARTICLE 10 LANDSCAPING

Section 10.1 Generally

A landscaping plan is required for all major development projects. Such plan shall be submitted in conjunction with an application for site plan approval as outlined in Article 15. The plan shall clearly show what existing trees, shrubbery, and other vegetation will be retained, and what trees, shrubbery, and other vegetation will be added to complete the landscaping of the property. The developers shall attempt to retain as many trees as possible on the property unless the trees are a safety hazard to pedestrians, property, or vehicular traffic, or that their removal is necessary to construct the proposed improvements. In such case, the landscape plan shall indicate replacement trees at least 6 feet tall and one inch in diameter for each indigenous tree of at least three (3) inches in diameter removed, unless the property already has a tree density which does not allow adequate space or light for additional trees.

The landscape plan shall show the locations of the proper number of replacement trees. Replacement trees and other vegetation to be installed shall be native species or noninvasive exotics which are not likely to out-compete native vegetation and do not require excessive pesticides, fertilizer, or water to maintain growth.

Section 10.2 Where Required

Landscaping is required as follows:

- a. A major project which abuts a freeway/expressway, arterial or collector shall maintain a minimum of ten (10) feet of the required setback as a buffer along the entire width of the property which abuts said freeway/expressway, arterial or collector except where curb cuts provide ingress and egress. Said buffer shall be planted with trees, shrubs and grass or other ground cover so that an attractive appearance is presented as detailed in the required landscape plan.
- b. A minimum of five (5) feet side and rear landscaping may be required in the landscape plan depending on the topography and arrangement of parking facilities. If required, such areas shall be planted with a combination of trees, shrubs and grass or other ground cover adequate to break the expanse of contiguous parking areas and to present an attractive appearance as determined by the Planning and Zoning Enforcement Officer. Adjacent property owners may jointly agree on the establishment of a common landscaped area between their properties that meets the requirement of this Section; provided that such agreement and the planting and maintenance of the common area shall be binding upon both parties and their successors, interests and assigns.
- c. All new businesses primarily related to car, truck or other vehicle service and repair shall be so designed and constructed that no service or repair bays shall be directly visible from the roadway on which the building fronts; and so that

- cars, trucks or other vehicles stored on the premises prior to and after the service or repair are properly screened from view.
- d. Junk yards shall be buffered with vegetation so as to achieve a complete visual screen of the yard and its ancillary operations.

Section 10.3 Buffers Between Dissimilar Districts and Uses

The objective of providing buffers and landscaped areas for screening between dissimilar districts and land uses is to protect and preserve the appearance, character, and value of adjacent land uses.

10.3.1 Definitions

- a. Buffer: A barrier which is created by the use of evergreen trees or other acceptable plant or vegetative material alone or in combination with berms, fencing, or walls used to physically separate or screen one use or property from another so as to visually shield or block noise, lights, or dissimilar uses.
- b. Natural/Undisturbed Buffer: An existing natural barrier which contains a stand of evergreen trees or other acceptable vegetative material with a density or intensity which meets the intent of the definition of buffer.
- c. Planted/Landscaped buffer: A planted natural barrier which contains a stand of evergreen trees or other acceptable vegetative material with a density or intensity which meets the intent of the definition of buffer.

10.3.2 Buffer Requirements

The buffer area may be included within the required setbacks; however, in such case that the required buffer is greater than the required setback, the required buffer shall be adhered to. Buffers are required to be installed on properties adjacent to dissimilar districts in accordance with the specifications in Section 10.3.3.

10.3.3 Standards

Buffers are subject to review and approval by the Macon County Planning Commission. The landscaping policies and standards listed in this section are the minimum policies and standards for buffers. The following are required standards for buffers and shall be used by the Planning Commission in reviewing development applications.

- a. Buffers shall be designated on the site plan as a permanent buffer strip.
- b. Buffers shall be natural/undisturbed areas of existing mature trees which meet the intent of the definition of buffer. Where substantially devoid of existing trees, or where it is necessary to disturb the existing natural/undisturbed area, a planted/landscaped buffer shall be established in accordance with this section.
- c. Buffers shall be of such nature and density at species maturity to screen activities and uses on the lot from view from the normal level of a first story window on an abutting lot. Buffers shall not be closer than 15 feet to the street right-of-way unless approved by the County Engineer.
- d. Buffers shall provide year-round visual screening from the ground to a height of at least 6 feet.

- e. Buffers that utilize trees and/or other vegetation shall be installed not only to provide visual screening but to allow for proper plant growth and maintenance.
- f. Buffer design shall be integrated with the overall design concept for the project.
- g. Existing tree cover and natural vegetation shall be undisturbed except for the addition of supplemental plantings or other approved screening devices, or for the provision of required access or utility crossings as approved by the County Engineer. Where a buffer is substantially devoid of trees or shrubbery, grading may be allowed within the buffer area prior to replanting or the provision of other screening devices as required.
- h. Said buffer areas may not be used for any parking or for the erection of any permanent structure thereon except a fence.
- i. No artificial plants, trees, or other artificial vegetation shall be installed.
- j. All existing, healthy deciduous and hardwood trees with a caliper of 5 or more inches at a point 4 ½ feet above the natural grade shall be retained, whenever feasible; if not feasible the tree shall be replaced with the same or similar type of tree in accordance with the intent of paragraph (l) below.
 - (l) All planted trees shall be native to this region and, when planted, such replacement tree shall be a minimum height of 6 feet and be a species which will reach at least twenty (20) feet in height at maturity or shall be a flowering tree with a minimum height of six (6) feet at time of planting. All plantings shall be in staggered rows, with vegetation spaced a minimum of ten (10) feet apart (measured trunk to trunk) with a minimum of two staggered rows of plantings for every ten feet of buffer width.

10.3.4 Maintenance of Buffer Areas

- a. All buffers shall be installed in a sound workmanship-like manner and according to accepted and proper planting procedures which meet the intent of the buffer requirements.
- b. Once installed, the owner shall be responsible for maintenance of all buffers, which shall be maintained in good condition so as to present a healthy, neat, and orderly appearance which meets the intent of the buffer requirements.
- c. Should the vegetation die or be removed such that the buffer no longer functions as required, that vegetation must be replaced by the owner.
- d. The owner shall have thirty (30) days to replace missing or damaged trees, or restore buffer areas to meet the intent of the buffer requirements.

10.3.5 Required Stream Protection Buffer

In order to protect natural water ways within all zoning categories and enhance water quality within Macon County, the following buffer areas will be required on all development construction drawings.

- a. Water way and streams are defined as follows:
 - (1) Any water course of twenty (20) acres and larger

- (2) Any water course as defined by the Alabama Department of Environmental management within the Soil Erosion and Sedimentation Control Ordinance.
- b. Requirements:
 - (1) There shall be a forty (40) foot undisturbed buffer area along all stream banks, water ways, or water courses.
 - (2) This buffer shall be measured from the top of the stream bank on each side of the creek. On very small creeks this buffer shall be eighty (80) feet minimum, being forty (40) feet each side of the creek.
- c. Variance Procedures:
 - (1) A variance request to disturb within the buffer areas shall be processed through the Macon County Planning Commission.
 - (2) No variance shall be granted that is within the jurisdiction of the Alabama Department of Environmental Management, unless authorized by that agency. These buffer areas are twenty-five (25) feet on streams and one hundred (100) feet on trout streams.
 - (3) No variance shall be granted that is under the jurisdiction of the Army Corps of Engineer, unless authorized by that agency, for disturbance of more than one third acre of wetlands.

10.3.6 Variance From Buffers

Buffer requirements of this section, as stated herein may be waived, if and only if:

- a. It is clearly demonstrated that existing topography and/or vegetation achieve the purpose and intent of this section.
- b. It is clearly demonstrated that for topographic reasons, a fence, wall, and/or other screening device required herein could not possibly screen activities conducted on ground level from view from the normal level of a first story window on any lot in a residential district abutting the use.

Section 10.4 Tree Protection

During construction and development, trees that are to be preserved shall be protected from activities that may injure or kill them. To the extent possible, trees within the required setbacks or buffer strips shall be preserved.

Section 10.5 Parking Lots

The design and appearance of parking areas is intended to be compatible with the rural character of the county. A landscaping plan shall be submitted for the construction of the off-street parking areas accommodating six (6) or more parking spaces. The following standards shall apply:

- a. A landscaped area of at least five (5) feet wide shall be provided between parking areas and any adjacent public streets and contiguous properties. Landscaping shall include the placement of shade trees at intervals of approximately six (6) parking spaces. Such trees shall be a minimum height of six (6) feet at planting.
- b. Interior portions of the parking area shall be broken by provision of landscaped islands (a minimum of six (6) feet wide) between every ten (10) to

fifteen (15) spaces. Each island shall provide at least one (1) shade tree having a minimum height of six (6) feet at planting.

