

ZONING ORDINANCE
NOTASULGA, ALABAMA

JULY 30, 2007
DRAFT

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ZONING ORDINANCE
OF THE TOWN OF
NOTASULGA, ALABAMA

TITLE

AN ORDINANCE OF THE TOWN OF NOTASULGA, ALABAMA
REGULATING THE LOCATION, HEIGHT, BULK, NUMBER OF STORIES AND
SIZE OF BUILDINGS AND OTHER STRUCTURES: THE SIZE OF YARDS: THE
DENISTY AND DISTRUBUTION OF POPULATION: AND THE USES OF
BUILDINGS, STRUCTURES AND LAND FOR TRADE, INDUSTRY, RESIDENCE,
RECREATION, TRANSPORTATION, AGRICULTURE, CONSERVATION, PUBLIC
ACTIVITIES, AND OTHER PURPOSES: CREATING DISTRICTS FOR SAID
PURPOSES AND ESTABLISHING THE BOUNDARIES THEREOF: DEFINING
CERTAIN TERMS USED HEREIN: PROVIDING FOR THE METHOD OF
ADMINISTRATION, AMENDMENT, AND APPEAL: AND PROVIDING FOR THE
IMPOSITION OF PENALTIES FOR THE VIOLATION OF THE PROVISIONS OF
THIS ORDINANCE.

ARTICLE I

SHORT TITLE

This ordinance shall be known and may be cited as the Zoning Ordinance of the Town of Notasulga, Alabama.

ARTICLE II

AUTHORITY AND PURPOSE

Section 1-1. Authority

An ordinance establishing comprehensive Zoning Regulations for the Town of Notasulga, Alabama, and providing for the administration, enforcement, and amendment thereof, in accordance with the provisions of Title 11, Chapter 52, Article 4, Sections 11-52-84 inclusive of the Code of Alabama (recompiled 1975) as said provisions may be amended or superseded, and providing for the repeal of all ordinances in conflict herewith.

Section 1-2. Purpose

It is the purpose of this Zoning Ordinance:

- (a) To protect and provide for the public health, safety, and general welfare of the Town.
- (b) To guide the future growth and development of the Town in accordance with the Land Use Plan.
- (c) To provide for adequate light, air, and privacy to secure safety from fire, flood, and other danger and to prevent overcrowding of land and undue congestion of population.
- (d) To protect the character and the social and economic stability of all parts of the Town of Notasulga and to encourage the orderly and beneficial development of all parts of the Town.
- (e) To protect and conserve the value of land throughout the Town and the value of buildings and improvements upon the land and to minimize the conflicts among the land and buildings.

- (f) To guide public and private policy and action in order to provide adequate and efficient transportation, water, sewerage, schools, parks, and other public facilities and services.
- (g) To provide the most beneficial relationship between the uses of land, buildings, and the circulation of traffic throughout the Town.
- (h) To prevent the pollution of air, streams, and ponds; to assure the adequacy of drainage facilities; to safeguard the water table; and to encourage the wise use and management of nature resources throughout the Town in order to preserve the integrity, stability, and the beauty of the community and the value of the land.
- (i) To preserve the natural beauty and topography of the Town and to insure appropriate development with regard to these natural features.

ARTICLE III

DEFINITION OF TERMS

For the purpose of interpreting this Ordinance, certain words and terms are herein defined. The following words shall, for the purpose of this Ordinance, have the meaning herein indicated.

Section 3-1. Interpretation of Commonly Used Terms and Words

- 3-1-1 *Gender*. The word “he” includes the word “she,” and where used in this Ordinance indicates a person of any gender.
- 3-1-2 *Household*. Synonymous with Family as used herein.
- 3-1-3 *Lot*. The word “lot” shall include the words “plot,” “parcel,” or “tract.”
- 3-1-4 *Map*. The word “map” or “zoning map” shall mean the “Official Zoning Map, Town of Notasulga.”
- 3-1-5 *Non-conformity*. The term “non-conformity” is synonymous with “non-conforming use” and “legal non-conforming use.”
- 3-1-6 *Number*. Words used in the singular number include the plural, and words used in the plural include the singular, unless the syntax indicates otherwise.
- 3-1-7 *Person*. The word “person” includes a firm, association, corporation, trust, and company, as well as an individual.
- 3-1-8 *Shall*. The word “shall” is always mandatory and not merely directory.
- 3-1-9 *Structure*. The word “structure” shall include the word “building.”
- 3-1-10 *Tense*. Words used in the present tense include the future tense.
- 3-1-11 *Use*. The words “used for” shall include the meaning “designed for.”
- 3-1-12 *Used*. The word “used” or the word “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 3-2. Definition of Commonly Used Terms and Words

- 3-2-1 Abutting. Having property or district lines in common.
- 3-2-2 Access. A way of approaching or entering a property.
- 3-2-3 Accessory Building or Use. A building or use which: (1) is subordinate to and serves a principal building or principal use; (2) is subordinate in area, extent, or purpose to the principal building or principal use served; (3) contributes to the comfort, convenience, or necessity of the occupants of the principal building or principal use; and (4) is located on the same zoning lot as the principal building or principal use except as herein provided. Examples are private garages, storage sheds and swimming pools.
- 3-2-4 Administrative Officer. The person appointed by the Town Council to enforce all provisions of the Zoning Ordinance.
- 3-2-5 Alley. A public right-of-way primarily designed to serve as a secondary access to the side or rear of those properties whose principal frontage is on some other street.
- 3-2-6 Alteration.
- (a) Any addition to the height or depth of a building or structure
 - (b) Any change in the location of any of the exterior walls of a building or structure
 - (c) Any increase in the interior accommodations of a building or structure
- 3-2-7 Apartment House. A dwelling containing three or more dwelling units, but that does not meet the test of “Townhouse.”
- 3-2-8 Bed and Breakfast. See Hostelry.
- 3-2-9 Board of Adjustment. The Zoning Board of Adjustment of the Town of Notasulga, Alabama. Synonymous with “Board” as used herein.
- 3-2-10 Boarding House. An establishment other than a hotel, café, or restaurant with lodging for three (3) or more persons, where meals are regularly prepared and served for compensation and where food is placed upon a table family style, without service or ordering of individual portions from a menu.
- 3-2-11 Buffer Strip. A strip of land, established to protect one type of land use from another with which it is incompatible.

- 3-2-12 Buildable Area of a Lot. That portion of lot bounded by the required rear and side yards and the building setback line.
- 3-2-13 Building. A structure, having a roof supported by columns or walls and intended to be used for sheltering people, animals, property or business activity.
- 3-2-14 Building Height. The vertical distance measured from the grade to the highest point of the coping of a flat roof; to the deck line of a mansard roof; or to the mean height level between the eaves and ridge of a gable, hip, or gambrel roof.
- 3-2-15 Building Line. A line, parallel to the property line, indicating the nearest distance to the street right-of-way line that a building may be erected on a lot. Synonymous with “front yard setback” as used herein.
- 3-2-16 Building, Principal. A building in which is conducted the principal use of the lot on which it is situated. In any residential district any dwelling shall be deemed to be the principal building on the lot which it is situated.
- 3-2-17 Business. A single industrial, commercial, or professional enterprise holding a single business license, engaged in as a means of livelihood, including home occupation as defined herein.
- 3-2-18 Certificate of Occupancy. Official certification that a premises conforms to the provisions of the Zoning Ordinance, and Building Codes, and other applicable statutes, ordinances, codes and regulations, and may be used or occupied.
- 3-2-19 Condominium Ownership. Condominium is that form of ownership of multi-family dwellings under which units of improvements are subject to ownership by one or more owners, and there is appurtenant to each unit as part thereof an undivided share in the common elements.
- 3-2-20 Day Care Center. A day care center is an establishment designed to provide daytime care or instruction for two (2) or more children, other than members of the family. The term includes day nurseries, kindergartens, child care centers, nursery schools or play schools.
- 3-2-21 Domiciliary. An establishment which is compensated for providing lodging, sustenance and personal care assistance for three (3) or more persons, each of whom has been certified as requiring said personal care assistance by a health care provider licensed to make such certifications.
- 3-2-22 District. Any section of the Town of Notasulga in which zoning regulations are uniform.

- 3-2-23 Dwelling. Any building or portion thereof which is designed for use for residential purposes.
- 3-2-24 Dwelling, Single-Family. A building arranged to be occupied by one (1) family, the structure having only one (1) dwelling unit.
- 3-2-25 Dwelling, Two-Family. A building arranged to be occupied by two (2) families living independently of each other, the structure having two (2) dwelling units.
- 3-2-26 Dwelling, Multi-Family. A building arranged to be occupied by three (3) or more families living independently of each other.
- 3-2-27 Dwelling Unit. A building or portion thereof designed, arranged and/or used for living quarters for one (1) or more person living as a single housekeeping unit with cooking facilities, but not including units in hostelries as defined herein.
- 3-2-28 Family. One or more persons living as a single housekeeping unit and sharing expenses, common cooking and dining facilities, and household consumables, which family may consist of: 1) and individual; 2) two or more persons related by blood, marriage, or legal action; or 3) a group not exceeding five (5) unrelated persons.
- 3-2-29 Flood. An overflow of lands not normally covered by water that results in significant adverse effects in the vicinity.
- 3-2-30 Garage Apartment. A garage apartment is an accessory or subordinate building, not a part of or attached to the main building, where a portion thereof contains a dwelling unit for one family only, and the enclosed space for at least one automobile is attached to such dwelling unit.
- 3-2-31 Group Development. A tract of land under single, corporation, firm, partnership, or association ownership, planned and developed as an integral unit, in a single development operation or a definitely programmed series of development operations and according to an approved development plan. A group development may be residential, commercial, industrial, or institutional in nature, or a mix of these.
- 3-2-32 Group Home. See Boarding House.
- 3-2-33 Hardship. A condition existing when the conditions imposed by the Zoning Ordinance would deprive the property owner of certain development rights that are enjoyed by other Property owners within the same zoning district. Upon examination of the hardship claimed, it should

be determined that: (1) the property owner did not bring this hardship upon himself; (2) the physical site conditions are such that a hardship does exist; or (3) the property owner would be deprived of rights which are normally afforded under the same regulations for the zone in which the property is located. The term “hardship” should never be interpreted as meaning personal or economic hardship to the property owner.

3-2-34 Home Occupation. An occupation in a dwelling unit provided that:

(a) No person other than immediate members of the family residing on the premises shall be engaged in such occupation;

(b) The use of the dwelling units for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than twenty-five percent (25%) of the floor area of the dwelling unit shall be used in the conduct of the home occupation;

(c) There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation other than one (1) sign, not exceeding one (1) square foot in area, non-illuminated, and mounted flat against the wall of the principal building;

(d) No home occupation shall be conducted in any accessory building;

(e) No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood; and any need for parking generated by the conduct of such home occupation shall be met off the street and other than in a required front yard or side yard.

3-2-35 Hostelry. A building or group of buildings in which sleeping accommodations are offered to the public, and are intended primarily for rental to transients with daily charge. Synonymous with hotel, motel, motor hotel, motor lodge and tourist court. Hostelry does not include domiciles such as multi-family dwellings and rooming houses or boarding houses, where rentals are for periods of a week or longer and occupancy is generally by residents of the community rather than transients. Where more than one-half (k) of the units in a hotel, motel, motor hotel, motor lodge, or

3-2-36 Hotel. See Hostelry.

3-2-37 Household. See Family.

3-2-38 Inn. See Hostelry.

- 3-2-39 Junk Yard. The use of more than six hundred (600) square feet of any lot or tract for the outdoor storage and/or sale of salvage material. The term salvage material includes but is not limited to waste paper, glass, rags, scrap metal, manufacturing by-products, inoperative rolling stock and/or components thereof, and inoperable manufactured equipment, machinery and/or components thereof.
- 3-2-40 Land Use Plan. The officially adopted Land Use Plan of the Town of Notasulga.
- 3-2-41 Loading Space, Offstreet. Offstreet loading space is space logically and conveniently located for pickups and/or deliveries or for loading and/or unloading, scaled to delivery vehicles expected to be used, and accessible to such vehicles when required offstreet parking spaces are filled, provided the minimum size of any required offstreet loading space shall have clear horizontal dimensions of twelve (12) feet by thirty (30) feet exclusive of platforms and piers and a clear vertical dimension of fourteen (14) feet.
- 3-2-42 Lot. A tract, plot, or portion of a subdivision or other parcel of land intended as a unit for the purpose, whether immediate or future, or transfer of ownership or for building development.
- 3-2-43 Lot, Corner. A lot which occupies the interior angle at the intersection of two (2) street lines. The street line forming the least frontage shall be deemed the front of the lot except where the two (2) street lines are equal, in which case, the owner shall be required to specify which is the front.
- 3-2-44 Lot, Depth. The mean horizontal distance between the front and rear lot lines.
- 3-2-45 Lot of Record. A lot which is part of a subdivision, a plat of which has been recorded in the Office of the Probate Judge of Macon County, or a lot described by metes and bounds, the description of which has been so recorded.
- 3-2-46 Lot Width. The distance between side lot lines measured at the building setback line.
- 3-2-47 Mobile Home. A transportable structure which: 1) is comprised of one or more modules, each built on a permanent chassis with or without a permanent foundation; 2) when erected on site measures eight body feet or more in width and thirty-two body feet or more in length; 3) is equipped with appliances and electrical, heating, mechanical, plumbing, sanitary and ventilating systems that function independently of auxiliary facilities so that only simple utility connections are needed when connected to the

required utilities; 4) is designed and intended for occupancy as a principal residence by a single family. Removal of wheels for chassis and placing such a structure on the ground, piers, or other foundation shall not remove such a unit from this definition.

3-2-48 Mobile Home Park. A parcel of land under single ownership, designed, maintained, intended or used for the purpose of supplying a location or accommodations for two (2) or more mobile homes for non-transient use (see Stand). This definition shall not include mobile home sales lots on which unoccupied mobile homes are parked for purposes of inspection and sale.

3-2-49 Mobile Home Subdivision. A subdivision which meets the requirements of the Notasulga Subdivision Regulations.

3-2-50 Modular Housing. A dwelling wholly or partially constructed off site in accordance with the Town of Notasulga building code, for which a building permit is issued, and which complies with the Town of Notasulga building code when ready for occupancy.

3-2-51 Motor Home. See Travel Trailer.

3-2-52 Multi-Family Dwelling. See Dwelling, Multi-Family.

3-2-53 Non-Conforming Use. Any lawful use of land, building, or structure existing at the time of adoption of the Zoning Ordinance, which does not conform with the regulations of the district in which it is located.

3-2-54 Non-Residential Use. A use which is not a residential use or accessory to a residential use.

3-2-55 Nursing Home. Any building in which aged, handicapped, chronically ill or incurable persons are housed and furnished with meals and nursing care for remuneration. Includes sanitariums and convalescent homes.

3-2-56 Open Storage. Unroofed storage areas, whether fenced or not.

3-2-57 Parking Space. A permanently surfaced area, enclosed or unenclosed, of not less than ten (10) feet by twenty (20) feet, together with a permanently surfaced driveway connecting the parking space with a street or alley and permitting ingress and egress of an automobile. It shall be located outside the street right-of-way and required side yards.

3-2-58 Patio-Garden Home. A single family dwelling having a minimum of one (1) side yard, which may be attached by a party wall to one (1) other patio-garden home of similar design and construction, and which together with

other patio-garden homes constructed under the same site plan shall constitute a patio-garden home area of similar and/or complementary design and construction.

- 3-2-59 Personal Goods and Services. Those goods and services purchased, rented or otherwise acquired by individuals for personal purposes such as, but not limited to sustenance, medication, comfort, security, convenience, edification, or entertainment of themselves, members of their households, or their beneficiaries.
- 3-2-60 Permitted Use. A use by right which is specifically authorized in a particular zoning district.
- 3-2-61 Planning Commission. Planning Commission of the Town of Notasulga, Alabama.
- 3-2-62 Principal Building. See Building, Principal.
- 3-2-63 Recreational Vehicle. See Travel Trailer.
- 3-2-64 Rooming House. Any building or portion thereof not classifiable as a boarding house or hostelry, which consists of not less than three (3) nor more than nine (9) guest rooms which are designed or intended to be used, let or hired out for occupancy by individuals for compensation whether paid directly or indirectly.
- 3-2-65 Row House. See Town House.
- 3-2-66 Service Station. A retail establishment where motor vehicle fuels are stored in underground tanks, and the following business operations are permitted: 1) retail sale of engine fuels, kerosene, motor oil, and other automotive lubricants; 2) retail sale and/or installation in completely enclosed service bays of automotive “TBA” (tire/battery/accessory) and other “remove and replace” items, except power train components; and 3) automotive preventive maintenance as prescribed by manufacturers is carried out as a retail service in completely enclosed service bays.
- 3-2-67 Shopping Center. A building or group of buildings on a single lot, in which more than one business is licensed, with each business renting its own space which it controls concerning operating hours and customer traffic.
- 3-2-68 Sign. Any device designed to inform or attract the attention of persons not on the premises on which the sign is located, provided, however, that the following shall not be included in the application of the regulations herein:

Signs not exceeding one square foot in area and bearing only property numbers, post office box numbers, names of occupants of premises, or other identification of premises not having commercial connotations;

Flags and insignia of any government except where displayed in connection with commercial promotion;

Legal notices, identification, information, or directional signs erected or required by governmental bodies;

Integral decorative or architectural features of buildings, except letters, trademarks, moving parts, or moving lights;

Signs directing traffic and parking on private property, but bearing no advertising matter.

3-2-69 Single Family Dwelling. See Dwelling, Single-Family.

3-2-70 Special Exception. A Special Exception is a use that would not be appropriate generally or without restriction throughout a zoning division or district but which, if controlled as to number, area, location, or relation to neighborhood, would promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity, or the general welfare. Such uses may be permissible in a zoning classification or district as a Special Exception if specific provision for such a Special Exception is made in this Ordinance. For procedure in securing Special Exceptions, see subsection 8-4-3.

3-2-71 Stand. An area within a mobile home park which has been improved for a single mobile home as provided in this Ordinance.

3-2-72 Street. A dedicated and accepted public right-of-way for vehicular traffic which affords the principal means of access to abutting property.

3-2-73 Street Frontage. All the property on one side of a street between two intersecting streets (crossing or termination), or if the street is dead ended, then all of the property abutting on one side between an intersecting street and the dead end of the street.

3-2-74 Street Line. The dividing line between a right-of-way and the contiguous property.

3-2-75 Structure. Anything constructed or erected, the use of which requires permanent location on the ground, or attachment to something having a permanent location on the ground, including buildings and signs.

- 3-2-76 Tourist Court. See Hostelry.
- 3-2-77 Tourist Home. See Hostelry.
- 3-2-78 Town. Town of Notasulga, Alabama.
- 3-2-79 Town Council. The Town Council of the Town of Notasulga, Alabama.
- 3-2-80 Town House. A condominium constructed such that each dwelling unit occupies a lot in single ownership, and is attached by at least one (1) and nor more than two (2) fire party walls to a series of at least three other townhouses of similar design and construction.
- 3-2-81 Townhouse Complex. A dwelling consisting of four or more townhouses.
- 3-2-82 Townhouse Area. A grouping of townhouse complexes developed under the same site plan, approved as provided herein.
- 3-2-83 Travel Trailer. 1) A motor home, pick-up camper, converted bus, tent-trailer, tent, or similar device not classifiable as a mobile home as defined herein, used for temporary portable housing, or 2) a portable structure less than thirty-two (32) feet long or less than eight (8) feet wide, which is equipped, designed, converted, or used for temporary living quarters by one or more individuals; or 3) a unit that is identified by the manufacturer as a motor home, recreational vehicle, or travel trailer.
- 3-2-84 Trailer Camping Site. Any parcel of land within the Town designed, intended, or designated for temporary accommodation of transient travel trailers.
- 3-2-85 Two Family Dwelling. See Dwelling, Two-Family.
- 3-2-86 Variance. A Variance is a relaxation of the terms of this Ordinance where such variance will not be contrary to the public interest and where owing to conditions peculiar to the property and not the result of the actions of the property owner, a literal enforcement of this Ordinance would result in unnecessary and undue hardship on the land. As used in this Ordinance, a Variance is authorized only for height, area, and size of structure or size of yards and open spaces. Establishment or expansion of use otherwise prohibited or not permitted shall not be allowed by Variance, nor shall a Variance be granted because of the presence of non-conformities in the zoning classification or district or adjoining zoning classifications or districts.
- 3-2-87 Yard. An open space at grade between a building and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the

ground upward. In measuring a yard for the purpose of determining the width of the side yard, the depth of a front yard or the depth of a rear yard, the least horizontal distance between the lot line and the main building shall be used.

- 3-2-88 Yard, Front. A yard extending across the front of a lot between the side yard lines and being minimum horizontal distance between the street line and the main building or any projection thereof, other than steps.
- 3-2-89 Yard, Rear. A yard extending across the rear of a lot measured between lot lines and being the minimum horizontal distance between the rear lot line and the rear of the main building or any projections other than steps, unenclosed balconies or unenclosed porches. On the corner lots, the rear yard shall be considered as parallel to the street upon which the lot has its least dimension. On both corner lots and interior lots the rear yard shall in all cases be at the opposite end of the lot from the front yard.
- 3-2-90 Yard, Side. A yard between the building and the side line of the lot and extending from the lot line to the rear lot line and being the minimum horizontal distance between a side lot line and the side of the main building or any projections other than steps.
- 3-2-91 Yard, Build-to Line. A front yard determined by a specified maximum setback line in accordance with a planned district.

ARTICLE IV

ESTABLISHMENT OF DISTRICTS

Section 4-1. Use Districts Names

The Town of Notasulga is hereby divided into districts as shown on the Official Zoning Map filed with the Town Clerk and adopted by the Town Council as indicated thereon. The map and all explanatory material thereon is hereby made a part of this Ordinance. Districts shall be designed as follows:

R-1 Low Density Residential District
R-2 Medium Density Residential District
R-3 Multi-Family Residential District
TNR Traditional Neighborhood Residential
GPH Garden Patio Home
TH Townhouse District
RR Rural Residential
RCS Residential Conservation Subdivision
B-1 Neighborhood Commercial District
B-2 Highway Commercial District
GB Gateway Business
M-1 General Industrial District
IP Industrial Park
AG Agricultural Industry
AI Agricultural Industry
AO Agricultural Open Space
MXD Mixed Use Development
TC Town Center Mixed use
PUD Planned Unit Development
OI Office and Institutional
OIP Office and Institutional Park

Section 4-2. Official Zoning Map

The Official Zoning Map shall be identified by the signature of the Mayor and attested by the Town Clerk under the following words: "This is to certify that this is the Official Zoning Map of the Town of Notasulga, Alabama, "together with the number and date of the adopting Ordinance.

