

CITY OF  
**GARDENDALE**  
ZONING ORDINANCE

ORDINANCE NO. 2013 - 02

ZONING ORDINANCE

FOR THE CITY OF

GARDENDALE, ALABAMA

Adopted March 4, 2013

Effective March 4, 2013

Includes the following amendments:

Ord. No. 2013-06

Ord. No. 2013-12

Ord. No. 2014-009

Ord. No. 2014-018

Ord. No. 2015-001

Ord. No. 2015-002

Ord. No. 2015-017

Ord. No. 2015-021

Ord. No. 2016-007

Ord. No. 2016-015

Ord. No. 2017-001

Ord. No. 2017-002

Ord. No. 2017-011

Ord. No. 2017-013

Ord. No. 2018-009

Ord. No. 2018-017

Ord. No. 2019-016

Ord. No. 2020-001

Ord. No. 2020-010

Ord. No. 2022-010

Ord. No. 2022-011

Ord. No. 2023-003

Ord. No. 2023-004

Ord. No. 2023-008

Ord. No. 2023-009

Ord. No. 2024-003

Prepared by the Gardendale Planning and Zoning  
Commission with the assistance of  
KPS Group, Inc.

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**ARTICLE 1 TITLE AND AUTHORITY**

**§1.1. Title**

These regulations shall be known officially as the “Gardendale Zoning Ordinance” and may be referred to as the “Zoning Ordinance”.

The zoning regulations and districts herein have been established in accordance with a comprehensive plan and are designed to lessen congestion in the streets; to secure safety from fire, panic and other dangers; to promote health and general welfare; to provide adequate light and air; to prevent the overcrowding of land; to regulate signs; to avoid undue concentrations of population; to facilitate the adequate provision of transportation, water, sewers, schools, parks and other public improvements. The regulations have also been made with reasonable consideration, among other things, to the character of the district and its peculiar suitability for particular uses and with a view to conserving the value of property and buildings and encouraging the most appropriate use of land throughout the City.

**§1.2. Authority**

The Gardendale City Council is authorized to adopt this Zoning Ordinance pursuant to the enabling authority contained in Volume 10, Title 11, Chapter 52, Code of Alabama, 1975, as amended and supplanted by all applicable laws.



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## ARTICLE 2 DEFINITIONS

### §2.1. Purpose of Definition

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

### §2.2. Interpretation

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

### §2.3. Word Usage

In the interpretation of this Ordinance, the provisions and rules of this section shall be observed and applied, except when the context clearly indicates otherwise.

- 2.3.1. Words used or defined in one tense or form shall include other tenses and derivative forms.
- 2.3.2. Words in the singular number shall include the plural number, and words in the plural number shall include the singular number,
- 2.3.3. The masculine gender shall include the feminine, and the feminine gender shall include the masculine.
- 2.3.4. The word "shall" is mandatory, and the word "may" is permissive.
- 2.3.5. The word "person" includes an individual, firm, association, organization, partnership, trust, company or corporation.

### §2.4. Words and Phrases Defined

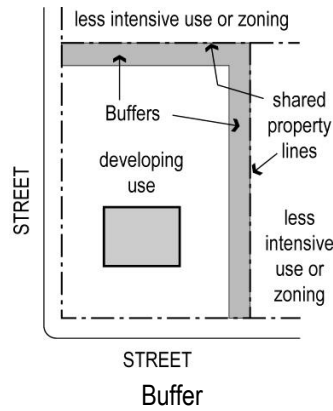
The following general terms, when referred to in this Ordinance, shall have the meanings defined by this section:

