

Town of Shorter Zoning Ordinance



October 11, 2007

ZONING ORDINANCE
TOWN OF
SHORTER, ALABAMA

Adopted October 11, 2007

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ZONING ORDINANCE OF THE
TOWN OF SHORTER, ALABAMA

PREAMBLE

AN ORDINANCE, IN PURSUANCE OF THE AUTHORITY GRANTED BY VOLUME 10, TITLE 11, CHAPTER 52, ARTICLE 4, CODE OF ALABAMA 1975, AS AMENDED AND SUPPLANTED BY ALL APPLICABLE LAWS TO PROVIDE FOR THE ESTABLISHMENT OF DISTRICTS WITHIN THE CORPORATE LIMITS OF SHORTER, ALABAMA: TO REGULATE WITHIN SUCH DISTRICTS THE HEIGHT, NUMBER OF STORIES, AND SIZE OF BUILDINGS AND OTHER STRUCTURES, THE PERCENTAGE OF LOTS THAT MAY BE OCCUPIED, THE SIZE OF YARDS AND OTHER OPEN SPACES, THE DENSITY OF POPULATION AND THE USE OF BUILDINGS, STRUCTURES AND LAND: TO REPEAL ALL EXISTING ZONING ORDINANCES AND TO PROVIDE METHODS OF ADMINISTRATION OF THIS ORDINANCE AND PENALTIES FOR THE VIOLATION THEREOF.

THE PUBLIC WELFARE REQUIRING IT, be it ordained by the Town Council of the Town of Shorter, Alabama, as follows:

ARTICLE I

SHORT TITLE

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

ARTICLE II

DEFINITIONS

2.1 Definitions Applicable to This Ordinance

For the purpose of this ordinance words in the present tense include the future, the singular number includes the plural, and plural the singular. Words and terms are defined as follows:

Accessory Structure or Use: A structure which is subordinate to and serves the principal building or principal use; is subordinate in area, extent, or purpose to the principal use served; contributes to the comfort, convenience, or necessity of occupants of the Principal building or principal use served; and is located on the same zoning lot as the principal building or principal use served, with the single exception of such accessory off-street parking facilities as are permitted to locate elsewhere than on the same zoning lot with the building or use served.

Accessory Use: A use customarily incidental and subordinate to the principal use of buildings and located on the same lot with such principal use or building.

Agricultural Industry: Industrial land uses directly related to agricultural production, processing, mineral or natural resource extraction or harvesting.

Alteration and Altered: The word "Alteration" shall include any of the following: Any addition to the height or depth of a building or structure; Any change in the location of any of the exterior walls of a building or structure; and c. Any change in the interior accommodations of a building or structure.

In addition to the foregoing, a building or structure shall be classified as altered when it is repaired, renovated, remodeled, or rebuilt at a cost in excess of fifty percent (50%) of its value prior to the commencement of such repairs, renovation, remodeling or rebuilding.

AMHC: The Alabama Manufactured Home Commission or its successor.

ANSI: The American National Standards Institute or its successor.

Antennas and/or Aerials: Usually a metallic structure or device (as a dish, rod, or wires) for radiating or receiving radio and television transmission waves whether conventional or by satellite, for the purpose of carrying, magnifying and transferring the signal into or from the interior of buildings.

Apartment: A building which is used as a residence for three (3) or more families living in a common building.

ASTM: The American Society of Testing of Materials or its successor.

Awning: A shelter attached to, and hanging from a vertical surface of a building without any

other support from the ground.

Block: The word block as herein used shall be construed to be that portion on either side of the street considered, upon which the building is proposed, bounded by the nearest intersecting streets.

Boarding House: A building other than a hotel, cafe, or restaurant where, for compensation, meals are provided for three (3) or more persons.

Building: Any structure having a roof supported by columns or walls, including tents, lunch wagons, dining cars, trailers, and similar structures either stationary or moving.

Building Area: The portion of the lot occupied by the main building including porches, carports, accessory buildings, and other structures.

Building Line: A line showing the nearest distance to the street property line or lines that it is permissible to build a structure, either to be in compliance with this chapter, or in compliance with a plat, deed, or private contract.

Building Official: Such person or persons designated by the Town Council to administer and enforce this Ordinance.

Building Permit: Written authorization issued by the Town Building Official permitting the construction, repair, alteration, moving of, extension, or renovation to a building or other structure. Building permits can also be issued to authorize structural, electrical, HVAC, plumbing, or wrecking work. A building permit is specific to the building project described in the application.

Civic Core: Land uses including public and related uses arranged in a planned complex.

Condominium: A multi-unit dwelling or group of multi-unit dwellings; each of whose residents, known as unit owners, enjoy exclusive ownership of an individual apartment or dwelling unit holding fee simple title thereto, while retaining an undivided interest, as a tenant in common, in the common facilities and areas of the building or buildings and grounds which are used by all the residents.

Conservation Subdivision: A subdivision of principally residential and related uses, authorized by and approved by the Planning Commission, specifically clustering lots and structures so as to conserve designated natural resources on a property.

County: For the purposes of this Ordinance, "County" shall refer to Macon County, Alabama.

Driveway: A minor private way used by vehicles for access from any public way to a private or public site or lot.

Dry Cleaners, Small: Cleaning plants using non-flammable, non-explosive type cleaning solvent;

occupying not more than one thousand five hundred (1,500) square feet of floor space; operating not more than two (2) delivery and pickup trucks; and employing not more than four (4) persons, exclusive of sales clerks and truck drivers.

Dry Cleaners. Large: Cleaning plants occupying more than one thousand five hundred (1,500) square feet of floor space, and employing more than four (4) persons exclusive of sales clerks and truck drivers.

Dwelling: A house or other building used primarily as an abode for one (1) or two (2) families except that the word "dwelling" shall not include boarding or rooming houses, tents, tourist

Dwelling - One Family: A dwelling containing only one (1) dwelling unit.

Dwelling - Two Family - A dwelling containing two (2) dwelling units.

Dwelling - Multi-Family: Any dwelling containing at least three (3), but not more than four (4) dwelling units, excluding row dwelling.

Dwelling Unit: A building or a portion thereof, designed for and occupied by one (1) family for living and sleeping purposes with kitchen facilities for the exclusive use of the one (1) family.

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

Easement: A grant by a property owner to the use of land by the public, a corporation, or persons for specific purposes or to gain access to another property. For example, utility companies often have easements on the private property of individuals to be able to install and maintain utility facilities.

Garage, Commercial: A building or portion thereof used for equipping, servicing, repairing, rental, selling and/or storing self-propelled motor vehicles. Gasoline, oil, grease, batteries, tires and motor vehicles accessories may be supplied and dispensed at retail.

Gateway Business: Commercial land uses especially suited for properties adjacent to or near major interchange or highway intersections.

Family: Any number of individuals living together as a single housekeeping unit, and doing their cooking on premises.

Highway Business: Commercial business land uses including highway related retail sales and service.

Highway Engineer: registered engineer employed by the Town, County, State or private consulting engineer.

HVAC: Heating, Ventilation, and Air Conditioning.

Home Occupation: A use conducted entirely within a dwelling and carried on solely by the inhabitant thereof, using no more than twenty-five (25%) of total floor area, and which use is clearly incidental and secondary to the use of the dwelling purposes, and does not change the character thereof, and in which any signs advertising said home occupation are limited to one (1) sign, not over two (2) square feet in area, and also in which there is no public display of goods. Examples of home occupation are: dressmaking, the taking of boarders and the leasing or renting of rooms, tutoring, and teaching the fine arts. A home occupation shall not include beauty parlor, furniture upholstering, garage and office for any professional or business use.

Homesite: A lot used as or intended for use as the location of a residential building or dwelling.

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

Industrial Park: An arrangement of manufacturing, distribution or light industrial land uses in accordance with a plan approved by the Planning Commission.

Intermodal Transportation: For purposes of this ordinance, industrial and related services directly associated with the intermodal exchange of goods and materials for distribution.

Junk Yard: Place, structure or lot where junk, waste, discarded salvaged, or similar materials such as old metals, wood, slush, lumber, glass, paper, rags, cloth, braggings, cordage, barrels, containers, etc. are bought, sold, exchanged, baled, packed, disassembled, or handled, including auto wrecking yards, used lumber yards, house-wrecking yards, and yards or places for storage or handling of salvaged house wrecking and structural steel materials. This definition shall not include pawnshops and establishments for the sale, purchase, or storage of usable, and mechanically functional, second hand cars, salvaged machinery, used furniture, radios, stoves, refrigerators or similar household goods and appliances.

Kitchen Facilities: A portion of a building used for the preparation of meals, and for the purpose of this Ordinance shall include a sink or similar fixture for washing dishes.

Landscaping: Planting of areas associated with site development.

Legal Non-conforming Structure: Any structure which was lawfully erected or altered in conformity with all applicable municipal ordinances, or through variance granted by the Board of Adjustment and Appeals but which structure does not comply with all provisions this Ordinance established for structures in the district in which the same is located.

Legal Non-conforming Use: A use which, on the effective date of this Ordinance, was lawfully operated in accordance with the provisions of any prior Zoning Ordinance, or through variance granted by the Board of Adjustment and Appeals, but which use is not a permitted use as established by this Ordinance in the district in which the use is located.

Lighting: Principally that lighting associated with site development.

Living Quarters: Houses providing facilities for sleeping and bathing.

Lot: A piece, parcel, or lot of land occupied or intended to be occupied by one (1) main building, accessory building, uses customarily incidental to such main buildings and such open spaces as are provided in this Ordinance, or as are intended to be used with such piece, parcel or plot of land. Two (2) or more platted lots may be combined to create lot as defined herein.

Manufactured Home: A structure, transportable in one (1) or more sections which is built on a permanent chassis, and designed to be used as a dwelling with a foundation, when connected to the required utilities, and includes plumbing, heating, HVAC, and electrical systems therein. Any structure shall be deemed a manufactured home whether or not the wheels have been removed there from and whether or not resting on temporary or permanent foundations. Parked, camping-type trailers, whether occupied or unoccupied, shall not be considered manufactured homes.

Manufactured Home Installation: The sitting, placing; or anchoring of a manufactured home to land, upon footings, piers or foundations, or the connecting of the home to public or private utilities.

Manufactured Home Installer: Any person who sites, anchors, places, connects, sets up, or installs a manufactured home upon land, footings, piers or foundations.

Manufactured Home Park: A contiguous tract of land under unified control which has been developed with all necessary facilities and services in accordance with a development plan meeting all the requirements of this Ordinance, which is intended for the express purpose of providing a satisfying living environment for manufactured home residents on a long term occupancy basis.

Manufactured Home Subdivision: A tract of land with individually owned lots, which has been developed with all necessary facilities and services in accordance with a development plan meeting all the requirements of this Ordinance and Subdivision Regulations of the Town of Shorter, which is intended for the expressed purpose of providing a satisfying living environment for manufactured home residences on a long term occupancy basis.

Mixed Use/Town Center: Special arrangement of commercial, residential and other land uses allowed in designated town center.

Mixed Use Development: Arrangement of commercial, residential or other land uses according to a plan approved by the Planning Commission.

Mobile Home: A manufactured home constructed prior to June 15, 1976.

Modular Home: A factory fabricated transportable dwelling unit constructed by the assembly of two (2) or more pre-manufactured units, sections, or modules designed to be situated upon a permanent foundation, thereby creating a permanent residence which shall comply with all provisions as set forth in Article VI General Provisions, and Article VII District Regulations of this Ordinance; the Southern Building Code; and any State, County, or Town code, laws, or regulations that may apply either pursuant to or created and adopted after the adoption of this Ordinance.

The Shorter Building Official will allow these units only after construction inspection and approval.

Motor Court A building or group of building containing one (1) or more guest rooms having separate outside entrances for each such room or suite of rooms, and for which rooms or suites of rooms automobile parking space in provided.

NFPA The National Fire Protection Association or its successor.

Non-Conforming Use: A use of any structure or land which does not conform with the provisions of this Ordinance or any subsequent amendments thereto for the district in which it is located.

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

Office Complex A group of not less than four (4) nor more then twelve (12) offices connected by party walls.

Office and Institutional: For purposes of this ordinance, professional, administrator or public or private institutions, schools, churches, etc.

Office and Institutional Research Park: Professional office. Administrative, public or private institutions or special university or corporate research arranged in accordance with a plan approved by the Planning Commission.

Parking Space: The space necessary to park an automobile. Not less than an area nine (9) feet wide by eighteen (18) feet long shall be provided for each parking space, and all parking spaces required shall be provided with necessary lanes and maneuvering areas.

Patio-Garden Home (PGH): A single family dwelling located on its a n lot, having only one (1) side yard required or two (2) single family dwelling connected by a firewall as required by the Building Code with only one (1) side yard required per dwelling, with six hundred (600) square feet of court yard, patio or open space provided per dwelling, or as otherwise stated in this Ordinance.

Person: Any individual, firm, trust, partnership, public or private association, or corporation.

Pier. The portion of a manufactured home support system between the top of the footing and the bottom of the pier cap.