4-2-1 Changes in District Boundaries. If, in accordance with the provisions of this Ordinance, changes are made in district boundaries or other matter portrayed on the Official Zoning Map, such changes shall be entered on the Official Zoning Map promptly after the amendment has been approved by the Town Council with any entry on the Official Zoning Map as

follows: date of action of the Town Council and Resolution Ordinance number of the zoning amendment. No amendment to this Ordinance which involves matter portrayed on the Official Zoning Map shall become effective until after such change and entry has been made on said map.

- 4-2-2 Unauthorized Changes Prohibited. No changes of any nature shall be made in the Official Zoning Map, or matter thereon, except in conformity with the procedures set forth in this Ordinance. Any unauthorized change of whatever kind by any person or persons shall be considered a violation of this Ordinance and punishable as provided under Article XI.
- 4-2-3 Final Authority to Zoning. Regardless of the existence of purported copies of the Official Zoning Map which may from time to time be made or published, the Official Zoning Map which shall be located in the office of the Town Clerk shall be the final authority as to the current zoning status of land, buildings, and other structures in the Town.
- 4-2-4 Replacement of Official Zoning Map. In the event that the Official Zoning Map becomes damaged, destroyed, lost, or difficult to interpret because of the nature or number of changes and additions, the Town Council may, by resolution, adopt a new Official Zoning Map. The new Official Zoning Map may correct drafting or other errors or omissions in the prior Official Zoning Map, but no such correction shall have the effect of amending the original Official Zoning Map or any subsequent amendment thereof. The new Official Zoning Map shall be identified by the signature of the Mayor and attested by the Town Clerk, under the following words: “this is to certify that this Official Zoning Map supersedes and replaces the Official Zoning Map adopted [date], as part of the Zoning Ordinance of the Town of Notasulga, Alabama.”
- 4-2-5 Retention of Prior Maps. Unless the prior Official Zoning Map has been lost, or has been totally destroyed, the prior map or any significant parts thereof remaining, shall be preserved, together with all available records pertaining to its adoption or amendment.

Section 4-3. Rules for Interpretation of Districts

Where uncertainty exists with respect to the boundaries of any of the districts as shown on the Zoning Map, the following rules shall apply.

- 4-3-1 Corporate Limits. Boundaries indicated as approximately following shall be construed as following such corporate limits.
- 4-3-2 Distances. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map.

- 4-3-3 Entire District Covered. Except as otherwise specifically provided, a district symbol or names shown within district boundaries of the Official Zoning Map indicates that district regulations pertaining to the district extend throughout the entire area surrounded by the boundary line.
- 4-3-4 Extension of Physical Features. Boundaries indicated as parallel to or extensions of features indicated in Subsection 4-3-b through 4-3-f above shall be construed as being parallel to or extension of such features.
- 4-3-5 Lot Lines. Boundaries indicated as approximately following property lines, and the like shall be construed as following such lines; provided, however, that where such boundaries are adjacent to a street or alley and the zoning status of the street or alley is not indicated, the boundaries shall be construed as running to the middle of the street or alley. In the event of street or alley closure, interpretation shall be provided in Section 4-3-2 above.
- 4-3-6 Other Cases. In cases not covered by subsection 4-3-1 through 4-3-8 above, the Administrative Officer shall interpret the Official Zoning Map in accordance with the intent and purpose of this Zoning Ordinance.
- 4-3-7 Other Physical Features. Boundaries indicated as following other than those mentioned above shall be construed as following such physical features, except where variation of actual location from mapped location would change the zoning status of a lot or parcel and in such a case, the boundary shall be interpreted in such a manner as to avoid changing the zoning status of any lot or parcel.
- 4-3-8 Split Lot. Where a district boundary divides a lot of record which was in single ownership at the time of passage of this Ordinance, the Board of Adjustment may permit as a Variance the extension of the regulations for wither a portion of the lot for a distance not to exceed fifty (50) feet beyond the district line in to the remaining portion of the lot.
- 4-3-9 Streets, Alleys, Railroads, Power Lines. Boundaries indicated as approximately following the centerlines of rights of way such as but not limited to streets, alleys, railroads, and power lines shall be construed as following such centerlines as they exist on the ground, except where variation of actual location from mapped location would change the zoning status of a lot or parcel. In the case of a street closure, the boundary shall be construed as remaining in its location except where ownership of the vacated street is divided other than at the center, in which case, the boundary shall be construed as moving with the ownership.

4-3-10 Waterways. Boundaries indicated as following centerlines of streams, creeks, or other bodies of water shall be construed as following such centerlines.

Section 4-4. Annexations

All land annexed by the Town is hereby automatically zoned AG at the time it is annexed. Such annexed land may be rezoned, in whole or in part, as provided herein, at, or at any time after said annexation.

ARTICLE V
USE DISTRICTS

Section 5-1. R-1 Low Density Residential District

The purpose of the R-1 District is to provide for the protection of existing single-family residential areas and the development of additional areas at a low population density served with a public water supply at a minimum level of service. The regulations for this district are designed to stabilize and protect the essential single-family environment for family life and to prohibit all activities of a non-residential nature that do not serve residents of this district.

5-1-1 Permitted Use

Detached single-family home (excluding mobile homes)
Accessory uses and buildings
Parks, playgrounds
Signs subject to the provisions of Section 6-6

5-1-2 Special Exceptions

Cemeteries
Churches and similar places of worship
Essential services subject to the provisions of Section 6-1-13
Fire Stations
Home occupations as defined in Article III, Subsection 3-2-34
Libraries
Golf courses and country clubs
Public and private schools having curricula substantially the same as that ordinarily given in public schools

Note: Special Exceptions in the R-1 District except public utilities structures and home occupations shall be permitted only on lots fronting on, and with principal driveway access to, a street with pavement at least twenty-six (26) feet in width, and so located, site planned and designed as to avoid undue noise and other nuisances and dangers.

5-1-3 Dimensional Requirements

- (1) *Front yard setback*: forty (40) feet.
- (2) *Side yard setback*: ten (10) feet except on corners lots where the side adjoining the right-of-way shall be fifteen (15) feet.
- (3) *Rear yard setback*: thirty (30) feet. Unattached rear yard accessory buildings shall be set back one (1) foot from the utility easement line and five (5) feet from any property line, whichever is greatest.
- (4) *Minimum lot size*: fifteen thousand (15,000) square feet.

- (5) *Width in feet at building line*: one hundred (100) feet.
- (6) *Width in feet at street line*: thirty-five (35) feet.
- (7) *Lot coverage*: main and accessory buildings shall not cover more than twenty-five (25) percent of the lot area.
- (8) *Height*: no building shall exceed thirty-five (35) feet in height

Section 5-2. R-2 Medium Density Residential District

The purpose of the R-2 District is to provide for the protection of existing single-family residential areas and the development of new areas at densities that assure the continued stability of such areas. This district is established as a district in which the principal use of land is for medium density residential use with both water and sanitary sewer service provided. These areas are intended to be defined and protected from the encroachment of uses not performing a function necessary to the residential environment.

5-2-1 Permitted Uses

Any use allowed as a Permitted Use in the R-1 District

5-2-2 Special Exceptions

Any use allowed as a Special Exception in the R-1 District subject to the same provisions
 Day care homes, Day nurseries and Day care centers
 Nursing Homes (see section 5-3-3)
 Patio Garden Homes (see section 5-3-3)
 Rooming Houses (see section 5-3-3)
 Swimming pools, recreational and athletic facilities, community buildings and other similar and related facilities for the common use of occupants of the development and their guests
 Townhouses (see section 5-3-3)
 Two family dwellings (see section 5-3-3) [Replaces Duplexes]
 Mobile homes (no more than one per lot) provided the requirements of Article V, Section 5-2-3 are met.

Note: Special Exceptions in the R-2 District except public utilities structures and home occupations shall be permitted only on lots fronting on, and with principal driveway access to, a street with pavement at least twenty-six (26) feet in width, and so located, site planned and designed as to avoid undue noise and other nuisances and dangers.

5-2-3 Dimensional Requirements

- (1) *Front yard setback*: thirty-five (35) feet.

- (2) *Side yard setback*: ten (10) feet except on corners lots where the side adjoining the right-of-way shall be twenty-five (25) feet.
- (3) *Rear yard setback*: thirty-five (35) feet. Unattached rear yard accessory buildings shall be set back one (1) foot from the utility easement line and five (5) feet from any property line, whichever is greatest.
- (4) *Minimum lot size*: twelve thousand (12,000) square feet.
- (5) *Width in feet at building line*: eighty-five (85) feet.
- (6) *Width in feet at street line*: thirty-five (35) feet.
- (7) *Lot coverage*: main and accessory buildings shall not cover more than twenty-five (25) percent of the lot area.
- (8) *Height*: no building shall exceed thirty-five (35) feet in height

Section 5-3. R-3 Multi-Family Residential District

The purpose of the R-3 District is to provide sites for multi-family dwellings and similar types of higher density dwellings, which will: (1) serve as zones of transition between non-residential districts and single-family districts and (2) provide areas for low/medium density multi-family dwellings which will be compatible with adjoining single family development.

5-3-1 Permitted Uses

- Any use allowed as a Permitted Use in the R-2 District
- Boarding Houses
- Condominiums (see section 5-3-3)
- Domiciliaries (see section 5-3-3)
- [Replaced by Two-Family Dwellings]
- Mobile Homes (no more than one per lot) provided requirements of Article VI, Section 6-8 are met.
- Multi-Family dwellings (see section 5-3-3)

5-3-2 Special Exceptions

- Any use allow as a Special Exception in the R-2 District subject to the same provisions
- Essential services subject to the provisions of Section 6-1-13
- Mobile home parks provided the requirements of Article VI, Section 6-7 are met.
- Mobile homes (no more than one per lot) provided the requirements of Article V, Section 5-3-4 are met.

5-3-3 Required Conditions

- (1) *Street Frontage*. All permitted uses and special exceptions with the exception of single-family dwellings and duplexes, shall be permitted only on lots fronting on, and with principal driveway access to, a street with pavement at least twenty-six (26) feet in width, and so located, site planned and designed as to avoid undue noise and other nuisances and dangers.
- (2) *Townhouse/Patio-Garden Home Party Walls*. A party wall shall: 1) separate each dwelling unit; 2) have a minimum nominal solid thickness of six inches; 3) be constructed of non-combustible materials; and 4) extend six inches above the roof line.
- (3) *Landscaped Buffers*. All multi-family structures and townhouses shall provide ten (10) foot landscaped buffer when adjoining single-family residential districts.
- (4) *Common Use Areas*. Common areas provided in condominium, patio-garden home, townhouse or comparable developments, which are not contained in lots or streets conveyed to individual owners, shall be maintained by and be the sole responsibility of the developer/owner, until such time as said developer/owner may convey such common areas to a non-profit corporate owner whose members shall be all of the individual owners of the development. Said common areas then shall be held by said non-profit corporate purpose by the owners of the individual lots in the development. The developer/owner shall obtain written approval of deed restrictions and covenants from the Administrative Officer prior to conveyance of common areas to a non-profit corporate owner.

5-3-4 Dimensional Requirements

- (1) *Front yard setback*: thirty-five (35) feet from public streets. Townhouses, and multi-family developments may front on common use access ways, in which case said developments shall be set back fifteen (15) feet from said common use access ways.
- (2) *Side yard setback*: eight (8) feet except on corner lots where the side adjoining the right-of-way shall be twenty (20) feet. Patio-garden home, two-family dwelling, townhouse and multi-family developments shall have a side yard of (8) feet on ends of groups, except on corner lots where side adjoining the right-of-way shall be twenty (20) feet.
- (3) *Rear yard setback*: thirty-five (35) feet. Unattached rear yard accessory buildings shall be set back one (1) foot from the utility

easement line and five (5) feet from any property line, whichever is greatest.

(4) *Minimum lot size:* ten thousand (10,000) square feet for single-family, twelve thousand (12,000) square feet for patio-garden home and two-family, and two thousand (2,000) square feet additional areas for each ground floor dwelling unit greater than two occupying the lot. Townhouse developments shall not exceed ten units per acre.

(5) *Width in feet at building line:* seventy-five (75) feet for single-family, eighty (80) feet for patio-garden and two-family, and ten (10) feet additional width for each ground floor dwelling unit greater than two occupying the lot. For townhouse developments, the minimum width at the building line shall be twenty (20) feet for each townhouse. All townhouse units, except end units and those on corner lots shall occupy the full width of the lot on which it is constructed.

(6) *Width in feet at street line:* thirty-five (35) feet.

(7) *Lot coverage:*

- a) Single family, two family and patio-garden home main and accessory buildings shall not cover more than thirty (30) percent of the lot area.
- b) Multi-family, condominium and townhouse development shall be subject to site plan approval.

(8) *Height:* no building shall exceed thirty-five (35) feet in height.

5-4 TNR Residential – Traditional Neighborhood

5-4-1 Uses Permitted Residential	Single family structures
5-4-2 Special Exceptions	Two, three and four family units, as part of a development plan
5-4-3 Conditions	
5-4-4 Dimensions	To be determined by Development Plan

(1) *Front yard setback:* Subject to Development Plan

(2) *Side yard setback:* Subject to Development Plan

(3) *Rear yard setback:* Subject to Development Plan

- (4) *Minimum lot size:* ten thousand five-hundred (10,500) square feet for single-family, twelve thousand (12,000) square feet for patio-garden home and two-family, and two thousand (2,000) square feet additional areas for each ground floor dwelling unit greater than two occupying the lot. Townhouse developments shall not exceed ten units per acre.
- (5) *Width in feet at building line:* seventy-five (75) feet for single-family, eighty (80) feet for patio-garden and two-family, and ten (10) feet additional width for each ground floor dwelling unit greater than two occupying the lot. For townhouse developments, the minimum width at the building line shall be twenty (20) feet for each townhouse. All townhouse units, except end units and those on corner lots shall occupy the full width of the lot on which it is constructed.
- (6) *Width in feet at street line:* same as above
- (7) *Lot coverage:*
 - c) Single family, two family and patio-garden home main and accessory buildings shall not cover more than thirty (30) percent of the lot area.
 - d) Development shall be subject to site plan approval
- (8) *Height:* no building shall exceed thirty-five (35) feet in height.

5-5 GPH Residential Garden Patio Homes

5-5-1	Uses Permitted	Garden patio home single family dwellings that meet all requirements.
5-5-2	Special exception	Single family dwellings except townhouses
5-5-3	Conditions	
5-5-4	Dimensions	
	Minimum Lot Area	6,000 square feet
	Minimum Lot Width at Building Line	40 feet
	Minimum Depth of Front Yard	40 feet
	Minimum Depth of Rear Yard	20 feet

Minimum Width of Each Side Yard	10 feet (only one required)
Minimum Side Yard Abutting Street	15 feet
Maximum Building Area as % of Gross Lot Area	10%
Maximum Building Height	
Feet	35
Stories	2
Off-Street parking spaces required per family unit	2
Maximum Density per Acre	2

5-6 TH Residential Townhouse

5-6-1 Uses Permitted Townhouse single family dwellings that meet all requirements

5-6-2 Special Exceptions Single family dwellings including garden patio homes meeting all requirements

5-6-3 Conditions

5-6-4 Dimensions

Minimum Lot Area	2,400 square feet
Minimum Lot Width at Building Line	24 feet
Minimum Depth of Front Yard	24 feet
Minimum Depth of Rear Yard	NA feet
Minimum Width of Each Side Yard	15 feet (applies only to unattached end unit)
Minimum Side Yard Abutting Street	15 feet
Maximum Building Area as % of Gross Lot Area	80%
Maximum Building Height	
Feet	35
Stories	2 1/2

5-7 RR Rural Residential

5-7-1	Uses Permitted	Single family residential
5-7-2	Special Exceptions	Manufactured Housing, working farm
5-7-3	Conditions	
5-7-4	Dimensions	
	Minimum Lot Area	1 acre
	Minimum Lot Width at Building Line	200 feet
	Minimum Depth of Front Yard	50 feet
	Minimum Depth of Rear Yard	50 feet
	Minimum Width of Each Side Yard	50 feet
	Minimum Side Yard Abutting Street	50 feet
	Maximum Building Area as % of Gross Lot Area	10%
	Maximum Building Height	
	Feet	35
	Stories	2
	Off-Street parking spaces required per family unit	2

5-8 RCS Residential-Conservation Subdivision

5-8-1	Uses Permitted	Single family residential
5-8-2	Special Exceptions	Two, three and four family residential
5-8-3	Conditions	
5-8-4	Dimensions	To be determined by development plan
	Minimum Lot Area	
	Minimum Lot Width at Building Line	
	Minimum Depth of Front Yard	

Minimum Depth of Rear Yard

Minimum Width of Each Side Yard

Minimum Side Yard Abutting Street

Maximum Building Area as % of Gross Lot Area

Maximum Building Height

Feet

Stories

Off-Street parking spaces required per family unit

Maximum Density per Acre

Section 5-9. B-1 Neighborhood Commercial District

The purpose of the B-1 District is to provide retail outlets for the most frequent daily needs of residents of an immediate neighborhood. The district is intended to apply to areas where selected establishments may be appropriately located with more restrictive provisions for light, air, and open space. The B-1 District is not automotive oriented and is not intended for use by major or large scale commercial or service establishments. Orientation to and compatibility with adjacent residential neighborhoods to be served is critical.

5-9-1 Permitted Uses

Retail outlets for the sale and/or rental of personal goods, including but not limited to groceries, bakery shops, including the manufacture of products to be sold at retail on the premises, household supplies, household appliances, wearing apparel, furniture, hardware, drugs and sundries, jewelry and gifts, flowers, antiques, books and stationery, sporting goods, cameras and photographic supplies, arts and crafts, home and garden tools, seeds and garden supplies, and pets and pet supplies, excluding uses permitted in the B-2 District.

Personal service establishments including but not limited to banks, loan companies, insurance offices, real estate offices, travel agencies, attorney offices, dry cleaning and laundry pick-up stations, self service laundries, barber and beauty shops, shoe repair shops, photographic studios, day nurseries and day care centers, excluding uses permitted in the B-2 District.

Churches and similar places of worship

Health care services including: medical clinics (out patient only) and offices of doctors, dentists, osteopaths, and similar or allied professions

Post office, library, fire station and similar governmental office buildings serving persons living in the adjacent residential area.

Planned neighborhood shopping centers.

Signs subject to the provisions of Section 6-6.

5-9-2 Special Exceptions

Essential services to the provisions of Section 6-6-13

Funeral homes.

Restaurants, excluding drive-in restaurants

Service station as defined herein.

5-9-3 Required Conditions

1. Permitted Uses and Special Exceptions shall front only on arterial, major thoroughfares and collectors as depicted on the Town's Land Use Plan.
2. B-1 Districts shall be spaced a minimum of one-half mile apart and shall not exceed five (5) acres in size.
3. All uses shall be retail or service establishments dealing directly with consumers. All goods produced on the premises shall be sold at retail on the premises where produced.
4. All business shall be conducted within an enclosed building.
5. Wherever a lot line in a B-1 District adjoins a lot line in a residential or agricultural district, a twenty (20) foot landscaped buffer, exclusive of yard requirements, shall be provided as specified in Section 6-9.
6. Ingress and egress shall be a minimum of sixty (60) feet from the intersection of any two streets.

5-9-4 Dimensional Requirements

- (1) *Front yard setback*: thirty (30) feet.

- (2) *Side yard setback*: none required, except on the side of a lot adjoining a residential or agricultural district, in which case, there shall be provided a side yard of not less than fifteen (15) feet.
- (3) *Rear yard setback*: shall not be required except where a rear lot adjoins a residential or agricultural district and/or the commercial building is designed to be serviced from the rear in which case, there shall be provided a rear yard of not less than twenty (20) feet for lots without alleys and thirty (30) feet for lots with alleys.
- (4) *Minimum lot size*: none.
- (5) *Lot coverage*: main and accessory buildings shall not cover more than fifty (50) percent of the lot area
- (8) *Height*: no building shall exceed thirty-five (35) feet in height.

Section 5-10. B-2 Highway Commercial District. The B-2 Commercial District is established to protect and control highway-oriented commercial uses and to establish suitable areas along major thoroughfares and major collector streets for these types of development.

5-10-1 Permitted Uses

Any use permitted or permitted by special exception in the B-1 Community Commercial District

Any retail business or service directly related to serving the needs of highway traffic provided they shall front on a major thoroughfare or major collector street.

Animal hospitals and veterinary clinics.

Agricultural implement and machinery sales, service and repair.

Automobile and truck sales, repair and service, including used car lots.

Automobile parts sales.

Bakery shops, including those that make and sell baked goods on premises, a portion of which may be sold off premises.

Boat and boat trailer sales and service, including parts sales, service and repair.

Business college or business school.

Bus terminals, provided they shall front on a major thoroughfare or major collector street.

Bowling alleys.

Car washing establishments.

Cemeteries

Commercial amusement and recreation services.

Drive-in restaurants.

Drive-in theaters and outdoor theaters, provided they shall front on a major thoroughfare or major collector street.

Dry cleaning and laundry pick-up stations and self-service (coin operated) establishments.

Garden centers, nurseries, and green houses.

Gasoline service stations, provided that all structures, including pumps and underground storage tanks, are placed not less than twenty-five (25) feet from any property line and that such use shall front on a major thoroughfare or major collector street. Points of access and egress shall be located not less than twenty (20) feet from the intersection of street lines.

Hobby, antique and souvenir shops.

Hostelries, including bed and breakfast, hotels, inns, motels, tourist courts, and tourist homes.

Mobile home sales lots.

Newspaper offices and newspaper printing plants.

Office supply and equipment stores.

Open air lawn and garden merchandising, including but not limited to retail sales of live plants not grown on the site, lawn furniture, playground equipment, and garden supplies, tools and equipment.

Prefabricated home sales.

Private club, fraternal organization and lodge hall.

Radio and television stations and transmission towers.

Recreational vehicle sales lot, including parts sales, service and repair.