- c. A continuous landscape strip a minimum of five (5) feet wide shall be provided between every four (4) rows of parking. Landscaping shall include the placement of shade trees at intervals of approximately six (6) parking spaces. Such trees shall be a minimum height of six (6) feet at planting.
- d. Landscaped areas shall be protected from vehicular encroachment by the use of curbing or wheel stops.
- e. The owner, tenant and/or agent, if any, shall be jointly and severally responsible for watering and maintaining all landscaping in a healthy, neat, and orderly condition, replacing it when necessary, and keeping it free of refuse and debris.

ARTICLE 11 SIGNAGE

Section 11.1 Purpose and Scope

This article is intended to address the placement of signs within the county's jurisdiction for the following purposes: to promote traffic safety; to prevent business and advertising signs from conflicting with public safety signs; to ensure that permitted signs do not become a hazard or nuisance; to prevent the overcrowding of land; to facilitate fire and police protection; to protect and enhance the value of properties; to provide a pleasing overall environmental setting and good community appearance which is deemed vital to the continued economic attractiveness of the county; and to promote the public safety and welfare of the county.

Section 11.2 Sign Compliance

No sign shall be constructed, erected, modified, placed, maintained, or moved, except as authorized by this Ordinance. Unless otherwise exempted, a building permit must be obtained before a sign is erected, modified, or moved on lot or parcel. No sign shall be placed within a public right-of-way or within the sight triangle of a roadway intersection as would be determined by the Alabama Department of Transportation. Any sign authorized in this article is allowed to contain non-commercial copy in lieu of any other copy.

Section 11.3 Signs Exempted

The following signs shall be exempt from regulations under this article, regardless of whether they may be considered "signs":

- a. Commemorative tablets or signs, historical or memorial markers or monuments, erected by or with the permission of the Macon County Commission or the Alabama Department of Transportation.
- b. Any official traffic control or other public sign;
- c. Lights and decorations with no commercial message temporarily displayed on traditionally adopted civic, patriotic or religious holidays.
- d. Signs carried by people.
- e. Signs located on the interior of buildings, courts, lobbies, stadiums or other structures which are not intended to be seen from the exterior of such structures.
- f. Signs not visible from a public or private street.

Section 11.4 Temporary Signs

The following temporary signs do not require a building permit; however, these signs shall conform to the standards and provisions of this section and other applicable parts of this ordinance. Unless otherwise stated herein, temporary signs shall not exceed forty (40) square feet in area per sign face, or have more than one sign face per direction of travel or exceed six (6) feet in height.

- a. Real estate signs;
- b. Construction site identification signs;
- c. Seasonal Agricultural Signs which may be erected for the purpose of advertising and directing potential patrons to the seasonal sale of agricultural products produced and offered for sale at bonfire farming operations. Seasonal agricultural signs may be erected not sooner than thirty (30) days before the normal sales or harvest season and must be removed within thirty (30) days after the normal sales or harvest season.
- d. Signs erected in connection with elections or political campaigns. Political signs shall not be erected before the established filing date for an election nor allowed to remain longer thirty (30) days after the election.
- e. Signs indicating that a special event such as a grand opening, fair, carnival, circus, festival, air show, fund raiser, or similar event is to take place. Such signs may be erected not sooner than thirty (30) days before the event and must be removed not later than thirty (30) days after the event.
- f. Yard sale sign which shall not exceed six (6) square feet may be erected not sooner than two weeks before the event and must be removed not later than three days after the event.
- g. Signs affixed to windows of vehicles displaying information on the terms of sale for said vehicles.

Section 11.5 On-Premise Signs

An on-premise sign shall be an accessory use incidental to the principal land use; an on premise sign shall specifically comply with the following:

- a. Area. The maximum area of all free standing on premises signs shall be three hundred (300) square feet. The area shall mean the surface area of a sign as computed in accordance with Section 11.12 herein.
- b. Height. The maximum height of a free standing on-premise sign shall be thirty (30) feet. The height shall mean the height of a sign as determined in accordance with Section 11.12 herein.
- c. Setback. Setback. An on-premises sign shall meet the minimum setback requirement of fifteen (15) feet.
- d. Number Permitted. One free standing on-premises sign shall be permitted per street frontage of a lot.
- e. For permitted commercial/industrial uses, total sign area for building mounted signs on building housing only one (1) tenant shall not exceed in the aggregate two (2) square feet of sign area for each lineal foot of building frontage. No such sign shall be required to be less than forty (40) square feet, nor shall it exceed two hundred (200) square feet. Where frontage is on more than one street, each frontage shall be considered a separate frontage for the purpose of this section.
- f. On lots containing buildings housing more than one tenant, sign are for building mounted signs for each tenant shall not exceed two (2) square feet for each lineal foot of building frontage occupied by the tenant, with a maximum sign area for that respective tenant of two hundred (200) square feet.

- g. For Planned Building Groups, building mounted signs are allowed for each tenant and shall not exceed two (2) square feet for each lineal foot of building. Signage to be approved in the Conditional Use Permit process.
- h. Awning signs are permitted provided that such sign shall be limited to the drop leaf portion and the maximum sign is forty (40) square feet per sign. The area of all permitted awning signs shall be included in the area allowed for building mounted signage.
- i. Marquee signs are permitted and may extend the full length of the marquee on theaters, auditoriums and assembly halls. Height of the message area may not exceed eight (8) feet and sign area may not exceed 200 square feet. Only one marquee sign per each establishment.
- j. Fuel canopy signage is permitted provided the signage is limited to logo signs and shall not exceed twelve (12) square feet per canopy side. Signage is not allowed to exceed beyond the vertical edge of the canopy.
- l. This section shall be deemed complied with if such on-premise signs are specifically included as part of sign plan approved as condition of, or pursuant to a special use permit.

Section 11.6 Home Occupations

A home occupation shall be permitted one sign professional or announcement sign per dwelling unit not exceeding six (6) square feet in area.

Section 11.7 Subdivision and Multi-Family Development Entrance Signs

At any entrance to a residential subdivision or multi-family development, there may be not more than two ground signs to identify or identifying such subdivision or development. A single face of any such sign shall be at least twenty-four (24) square feet, nor may the total surface area of all such signs located at a single entrance exceed one hundred (100) square feet, inclusive of all poles or other support structures.

Section 11.8 Industrial Park Entrance Signs

At any entrance to an industrial park, there may not be more than two ground signs identifying the park. A single face of any such sign may not exceed one hundred (100) square feet, nor may the total surface area of all such signs located at a single entrance exceed one hundred fifty (150) square feet.

Section 11.9 Off-Premise Advertising Signs

Off-premise advertising signs are permitted in accordance with the following provisions:

11.9.1 Area

The maximum area of an off-premise advertising sign shall 378 square feet per sign face, one sign face per directional flow of traffic. Signs may be back to back or "V- type" construction.

The area of the sign shall be computed by means of the smallest square, circle, rectangle, triangle or combination thereof which will encompass the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming an

integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting framework, bracing, ornamental base or trim.

11.9.2 Height

The maximum height of an off-premise advertising sign shall be 30'. Said 30' shall be measured from: (i) the higher of the unaltered grade of the terrain of the sign location or (ii) the elevation of the grade of the road shoulder perpendicular to the sign, which ever is higher, to the uppermost part of the sign or sign structure, whichever is higher.

11.9.3 Setback

An off-premise advertising sign shall comply with the following minimum setbacks requirements:

- a. In General Industry (GI), Highway Business (HB), and Neighborhood Business (NB) zoning districts, an off-premise advertising sign shall be set back a minimum of fifteen (15) from the road right-of-way and fifteen (15) from the side property lines;
- b. In Agricultural / Farms (AG-1), Agricultural Industry (AGI), Agriculture and Recreation (AG-2), and Light Industry (LI) zoning districts an off-premise advertising sign shall be set back a minimum of fifteen (15) feet from the road right-of-way, and fifty (50) from the side property lines.

11.9.4 Spacing from Other Off-Premise Advertising Signs

No off-premise advertising sign shall be located closer than one thousand four hundred (1,400) from any other off-premise advertising. A sign on the opposite side of the road or highway shall not be located closer than four (400) feet to an off-premise sign already erected. These distances are to be measured along the edge of the pavement between the closest points of the sign from a line drawn perpendicular to the edge of the pavement to the edge of the sign.

11.9.5 Spacing from Other Structures or Land Uses

No off-premise advertising sign shall be placed within three hundred (300) feet of any lot or parcel used for a school or public park.

11.9.6 Allowed Use

Notwithstanding other provisions of this ordinance, off-premise advertising signs shall be allowed as a principal or accessory use incidental to the principal land use when erected in a General Industry (GI), Highway Business (HB), Neighborhood Business (NB), Agricultural / Farms (AG-1), Agricultural Industry (AGI), Agriculture and Recreation (AG-2), and Light Industry (LI) zoning district.