- 2.4.1. ABANDONED MOTOR VEHICLE: See VEHICLE, ABANDONED.
- 2.4.2. ABUT, ADJACENT, ADJOIN or CONTIGUOUS: To physically touch or border upon or to share a common border with, or be separated from the common border by, an easement or street. Having zoning district boundaries or lot lines in common or to share a common border separated by a public easement or street.
- 2.4.3. ACCESS: A way or means of approach to provide physical entrance to a property.
- 2.4.4. ACCESSORY DWELLING UNIT (ADU): An independent living unit added to, created within, or detached from the primary single-family dwelling that provides basic requirements for living, sleeping, eating, cooking and sanitation. The ADU is incidental and subordinate in size and use to the principal dwelling. Refer to [§8.18 Accessory Dwelling Units](#).
- 2.4.5. ACCESSORY STRUCTURE OR BUILDING: A structure detached from a principal building on the same lot and customarily incidental and subordinate to the principal building or use and constructed after or concurrently with the principal structure. Examples include, but are not limited to, barns, detached private garages, storage sheds, detached carports, swimming pools, pool houses, greenhouses, gazebos.
- 2.4.6. ACCESSORY USE: A use of land or of a building or portion thereof commonly associated with and integrally related to the principal use of the land or building on the same lot.
- 2.4.7. ACCESS MANAGEMENT: The process of providing and managing vehicular access from public streets to private development while preserving traffic flow, safety, capacity, and speed.
- 2.4.8. ADDITION: A structure added to the original structure at some time after completion of, or after a Certificate of Occupancy has been issued for, the original structure. An addition which is attached to a principal structure is considered part of the principal structure, not an accessory structure. "Attached", for the purpose of this definition,

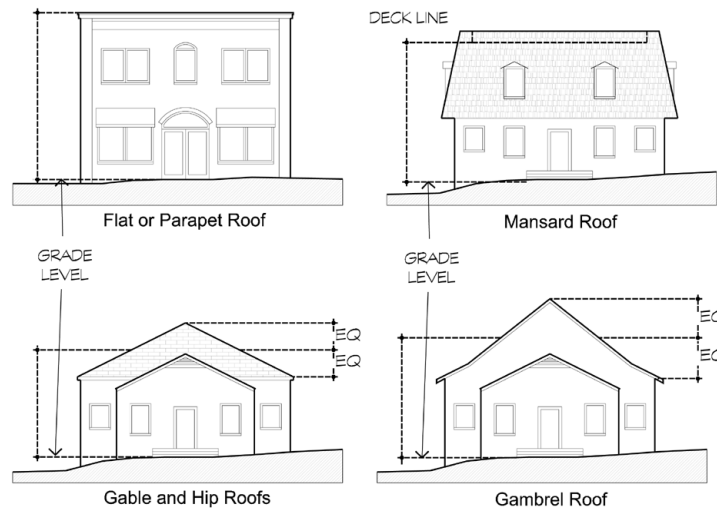
means that the addition is integrated visually, structurally and architecturally with the principal structure, contains a common roof with similar design to the principal structure, and permits access between the principal structure and the addition.

- 2.4.9. ADULT: Any person age 19 or older.
- 2.4.10. ADULT BOOKSTORE or ADULT RETAIL ESTABLISHMENT: An establishment deriving a majority of its gross income from the sale or rental of, or having a substantial portion of its stock in, media or other items that constitute adult materials and which are characterized by their emphasis on matter depicting, describing, or relating to "sexual activities" or "specified anatomical areas"; or an establishment that sells or displays other adult oriented materials or merchandise; or an establishment with a segment or section devoted to the sale, rental or display of such material.
- 2.4.11. ADULT ENTERTAINMENT ESTABLISHMENT: An establishment whose principal business purpose is for adults-only entertainment, amusement or recreation, such as a nightclub, bar, restaurant, adult theater, or similar establishment that frequently features live performances characterized by an emphasis on "specified sexual activities" or the exposure of "specified anatomical areas" for observation by patrons.
- 2.4.12. ADULT THEATER: An establishment used for presenting motion pictures, films, digital presentations, theatrical productions or material characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" for observation by patrons. Such establishment may also include an ADULT BOOKSTORE or ADULT RETAIL ESTABLISHMENT.
- 2.4.13. AIRPORT: A place where aircraft can land and take off. Such use may include terminals, hangars, refueling and repair facilities, passenger accommodations and other integrally-related facilities.
- 2.4.14. ALLEY: A service way to the side or rear of abutting property providing a means of access to abutting property and not intended for general traffic circulation.
- 2.4.15. ALTERATION: Any change or rearrangement in the supporting members of an existing building, such as bearing walls, columns, beams, girders or interior partitions, as well as any change to doors, or windows, or any enlargement to a building or structure, whether horizontally or vertically, or the moving of a building or structure from one location to another.
- 2.4.16. ALTERNATIVE FINANCIAL SERVICE: A check cashing business, payday advance or loan business, money transfer business, car title loan business, title pawn business, pawn shop or any other similar businesses engaged in non-traditional short-term lending.
- 2.4.17. ANIMAL HOSPITAL: A facility where small household pets are given medical and surgical treatment and in which short-term boarding of pets (within an enclosed building) may be provided.
- 2.4.18. ANIMAL SHELTER: A facility operated for the purposes of impounding, harboring, selling, placing and retrieving seized, strayed, distressed, homeless, abandoned or unwanted small domestic animals. Animal Shelters may include incidental activities including vaccination, training classes, spay/neuter services, and boarding services.
- 2.4.19. APPLICANT: An entity filing an application in compliance with this Ordinance who is:
  - 1. The owner or lessee of the property that is the subject of the application;
  - 2. A party who has contracted to purchase the subject property and who presents written authorization from the property owner to file the application; or
  - 3. The agent of either of the above who presents written authorization from the property owner to file the application.
- 2.4.20. ARCADE, ADULT AMUSEMENT: Any establishment wherein there is located one or more devices that depict specified sexual activities or the exposure of specified anatomical areas, or legal devices which may be used for gambling including those that dispense or otherwise reward a person with money or anything of value other than the right to replay such device. This does not include activity prohibited by city or state law.