Sanitariums, convalescent and nursing homes.

Shopping centers and malls containing uses specified in this B-2 district.

Signs:

- a. Business, professional, or announcement;
- b. Outdoor advertising

Trailer Camping Sites.

Theater, assembly hall or similar places of assembly when conducted within an enclosed building.

Veterinary hospital or clinic.

5-10-2 Special Exceptions

Essential services subject to the provisions of Section 6-1-13

5-10-3 Dimensional Requirements

- (1) *Front yard setback*: thirty-five (35) feet.
- (2) *Side yard setback*: none required, except on the side of a lot adjoining a residential or agricultural district, in which case, there shall be provided a side yard of not less than fifteen (15) feet.
- (3) *Rear yard setback*: shall not be required except where a rear lot adjoins a residential or agricultural district and/or the commercial building is designed to be serviced from the rear in which case, there shall be provided a rear yard of not less than twenty (20) feet for lots without alleys and thirty (30) feet for lots with alleys.
- (4) *Minimum lot size*: none.
- (5) *Width in feet at street line*: seventy-five (75) feet.

(6) *Lot coverage:* main and accessory buildings shall not cover more than fifty (50) percent of the lot area

(7) *Height:* no building shall exceed thirty-five (35) feet in height.

5-11 GB Gateway Business District

- | | | |
|--------|--|---|
| 5-11-1 | Uses Permitted | Establishments that specifically operate to serve the special needs of travel and serving as gateway to the Town of Notasulga |
| 5-11-2 | Special Exceptions | Establishments included as a permitted use or use permitted on appeal in a B-1 or B-2 provided that all other requirements for those districts are met. |
| 5-11-3 | Conditions | Subject to Development Plan |
| 5-11-4 | Dimensions | |
| | Lot Width | |
| | Minimum Depth of Front Yard | |
| | Minimum Depth of Rear Yard | |
| | Maximum Height | |
| | Maximum Building Area as % of Gross Lot Area | |
| | Off-Street parking requirement | |
| | Off-Street Loading | |

Section 5-12. M-1 General Industrial District

This district is established for those areas of the Town where the principal use of land is for industrial and related activities.

5-12-1 Permitted Uses (Note Conditions at section 5-6-3)

Wholesaling, warehousing, storage or distribution establishments

Printing, publishing or similar establishments

Service establishments catering to commerce and industry including linen supply, freight movers, communications services, business machine services, canteen service, restaurant (including drive-in restaurant), union halls and employment agencies and centers

Light manufacturing including assembly, compounding, processing, packaging or treatment of finished or semi-finished products from previously prepared materials

Office buildings

Radio and television stations and transmitters

Public utility structures, including electrical substations, gas metering stations, water tanks, sewage pumping stations, fire stations and other necessary public facilities

Signs subject to the provisions of Section 6-6

Customary accessory uses and structures

5-12-2 Special Exceptions (Note Conditions at section 5-6-3)

Building materials sales yard

Concrete or cement products manufacturing provided the use does not adjoin any residential district

Contractor's equipment storage yard

Essential services subject to the provisions of Section 6-1-13

Junk or salvage yard of any kind provided that any article or material stored permanently or temporarily outside of an enclosed building shall be so screened by ornamental walls, fences and/or evergreen plantings that it cannot be seen from public streets or adjoining lots when viewed by a person standing at ground level

Manufacturing, assembly, fabricating, compounding, processing, packaging or treatment of finished or semi-finished products

Quarry or sand and gravel operation provided the use does not adjoin any residential district

Sanitary landfill

Sewage Disposal Plan

Volatile uses and volatile industries provided that such use of industry shall not be located closer than one thousand (1,000) feet to any residential district

5-12-3 Required Conditions

1. All permitted uses specified in Subsection 5-6-1 shall be conducted wholly within an enclosed building, except for parking, loading and unloading facilities.
2. All required buffering, whether planted or architectural, shall be properly maintained. Dead plant materials shall be removed within a reasonable time and replaced during the normal planting season.
3. Any permitted use in a M-1 District which adjoins a lot in a residential or agricultural district shall provide a twenty-five (25) foot landscaped buffer as specified in Section 6-9. Any use in a M-1 District allowed by Special Exception which adjoins a lot in a residential or agricultural district shall provide a fifty (50) foot landscaped buffer as specified in Section 6-9.
4. No outside storage shall be permitted which is visible from any street or residential lot.
5. Any lighting including any permitted illuminated sign shall be arranged so that there will be no annoying glare directed or reflected toward residential buildings in a residential district.
6. All of the uses permitted under this Section shall have their primary operations conducted entirely within enclosed buildings, and shall not emit glare, dust, smoke, or noxious odor or fumes outside of the building housing the operation, or produce a noise level or vibration at the property line that is greater than the average noise or vibration level occurring on the adjacent lot.

5-12-4 Dimensional Requirements

- (1) In no instance shall a structure, parking lot, or any other accessory use, other than a landscaped yard, be located closer than fifty (50) feet to any residential or agricultural district.
- (2) Front yard setback: forty (40) feet.
- (3) Side yard setback: twenty-five (25) feet.
- (4) Rear yard setback: twenty-five (25) feet.
- (5) All yards adjacent to a street which are created by the setback requirements contained herein shall be maintained as open landscaped yards bisected only by access drives, and their use of any other purpose including off-street parking, is specifically prohibited. Each individual use shall be located on a lot having not less than twenty thousand (20,000) square feet in area.

- (6) Lot Coverage:
 - (a) Main and accessory buildings shall not cover more than fifty (50) percent of the lot area.
 - (b) The coverage of main and accessory buildings plus the area used or designed for use by parking and loading facilities, shall not exceed eighty (80) percent of the lot area. Not less than twenty (20) percent of the lot area shall be maintained as an open landscaped yard.
- (7) No building shall exceed forty-five (45) feet in height

5-13 IP Industrial Park

- 5-13-1 Uses permitted Light industrial and distribution
- 5-13-2 Special Exceptions Heavy manufacturing, outside storage
- 5-13-3 Conditions
- 5-13-4 Dimensions Subject to Development Plan

Lot Width

Minimum Depth of Front Yard

Minimum Depth of Rear Yard

Maximum Height

Maximum Building Area as % of Gross Lot Area

Off-Street Parking Requirement

Off-Street Loading

Section 5-14. AG Agricultural District

The purpose of the AG District is to provide a zoning classification for land which is not expected to experience urbanization in the immediate future. The types of uses, area and intensity of the uses of land which are authorized in this district are designed to encourage and protect agricultural uses until urbanization is warranted.

5-14-1 Permitted Uses

Any use allowed as a Permitted Use in the R-1 District

Accessory uses, including, but not limited to the following:

- a) Those associated with agricultural activities, such as tenant houses, residences, agricultural structures, stables, and parking areas
- b) Roadside stands offering for sale only agricultural products grown on the premises

Agricultural uses including the raising of crops, livestock and poultry and other similar uses

Churches and cemeteries

Mobile homes (no more than one per lot) provided the requirements of Subsection 5-7-3, and the provisions of Section 6-8 herein are met, and the location and utilities shall be approved by the Macon County Health Department in writing

Nursing homes, including sanitariums and convalescent homes

Parks and playgrounds

Plant nursery

Public and private schools having curricula substantially the same as that ordinarily given in public schools

Publicly owned or private parks of a nonprofit nature, including campgrounds; golf courses; riding trails; seasonal resort areas; hunting, fishing, or country clubs; game preserves; and similar uses for the purpose of preserving and enjoying the natural resources of the property

5-14-2 Special Exceptions

Animal hospitals and kennels

Essential services subject to the provisions of Section 6-1-13

Fire stations and other public utility structure Home occupations

Mobile home park subject to the provisions of Section 6-7

Note: Special Exceptions in the AG District except public utilities structures and home occupations shall be permitted only on lots fronting on, and with principal driveway access to, a street with pavement at least

twenty-six (26) feet in width, and so located, site planned and designed as to avoid undue noise and other nuisances and dangers.

5-14-3 Dimensional Requirements

- (1) Front yard setback: forty (40) feet
- (2) Side yard setback: fifteen (15) feet except on corner lots where the side adjoining the right-of-way shall be thirty (30) feet
- (3) Rear yard setback: forty (40) feet. Unattached rear yard accessory buildings shall be set back one (1) foot from the utility easement line and five (5) feet from any property line, whichever is the greatest
- (4) Minimum lot size: three (3) acres
- (5) Width in feet at building line: two hundred (200) feet
- (6) Lot coverage: main and accessory building shall not cover more than twenty-five (25) percent of the lot area

5-15 Agricultural Industry

- | | | |
|--------|--------------------|--|
| 5-15-1 | Uses Permitted | Working farms and agricultural processing and related uses |
| 5-15-2 | Special Exceptions | Natural resources extraction and harvesting |
| 5-15-3 | Conditions | |
| 5-15-4 | Dimensions | |

5-16 Agricultural – Open Space District (A-O)

- | | | |
|--------|----------------|---|
| 5-16-1 | Uses Permitted | Farms, single-family dwellings, parks, playgrounds, clubs, lodges, public and private forests, wildlife refuges, stables, kennels, home occupations, churches, schools, public buildings and other accessory uses to the above. |
| 5-16-2 | | Temporary unenclosed roadside stands for the sale of agricultural products, public and private utilities, airports, radio or television broadcasting towers, hospitals, institutions, |

mausoleums, cemeteries and mobile homes meeting the requirements.

5-16-3 Conditions

5-16-4 Dimensions

Minimum Lot Area	1 acre per family
Minimum Lot Width at Building Line	150
Minimum Depth of Front Yard	50
Minimum Depth of Rear Yard	50

5-17 Mixed Use Development (MXD)

5-17-1 Permitted Uses Single family dwellings, residential structures containing two, three, or four family units, apartments for any number of families, town houses, uses permitted in B-1 district

5-17-2 Special Exception Restaurants; stores selling food, general merchandise, apparel, furniture, houseware and household wares, drugs and sundries, jewelry, gift items, flowers, sporting goods, and similar types; small dry cleaning and laundry pick-up stations; barber and beauty shops; shoe repair; banks; post offices; and similar services, lodges and clubs not operated for profit, business or professional offices, public buildings, hospitals for humans, veterinary offices, and/or hospitals, nursing homes.

5-17-3 Conditions Due to the flexibility and range of authority granted the Planning Commission in the review and approval of Planned Developments and as Planned Developments are to be developed in accordance with a unified comprehensive plan that shall provide for all appropriate uses and structures, in Planned Development Districts the powers of the Board of Adjustment shall be limited to the granting of variances as to yard and height requirements signs where permitted, and shall not include the power to grant special exceptions.

Ownership: The tract of land for a MXD must be either in one ownership, or be subject to an application filed jointly by the owners of all the properties included (the holder of a written option to purchase land shall for purposes of such application be deemed to be an owner of such land).

Location of MXD District: This district shall be applicable to any area of the Town where the applicant can demonstrate that the characteristics of his holdings will meet the objectives of the MXD District.

Land Use and Density: Because land is used more efficiently in MXD Districts, improved environmental quality can often be produced with a greater number of dwelling units per net acre than usually permitted in traditionally zoned residential districts. The Planning Commission shall determine in each case the appropriate land use pattern and dwelling unit density for individual projects, including the amount of land to be reserved for common open space and/or recreational uses. These determinations shall be completely documented.

5-17-4 Dimensions	Subject to Development Plan
5-18 <u>TC-Town Center Mixed Use</u>	
5-18-1 Permitted Uses	Uses permitted in B-1, OI, CC, residential districts
5-18-2 Special Exceptions	Uses permitted in B-2 districts
5-18-3 Conditions	Ownership; Development ownership under one entity Location of TC: Located in areas designated by the Town Council land Use and Density.
5-19 <u>Planned Unit Development (PUD)</u>	
5-19-1 Permitted Uses	Single Family Dwellings

Residential structures containing two, three, or four family units
Apartments for any number of families
Townhouses
Uses permitted with specific
Recommendations of the Planning
Commission: Restaurants; stores selling food, general merchandise, apparel, furniture, houseware and household wares, drugs and sundries, jewelry, gift items, flowers, sporting goods, and similar types; small dry cleaning and laundry pick-up stations; barber and beauty shops; shoe repair; banks; post offices; and similar services.

Lodges and clubs not operated for profit.
Business or professional offices, public buildings, hospitals for humans, veterinary offices, and/or hospitals, nursing homes, nurseries or kindergartens.

5-19-2 Classes of Uses Permitted on Appeal

Due to the flexibility and range of authority granted the Planning Commission in the review and approval of Planned Developments and as Planned Developments are to be developed in accordance with a unified comprehensive plan that shall provide for all appropriate uses and structures, in Planned Development Districts the powers of the Board of Adjustment shall be limited to the granting of variances as to yard and height requirements signs where permitted, and shall not include the power to grant special exceptions.

5-19-3 Conditions and Dimensions

Minimum Area: The minimum area Required to qualify for a PUD District shall be not less than ten (10) contiguous acres of land, except where a non-residential PUD

District may contain a minimum of five (5) contiguous acres of land.

Ownership: The tract of land for a PUD must be either in one ownership, or be subject to an application filed jointly by the owners of all the properties included (the holder of a written option to purchase land shall for purposes of such application be deemed to be an owner of such land).

Location of PUD District: This district shall be applicable to any area of the Town where the applicant can demonstrate that the characteristics of his holdings will meet the objectives of the PUD District.

Land Use and Density: Because land is used more efficiently in PUD Districts, improved environmental quality can often be produced with a greater number of dwelling units per net acre than usually permitted in traditionally zoned residential districts. The Planning Commission shall determine in each case the appropriate land use pattern and dwelling unit density for individual projects, including the amount of land to be reserved for common open space and/or recreational uses. These determinations shall be completely documented.

5-20 Office and Institutional District

- 5-20-1 Uses Permitted Professional office, institutional uses
- 5-20-2 Special Exceptions Sales and support uses
- 5-20-3 Conditions Subject to Development Plan
- 5-20-4 Dimensions

Minimum Depth of Front Yard	50 feet
Minimum Depth of Rear Yard	20 feet
Maximum Height	35 feet
Maximum building area	30%

Minimum lot width	50
Off-street Parking Requirement/loading	4 spaces

5-21 OIP-Office or Business Park

5-21-1 Uses Permitted Large scale office, institutional a research campus, training and conference facilities

5-21-2 Special Exceptions Outside research uses, support and commercial

5-21-3 Conditions Subject to development Plan

5-21-4 Dimensions

Minimum Depth of Front Yard	Determined by development plan
Minimum Depth of Rear Yard	
Maximum Height	
Maximum building area	
Minimum lot width	
Off-street Parking Requirement/loading	

ARTICLE VI

GENERAL PROVISIONS

Section 6-1. Application of Regulations

The regulations set forth in this Ordinance affect all land, every building, and every use of land and/or building and shall apply as follows:

- 6-1-1 Use. No building or land shall hereafter be used or occupied, and no building or structure or part thereof shall be erected, moved or structurally altered except in conformity with the regulations of this Ordinance for the district in which it is located.
- 6-1-2 Height and Density. No building shall hereafter be erected or altered so as to exceed the height and density regulations of this Ordinance for the district in which it is located.
- 6-1-3 Lot Size. No lot, even though it may consist of one or more adjacent lots of record in single ownership, shall be reduced in size so that the lot width or depth, front, side or rear yards, lot area per dwelling unit or other requirements of this Ordinance are not maintained. This prohibition shall not be construed to prevent the purchase or condemnation of narrow strips of land for public utilities or street right-of-way purposes.
- 6-1-4 Yard Use Limitations. No part of a yard or other open space required about any building or use for the purpose of complying with the provisions of this Ordinance shall be included as part of a yard or other open space similarly required for another building or use.
- 6-1-5 One Principal Building on a Lot. Every building hereafter erected, moved or structurally altered shall be located on a lot, and in no case shall there be more than one (1) principal building and its customary accessory buildings on the lot, except in the case of a specially designed complex of institutional, residential, commercial or industrial buildings.
- 6-1-6 Building to have Access. Every building hereafter erected or moved shall be on a lot adjacent to a public street, or with access to an approved private street, and all structures shall be so located on lots as to provide safe and convenient access for servicing, fire protection, and require off-street parking. No dwelling shall be erected on a lot or portion of a lot which does not abut on at least one public street or approved private street for at least thirty-five (35) feet.

- 6-1-7 Use of Residentially Zoned Property for Access. No land which is residentially zoned shall be used for driveway, walkway, or access purposes to land any which is non-residentially zoned, or used for any purpose not permitted in a residential district except for ingress/egress to an existing use which does not abut on a street.
- 6-1-8 Visibility of Intersections in Residential Districts. On a corner lot in all residential zoning districts, no fence, wall, hedge, or other planting or structure that will obstruct vision between a height of two and one half (2 ½) and six (6) feet above the center line grades of the intersecting streets shall be erected, placed, or maintained within the triangular area formed by the right-of-way lines at points which are thirty (30) feet distant from the intersection of the right-of-way lines and measure along said right-of-way lines.
- 6-1-9 Fences, Walls and Hedges. Notwithstanding other provisions of this Zoning Ordinance, fences, walls, and hedges may be permitted in any yard, or along the edge of any yard; provided that no solid fence, solid wall, or hedge along the side edge of any required front yard or along the front edge of any required front yard shall constitute any obstruction to visibility between two and one half (2 ½) and six (6) feet above ground level.
- 6-1-10 Accessory Uses and Structures. In Residential Districts, accessory uses and structures with a roof impervious to weather shall not be located in any front or side yards. Accessory structures, if not attached to a principal structure, shall be separated by at least eight (8) feet from said structure.
- 6-1-11 Parking and Storage of Certain Vehicles. Automotive vehicles, or trailers of any type without current license plates shall not be parked or stored other than in completely enclosed buildings on any residentially zoned property.
- 6-1-12 Moving of Buildings or Structures. No building or structures shall be moved from one lot to another lot, or moved to another location on the same lot, unless such building or structure shall thereafter conform to all of the applicable provisions of this Zoning Ordinance.
- 6-1-13 Essential Services. Essential service are permissible by Special Exception in any zoning district. Essential services are hereby defined to include and be limited to water, sewer, gas, telephone, and electrical systems, including sub-stations, lift stations, and services; provided, however, that this subsection shall not be deemed to permit the location in a district of such establishments as electric or gas generating plants, sewage treatment plants, or water pumping or water aeration facilities from which they

would otherwise be barred. Where permanent structures are involved in providing such services, such structure shall conform insofar as possible to the character of the district in which the property is located, as to architecture and landscaping characteristics of adjoining properties.

6-1-14 Necessary Repairs Permitted. Nothing in this Ordinance shall prevent the strengthening or restoration to a safe lawful condition of any part of any building or structure declared to be unsafe or unlawful.

Section 6-2. Non-Conformities

Within the districts established by this Zoning Ordinance or amendments that may later be adopted, there may exist (a) lots, (b) structures, (c) uses of land and structures, and (d) characteristics of use which were lawful before this Zoning Ordinance was adopted or amended, but which would be prohibited, regulated, or restricted under the terms of this Zoning Ordinance or future amendments. It is the intent of this Zoning Ordinance to permit these non-conformities to continue until they are voluntarily removed or removed as required by this Zoning Ordinance, but not to encourage their continuance. It is further the intent of this Zoning Ordinance that non-conformities shall not be enlarged upon, expanded, intensified, or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

Non-conforming uses are declared by this Ordinance to be incompatible with permitted uses in the districts involved. A non-conforming use of a structure, a non-conforming use of land, or a non-conforming use of a structure and land in combination shall not be extended or enlarged after the effective date of this Zoning Ordinance or its amendment by attachment on structures or premises of additional signs intended to be seen from off the premises, or by the addition of other uses of a nature which would be prohibited generally in the district involved.

To avoid undue hardship, nothing in this Zoning Ordinance shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Zoning Ordinance and upon which actual building construction has been carried on diligently. Actual construction materials in permanent position and fastened in a permanent manner. Where excavation or demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such excavation, demolition, or removal shall be deemed to be actual construction, provided that work shall be carried on diligently until the completion of the new construction involved.

6-2-1 Non-Conforming Lots of Record. In any district in which single-family dwellings are permitted, single-family dwelling and customary accessory buildings may be erected, expanded or altered on any single lot of record in single ownership existing at the effective date of adoption of this Zoning Ordinance provided that the District Regulations other than minimum lot with are met.

Such non-conforming lots of record for single-family dwellings must be separate ownership and not of continuous frontage with other lots in the same ownership. If such lots are in the same ownership, they shall be combined to comply with the regulations of the district in which they are located. Variance of yard requirements shall be obtained only through action of the Zoning Board of Adjustment.

6-2-2 Non-Conforming Uses of Land. Where, at the effective date of adoption or amendment of this Zoning Ordinance, a lawful use of land exists which would be permitted by the regulations imposed by this Zoning Ordinance, and where such use involves no individual, permanently-fixed structure with a replacement cost exceeding \$1,000 and no combination of permanently-fixed structures with a replacement cost exceeding \$4,000, the use may be continued for the period provided in (d) below so long as it remains otherwise lawful, provided:

- (a) Enlargement, Increase, Intensification, Alteration. No such non-conforming use shall be enlarged, increased, intensified, or extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Zoning Ordinance.
- (b) Discontinuance. If any such non-conforming uses ceases for any reason (except when governmental action impedes access to the premises) for a period of twelve (12) consecutive months, any subsequent use of such land shall conform to the regulations specified by this Zoning Ordinance for the District in which such land is located.
- (c) Subdivision or Structural Additions. No land in non-conforming use shall be subdivided, nor shall any structures be added on such land, except for the purposes and in a manner conforming with the regulations for the district in which such land is located, provided, however, that a subdivision may be made which does not increase the degree of non-conformity of the use.
- (d) Cessation of Non-Conforming Uses of Land (or land with minor structures only) in Certain Districts. In implementing the intent of Section 6-2 the non-conforming use of land with minor structures only, as defined in Subsection 6-2-2 above is hereby declared to be a public nuisance and shall be discontinued no later than five (5) years from the effective date of this Zoning Ordinance.