11.9.7 Most Restrictive Provisions apply

When or if any portion of this ordinance is in conflict with any applicable state or federal regulations or statutes, the more restrictive provisions shall apply.

11.9.8 Building Permit Required

A building permit shall be obtained from the Macon County Planning and Zoning Enforcement Officer prior to the placement of an off-premises advertising sign. Each request for a building permit shall be accompanied by the following:

- a. Recorded survey plat or a survey prepared by a registered land surveyor, if available, showing accurate dimensions of the lot to be built upon and the proposed sign location. In the absence of the aforementioned, the proposed sign location may be hand drawn on the applicable lot depicted on a copy of an official Macon County tax map.
- b. Tax map reference number and parcel number of the lot to be built upon.
- c. Scale drawing of the proposed sign and sign structure. More detailed structural information may be required when applying for other applicable permits, such as electrical.
- d. Building permit fee.

Section 11.10 Off-Premise Directional Signs

Off-premise directional signs do not require a building permit; however, these signs shall conform to the standards of this article and other applicable parts of this ordinance. An off-premise directional sign which does not meet such provisions of this article shall be considered in violation of the ordinance.

An off-premise directional sign shall not exceed thirty-two (32) square feet in area per sign face, or have more than one sign face per directional flow of traffic, or no more than two (2) sign faces per sign structure, or exceed six (6) feet in height. Not more than three (3) off-premise directional signs shall contain directions to the same business or activity.

Section 11.11 Sign Illumination

Signs must be effectively shielded to prevent beams or rays of light from being directed toward any portion of a traveled road, and must not be of such intensity or brilliance or glare or impair the vision of the driver of any motor vehicle or otherwise interferes with any driver's operation of a motor vehicle. No sign shall be so illuminated that it interferes with the effectiveness of or obscures an official traffic sign, device or signal. All illuminated signs or structures shall be placed so as to prevent the light rays or illumination from being cast directly on any residence.

Section 11.12 Sign Computations

The area and height of a sign shall be computed as follows:

11.12.1 Area of Individual Signs

The area of a sign shall be computed by means of the smallest square, circle, rectangle, triangle or combination thereof which will encompass the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting framework, bracing, ornamental base or trim.

If the sign consists of more than one section or module, all of the area, including that between sections or modules, shall be included in the computation of the sign area.

11.12.2 Area of Multi-Faced Signs

For multi-faced signs, the sign area shall include all sign faces visible from any one (1) point. When two (2) identical sign faces are placed back to back so that both faces cannot be viewed from any point at the same time, and when the backs for such sign faces are part of the same sign structure and are not more than forty-two (42) inches apart, the sign area shall be computed by the measurement of one (1) of the larger faces.

11.12.3. Height

Height shall be measured from: (i) the higher of the unaltered grade of the terrain of the sign location or (ii) the elevation of the grade of the road shoulder perpendicular to the sign, which ever is higher, to the uppermost part of the sign or sign structure, which ever is higher.

Section 11.13 Prohibited Signs

The following signs are prohibited:

- a. Any non-governmental sign which resembles a public safety warning or traffic sign;
- b. Signs with animated, blinking, chasing, flashing or moving effects except as used to display time, temperature and messages on an electronic message board, no signs shall contain flashing lights.
- c. Animated, rotating, or other moving or apparently moving signs.

Section 11.14 Sign Maintenance

All signs supports, braces, poles, wires and other appurtenances of the sign or sign structure shall be kept in good repair, maintained in a safe condition, and shall conform to the standards in this section and the Alabama State Building Codes.

Maintenance of sign supports, braces, poles, wires and other appurtenances of the sign or sign structure and not the result of damage or destruction shall not require a building permit, provided that the sign is not enlarged, moved, or altered in any manner which would create or increase a nonconforming condition.

A sign face shall be in a state of disrepair when more than twenty (20) percent of its total surface is disfigured, cracked, ripped or peeling paint or poster paper, or any combination of these conditions.

No sign shall be allowed to stand with bent or broken sign facing, broken supports, loose appendages or struts.

No sign or sign structure shall be allowed to have weeds, vines or other vegetation growing on it and obscuring it from the road or highway from which it is intended to be viewed.

No illuminated sign shall be allowed to operate with partial illumination.

Section 11.15 Nonconforming Signs

All signs made nonconforming by this article, but which were lawfully established may continue provided that no such sign shall be:

- a. Changed or replaced with another nonconforming sign except that copy may be changed on an existing sign;
- b. Expanded;
- c. Relocated except in conformance with the requirements of this ordinance;
- d. Reestablished after damage or destruction in excess of sixty (60) percent of the fair market value immediately prior to the time of the damage or destruction;
- e. Modified in any way which increases the sign's degree of nonconformity; or
- f. Reestablished after the sign structure has been removed.

ARTICLE 12
TELECOMMUNICATIONS TOWER
REGULATIONS AND STANDARDS

Section 12.1 General Provisions

In order to accommodate the communication needs of residents and businesses while protecting the public, health, safety and general welfare, these regulations and requirements are intended to and are necessary to:

- a. Accommodate the need and demand for wireless communication services and facilitate the provision of wireless communication services to residents and businesses;
- b. Provide for the appropriate location and development of wireless communication facilities within Macon County;
- c. Protect the aesthetic integrity of the county and minimize adverse visual effects of wireless communication facilities through standards that require careful design, placement on site, landscape screening and innovative ways to minimize adverse visual impact;
- d. Avoid potential damage to adjacent properties from tower failure through structural standards and setback requirements; and
- e. Encourage and maximize the location and co-location of antennas on existing and approved towers, buildings and other structures to accommodate new wireless communication antennas thereby minimizing new visual impacts and reducing the number of antenna support structures needed to serve the county.

The regulations, standards and provisions set forth in this article shall apply to all commercial radio and television antennas and towers, television receiving antennas for cable television systems, telecommunications antennas and other antennas that are not an accessory use of the premises.

Section 12.2 Applicability

This following antennas are exempted from the regulations and standards of this article:

- a. Installation of antennas on existing towers, which are not a nonconforming use, where the tower height is not increased and all accessory structures and uses are located within the existing tower compound.
- b. Installation of antennas on buildings which comply with all of the following conditions:
 - (1) The property is not subject to a conditional use, variance or other zoning restriction which exceeds the requirements of the Zoning Ordinance.
 - (2) The antenna does not extend more than twelve (12) feet above the roof line of the building.
 - (3) The accessory cabinet does not exceed forty (40) cubic feet in volume or is located where it is not visible from off the premises.

Section 12.3 Use of Suitable Existing Towers or Other Structures

Co-location shall be encouraged and preferred to new installation alternatives; therefore, no new tower structure shall be permitted unless the applicant provides certified documentation that demonstrates to the reasonable satisfaction of the Macon County Planning Commission when a conditional use permit for location in a district is being requested and of the Macon County Planning and Zoning Enforcement Officer prior to the issuance of a building permit for location in the Light Industrial District or that no existing tower or structure can accommodate the applicant's needs or that a co-location agreement could not be obtained. Communication antennas shall not be located on any residential structures.

Section 12.4 Co-location

New tower structures shall be designed to provide and maximize shared use to the extent possible, given the structural and technical limitations of the type of tower proposed. New communication support structures over one hundred (100) feet shall be designed to accommodate the co-location of at least three (3) antennas.

Section 12.5 Setbacks.

Tower structures shall be placed no closer than a distance equal to the height of the tower from any residential dwelling or historic structure, even if located on the same property as the tower structure, and from any property line. No portion of any antenna array may extend beyond the property line.

Because of the unique nature of communications facilities, the Planning Commission may in the approval process require additional setbacks from property lines. If so, the following factors shall be considered when establishing additional setbacks:

- a. The type of communications facility;
- b. Relationship to other properties and buildings;
- c. Relationship to the public right-of-way;
- d. Size of the subject lot or parcel;
- e. Accessibility for public safety and other purposes; and
- f. Other factors which affect the communications facility, surrounding property and community at large.

Section 12.6 Maximum Height

Freestanding tower structures shall not exceed two hundred (200) feet in height including antenna. Towers or antennas mounted on a structure other than a freestanding tower structure shall not extend more than fifteen (15) feet above the height of the existing structure. Accessory telecommunications facilities shall be no taller than fifteen (15) feet in height, and shall be compatible with the surrounding area.

Section 12.7 Federal Requirements

All towers and antennas shall meet or exceed the current standards and regulations of the Federal Aviation Agency and the Federal Communication Commission and any other agency of the federal government with the authority to regulate towers and antennas. If such standards or regulations are revised, then the owners of the towers and antennas

shall bring such towers and antennas into compliance with standards and regulations within six (6) months of the effective date of such standards and regulations, unless a more stringent compliance is mandated by the controlling federal agency. Failure to bring towers and antennas into compliance with such revised standards and regulations shall constitute grounds for the removal of the tower or antenna at the owner's expense.