- 2.4.21. ARCADE, AMUSEMENT: A business establishment providing five (5) or more coin-operated arcade games for patron use on the premises. This does not include activity prohibited by city or state law or ADULT AMUSEMENT ARCADES.
- 2.4.22. ARCADE GAME: A coin-operated game usually played in amusement arcades, such as pinball or video games, requiring hand-eye coordination or skill to play. This does not include activity prohibited by city or state law.
- 2.4.23. ASSISTED LIVING FACILITY: See DOMICILIARY CARE FACILITY.
- 2.4.24. BAKERY, MAJOR: An establishment that bakes goods primarily for wholesale and/or retail which may include storage and distribution facilities.
- 2.4.25. BAKERY, MINOR: An establishment that bakes goods solely for on-premise retail sale.
- 2.4.26. BANK OR FINANCIAL SERVICE: A business engaged in providing banking or financial services to the general public, such as a bank, savings and loan institution, credit union, finance company and similar uses. This does not include ALTERNATIVE FINANCIAL SERVICES.
- 2.4.27. BASEMENT: A portion of a building located wholly or partially underground, having one-half (1/2) or more of its floor-to-ceiling height above the average grade of the adjoining ground.
- 2.4.28. BED AND BREAKFAST: An owner-occupied single family dwelling that contains guestrooms which, for a fee, may be occupied by a guest in accordance with [§8.16 Bed and Breakfast](#).
- 2.4.29. BEDROOM: A room marketed, designed or otherwise intended to function primarily for sleeping.
- 2.4.30. BERM: A grass-covered or landscaped mound of earth with a slope of one-third (1/3) or greater on both sides of the mound and used to screen activities of uses.
- 2.4.31. BEST MANAGEMENT PRACTICES (BMP): This definition was removed – (Ord. No. 2020-001, 3//2/2020).
- 2.4.32. BILLIARD PARLOR: A place of business containing three (3) or more billiard tables or similar game tables. This does not include AMUSEMENT ARCADE.
- 2.4.33. BLOCK: A tract or parcel of land entirely surrounded by public streets other than alleys or a combination of streets, public land, railroad rights-of-way, bodies of water or watercourses, or any barrier to the continuity of development.
- 2.4.34. BLOCK FRONTAGE: All the property fronting on one side of a street between intersecting streets.
- 2.4.35. BOARDER: An individual, other than a member of a family, occupying the dwelling unit or part thereof, who, for compensation, is furnished sleeping accommodations and may be furnished meals and other services.
- 2.4.36. BOARDING HOUSE: A single-family dwelling or part thereof in which, for compensation, lodging is provided on a weekly or monthly basis for Boarders who occupy single rooms and share kitchens, bathrooms and common areas and who may also be provided meals. A Boarding House is occupied and managed by the owner. Individual accommodations are not served by separate electric power meters. See also BOARDER.
- 2.4.37. BUFFER: Open spaces, landscaped areas, walls, berms, or any combination thereof used to physically separate one use from another to visually shield or block noise, lights, or other nuisances. (See typical illustration below.)