Pier Cap: A concrete or wood plate placed on top of the highest open cellblock of the pier:

Pier Footing or Foundation: The structural support pad that a pier is placed upon.

Planned Unit Development (PUD): For the purposes of this Ordinance a Planned Unit Development is defined as: Land under unified control, planned and developed as a whole in a single development operation or a definitely programmed series of development operations, including all lands and buildings; and Consisting of not less than five (5) contiguous acres of land; and Developed primarily for residential uses, with such other uses as may be permitted upon approval of the Planning Commission.

Plot Plan: A drawing or blueprint that depicts how a building sits on the building lot. For the purposes of this Ordinance, the plot plan may include the depiction of setbacks, easements, rights of way; driveways, septic tanks, drainage, and other items not specifically mentioned in this definition.

Recreational Vehicle: For the purposes of this Ordinance, a recreational vehicle shall consist of any of the following as herein defined:

- a. A travel trailer is a vehicular portable structure mounted on wheels, of such size or weight as not to require special highway movement permits when drawn by a stock passenger automobile; primarily designed and constructed to provide temporary living quarters for recreation, camping, or travel use.
- b. A camping trailer is a vehicular portable structure mounted on wheels, constructed with collapsible partial side walls of fabric, plastic, or other pliable material for folding compactly while being drawn by another vehicle, and when unfolded at the site or location, providing temporary living quarters; and whose primary design is for recreation, camping, or travel use.
- c. A truck camper is a portable structure designed to be loaded onto, or affixed to, the bed or chassis of a truck, constructed to provide temporary living quarters; and whose primary design is for recreation, camping, or travel use.
- d. A motor home is a structure built on and made an integral part of a self-propelled motor vehicle chassis other than a passenger car, primarily designed to provide temporary living quarters for recreation, camping and travel.
- e. A boat is any recreational vehicle designed or intended for operation on water. Boats and trailers to transport the same shall be considered a recreational vehicle, and subject to the same requirements and restrictions applying to other recreational vehicles.

Rooming House: Any building or portion thereof which contains not less than three (3) or 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.

Road-Side Stand: A structure for display and sale of products, with no space for customers within the structure itself.

Rural Residential: For purposes of this ordinance, an arrangement of residential dwellings in estate subdivisions or single-family dwellings or multi-acre non-working farms.

Self-Service Laundry: A structure containing washing machines, usually drying machines, and dry cleaning machines which are coin-operated by the customer. It may or may not have an attendant.

Semi-Public Buildings: Structures for the use of a group the membership of which is open to the public, such as churches, YMCA and YWCA facilities, private schools, hospitals and nursing

homes, colleges and health clubs, country clubs, tennis clubs, etc.; but not including profit-making organizations.

Service Station, Automobile: Any building or land used for retail sale and dispensing of automobile fuels or oils; may furnish supplies, equipment and minor services to private passenger vehicles incidental to sale and dispensing of automobile fuels or oils.

Setback: The minimum distance by which any building or structure must be separated from a road, a right of way, or neighboring lots, buildings, or structures.

Sign: Any material, structure, or device or part thereof composed of letters or pictorial matter or upon which lettered or pictorial matter is placed when used or located out of doors or outside or on the exterior of any building for display of an advertisement, announcement, notice, directional matter or name, including but not limited to: sign frames, billboards, signboards, painted wall signs, illuminated signs, lettering devices, projecting signs, window or ground signs, and any announcement, declaration, demonstration, display illustration or insignia used to advertise or promote the interests of any person or business when such display is placed in view of the general public.

Skirting: A durable material used to enclose the space from the bottom of a manufactured home to grade.

State: For the purposes of this Ordinance, "State" shall refer to the State of Alabama.

Special Business and Entertainment: Land uses specifically including gaming and other special entertainment business.

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

Streets or Roads: Any public or private way set aside for common travel and affording a means of access to abutting property.

Structure: Anything constructed or erected which required location on the ground or attached to something having a location on the ground, including among other things, signs, billboards, fences, walls and satellite television and radio antennas, but not including telephone poles, overhead wires, wire fences and other fences less than three (3) feet high, retaining wall or terraces.

Travel Trailer Park: A tract of land under unified ownership which has developed with all necessary facilities and services in accordance with a development plan meeting all the requirements of this Ordinance, and which is intended for the express purpose of providing a satisfactory living environment for travel trailer residents on a temporary basis.

Town: For the purposes of this Ordinance, "Town" shall refer to the Town of Shorter, Alabama.

Town Council: The legislative governing body of the Town of Shorter, Alabama.

Townhouse (TH): A single-family residential building attached to a series of other single-family residential buildings by not more than two (2) party walls with no openings. Each townhouse has separate access to the outside, and the major orientation of each townhouse is vertical rather than horizontal. Townhouses shall be built in groups of not less than four (4); nor more than twelve (12) townhouses connected by party walls. As used herein, "townhouse" refers to single-family residential buildings, (whatever their configuration, and platted on individual lots) as described above, intended for sale to individuals or families, and not be residential units intended for rental purposes. The lots, utilities, and other improvements for each townhouse are designed to permit individual and separate ownership of such lots and dwelling units.

Townhouse Complex: For the purposes of this Ordinance, a group of not less than four (4), nor more than twelve (12) townhouses connected by party walls.

Traffic Analysis: As used in the Ordinance, the term traffic analysis shall be deemed to consist of the following:

The current capacities of existing streets adjacent to the development; and
Current traffic counts on these streets; and Information required in (a.) and (b.) above shall be limited to the information which is available to the developer from Town, County, and State agencies.

Traditional Neighborhood: For the purposes of this ordinance, an arrangement of uses in a lot and block grid system, primarily residential.

Uses: The purpose for which land, a building, or other structure is designed, arranged, or intended, or for which it is or may be occupied or maintained.

Variance: A relaxation of the terms of this Ordinance where such relaxation will not be contrary to the public interest and where, owing to conditions peculiar to the property, and not the result of the action of the applicant, a literal enforcement of this Ordinance would result in unnecessary and undue hardship. As used in this Ordinance, a variance is authorized only for those uses detailed in Article VII of this Ordinance.

Yard: An open space on the lot with the main building left open, unoccupied and unobstructed by structures from the ground to the sky except as otherwise provided in this chapter. Yards shall be measured from the wall of the structure to the property line, unless the overhang exceeds thirty (30) inches, in which case the yard shall be measured from the wall plus thirty (30) inches. (Thus, if a ten (10) foot side yard is required and the roof overhangs five (5) feet, the wall must be fifteen (15) feet from the side property line.)

Front Yard: The yard extending across the entire width of the lot between the main building, including covered porches, and the front lot line; or if an official future street right-of-way line

has been established, between the main building including covered porches and the right-of-way line. On corner lots, the narrower side shall be considered the front regardless of the location of the main entrance of the dwelling. Where both frontages of the lot are equal, the front yard shall be considered the side on which the majority of the lots front in the block.

Rear Yard: The yard extending across the entire width of the lot between the main building, including covered porches, and the rear lot line.

Side Yard: The yard extending along a side lot line, from the front yard to the rear yard, between the main building, including covered porches and carports.

Yard and Build-to-Line: A maximum set back line extending across the entire width of the lot between the main building and the official street right-of-way at the front of a lot.

ARTICLE III

PURPOSE AND METHOD

3.1 Purpose

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

3.2 Method

For the purpose hereinafter stated, the Town of Shorter is divided into districts of such number, shape and area, and of such common unity of purpose, adaptability or use, which are deemed most suitable to provide for the best general civic use, protect the common rights and interests within each district, preserve the common rights and interests within each district, preserve the general rights, and interests of all; and by further regulations to limit the location, use and occupancy of buildings, structures and land to be used for trade, industry, residence or other purposes, and also the location, height, bulk, occupancy and coverage, street setback line, sized of yards, and other open spaces.

3.3 Zoning Districts

In order to classify, regulate, and restrict the location of buildings designed for specific uses, to regulate and limit the height and bulk of buildings hereinafter erected or structurally altered, to regulate and limit the intensity of the use of land area, and to regulate and determine the areas of open spaces within and surrounding such buildings, the Town of Shorter, Alabama is hereby divided into the following districts:

Designation	General Use	Specific Use
R-1A	Residential Zone	Single Family
R-1B	Residential Zone	Single Family
R-1C	Residential Zone	Single Family
R-2	Residential Zone	Single Family and two family
R-3	Residential Zone	Multi-family
TNR	Residential Zone	Traditional Neighborhood
RUR	Residential Zone-Special	Rural Residential
RCS	Residential Zone-Special	Residential Conservation Subdivision
GPH-1	Residential Zone	Patio Homes
TH-1	Residential Zone	Townhouses
MH-1	Residential Zone	Mobile Home Park
MH-2	Residential Zone	Mobile Home Subdivision
PUD	Mixed Special Use	Planned Unit Development
B-1	Commercial Use	Neighborhood Business
B-2	Commercial Use	Local Business
HB	Commercial Use	Highway Business
SBE	Special Business Use	Special Businesses
GB	Gateway Business	Gateway Business

OI	Office and Institutional	Offices and Institutions
I-1	Industrial Zone	Light Industry
IP	Industrial Park	Planned Industry
IMT	Inter-modal	Special Transportation
AI	Agricultural Industry	Agriculture Industry
A-O	Agricultural-Open Space	Agriculture & Natural Resources

3.4 Zoning Map

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

3.5 Interpretation of District Boundaries

The building official shall make an interpretation of the Shorter Zoning Map upon request of any person. Where uncertainty exists as to the boundaries of any district shown on said maps the following rules shall apply:

- A. Where boundaries are indicated as approximately following street and alley lines or land lot lines, such lines shall be construed to be such boundaries.
- B. In un-subdivided property or tracts where a district *boundary* divides a lot, the location of such boundaries, unless same are indicated by dimensions, shall be determined by the use of the scale appearing on such maps.
- C. Where boundaries are so indicated that they are approximately parallel to the center lines or street lines of streets or to the center lines or alley of alleys or to the center lines or right-of-way lines of highways, such boundaries shall be construed as being parallel thereto and at such distance as given, such dimensions shall be determined by the use of the scale shown on said maps.
- D. In case any further uncertainty exists, the Board of Adjustments and Appeals shall determine the location of boundaries.

ARTICLE IV

ADMINISTRATION AND REVIEW PROCEDURES

4.1 General Administration

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

4.2 Building Permit

It shall be unlawful to commence the construction of any building or other structure, including accessory structures, signs, or to store building materials or erect temporary field offices, or to commence the excavation, moving, alteration, remodeling, renovation, or repair of any existing or proposed structure, including accessory structure, until the Building Official of the Town has issued for such work a building permit including a statement that the plans, specifications and intended use of such structure in all respects conform with the provisions of this Ordinance. Application for the building permit shall be made to the Building Official of the Town on forms provided for that purpose, Building permits shall not be required for an excavation, moving, alteration, remodeling, renovation, repair, or construction, in which the cost of which is less than one hundred (\$100.00) dollars, provided such activity does not violate any Section contained in this Ordinance. Building permits shall be required if any electrical, plumbing, and HVAC alterations, remodeling, or renovations are to be performed on existing structures if the cost of such work exceeds one hundred (\$100.00) dollars.

4.2.1 Review of Building Permit Applications

It shall be unlawful for the Building Official of the Town to approve any plans or issue a building permit for any excavation or construction until she has inspected such plans in detail and found them to be in conformity with this Ordinance. Applications for a building permit shall include the following, as required:

- A. A complete set of building drawings or blueprints, to include the shape, proportions, and dimensions of each of the following: the lot, the building and its foundation, framing, electrical wiring, plumbing, and HVAC ductwork and equipment.
- B. A plot plan with drawings that depict how the structure sits on the lot, to include the depiction of any setbacks, easements, rights of way, driveways, septic tanks, and storm water drainage. The shapes, proportions, and dimensions are to also be included.
- C. The shape, size, use, and location of all buildings, signs, or other structures to be erected, altered or moved and of any buildings or other structures already on the lot, both above and below existing grade.
- D. The existing and proposed facilities for the disposal of storm water drainage.

- E. The setback and side lines of buildings on adjoining lots and such other information concerning the lot or adjoining lots as may be essential for determining conformance with the provisions of this Ordinance.
- F. The location of signage, landscaping and lighting per requirements of this ordinance.
- G. Location, if applicable of floodway area as delineated on federal flood maps.
- H. A permit to install a septic tank issued by the Macon County Health Department
- I. From building contractors, a copy of their current and valid license or certificate issued by the State Home Builders Licensure Board and/or the State Licensing Board for General Contractors.
- J. From plumbers, a copy of their current and valid license, or certificate issued by the State Plumbers and Gas Fitters Examining Board. Furthermore, plumbers shall be certified or licensed Master Plumbers, and they must be physically present at the construction site as long as plumbing work is actually being performed.
- K. From HVAC specialists, a copy of their current and valid license or certificate issued by the State Board of Heating and Air Conditioning Contractors.
- L. From electrical specialists, a copy of their current and valid license or certificate issued by the State Electrical Contractors Board.
- M. All contractors shall also provide a copy of their current and valid business license issued by the Town of Shorter, Alabama.
- N. Payment of any and all required fees as stipulated in this Ordinance and any other current Town Ordinances.