Section 12.8 Illumination Lighting

Towers shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, a review may be made of available lighting alternatives and approval given to the design that would cause the least disturbance to the surrounding views. If required by federal authorities, lights shall be shielded to the greatest extent possible to minimize visibility from the ground and the amount of light that falls onto nearby properties. Strobe lighting shall not be allowed unless required by a regulatory agency. Security lighting around the base of a communication tower or other antenna mount may be provided if the lighting is shielded so that no light is directed toward adjacent properties or rights-of-way.

Section 12.9 Color

Communication tower structures shall either maintain a galvanized steel finish, or subject to any applicable Federal Aviation Agency standards, be painted a neutral color to reduce visual obtrusiveness. At a tower site, the design of the building and related communication facilities shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend the communication facilities to the natural setting and built environment to reduce visual obtrusiveness. If an antenna is installed on a structure other than a tower, the antenna and supporting telecommunication facilities must be of a color that is identical to, or closely compatible with, the color of supporting structure so as to make the antenna and related facilities as visually unobtrusive as possible.

Section 12.10 Fencing

A communications tower and any associated structures or facilities shall be surrounded by a security fence at least eight (8) feet in height that is installed around the perimeter of the tower compound. Sufficient anti-climbing measures must be incorporated into each facility to reduce potential for trespass, injury and security.

Section 12.11 Driveways and Parking

Driveways and parking, consisting of an all-weather paved surface, shall be provided to assure access to the telecommunication facility for maintenance or emergency services. Provisions shall be made to provide access clearances for emergency vehicles. A copy of a recorded access easement or a copy of a lease granting access may be required in the absence of a dedicated right-of-way.

Section 12.12 Signage (No Advertising)

One (1) sign no larger than four (4) square feet in area shall be placed in a visible location identifying the owner, the identification code of the tower, and an all-hours emergency telephone number. Such sign may also identify other users of the tower and warning or

safety instructions. In addition, any signs specifically required by federal or state government are permitted. Neither communication antenna support structures, antennas support structure sites, nor communication antennas shall contain any signs for the purpose of advertising or be used in any manner for advertising purposes.

Section 12.13 Landscaping (Screening)

Communication tower facilities shall be landscaped with a buffer of evergreen plant materials that effectively screens the view of the communication tower base and accessory structures from adjacent property that is zoned residential or in residential use. Evergreen plantings at the base of the tower shall be at least three feet high and no less than ten feet on center at the time of construction be waived during the approval process for property where natural growth and vegetation forms provide an equivalent buffer.

Section 12.14 On-site Equipment Storage

Mobile or immobile equipment not used in direct support of a communication facility shall not be stored or parked on the site of the facility, unless repairs are being made to the facility.

Section 12.15 Application Requirements (Site Plan Review)

Each applicant requesting a conditional use permit from the Planning Commission or the issuance of a building permit from the Planning and Zoning Enforcement Officer shall, in addition to submitting all information required in Article 15 of this Ordinance, submit the following information:

- a. Scaled elevation, view and other supporting drawings, calculations and documentation signed and sealed by appropriate registered professionals.
- b. Radio frequency coverage and tower height requirements.
- c. A copy of the applicant's one- and five-year plans for development of its wireless communication facilities in the Macon County area.
- d. An inventory of its existing communication tower facilities in Macon County, including specific information about the location, height and design of each tower. The County may share such information with others seeking to locate antennas within Macon County, provided however, that the County is not, by sharing such information, in any way representing or warranting that such sites are available or suitable.
- e. Other information deemed by the Planning Commission or the Planning and Zoning Enforcement Officer as necessary to determine compliance with this Article and approval of the application.

Section 12.16 Factors To Be Considered in Granting Approval for Communication Towers and Antennas

In determining whether to approve a special exception, permit issuance or rezoning for location and construction of a communications facility the following factors shall be considered:

- a. Height and setbacks of the proposed tower structure.
- b. Proximity of the tower structure and facilities to residential structures and residential zoning district boundaries.

- c. Nature of uses on adjacent and nearby properties.
- d. Surrounding topography.
- e. Surrounding tree coverage.
- f. Design of the tower structure with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness.
- g. Proposed ingress and egress.
- h. An evaluation of the applicant's one- and five-year plans for development of its telecommunications facilities within the Macon County area, as well as those plans on file from other telecommunications providers.
- i. Availability of suitable existing towers and other structures.
- j. Any other information that is consider reasonably necessary in connection with the review of the application.

Section 12.17 Temporary Communication Antenna

A temporary communication antenna may be allowed, upon approval of the Planning Commission, for the purpose of providing temporary wireless service for special short-term events such as political events, sporting events or entertainment events, or as necessary to aid in post disaster relief efforts.

Section 12.18 Abandonment (Removal of Abandoned Antennas and Towers)

Prior to issuance of a building permit, the owner shall enter into an agreement with the County, to be approved by the County Attorney, which requires the owner of the communications tower support structure to remove the structure upon its abandonment.

If a communications tower structure or antenna is not used for a continuous period of twelve (12) months, it shall be deemed to be abandoned and the owner of such structure or antenna shall reactivate it or remove it within ninety (90) days of receipt of notice from the County notifying the owner of such abandonment. If removal is not made within the ninety (90) day period, the County may remove such tower structure and antenna and the owner shall be liable for any cost incurred by the County in the removal of the abandoned communication support structure and antenna. If there is more than one user of a single tower or antenna, then this provision shall not become effective until all users cease using the antennas on the tower.

Section 12.19 Camouflaged Structures

Camouflaged structures that resemble a natural object such as a tree or a man-made object such as bell and clock towers or church steeple are encouraged.

ARTICLE 13 NON CONFORMANCIES

Section 13.1 Subdivision of lots.

No portion of a lot shall be sold or subdivided in a manner which does not comply with the lot width and area requirements established by the Macon County Zoning Ordinance. A nonconforming lot may be increased in size even if such increase does not allow the lot to meet the minimum lot width and lot area requirements established by the zoning ordinances. Furthermore, the adjoining lot or lots, from which the land is removed to create the increase to the subject lot, shall not become nonconforming or does not increase in nonconformity.

Section 13.2 Substandard size lots.

Where the owner of a lot at the time of the adoption of this Ordinance,, or his successor in title thereto, does not own sufficient land to enable him to conform to the dimensional requirements of this Ordinance, such lot may be used as a building site provided the yard and other space requirements of the district may be reduced by the smallest amount that will permit reasonable use of the property as a building site. However, in no case shall the setbacks be reduced to less than one-half (1/2) of the least restrictive zoning district's minimum area and yard requirements set forth within this Ordinance unless approved by the Planning Commission.

Section 13.3 Adjoining Lots

If two or more adjoining lots with continuous frontage are in a single ownership at any time after the adoption of this Ordinance and such lots individually are too small to meet the yard, width, and area requirements of the district in which they are located, such groups of lots shall be considered as a single lot or several lots of minimum permitted size and the lot or lots in one ownership shall be subject to the requirements of this Ordinance. This does not apply to lots approved prior to the adoption of this Ordinance.

Section 13.4 Maintenance of Non-Conforming Buildings and Structures

A non-conforming building or structure shall be maintained upon the following conditions and not otherwise:

- a. No structural alterations except those required by law shall be made thereto.
- b. No enlargement or additions shall be made thereto.
- c. No repairs in excess of fifty percent (50%) of a building's or structure's valuation shall be made thereto, unless otherwise specified herein.
- d. Historic nonconforming structures or a nonconforming portion of an historic structure over 50 years old may be considered a valid nonconforming structure upon the determination of the Macon County Historical Commission that said structure is historic in nature and the respective Board of Adjustment confirms the valid nonconforming status. A valid nonconforming status shall

- permit reconstruction, repair, or alteration irrespective of the fifty percent (50%) rule as given in Section 13.4.c.
- e. A non-conforming building or structure which has been damaged by fire, explosion, act of God, or the public enemy may be restored to the size, shape, and/or height of the structure as it existed immediately prior to the damage provided this can be determined or documented.
 - f. Any portion of a nonconforming structure that becomes physically unsafe or unlawful due to lack of repairs and maintenance, and which is declared unsafe or unlawful by a duly authorized county official, but which the owner wishes to repair, restore or rebuild, must be repaired, restored or rebuilt in conformance with the provisions of this chapter.
 - g. To avoid undue hardship, nothing in these ordinances shall require a change in plans, construction or designed use of buildings on which a building permit has been properly issued prior to the adoption of these ordinances or amendments thereto. If actual construction has not begun under a permit properly issued before the adoption of these ordinances or amendments thereto, within six (6) months of the date of issuance of the permit, said permit shall become invalid and shall not be renewed except in conformity with the ordinances.