6-2-3 Non-Conforming Structures. Where a structure exists lawfully under this Zoning Ordinance at the effective date of its adoption or amendment that could not be built under this Zoning Ordinance by reason of restrictions on area, residential densities, lot coverage, height, yards, location on the lot, or requirements other than use concerning the structure, such structure

may be continued so long as it remains otherwise lawful, subject to the following provisions:

- (a) Enlargement. No such non-conforming structure may be enlarged or altered in a way which increases its non-conformity, but any structure or portion thereof may be altered to decrease its non-conformity.
- (b) Reconstruction. Should such non-conforming structure or non-conforming portion of structure be destroyed by any means to an extent of more than fifty (50) percent of its replacement value at the time of destruction, it shall not be reconstructed except in conformity with the provisions of this Zoning Ordinance.
- (c) Relocation. Should such structure, except for a mobile home, be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

6-2-4 Non-Conforming Use of Major Structures, or of Major Structures and Premises in Combination. Where, at the effective date of adoption or amendment of this Zoning Ordinance, a lawful use of structures, or of structures and premises in combination exists involving an individual, permanently-fixed structure with a replacement cost at or exceeding \$1,000 or a combination of permanently-fixed structures with a replacement cost at or exceeding \$4,000, such use may be continued so long as it remains otherwise lawful provided:

- (a) Enlargement, Extension, Alteration, Etc. of Structures. No existing structure, except residences, devoted to a use not permitted by this Zoning Ordinance in the district in which such use is located shall be enlarged, extended, constructed, reconstructed, moved to another location on the property, or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.
- (b) Change in Tenancy or Ownership. There may be a change in tenancy, ownership, or management of a non-conforming use provided there is no change in the nature or character of such non-conforming use.
- (c) Discontinuance. If any non-conforming use of a structure, or structure and premises in combination, ceases for any reason (except where governmental action impedes access to the premises for a period of more than twelve (12) consecutive months, any subsequent use shall conform to the regulations for the district in which the use is located.
- (d) Destruction of Major Structure or Structures. Where non-conforming use status applies to a major structure or structures or to a major structure or structures and premises in combination, removal, or destruction of the

structures shall eliminate the non-conforming status of land. “Destruction” of the structure for purposes of this Subsection is hereby defined as damage to an extent of more than fifty (50) percent of the replacement cost at the time destruction. Upon removal or destruction as set out in this Subsection, the use of land and structures shall thereafter conform to the regulations for the district in which such land is located.

- 6-2-5 Non-Conforming Structures Unsafe Because of Lack of Maintenance. If a non-conforming structure or portion of a structure or any structure containing a non-conforming use becomes physically unsafe or unlawful due to the lack repairs or maintenance, and is declared by the Administrative Officer to be unsafe or unlawful by reason of physical condition, it shall not thereafter be restored, repaired or rebuilt except in conformity with the regulations of the district in which it is located.
- 6-2-6 Uses Under Special Exception Provisions not Non-Conforming Uses. Any use which is permitted as a Special Exception in a district under the terms of this Zoning Ordinance shall not be deemed a non-conforming use in such district, but shall without further action, be deemed a conforming use in such district.

Section 6-3. Interpretation of District Regulations

The District Regulations shall be enforced and interpreted according to the following rules:

- 6-3-1 Permitted Uses. Uses not designated as permitted uses or subject to additional conditions shall be prohibited. Special exceptions are permitted according to additional regulations imposed. The special Exceptions can be approved only by the Zoning Board of Adjustment. Additional uses may be added to the Ordinance by amendment.
- 6-3-2 Minimum Regulations. Regulations set forth by this Ordinance shall be minimum regulations. If the district requirements set forth in this Ordinance are at variance with the requirements of any other lawfully adopted uses, regulations or ordinances, the more restrictive or higher standard shall govern.
- 6-3-3 Land Covenants. Unless restrictions established by covenants with the land are prohibited by, or are contrary to, the provisions of this Ordinance, nothing herein contained shall be construed to render such covenants inoperative.

Section 6-4. Offstreet Parking

It is the intent of this Zoning Ordinance that the public interest, welfare and safety require that every building and use erected or instituted after the effective date of this Zoning Ordinance shall be provided with adequate offstreet parking facilities for the use of occupants, employees, visitors, customers, or patrons. Such offstreet parking facilities shall be maintained and continued so long as the main use continues.

6-4-1 Plans and Specifications Required. Plans and specifications showing required off-street parking spaces, including the means of access and interior circulation, shall be submitted to the Administrative Officer for review at the time of application for a Building Permit or Certificate of Occupancy.

6-4-2 General

1. Offstreet parking and off street loading facilities shall be provided as set out in this Zoning Ordinance. Conforming buildings and uses existing as of the effective date of this Zoning Ordinance may be modernized, altered, or repaired without providing additional off street parking or off street loading facilities, provided there is no increase in floor area or capacity.
2. Where a conforming building or use existed as of the effective date of this Zoning Ordinance and such building or use is enlarged in floor area, volume, capacity, or space occupied, off street parking and off street loading as specified in this Zoning Ordinance shall be provided for the additional floor area, volume, capacity or space so created or used.
3. Required offstreet parking shall not be used for sales, storage, repair, dismantling, or servicing of any type or kind, nor shall areas devoted to such activities count as meeting offstreet parking requirements.
4. Subject to required buffer areas, required side and rear yards may be used for offstreet parking in residential districts; subject to required buffer areas, all required yards in commercial and industrial districts may be used for offstreet parking. Offstreet parking facilities, both required and provided, shall meet the following requirements:
 - (a) Be identified as to purpose and location when not clearly evident;
 - (b) Be surfaced with a permanent all-weather surface of asphalt, bituminous, or concrete material and maintained in a smooth, well graded conditions; offstreet parking for single-family residences may be surfaced with chert or crushed limestone or an acceptable substitute;

- (c) Be drained so as not to cause any nuisance on adjoining or nearby properties;
- (d) If artificially lighted, be so designed and arranged that no source of such lighting is visible from any adjoining or nearby property used or zoned for residential purposes and so designed and arranged as to shield public roadways and all other adjacent properties from direct glare or hazardous interference of any kind;
- (e) Be arranged for convenient access and safety of pedestrians and vehicles;
- (f) Be so arranged that no vehicle shall be required to back from such facilities, except residences, directly onto public streets;
- (g) If such area exceeds five (5) offstreet parking spaces, individual spaces shall be marked;
- (h) Except for parking areas provided for single-family and two-family units, offstreet parking areas shall have curbs or motor vehicle stops or similar devices so as to prevent vehicles from overhanging on or into public right-of-way or adjacent property.

6-4-3 Offstreet Parking: Location. The required offstreet parking facilities shall be located on the same lot or parcel of land they are intended to serve, provided, however, that for other than residential uses, the Town Council may allow the establishment of such offstreet parking facilities within three hundred (300) feet of the premises they are intended to serve when practical difficulties prevent the placing of the facilities on the same lot as the premises they are designed to serve. The owner of the said parking area shall enter into a written agreement with the Town Council providing that the land comprising the parking area never be disposed of except in conjunction with the sale of the building which the parking area serves so long as the facilities are required.

6-4-4 Offstreet Parking: Uses not Specifically Mentioned. Requirements for offstreet parking for uses not specifically mentioned in the District Regulations shall be the same as provided in the District Regulations for the use most similar to the one sought, it being the intent of this Zoning Ordinance to require all uses to provide offstreet parking, unless specific provision is made to the contrary.

- 6-4-5 Offstreet Parking: Fractional Measurements. When units of measurements determining number of required offstreet parking spaces result in a requirement of a fractional space, then such fraction equal or greater than one-half (1/2) shall require a full offstreet parking space.
- 6-4-6 Offstreet Parking: Measurement. Floor area shall mean the total floor area inside the exterior walls, where floor area is indicated as a basis for determining the amount of offstreet parking required. In hospitals, bassinets shall not count as beds; in stadiums, sports arenas, churches, and other places of public assembly in which occupants utilize benches, pews, or other similar seating arrangements, each eighteen (18) lineal inches of such seating facilities shall be counted as one seat for the purpose of computing offstreet parking requirements.
- 6-4-7 Offstreet Parking: Minimum Requirements. Irrespective of any other requirements of this Zoning Ordinance, each and every separate individual store, office, manufacturing establishment or other business shall be provided with offstreet parking spaces as specified below unless this Ordinance makes specific provision to the contrary.

USE CLASSIFICATION

PARKING SPACE REQUIREMENT

Automobile sales and repair	One (1) parking space for each two (2) employees at maximum employment on a single shift, plus two (2) spaces for each 300 square feet of repair or maintenance space.
Automatic car wash	One (1) space for each two (2) employees at maximum employment on a single shift. Reserve space equal to five (5) times the capacity of the facility at the location of both ingress and egress.
Churches	One (1) space for each four (4) seats
Elementary schools and junior high schools, both private and public	Two (2) spaces for each classroom and administrative office
Hospitals	One (1) space for each four (4) patient bed, plus one (1) space for each staff or visiting doctor, plus one (1) space for each four (4) employees.
Kindergartens or nurseries	One (1) space for each employee and four (4) spaces for off-street, drop-off and pick-up
Libraries	One (1) space for each four (4) seats provided for patron use.
Medical offices and clinics	Six (6) spaces for each doctor practicing at the clinic, plus one (1) space for each

	employee
Mobile homes and mobile home parks	Two (2) spaces for each mobile home
Mortuary or funeral homes	One (1) spaces for each four (4) seats provided in the assembly room or chapel.
Motel, tourist homes or tours courts	One (1) space per guest room plus two (2) additional spaces for each twenty (20) units
Offices: professional business or public, including banks	One (1) space for each 400 square feet of gross floor space
Places of public assembly, including private clubs and lodges, auditoriums, dance halls, theaters, stadiums, gymnasiums, community centers and all similar places of public assembly	One (1) space for each four (2) seats provided for patron use, plus one (1) space for each 100 square feet of floor or ground area used for amusement or assembly, but not containing fixed seats.
Residential dwellings	Two (2) spaces for each dwelling unit
Rest and convalescent homes for the aged, and similar institutions	One (1) space for each four (4) beds plus one (1) space for each four (4) employees
Restaurants, drive-in	Parking spaces equivalent to five (5) times the floor space in the main building.
Restaurants, indoor	One (1) space for each three (3) seats or stools plus one (1) space with the larger employment.
Retail business and other service establishments not covered	One (1) space for each 200 square feet of gross floor space
Rooming and boarding houses	One (1) space for each three (3) guest rooms houses plus one (1) additional space for the owner if residing on the premises.
Senior high schools both private and public	One (1) space for each ten (10) students for whom the school was designed plus one (1) space for each classroom and administrative office.
Shopping centers	Two (2) square feet of parking space for each square foot of gross floor space
Service Stations	Two (2) spaces for each gas pump plus three (3) spaces for each grease rack or similar facility
Wholesaling, warehousing (general) and industrial uses	One (1) space for each two (2) employees at maximum employment on a single shift.

Section 6-5. Offstreet Loading: Specifications, Amounts

Offstreet loading facilities are required by this Zoning Ordinance so that vehicles engaged in unloading will not encroach on or interfere with the public use of streets and alleys and so that adequate space is available for the unloading and loading of goods, materials, or items for delivery and shipping. Offstreet loading facilities supplied to meet the needs of one use may not be considered as meeting the needs of another use.

Offstreet parking facilities may not be used or counted as meeting offstreet loading requirements.

When the use of a structure or land or any part thereof is changed to a use requiring offstreet loading facilities, the full amount of offstreet loading space shall be supplied and maintained. When any structure is enlarged or any use extended so that the size of the resulting occupancy requires offstreet loading space, the full amount of such space shall be supplied and maintained for the structure or use in its enlarged or extended size.

Each offstreet loading space shall be directly accessible from a street or alley without crossing or entering any other required offstreet loading space. Such loading space shall be accessible from the interior of the building it serves and shall be arranged for convenient and safe ingress and egress by motor truck and/or trailer combination.

6-5-1 Offstreet Loading: Plans Required. A plan shall be submitted with every application for a building permit for any use or structure required to provide offstreet loading facilities. The plan shall accurately designate the required offstreet loading spaces, access thereto, dimensions, and clearance.

6-5-2 Offstreet Loading: Combinated Offstreet Loading. Collective, joint or combined provisions for offstreet loading facilities for two or more buildings or uses may be made, upon the approval of the Planning Commission, provided that such offstreet loading facilities are equal in size and capacity to the combined requirements of the several buildings or uses and are designed, located, and arranged to be usable thereby.

6-5-3 Offstreet Loading Requirements. Offstreet loading spaces shall be provided and maintained as follows:

- (1) Each retail store, storage warehouse establishment, industrial plant, factory, freight terminal, market, restaurant, mortuary, laundry, dry cleaning establishment, or similar use which has as aggregate floor area of:

	<u>Sq. Ft.</u>		<u>Sq. Ft.</u>	<u>No. of Spaces</u>
Over	5,000	But Not Over	25,000	1
	25,000		60,000	2
	60,000		120,000	3
	120,000		200,000	4
	200,000		290,000	5

Plus one additional offstreet loading space for each additional 90,000 sq. ft. or major fraction thereof.

- (2) For each multi-family dwelling having at least twenty (20) dwelling units: one (1) space.

- (3) For each auditorium, convention hall, exhibition hall, museum, motel, hotel, office building, sports arena, stadium, hospital, sanitarium, welfare institution, or similar use which has an aggregate floor area of:

Over 10,000 sq. ft. but not over 40,000 sq. ft.: 1 space; plus for each additional 60,000 sq. ft. or major fraction thereof: 1 space.

6-5-4 Other Factors Determining Offstreet Loading Requirements.

- a. Fractional Spaces: When determination of the number of spaces required by this Ordinance results in a requirement of a fractional space, any fraction less than $\frac{1}{2}$ shall be disregarded and any fraction of $\frac{1}{2}$ or more shall require one space.
- b. Enlarged/Changed Use: From the effective date of this Ordinance, if such land, structures, or uses are enlarged, expanded, or changed there shall be provided for the increment only of such land, structures, and uses enlarged, expanded or changed and maintained as herein required, at least the amount of offstreet loading space that would be required hereunder if the increment were a separate land, structure, or use. However, where a lot with an existing structure is cleared and new structure is erected thereon, there shall be provided and maintained offstreet loading spaces as required herein.
- c. Joint Use: When an offstreet loading space is used jointly by two or more uses with different requirements, or two or more uses having the same requirement, an area shall be provided equal to the total of requirements of all the uses.

Section 6-6. Sign Regulation

The purpose of this section is to regulate the location, size, placement and certain features of signs in order to enable the public to locate goods, services and facilities without difficulty and confusion, to prevent wasteful use of natural resources in competition among businesses for attention, to prevent hazards to life and property, to assure the continued attractiveness of the Town and to protect and enhance property values.

6-6-1 Procedure. No sign except those listed in Subsection 6-6-2 shall be posted, reposted, placed, replaced, hung, painted or repainted in any district except in conformance with this Ordinance. An applicant desiring to erect a sign except those listed in Subsection 6-6-2 shall first obtain approval of an application for assign permit from the Administrative Officer. Each application for permit shall be accompanied by plans indicating the following:

- a) The proposed site identifying the property owner, location, present use and zoning;

- b) Location of the sign on the lot in relation to property lines and existing signs and structures;
- c) Complete structural specifications;
- d) Any additional information needed to determine if such sign is to be erected in conformance with this Ordinance.

6-6-2 Signs Not Requiring a Permit. The following types of signs may be allowed in any district without a permit:

- a) Any sign not exceeding two (2) square feet in area and bearing only property numbers, names of occupants, or business and professional signs not exceeding two (2) square feet in area.
- b) Temporary real estate signs, such as “For Sale” or “For Rent” signs, not exceeding four (4) square feet in area and non-illuminated may be placed on the premises.
- c) Directional or informational signs of a public or quasi-public nature, not exceeding eight (8) square feet in area, such as a community’s name, place of worship, meeting place of civic body, or event of public interest.
- d) Signs for churches or public buildings to include bulletin boards, lighted or unlighted, not exceeding thirty-two (32) square feet in area.
- e) Signs advertising agricultural products for sale, which were produced on the premises, may not exceed ten (10) square feet in area.
- f) Legal notices, identification, informational or direction signs required by governmental bodies.
- g) Signs directing and guiding traffic to parking areas on private property, but bearing no advertising matter.
- h) Other outdoor advertising devices including but not limited to plaques, banners, pennants, streamers, or posters, are permitted for a period of not more than two (2) weeks after the opening of a new business or sale.
- i) Any on-site business identification sign in a B-1, B-2, or M-1 District.

6-6-3 Signs Requiring a Permit. The following signs shall be permitted in accordance with Subsection 6-6-1:

- a) Off-site business identification sign

b) Off-site advertising sign

6-6-4 Location of Signs Requiring a Permit. Any sign listed in Subsection 6-6-3 above, shall be located only on lots zoned B-1, B-2, or M-1. Only one (1) sign per lot shall be allowed and located so as to not interfere with or obstruct the vision of motor vehicles at intersections.

6-6-5 Signs Not Permitted. In the interest of public safety, the following are not permissible:

- a) Any sign extending or protruding more than six (6) inches over public property except by permit of the Zoning Board of Adjustment.
- b) Blinking illuminated signs
- c) Any signs with moving parts
- d) Signs hung from or in any way affixed to any other signs
- e) Any noise making signs
- f) Any signs illuminated in red
- g) Any spotlight illuminating sign shall be controlled so as not to have the beams therefrom cast into the eyes of oncoming motorists.

6-6-6 Non-Conforming Signs. Any sign legally in existence at the time of the effective date of this Ordinance may be continued in use despite any non-conformity with existing laws. A non-conforming sign may be restored to original condition if: 1) such non-conforming sign is removed or altered by an act of God, vandalism or accident; 2) such non-conforming sign needs to be changed, painted or relettered by reason of change of business 3) such sign needs to be repaired to prevent its falling into disrepair so far as safety is concerned. Under no other circumstances may any non-conforming sign be restored, replaced or re-erected.

6-6-7 Sign Definitions

Sign. Any object, device, display or structure, or part thereof, situated outdoors or indoors, which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event or location by any means, including words, letters, figures, design, symbols, fixtures, colors, illumination or projected images.

Sign area. The area within a continuous line that encloses the outer extremities of all letters, figures, characters, symbols and delineation, or within a continuous line enclosing the outer extremities of the framework or background of the sign,

whichever line includes the larger area. Only one side of a double-faced sign shall be included in a computation of sign area. The area of cylindrical sign shall be computed by multiplying its diameter by its height. The area of a detached sign shall include the area of any supporting structure having any horizontal dimension exceeding sixteen (16) inches at any point between an elevation of two (2) feet above the ground level and the highest point of the sign.

Sign, detached. A sign not attached to or painted on a building but which is affixed to the ground. A sign attached to a flat surface such as a fence or wall, not part of the building, shall be considered a detached sign.

Sign, Detached Ground. A detached sign not exceeding six (6) feet in height above the ground and generally supported by a pole, uprights, or braces.

Sign, Double-Faced. A sign with two parallel, or nearly parallel faces, back to back and located not more than twelve (12) inches apart.

Signs, Establishment Identification. A sign which pertains only to the use of a premises and which, depending upon the zoning district in which it is located, contains any of the following information:

- A. The name of the owner, occupant, and/or management of use.
- B. The address of the use.
- C. The kind of business and/or brand name of the principal commodity sold on the premises.
- D. Other information relative to a service or activity involved in the conduct of the business, but not including the names of subsidiary products except where specifically permitted by provisions of the Ordinance.

Sign, Flashing. An illuminated sign on which the artificial or reflected light is not maintained and constant in intensity and color at all times when in use. Any revolving illuminated sign shall be considered to be a flashing sign.

Sign, Flat. Any sign attached to, and erected parallel to, the face of, or erected or painted on the outside wall of a building and supported throughout its length by such wall or building and not extending more than twelve (12) inches from the building wall.

Sign, General Advertising. Any sign which directs the attention of the general public to a business, service, product or activity not conducted, offered, or sold as a major portion of business upon the premises where the sign is located.

Signs Illuminated Directly. A sign designed to give forth artificial light directly (or through transparent or translucent material) from a source of light within such sign, including but not limited to neon and reflective, such sign shall be deemed to be a directly illuminated sign.

Sign, Marquee. Any sign attached to or hung from a marquee. For purposes of this Ordinance, a marquee is defined as a roof-like structure projecting over the entrance of a building.

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

Sign Projecting. A sign which is attached to and projects more than twelve (12) inches from the face of the wall of a building. A projecting sign which extends more than thirty-six (36) inches over or above the roof line or parapet wall shall be designated as a roof sign.

Sign, Roof. A sign, which is constructed to extend above the highest point of a roofs surface.

Sign Temporary. Any sign that is used only temporary during construction, the advertising of land or buildings for sale or lease, in connection with a public holiday or for a specified period of time and is not permanently mounted.

Sign, Wall. Any sign painted directly on the outside wall of a building.

6-6-8 Sign permit required

No sign, unless herein exempted, shall be erected, constructed, painted, altered, or relocated, until a permit has been issued by the Building Official. Before any permit is issued, an application shall be filed with the Building Official together with such drawings and specifications as may be necessary to fully set forth information on the location, type of construction, materials, manner of illuminating, securing and fastening, and the number of signs applied for. All signs which are electrically illuminated shall require a separate electrical permit and inspection. Each sign requiring a permit shall be clearly marked with the permit number and the name of the person or firm placing the sign on the premises.

6-6-9 Regulations which pertain to all signs

Portable signs are permitted in non-residential districts for a period not to exceed thirty (30) days upon approval of a permit by the Building Official. However, an extension of thirty (30) days may be granted with the approval of an additional permit by the Building Official; thereby, allowing a total of sixty (60) days in a

three hundred sixty-five (365) day period of time. Said period of time shall commence starting at the date of expiration of the last approved portable sign permit for the business making application for a portable sign permit. There shall be no more than one (1) portable sign per business operation.

Signs shall be constructed and maintained to conform to all building codes of the Town of Notasulga.

Flashing signs or signs illuminated with intermittent light, except time and temperature indicators, are prohibited.

Any sign displayed, painted or attached to or any vehicle or trailer parked, on a public right-of-way or on private property, for the primary purpose of advertising a business product or service or activity is prohibited.

At all street intersections, no sign shall be placed, erected, or maintained at any location if such sign obstructs vision within a triangular area formed by the intersecting street right-of-way lines and a line drawn between points along such right-of-way lines thirty (30) feet distant from their point of intersection and between elevations of two and one-half (2 ½) and twelve (12) feet above the established grade within this triangular area.