4.2.2 Approval of Building Permit Applications

If the proposed excavation, construction, moving, or alteration as set forth in the application is in conformity with the provisions of this Ordinance and other applicable codes and Ordinances, the Building Official of the Town shall issue a building permit accordingly.

4.2.3 Denial of Building Permit Applications

The applicant, upon notification in writing by the Building Official of a building permit denial, may file a written notice of appeal specifying the specific grounds for such appeal with the Town Clerk and request a hearing before the Board of Adjustment and Appeals.

4.2.4 Certificate of Occupancy

No land or building or other structure or part thereof erected, moved or altered in its use shall be used or occupied until the Building Official of the Town shall have issued a certificate of occupancy. Within three (3) business days after the owner or his agent has notified the Building Official of the Town that a building or premises or part thereof is ready for occupancy or use, it shall be the duty of the Building Official of the Town to make a final inspection thereof, to issue a certificate of occupancy if the building or premises is found to conform with the provisions of this Ordinance, or if such certificate is refused, to notify such applicant in writing of the refusal and the cause or causes therefore. The applicant upon notification in writing by the Building Official of a certificate of occupancy denial, may file a written notice specifying the specific grounds for such appeal with the Town Clerk and request a hearing before the Board of Adjustments and Appeals.

A permit under which no construction work has been done above the foundation wall or other foundation support within six (6) months from the date of issuance shall expire. Permits shall be renewable for 90-day periods subject to the provisions of all ordinances in force at the time of said renewal.

4.3 Unlawful Structures

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

4.4 Penalties

Any person, firm, corporation, or other organization which violates any provision of this Ordinance shall be fined upon conviction not less than fifty (\$50.00) Dollars nor more than One Hundred (\$100.00) Dollars and cost of court for each offense. Each day such violation continues shall constitute a separate offense.

4.5 Remedies

In case any building, sign or other structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained, or any building, structure or land is used in violation of this Ordinance, the Building Official of the Town or any other appropriate authority or any adjacent or neighboring property owner who would be damaged or caused hardship by such violation, in addition to other remedies, may institute injunction, mandamus, or other appropriate action or proceedings to stay or prevent such unlawful erection, construction, reconstruction, alteration,

ARTICLE V
AMENDMENT

5.1 Procedure

The regulation and number, area, and boundaries established by this Ordinance may be amended, supplemented, changed, modified, or repealed by the Town Council, but no amendment shall become effective unless it is first submitted the Planning Commission for its recommendation. The Planning Commission, upon its own initiative may hold public hearings, public notice of which shall be given, for the consideration of any proposed amendment to the provisions of this Ordinance or to the Zoning Map of Shorter, and report its recommendations to the Town Council. The Provisions of Code of Alabama 1975, § 11-52-78, as same maybe amended, shall apply to all changes and amendments.

5.2 Rezoning by Petition of Property Owner

When a rezoning request is made by a petition of the property owner, the following procedures shall be followed:

- A. A minimum of five (5) working days prior to a regularly scheduled Planning Commission meeting the applicant shall submit to the Building Official.
 1. A required fee in accordance with a schedule adopted by the Town Council to defray the cost of processing the application.
 2. A map, drawn to scale, indicating:
 - a. The actual shape, proportion and dimensions of the lot;

The shape, size, use, and location of all buildings, signs, or others structures to be erected, altered or moved of any buildings or other structures already on the lot, both above and below existing grade;
 - b. The existing and proposed facilities for the disposal of storm water drainage; or

The setback and side lines of buildings on adjoining lots and such other-information concerning the lot or adjoining lots as may be essential for determining conformance with the provisions of this Ordinance.
 - c. All adjacent property owners by name and mailing address as shown on the tax assessor's records.
 3. A written statement indicating:

- a. Reason for rezoning request;
 - b. Expected traffic volumes to be generated by the proposal;
 - c. Relationship of the proposed rezoning to the land use pattern of the vicinity.
4. The Planning Commission shall review the application for completeness and conformance to the requirements of this Section and accept said application for public hearing.
- B. A minimum of fourteen (14) days prior to the Planning Commission meeting at which the rezoning is initially considered the Building Official shall notify all persons included on the list of adjacent property owners, by mail. The notice shall state:
 1. Location of rezoning request (by mailing address and legal description)
 2. The nature of the rezoning request (indicating the current zoning of the site and the proposed rezoning classification).
 3. The time, date and location of the Planning Commission meeting at which the rezoning request is to be reviewed.
 - C. The Planning Commission shall schedule a public hearing on the application at the first regularly scheduled meeting after compliance with notice provisions as set forth herein. The Planning Commission shall render a decision on the application before or at the next regularly scheduled meeting unless additional information is required. The Planning Commission shall have thirty (30) days from the date of submittal of this additional information to the Town, in which to make a recommendation on the request to the Town Council.
 - D. Upon receipt of the recommendation of the Planning Commission in favor of a proposal zoning amendment, at a regularly scheduled Town Council Meeting, the Town Council shall set same for a public hearing.
 - E. The Town shall publish the proposed rezoning request once a week for two (2) consecutive weeks in advance of its passage in a newspaper of general circulation throughout the Town. The Town shall publish the proposed amendment, in ordinance form, in accordance with Code of Alabama 1975, § 11-52-78 as it maybe amended.
 - F. At the time and place scheduled for the public hearing of the proposed amendment, the Town Council shall hear the presentation of the applicant, review the recommendation of the Planning Commission, and hear any arguments in opposition and support of the proposal by the general public.
 - G. Upon receipt of a negative recommendation from the Planning Commission on a proposed amendment, the Town Council review procedure as set forth in §5.2. D, E, and F of this Article shall be followed in the form of a written request from the applicant to the Town Clerk.

- H. When the Town Council denies a rezoning request, the Planning Commission shall not reconsider the same request for a period of six (6) months. Each time the Tow considers a zoning request, the prescribed administration fee must be paid.

5.3 Amendments by the Town Council of the Town of Shorter

The Planning Commission and/or Town Council may, upon its own initiative, hold public hearings for the consideration of any proposed amendment to the provisions of this Ordinance or to the zoning district boundaries after notice thereof in accordance with the provisions of §5.2 of this Article, and the Planning Commission shall report its recommendations to the Town Council.

The Town Council shall adhere to the procedure for adoption of zoning ordinance amendments set forth in §5.1 of this Article.

ARTICLE VI

GENERAL REGULATIONS

6.1 General Use Requirements

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

6.1.1 Application of This Ordinance

No structure shall be constructed, erected, placed or maintained and no land use commenced or continued within the City except as specifically or by necessary implication, authorized by this Ordinance.

6.1.2 Exceptions

Except as otherwise provided in this ordinance:

No land may be used except for a purpose permitted in the district in which it is located.

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

No building shall be erected, enlarged, reconstructed, moved, or structurally altered except in conformity with the area regulations and height limit of the district in which the building is located.

The minimum building line, parking spaces, open spaces, including lot area per family, required by this Ordinance for each and every building existing at the time of the passage of this Ordinance or for any building hereafter erected, shall not be encroached upon or considered as a required building or open space for any other building, nor shall any lot area be reduced below the requirements of this Ordinance.

Every building hereafter erected or structurally altered shall be located on a lot as herein defined and it no case shall there be more than one main building and one main use on one lot. Accessory structures shall not include living quarters; neither will sanitary facilities be permitted in accessory structures without the approval of the Building Official.

6.1.3 Joint Occupancy

No structure shall be erected, structurally altered for, or used as a single-family or two- family dwelling simultaneously with any other use.

6.1.4 Public Utilities

Utility structures including, but not limited to poles, wires, cross-arms, transformers attached to poles, guy wires, insulators, conduits and other facilities necessary for the transmission or distribution of electric power or to provide telephone, telegraph service or cable television, and pipe lines, vents, valves, hydrants, regulators, meters and other facilities necessary for the transmission or distribution of gas, oil, water or other utilities may be constructed, erected, repaired, maintained or replaced within any district within the Town. This is not to be construed to include the erection or construction of buildings. Electric substations are uses permitted on appeal in all zoning districts of the Town.

6.2 Non-Conforming Uses of Land and Buildings

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

6.2.1 Continuance

A lawful non-conforming use existing at the effective date of this Ordinance may be continued, except as hereafter provided, although such use does not conform with the provisions of this Ordinance.

6.2.2 Restoration to Safe Condition

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

6.2.3 Restoration After Damages

No non-conforming building or structure which has been changed by fire or other causes to the extent of more than 50 percent of its current replacement value at the time of such damage shall be rebuilt or restored except in conformity with the provisions of this Ordinance. If a non-conforming building is damaged less than 50 percent of its current replacement value it may be rebuilt or restored and used as before the damage, provided that such rebuilding or restoration is completed within 12 months of the date of such damage.

6.2.4 Abandonment

A non-conforming use that has been discontinued for a continuous period of one year

shall not be reestablished; any future use shall conform to the provisions of this Ordinance.

6.2.5 Change in Use

A non-conforming use shall not be changed to another non-conforming use of the same or a less restrictive classification. A non-conforming use which is changed to a conforming use or to another non-conforming use of a more restrictive classification shall not be permitted to revert to the original or less restrictive use.

6.2.6 Abandoned Right-of-Way

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

6.3 Structures Conforming to District Regulations But Not Other Regulations

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

6.3.1 Buildings to Be Moved

Any building or structure that is to be moved to any location within the Town limits of Shorter, shall be considered for the purpose of this Ordinance to be a new building under construction, and as such shall conform to the applicable provisions of this Ordinance, Article IV, §422.

6.4 Reductions in Lot Area Prohibited

No lot shall be reduced in area so that yards and other open spaces total less than the minimum area required under this Ordinance, unless and until the Planning Commission has granted a variance as provided for in the Subdivision Regulations of the Town of Shorter.

6.5 Corner Visibility in All Districts Except B-1, B-2, SR-B, and M-1

In all districts except as noted above, no fence, wall, shrubbery, sign, marquee, or other obstruction to vision between the heights of two and one-half (2 72) feet and fifteen (15) feet above the street level shall be permitted within twenty-five (25) feet of the intersection of the right-of-way lines of two (2) or more streets, or of a street right-of-way line.

6.6 Location of Accessory Structures On Residential Lots

Accessory structures in residential districts and on any lot used primarily for residential purposes shall conform to the following:

6.6.1

No accessory structure shall be erected in any required front yard. Accessory structures shall not exceed two (2) stories in height, and shall not cover more than thirty percent (30%) of any required rear yard, and shall be at least five (5) feet from all lot lines and ten (10) feet from any other structure on the same lot.

6.6.2

Plant nurseries and greenhouses are permitted provided that no sales are made from the premises, and provided further that all accessory structures and material storage facilities larger than three hundred (300) square feet in area are located not less than twenty (20) feet from all property lines, and no closer than ten (10) feet to any other structure.

6.6.3

Satellite antennas are permitted in addition to other accessory structures provided that the unit, dish, rod, or other component structure does not exceed fourteen (14) feet in height, ten (10) feet in diameter, and shall meet all setback requirements as set forth in this Ordinance. Roof mounted satellite antennas shall not exceed ten (10) feet in diameter, and shall not extend over fifteen (15) feet above the height lines established for the district in which it is located; and no such antennas shall be used for any type of commercial use or advertising purposes. All other satellite antennas in residential districts shall be permitted only on appeal to the Board of Adjustment and Appeals.

6.7 Off-Street Loading (Non-Residential)

Off street loading shall be provided as follows:

6.7.1

On the same lot with every structure or use hereafter erected or created, there shall be provided and maintained space for loading and unloading of materials, goods, or things, and for delivery and shipping, so that vehicles for these services may use this space without encroaching on or interfering with the public use of streets and alleys by pedestrians and vehicles.

6.7.2

Where any structure is enlarged, or any use is extended so that the size of the resulting occupancy comes within the scope of this Section, the full amount of off-street loading space shall be supplied and maintained for the structure or use in its enlarged or extended size. Where the use of structure or land or any part thereof is changed to a use requiring off-street loading space under this Article, the full amount of off-street space shall be supplied and maintained to comply with this Article.

6.7.3

For the purpose of this Section, an off-street loading space shall be an area of at least twelve (12) feet wide by forty-five (45) feet long with fourteen and one-half (14 1/2) foot vertical clearance. Each off-street loading space shall be accessible from a street or alley, and arranged for convenience and safe ingress and egress by motor truck and/or trailer combination.

6.7.4

Off-street loading space shall be provided and maintained in accordance with the following schedule:

A. For each retail store, storage building, warehouse, wholesale establishment, industrial plant, factory, freight terminal, market, restaurant, mortuary, laundry, dry cleaning establishment, or similar use which has an aggregate floor area of:

1. Over 10,000 square feet, but not over 25,000 square feet 1 space.
2. Over 25,000 square feet, but not over 60,000 square feet 2 spaces.
3. Over 60,000 square feet, but not over 120,000 square feet 3 spaces.
4. Over 120,000 square feet, but not over 200,000 square feet 5 spaces.
5. Over 200,000 square feet, but not over 290,000 square feet 5 spaces.
6. For each additional 90,000 square feet over 290,000 square feet or fraction thereof 1 space.