- 2.4.38. **BUILDABLE AREA:** The area of a lot remaining after required yard, open space, and buffer requirements have been met.
- 2.4.39. **BUILDING:** A structure having a roof supported by columns or walls and intended for the shelter, housing, or enclosure of any individual, family, process, equipment, goods, or materials of any kind.
- 2.4.40. **BUILDING HEIGHT:** The vertical distance measured from grade level at the front of the building to the highest point of the parapet for flat roofs, to the deck level for mansard roofs, and the average distance between the eaves and the ridge level for gable, hip, and gambrel roofs.



Determining Building Height

- 2.4.41. **BUILDING LINE** or **BUILDING SETBACK LINE:** A line generally parallel to the street right-of-way line at a distance equal to the depth of the required front yard or touching that part of a building closest to the street.
- 2.4.42. **BUILDING, PRINCIPAL:** See **PRINCIPAL BUILDING**.
- 2.4.43. **BUILDING SPACING:** The minimum distance between buildings, measured from the outermost projection, excluding bay windows, chimneys, flues, columns, ornamental features, cornices and eaves.
- 2.4.44. **BUSINESS OFFICE FOR CONTRACTORS, INCLUDING MINOR FABRICATION:** A place where the primary use is a business office for a building contractor (including electrical, plumbing, heating and air conditioning, painters and similar contractors) where the administrative or clerical affairs are conducted, but which may, upon approval, include some minor fabrication as an accessory use when the fabricated products are integral to the contractor's business. For the purposes of this definition, minor fabrication means the processing, fabrication, assembly, treatment and packaging of finished products or parts from previously prepared materials and the incidental storage, sale and distribution of such products.

- 2.4.45. BUSINESS OFFICE or PROFESSIONAL OFFICE: A place where the administrative or clerical affairs of a business or industry are conducted, such as accounting, bookkeeping, secretarial services, research, editing, administration or analysis, technical or academic consulting; and sales by phone or data transmission; or the office of a member of a recognized professional maintained for the conduct of that profession. Business and Professional Offices may include incidental storage related to the business but do not involve manufacturing, fabrication, production, processing, assembly, cleaning, testing or repair of materials, goods and products unless otherwise provided for in this Ordinance.
- 2.4.46. BUSINESS SUPPORT SERVICE: A place of business which supplies support services primarily to business or professional offices or services, such as photocopy, office equipment, supplies and services, cleaning services, computer and office equipment repair and similar services.
- 2.4.47. CAMPGROUND: A premises planned, as a whole, for seasonal recreation or vacation uses, including tent campsites, recreational vehicle sites, vacation cottages, recreational facilities, eating facilities (such as picnic tables and/or outdoor grills) and bathrooms and may also include a facility which provides for the sale of personal items and gifts.
- 2.4.48. CARPORT: A roofed structure providing space for the parking or storage of motor vehicles either unenclosed or enclosed on not more than three (3) sides.
- 2.4.49. CAR WASH: A commercial establishment engaged in automated or manual washing or cleaning of automobiles and light vehicles.
- 2.4.50. CASUALTY: An event, including natural disaster or other act of God which is sudden, unexpected, and unusual, such as a hurricane, earthquake, fire, war, terrorism, flood, accident, vandalism, theft, or similar event that causes injury, death, or loss or damage to property or improvements. See also NATURAL DISASTER OR OTHER ACT OF GOD.
- 2.4.51. CEMETERY: Human burial grounds.
- 2.4.52. CEMETERY, PET: Burial grounds for small domestic animals.
- 2.4.53. CERTIFICATE OF OCCUPANCY: Authorization by the City to use or occupy a property upon completion of construction, change or conversion of a structure, which certifies that zoning, building code and other applicable requirements have been met.
- 2.4.54. CHECK CASHING, PAYDAY ADVANCE CENTER: An establishment that, for compensation, engages in the business of cashing checks, warrants, drafts, money orders or other commercial paper serving a similar purpose for a fee or advancing funds on future checks. This does not include banks or similar financial institution, or retail stores or other establishments selling consumer goods that incidentally charge a fee to cash checks or money orders as a service to customers. See also ALTERNATIVE FINANCIAL SERVICE.
- 2.4.55. CHILD: Any person age eighteen (18) or under.
- 2.4.56. CHILDREN'S INDOOR PLAY FACILITY: A business consisting of indoor recreation facilities used for children's parties, whether private or not, and other similar children's functions and containing limited cooking facilities as would be needed to warm pre-prepared food. This does not include AMUSEMENT ARCADE.
- 2.4.57. CITY: The City of Gardendale, Alabama.
- 2.4.58. CITY BUILDING CODE: The code(s) adopted by the City, and as may be amended from time to time by the Council, which governs the design and construction of buildings and structures, including but not limited to, building, fire, plumbing and electrical codes.
- 2.4.59. CITY ENGINEER: That engineer, whether on staff or contract, so designated by the City Council, or his/her designee.
- 2.4.60. CLINIC: A facility providing medical, psychiatric or surgical services for sick or injured persons exclusively on an out-patient basis.