Signs shall not be attached to trees, utility poles, or placed on any public right-of-way or public property.

The area around all signs shall be kept clean and clear of trash and litter and shall present a neat and clean appearance. It shall be the responsibility of the sign owner/lessor or property owner to maintain all signs in a safe and proper operating manner at all times.

Signs with illegal, obscene, or prurient words, scenes, or graphics are prohibited.

Windblown devices, including but not limited to any banner, pennant, spinner, streamer, propeller, disc, moored blimp, gas balloon or flag that is designed to inform or attract attention are prohibited (except for exempt flags and banners as otherwise provided for).

Any other type of sign located on private property outside of a public right-of-way not expressly permitted by these Sections.

6-6-10 Zoning District Sign Regulations

A. Signs permitted in A and R Districts.

All signs exempted from these regulations by this Article.

Non-illuminated signs for home occupation indicating only the profession, craft or occupation of the occupant and the occupant's name, not to exceed two (2) square feet in sign area.

1. Such signs may include a masonry wall, landscaping and other similar materials or features, designed and intended to form a display for identification of the residential development.
2. No entrance sign shall be internally illuminated. Other illumination may be used but shall be constructed so that the light is not directed away from the sign area.
3. The approval of such signs shall be subject to a means of long-term maintenance, i.e., homeowners association, etc.

A customary church bulletin board, not to exceed twenty-four (24) square feet in sign area.

A detached ground sign to identify any public or semi-public use, not to exceed thirty-two (32) square feet in sign area. The detached sign shall not be located within fifteen (15) feet of any public street right-of-way.

A flat sign identifying a public or semi-public use, not to exceed twelve (12) feet in sign area except that the area of such sign may be increased by one-fourth (1/4) square foot for each foot of setback, from the street it fronts, in excess of fifty (50) feet.

B. Signs Permitted in R-3 Districts:

Any sign permitted in Subsection 11.5.1 of this Ordinance.

One detached ground sign identifying a multi-family structure, and placed not more than thirty (30) feet there from, not to exceed four (4) square feet in sign area.

One flat sign for each major building in a multi-family housing project, not to exceed eight (8) square feet in sign area.

C. Signs Permitted in B Districts:

All signs exempted from these regulations.

One (1) on-premises business sign per building, not to exceed thirty-two (32) square feet of sign area. Said sign may be attached to the building wall, or be a detached sign. The maximum height of a detached sign shall be not more than six (6) feet measured from the base elevation of the first floor of the building or from the base of sign, whichever distance is less. No detached sign shall be located within fifteen (15) feet of any public street right-of-way.

A permanent detached ground sign identifying the name of a residential development, may be erected at principal entrances to the development, in accordance with the following limitations.

One sign shall be permitted on each side of the principal entrance to the development.

D. Signs Permitted in HB Districts:

All signs exempted by the Ordinance.

Wall or Flat signs, illuminated or non-illuminated, with a total aggregate sign area not to exceed twenty-five (25%) percent of the area of walls on which they are attached and no one sign with an area of more than two hundred (200) square feet in sign area. Illuminated signs inside of show windows and within five (5) feet thereof, shall be included in the computation of aggregate sign area.

Projecting sign, illuminated or non-illuminated, one for each business on the premises. Such sign shall: not project more than four (4) feet from the face of the building; not be taller than two (2) feet; not exceed eight (8) square feet for any individual sign; have a minimum clearance of ten (10) feet above the ground or sidewalk; and not project the roof line on a flat roof or above the eave line on a gable or other style roof line.

One detached sign, illuminated or non-illuminated, not to exceed thirty-two (32) square feet in sign area except that if the frontage along the street on which the sign is to be erected exceeds fifty (50) feet, the sign may be increased in sign area five-tenths (0.5) square foot for each foot of frontage in excess of fifty (50) feet up to a maximum sign area of sixty-four (64) square feet. A detached sign shall not exceed a height of twenty-five (25) feet.

Marquee signs, illuminated or non-illuminated, limited in sign area to fifty (50) percent of the face of the marquee to which they are attached.

Temporary, non-illuminated paper or painted signs in windows, limited in sign area to twenty (20%) percent of the total glass area of the window in which they are placed.

Detached signs providing directions to parking areas, facilities, buildings, places or points of ingress and egress, not to exceed a height of four (4) feet or a sign area of four (4) square feet.

Signs for permitted residential uses shall comply with Subsection 905.2 of this Ordinance. Signs permitted in other business districts.

E. Signs permitted in other districts

Any sign permitted in Subsections of this Article.

One projecting signs for each business on the premises with maximum sign area not to exceed forty (40) square feet.

One detached sign, not exceeding twenty-five (25) feet in height, for each premises regardless of whether such premises contains one or more establishments. A detached sign shall be permanently affixed to the ground, shall comply with the building and electrical codes, and no part of such sign shall be located within fifteen (15) feet of any street right-of-way line. The bottom of a detached sign shall be elevated not less than six (6) feet above the general ground level of the premises on which it is located. The detached sign shall not exceed a sign area of thirty-two (32) square feet except that, if the frontage along the street on which the sign is to be erected exceeds fifty (50) square feet, the sign area may be increased by one (1) square foot for each additional foot of frontage up to a maximum sign area of one hundred twenty (120) square feet.

Gasoline or other pricing signs are permitted provided that:

Only one such sign shall be permitted for each frontage on a street having a maximum right-of-way width of fifty (50) feet.

The sign must be attached to a principal structure or to the structure of a permitted detached sign.

The sign area of such sign shall not exceed thirty (30) square feet per sign face or an aggregate sign area of sixty (60) square feet.

One sign, attached to each gasoline pump, to provide information regarding price, type of fuel and octane rating, is permitted provided such sign does not exceed a sign area of two (2) square feet for any single sign face or a total sign area of four (4) square feet if the sign is double-faced.

Directional signs limited in area to four (4) square feet, giving directions to motorists regarding the location of parking areas, places, facilities and access drives.

F. Signs Permitted in Industrial Districts.

Any sign permitted in Subsection E of this Article.

Wall or Flat signs, illuminated or non-illuminated, with a total aggregate sign area not to exceed twenty-five (25%) percent of the area of walls on which they are attached and no one sign having an area exceeding four hundred (400) square feet.

Projecting sign, illuminated or non-illuminated, one for each building entrance and no individual projecting sign to exceed sixty-four (64) square feet in sign area.

Detached sign, illuminated or non-illuminated, one for each street frontage with the area of any individual sign limited to a total sign area of ninety-six (96) square feet. A detached sign shall not exceed a height of twenty-five (25) feet and shall not be located within fifteen (15) feet of any public street right-of-way.

Roof sign with a sign area not to exceed three (3) square feet for each lineal foot of the longest building wall, provided that the maximum size of a roof sign shall not exceed four hundred (400) square feet.

6-6-11 Abandoned Signs

A sign is considered abandoned if one or more of the following conditions exist and shall be removed or altered to conform in all respects to the provisions of this Ordinance.

All signs, that are abandoned for a period of ninety (90) days shall be removed as specified in procedures set forth for removal by town council.

The property on which the sign is located is vacant.

The sign face is blank, in ill repair, or no longer applicable. The business to which the sign applies is no longer operating.

The purpose or event to which temporary sign authorized by the City Council applies shall be removed within ten days after the purpose or event is held.

Permanent signs applicable to a business temporarily sign authorized suspended because of a change in ownership or management shall not be deemed abandoned unless the property remains vacant for a period of ninety (90) days. In the event the business to which the sign applies is destroyed by fire, accident, or natural disaster, but the sign itself is not harmed, such sign may remain in place after the expiration of the ninety (90) day period, if the building is undergoing repairs or renovations that are properly permitted.

Off-premise or general advertising signs that contain no advertising message for a period of ninety (90) days shall be considered abandoned and shall be removed.

An abandoned sign under the provisions of this Ordinance is prohibited and shall be removed by the owner of the sign or owner of the premises on which the sign is located.

The Building Official shall make an inspection and determination that a sign is abandoned as set out in Section. Upon such determination, the Building Official shall prepare a notice which shall describe the sign and its location and which shall state, if the violation or violations are not corrected within ten (10) working days after receipt, the sign, including the sign face, supports and all structural members pertaining to said sign, shall be removed and the cost of said removal billed to the property owner and/or sign owner. All notices mailed by the Building Official shall be sent by certified mail, return

receipt requested. Any time periods provided for in this Ordinance relative to compliance shall be deemed to commence on the date of receipt noted on the certificate receipt. All notices shall be mailed to the owner of property on which said sign is located as shown on the latest available tax records and/or owner of the sign.

6-6-12 Non-Conforming Signs

It is the intent of this Ordinance to eventually eliminate all non-conforming signs within the Town of Notasulga either through measures designed to eventually bring such signs into compliance with the sign provisions of this Ordinance or by their removal. The following provisions shall apply to all nonconforming signs and/or advertising structures.

All permanent type of nonconforming signs that existed at the time of the adoption of this Ordinance shall be allowed to remain as they were at the time of the adoption of this Ordinance subject to the provisions of this Article.

No sign and/or advertising structure that has been erected in violation of any previous zoning provisions shall be virtue of the adoption of this Ordinance become conforming.

A nonconforming sign which is damaged by fire, wind, or other causes, to the extent that repair of the sign requires structural alteration, shall upon completion of the alteration, conform in all respects to the provisions of this Ordinance.

No nonconforming sign shall be changed to another nonconforming sign.

No nonconforming sign shall be replaced with another nonconforming sign when such sign deteriorates because of age and use to the point where the sign is required.

A nonconforming sign may be maintained to the extent necessary to present a neat and orderly appearance; however, if a structural alteration is required to accomplish maintenance, the sign shall, upon completion of the alteration, conform in all respects to the provisions of this Ordinance. The message of a nonconforming off-premise sign may change with jeopardizing the legal nonconforming status of the sign.

No nonconforming sign shall be repainted, refaced or modified to serve another business, advertisement, person or event.

6-6-13 Off-Premise Signs for Public or Institutional Uses

A permanent or temporary off-premise sign not exceeding four (4) square feet with no dimension greater than two (2) feet or more than twenty-four (24) inches the purpose of which is to denote the route to any historic or religious place,

shrine, public building or facility, school, or hospital may be permitted upon approval of the Building Official. Such signs shall not be approved if they are not compatible with the type of development or potential development on land in the vicinity of the site of the sign.

The signs permitted under this Section shall be limited to the name of the use, address of the use and directional arrows. Such signs shall not be illuminated if located in a residential district, shall be erected on supports provided specifically for support of the sign and shall not be placed on public rights-of-way. There shall be no more than two (2) signs providing directions to any one use.

The applicant for such sign shall provide the Building Official with a site plan showing the exact location of the proposed sign and provide the information on the height, type of materials, coloring to be used and wording to be placed on the sign.

6-6-14 Off-Premise or General Advertising Signs

Off-premise or general advertising signs may be permitted as a conditional use in the Industrial Zoning Districts subject to the provisions of this Section.

A. Conditional Use Approval

A request for approval of an off-premise or general advertising sign as a conditional use shall follow the following procedure.

An application shall be submitted to the Planning Commission for approval of an off-premise or general advertising sign within the areas specified above in this Section. The application shall be accompanied by a site plan as set forth in Section and filing fee as set forth in the Town of Notasulga's current fee schedule, a copy of which is available at the office of the City Clerk.

The Planning Commission shall review the request and make a recommendation to the City Council following the same procedures said Commission follows for rezoning request.

After receiving the review and recommendation of the Planning Commission, the City Council shall hold a public hearing and approve, disapprove and approve with modifications the recommendation of the Planning Commission.

B. Site Plan Review

An application for the off-premise or general advertising sign approval shall be accompanied by a site plan showing the following information.

The name, address, phone and fax number and tax parcel identification number of the owner of the land on which the sign is to be located.

Company or individual entitled to possession of the sign and of the sign contractor or erector.

The proposed location of the sign in relation to the boundaries of the lot or tract of land upon which the sign is to be situated with dimensions from the proposed sign to the property line, to the nearest road right-of-way line and to the pavement edge.

Size of the sign in terms of total sign area, height of the sign and length of the sign.

Height of the sign in relation to the applicable requirement of Section.

Drawings showing the supporting members, materials of the sign and method of attachment or mounting.

Certification from the owner of the land on which the sign will be located and the owner of the sign that the information and dimensions shown on the site plan will be strictly followed in constructing the sign, and that the requirements of Section will be strictly followed. Said certification shall acknowledge that failure to construct the sign as shown on the site plan can result in the City requesting that the sign be removed and in penalties.

C. Site Plan Enforceable

If the request for conditional use is approved, the site plan shall become an enforceable condition of the approval and be noted on the Zoning Map. In addition the Planning Commission or the Town Council may impose proffered conditions for approval as permitted under Section of this Ordinance.

D. Regulations Applicable to All Off-Premise Signs

Off-premise or general advertising signs shall conform to the following requirements; however, the Planning Commission may recommend and the Town Council may impose stricter requirements as a condition of final approval. Off-premise, public or institutional signs permitted in Section this Article are exempt from the following requirements.

The off-premise sign shall not exceed six hundred seventy-two (672) square feet in sign area inclusive of any embellishments, border or trim, but excluding the supports and other structural members.

Off-premise signs shall be constructed so that the distance from the base of the sign face to the ground measures at least eight (8) feet, but no more than forty (40) feet. The total height of the sign, as measured from the top of the sign face to the ground shall not be greater than sixty (60) feet

except that in all areas where the ground level is lower than the main-traveled way of the roadway to which the sign is directed, then the maximum height shall be extended to a point twenty-five (25) feet above the plane of the said main-traveled road.

The minimum space between two (2) off-premise signs, on the same side of the street, shall be seven hundred fifty (750) feet measured along the shortest line between the two signs.

No off-premise sign shall be located within five hundred (500) feet of the boundary or on any structure not intended specifically for use as an off-premise sign.

Off-premise signs shall not be erected or maintained which are illuminated by intermittent or flashing lights except those giving public service information such as time, date, temperature, or weather.

No leading edge of an off-premise sign shall be located within fifteen (15) feet of any public right-of-way and no leading edge of an off-premise sign with a sign area larger than two hundred (200) square feet shall be located within twenty-five (25) feet of any public right-of-way.

No portion of any off-premise sign shall project over or encroach upon any public property or public right-of-way.

An off-premise sign may contain two (2) signs oriented in the same direction; be placed back to back, or V-type with an angle not to exceed twenty-five (25) degrees, provided that the total area of the sign faces oriented in any one direction shall not exceed maximum size provisions.

No three (3) side off-premise signs shall be permitted.

No advertising shall be placed on any sign structure nor may the sign structure be larger than is reasonably necessary to support the sign. Nothing contained herein shall be construed to prohibit advertising on the face of the sign, nor the placing of the sign company logo upon the sign structure.

E. Planning Objectives and Criteria for Approval

Regardless of whether a proposed off-premise sign meets the requirements of, the Planning Commission may not recommend approval or the Council may not approve a request for an off-premise sign as a conditional use if it does not meet the following planning objectives.

Compatibility of the proposed off-premise sign's appearance, size and location with the existing and potential development of surrounding land.

Nature, design and appropriateness of the proposed sign for the property involved.

Extent to which scenic assets and natural features such as trees, streams, and topographic characteristics are impacted.

F. Off-Premise Sign Construction Permit and Fee

Prior to construction of an off-premise or general advertising sign that has been approved as a conditional use, an application for a construction permit shall be made to the Town of Notasulga. Such application shall be made within six (6) months of the proposed signs approval by the City Council or the conditional use approval shall become null and void. The application shall be accompanied by drawings, plans, specifications, and engineering designs as may be necessary to fully advise and acquaint the City's personnel with the proposed sign and sign location, said drawings, plans and specifications to be certified by the applicant. The application shall be accompanied by the deed, lease or other agreement by which the applicant has the right to erect, use or maintain the proposed off-premise sign at the location. Further, said application and supporting documents shall contain the information required in Section.

The construction permit shall become null and void unless construction of the off-premise sign has substantially commenced with three (3) months from the date on which the permit was issued. In the event a permit becomes null and void after the expiration of three (3) months as described above, the permittee shall be required to reapply for that permit for that site and pay another construction permit fee. If, however, the permittee provides evidence that good cause prevented substantial commencement within the three (3) month limitation and such evidence is accepted by the City, then said permit may be extended for another three (3) month period. If the permittee has not substantially commenced construction within this three-month extension, then said permit shall become null and void and the permittee shall be required to reapply for that permit for that site and pay another construction permit fee.

The construction permit fee for an off-premise sign structure shall be set forth in the Town of Notasulga's current fee schedule, a copy of which is available at the office of the Administrative Officer. Said fee is payable upon submission of an application for a construction permit. This fee is in addition to any fees required for conditional use approval as specified in Section.

When a construction permit is denied, the City shall give notice to the applicant of the denial with a written statement of the reason(s) for the denial. A single appeal per permit application may be taken to the Board of Zoning Adjustment upon denial of a construction permit by the City.

G. Limitations On Off-Premise Sign Conditional Use Request

Should the City Council reject a request for conditional use zoning for an off-premise sign, the request for an off-premise sign at the same location will not be considered by the Planning Commission until a period of one (1) year has elapsed from the date of such action by the City Council.

Section 6-7. Regulations for Mobile Home Parks and Subdivisions

- 6-7-1 Purpose. The purpose of this Section is to provide requirements for the development of mobile home parks while deriving for the Town the advantage of improved appearance, compatibility of uses, optimum service by community facilities and adequate vehicular access and circulation.
- 6-7-2 Procedure. No mobile home park shall hereafter be developed, redeveloped, altered, or expanded without a Special Exception permit granted in conformity with the regulations of this Ordinance. An application for a Special Exception shall be made on forms furnished by the Administrative Officer. The application shall be accompanied by three (3) copies of a site plan of the mobile home park in accordance with the applicable provisions of Section 9-4. In addition, the site plan shall contain the following additional information:
- a) Locations of mobile homes on stands and dimensions of each stand. Location and number of sanitary conveniences including toilets, washrooms, laundries, and utility rooms to be used by the occupants of units.
 - b) A typical stand detail showing the patio, if any, and mobile home with the location of utility connections including gas, water and sewage disposal, and electrical.
 - c) Any area within or adjacent to the proposed mobile home park subject to periodic inundation by storm drainage, overflow, or ponding, shall be clearly shown and identified on the plan.
 - d) Any and all other physical improvements as specified in Subsection 6-7-4.
- 6-7-3 License Required. It shall be unlawful for any person to establish, operate or maintain, or permit to be established, operated or maintained upon any property owner, leased or controlled by him, a mobile home park without having first secured a license for each such park from the Town Council pursuant to this Section. The license shall be in accordance with the Business License Schedule of the Town of Notasulga adopted November 18, 1946, as amended.

The application for a license or a renewal thereof shall be made on forms furnished by the Town Clerk and shall include the name and address of the owner in fee of the tract; if the fee is vested in some other person, a duly verified statement by that person will be required. Such statement shall affirm that the applicant is authorized by said person to construct or maintain a mobile home park and to make application for such action. The application shall be accompanied by one (1) copy of the park plan, and one (1) copy of the Special Exception permit issued by the Board of Adjustment.

6-7-4 General Requirements. Any development, redevelopment, alteration, or expansion of a mobile home park within the Town of Notasulga shall be done in compliance with these requirements:

1. Location

A mobile home park shall be located only in designated zoning areas and with a Special Exception for that purpose as provided in this Ordinance.

2. Basic Minimum Requirements

- a) Area Requirements: The minimum size of a mobile home park shall be two (2) acres.
- b) Buffer: Where a mobile home park adjoins a single-family or multi-family area within a residential district, a permanent twenty (20) foot landscaped buffer as specified in Section 6-9 shall be provided.
- c) Design and Location of Storage Facilities: Storage facilities with a minimum capacity of 200 cubic feet per stand may be provided on the stand, or in compounds located within one hundred (100) feet of each stand. Storage facilities shall be designed in a manner that will enhance the appearance of the park and shall be faced with masonry, porcelained steel, baked enameled steel or other material equal in fire resistance, durability and appearance, or of an equal material approved by the Administrative Officer.
- d) Drainage: The ground surface in all parts of a park shall be graded and equipped to drain all surface water in a safe efficient manner. The adequacy of drainage facilities shall be verified by a licensed professional engineer.
- e) Fire Extinguishers Required. All mobile home parks shall have either a five (5) pound dry chemical fire extinguisher or pressure water hose protected from freezing within one hundred (100) feet of each mobile home stand.
- f) Ground Cover: All ground in a mobile home park shall be paved, covered with stone screening or other solid material, or protected with vegetative growth no more than six (6) inches in height, that is capable of preventing soil erosion and eliminating dust.

- g) Mobile Home Stands: The area of the mobile home stand shall be improved to provide adequate support for the placement of the mobile home.
- h) Offstreet Parking. Each mobile home stand shall be provided a minimum of two (2) offstreet vehicle parking spaces, as provided at section.
- i) Open Space Requirements: The minimum front yard setback shall be fifteen (15) feet from the nearest corner of the mobile home to the front line of the stand. The minimum distance between mobile homes shall be twenty (20) feet on the sides and fifteen (15) feet on the rear.
- j) Parking: Every mobile home stand shall have two (2) offstreet parking spaces.
- k) Refuse Containers Required. Each stand shall be provided with one or more non-leaking refuse cans having a total capacity of at least sixty (60) gallons. Refuse cans shall have vermin-proof lids, and shall be so secured that animals cannot spill them.
- l) Refuse Collection Required. Garbage and refuse pick-up service shall be provided throughout each mobile home park no less frequently than once each seven (7) calendar days.
- m) Soil and Ground Cover: Exposed ground surfaces in all parts of every park shall be paved, covered with stone screenings or other solid material; or protected with a vegetative growth that is capable of preventing soil erosion and eliminating dust.
- n) Stand Size Requirements: Each stand shall provide a minimum area of 4,000 square feet when public water and sewer services are available; however, no stand shall average less than forty (40) feet in width nor less than eighty (80) feet in depth.

6-7-5 Access and Traffic Circulation. Internal streets shall be privately owned, built and maintained and shall be designed for safe and convenient access to all stands and parking spaces and to common use of park facilities.