B. For each auditorium, convention hall, exhibition hall, museum, hotel, apartment hotel, office building, sports arena, stadium, hospital, sanitarium, welfare institution, or similar use which as an aggregate gross floor are of:

Over 10,000 square feet, but not over 40,000 square feet: 1 space.

For each additional 60,000 square feet over 40,000 square feet, or major fraction thereof: 1 space.

C. For any use not specifically mentioned in this Section, the requirements for off-street loading for a use which is mentioned, and to which the unmentioned use is similar, shall apply.

6.7.5

Off-street loading facilities supplied to meet the needs of one use shall not be considered as meeting the off-street loading needs of any other use.

6.7.6

No area or facility supplied to meet the required off-street parking facilities for a use shall be utilized for or deemed to meet the requirements of this Article for off-street loading facilities.

6.7.7

Nothing in this Section shall prevent the collective, joint, or combined provisions of off-street loading facilities for two or more buildings or uses provided that such off-street loading facilities are equal in size and capacity to the combined requirements of the several buildings or uses, and are so located and arranged as to be useable thereby.

6.7.8

Plans for buildings or uses requiring off-street loading facilities under the provisions of this Article shall clearly indicate the location, dimensions, clearance, and access of all such required off-street loading facilities.

6.8 Use and Maintenance of Parking Lots in Office B-1, B-2, and SR-B Districts.

Off-street parking space shall be maintained in accordance with the following specifications:

6.8.1

Shall be used only by (1) passenger vehicle or (2) vehicles up to one half (1/2) ton manufacturer's capacity rating having wheels not to exceed seventeen (17) inches, and (3) not be used for the parking or storage of automobile trailers;

6.8.2

Shall not be used for the sale, repair, dismantling, or servicing of any vehicles, equipment, materials, or supplies;

6.8.3

Shall be graded for proper drainage and provided with a paved or aggregate surface maintained at all times in such manner as to prevent the release of dust and to be free of dust, trash and debris;

6.8.4

Shall be provided with entrances and exits so located as to minimize traffic congestion;

6.8.5

Lighting facilities shall be so arranged that they either unreasonably disturb occupants of adjacent residential properties, nor interfere with traffic;

6.8.6

May have not more than one (1) attendant shelter building conforming to all setback requirements for structures in the district, and which shelter building shall contain not more than fifty (50) square feet of gross floor area;

6.8.7

May have a sign for identification of the use, provided it complies with other ordinances and with the following requirements:

1. Such sign shall not exceed twenty (20) square feet in area, nor five (5) feet in height.
2. Such sign may be illuminated by a non-oscillating, concealed light source, but illumination by any spotlight or floodlight shall be prohibited.

6.9 Residential Lots That May Be Used for Off-Street Parking

When, in its judgment, the public convenience and welfare will be substantially served and the appropriate use of neighboring property will not be substantially or permanently injured, the Board of Adjustment and Appeals may, in specific cases, permit the use of a lot or lots under the same ownership in a residential district immediately adjacent to any office, business or industrial district for the parking of passenger cars, provided no fee is charged. Such lots may be separated there from by an alley and shall be protected under such safeguards and conditions as the Board may require for the adequate protection of the more restricted property.

6.10 Fences and Walls

Fences and walls may be erected, placed maintained, or hedges grown along a lot line of property zoned for office or residential use, or adjacent thereto. The height shall not exceed seven (7) feet above the ground except in a GPH-1 or TH-1 District where an eight (8) foot height limit shall be permitted, provided the main structure has yard space as required by this Ordinance. No fence, wall or hedge located in a required front or street side yard shall exceed a height of three (3) feet. (Height of wall or hedge shall be measured from the lowest ground elevation on either side of a joint property line.) Landscaping requirements shall be on both sides of privacy fence or all on side of adjacent property.

6.11 Abatement of Uses Creating Hazards or Nuisances

The Board of Adjustment and Appeals may require the conduct of any use conforming or non-conforming, which results in unreasonable noise, smoke, gas vibration, fumes, dust, fire, radio interference, explosion hazard, or nuisance to surrounding property to be modified or changed to abate such hazard to health, comfort, and convenience. The Board may direct the Building Official

to issue an abatement order, but such order may be directed only after a public hearing by the Board, notice of which shall be sent by certified mail to the owners or operators of the property on which the use is conducted. In addition to due notice a hearing to consider issuance of an abatement order shall be held by the Board either upon petition signed by any person affected by the hazard of the nuisance, or upon the initiative of the Board. An abatement order shall be directed by the Board only upon reasonable evidence of hazard or nuisance, and such order shall specify the date by which the hazard or nuisance shall be abated.

6.12 Annexed Property

Any property or land annexed into the Town of Shorter after the date of the adoption of this Ordinance will be zoned, as the date of annexation, R-1A Residential Single Family. All requests for rezoning of annexed property or land will be made and processed in accordance

6.13 Business Uses To Be Located In Permanent Building

The principal and accessory buildings of a permanent or temporary business shall be a permanent building which has a roof supported by columns or walls constructed on-site of wood, metal, glass, brick or masonry materials, which completely enclose the principal building area. The permanent building and premises shall conform in all respects to the applicable land and building development code and ordinances of the City. The principal and accessory buildings of any permanent or temporary business shall not be a tent, shelter, mobile building, manufactured home, modular or other structure which does not comply with the intent of this section. This section shall only apply to entities which are required to have a business license under the provisions of the Municipal Code.

6.14 Flood Prone Areas And Natural Resource Conservation

All area within the corporate limits of the Town of Shorter, which are under water and not shown as included within any district shall be subject to all regulations of the district adjacent to the water area.

Certain areas within the corporate limits of the Town of Shorter are subject to periodic inundation due to a potential fifty-year flood. The flood elevation is predicted by the US Corps of Engineers' Special Flood Hazard Report. The fifty year flood elevation is ninety-four (94) feet above mean sea level; the areas below this flood elevation should be designated as a floodway district and the nature of urban uses permitted shall be limited to open space development, recreational development, off-street parking facilities and fairground facilities. The disposal of waste and refuse by either dumping or sanitary landfill methods are prohibited in these areas.

6.15 Site Development Plan Review

In order to prevent adverse impacts and to achieve a compatible relationship among land uses and with the land use suitability of surrounding properties and nearby zone districts, as well as the surrounding transportation network, any owner(s) of lands which propose the development and/or request for rezoning as specified in this Section of the Ordinance shall prepare and submit

a site development plan. The Planning Commission shall review the site development plan and approve, approve with changes and/or conditions or disapprove except in the case of a site development plan required in which the Board of Adjustment shall review the site development plan. In the case of requests for rezoning, the plan shall then be reviewed and considered in approval by the Council.

6.15.1 Site Development Plan Required

- A. Any request for approval of a special exception which involves the following:

Each application for approval of a commercial or industrial use permitted by special exception that borders a residential district shall be accompanied by a site plan.

Any request for approval of a communications tower and facilities permitted by special exception in an Industrial District.

Further, the Board of Adjustment may require a site plan as set forth in this Article for any conditional use request if after inspection of the site of a proposed conditional use a site plan is considered necessary to arrive at a proper decision regarding the proposed conditional use.

- B. Any request for rezoning which involves the following:

Townhouse District.

A Garden Home District.

Any non-residential zoning district that will be located adjacent to any residential zoning district.

Multi-Family district that will be located adjacent to a single family residential zoning district.

A communications tower and facilities.

- C. An application for Manufactured Home Park District zoning shall require site plan review and approval as set forth in this Ordinance.

An application for PUD Planned Unit Development mixed use or other special District zoning shall require site plan review and approval according to this Ordinance.

An application for a building permit to construction communication tower and accessory facilities shall require site plan review as set forth in this Ordinance.

Any new commercial, industrial or institutional development or additions to such developments resulting in a building size increase that meets or exceeds ten thousand (10,000) square feet and any new multi-family development that exceeds three (3) dwelling units or addition of three (3) or more dwelling units to

6.15.2 Site Plan Approval Procedure

The procedure for approval or disapproval of a site development plan shall be the same procedure followed for an amendment to this Ordinance.

The site development plan review shall be submitted to the Building Official at the time of the submission of the application for rezoning.

The application for site plan approval shall consist of the following information provided on maps and/or written statements, as appropriate.

6.15.3 Site Plan Submission Requirements

Maps shall be drawn to a suitable scale not smaller than one-inch equals one hundred (100) feet and should include the following:

- A. The location and size of the site.
- B. A vicinity map showing the site in relation to surrounding property.
- C. The approximate topography, if available or if requested.
- D. The relationship of the site to existing development in the area including streets, utilities, other development, and physical features of the land.
- E. The approximate location of all streets, right-of-ways, railroad tracks, walkways, open space and buffers.
- E. Proposed parking facilities.
- G. The location, size and character of any common open space and commonly owned facilities.
- H. Amount of impervious surface.
- I. Landscape plan showing the proposed landscape treatment of the site. Existing significant trees, tree stands and natural vegetation shall be integrated into the landscape plan to the maximum extent possible.
- J. Location of lighting and signage.

Written statements shall address the following:

- A. The recorded ownership interests and the nature of the developer's interest if the developer is not the owner.
- B. Proposed covenants, grants of easements or other restriction, which will be imposed upon the use of the land, structures and facilities, and the form of organization which will own and maintain any private common areas, buildings or other facilities.

6.15.4 Conditions

Any special conditions imposed by the Planning Commission, Board of Adjustment or City Council as a condition(s) of approval shall be included in the resolution approving the site development plan.

6.15.5 Revisions After Approval

Minor changes to an approved site plan may be authorized by the Planning Commission to overcome unanticipated hardships or conditions provided that such minor changes are not inconsistent with the design concept of the approved site development plan or with provisions of this Ordinance. Further, such minor changes shall not add additional lots or streets. Other changes or amendments to an approved site plan shall be made under the procedures that are applicable to the initial approval of the site plan.

6.15.6 Conformity With Codes And Ordinances

The site plan must conform to the requirements of this Ordinance, the Subdivision Regulations, the building code and other applicable ordinances.

ARTICLE VII
DISTRICT REGULATIONS

7.1 Regulations Applying to All Districts

7.1.1 Uses Permitted

- A. Public utilities (but not including power and gas substations and pumping stations).
- B. Public buildings of a governmental nature, including public schools and libraries.
- C. Recreational facilities, including parks, playgrounds, stadiums, etc.
- D. Accessory Structures.

7.1.2 Uses Permitted on Appeal

- A. Public utilities not otherwise specified, including power and gas substations and pumping stations.
- B. Public buildings of a proprietary nature.
- C. General hospitals for humans (including nursing homes).
- D. Semi-public buildings and uses, including private schools and churches.
- E. Lights for recreational facilities, including private and semi-public tennis courts, ball fields, etc., located in residential districts, provided the lights are designed for this use. Spotlights or floodlights shall be restricted on such courts and play fields.
- F. Public and semi-public buildings with heights greater than three (3) stories or thirty-five (35) feet provided approved sprinkler systems are installed.
- G. Home Occupation
- H. Churches

7.1.3 Uses Prohibited

The on-street or off-street parking of any motor vehicle in excess of 10,000 pounds or with more than six (6) wheels in Districts R-1A, R-1B, R-PH-1, TH-1, MH-1, and any residential area approved as a part of a Planned Unit Development, mixed use or traditional neighborhood district.

7.1.4 Minimum Yard Size

Public and Semi-Public Buildings - Structure shall meet the minimum setback requirements in the district in which they are located.

7.1.5 Maximum Height

Public and Semi-Public Buildings Three (3) stories or thirty-five (35) feet.

7.1.6 Off -Street Automobile Parking (Specified Uses)

- A. Church, auditorium, stadium, and similar uses - One (1) parking space for each five (5) seats.
- B. Schools - Five (5) spaces for each schoolroom.
- C. Hospitals - One space for each three (3) beds.
- D. Restaurants -- One for each four (4) seats.
- E. Other uses permitted - parking spaces as determined by the Planning Commission to meet the need of the use.

7.1.7 Off-Street Loading and Unloading

See Article VI, §6.7.

7.2 Residential Districts

R-1A Residential Single Family

- A. Uses Permitted
Single family dwelling units excluding townhouses and patio garden home, condominiums.
- B. Uses Permitted on Appeals
Agriculture, poultry and livestock raising, but not including the operation of chicken brooder houses, and provided no structure, pen, or corral housing animals be located closer than 200 feet to any property line.
- C. Uses Prohibited
Any use not specifically permitted or permitted on appeal other than those uses contained in §7.1 of this Article.