- 2.4.61. CLUB or FRATERNAL ORGANIZATION: A group of people organized for a common purpose to pursue common goals, interests and activities and usually characterized by certain membership qualifications, payment of fees or dues, which holds regular meetings and has a constitution or by-laws.
- 2.4.62. COMMERCIAL PARKING: Parking of motor vehicles on a temporary basis within a commercially-operated, off-street parking lot or garage.
- 2.4.63. COMMERCIAL SCHOOL: See SCHOOL, COMMERCIAL.
- 2.4.64. COMMON OPEN SPACE: Land area within a development that is held in common ownership and maintained by the developer or by a property owner's association for all of the owners and/or residents for recreation, protection of natural land features, amenities or buffers; is freely accessible to all residents of the development; and is protected by the provisions of this Ordinance and by covenant to ensure that it remains in such uses. Common open space may include surface water bodies (i.e. rivers, streams, lakes or ponds) unless otherwise specified. Common open space does not include land occupied by buildings, common driveways, parking areas or street rights-of-way.
- 2.4.65. COMMUNITY CENTER or CIVIC CENTER: See PLACE OF ASSEMBLY.
- 2.4.66. COMPREHENSIVE PLAN: The duly adopted Comprehensive Plan of the City of Gardendale, Alabama and any similarly adopted sector or area-specific plans.
- 2.4.67. CONDITIONAL USE: A use permitted in a particular zoning district when it is shown that such use in the specified location will comply with all the conditions and standards for the location or operation of the use as specified in this Ordinance and authorized by the Commission.
- 2.4.68. CONDOMINIUM: A building or group of buildings in which dwelling units, offices, or floor area are owned individually and the structure, common areas, and facilities are owned by all the owners on a proportional, undivided basis.
- 2.4.69. CONSTRUCTION PLAN: Any drawing used for the construction of on-site or off-site improvements. Construction plans may include, but are not limited to, site plans, subdivision site plans, single lot development plans, grading plans, drainage plans, profiles and cross sections.
- 2.4.70. CONSTRUCTION RELATED ACTIVITIES: Temporary activities that typically accompany and support work at a development or construction site. These may include construction offices, indoor and outdoor storage, fencing, portable toilets and parking.
- 2.4.71. CONSTRUCTION SERVICE: A place of business engaged in construction activities and incidental storage, as well as wholesaling of building materials such as a building contractor, trade contractor or wholesale building supply store. This does not include a HOME IMPROVEMENT CENTER.
- 2.4.72. CONVENIENCE STORE: A retail establishment selling primarily food products, household items, newspapers and magazines, candy, and beverages, and a limited number of freshly prepared foods such as sandwiches and salads for off-premises consumption. A convenience store that also sells vehicle fuel is considered a GAS STATION.
- 2.4.73. COUNCIL or CITY COUNCIL: The City Council of the City of Gardendale, Alabama.
- 2.4.74. COUNTRY CLUB: Land or buildings containing recreational facilities and club house for private club members and their guests.
- 2.4.75. COVENANT: A restriction upon the use of a property placed in a deed running with the land and enforced by private landowners or property owners' associations.
- 2.4.76. CUL-DE-SAC: A dead-end street terminated by a vehicular turnaround.
- 2.4.77. DAY CARE CENTER: A licensed facility, that is not a dwelling, providing day care on a regular basis to more than six (6) children, elderly, handicapped or infirmed persons who do not stay overnight at the facility. The term does not include: programs operated as part of public or private schools; programs operated on federal