- a) An internal street or common access route shall be provided to each stand. The street shall be a minimum of thirty (30) feet in width. The internal street shall be continuous or shall be provided with a cul-de-sac having a minimum radius of sixty (60) feet. No internal street ending in a cul-de-sac shall exceed four hundred (400) feet in length.
- b) All streets shall be constructed to meet the minimum specifications for streets as approved by the Town of Notasulga. A concrete lay-down curb or acceptable substitute may be used as approved by the Administrative Officer.
- c) Internal streets shall be maintained free of cracks, holes, and other hazards at the expense of the licensee.
- d) All streets within each park shall be numbered or named in an approved manner.

- e) Interior streets shall intersect adjoining public streets at ninety degrees (90) and at locations which will eliminate or minimize interference with the traffic on those public streets.
 - f) At each entrance to the park, an 18” by 24” sign should be posted stating “Private Drive, No Thru Traffic.” The licensee may also post a speed limit sign on this same post.
- 6-7-6 Electrical Code. The electrical plant within a park shall conform to the National Electrical Code, as it may be amended or superseded. At least one (1) street or night light shall be provided for each ten (10) stands or fraction thereof.
- 6-7-7 Mobile Home Units.
- a) Mobile home units located in the park shall be made available for, and used solely as single family dwelling units.
 - b) All mobile home units located in the park shall meet the mobile home standards established at Section 6-8 herein.
- 6-7-8 Plumbing Code. All plumbing within any mobile home park shall comply with the “Plumbing Installation Standards for Mobile Homes and Travel Trailers and Parks,” set forth by the Southern Standard Plumbing Code, 1982 Edition, as it may be amended or superseded.
- 6-7-9 Recreation Area. All mobile home parks shall have at least one recreation area located to be free of traffic hazards, easily accessible to all park residents and centrally located where topography permits. Not less than ten (10) percent of the gross park area shall be devoted to recreational facilities. Such space shall be maintained in a usable and sanitary condition by the park owner.
- 6-7-10 Utility Requirements. Each mobile home shall be connected to the municipal water system and to the municipal sewage disposal system, if available. The design and specifications of the utility systems shall meet Town specifications and shall be approved by the appropriate authorities. If the municipal utility system is not available, then a private system shall be required until such time as the municipal system becomes available. The design and specifications of such systems shall meet Macon County Health Department specifications and shall be installed under inspection of the appropriate Town Department.

Section 6-8. Mobile Home Standards

- 6-8-1 Purpose. The purpose of this Section is to protect the health and safety of the public, and to assure quality construction and decent, safe and sanitary livability of mobile homes used for residential purposes.

- 6-8-2 Structural Condition. All mobile home units shall conform to standards as follows: 1) A new manufactured home shall comply with the minimum property standards prescribed by the Department of Housing and Urban Development (HUD) that are published as the Manufactured Home Construction and Safety Standards implementing the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. 5401-5426, at 24 CFR Part 3280. 2) An existing manufactured home must conform to standards approved by the American National Standards Institute (ANSI) in its Standards for Mobile Home, A 119.1 – 1969, as amended.
- 6-8-3 Height Limits. The height limit for any mobile home shall be eighteen (18) feet. The height of the mobile home frame above the ground elevation, measured at 90° to the frame, shall not be greater than three (3) feet.
- 6-8-4 Removal of Tongues and Skirting. No later than thirty (30) days after placement of a mobile home on a site, the towing tongue and/or hitch shall be removed or screened such that it cannot be seen from the street, and the area between the bottom of the unit and the ground shall be enclosed by brick, block, insect-resistant wood, or commercially available screening (skirting) made for such purposes.
- 6-8-5 Sewer Service. Each mobile home shall be connected to a public sewer system, or to a sewer system approved by the Macon County Health Department.
- 6-8-6 Tie Downs. Each mobile home shall be tied down in accordance with the State of Alabama tie-down regulations, S.219, “Uniform Code for the Anchoring of Mobile Homes,” effective January 1, 1976, as it may be amended or superseded.
- 6-8-7 Water Supply. Each mobile home shall be connected to a public water supply approved by the Macon County Health Department.

6.9 Mobile Home Subdivision

Use Permitted	Mobile home units that meet all requirements
Use Permitted on Appeal	Accessory structure.
Uses Prohibited	Any use not specifically permitted or permitted on appeal other than those uses contained in §7.1 of this Article.

Dimensions

Minimum Area 4000 square feet (provided that lot is at least three times greater than area occupied by dwelling)

Minimum Lot Width at Building Line 50 ‘

Minimum Dept of Front Yard 20 ‘

Minimum Depth of Rear Yard 20 ‘

Minimum Width of Each Side Yard 10 ‘

Minimum Side Yard Abutting Street 20 ‘

Maximum Building Area as % of Gross Lot Area 40%

Maximum Building Height 20’

Off-street parking spaces required per Family unit 2

Maximum Density per Acre 8/acre

6-10 Townhouses

6-10-1 General

No building permit shall be issued for townhouses, and the Board of Adjustment and Appeals shall not issue a special exception involving townhouses, except upon a favorable or conditionally favorable report from the Planning Commission. Prior to issuing a favorable report the Planning Commission shall determine that the proposed townhouses are designed in such a manner as to be in harmony with the character of the surrounding neighborhood. Where conditions are attached by the Planning Commission, they shall be included as part of the building permit. If special exception is involved, the Board of Adjustment and Appeals shall-only grant such exception with the conditions attached by the Planning Commission, but the Board may add conditions in granting approval.

6-10-2 Locations of Townhouses

It is the intent of this Ordinance that townhouses in areas where they are permitted by district:

- A. May be appropriately intermingled with other types of housing;
- B. Shall not form long, unbroken lines of row housing;
- C. Shall constitute groupings making efficient, economical, comfortable, and convenient use of land and open space and serving the public purposes of zoning by means alternative to conventional arrangements of yards and building areas.

6-10-3 Site Development Plan

In line with the general considerations above, the following site plan and design criteria are established:

- A. Not more than six (6) contiguous townhouses shall be built in a row with the same front line, and not more than twelve (12) townhouses shall be contiguous. In groups of townhouses consisting of more than six (6) units, the required difference in front line shall be a minimum of three (3) feet. Minimum width of the portion of the lot on which a townhouse is to be constructed shall be twenty-four (24) feet.
- B. Minimum width of the portion of the lot on which a townhouse is to be constructed shall be twenty-four (24) feet.
- C. Minimum lot area shall be two thousand four hundred (2,400) square feet.
- D. No portion of a townhouse or accessory structure in or related to one townhouse complex shall be closer than twenty (20) feet to any portion of the townhouse or accessory structure related to another townhouse complex, or to any building.
- E. Each townhouse shall be constructed on its own lot. Townhouses constructed in condominium developments may be excepted from this requirement by the Planning Commission.
- F. No side yards shall be required except at the unattached ends of a townhouse complex, in which case the minimum width shall be sixteen (16) feet. Minimum depth of front yards shall be twenty (20) feet.
- G. Each townhouse shall have its own lot one yard containing not less than four hundred (400) square feet, reasonably secluded from view from streets or from neighboring property. In condominium townhouse developments not subdivided into individual lots, one (1) yard containing not less than four hundred (400) square feet, reasonable secluded from view from streets or from neighboring property, shall be provided contiguous to, and for the private use of, the occupants of each dwelling unit.
- H. Off-street parking shall be provided at the rate of two (2) spaces per townhouse. Insofar as practicable, off-street parking facilities shall be grouped in bays, whether adjacent to streets or in the interior of blocks. No off-street parking space shall be more than one hundred (100) feet by the most direct pedestrian route from a door of the dwelling unit it is intended to serve.
- I. In townhouse developments with a total area greater than five (5) acres at least twenty (20) percent of the total area shall be devoted to common open space, exclusive of parking areas or accessory buildings. Such common open areas may include recreational facilities. Provisions satisfactory to the Town Council and approved by the Town Attorney shall be made to assure that common open areas for the use and enjoyment of occupants of townhouses shall be maintained in a satisfactory manner without expense to the general taxpayer. In addition, the developer of a townhouse development or homeowners association created by the

developer by recorded covenants and restrictions, shall preserve for the owners and occupants of the development such lands set aside for open areas, parks, or recreational use and common off-street parking spaces established for the development.

Story and building height requirements shall be in accordance with those specified for the district in which the townhouse is located.

6-11 Garden Patio Home

6-11-1 No building permit shall be issued for patio homes except upon favorable or conditionally favorable report by the Planning Commission. Prior to issuing a favorable report, the Planning Commission shall determine that the proposed patio homes are designed in such a manner as to be in harmony with the character of the surrounding neighborhood. Where conditions are attached by the Planning Commission, they shall be included as part of the building permit.

It is the intent of this Ordinance that patio homes, in areas where they are or may be permitted may be appropriately intermingled with other types of housing; shall constitute groupings making efficient, economical, comfortable, and convenient use of land and open space; and serving the intent of the Ordinance.

6-11-2 Development Standards

In line with general considerations above, the following site plan and design criteria are established:

- A. No more than two (2) contiguous patio homes shall be connected.
- B. Each patio home shall be constructed on its own lot, and shall be a minimum width of forty (40) feet at the building line with minimum lot area of four thousand (4,000) square feet.
- C. Each patio home lot shall have one (1) side yard with a minimum of ten (10) feet. Minimum depth of rear yard shall be fifteen (15) feet. Side yards may be averaged but shall not be less than eight (8) feet. Fireplace and chimney may be placed in the side or rear yard setback provided they do not project beyond the thirty (30) inch permitted roof overhang and provided they do not restrict or obstruct any drainage or drainage easement, either existing or proposed.
- D. The require then (10) foot side yard must be kept perpetually free of permanent obstructions, accessory structures, walls and fences without gates.
- E. Privacy fences or walls may be placed on or along any lot line provided that such fences or walls are not constructed in such a manner as to block any local drainage and provided gates or other openings are provided that will not restrict

access for fire protection. An eight (8) foot maximum height limit will be permitted for privacy fences or walls located on or along any required side or rear yard.

- F. Each patio home shall have on its own lot one yard containing not less than six hundred (600) square feet, reasonable secluded from view of streets of neighboring property.
- G. Maximum lot coverage permitted for the main dwelling shall be one hundred (100) percent of the permitted building area not including coverage permitted for accessory buildings or structures.
- H. Off-street parking shall be provided at the rate of two (2) spaces per dwelling unit and shall be located within the interior of the lot. Garages shall not be credited toward the parking requirements, if said garage is a part of the main dwelling or attached to the main dwelling.
- I. The exterior walls of the patio home, or any accessory structures located on the zero-foot side yard setback shall not project over the property line. Roof overhang may penetrate maintenance and drainage easements of the adjacent lot a maximum of thirty (30) inches, provided the roof shall be so designated that water run-off shall be restricted to the drainage easement area.
- J. No windows, doors, or other openings shall be permitted on the zero (0) foot side line of any patio home unit. Where adjacent zero (0) lot line dwellings are not constructed against or along a common lot line, a perpetual wall maintenance easement of three (3) feet in width along and parallel to the adjacent lot shall be provided.
- K. Where adjacent zero (0) lot line dwelling are not constructed against or along a common lot line, a perpetual drainage easement shall be provided which shall be approved by the Town. Fences and walls may be located on or along this other openings that will not block local lot drainage are maintained. A Hold Harmless Agreement shall be required.
- L. The lot adjacent to the zero (0) setback side yard must be under the same ownership at the time of initial construction (ensuring that a developer does not infringe on the property rights of owners of adjacent tracts).
- M. A ten (10) foot side setback shall be required, provided the adjacent property is not zoned for patio home or is not a permitted use in the adjacent zoning district.
- N. No accessory structures shall be erected in a required front, side, street side yard, or open space. Accessory structure shall be permitted in the rear yard and shall not exceed one and one half (1 ½) stories in height and shall not cover more than twenty-five (25) percent of the required rear yard; and shall be permitted a zero

(0) foot setback from the rear yard, and side property lines, and five (5) feet from any other structure on the same lot. These requirements shall not apply to unattached open carports and garages.

- O. Unattached garages and carports shall be permitted in addition to the twenty-five (25) percent coverage for accessory structures, but shall not exceed six hundred (600) square feet in area; and shall not be placed in any required front, side or street side yard or open space; and shall not exceed one and one half (1 ½) stories in height; and shall be permitted a zero (0) setback from the rear and side property lines, and five (5) feet from any other structure on the same lot.

Section 6-12. Flood Hazard Areas

The flood hazard areas depicted on the Official Zoning Map of Notasulga, Alabama, are identical to those shown on the Flood Insurance Rate issued by the Department of Housing and Urban Development, Federal Insurance Administration, effective date November 24, 1978.

All permitted uses in the zoning districts which include Flood Hazard Areas, shall be permitted also in the Flood Hazard Areas, subject to the requirements of Section 1910.13 of the National Flood Insurance Program regulations, which regulations are made a part of this Ordinance.

Section 6-13. Required Buffers and Landscaping

The use of properly planted and maintained buffer areas may reduce and ease potential incompatibility between or among different uses of land in proximity to each other.

6-13-1 Requirements. Where this Ordinance requires a landscaped buffer area, the following requirements shall be met:

1. The landscaped buffer area shall not be less than the width specified in the Ordinance measured at right angles to property lines and shall be established along the entire length of and contiguous to the designated property line or lines;
2. The area shall be so designed, planted, and maintained as to be eighty (80) percent or more opaque between two (2) and six (6) feet above average ground level when viewed horizontally;
3. Types and numbers of plantings for landscaped buffers shall be submitted with application for a building permit, along with plans and statements demonstrating how the buffer will be irrigated in the future. No building permit shall be issued without such data, where this Ordinance requires a landscaped buffer area or areas;

4. Plantings shall be of a size and type which will insure the meeting of eighty (80) percent capacity requirement within no longer than twelve (12) months of the date of first planting. When questions may arise as to the suitability of proposed plant materials to meet this requirement, final determination of suitability shall be made by the Administrative Officer.

5. Failure to maintain the landscaped buffer area as set out above shall be a violation of this Ordinance.

6-13-2 Substitution for Landscaped Buffer Area. Except when otherwise specifically provided by this Ordinance, a six (6) foot high opaque structure set in a five (5) foot wide landscaped buffer area may be substituted for the six (6) foot high, planted buffer in Subsection 6-13-1.

6-13-3 Waiver by Administrative Officer. When the Administrative Officer finds that the public safety requires, he may waive or modify the buffer requirements set out above. The finding of the Administrative Officer shall be in writing and shall be filed with the approved Building Permit.

6-13-4 Purpose of this section is to protect and enhance the ecological and aesthetic environments of the Town of Notasulga; provide shade and natural cooling; control the uses from noise and glare; encourage the most appropriate use of land and responsible land ethic; and contribute to property values.

6-13-5 Application of Section.

A. Landscaping requirements as set forth in this Ordinance shall become applicable to each building site at the time an application for each building permit is made in all zoning districts, except for single family residential and agricultural districts; and to each commercial site where the owner/developer undertakes a project that increases the square footage of the building by a cumulative total of twenty-five (25) percent or more. In some cases, if the Planning Commission determines that the planting space is too small to accommodate the required plantings, the owner can propose to purchase the trees and the city may plant and maintain them on public right-of-way, adjacent to the owner's property.

B. All landscape installation must be completed before the development is opened to the public. The Planning Commission must be notified to give compliance or noncompliance to landscaped areas before opening. The Planning Commission shall give a decision of compliance or noncompliance within seven (7) working days.

6-13-6 Definitions

- A. Native Tree – a tree that has a DBH of at least twelve (12) inches and is an oak, hickory, sycamore, pine, poplar, elm, maple, magnolia, cypress, cedar, pecan, ash, or a newly planted tree on a development site.
 - B. Small Shade Tree – a medium size tree of thirty (30) to forty (40) feet at maturity.
 - C. Large Shade Tree – large trees that grow over small shades trees and have a height of fifty (50) feet or more tat maturity.
 - D. DBH – Diameter at Breast Height – this is the measurement of the width of the trunk four and one half (4 ½) feet above existing grade. For multi-trunk trees the DBH shall be the sum of the diameter of the trunks.
 - E. Drip Line – the circumference of the tree’s natural unaltered canopy extended vertically to the ground.
 - F. Barrier – a physical structure limiting access to a protected area.
 - G. Public Tree – a tree located on city property or any tree owned by the Town of Notasulga, Alabama. This includes city right-of-ways.
 - H. Caliper – this is the measurement of the width of the trunk six (6) inches above existing grade.
 - I. Tree Credits – means of giving credit for existing trees that would have to be planted, if existing trees could not be saved and protected as stated in this Ordinance.
 - J. Removing a Tree – to relocate, cut down, poison, or in any other manner destroy or cause to be destroyed, a tree as defined in this Ordinance.
 - K. Prompt Replacement to replace within a thirty (30) day time period.
 - L. Landscape Materials – growing vegetation, such as, grass, flowering beds, shrubbery, trees, ground cover, etc.
 - M. Construction Area – includes the building site and all areas used by construction vehicles, to store materials, or other items pertaining to construction.
- 6-13-7 Landscape Plan Approval. A landscape plan shall be submitted for approval by the City building official at the time that an application for a Building Permit is made on any land where the landscaping requirements of this Section are applicable. The landscape plan shall include:
- A. Date, scale, north arrow, title, and name of owner.

- B. Approximate location of existing boundary lines and dimensions of the building site.
- C. Location, species, and size of existing trees and other vegetation applicant proposes to remain on site and have made part of the landscape development. This does not apply to masses of trees outside of the construction area.
- D. The approximate center line of all existing water-courses; the approximate location of significant drainage features; and the location and size of existing and proposed streets and alleys, existing and proposed utility easements on or adjacent to the building site, and existing and proposed sidewalks adjacent to streets.
- E. The location and size of proposed landscape areas, in square feet.
- F. The location, number, size, and name of proposed landscape material.
- G. Statistics verifying that the minimum percentage of landscape required under this Section will be met.
- H. The locations, species, and DBH of existing native trees indicating those to be retained, and those native trees to be removed, and whether they are to be counted as part of the landscaping requirements. The location and dimensions of the proposed landscape areas within the parking area(s) including a description and location of new trees and plant materials to be placed within the landscape area. An indication, using written or graphic information, of how the applicant plans to protect from damage existing trees and other vegetation which are proposed to be retained during construction.
- I. The proposed irrigation type and design, if required.
- J. Installation process for all landscaped material.
- K. Certification that the landscape plan has be prepared or reviewed by one of the following: a registered landscape architect, professional engineer, architect, landscape designer, full time builder designer, a qualified nurseryman, the County Agent, or any Governmental Agency with horticulture experience, and that it satisfies all purposes, objectives, and requirements of this Section.
- L. Permanent utility facility locations.

6-13-8 Landscaping Requirements

A. Landscaping Percentage Requirements

With the exception of industrial sites, any building site meeting the requirements of this section shall be landscaped. Landscaping materials shall cover twelve (12)

percent of the total building site as determined first by calculating the square footage of the unimproved site, then subtracting the total square footage of the building area, which is defined as the total square footage of all structures under roof. At least sixty (60) percent of the landscape requirements shall be located in the front setback defined as the area between the property line and the building wall(s) facing the public right-of-way. If the application of the percentage creates a fraction, the result as expressed in number shall be rounded off to the next highest whole number.

To determine the number of shade trees required on any building lot, first add the length of all sides of the lot then divide the total by forty (40). If the result ends in a fraction, the result as expressed in numbers shall be rounded off to the next highest whole number to arrive at the total number of shade trees required. No less than one half (1/2), rounded to the next highest whole number, of the required trees shall be large shade trees.

With the exception of building sites where the developer increases the square footage of the building by twenty-five (25) percent or more, the developer/owner must reserve the first twenty (20) feet of the front yard setback requirement of the zoning district for a green space where at least one native tree shall be planted for every thirty (30) feet of road frontage.

Planted trees must have at least a one and one-half (1 ½) inch caliper and a warranty for at least one (1) year. All planted trees immediately become native trees. After the application of credits the City may waive the number of trees required if inappropriate for the site. If waived, these trees shall then be donated to the Town of Notasulga to be planted as public trees. It is recommended that owner's purchase plant material from suppliers who will provide a one-year warranty.

Industrial sites and zoning districts shall be required to be landscaped along the front perimeter only. If the site fronts along two streets, then landscaping shall be required along both intersecting streets. All other requirements of this Ordinance shall apply to industrial sites.

B. Parking Lot Requirements

Parking lot landscaping shall be provided in parking lot use areas having uncovered parking at street level. Parking lot landscaping shall apply to new parking areas or when existing parking areas are enlarged by ten (10) percent or more. Such landscaping shall be provided in such a manner as to break up the expanse of paving, facilitate the safe circulation of pedestrian and vehicular traffic, and provide shade valuable for pedestrians and/or vehicles. A ratio of one large shade tree for every fifteen (15) parking spaces shall be required. These trees must be planted adjacent to the parking lot or in islands within the parking

lot. Parking lot islands must be of adequate size to accommodate the species planted.

C. Site Visibility

At corner lots, landscape material shall meet the requirements of this Ordinance. Further, landscape material shall not obstruct traffic visibility at parking lot interiors and driveway entrances between heights of three (3) and eight (8) feet above grade. Existing trees must be pruned so that they do not obstruct traffic visibility at intersections and driveway entrances.

D. Spacing

Trees shall not be planted closer than four and one half (4 ½) feet to curbs or barriers protecting trees. Large shade trees shall not be planted closer than thirty (30) feet of each other, and small shades trees a minimum of ten (10) to a maximum of twenty (20) feet of each other where possible.

E. Installation

All plant material shall be installed in a sound manner and in accordance with the landscape plan. This installation process shall be included on the landscape plan to be approved by the Planning Commission.

F. Maintenance

Landscaped areas including irrigation systems shall be maintained by the owner or lessee of the property at all times. This includes prompt replacement of all dead or damaged landscape material to insure continued compliance with landscaping requirements and keeping landscaped areas free of weeds, refuse and debris. This also applies to rights-of-way or medians for developers who elect to take credit for landscaping requirements here.

G. Water Supply

All landscaped areas shall be provided with an adequate and appropriate water supply. This may include one or more of the following: hose bibs, automatic or manual irrigation, and/or any other appropriate method of supplying water to the landscaped areas.

H. Protection of Landscaped Areas

Landscaped areas are to be protected by tree-grates, concrete curbs, wheel stops, continuous border plants of hedgerows, railroad ties or other suitable barriers. This speculation should be clearly marked in the landscape plan.