D. Required Lot Area, Width, Etc.		
Minimum Lot Area		11,000 feet
Minimum Lot Width		100 feet
Minimum Depth of Front Yard		35 feet
Minimum Depth of Rear Yard		30 feet
Minimum Width of Side Yard		10 feet
Minimum Side Yard		
Abutting Public Street		35 feet
Maximum Building Area		25%
Maximum Building Height		
Feet		35
Stories		2
Off-Street Parking Spaces		2
Maximum Density per Acre		

7.2.1 R-1B Residential Single Family

A. Uses Permitted	Single family dwelling units excluding townhouses and patio garden homes, condominiums.
B. Uses Permitted on Appeals	Agriculture, poultry and livestock raising, but not including the operation of chicken brooder houses, and provided no structure, pen, or corral housing animals be located closer than 200 feet to any property line.
C. Uses Prohibited	Any use not specifically permitted or permitted on appeal other than those uses contained in §7.1 of this Article.
D. Required Area, Width, Etc.	
Minimum Lot Area	11,000 square feet
Minimum Lot Width at Building Line	85 feet
Minimum Depth of Front Yard	35 feet
Minimum Depth of Rear Yard	30 feet
Minimum Width of Each Side Yard	10 feet or 5 feet on side with carport
Minimum Side Yard Abutting Street	35 feet
Maximum Building Area as % of Gross Lot Area	25%
Maximum Building Height:	
Feet	35
Stories	2
Off-Street Parking Spaces Required Per Family Unit	2
Maximum Density Per Acre	NA

7.2.2 R-1C Residential Single Family

A. Uses Permitted	Single family dwelling units excluding townhouses and patio garden homes.
B. Uses Permitted on Appeals	Agriculture, poultry and livestock raising, but not including the operation of chicken brooder houses, and provided no structure, pen, or corral housing animals be located closer than 200 feet to any property line.
C. Uses Prohibited	Any use not specifically permitted or permitted on appeal other than those uses contained in §7.1 of this Article.
D. Required Area, Width, Etc.	
Minimum Lot Area	9,500 square feet
Minimum Lot Width at Building Line	75 feet
Minimum Depth of Front Yard	30 feet
Minimum Depth of Rear Yard	30 feet
Minimum Width of Each Side Yard	10 feet or 5 feet on side with carport
Minimum Side Yard Abutting Street	30 feet
Maximum Building Area as % of Gross Lot Area	40%
Maximum Building Height	
Feet	35
Stories	2
Off-Street parking Spaces Required Per Family Unit	
Maximum Density Per Acre	NA

7.2.3 R-2 Residential Single Family and Duplex

A. Uses Permitted	Single family dwelling units excluding townhouses and patio garden homes.
B. Uses Permitted on Appeals	Agriculture, poultry and livestock raising, but not including the operation of chicken brooder houses, and provided no structure, pen, or corral housing animals be located closer than 200 feet to any property line; modular dwelling structure.
C. Uses Prohibited	Any use not specifically permitted or permitted on appeal other than those

uses contained in §7.1 of this Article.

D. Required Area, Width, Etc.

Minimum Lot Area	9,000 square feet
Each Additional Family	2,500 feet
Minimum Lot Width at Building Line	75 feet
Minimum Depth of Front Yard	30 feet
Minimum Depth of Rear Yard	30 feet
Minimum Width of Each Side Yard carport	10 feet or 5 feet on side with
Minimum Side Yard Abutting Street	30 feet
Maximum Building Area as % of Gross Lot Area	40%
Maximum Building Height	
Feet	35
Stories	2
Off-Street parking Spaces Required Per Family Unit	2
Maximum Density Per Acre	NA

7.2.4 R-3 Residential Multi-Family

A. Uses Permitted Residential

Structures containing three or more family units; apartments containing any number of units; lodges and clubs not operated for a profit, offices and hotels.

B. Uses Permitted on Appeal

Agriculture, poultry and livestock raising, but not including the operation of chicken brooder houses, and provided no structure, pen, or corral housing animals be located closer than 200 feet to any property line; modular dwelling structures.

C. Uses Prohibited

Any use not specifically permitted or permitted on appeal other than those uses contained in §7.1 of this Article.

D. Required Lot Area, Width, Etc.

Minimum Lot Area	8,500 square
Each Additional Family	2,000 square
Minimum Lot Width at Building Line	75 feet
Minimum Depth of Front Yard	30 feet
Minimum Dept of Rear Yard	30 feet
Minimum Width of Each Side Yard	10 feet
Minimum Side Yard Abutting Street	30 feet
Maximum Building Area as % of Gross Lot Area	40 %

Maximum Building Height:	
Feet	35
Stories	2
Off-Street Parking Spaces Required Per Family Unit	2
Maximum Density Per Acre	N/A

7.2.5 TNR Residential -Traditional Neighborhood

A. Uses Permitted Residential	Single family structures
B. Uses Permitted on Appeal	Two, three and four family units, as part of a development plan
C. Uses Prohibited	Any use not specifically permitted or permitted on appeal other than those uses contained in §7.1 of this Article.
D. Required Lot Area, Width, Etc.	To be determined by Development Plan.

7.2.6 RR Rural Residential

A. Uses Permitted	Single family residential
B. Uses Permitted on Appeal	Manufactured Housing, working farm
C. Uses Prohibited	Any use not specifically permitted or permitted on appeal other than those uses contained in §7.1 of this Article.
D. Required Lot Area, Width, Etc.	
Minimum Lot Area	1 acre
Each Additional Family	½ acre
Minimum Lot Width at Building Line	200 feet
Minimum Depth of Front Yard	50 feet
Minimum Dept 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	2
Maximum Density Per Acre	N/A

7.2.7 RCS Residential-Conservation Subdivision

A. Uses Permitted	Single family Residential
B. Uses Permitted on Appeal	Two, three and four family residential per development plan
C. Uses Prohibited	Any use not specifically permitted or permitted on appeal other than those uses contained §7.1 of this Article.
D. Required Lot Area, Width, Etc.	To be determined by development plan
Minimum Lot Area	
Each Additional Family	
Minimum Lot Width at Building Line	
Minimum Depth of Front Yard	
Minimum Dept 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	

7.2.8 GPH-1 Residential Garden Patio Homes

A. Uses Permitted	Garden patio home single family dwellings that meet all requirements contained in Article VII, §8.4.
B. Uses Permitted on Appeal	Single family dwellings excepting townhouses.
C. Uses Prohibited	Any use not specifically permitted or permitted on appeal other than those uses contained in §7.1 of this Article.
D. Required Lot Area, Width, Etc	
Minimum Lot Area	4,000 square feet
Minimum Lot Width at Building Line	40 feet
Minimum Depth of Front Yard	10 feet
Minimum Width 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

7.2.9 TH-1 Residential Townhouse

A. Uses Permitted	Townhouse single family dwellings that meet all requirements contained in Article VIII, §8.1.
B. Uses permitted on Appeal	Single family dwellings including garden patio homes meeting all requirements of §72.6, of this Article.
C. Uses Prohibited.	Any use not specifically permitted or permitted on appeal other than those uses contained in §7.1 of this Article.
D. Required Lot Area, Width, Etc	
Minimum Lot Area	2,400 square feet
Minimum Lot Width at Building Line	24 feet
Minimum Depth of Front Yard	10 feet
Minimum Depth of Rear Yard	20 feet
Minimum Width of Each Side Yard unattached end unit.)	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

7.2.10 MH-1 Mobile Home Park

A. Uses Permitted	Mobile home units that meet all requirements contained in Article VIII, §8.3.
B. Uses permitted on Appeal	Accessory structure.
C. Uses Prohibited	Any use not specifically permitted or permitted on appeal other than those uses contained in §7.1 of this Article.
D. Required Lot Area, Width, Etc	

Minimum Lot Area	3,000 square feet (provided that lot is at least three times greater than area occupied by dwelling)
Minimum Lot Width at Building Line	A minimum of 20 feet of side clearance and 15 feet of end clearance.
Minimum Depth of Front Yard	N/A
Minimum Depth of Rear Yard	N/A
Minimum Width of Each Side Yard	N/A
Minimum Side Yard Abutting Street	N/A
Maximum Building Area as % of Gross Lot Area	N/A
Maximum Building Height	N/A
Off-Street Parking Spaces Required per Family Unit	2
Maximum Density per Acre	8/acre

7.2.11 MH-12 Mobile Home Subdivision

- | | |
|-----------------------------------|--|
| A. Uses Permitted | Mobile home units that meet all requirements contained in Article VIII, §8.3. |
| B. Uses permitted on Appeal | Accessory structure. |
| C. Uses Prohibited | Any use not specifically permitted or permitted on appeal other than those uses contained in §7.1 of this Article. |
| D. Required Lot Area, Width, Etc. | |

Minimum Lot Area	4,000 square feet (provided that lot is at least three times greater than area occupied by dwelling)
Minimum Lot Width at Building Line	50 feet
Minimum Depth of Front Yard	20 feet
Minimum Depth of Rear Yard	20 feet
Minimum Width of Each Side Yard	10 feet
Minimum Side Yard Abutting Street	N/A
Maximum Building Area as % of Gross Lot Area	40%
Maximum Building Height	20 feet
Off-Street parking spaces required per Family unit	2
Maximum Density per Acre	8/acre

7.3 Commercial Districts

7.3.1 B-1 Neighborhood Business District

A. Uses Permitted

Stores selling food, general merchandise, apparel, furniture, house wares, and household goods, drugs and sundries, jewelry, gift items, flowers, sporting goods, and similar types; small dry cleaning and pickup stations; barber and beauty shops, shoe repair, offices; banks; post offices; and similar services; automobile filling stations (setback requirement for, pump islands of service stations is at least twenty (20) feet from all property lines); drive-in eating places; motels, automobile repair, any retail business not specifically restricted herein; places of amusement and assembly; hotels, and outdoor advertising structures.

B. Uses permitted on Appeal

Large dry cleaners and laundries; animal clinic manufacturing incidental to a retail business where articles are sold at retail on the premises; wholesale businesses; and any residential use.

C. Uses Prohibited

Animal hospital or kennels; junk yards; industrial not specifically permitted herein.

D. Required Lot Area, Width, Etc.

Minimum Depth of Front Yard	30 feet
Minimum Depth of Rear Yard	20 feet
Maximum Height	35 feet
Maximum Building Area as % of Gross Lot Area	30%
Off-Street Parking Requirement	1 ¼ spaces for each 200 square feet of building space
Off-Street Loading	See Article VI, §6.7.4.

7.3.2 B-2 Local Business District

A. Uses Permitted

Stores selling food, general merchandise, apparel, furniture,

house wares, and household goods, drugs and sundries, jewelry, gift items, flowers, sporting goods, and similar types; small dry cleaning and pickup stations; barber and beauty shops, shoe repair; offices; banks; post offices; and similar services; automobile filling stations (setback requirement for pump islands of service stations is at least twenty (20) feet from all property lines; drive-in eating places; motels; automobile repair; any retail business not specifically restricted herein; places of amusement and assembly; hotels, and outdoor advertising structures; large dry cleaners and laundries; manufacturing incidental to a retail business where articles are sold at retail on the premises, not specifically restricted herein; and wholesale business.

B. Uses Permitted on Appeal

Animal clinic, hospital or kennels

C. Uses prohibited

Junk yards; industrial uses not specifically permitted.

D. Required Lot Area, Width, Etc.

Minimum Depth of Front Yard	60 feet
Minimum Depth of Rear Yard	30 feet
Maximum Height	35 feet
Maximum Building Area as % of Gross Lot	25%
Area Off-Street Parking Requirement ¹	¼ spaces for each 200 square feet of building space
Off-Street Loading	See Article VI, §5.7.4.

7.3.3 HB Highway Business

A. Uses Permitted

Stores selling food, general merchandise, apparel, furniture, house wares, and household goods, drugs and sundries, jewelry, gift items, flowers, sporting goods, and

similar types; small dry cleaning and pickup stations; barber and beauty shops, shoe repair; offices; banks; post offices; and similar services; automobile filling stations (setback requirement for pump islands of service stations is at least twenty (20) feet from all property lines; drive-in eating places; motels; automobile repair; any retail business not specifically restricted herein; places of amusement and assembly; hotels, and outdoor advertising structures; large dry cleaners and laundries; manufacturing incidental to a retail business where articles are sold at retail on the premises, not specifically restricted herein; and wholesale business.

B. Uses Permitted on Appeal

Animal clinic, hospital or kennels; travel trailer parks; and any residential use.

C. Uses Prohibited

Junk yards; industrial uses not specifically permitted.

D. Required Lot Area, Width, Etc.

To be determined by development plan

Minimum Depth of Front Yard

Minimum Depth of Rear Yard

Maximum Height

Maximum Building Area as % of Gross Lot Area

Off-Street Parking Requirement

7.3.4. SBE Special Business, Recreation and Entertainment District

A. Uses Permitted

Establishments that specifically operate to serve the special needs of patrons attending the para-mutual dog track, including tip-sheet vendors and program vendors and including special gaming and other tourism related Business

B. Uses permitted on Appeal

Any establishment 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.

C. Uses Prohibited

Any use not included in subsections A and B above.

D. Required Lot Area, Width, Etc.

To be determined by Development Plan.