Section 13.5 Use of Non-Conforming Building, Structure or Premises

- a. The non-conforming use of a non-conforming building or structure lawfully existing at the time this ordinance became effective may be extended throughout the building or structure provided no structural alterations except those required by law, or for general maintenance, are made therein and provided further that the non-conforming use of a non-conforming building or structure may be changed only to another non-conforming use of the same or more restrictive classification.
- b. In no case shall a non-conforming building or structure be enlarged beyond the existing square footage for the purpose of extending the non-conforming use.
- c. In no case shall independent structures or buildings be constructed which will provide support to existing non-conforming uses.
- d. In the event that a non-conforming use of any building or structure is discontinued without interruption for a period of twelve (12) months, the use of the same shall thereafter conform to uses permitted in the district in which it is located. The intent to abandon, or discontinue of use, shall be presumed from the cessation of business or the removal of equipment, goods, structures or other aspects of such nonconforming use of the property.
- e. Non-conforming signs shall be allowed to continue until such time as it is removed. No enlargement of such sign shall be allowed. No improvements to such signs shall be made beyond those required for general maintenance of such sign.
- f. No nonconforming accessory use or structure shall continue after the principal use or structure is terminated by abandonment, damage or destruction unless

such accessory use or accessory structure is made to conform to the standards for the zoning district in which it is located.

- g. Any nonconforming accessory use or accessory structure shall be brought into conformity with these ordinances whenever a substantial improvement to, addition to or change in principal use or structure on the property is proposed or approved.
- h. Any part of a nonconforming accessory use or accessory structure which is destroyed to an extent of more than fifty percent (50%) of the fair market value of the building or structure immediately prior to damage, shall not be restored except in conformity with these ordinances, and all rights as a nonconforming use or structure are then terminated.
- i. No additional structure which does not conform to the requirements of these ordinances shall be erected in connection with a nonconforming use of land.

Section 13.6 Non-Conforming Uses of Land

The non-conforming use of land lawfully existing at the time this ordinance became effective shall be discontinued within one year from the effective date of this ordinance and within said year shall be continued upon the following conditions and not otherwise:

- a. The non-conforming use of a piece of land shall in no way be expanded or extended either on the same or adjoining property.
- b. The non-conforming use of a piece of land may in no way be changed to another non-conforming use, but only to a use conforming to the regulations of the district in which the land is located.
- c. In the event that the original non-conforming use of a piece of land is discontinued for sixty (60) days or more, the land shall thereafter conform to all regulations for the district in which the land is located.
- d. The aforementioned provisions regarding non-conforming use of land shall apply where either:
 - (1) No building is employed in connection with such use.
 - (2) Buildings employed are accessory or incidental to such use.
 - (3) Such use is maintained in connection with a conforming building.
- e. Non-conformance due to reclassification.
- f. The aforementioned provisions of this article shall also apply to buildings, structures, land, and uses which hereafter become non-conforming due to any reclassification of districts under this ordinance or subsequent change in the regulations of this ordinance.
- g. Upon the determination by the Planning and Zoning Enforcement Officer that a structure is potentially damaged, being repaired or altered by more than fifty percent (50%) of the fair market value, the following method shall be employed to make a final determination:
 - (1) An appraisal by a licensed appraiser shall be submitted to the Macon County Planning Commission.
 - (2) A licensed contractor shall perform a cost estimate for repairs to the structure and submit it to the Planning and Zoning Enforcement Officer.

- (3) The Planning and Zoning Enforcement Officer shall prepare a report with the appraisal and cost estimate and submit it to the Macon County Planning Commission for a final determination.
- (4) The Planning Commission shall make a determination or may request additional information as deemed appropriate to make a final determination.
- (5) Nothing herein shall be construed to excuse any owner, occupant or contractor from compliance with building codes, zoning ordinances or any other health or safety requirements imposed by local, state or federal laws, or ordinances in effect at the time of the repair or rebuilding.
- (6) The applicant shall be responsible for all costs associated with a determination.

Section 13.7 Illegal uses and structures prohibited

All of the foregoing provisions relating to nonconforming uses and structures shall apply to all nonconforming uses or structures existing or created on the effective date of these ordinances and to all uses and structures which become nonconforming by reason of any amendment thereof. The provisions shall not apply, however, to any use established, or structures erected or expanded, in violation regardless of the time of establishment or erection.

ARTICLE 14 VARIANCES AND APPEALS

Section 14.1 Appeals to Planning Commission.

An appeal from the decision of the Macon County Planning and Zoning Enforcement Officer, Macon County Engineer, Macon County Building Inspector, or other official designated by the Macon County Commission to enforce this ordinance may be taken to the Macon County Planning Commission by any person aggrieved, or by any officer, department, board or agency of Macon County affected by such decision. Such appeal shall be taken within a reasonable time as provided by the rules of the Planning Commission by filing with the Planning Commission a notice of appeal specifying the grounds thereof.

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

Section 14.2 Hearing of Appeals.

The Planning Commission shall fix a reasonable time for the hearing of an appeal taken within the time specified by its rules, give public notice thereof, as well as due notice to all adjacent property owners, and decide the same within a reasonable time. Upon the hearing of such appeal, any party may appear in person, or by agent or attorney.

Section 14.3 Grant of Appeal or Variance.

The Planning Commission, in appropriate cases and subject to appropriate conditions and safeguards, take the following actions in case of appeals:

- a. May hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the Planning and Zoning Enforcement Officer in the enforcement of application of this ordinance.
- b. May authorize upon appeal in specific cases a variance from the terms of this ordinance, such as will not be contrary to the public interest, where owing to special conditions a literal enforcement of the provisions of this ordinance will result in unnecessary hardship, but where the spirit of the ordinance shall be observed and substantial justice done. Such special conditions shall be limited to exceptional narrowness, shallowness or shape of a specific piece of

property existing at the time of the enactment of this ordinance, or exceptional topographic conditions or other extraordinary and exceptional situation or condition of such piece of property as would result in peculiar, extraordinary and practical difficulties. However, the granting of the variance shall not allow a structure or use in a district restricted against such structure of use, except as specifically provided for in this article. A variance may be authorized, based on the existence of the following conditions:

- (1) That the special circumstances or conditions applying to the building or land in question are peculiar to such premises and do not apply generally to other land or buildings in the vicinity.
 - (2) That the granting of the application is necessary for the preservation and enjoyment of a property right and not merely to serve as a convenience to the applicant.
 - (3) That the authorizing of the variance will not impair an adequate supply of light and air to adjacent property or unreasonably increase the congestion in public streets, or increase the danger of fire, or imperil the public safety, or unreasonably diminish or impair established property values within the surrounding areas, or in any other respect impair the health, safety, comfort, morals, or general welfare of the inhabitants of Macon County.
- c. The Planning Commission may modify the strict application of the provisions of this ordinance upon such reasonable conditions as it may prescribe in the following cases:
- (1) The extension of a district for a distance of not more than 100 feet where the boundary line of a district divides a lot of tract held in single ownership at the time of the passage of this ordinance.
 - (2) The determination of the proper district applicable to particular land in cases of ambiguity or doubt arising from a difference between the street layout actually on the ground and the street layout as shown on the zoning map.
 - (3) The reconstruction of a building, the use of which is nonconforming, which has been destroyed, or partially destroyed, by explosion, fire, act of God or the public enemy.
 - (4) Reduction in the parking and loading requirements of this ordinance whenever the character or use of a building or premises is such as to make unnecessary the full provision of parking or loading facilities, or where such regulations would impose an unreasonable hardship, such as extreme financial difficulty, structural difficulty or similar condition, upon the use of the property.
 - (5) The erection of a temporary building for commerce or industry in a residential district which is incidental to the residential development, such permit to be issued for a period of not more than one year.

In executing the above mentioned actions the Planning Commission may, in conformity with the provisions of this ordinance, reverse or affirm, wholly or partly, or may modify

the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as ought to be made and to that end shall have all powers of the Planning and Zoning Enforcement Officer.

To defray a portion of the costs occasioned thereby, no appeal from the decision of the Planning and Zoning Enforcement Officer and no application for an exception, variance or other matter, shall be entered on the docket of, or heard by, or ruled on by the board until there has been paid to the offices of the Planning Commission by the appellant or applicants a fee of ten dollars. If, an appeal from the decision of the Planning and Zoning Enforcement Officer pertaining to an interpretation of the provisions of this ordinance, the applicant is successful in reversing the decision of the Planning and Zoning Enforcement Officer; the ten-dollar fee shall be returned to the applicant. No fee shall be required for an interpretation of this ordinance when there is a variance between the street layout on the ground and the street layout as shown on the district zoning map.