6-13-9 Credits Towards Trees

Credit can be taken for a tree if the tree meets the native tree specifications and if the tree is in good, vigorous, and healthy condition, as determined by a landscape architect. These tree credits can go toward landscape requirements; however, the front setback must contain one native tree for every thirty (30) feet of frontage. Credit will not be allowed if the proper protection for the credited tree has not been maintained. If the credited tree dies or fails to thrive, the owner must replace the amount of credited trees lost. The equivalent shall be as follows:

<u>Size of Existing Tree</u>	<u>Tree Equivalence or Trees Not Required to Plant</u>
6"	
Caliper 12" caliper 18"	1 tree
Caliper 24" caliper 30"	2 trees
Caliper 36" caliper 42"	3 trees
Caliper	4 trees
	5 trees
	6 trees
	7 trees

6-13-10 Tree Protection During Construction

Every attempt shall be made to protect and save existing trees on a development site, except for those trees removed to allow for the erection of the building and/or improvements.

Whenever possible, a tree or group of trees that are being preserved must have a barrier constructed to the drip line of the tree or group of trees, given to specific site considerations.

6-13-10 Tree Protection Requirements

Application of Section. The requirements of this section shall apply to all land, other than public rights-of-way, located within the corporate city limits of the Town of Notasulga, except residential zoning districts and lots where a bona fide agricultural or forestry operation exists.

Definitions. All definitions set forth in this Ordinance shall apply to the provisions of this section.

Permit. Any person wishing to remove or relocate a native tree shall, under the provisions of this section, make written application with the Town of Notasulga, which applications shall include a Landscape Plan, unless waived by the Planning Commission. Upon paying an administrative application fee of ten (10) dollars to cover the costs of researching and processing the application, the application and Plan shall be stamped with the date and time. All proceeds from the application fee shall be earmarked for the use of the administration of this Section.

1. Time of Permit

Any and all permits issued by the City as per the requirements of this Ordinance, shall be declared null and void if commencement of the work so permitted is not started within a reasonable time, not to exceed six (6) months. But in no case will the permit be valid for more than twelve (12) months.

2. Permit Procedure

An application may be filed checked prior to issuance of a permit. The City shall approve or deny the permit within seven (7) working days after the date of receipt of the application. Failure to deny the application, as provided herein, within this seven (7) day period shall result in the automatic issuance of the permit as requested in the application.

3. Criteria for Issuance of Tree Removal Permit

- i. The tree is located in a area where a structure or improvement will be placed according to an approved plan.
- ii. The tree is diseased, injured, in danger of falling too close to existing or proposed structures, interferes with existing utility service, creates unsafe vision clearance or conflicts with other ordinances and regulations.
- iii. The tree is, or will be after construction, in violation of federal, state, or local laws or regulations, or cause the construction to violate federal, state, or local laws or regulations including, but not limited to, laws and regulations pertaining to government-programs for financing the construction.

4. Basis for Denial of Permit

The City, upon a determination that an application for tree removal does not meet the criteria set forth above, may, within his/her discretion, deny the same and shall notify the applicant of the reason(s) for said denial within five (5) working days of decision.

Removal of Public Trees. This shall not apply to trees with a DBH of four and one half (4 ½) inches or less. Any other trees must be made known to the City for permission to remove. No tree of any size shall be removed from public right-of-way, unless written permission has been granted by the City.

Penalties. Any person, firm, or corporation violating or failing to comply with this ordinance shall be subject to a fine up to one hundred (100) dollars per day per violation for each day said violation remains uncorrected. Proceeds of fines shall be earmarked for

buying and planting of plants in the Town of Notasulga. Enforcement of this ordinance shall be by issuance of Complaint.

Interference with the City. No person shall hinder, prevent, delay, or interfere with the or any other duly authorized individual, while engaged in carrying out the execution or enforcement of this Ordinance; provided, however, that nothing herein shall be construed as an attempt to prohibit the pursuit of any remedy, legal or equitable, in any court or competent jurisdiction for the protection of property rights by the owner or any property within the municipality.

Non-applicability of Ordinance to Land and Rights Used for Facilities of Public Utilities. Nothing herein shall affect or deteriorate in any way the rights of, or exercise by, any public utility of its present and future acquired rights', to clear (and keep clear) trees and other growth from lands utilized, or to be utilized, for electric or communication facilities of any type, or dangerous trees adjacent thereto whether such rights were acquired by permits, easements, agreements, deeds, documents, or otherwise from landowners, or were acquired by condemnation, franchise or operation of State law. The utility company shall cooperate with the City when clearing or pruning.

Appeal of Grant or Denial of Permit. Appeals of either a grant or denial of permits pursuant to this Section shall be made to the Board of Adjustment and may be taken by the applicant or by any officer, department or board of the City affected by any decision of the City with respect to the administration or enforcement of this Section. All such appeals shall automatically be placed on the agenda of the next regularly scheduled meeting of the Board of Adjustment. The Board of Adjustment shall have the power to grant permits upon a showing by the applicant by clear and convincing evidence that the applicant will suffer extreme and extraordinary hardship. All appeals from the Board of Adjustment shall be the Circuit County and may be brought by any of the persons listed above.

6-14 Planned Use Development Standards

The purpose of planned unit development (PUD) regulations is to permit the flexible development of land development projects that are comprehensively planned as an entity with a functional site plan which permits flexibility in building placement on the site, mixtures of housing types and land uses, usable open spaces and the preservation of significant natural features. Such flexibility must be part of an approved plan for a planned unit development to which conditions may be attached to safeguard the public health, safety, morals and general welfare. These planned unit development regulations are designed to encourage the best possible site plans and building arrangements under a unified plan of development.

The intent is not to encourage greater density of development but rather to encourage ingenuity and resourcefulness in land planning and to assure a more desirable environment.

PUD's may be established in areas zoned PUD in accord with the ordinance.

6-14-1 Definitions

- A. Applicant. The owner of land proposed for a planned development or a designated representative.
- B. Common Area. An area within a development designated and intended for the use and enjoyment of all residents or occupants of a development and under common ownership and control.
- C. Developer. The owner of land proposed to be subdivided or a designated representative.
- D. Planned Unit Development. A land area under unified control designed and planned to be developed in a single operation or by a series of prescheduled development stages according to an officially approved final plan which does not necessarily correspond to the use regulations and areas and dimensional requirements of other articles of this Ordinance.

6-14-2

Uses Permitted – A PUD District may include any mixture of uses permitted by right or special exception by this Ordinance subject to any conditions that may be imposed by the Planning Commission and City Council during the required Development Plan review process.

Signs. Signs shall be permitted based on development criteria submitted with the PUD application. If the application does not contain sufficient information upon which to base sign approval, then the most stringent sign provisions of this Ordinance shall apply.

6-14-3 General Regulations and Guidelines

- A. Contiguous Land Area. The minimum required land area for a PUD shall be five (5) contiguous acres.
- B. Dimensional Requirements. The area and dimensional requirements of Section 303 of this Ordinance should serve as a guide in plan formulation; however, area and dimensional requirements may be waived or lessened to permit the clustering or concentration of uses in planned locations that take advantage of natural features or innovative development schemes. In reviewing the Development Plan required by this Ordinance, the Planning Commission may waive the dimensional requirements of the various zoning districts, or more restrictive regulations and/or conditions for consideration and approval of the Planning Commission. Density may be regulated in terms of dwelling units per acre, maximum building coverage and maximum gross floor area, the projects relationship to surrounding development, planned patterns for future development, environment conditions and capacities of existing streets, utilities and community facilities.
- C. Property Development Standards. Property development standards shall be determined by the Planning Commission as in other zoning amendments. The development shall be compatible with the topography of the land and shall preserve any unusual topographic or natural features. The development shall not adversely affect developed or undeveloped neighboring properties. Water, sewerage, highway and other facilities shall be adequate for the proposed

development or there shall be a definite proposal for making them so. Depending upon intensity of development proposed, and proposed uses, the Planning Commission may impose conditions regarding layout, circulation, access points, buffering, landscaping, signage and other physical improvements considered necessary for the protection and promotion of the public health, safety, morals and welfare of the Town of Notasulga.

- D. Other Pertinent Regulations. All pertinent regulations specified elsewhere in this Ordinance that may be applicable, including minimum parking requirements, shall be in force except where specifically addressed in this Article.

6-14-4 Development Plan

The approval of PUD zoning requires the submission of a Development Plan which shall consist of the various information, plans and documents requested at each of the steps in the PUD approval process.

6-14-5 Procedure and Approval

- A. Pre-application Conference. Prior to the submission of a formal application for Planned Unit Development (PUD) zoning, the applicant is encouraged to schedule a pre-application conference with the Building Official to gain an understanding of the PUD approval process and the Development Plan submission requirements at each stage of the approval process.
- B. Application. The applicant shall submit an application for a PUD zoning to the Planning Commission accompanied by a Sketch Development Plan and attendant documents and information as required by this Ordinance. After the Pre-hearing Conference required by this Ordinance has been held to review the Sketch Development Plan, the applicant shall submit a Development Plan as required by this Ordinance.
- C. Pre-hearing Conference. The planning Commission shall within forty-five (45) days after official acceptance of an application for PUD zoning schedule a Pre-hearing Conference to review the Proposed Sketch Development Plan. The purpose of such Pre-hearing Conference is to assist the applicant in bringing the planned unit development application and Proposed Development Plan as nearly as possible into conformity with the intent of these and other applicant regulations and to define those areas where justifiable deviations from the application of these regulations is suggested by the Proposed Development Plan. Prior to the pre-hearing conference, all affected City staff, consultants, agencies and utilities will have been given opportunities to review the Proposed Sketch Development Plan and to be represented at the Pre-hearing Conference.

All recommendations and requests for change from the Proposed Sketch Development Plan by either, government, utilities or the applicant shall be committed to writing and made a part of the official file for the required PUD zoning.

- D. Preparation of Development Plan. After the Pre-hearing Conference with the Planning Commission the applicant shall within ninety (90) days submit a Development Plan which shall contain all of the information and documentation required by this Ordinance. The Development Plan shall from its date of submission be scheduled for a public hearing as a requested rezoning as required under of this Ordinance for a zoning amendment. In the preparation of the Development Plan, the applicant shall comply with amendments, revisions, recommendations and conditions requested during the Pre-hearing Conference and with the requirements of this Ordinance and the City's Subdivision Regulations.
- E. Platting. The property proposed for a planned unit development shall be platted in accordance with the City's Subdivision Regulations or provisions of this Article if there be irreconcilable conflict. The PUD zoning must be approved by the City Council prior to or simultaneously with the preliminary approval of a subdivision plat. In the event that the property has been platted prior to preparation of a plan of development, re-platting may be required to ensure the compatibility of the plat with the approved PUD zoning.
- F. Approval. For PUD, the approval process shall comply with procedures set forth in this Ordinance for a zoning amendment. Such approval process shall be initiated promptly after submission of a Development Plan by the applicant by taking appropriate steps to place the request for PUD zoning on the Planning Commission's agenda.

After holding a public hearing on the planned unit development, the Planning Commission shall prepare a report on the planned unit development and forward it to the City Council along with copies of the Development Plan and related documents.

Upon receipt of the Planning Commission's report, the Development Plan and related documents, the Council will proceed with its public hearing as required under this Ordinance and take appropriate actions to approve, amend, or disapprove the PUD zoning request.

- G. Certification. Following approval by the Planning Commission of the Development Plan, it shall be stamped as a PUD and be signed and dated by the Chairman of the Planning Commission, and the Council approval shall be certified by the City Clerk. One copy of the approved plan shall be submitted to the Building Officer for use in issuing building permits.
- H. Final Development Plan. Prior to the removal of natural vegetation, the restricting of the land, the construction of any improvements of the issuance of a building permit, a Final Development Plan shall be submitted to and approved by the Planning Commission. The Final Development Plan may be for all of phase of the development proposed under the approved PUD. Any deviation in the Final

Development from the approved Development Plan submitted for the PUD zoning shall require re-submittal of the Development Plan as an application for zoning amendment.

- (1) The Final Development Plan shall contain all of the information and documentation required by this Ordinance.
- (2) The Planning Commission shall transmit a copy of the Final Development Plan to such officials and agencies it may deem appropriate for review, report and recommendation. Such officials and agencies shall each within thirty (30) days from receiving the Final Development Plan, furnish to the Planning Commission a report pertinent to their respective jurisdiction and concerns.
- (3) The Planning Commission shall review and vote on the Final Development Plan within forty-five (45) days following the applicant's submission of the Final Development Plan to the Planning Commission. If disapproved, the Planning Commission shall prepare a written report stating clearly the reasons and justifications for disapproval and identify what changes are required for approval.
- (4) When the Final Development Plan has been approved by the Planning Commission, the Planning Commission shall so certify on the record copy of the approved Final Development Plan and maintain said certified copy in the records of the Planning Commission.
- (5) The approved Final Development Plan is not a subdivision plat. The subdivision Regulations shall be enforced with regard to the subdivision of land and the dedication of public improvements.

6-14-6 Development Plan Submission Requirements

In reviewing the required Development Plan at each stage (sketch, preliminary and final) of the approval process, the applicant for PUD zoning should be aware that the Planning Commission and City Council will be concerned about the following planning objectives, among others: compatibility of the proposed project with the existing and potential development of surrounding land; adequacy of existing and proposed utilities and other public facilities to serve the proposed development; nature, design and appropriateness of the proposed land use arrangement for the property involved; capability of the proposed project to accommodate vehicular and pedestrian traffic and provide safe and efficient access to the site from streets capable of supporting existing and projected traffic; and extent to which scenic assets and natural features such as trees, streams and topographic features are protected and preserved and to which open space is provided.

- A. Sketch Development Plan Submission Requirements. The Sketch Development Plan shall include a site plan and other documentation which provides the following:

The proposed title of the project, name of the owner(s), total acreage in the project area, north arrow and date.

Vicinity map showing the location of the project in relation to the surrounding community.

The use of the property adjacent to the site.

The delineation of proposed land use by specific category of use including the acreage and density of development for each specific category of land use in terms of dwelling units per acre for residential areas; the proposed height of structures; and anticipated building coverage and gross floor space for multi-family, commercial and industrial uses.

The proposed access to the project site and traffic circulation.

A proposed development schedule for the project. The location of proposed buffers and open space and commonly owned facilities.

The development shall be located in an area for which public utilities and facilities are available and adequate for the proposed land uses. However, the applicant may provide such facilities which are not presently available, and written assurance of how such utilities and facilities will be provided shall be included as part of the sketch development plan.

A written statement containing the following information:

- a. An explanation of the character of the planned unit development including characteristics and/or features that would justify modifications of the district regulations set forth in this Ordinance.
- b. A statement of the present ownership of all and included within the proposed planned unit development.
- c. The substance of proposed covenants and restrictions to be imposed on the use of land.
- d. A statement of how common open spaces or facilities will be owned and the method of financing their development and maintenance.

Other information that would assist in clarifying the nature of the proposed planned unit development.

B. Development Plan. The Development Plan shall include a site plan and documentation which provides the following:

- (1) A site plan at a scale not to be greater than one (1) inch equals twenty (20) feet nor less than one (1) inch equals two hundred (200) feet and of such accuracy that the Planning Commission can readily interpret the site plan. The site plan shall

- include more than one drawing where required for clarity. The site plan shall include at a minimum the following:
- a. The proposed title of the project, name of the owner(s), total acreage in the project area, north arrow and date.
 - b. Vicinity map showing the location of the project.
 - c. The boundaries of the property involved, the general location of all existing easements, section lines, and property lines, and other physical and natural features in or adjoining the project.
 - d. Names and addresses of all adjacent land owners.
 - e. The location and use of structures adjacent to the project site.
 - f. The delineation of proposed land use by specific category of land use including the acreage and density of development for each specific category of land use in terms of dwelling units per acre for residential areas; and building coverage and gross floor space for multi-family, institutional, commercial and industrial uses.
 - g. The location and dimensions of streets, driveways and walkways on and adjacent to the project site.
 - h. The proposed location, gross floor area and height of all structures.
 - i. The location, area and number of parking spaces and maneuvering areas.
 - j. The location and dimensions of proposed lots.
 - k. The location, size and character of all exterior signs and lighting.
 - l. The location and dimensions of proposed lots.
 - m. The location, character and extent of existing vegetation, proposed landscaping, retaining and screen walls and other treatment for the protection of adjoining property.
 - n. The location, layout, dimensions and use of all space, common space and common facilities.
 - o. Location and character of all public improvements including utilities.
 - p. Location of all entrances to the site.
- (2) The plan for treating environmentally sensitive land located in the project site (areas of flooding, severe slope, woodlands, wetlands, streams, lakes and ponds).
 - (3) A proposed development schedule indicating the approximate date when construction of the development, or stages thereof, can be expected to begin and be completed.
 - (4) If required by the Planning Commission or City Council, a comprehensive traffic analysis indicating the probable effect of the proposed development on traffic patterns and capacities of adjacent streets in the immediate area, prepared by a registered professional engineer.
 - (5) A copy of any deed restrictions or covenants to be recorded.
 - (6) The method of ownership for any common open spaces or facilities including the plan for financing their development and maintenance.
 - (7) The type of organization for any proposed property owners association including its duties and responsibilities.
 - (8) A fire protection plan, approved by the Notasulga Fire Department, indicating the location of all proposed fire hydrants, fire access lanes and a description of all fire protection measures and devices for structures.

- (9) The public improvements proposed in the Development Plan shall be conform with the design standards and construction specifications of the Notasulga Subdivision Regulations, except where variances are approved by the Planning Commission, and with all other applicable ordinances in respect to the design construction and guarantee of completion and maintenance of all required improvements including, but not limited to street, drainage, water supply, and sanitary sewer.
- C. Final Development Plan. The Final Development Plan shall provide the following:
- (1) The plans, information and documentation required by Section 1106.2 for the development plan.
 - (2) The construction drawings and specifications required under the Notasulga Subdivision Regulations. Said drawings and specifications are required for all public improvements regardless of whether the proposed development involves the platting of land.
 - (3) Instruments to be used in conveying title (including beneficial ownership) of common areas to a corporation association or other legal entity including terms for guarantee in: (1) the continued use of such land for the intended purposes; (2) continuity of property maintenance for those portions of the common area requiring maintenance; (3) when appropriate, the availability of funds required for such maintenance; (4) adequate insurance protection; (5) recovery for loss sustained by casualty or by condemnation; and (6) proof of the financial responsibility of the established entity to maintain the common area.

D. Deviations or changes in the plan

To facilitate minor adjustments to the approved Plan as may be required by engineering or other circumstances unforeseen at the time of zoning approval, the Building Official is authorized to approve alterations to the Final Development Plan which are considered incidental in scope.

Changes to the approved Final Development Plan which are considered incidental in scope include:

- (1) Changes in density, open space, land use or lot size of no more than five (5) percent.
- (2) Changes in the size of any building or structure by no more than five (5) percent.
- (3) Changes in the location of any building or structure by no more than five (5) feet in any direction.
- (4) All other changes in the Final Development Plan must be made under the procedures applicable to the initial approval of the Planned Unit Development District zoning for the Final Development Plan. The

Planning Commission reserves the right to require further review, public hearing or complete reapplication regarding any changes, including those listed above, that may substantially alter the concept of the Development as originally approved.

6-14-7 Failure to Start Construction

The construction of the PUD shall be started within three hundred sixty-five (365) consecutive days of the effective date of approval by the City council. The Planning Commission may, no sooner than sixty (60) days prior to the end of the time period, upon request of the applicant (developer), extend the time six (6) additional months if, in the judgment of the Planning Commission, additional time is warranted. In any event, construction must be started within one and one-half (1 ½) years of the effective date of approval and shall be completed within three (3) years, unless a different period of time is permitted by the City Council. Failure to begin the development within the one (1) year period, or the period as extended, or to complete the development within three (3) years after date of plan approval by the City Council, unless a different period of time is permitted by the City Council, shall automatically void the plan of development, and zoning shall automatically revert to the established zoning districts prior to the establishment of a PUD district. No building permit shall then be issued until the plan or an amended plan has been resubmitted and properly approved following procedures set forth in this Article.

6-14-8 PUD Application Fee

The application for PUD zoning shall be accompanied by a filing fee upon the submission of an application for rezoning, upon submission of the Development Plan required by the Ordinance, and upon submission of each application for Final Development Plan approval as set forth in the Town of Notasulga current fee schedule, a copy of which is available at the office of the City Clerk. No application for PUD zoning, for Development Plan review or for Final Development Plan approvals shall be reviewed unless and until all applicable fees have been paid in full.

6-14-9 Required Copies of Plans

The applicant shall provide the City with the following copies at each stage of the PUD approval process.

- (1) Six (6) copies of the Proposed Sketch Development Plan and attendant documents and information.
- (2) Six (6) copies of the Development Plan and attendant documents and information.

- (3) Six (6) copies of the Final Development Plan and attendant documents and information.

6-15 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:

Accommodate the need and demand for wireless communication services and facilitate the provision of wireless communication services to residents and businesses;
Provide for the appropriate location and development of wireless communication facilities within the town of Notasulga;
Protect the aesthetic integrity of the city 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;
Avoid potential damage to adjacent properties from tower failure through structural standards and setback requirements; and
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 antennas support structures needed to serve the city.

The regulations, standards and provisions set forth in this section 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. The requirements and standards set forth in this Section shall be used by the Board of Adjustment in the review of applications for a special exception by the Building Official prior to the issuance of a building permit.

6-15-2 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 it 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.
 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.

6-15-3 Use of Suitable Existing Towers or other Structures. Co-location shall be encouraged and preferred to new installation alternative; therefore, no new tower structure shall be permitted unless the applicant provides certified documentation

that demonstrates to the reasonable satisfaction of the Board of Adjustment when a special exception for location in a District is being requested and of the Building Official 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.

6-15-4 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.

6-15-5 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 Board of Adjustment 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.

6-15-6 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.

6-15-7 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 such revised 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 controlled 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.

- 6-15-8 Illumination Lighting. Towers shall not be artificially lighted, unless required by FAA or other applicable authority. If lighting is required, a review may be made of available lighting alternative 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.
- 6-15-9 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 building 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.
- 6-15-10 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.
- 6-15-11 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.