- Minimum Depth of Front Yard
- Minimum Depth of Rear Yard
- Maximum Height
- Maximum Building Area as % of Gross Lot Area
- Minimum Lot Width
- Off-Street Parking Requirement
- Off-Street Loading

7.3.5. GB Gateway Business District

A. Uses Permitted

Establishments that specifically operate to serve the special needs of interstate travel and serving as gateway to the Town of Shorter, hotels, restaurants, truck stops.

B. Uses permitted on Appeal

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.

C. Uses Prohibited

Any use not included in subsections A and B above.

D. Required Lot Area, Width, Etc.

To be determined by Development Plan.

- Minimum Depth of Front Yard
- Minimum Depth of Rear Yard
- Maximum Height
- Maximum Building Area as % of Gross Lot Area
- Minimum Lot Width
- Off-Street Parking Requirement
- Off-Street Loading

7.3.6 O1 Office and Institutional District

A. Uses Permitted	Professional office, institutional uses
B. Uses permitted on Appeal	Sales and support uses
C. Uses Prohibited	Any use not included in subsections A and B above.
D. Required Lot Area, Width, Etc.	
Minimum Area	N/A
Minimum Depth of Front Yard	50 feet
Minimum Depth of Rear Yard	20 feet
Maximum Height	35 feet
Maximum building area	30%
Off-Street Parking Requirement per square feet	4 spaces per 1,000 square feet

7.3.7 OIP-Office and Research Park

A. Uses Permitted	Large scale office, institutional and research campus, training and conference facilities
B. Uses permitted on Appeal	Outside research uses, support and commercial
C. Uses Prohibited	Any use not included in subsections A and B above.
D. Required Lot Area, Width, Etc.	
Minimum Depth of Front Yard	Determined by development Plan
Minimum Depth of Rear Yard	
Maximum Height	
Maximum Building Area as % of Gross Lot Area	
Lot Width	
Off-Street Parking Requirement	
Off-Street Loading	

7.4 INDUSTRIAL DISTRICTS

7.4.1. Light Industrial District (I-1)

- A. Uses Permitted
Buildings used for the operation of light industrial, fabricating, processing, and assembling and manufacturing, bottling and distribution plants, woodworking shops, cabinet shops, contractor or building material yards, highway maintenance yards and

buildings, laundry and dry cleaning plants and printing establishment

B. Uses Permitted on Appeal

Any use permitted in districts B-1 or B-2, and other industrial or commercial use not included in § 7.4.1 above that, in the opinion of the Planning Commission would be within the intent of the district regulations and not cause noise, smoke, gas, vibration, fumes, dust or other objectionable conditions which, if present, would affect adjacent properties and the safety of the citizens of the Town of Shorter.

C. Uses Prohibited

Any residential structure, except that of a watchman or caretaker, storage of junk or wrecked automobiles other than for repair or service, explosive products manufacture, garbage disposal plants or sanitary land fills, and any other uses not specifically permitted in § 7.4.1 above, or deemed by the Planning Commission to be detrimental to property or to the health and safety of residents.

D. Required Lot Area, Width, Etc.

Minimum Lot Area	None
Minimum Lot Width at Building	None
Minimum Depth of Front Yard	75 feet
Minimum Depth of Rear Yard	35 feet
Minimum Width of Side Yard	35 feet
Maximum Building Area	50%
Maximum Building Height:	
Feet	35
Stories	2
Off-Street Loading Requirements	See Article VI, §6.7.4.
Off-Street Parking Spaces	
Per Employee	½
Per Garaged Vehicle	1

7.4.2 IP Industrial Park

A. Uses permitted	Light Industrial, manufacturing and distribution
B. Uses Permitted on appeal	Heavy manufacturing, outside storage
C. Uses Prohibited	Any use not included in subsections A and B above

D. Required Lot Area, Width, Etc.	To be determined by Development Plan
Minimum Depth of Front Yard	
Minimum Depth of Rear Yard	
Maximum Height	
Maximum Building Area as % of Gross Lot Area	
Lot Width	
Off-Street Parking Requirement	
Off-Street Loading	

7.4.3. IMT Inter-modal Transportation

A. Uses Permitted	Transportation terminals, support facilities, heavy and light industry
B. Uses Permitted on Appeal	Transportation yards, service facilities
C. Uses Prohibited	Any use not included in subsections A and B above
D. Required Lot Area, Width, Etc.	To be determined by Development Plan
Minimum Depth of Front Yard	
Maximum Height	
Maximum Building Area as % of Gross Lot Area	
Lot Width	
Off-Street Parking Requirement	
Off-Street Loading	

7.5 Agricultural Uses

7.5.1 Agricultural Industry

A. Uses Permitted	Working Farms and Agricultural processing and related uses.
B. Uses Permitted on Appeal	Natural resource extraction and harvesting
C. Uses Prohibited	Heavy manufacturing
D. Required Lot Area, etc.	
Minimum Lot Area	5 acres
Minimum Lot Width	400 feet

Minimum Depth of Front Yard	100 feet
Minimum Depth of Rear Yard	100 feet
Minimum Depth of Side Yard	100 feet
Maximum Building Coverage	15%
Maximum Excavated Area	50%
Maximum Building Height	35 feet
Off-Street Parking	
Loading	

7.5.2. Agricultural – Open Space District (A-0)

A. 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.

B. Uses Permitted on Appeal

Temporary and 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 of Article VIII, §8.3.2.F.

C. Uses Prohibited

Any business or industry not contained in §§7.5.1 and 7.5.2 above, signs, billboards, and the excavation of minerals, or the removal of surface material.

D. Requirement Lot Area, Width, Etc.

Minimum Lot Area	3 acres per family
Minimum Lot Width at Building Line	150
Minimum Depth of Front Yard	50
Minimum Depth of Rear Yard	50

7.6 Special Districts

7.6.1 CC Civic Core

A. Uses Permitted

Municipal, state or other public facilities. Non Profit Organizations

B. Uses Permitted With Specific Recommendations of the Planning Commission

Business or professional offices, public buildings, hospitals for humans, nursing homes

C. Uses Permitted Appeal

Due to the flexibility and range of authority granted the Planning Commission in the review and approval, 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 and signs where permitted, and shall not include the power to grant special exceptions.

D. Classes of Structures or Uses Prohibited

Any commercial, industrial, or agricultural use not specifically permitted by the Planning Commission in accordance with development plan; manufactured homes.

E. Minimum Area: No minimum

F. Ownership: The tract of land for a CC must be owned by the town or other public entity.

G. Location of CC District: This district shall be applicable to any area of the Town where the city or other owner can demonstrate that the area is designated by the town council.

H. Land Use and Density: These determinations shall be completely documented.

7.6.2 Mixed Use Development (MXD)

A. 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

B. Uses Permitted With Approval 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.

C. 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 and signs where permitted, and shall not include the power to grant special exceptions.

D. Classes of Structures or Uses Prohibited

Any commercial, industrial, or agricultural use not specifically permitted by the Planning Commission when granting final approval of an MXD; Manufactured homes.

E. Minimum Area: No minimum

F. 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).

G. 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.

H. 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.

7.6.3 TC - Town Center Special Mixed Use

A. Permitted Uses

Public uses

B. Uses Permitted on Appeal

Institutional uses, churches; compatible business uses as part of development plan

C. Uses Prohibited

Manufacturing; Manufactured Housing

D. Minimum Area: No minimum

E. Ownership: Public or related institutions or business.

F. Location of TC

Location is an area designated by Town Council

G. Land Use and Density

7.6.4 Planned Unit Development (PUD)

A. Classes of Structures Permitted

Single Family Dwellings

Residential Structures containing two, three, or four family units

Apartments for any number of families

Townhouses

B. Uses Permitted with Approval 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.

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

D. Classes of Structures or Uses Prohibited

Any commercial, industrial, or agricultural use not specifically permitted by the Planning Commission when granting final approval of a PUD; Manufactured homes.

E. 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.

F. 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).

G. 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 as stated in Article VIII of the Ordinance.

H. 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.

ARTICLE VIII
SPECIAL PROVISIONS

8.1 Townhouses

8.1.1 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.

8.1.2 Location of Townhouses

It is the intent of this Ordinance that townhouses in areas where they are or may be permitted:

- 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.

8.1.3 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 portion of the townhouse or accessory structure related to another townhouse complex, or to any building.
- 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. Each townhouse shall be constructed on its own lot. Townhouses constructed in condominium developments may be excepted from this requirement by the Planning Commission.

- E. 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.
- 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 on 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 the 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.

8.2 Garden Patio Homes

8.2.1 General

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.

8.2.2 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 required ten (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 lot 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 structures shall be permitted in the rear yard and shall not exceed one and one half (1 1/2) 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 1/2) 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.

8.3 Manufactured (Mobile) Homes

The regulations and requirements in this Section are designed to ensure protection of health, safety and welfare of both the residents of manufactured homes and residents of neighboring property.

8.3.1 General Requirements

No manufactured home shall be occupied for dwelling purposes unless the same is located in a manufactured home park or subdivision. Manufactured homes may be used

as accessory structures provided they are not used for sleeping purposes, and they meet all requirements of this Ordinance for the appropriate use.

No manufactured home shall be admitted to any park or manufactured home subdivision unless it meets all code requirements of the Town of Shorter.

No manufactured home park can be operated until a permit to operate the park has been obtained from the Building Official.

No building permit shall be issued for construction of a manufactured home park, and the Board of Adjustment and Appeals shall not issue a special exception involving a manufactured home park, except upon a favorable or conditionally favorable report from the Planning Commission. Where conditions are attached by the Planning Commission, they shall be included as a part of the building permit. If special exception is involved, the Board of Adjustment and Appeals shall grant such exception with the conditions attached by the Planning Commission, but the Board may add conditions in granting approval.

The following information shall be submitted to the Planning Commission for its evaluation:

- A. Area and dimensions of the proposed park.
- B. Location of water and sewer lines, water supply, and sewage disposal areas.
- C. A preliminary drainage plan for the park prepared by a registered engineer.
- D. Location and dimension of all buffers, office structures, recreational areas, and open spaces.
- E. A traffic analysis, showing the effect of the proposed manufactured home park on neighborhood streets.

8.3.2 Development Standards

Except where specified, the development standards which follow apply to manufactured home parks and manufactured home subdivisions.

- A. Buffers
 - 1. Each boundary of a manufactured home park or subdivision must be at least one hundred (100) feet from any residential property or industrial property line located outside the park or subdivision, unless separated there from by a natural or artificial barrier.
- B. Utilities

1. Each manufactured home lot shall have attachments for waste disposal and water supply facilities, properly connected to an approved method of sewage disposal and water supply.

C. Required Open Space

1. Each manufactured home park shall provide land for open space which may be used for recreational purposes, but which may not be used for parking or for accessory structures. Such open space shall total at least thirteen (13) percent of the gross land area of the park. This requirement does not apply to manufactured home subdivisions.
2. Manufactured home subdivisions greater than five (5) acres in total area shall include open space equal to ten (10) percent of the total area. Such open space may be used for recreational purposes, but may not be used for parking or accessory structures. Provision shall be made, by covenant or other means satisfactory to the City Attorney, to ensure that such open space shall be preserved and maintained for the use of the resident of the subdivision, without expense to the Town of Shorter.

D. Additional Requirements

1. No manufactured home park office or service building shall be closer to a public street right-of-way than the minimum setback for the district.
2. No additions shall be made to a manufactured home except a canopy and/or porch on three (3) sides, or an addition made by the manufactured home manufacturer.
3. All manufactured homes shall be anchored against wind or storm damage via a method approved by the Building Official.
4. The space under a manufactured home shall not be used for storage, unless the manufactured home is skirted.
5. All manufactured homes shall be placed on pads approved by the Building Official.
6. All manufactured home parks must be divided into lots. Regulations governing lot sizes and spacing requirements are contained in Article VII of this Ordinance.

E. Traffic and Circulation

1. Access to the park or subdivision shall not require intensive use of minor established residential streets.
2. All access driveways and interior streets of manufactured home parks must be at least thirty (30) feet in width. Requirements contained in the Subdivision Regulations of the Town of Shorter shall govern in the case of manufactured home subdivisions.
3. All access driveways and interior streets of manufactured home parks and all

walkways shall have a durable surface. This requirement does not apply to manufactured home subdivisions.

F. Single Manufactured Homes

Where single manufactured homes are permitted by the Town's Building Official in A-O District they shall be subject to the following regulations:

1. Such manufactured homes shall be in compliance with all codes of the Town of Shorter.
2. The minimum lot size shall be ten thousand (10,000) square feet with a one hundred (100) feet minimum width.
3. The lot must have access to a public road.
4. A permit must be obtained from the Building Official. Permits regarding electrical, plumbing, HVAC installation, gas, and septic tanks shall remain in force for two (2) years and shall be renewable upon application to the Building Official. Any fees are governed by applicable Town ordinances. In the event the property on which the manufactured home is located is rezoned to a classification other than A-O the manufactured home shall then be governed by the regulations for lawful non-conforming uses, as
5. The Town's Building Official shall add such additional requirements in individual cases as may be deemed by the Board to be appropriate. Additional requirements may be appealed to the Board of Adjustments and Appeals upon meeting and filing of applicable requirements.