Neither Macon County nor any officer, agent, or employee of the county acting in his official capacity, nor any agency of the county shall be required to pay a fee under this article.

Section 14.4 Appeals from action of the Planning Commission.

- a. Any party aggrieved by any final judgment or decision of the Planning Commission may appeal such decision in accordance with Section 15 of Alabama Legislative Act 2001-562.
- b. In the event of a Review Board hearing, the appealing party shall be required to pay an application fee according to the current schedule of fees established by the County Commission. This fee shall be nonrefundable irrespective of the final disposition of the application. If reconsideration is ordered by the Review Board, the appealing party shall be required to remit payment for the cost of providing notice of the Planning Commission rehearing.

ARTICLE 15: ADMINISTRATION AND ENFORCEMENT

Section 15.1 Enforcement of the Zoning Ordinance

The duty of administering and enforcing the provisions of this ordinance is hereby conferred upon the Planning and Zoning Enforcement Officer, Administrator, or other such official as designated by the Macon County Commission.

Section 15.2 Building Permit Required

It shall be unlawful to commence the construction of any building, or to commence the moving or alteration of any building which requires a permit in accordance with the policies and procedures of Macon County until a permit for such work has been issued.

15.2.1 Application for Building Permit

All applications to the Planning and Zoning Enforcement Officer for building permits shall be accompanied by a site plan and survey, as applicable; however, accessory buildings located in agriculture and residential areas may be excluded if setbacks and other requirements can be determined. The site plan or survey must include:

- a. The actual dimensions of the lot to be built upon;
- b. The size of the building to be erected;
- c. The location of the building on the lot;
- d. The location of existing structures on the lot, if any;
- e. The number of dwelling units the building is designed to accommodate;
- f. The setback lines of buildings on adjoining lots;
- g. The layout of off-street parking and loading spaces;
- h. Such other information as may be requested for determining whether the provisions of this Ordinance are being observed; and
- i. Such other information as may be requested by the Planning and Zoning Enforcement Officer; and
- j. Certification by the applicant that he has complied, or will comply, with the applicable health department regulations, and all other applicable ordinances, regulations and standards of Macon County.

Section 15.3 Conditional Uses

It is the purpose of this section to establish a process that enables and facilitates review of those uses identified as conditional uses in these regulations in order to determine the appropriateness of a particular conditional use in a given location.

15.3.1 Authorization

The Planning Commission may, under the prescribed standards and procedures contained herein, authorize the construction or initiation of any conditional use that is expressly permitted as a conditional use in a particular zoning district; however, the county reserves full authority to deny any request for a conditional use, to impose conditions on the use,

or to revoke approval at any time, upon a finding that the permitted conditional use will or has become unsuitable and incompatible in its location as a result of any nuisance or activity generated by the use.

15.3.2 Public Hearing

The Planning Commission shall hold a public hearing on the application for a Conditional Use Permit. The Planning and Zoning Enforcement Officer shall, upon determination that an application for a conditional use permit complies with all submission requirements, receive the application and schedule it for public hearing by the Planning Commission. Notice of such public hearing shall be given 15 days in advance of the public hearing. Notification shall include the following:

- a. Posting of a sign on the property with the date, time and location of the public hearing; and
- b. Notices sent by regular mail to the owner, subdivider or his agent and all adjoining landowners as their names appear upon the plats in the Macon County Tax Assessor's Office.

The Planning Commission shall consider the application and render a decision at the conclusion of the public hearing unless it is determined that action must be deferred to allow for additional input and review.

15.3.3 Submission Requirements

No request for conditional use approval shall be considered complete until all of the following has been submitted to the Planning and Zoning Enforcement Officer:

- a. Application Form. The application shall be submitted to the department on forms to be provided by the department. The application shall be signed and, if not signed by the property owner, shall be accompanied by a notarized affidavit that the applicant is authorized to act in the owner's behalf.
- b. Plans and Specifications. Each application shall be accompanied by an accurate site plan, drawn to scale, identifying: the current off-street parking available on the site; any new proposed parking layout; ingress to and egress from the site; area of the site; existing uses on the site, including the location and floor area of all buildings; and such other information as the Planning and Zoning Enforcement Officer may reasonably require. Any supplementary information, exhibits, plans or maps which are to accompany and constitute part of the application shall be submitted to the Planning and Zoning Enforcement Officer at the time of filing the application. Three (3) copies of all such documents shall be required for distributional purposes.
- c. Application Fee. The applicant shall be required to pay an application fee according to the current schedule of fees established by the County Commission for the particular category of application. This fee shall be nonrefundable irrespective of the final disposition of the application.

15.3.4 Standards for Approval

A conditional use may be approved by the Planning Commission only upon determination that the application and evidence presented clearly indicate that all of the following standards have been met:

- a. The proposed use shall be in harmony with the general purpose, goals, objectives and standards of the Macon County Development Plan, these regulations, or any other official plan, program, map or regulation of Macon County;
- b. The proposed use shall be consistent with the community welfare and not detract from the public's convenience at the specific location;
- c. The proposed use shall not unduly decrease the value of neighboring property;
- d. The use shall be compatible with the surrounding area and not impose an excessive burden or have a substantial negative impact on surrounding or adjacent uses or on community facilities or services.

15.3.5 Restrictions

In the exercise of its approval, the Planning Commission may impose such conditions regarding the location, character, or other features of the proposed use of land or buildings as it may deem advisable in the furtherance of the general purpose of these regulations.

15.3.6 Validity of Plans

In approving the Conditional Use Permit, the Macon County Planning Commission may designate such conditions, which will assure that the use in its proposed location will be harmonious and with the spirit and intent of this ordinance. All such additional conditions shall be entered in the minutes of the meeting at which the Conditional Use Permit is granted and also on the Conditional Use Permit. All conditions shall run with the land and shall be binding on the original applicant for the Conditional Use Permit, the heirs, successors and assigns. In order to ensure that such conditions and requirements of each Conditional Use Permit will be fulfilled, the petitioner for the Conditional Use Permit may be required to provide physical improvements required as a basis for the issuance of the Conditional Use Permit.

15.3.7 Effective Date of Approval - Issuance of Permit

Planning Commission approval shall become effective thirty days from the date of the public hearing at which approval is granted. No building permit shall be issued prior to the effective date of approval. The building permit shall be issued subject to all conditions and requirements stipulated by the Planning Commission.

15.3.8 Failure to Comply

In the event of failure to comply with the plans approved by the Macon County Planning Commission, or with any conditions imposed upon the Conditional Use Permit within a reasonable time in the opinion of the Macon County Planning and Zoning Enforcement Officer, the permit shall become void and of no effect. No building permits for further construction or Certificate of Occupancy / Compliance under the Conditional Use Permit shall be issued, and the use of all completed structures shall immediately cease and not thereafter be used for any purpose other than a use-by-right as permitted by the zone in which the property is located.

15.3.9 Site Plan Required

At the discretion of the Macon County Planning and Zoning Enforcement Officer, site plans may be required to be submitted and approved as part of the application for a Conditional Use Permit. Modifications of the original plans may be made by the Planning Commission. Site Plans may be required to include the location of existing and proposed buildings and buildings 100 feet adjacent thereto, layout of parking spaces, street lights, signs, contours at 10-foot intervals, proposed points of ingress and egress, proposed screenings or plantings, provisions for water and sewer disposal and vicinity map.

Section 15.4 Site Plan Review and Approval

It is the purpose of this section to encourage a high standard of land development through careful review of the nature and composition of proposed development projects as well as to provide full consideration of the potential impacts of proposed developments upon surrounding uses and land. Furthermore, it is the purpose of the site plan review process to provide a mechanism to ensure that the individual components of the development process are carefully integrated in order that a project meets not only those minimum regulatory requirements and individual design standards, but also addresses in its totality the design guidelines set forth in this section.

15.4.1 Approval Required

Site plan approval as hereinafter set forth is required prior to the issuance of any building permit for all land uses subject to these regulations where any of the following exists:

- a. A parcel of land proposed for a nonresidential use.
- b. A parcel of land proposed for multi-family residential, condominium, townhouse, or hotel/motel use.
- c. A parcel of land devoted to a nonresidential use or a parcel of land devoted to multi-family, condominium, townhouse or hotel/motel units which use of land or building is proposed to be expanded by twenty-five (25) per cent or more of lot area or building floor area.
- d. A parcel of land, which is to be developed utilizing a "special district" zoning classification.
- e. A parcel of land where, due to the unique characteristics of the land, surrounding use(s), proposed use or other features of the development, the Planning and Zoning Enforcement Officer determines it to be in the interest of the public health, safety or welfare that such project be subject to the site plan review process.