- 6-15-12 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.
- 6-15-13 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.
- 6-15-14 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.
- 6-15-15 Application Requirements (Site Plan Review). Each applicant requesting a special exception from the Board of Adjustment or the issuance of a building permit from the Building Official shall, in addition to submitting all information required in Article VII, Section 703 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 Notasulga area.
 - D. An inventory of its existing communication tower facilities in or within one-half (1/2) mile of the corporate limits, including specific information about the location, height and design of each tower. The City may share such information with others seeking to locate antennas with, provided however, that the City 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 Board of Adjustment or Building Official as necessary to determine compliance with this Article and approval of the application.

6-15-16 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 Notasulga 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 considered reasonably necessary in connection with the review of the application.

6-15-17 Temporary Communication Antenna. A temporary communication antenna may be allowed, upon approval of the Board of Adjustment, 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.

6-15-18 Abandonment (Removal of Abandoned Antennas and Towers). Prior to issuance of a building permit, the owner shall enter into an agreement with the City, to be approved by the City 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 City notifying the owner of such abandonment. If removal is not made within the ninety (90) day period, the City may remove such tower structure and antenna and the owner shall be liable for any cost incurred by the City in the removal of the abandoned communication support structure and antenna. If there is more than one users of a single tower or antenna, then this provision shall not become effective until all users cease using the antennas on the tower.

6-15-19 Camouflaged Structures. Camouflaged structures that resemble a natural object such as a tree or a man-made object such as a bell and clock towers or church steeple are encouraged.

ARTICLE VII

EXCEPTIONS AND MODIFICATIONS

Compliance with the requirements of this Ordinance is mandatory except that under the specific conditions enumerated in the following Sections, the requirements may be waived or modified as so stated.

Section 7-1. Existing 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 nonetheless be used as a building site, provided that lot requirements are not reduced below the minimum specified in this Ordinance by more than twenty percent (20%). If, however, the owner of two or more adjoining lots with insufficient land dimensions decides to build or to sell off these lots, he must first combine said lots to comply with the dimensional requirements of the Ordinance. Any lot requiring dimensional waivers below the twenty percent (20%) minimum set forth in this Section shall be approved by the Zoning Board of Adjustment providing that further decreased dimensional requirements shall conform as closely as possible to the required dimensions.

Section 7-2. Minimum Required Front Yard for Dwellings

The minimum required front yard requirements of this Ordinance for dwellings shall not apply on any lot where the average front yard of existing buildings located wholly or in part within one hundred (100) feet on each side of such lot within the same block and zoning district and fronting on the same side of the street is less than the minimum required front yard, but not less than the average of the front yards of the aforementioned existing buildings.

Section 7-3. Height Limitations

The height limitations contained in this Ordinance do not apply to spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys, elevator shaft enclosures, solar energy collectors, or other appurtenances usually required to be placed above the roof level and not intended for human occupancy. Although exempted from the height limitations, these structures should not significantly impair solar access of buildings or solar collector locations.

Section 7-4. Temporary Use Permits for Mobile Homes

In any Residential District, no more than one (1) mobile home may be permitted in a rear yard as an accessory use on a temporary basis provided the Zoning Board of Adjustments shall make a finding that a personal hardship situation exists (such as the

need to care for elderly parents or other dependents) which justifies a Special Exception of this nature. Temporary Use Permits shall be issued in such cases for one (1) year but may be renewed as long as the hardship continues to exist. All such mobile homes situated in rear yards must have access to Town water and sewer services or well and septic tank approved by the Health Department, and such mobile homes must be maintained in such a way as to create no nuisance conditions. Furthermore, if any such mobile home must be situated closer to the side or rear yard line than the required setback for the district involved, a Variance must be obtained from the Zoning Board of Adjustment.

Section 7-5. Group Development

In the case of a Group Development either residential, commercial, industrial, or institutional, consisting of one (1) or more structures designed for occupancy by three (3) or more families or two (2) or more businesses, firms, or uses, not subdivided, the developer shall submit to the Planning Commission for approval a site plan as required in Article IX, Section 9-4.

ARTICLE VIII

ZONING BOARD OF ADJUSTMENT

Section 8-1. Establishment of a Zoning Board of Adjustment

A Zoning Board of Adjustment is hereby established. Said Board shall consist of five (5) members, each to be appointed for a term of three (3) years by the Town Council, except that in the first instance, one member shall be appointed for a term of three (3) years, two for a term of two years, and two for a term of one year. Thereafter, each member appointed shall serve for a term of three years or until his successor is duly appointed. In addition to the five regular members provided for in this Section, two supernumerary members shall be appointed to serve on such board at the call of the chairman only in the absence of regular members and while so serving shall have and exercise the power and authority of regular members. Such supernumerary members shall be appointed to serve for three year terms and shall be eligible for reappointment. Each member may be removed for cause by the appointing authority upon written charges and after a public hearing.

- 8-1-1 Qualifications of Members. One member of the Board of Adjustment may be a member of the Planning Commission of the Town of Notasulga; other members of the Board of Adjustment shall not hold any other public position or office in the government of the Town of Notasulga. All members of the Board of Adjustment shall be electors of the Town of Notasulga.
- 8-1-2 Vacancies. Vacancies in Board membership shall be filled by appointment by the Town Council for the unexpired portion of the term of the member affected.
- 8-1-3 Removal. Members of the Board of Adjustment may be removed from office for cause by the appointing authority upon written charges and after a public hearing.

Section 8-2. Proceedings

- 8-2-1 Officers and Voting. The Board of Adjustment shall select a chairman and vice-chairman from among its members and may create such other offices as it may determine.
- 8-2-2 Rules of Procedure. The Board of Adjustment shall adopt rules of procedure necessary to its governance and the conduct of its affairs, in keeping with the applicable provisions of the Code of Alabama and this Zoning Ordinance. Such rules of procedure shall be in written form available to persons appearing before the Board and to the public.

8-2-3 Meetings. Meetings shall be held in public at the call of the Chairman and at such other times as the Board of Adjustment may determine. Meetings shall not be held without at least (24) hours notice to each member. The Board of Adjustment shall have the power to take testimony under oath and compel the attendance as witnesses.

8-2-4 Quorum; Minutes; Public Records. The Board of Adjustment shall keep minutes of its proceedings, showing the vote of each member (including the Chairman or Vice-Chairman) or if absent or failing to vote indicating such fact. The Board shall keep records of its examinations and other official actions, all of which shall be a public record and be filed immediately in the Office of the Board.

Persons appearing before the Board shall have no right of challenge of any Board member; provided, this provision shall not prohibit any person appearing before the Board from placing in the record a statement alleging bias and requesting disqualification for bias of any member or alternate member.

A quorum for the transaction of business shall consist of four members; provided that the concurring vote of four members of the Board shall be necessary to reverse any order, requirement, decision, or determination of the Administrative Officer, or to decide in favor of the applicant on any matter upon which it is required to pass under this Ordinance or to effect any variation in this Ordinance.

8-2-5 Disqualification of Members. If any member of the Board of Adjustment shall find that his private or personal interests are involved in the matter coming before the Board, he shall disqualify himself from all participation in that case; or he may be disqualified by the votes of four (4) members of the Board, not including the member about whom the question of disqualification has been raised. No member of the Board of Adjustment shall appear before the Planning Commission or Town Council as agent or attorney for any person.

Section 8-3. Hearings; Appeals; Notice

Appeals to the Board of Adjustment concerning interpretation or administration of the Zoning Ordinance or for Variance under this Zoning Ordinance may be taken by any person aggrieved or by any officer, board, or bureau of the Town of Notasulga affected by any decision of the Administrative Officer. Such appeals shall be taken within a reasonable time, not to exceed thirty (30) days. The Administrative Officer shall forthwith transmit to the Board all papers constituting the record upon which the action appealed from was taken.

The Board of Adjustment shall fix a reasonable time for the hearing of the appeal, give public notice thereof as well as due notice to the parties in interest, and decide the same within a reasonable time.

An appeal stays all proceedings in furtherance of the action appealed from, unless the Administrative Officer certifies to the Board of Adjustment after the notice of appeal shall have been filed with him, that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril of life and property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Adjustment or by a court of record on application, on notice to the Administrative Officer and due cause shown.

Section 8-4. Powers and Duties of the Zoning Board of Adjustment

The Zoning Board of Adjustment shall have the following powers and duties:

8-4-1 Administrative Review. To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the Administrative Officer in the enforcement of this Ordinance. In exercising the above mentioned powers, the Board of Adjustment may, so long as such action is in conformity with the terms of this Zoning 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 the power of the Administrative Officer from whom the appeal is taken.

8-4-2 Variances. To authorize upon appeal in specific cases such Variance from the terms of this Ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of the Ordinance will, in an individual case, result in practical difficulty or unnecessary hardship, so that the spirit of the ordinance shall be observed, public safety and welfare secured, and substantial justice done. A Variance from the terms of this Zoning Ordinance shall not be granted by the Board of Adjustment unless and until:

1. Written Petition. A written petition for a Variance is submitted demonstrating that:
 - (a) Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures or buildings in the same zoning district;
 - (b) The special conditions and circumstances do not result from the actions of the applicant;
 - (c) Literal interpretation of the provisions of this Zoning Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of

this Zoning Ordinance and would work unnecessary and undue hardship on the applicant;

- (d) The Variance, if granted, is the minimum Variance that will make possible the reasonable use of the land, building or structure;
 - (e) Granting the Variance requested will not confer on the applicant any special privilege that is denied by this Zoning Ordinance to other lands, buildings, or structures in the same zoning district;
 - (f) The grant of the Variance requested will be in harmony with the general intent and purpose of this Zoning Ordinance, will not be injurious to the neighborhood, or otherwise detrimental to the public welfare;
 - (g) The Variance is not a request to permit a use of land, building or structure which is not permitted in the district involved.
2. Findings. The Board of Adjustment shall make findings that the requirements of Subsection 8-4-2, 1. (A-G) have or have not been demonstrated by the applicant for Variance.

No non-conforming use of neighboring lands, structures, or buildings in the same district and no permitted use of lands, structures, or buildings in other districts shall be considered grounds for the issuance of a Variance.

3. Conditions and Safeguards. In granting any Variance, the Board of Adjustment may prescribe appropriate conditions and safeguards in conformity with the Zoning Ordinance including but not limited to reasonable time limits within which Variance is required shall be initiated or completed or both. Violation of such conditions and safeguards when made a part of the terms under which the Variance is granted shall be deemed a violation of this Zoning Ordinance.

8-4-3 Special Exceptions; Conditions Governing Applications; Procedure. The Board of Adjustment is empowered to hear and decide only such Special Exceptions as it is specifically authorized to pass on by the terms of this Zoning Ordinance, to decide such questions as are involved in determining whether or not a Special Exception should be granted; to grant a Special Exception with such conditions and safeguards as are reasonable and appropriate under this Zoning Ordinance; or to deny Special Exception when not in harmony with the purpose and intent of this Zoning

Ordinance. A Special Exception shall not be granted by the Board of Adjustments unless and until:

1. **Written Application.** Written application for Special Exception is submitted indicating the Section of the Zoning Ordinance under which the Special Exception is sought and stating the grounds on which it is requested.
2. **Fee.** A fee of twenty-five dollars (\$25.00) shall be paid to the Town Clerk to cover the cost and expense of the application to the Board of Adjustment. In addition, the applicant shall submit with each application a list of names and addresses of all record property owners adjacent to the exterior boundary of the subject property. Said list shall be current and certified by a professional engineer, an attorney, a registered surveyor, or a bonded abstractor.
3. **Notice of Public Hearing.** Upon receipt of said written application, fee, and list, notice of public hearing shall be given in accordance with Section 10-4 of this Zoning Ordinance. In addition, notice of public hearing shall be given by mailing written notice by the Chairman of said Board to all owners of adjacent property. Such notice shall contain:
 - (a) Legal description of the property and the street address or approximate location of the Town of Notasulga;
 - (b) Present zoning classification of the property and the nature of the Special Exception requested;
 - (c) Date, time, and place of hearing.Said written notice shall be mailed not less than two (2) weeks before the meeting of the Board. A copy of the published notice may be mailed in lieu of written notice.
4. **Public Hearing.** The public hearing shall be held by the Zoning Board of Adjustment. Any party may appear by agent or attorney.
5. **Findings.** Before any Special Exception shall be issued, the Zoning Board of Adjustment shall make a specific finding that it is empowered under the Section of this Zoning Ordinance to grant the Special Exception and the

Special Exception will not adversely affect the public interest. Before any Special Exception shall be issued, the Zoning Board of Adjustment shall further make a determination that the specific rules governing the individual Special Exception, if any, have been met by the petitioner and that satisfactory provision and arrangement has been made concerning the following where applicable:

- (a) Satisfactory ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control;
 - (b) Provision of offstreet parking and loading areas where required, with particular attention to the items in (a) above and the economic, noise, glare, and odorous effects of the Special Exception on adjoining properties in the area;
 - (c) Utilities, with reference to locations, availability and compatibility;
 - (d) Buffering with reference to type, location, and dimensions;
 - (e) Signs, if any and proposed exterior lighting with reference to glare, traffic safety, economic effect, and compatibility and harmony with properties in the district;
 - (f) Location, use, plan elevations and dimensions of each building or structure to be constructed;
 - (g) The location, dimensions, and arrangement of all open space, yards, access ways, entrances, exits, offstreet parking facilities, pedestrian ways, location and width of roads, streets and sidewalks;
 - (h) General compatibility with adjacent properties and other property in the district.
6. Conditions and Safeguards. In granting any Special Exception, the Board of Adjustment may prescribe appropriate conditions and safeguards in conformity with the Zoning Ordinance. Violation of such conditions and safeguards, when made a part of the terms under which

the Special Exception is granted, shall be deemed a violation of this Zoning Ordinance and punishable as provided under Article X of this Ordinance. The Zoning Board of Adjustment shall prescribe a time limit within which the action for which the Special Exception is required shall be initiated or completed, or both. Failure to begin or complete, or both, such action within the time limit set shall void the Special Exception.

7. Denial. If the Zoning Board of Adjustment shall deny a Special Exception, it shall state in its record its reasons for doing so. Such reason shall take into account the factors stated in Subsection (5) above, or such of them as may be applicable to the action of denial, and the particular relating to the Special Exception requested, if any.

Section 8-5. Appeals from Decisions of Zoning Board of Adjustment

Any person or persons, aggrieved by any decision of the Zoning Board of Adjustment may, within fifteen (15) days thereafter, appeal the decision to the circuit court by filing with the Zoning Board of Adjustment a written notice of appeal specifying the judgment shall take action as provided at Title 11, Chapter 52, Article 4, Section 11-52-81 of the Code of Alabama (recompiled 1975), as said provisions may be amended or superseded.

ARTICLE IX

ADMINISTRATION AND ENFORCEMENT: BUILDING PERMITS AND DEVELOPMENT PLANS

Section 9-1. Administrative Officer

The provisions of this Ordinance shall be administered and enforced by an Administrative Officer appointed by the Town Council. This official shall have the right to enter upon any premises at any reasonable time prior to the issuance of a Certificate of Occupancy for the purpose of making inspections of buildings or premises necessary in carrying out his duties in the enforcement of this Ordinance.

If the Administrative Officer shall find that any of the provisions of this Ordinance are being violated, he shall notify in writing the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it. He shall order discontinuance of illegal use of land, buildings, or structures; removal of illegal additions, alterations, or structural changes; discontinuance of any illegal work being done; or shall take any other action authorized by this Ordinance to ensure compliance with or to prevent violation of its provisions.

Section 9-2. Building Permit

It shall be unlawful to commence the excavation for the construction of any building or other structure, including accessory structures or to store building materials or erect temporary field offices, or to commence the moving, alteration, or repair (except repairs not changing the character of the structure and not involving Southern Standard Building Code Enforcement) of any structure without a Building Permit issued by the Administrative Officer.

All applicants for Building Permits shall be accompanied by a fee according to a fee schedule currently in use by the Town and by plot and construction plans in duplicate drawn to scale which indicate the following:

- (a) The shape and dimensions of the lot on which the proposed building or use is to be erected or constructed;
- (b) The location of said lot with respect to adjacent rights-of-way;
- (c) The shape, dimensions, and location of all buildings, existing and proposed on the said lot;
- (d) The nature of the proposed use of the buildings or land including the extent and location of the use on the said lot and existing zoning;

- (e) The location and dimensions of offstreet parking and means of ingress and egress to such space;
- (f) Any other information which the Administrative Officer may deem necessary for consideration enforcing the provisions of this Ordinance.

One (1) copy of the plans shall be returned to the applicant by the Administrative Officer after he shall have marked such copy either as approved or disapproved and attested to same by his signature on such copy. The original and one (1) copy of the plans similarly marked shall be retained by the Administrative Officer.

If the proposed excavation, construction, moving or alterations as set forth in the application are in conformity with the provisions of this Ordinance, the Administrative Officer of the Town shall issue a Building Permit accordingly. If an application for a Building Permit is not approved, the Administrative Officer shall state in writing on the application the cause for such disapproval. Issuance of a Building Permit shall in no case be construed as waiving any provision of this Ordinance.

- 9-2-1 Expiration of Building Permit. If the work described in any Building Permit has not begun within six (6) months from the date of issuance thereof, said Permit shall expire; it shall be canceled by the Administrative Officer and written notice thereof shall be given to the person affected.

If the work described in any Building Permit has not been substantially completed within two (2) years of the date of issuance thereof, said Permit shall expire and be canceled by the Administrative Officer and written notice thereof shall be given to the persons affected, together with notice that further work as described in the canceled Permit shall not proceed unless and until a new Building Permit has been obtained.

- 9-2-2 Zoning Action on Building Permits. The Administrative Office shall be responsible for determining whether applications for Building Permits are in accord with the requirements of this Zoning Ordinance, and no Building Permit shall be issued without written certification that plans submitted conform to applicable zoning regulations. No Building Permit shall be issued by the Administrative Officer except in conformity with the provisions of this Zoning Ordinance, unless he shall receive a written order in the form of an interpretation, Special Exception, or Variance as provided by this Zoning Ordinance, or unless he shall receive a written order from a court of competent jurisdiction.

- 9-2-3 Construction and Use to be as Provided in Applications: Status of Building Permit Issued in Error. Building Permits issued on the basis of plans and specifications approved by the Administrative Office authorize

only the use, arrangement, and construction set forth in such approved plans and applications, and no other use, arrangement, or construction. Use, arrangement, or construction different from that authorized shall be deemed a violation of this Zoning Ordinance and punishable as set out in this Zoning Ordinance, Article XI.

Statements made by the applicant on the Building Permit application shall be deemed official statements. Approval of an application by the Administrative Officer shall in no way exempt the applicant from strict observance of applicable provisions of this Zoning Ordinance and all other applicable regulations, ordinances, codes, and laws.

A Building Permit issued in error shall not confer any rights or privileges to the applicant to proceed to construction.

Section 9-3. Certificate of Occupancy Required

No land or building or other structure or part thereof hereafter erected, moved or altered in its use shall be used until the Administrative Officer of the Town shall have issued a Certificate of Occupancy stating that such land or structure or part thereof is found to be in conformity with the provisions of this Ordinance.

Within three (3) days after the owner or his agent has notified the Administrative Officer of the Town that a building or premises or part thereof is ready for occupancy or use, it shall be the duty of the Administrative Officer of the Town to make a final inspection thereof, and to issue a Certificate of Occupancy if the building or premises or part thereof is found to conform with the provisions of this Ordinance; if such certificate is refused, to state the refusal in writing with the case. If the Certificate of Occupancy is denied, the applicant may appeal the action of the Administrative Officer to the Zoning Board of Adjustment.

Section 9-4. Site Plan Review and Approval

It is recognized by this Ordinance that there is a value to the public in establishing safe and convenient traffic movement to higher density sites, both within the site and in relation to access streets; that there is value in encouraging a harmonious relationship of buildings and uses both within a site and in relation to adjacent uses; further, that there are benefits to the public in conserving natural resources. Toward this end, this Ordinance requires site plan review by the Planning Commission for certain buildings and structures that can be expected to have a significant impact on natural resources, traffic patterns, and on adjacent land usage.

- 9-4-1 Buildings, Structures, and Uses Requiring a Site Plan. The Administrative Officer shall not issue a Building Permit or Certificate of Occupancy for the construction of the buildings and structure identified in this Section unless a detailed site plan has been reviewed and approved by the

Planning Commission and such review and approval is in effect for the following uses:

- (a) Mobile home parks;
- (b) Patio Garden homes; Townhouses;
- (c) Condominiums;
- (d) Any gasoline service station abutting any Residential District;
- (e) Any Group Development including residential, commercial, industrial, or institutional;
- (f) Any planned shopping center.

9-4-2 Application for Site Plan Review. Any person may file a request for a site plan review by the Planning Commission, by filing with the Administrative Officer the completed application upon the forms furnished by the Administrative Officer. As an integral part of said application, the applicant shall file at least four (4) copies of a site plan. The site plan shall be submitted to the Administrative Officer not less than fifteen (15) days prior to the public meeting of the Planning Commission at which the application for site plan approval is to be considered.

9-4-3 Planning Commission Review of Site Plan. Upon receipt of such application from the Administrative Officer, the Planning Commission shall undertake a study of the same and shall, within thirty (30) days, approve or disapprove such site plan, advising the applicant in writing of the recommendation, including any changes or modifications in the proposed site plan as are needed to achieve conformity to the standards specified in this Ordinance.

No public notice and hearing is required for site plan consideration by the Planning Commission, but such matters shall be handled in a public session, as part of a previously prepared agenda. All matters relating to Planning Commission consideration of site plans shall be a public record and approval shall require formal action of the Planning Commission.

9-4-4 Required Date for Detailed Site Plan. Every site plan submitted to the Planning Commission shall be in accordance with the following requirements:

- (a) The site plan shall be of a scale not to be greater than one (1) inch equals twenty (20) feet nor less than one (1) inch equals two hundred (200) feet and of such accuracy that the Planning Commission can readily interpret the site plan and shall include more than one drawing where required for clarity.

- (b) The proposed title of the project and the name of the owners, engineer, architect, designer, or landscape architect of the development, north arrow and date.
- (c) Vicinity map showing the location of the project in relation to the surrounding community.
- (d) Existing zoning and zoning district boundaries. In the case of a Special Exception, approved by the Zoning Board of Adjustment, any appropriate conditions and safeguards imposed by the Board shall also be indicated on the site plan.
- (e) The boundaries of the property involved, the general location of all existing easements, section lines, and property lines, and other physical and natural features in or adjoining the project.