8.3.3 Lot Preparation

The manufactured home lot shall have a grade that will provide water to drainage away from the manufactured home site. The manufactured home site shall be properly crowned and sloped so that water or run under the manufactured home. This will not be necessary if the existing site will not allow water to stand under or run under the manufactured home. The party to pay the cost of and perform the site preparation work shall be determined by a written contractual agreement between the retailer and the landowner/homeowner, or the manufactured home installer and the landowner/homeowner, except when the site is located within a manufactured home park. Manufactured home park owners are responsible for site preparation in a park. The responsibility to ensure that site preparation is done properly will be a shared responsibility of both the retailer and the installer of manufactured homes sold by the retailer except when the site is located within a manufactured home park; then the park owner shall be responsible. Site preparation for all secondary sittings not involving a retailer and not installed in a manufactured home park shall be the responsibility of the manufactured home installer. No one shall install a manufactured home on a site that has not been properly prepared. After corrections have been made as described in an initial Set-up Inspection Report and confirmed by the Building Official or the Building Official's designated representative, the Building Official shall consider site preparation to be correct. A retailer, installer, or park owner may request a pre-delivery site

inspection by the Building Official or the Building Official's designated representative to determine the suitability of the site. A written site inspection report shall be provided. The Building Official may charge a fee for this service.

8.3.4 Minimum Blocking Standards

The following minimum blocking standards are hereby established:

- A. Pier foundations shall be installed directly under the main frame of the manufactured home. The piers shall not be further apart than six (6) feet on center when using a minimum pier foundation of a 16" x 16" x 4" concrete pad or equivalent in the minimum soil bearing capacity of 2000 pounds per square foot (PSF). Piers shall be no more than two (2) feet from each end of the frame.
- B. The minimum pier foundation shall be a 16" X 16" X 4" concrete, pad, precast or poured in place concrete slab, reinforced with steel bars. All grass and organic material must be removed and the pier foundation placed on stable soil. The minimum soil bearing capacity for the minimum pier foundation is class IV (2000 pounds). In a soil bearing capacity below these values, the pier foundations must be increased in size according to the bearing load and the soil bearing capacity of the soil (see the Alabama Administrative Code, Chapter 535-X-13). Two (2) 8" X 16" X 4" concrete pads are considered minimum. All debris; grass, grass sod and other foreign material that would be under the footers. must be removed before footings or pier foundations are installed.. Pier footings must be installed below the frost line (no less than two (2) inches).
- C. In the event that the space under the manufactured home is enclosed with skirting or other material, the skirting shall be vented, and a ground vapor retarder of 6 mil crawl space at the minimum required by the latest publication of NCSBCS/ANSI A225.1. The vapor barrier should cover the entire area under the home and overlap at least twelve (12) inches at all joints. All decayable material, such as grass, roots, twigs, and wood scraps shall be removed from beneath the home prior to the installation of the vapor barrier.
- D. Piers may be manufactured load-bearing supports or devices and must be approved for the loads and use intended, or piers shall be constructed of regular 8 X 8" X 16" concrete blocks, with open cells in a vertical position when placed upon the pier foundation. A 2" X 8" X 16" treated wood or hardwood plate or a concrete cap shall be placed on top of the pier to serve as a pier cap. A true 1" thick hardwood plate is optional. All piers must have a full size cap covering the pier. Additional full size treated wood or hardwood plates not less than 1" X 8" X 16" may be used; but, with the additional plates, the cap shall not exceed 4 in total height. The frame may be cushioned with treated wood, hardwood, or other approved shims and the shims shall not occupy more than 1" of vertical space between the top plate and main frame. One (1) shim is to be placed on each side of the main frame on single tiered piers. Two (2) shims are to be placed on each side of the main frame on double tiered piers. Single tiered concrete block piers are to be placed perpendicular to the main I beam

or frame.

- E. All piers over 32" (over four 8" x 8" x 16" concrete blocks) in height shall be double tiered with the blocks interlocked.
- F. All piers consisting of two (2) or more concrete blocks shall be solidified with mortar joint.
- G. A minimum of 12" clearance shall be maintained from beneath the main frame or I beam to the top of the soil's surface.
- H. The maximum pier height shall be no more than sixty (60) inches unless designed and approved by a registered engineer or a higher height/different design is required by the National Flood Insurance Program (NFIP) floodplain management criteria.
- I. Exterior sidewall/marriage wall blocking: In addition to providing piers for supporting the frame, piers are also required to support the special roof loads. The support piers are required at all marriage wall and sidewall openings 48" and greater in width. These piers are to be placed at each side of each opening. The most commonly occurring openings are sliding glass doors and full bay windows. Typical marriage wall openings are cathedral openings and passageway openings which are 48" and larger. Recessed walls are considered sidewall openings. Each ridge beam column shall be supported by piers under the marriage wall. Piers shall be placed under heavy loads such as masonry-faced fireplaces, et cetera. Marriage walls shall have piers at each end of the home. Exterior door openings shall have piers or an approved support device on each side.
- J. Marriage wall piers shall be constructed to the same requirements as all other pier requirements.
- K. Perimeter pier foundations are required to be 8" X 16" X 4" concrete pads.
- L. To assure that the manufacturer's warranty remains valid, all new homes and buildings must be blocked according to the manufacturer's installation manual.
- M. All new manufactured homes shall be installed in accordance with the manufacturer's installation instructions if the manufacturer's instructions are not in conflict with the installation provisions found in this Ordinance. Manufacturers shall provide training to the installers of their manufactured homes to include lagging, sealing, and complete trim out. Paragraphs A-M shall apply to all used or pre-owned manufactured homes when the manufacturer's installation instructions are not available. It is the installer's responsibility to ascertain for himself/herself which manufactured homes may be installed according to the Town's minimum blocking standards.

8.3.5 Soil Classification

The soil classifications adopted by the AMHC and detailed in the Alabama Administrative Code, Chapter 535-X-13, are to be used for the purposes of determining manufactured home pier foundation and footing design loads.

8.3.6 Porches

All manufactured homes shall have front porches as long as the said porch's dimensions are no less than eight (8) feet long by eight (8) feet wide. All manufactured homes shall have back porches as long as the said porch's dimensions are no less than six (6) feet long by six (6) feet wide. All porches shall have handrails installed, and all porches shall have steps installed if deemed necessary.

8.3.7 Electrical Power Meters

All manufactured homes shall have their electrical meter base attached to the actual structure itself.

8.3.8 Permits

The permit provisions found in §4.2 of this Ordinance shall also apply to the installation of manufactured homes.

8.4 PLANNED UNIT DEVELOPMENTS (PUD) – SPECIAL PROVISIONS

8.4.1

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.

8.4.2 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.

8.4.3 Uses Permitted

Uses. 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.

8.4.4 General Regulations And Guidelines

- A. Contiguous Land Area. The minimum required land area for a PUD shall be two 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 impose 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, environmental 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 the 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 Shorter.

- 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.

8.4.5 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.

8.4.6 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. Prehearing 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 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 City 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 City Council approval shall be certified by the City Clerk. One copy of the approved plan shall be submitted to the Building Official for use in issuing building permits.
- H. Final Development Plan. Prior to the removal of natural vegetation, the restructuring of the land, the construction of any improvements or 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 Section 1106.3 of 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 justification 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.

8.4.6. 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, 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 land 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 all loading spaces.
 - 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 open 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 Demopolis 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 Demopolis 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 Demopolis 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 or 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.

E. 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 (1½) 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.

F. 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 Shorter' 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.

G. 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

ARTICLE IX

MINIMUM LANDSCAPE REQUIREMENTS

Purpose of this section is to protect and enhance the ecological and aesthetic environments of the Town of Shorter; provide shade and natural cooling; control the erosion of soil and storm water runoff; provide enhanced buffers; protect adjacent land and uses from! noise and glare; encourage the most appropriate use of land and responsible land ethic; and contribute to property values.

9.1 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.

9.2 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 shade trees and have a height of fifty (50) feet or more at maturity.
- D. DBH - Diameter at Breast Height - this is the measurement of the width of the trunk four and one half (4 %) 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 Shorter, 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.
- I. 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.
- J. Prompt Replacement to replace within a thirty (30) day time period.
- K. Landscape Materials - growing vegetation, such as, grass, flowering beds, shrubbery, trees, ground cover, etc.
- L. Construction Area - includes the building site and all areas used by construction vehicles, to store materials, or other items pertaining to construction.

9.3 Landscape Plan Approval. A landscape plan shall be submitted for approval by the 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 been prepared or reviewed by one of the following: a registered landscape architect, profession 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.
- M. Permanent utility facility locations.

9.4 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 numbers 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 (%)*, 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 1/2) 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 Horticulturist may waive the number of trees required if inappropriate for the site. If waived, these trees shall then be donated to the Town of Shorter 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 Section 405 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 1/2) feet to curbs or barriers protecting trees. Large shade trees shall not be planted closer than thirty (30) feet of each other, and small shade 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 credits 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.

9.5 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 or. 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 equivalents shall be as follows:

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

9.6 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.

9.7 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 Shorter, 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 Shorter, 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 Section_ 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. The City may request a recommendation concerning the application from any or all appropriate City departments and /or the Beautification Commission.

3. Criteria for Issuance of Tree Removal Permit

- 1) The tree is located in an area where a structure or improvement will be placed according to an approved plan.

- 2) 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.
- 3) 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 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 %) 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 Shorter. 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 the operation of State law. The utility company shall cooperate with the City when clearing areas next to the public streets.

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 to the Circuit County and may be brought by any of the persons listed above.

ARTICLE X

TELECOMMUNICATIONS TOWER REGULATIONS AND STANDARDS

10.1 General Provisions

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

- 1) Accommodate the need and demand for wireless communication services and facilitate the provision of wireless communication services to residents and businesses;
- 2) Provide for the appropriate location and development of wireless communication facilities within the Town of Shorter;
- 3) 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;
- 4) 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 antenna 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.

10.2 Applicability. This following antennas are exempted from the regulations and standards of this Article:

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

10.3 Use of Suitable Existing Towers or Other Structures. Co-location shall be encouraged

and preferred to new installation alternatives; therefore, no new tower structure shall be permitted unless the applicant provides certified documentation that demonstrates to the reasonable satisfaction of the Board of Adjustment when a special exception for location in 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.

10.4 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.

10.5 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.

10.6 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.

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

(6) months of the effective date of such standards and regulations, unless a more *stringent* compliance is mandated by *the* 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.

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

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

10.10 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.

10.11 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.

10.12 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.

10.13 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.

10.15 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.

10.16 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 Demopolis area.
- D. An inventory of its existing communication tower facilities in Demopolis 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 Demopolis, 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.

10.17 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 Demopolis Area, as well as those plans on file from other telecommunications providers.
- I. Availability of suitable existing towers and other structures.
- J. Any other information that is consider reasonably necessary in connection with the review of the application.

10.18 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.

10.19 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 user of a single tower or antenna, then this provision shall not become effective until all users cease using the antennas on the tower.

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

ARTICLE XI
SIGN REGULATIONS

It is the purpose of this Ordinance to establish regulations for the type, location, erection and maintenance of, signs. It is determined that, while signs are a proper commercial use of private property and are entitled to the protection of the law, such signs should be reasonably regulated in the interest of the public safety and welfare and to safeguard and promote the aesthetic quality of the Town of Shorter by establishing standards for the number, size, height, spacing and illumination of such signs.

11.1 SIGN DEFINITIONS

The following definitions are applicable to the sign regulations contained in this Article.

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 the 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 stationary 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.

11.2 EXEMPT SIGNS

The following signs are exempt from the provisions of these regulations and may be erected or constructed without a permit:

Official Signs. Official traffic signs, county or municipal information signs and provisional warning signs and temporary signs indicating danger when erected or required to be erected by a governmental agency.

Temporary Construction Signs. Temporary non-illuminated signs not more than fifty (50) square feet in area, erected in connection with new construction work and displayed on the premises only during such time as the actual construction is in progress, one such sign for each street frontage. Such signs shall be removed within seven (7) days after completion of the construction project.

Public Events and Holidays. National flags political signs, temporary decorative bunting, banners; and symbols displayed for not more than thirty (30) days and directly related to special events of a public nature or public holidays.

Temporary Signs. Temporary signs authorized by the City Council for a specified period of time not to exceed thirty (30) days. No temporary sign authorized by the City Council shall be larger than any sign permitted in the zone district in which the temporary sign is located. Further, not more than one (1) temporary shall be authorized on a parcel of land.

Real Estate Signs. Temporary signs, which are not internally illuminated, advertising the private sale or lease of land or buildings, one such sign for each street frontage. Such signs shall be removed within ten (10) days of the sale or lease of the property.