The Planning and Zoning Enforcement Officer shall have the authority to waive the site plan approval requirement for public, county-sponsored projects as is determined appropriate based on the nature, location, size and impact of such project(s).

15.4.2 Procedures

Developments subject to site plan review shall be processed in the following manner:

- a. Review and Approval.

- (1) The Planning and Zoning Enforcement Officer shall, upon determination that an application complies with all applicable submission requirements, receive the application and schedule it for consideration and approval by the Development Review Committee.
- (2) The development review committee shall review the site plan with specific regard to the design guidelines contained in this section. The committee shall evaluate and make a finding with respect to the satisfactory application of the design guidelines, both individually and in combination, to the subject plan. The development review committee shall approve, approve with conditions, or deny the site plan. In the alternative, the committee may, for the purpose of allowing the applicant an opportunity to address unresolved issues, continue consideration of the site plan. Any action to approve, conditionally or unconditionally, shall require a majority vote of the committee members present and shall be based upon a finding that the site plan comports with the design guidelines set forth in said Section 15.4.8. Any site plan, which does not receive a majority vote for approval, shall be denied and the reason(s) for such denial shall be noted. Under no circumstance shall any site plan be approved which is inconsistent with any term contained in these regulations unless a variance has been authorized in accordance with the provisions contained in Article 14 of these regulations.
- (3) A minimum of four (4) copies, and any additional copies as may be supplied by the applicant, of a site plan approved or approved conditionally shall be submitted to the office of the Planning and Zoning Enforcement Officer within sixty (60) days of such action. Site plans approved contingent upon any changes to be made on the plan shall be so changed prior to certification. The Planning and Zoning Enforcement Officer shall verify that all such changes have been made and certify with his signature that the site plan complies with these regulations and the requirements of the development review committee. The Planning and Zoning Enforcement Officer shall retain and file one copy of the certified site plan to constitute a permanent record and forward one copy to the County Engineer. A minimum of two copies of the certified site plan shall be reserved for the applicant, one of which shall accompany the application for building permit and one copy to be available for inspection at the job site.

15.4.3 Amendment of a Certified Plan

Any amendment, variation or adjustment of a certified site plan shall require approval of a site plan amendment according to the following:

- a. Major Amendment.
Submission to the director and action by the development review committee consistent with the process of approval of the original site plan.
- b. Minor Amendment.
Submission to and action by the Planning and Zoning Enforcement Officer.

- c. The Planning and Zoning Enforcement Officer shall determine based on the magnitude and type of change and its ramifications whether a proposed plan amendment is a major or minor amendment. The Planning and Zoning Enforcement Officer may, at his discretion, forward any application for site plan amendment to the development review committee or to one or more individual departments for review and recommendation both as to its classification as a major or minor amendment and as to whether it should be approved, approved with conditions or denied.

15.4.4 Effect of Site Plan Approval

Those site plans approved or approved conditionally shall remain valid if a building permit is obtained subject thereto, and the project completed in accordance with such permit, within the respective allotted time periods to be specified by the Planning and Zoning Enforcement Officer or development review committee. Extensions to the time limits imposed as a condition of site plan approval may be granted only upon written request to the Planning and Zoning Enforcement Officer with subsequent determination to be made by the development review committee, based upon and consistent with the process for determining whether such request for extension of time is a major or minor amendment. Upon approval of the site plan, the applicant may proceed to submit detailed construction drawings to the appropriate county departments for approval and permitting. Nothing herein, however, shall preclude the building director from accepting for review and processing building construction plans related to the structural, mechanical, electrical and plumbing systems prior to the certification of a site plan, subject to such conditions as may be established by the building director relative to such pre-certification processing. In such instances, no building permit will be issued until the site plan has been certified and is on file with the building department. All building and construction permits issued for any project requiring site plan review shall be consistent with the certified site plan. The approval and certification of a site plan shall not under any circumstance be construed to waive or otherwise diminish the applicable county requirements for construction or installation of structures or materials. Whenever a conflict between the site plan and such construction details occurs, the more restrictive or that requiring the higher standard shall prevail.

15.4.5 Integration of Other Review Procedures

Any development involving the following related provisions of these regulations shall be coordinated as set forth below.

- a. Special District Development Plans.
Properties which are proposed to be assigned a special district zoning classification shall have available for review at the public hearing held in consideration of such zoning a copy of a preliminary site plan of the proposed development. Following approval by the Macon County Planning Commission, a final site plan taking into consideration matters of concern to the Planning Commission shall be prepared and submitted to the Planning and Zoning Enforcement Officer for review by the Development Review Committee in accordance with the above paragraphs.

b. Rezoning.

Those developments requiring an action to rezone the property shall have the rezoning approved by the Macon County Planning Commission prior to consideration of a site plan by the development review committee. In approving a rezoning action, the Planning Commission may, in cases it deems advisable, also require that a preliminary site plan be submitted to it for review prior to consideration of a final site plan by the development review committee. Following review by the Planning Commission, a final site plan taking into consideration matters of concern to the Planning Commission shall be prepared and submitted to the Planning and Zoning Enforcement Officer for review by the Development Review Committee in accordance with the above paragraphs.

c. Variances.

Those developments requiring a variance from any applicable regulation shall have the variance acted upon by the Macon County Planning Commission prior to consideration of a site plan by the development review committee.

d. Conditional Uses.

Those developments requiring conditional use approval shall have the conditional use approved by the Macon County Planning Commission and prior to consideration of a site plan by the development review committee.

15.4.6 Noncompliance

Failure to comply with a certified site plan or any of the conditions upon which such approval was contingent, including time limits for performance, shall be cause to deny issuance of a building permit or, where a permit has been issued pursuant to a certified site plan, to render such building permit invalid. Any action, construction, development or use of property undertaken in violation of the provisions of this section shall constitute a violation of these zoning regulations.

15.4.7 Submission Requirements

No request for site plan approval shall be considered complete until all of the following has been submitted to the Planning and Zoning Enforcement Officer:

a. Application Form.

The application shall be submitted to the department on forms to be provided by the department. The application shall be signed and, if not signed by the property owner, shall be accompanied by a notarized affidavit that the applicant is authorized to act in the owner's behalf.

b. Plans and specifications.

Each application shall be accompanied by a site plan drawn to a minimum scale of one inch equals fifty (50) feet on an overall sheet size not to exceed twenty-four (24) by thirty-six (36) inches. When more than one sheet is

required, an index sheet of the same size shall be included showing the entire parcel with individual sheet numbers referenced thereon. The following information is required on or in an acceptable form so as to accompany the site plan:

- (1) Site plan name.
- (2) North arrow, scale and date prepared.
- (3) Legal description.
- (4) Location map.
- (5) Zoning district assigned to the property, which is the subject of the site plan and adjacent properties.
- (6) Identification of watercourses, wetlands, tree masses and specimen trees, including description and location of understory, ground cover vegetation and wildlife habitats or other environmentally unique areas.
- (7) Gross and net site area expressed in square feet and acres.
- (8) Number of units proposed, if any.
- (9) Floor area devoted to each category of use.
- (10) Delineation in mapped form and computation of the area of the site devoted to building coverage and other impervious surfaces expressed in square feet and as a percentage of the overall site.
- (11) Number of parking spaces required (stated in relationship to the applicable formula) and proposed.
- (12) Location of all driveways, parking areas and curb cuts and the total paved vehicular use area (including but not limited to all paved parking spaces and driveways), expressed in square feet and as a percentage of the area of the overall site.
- (13) Location of all public and private easements and streets within and adjacent to the site.
- (14) The location, size and height of all existing and proposed buildings and structures on the site.
- (15) Location of all refuse collection facilities, including screening and access thereto.
- (16) Provisions for both on-and off-site storm water drainage and detention related to the proposed development.
- (17) Existing and proposed utilities, including size and location of all water lines, fire hydrants, sewer lines, manholes, and lift stations.
- (18) Existing two-foot contours or key spot elevations on the site, and such off-site elevations as may be specifically required and not otherwise available which may affect the drainage or retention on the site.
- (19) The proposed general use and development of internal spaces, including all recreational and open space areas, plazas and major landscape areas by function, and the general location and description of all proposed outdoor furniture (such as seating, lighting, and telephones).
- (20) The location of all earth or water retaining walls, earth berms, and public and private sidewalks.
- (21) Phase lines, if development is to be constructed in phases.

- (22) Dimensions of lot lines, streets, drives, building lines, building setbacks, building height, structural overhangs, and building separations.
 - (23) Shadow cast information if the proposed building is higher than any immediately adjacent building or if the height of the building is greater than the distance of the building to any lot line.
- c. Application Fee.
The applicant shall be required to pay an application fee according to the current schedule of fees established by the Macon County Commission for the particular category of application. This fee shall be nonrefundable irrespective of the final disposition of the application.

15.4.8 Design Guidelines for Site Plan Review.

It is the purpose of these design guidelines to supplement the standard requirements of zoning classifications in a manner that recognizes the need to tailor the land planning process to the unique features of each site, while preserving the right of reasonable use of private property based upon the uses permitted under the zoning classifications assigned to the property. The following items shall be given full consideration in the preparation and review of site plans required under this section. Before any site plan is approved (whether conditionally or unconditionally), it shall first be established that such plan is consistent with the design guidelines of this section. When it is determined that a site plan does not satisfactorily comply with one or more, in whole or in part, of any of the design criteria contained herein, the Development Review Committee shall have the authority to deny the site plan. Design guidelines to be considered include the following:

- a. Plan and Regulation Requirements.
Site plans shall be consistent and in conformity with all applicable rules and regulations of the county and the state, including but not limited to the following:
 - (1) County zoning and subdivision regulations;
 - (2) County development plan and its constituent elements;
 - (3) Other county ordinances, resolutions, policies and administrative directives;
 - (4) Applicable provisions of Alabama Law.
- b. Environment and Open Space.
Site plans shall recognize the significant existing environmental and open space features of the site and property immediately adjacent thereto. The proposed development shall be determined to be reasonably compatible with the existing environmental features of the site, based on an evaluation of the following specific factors:
 - (1) Topography, including elevation, slopes and cut and fill;
 - (2) Soil and subsurface characteristics.
 - (3) Surface and groundwater characteristics, including water quality and groundwater recharge.

- (4) Vegetation and plant life, including specimen trees, natural wetland and native creek bank vegetation.
- (5) Wildlife habitat.
- (6) Historic and cultural significance.
- (7) Floodplain hazard.
- (8) Open space

All of the above factors shall be determined consistent with the current development standards and design specifications of the county engineer. It shall be the objective of this guideline to assure that a development project will not significantly degrade the existing environmental features of the site in a manner that is unnecessary to allow for the reasonable use of the property.

c. Traffic and Parking.

Site plans shall be so designed as to provide for adequate traffic flow and control on public streets, coordination with public transportation modes where applicable, convenient internal circulation and service access, and vehicular and pedestrian safety. A determination as to the adequacy of provisions for traffic and parking shall be based on an evaluation of the following factors:

- (1) Functional classification of street and highway system.
- (2) Existing and projected traffic volume, road carrying capacities and levels of service.
- (3) Traffic signing, signalization and related control devices.
- (4) Number and distance between points of access and egress.
- (5) Sight distance and turning radii relative to curb cuts and internal traffic flow.
- (6) Off-street parking and loading space.
- (7) Pedestrian walkways.
- (8) Access for service and emergency equipment and personnel.

All of the above factors shall be determined consistent with the objectives of the transportation element of the general plan and with current development standards and design specifications of the county engineer. It shall be the objective of this guideline to ensure adequate provision for vehicular and pedestrian movement and safety within the site and as it relates to the adjoining public street and thoroughfare system.

d. Streets, Drainage and Utilities.

Site plans shall be so designed as to provide for streets, water supply, sewage disposal, refuse collection and storm water detention. Those specific factors to be evaluated in determining that these measures have been adequately addressed include the following:

- (1) Water supply and sewage treatment capabilities.
- (2) Water mains, fire hydrants and water meters.
- (3) Sewer mains and manholes.
- (4) Gas mains, where applicable.

- (5) Provisions for refuse disposal, including container location and access thereto.
- (6) Easements for all utility lines.
- (7) Location, capacity and design of storm water detention facilities, both as to the site and the watershed or basin.
- (8) Responsibility for maintenance and appearance of storm water detention facilities.
- (9) Sufficiency of adjacent streets.

All of the above factors shall be determined consistent with the objectives of the utility element of the general plan and current development standards and design specifications of the county engineer. It shall be the objective of this guideline to assure that adequate service capacity is available and that utility, street and drainage systems are appropriately designed for the proposed development site in relationship to the larger systems entering and leaving the site.

e. Neighborhood Compatibility.

Site plans shall be so designed as to assure that the overall design and function of the proposed project are compatible and harmonious with other properties in the immediate area. Compatibility shall be measured according to the following characteristics of the proposed and neighboring development:

- (1) Land use type or category.
- (2) Building location, dimension and height.
- (3) Location and extent of parking, access drives and service areas.
- (4) Traffic generation, hours of operation, noise levels and outdoor lighting.
- (5) Alteration of light, air and views.
- (6) Fence, wall, landscape and open space treatment.

It shall be the objective of this guideline to encourage design treatment that reflects consideration of and between adjoining developments. It is not the purpose of this provision to preclude development based upon normal change or that inconvenience which might ordinarily be expected to result from the land development process; but, rather, it shall be the purpose of this provision to preclude any significant adverse impact that is measurable and can be documented, based upon the above factors.

Section 15.5 Violations and Penalties

Any person, firm, corporation, or any agent, servant, employee, officer, or contractor for any person, firm, or corporation who shall violate any provision, requirement, term, or condition of this Ordinance shall be subject to a fine of up to five hundred dollars (\$500.00) or up to sixty (60) days' imprisonment in the County jail, or both, per violation. Each day of any violation of this Ordinance shall constitute a separate offense. The violation of any provision, requirement, term, or condition of this Ordinance shall also constitute a nuisance and any person aggrieved thereby may abate the same or the same may be abated as a public nuisance. Continuous violation thereof may be restrained in a

court of equity having jurisdiction thereof, and such remedy shall not be the exclusive remedy for any violation.

Section 15.6 Prosecution

Any violations of this Ordinance may be tried before the magistrate's court of Macon County upon a citation. Each citation shall state the time and place at which the accused is to appear for trial, shall identify the offense with which the accused is charged, shall have an identifying number by which it shall be filed with the magistrate's court, shall indicate the identity of the accused and the date of service, and shall be signed by the County officer who completes and serves it. In any case necessary, the County Attorney is designated as prosecuting attorney.

ARTICLE 16
INTERPRETATION OF ORDINANCE

Section 16.1 Minimum Requirements.

In interpreting and applying the provisions of this ordinance, they shall be held to be the minimum requirements for the promotion of public health, safety, convenience, comfort, morals and the general welfare. Where this ordinance imposes greater restrictions upon the use of a building or land or upon the open spaces, yard area or lot area, than are imposed or required by other ordinances, rules, regulations, or permits, or by easement, covenants or agreements, the provisions of this ordinance shall govern. Where any other ordinances, rules, regulations or permits, or any easements, covenants or agreements impose greater restrictions upon the use of a building or upon the height, bulk or size of a building or structure, or require larger open spaces, yard area or lot area than are required under the regulations of this ordinance, such provisions shall govern.

ARTICLE 17 AMENDMENTS AND CHANGES

Section 17.1 Requirements For Change

Whenever the public necessity, convenience, general welfare or good zoning practice warrants such action, the Planning Commission may amend, supplement, modify or repeal the regulations or zoning district boundaries herein established.

Section 17.2 Petition For or Initiation of Change

A proposed change of the zoning district boundaries or of the regulations may be initiated by the Planning Commission, or by petition of one or more owners or authorized agents of such owners of property within the area proposed to be changed.

Section 17.3 Action on Petition

- a. Any proposed amendment, supplement, modification, or repeal shall be submitted to the Planning Commission for its consideration.
- b. The Planning Commission, within sixty (60) days of the date of the application, may proceed to hold a public hearing in relation thereto, giving notice as required by law.
- c. The proposed change may be deemed by the applicant to have been denied if the Planning Commission takes no final action upon the same within ninety (90) days after the filing of the application, provided that this sentence shall not be construed to divest the Planning Commission of jurisdiction to take final action on such proposed change at any time prior to any litigation instituted thereon against the Planning Commission by the applicant.

Section 17.4 Fees

Before any action shall be taken as provided in this article, the applicant petitioning for a change shall deposit with the Planning Commission a fee as determined by Macon County Commission including actual certified mail and legal advertisement as required by law. Under no condition shall said sum or any part thereof be refunded for failure of such proposed amendment to be enacted into law. No action shall be initiated for a zoning amendment affecting the same parcel of land more often than once every twelve (12) months, provided that by unanimous resolution of the Planning Commission that such action may be initiated at any time.

**ARTICLE 18
VIOLATION AND PENALTY**

Section 18.1 Penalty

In addition to all other means provided by law for the enforcement of the provisions of this ordinance, any person violating any of the provisions thereof shall, upon conviction, be fined not more than one hundred dollars (\$100.00) and cost of court for each offense. Each day such violation continues shall constitute a separate offense.

ARTICLE 19
VALIDITY

Section 19.1 Severability of Ordinance.

If any section or provision of this ordinance, including any part of the Zoning Map, which is a part of this ordinance, be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the ordinance as a whole or any part thereof other than the part so declared to be invalid.