- A. Such sign does not exceed four (4) square feet in copy area in residential districts or thirty-two (32) square feet in copy area in non-residential districts; and is removed within five (5) days after the sale of the property. Such signs may be two sided.
- B. Off-premise real estate "for sale" or rental signs: Two (2) off-premise signs advertising the selling or rental of residential property or one (1) off-premise sign advertising the selling or rental of commercial property provided such signs do not exceed two (2) square feet of copy area. Such signs shall be removed within five (5) days of the closing of the sale or rental of the property or ninety (90) days from their erection, whichever comes first.
- C. Subdivisions with five (5) or more lots may have a temporary identification sign while the subdivision is being developed, which shall not exceed thirty-two (32) square feet nor ten (10) feet in height. The sign shall not be illuminated and shall be removed when seventy-five (75) percent of the lots in the subdivision have been sold or a permanent subdivision identification sign is erected, whichever comes first]

Political Campaign Signs. Temporary non-illuminated political signs and campaign posters provided they conform to the provisions of the ordinance. Such signs and posters shall not exceed eight (8) square feet in area, and must be removed within three (3) days following the election to which they pertain by the person or persons posting or erecting them. If such signs are not removed within the required time period, the City will remove them at the candidate's expense.

Stadium or Ball Field Signs. Scoreboards and incidental advertising signs intended to be viewed from within a public stadium, sports complex or ball field shall be exempt for required sign permits.

11.3 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.

11.4 REGULATIONS WHICH PERTAIN TO ALL SIGNS

The following regulations 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 permitted per business operation.

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

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

Any sign displayed, painted or attached to or on 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 1/2) 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.

11.5 ZONING DISTRICT SIGN REGULATIONS

11.5.1. Signs Permitted in A-1, R-1, R-2, Districts.

- A. All signs exempted from these regulations by this Article.
- B. 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.
- C. A customary church bulletin board, not to exceed twenty-four (24) square feet in sign area.
- D. 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.

- E. 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.

11.5.2 Signs Permitted in R-3 Districts:

- A. Any sign permitted in Subsection 11.5.1 of this Ordinance.
- B. 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.
- C. One flat sign for each major building in a multi-family housing project, not to exceed eight (8) square feet in sign area.

11.5.3 Signs Permitted in B-1 Districts:

- A. All signs exempted from these regulations.
- B. 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.
- C. 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.
- D. One sign shall be permitted on each side of the principal entrance to the development.

11.5.4 Signs Permitted in HB Districts:

- A. All signs exempted by the Ordinance.
- B. 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.
- C. 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.
- D. 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.

- E. 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.
- F. 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.
- G. 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.
- H. Signs for permitted residential uses shall comply with Subsection 905.2 of this Ordinance. Signs Permitted in other business Districts.

Any sign permitted in Subsections of this Article.

- A. One projecting sign for each business on the premises with maximum sign area not to exceed forty (40) square feet.
- B. 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) 7' C' 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.*
- C. Gasoline or other pricing signs are permitted provided that:
 - 1. Only one such sign shall be permitted for each frontage on a street having a maximum right-of-way width of fifty (50) feet.
 - 2. The sign must be attached to a principal structure or to the structure of a permitted detached sign.
 - 3. 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.*
- D. 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.

- E. 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.

11.5.5 Signs Permitted in Industrial Districts.

- A. Any sign permitted in Subsection 11.5.3 of this Article.
- B. 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 a wall to which they are attached and no one sign having a sign area exceeding four hundred (400) square feet.
- C. Projecting signs, illuminated or non-illuminated, not to exceed one for each building entrance and no individual projecting sign to exceed sixty-four (64) square feet in sign area.
- D. 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.
- E. 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.

11.6 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 a 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 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.

11.7 COMMERCIAL AND INDUSTRIAL SIGNS GENERALLY

If property zoned for commercial or industrial use abuts a street where fifty (50) percent or more of the frontage on the same side of the street, between two (2) intersecting streets, is zoned for detached dwellings or if property zoned for commercial or industrial use abuts property zoned for detached dwellings; then signs permitted in the building setback area along said property line, or on a building wall facing said property line, shall be limited to the type and size permitted in this Article.

11.8 NONCONFORMING SIGNS

It is the intent of this Ordinance to eventually eliminate all non-conforming signs within the Town of Shorter 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 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 by 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.

11.9 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 information on the height, type of materials, coloring to be used and wording to be placed on the sign.

11.10 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.

11.10.1 CONDITIONAL USE APPROVAL

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

- A. 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 a filing fee as

set forth in the Town of Shorter's current fee schedule, a copy of which is available at the office of the City Clerk.

- B. The Planning Commission shall review the request and make a recommendation to the City Council following the same procedures said Commission follows for a rezoning request.
- C. After receiving the review and recommendation of the Planning Commission, the City Council shall hold a public hearing and approve, disapprove or approve with modifications the recommendation of the Planning Commission.

11.10.2 SITE PLAN REVIEW

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

- A. 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.
- B. Company or individual entitled to possession of the sign and of the sign contractor or erector.
- C. 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.
- D. Size of the sign in terms of total sign area, height of the sign and length of the sign
- E. Height of the sign in relation to the applicable requirement of Section.
- F. Drawings showing the supporting members, materials of the sign and method of attachment or mounting.
- G. 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.

11.10.3 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.

11.10.4 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.

- A. 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.
- B. 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.
- C. 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.
- D. No off-premise sign shall be located within five hundred (500) feet of the boundary of any residential zone district as measured from the nearest edge of the sign.
- E. No off-premise sign shall be mounted or displayed as a roof sign or wall sign or on any structure not intended specifically for use as an off-premise sign.
- F. 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.
- G. 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.
- H. No portion of any off-premise sign shall project over or encroach upon any public property or public right-of-way.
- I. 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.

- J. No three (3) sided off-premise signs shall be permitted.
- K. 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.

11.10.5 PLANNING OBJECTIVES AND CRITERIA FOR APPROVAL

Regardless of whether a proposed off-premise sign meets the requirements of Section 910.4, the Planning Commission may not recommend approval or the City Council may not approve a request for an off-premise sign as a conditional use if it does not meet the following planning objectives.

- A. Compatibility of the proposed off-premise sign's appearance, size and location with the existing and potential development of surrounding land.
- B. Nature, design and appropriateness of the proposed sign for the property involved.
- C. Extent to which scenic assets and natural features such as trees, streams and topographic characteristics are impacted.

11.10.6 OFF-PREMISE SIGN CONSTRUCTION PERMIT AND FEE

- A. 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 Shorter. 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
- B. 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 (A) 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.

- C. The construction permit fee for an off-premise sign structure shall be as set forth in the Town of Shorter'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
- D. 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.

11.10.7 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.

ARTICLE XII

BOARD OF ADJUSTMENTS AND APPEALS

12.1 Appointment, Duties-and Responsibilities

A Board of Adjustment and Appeals is hereby established, which shall consist of five (5) members to be appointed by the Shorter Town Council. One (1) member shall be appointed for a term of three (3) years, two (2) members for two (2) years, and two (2) members for one (1) year. Thereafter each member appointed shall serve for a term of three (3) years or until his successor is duly appointed and qualified. Members of the Board of Adjustment and Appeals may be removed from office by the Shorter Town Council for cause upon written charges and after public hearing. Vacancies shall be filled by resolution of the Town Council for the unexpired term of the member affected.

12.2 Proceedings of the Board of Adjustment

The Board of Adjustment and Appeals shall adopt rules necessary to the conduct of its affairs, and in keeping with the provisions of this Ordinance. Meetings shall be held at the call of the chairman and at such other times as the Board may determine. The chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public.

The Board shall keep minutes of its proceedings showing the vote of each member upon each question or, if absent the failure to vote indicating such fact. Records of its examinations and other official actions all of which shall be a public record and be immediately filed in the office of the Town Clerk.

12.3 Powers and Duties of the Board

12.3.1 Administrative Review

The Board shall hear and decide appeals where it is alleged there is error in any order, requirements, decision, or determination made by the Building Official in the enforcement of this Ordinance.

12.3.2 Special Exceptions

In accordance with Code of Alabama 1975, 11-52-80 as it may be amended the Board shall hear and decide only such special exceptions as specifically authorized to consider by the terms of this Ordinance; shall decide such questions as are involved in determining whether special exceptions should be granted; and shall grant special exceptions with such conditions and safeguards as are appropriate under this Ordinance; or shall deny special exceptions when not in harmony with the purpose and intent of this Ordinance,

12.3.3 Variances

The Board may 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 this Ordinance would result in unnecessary hardship. A variance from the terms of this Ordinance shall not be considered by the Board unless and until a written application for a variance is submitted demonstrating all of the following:

A. That special conditions and circumstances exist which are peculiar to the land, structures, or building involved and which are not applicable to other lands, structures, or buildings in the same district; and

B. That literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance.

12.4 Decisions of the Board of Adjustment and Appeals

In exercising the above mentioned powers, the Board may, so long as such action is in conformity with the terms of this Ordinance, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination of the Building Official as ought to be made, and to that end shall have powers of the Building Official from whom the appeal is taken. The concurring vote of four (4) members of the Board shall be necessary to reverse any order, requirements, decision, or determination of the Building Official, 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 the application of this Ordinance.

12.5 Appeals

Appeals to the Board of Adjustment may be taken by any person aggrieved or by any officer, department, board or bureau of the municipality affected by any decision of the Building Official. Such appeal shall be made within thirty (30) days after rendition of the order, requirement, decision or determination appealed from in writing to the Board of Adjustment and file same, and two (2) copies of supporting facts and data with the Building Official. This does not, however, restrict the filing of a request for a special exception or variance by any person at any time as provided for elsewhere in this Article.

12.5.1 Procedure

Upon receipt of said appeal, the Building Official may forthwith examine such appeal or request application and endorse his recommendation thereon together with all documents, plans, papers or other material constituting the record to the Town Attorney for his review and opinion. The Town Attorney shall present his opinion to the Board of Adjustment as to whether or not the subject of the appeal falls within the jurisdiction of the Board of Adjustment.

12.5.2 Stay of Proceedings

An appeal stays all proceedings in furtherance of the action appealed from unless the officer from whom the appeal is taken 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 of stay would in his opinion cause imminent peril to life or property. Such 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 of notice to the officer from whom the appeal is taken and on due cause shown.

12.5.3 Hearing on Appeals

Before rendering a decision upon an appeal, the Board of Adjustment shall hold a public hearing for which a reasonable time shall be set. Public notice of the hearing shall be given as well as due notice to the parties in interest. Upon the hearing any part may appear in person or by agent or by attorney. The Board of Adjustment may require the person appealing to send certified mail receipted notice to the property owners within a reasonable area not to exceed a distance of one thousand (1,000) feet from the property involved. The guide for the mailing requirement to owners may be the most current town or county assessment role. At the hearing, any party may appear in person or by agent or by attorney.

12.6 Duties of Building Official Board of Adjustment and Appeals Municipal Government and Courts on Matters of Appeal

It is the intent of the governing authority of the Town that all questions of interpretation and enforcement of this Ordinance shall be presented first to the Building Official. Other than those applications and matters upon which the terms and provisions of this Ordinance may require action and decision by the Board, only the appeals taken in the manner and form as provided in this Ordinance from the actions and decision of the Building Official will be considered and acted upon by the Board. However, any interested party who is aggrieved by any action or decision of the Board may take an appeal there from to a court law, as provided for in the State Law.

12.7 Board of Adjustment and Appeal Fees

All applications to the Board for interpretations, special exceptions, or variances must be accomplished by a check payable to the Town of Shorter, Alabama, or cash in an amount as established in the fee schedule adopted by the Town Council (Appendix A).

ARTICLE XIII

LEGAL STATUS PROVISIONS

13.1 Interpretation and Purposes

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

13.2 Severability Clause

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

APPENDIX A
FEE SCHEDULE

<u>Subdivision Fees</u>	Preliminary Plat: Final Plat, Residential:	
Final Plat, Commercial, Industrial, Multi-Family Residential Developments, or any other type use not divided into normal		\$75.00 plus \$4.00 per lot; \$75.00 plus \$5.00 per acre if not divided into lots:
Extension of Approval of Final Plat:		\$50.00 <u>Zoning Fees</u> \$125.00 plus \$4.00 per lot
Text Amendment (Not to include zoning map)		\$75.00
Map Amendment (Due on hearing date set by Planning Commission)		
1-10 acres		\$100.00
11-100 acres		\$100.00 plus \$4.00 per acre
Over 100 acres		\$200.00 plus \$.75 per acre
<u>Development Plan Fees</u>		
Required in following districts: B-2, B-3, B-4, B-5, M-1, M-2, M-3, O-1, O-2, R-99-p, R-99-s, PUD, R-20-t, R-24-t, PGH-35, PGH-40, R-60-a, R-65-m. R-75-m.		\$100.00
<u>Board of Adjustment Fees</u>		
Special Exceptions or Variance (Residential)		\$50.00
Variance (Adding to existing residential structure)		\$25.00
Special Exception or variance (Business)		\$75.00
Nuisance Abatement		\$50.00
Churches (Use and Master Plan)		\$50.00
Manufactured Home Fee (Mobile Home)		\$50.00