- governmental premises; and special activities programs such as athletics, crafts, and similar activities conducted on an organized and periodic basis by civic, charitable and governmental organizations.
- 2.4.78. DAY CARE HOME: A single-family dwelling in which a permanent adult occupant thereof provides care for up to six children for part of the day and which is duly licensed to operate as a day care home. Those receiving care are not all related to the occupant or to each other by blood or marriage and are not the legal wards or foster children of the attendant adults, and do not reside on the site. Day Care Homes are regulated separately from HOME OCCUPATIONS.
- 2.4.79. DAY CARE HOME, GROUP: A single-family dwelling in which a permanent adult occupant thereof provides care for at least seven (7), but no more than twelve (12), children for care during part of the day, which is duly licensed as a Group Day Care Home and where at least two (2) adults are present and supervising the activities conducted therein. Group Day Care Homes do not include GROUP CARE HOMES and are regulated separately from HOME OCCUPATIONS.
- 2.4.80. DECK: An elevated, unenclosed structure constructed for use as an outdoor living area.
- 2.4.81. DENSITY: The lot area per dwelling unit or the number of dwelling units per acre of site area.
- 2.4.82. DEVELOPER: The legal or beneficial owner of a lot or of any land included in a proposed development, including the holder of an option or contract to purchase or other persons having enforceable proprietary interests in such lands.
- 2.4.83. DEVELOPMENT: The construction, reconstruction, remodeling, conversion, structural alteration, relocation, enlargement or demolition of any structure, portion of a structure, or sign; any change in use of a property or structure; any material change in the appearance of any structure; any increase in the number of dwelling units, businesses, manufacturing establishments, or offices; any mining, excavation, filling, drilling, grading, paving or land disturbance; and any land subdivision.
- 2.4.84. DOMICILIARY CARE FACILITY: A licensed facility whose purpose is to furnish room, meals, laundry, personal care and other non-medical services for ambulatory adults. This kind of care implies sheltered protection and a supervised environment for persons who, because of age or disabilities, are incapable of living independently in their own homes or in a commercial room and board situation, yet who do not require the medical and nursing services provided by a NURSING CARE FACILITY. In these facilities, there might be available, temporarily and incidentally, the same type of limited medical attention that an individual would receive if living at home. Also commonly referred to as an Assisted Living Facility.
- 2.4.85. DRIVE-THROUGH FACILITY: Premises used to provide or dispense products or services, through an attendant or a window or an automated machine, to persons remaining in vehicles. A drive-through facility may be in combination with other uses, such as a financial institution, personal services establishment, or restaurant. This does not include a vehicle washing establishment or vehicle fuel station.
- 2.4.86. DRIVEWAY: A private way providing vehicular access between a street and an off-street parking, circulation, or loading area.
- 2.4.87. DUPLEX: A building containing two (2) single-family dwelling units totally separated from each other by an unpierced wall extending from basement to roof.
- 2.4.88. DWELLING, GARDEN HOME: A detached, single-family dwelling designed on a small lot in accordance with the requirements of the RG District.
- 2.4.89. DWELLING, MULTI-FAMILY: A building containing three (3) or more attached dwelling units on a commonly shared lot.
- 2.4.90. DWELLING, SINGLE-FAMILY ATTACHED: A single-family dwelling with ground floor outside access, attached to two or more single-family dwellings by common vertical walls without openings.
- 2.4.91. DWELLING, SINGLE-FAMILY DETACHED: A building containing one dwelling unit and that is not attached to any other dwelling by any means.

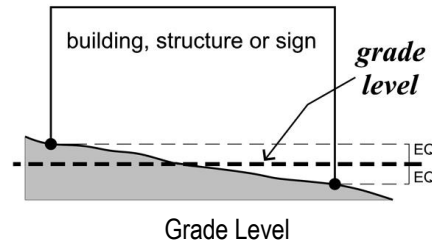


- 2.4.92. DWELLING UNIT: A building or portion thereof providing complete, independent living facilities for a single family, including provisions for living, sleeping, eating, and sanitation.
- 2.4.93. EASEMENT: Authorization by a property owner of the use of a designated part of his property by another for a specified purpose.
- 2.4.94. ENGINEER or PROFESSIONAL ENGINEER: A professional engineer registered and in good standing with the State of Alabama Board of Registration for Professional Engineers and Surveyors.
- 2.4.95. ENTERTAINMENT, INDOOR: A commercial establishment providing spectator entertainment within an enclosed building, including movie theaters, and similar uses. Accessory uses may include concessions, snack bars, restaurants, parking and maintenance facilities. This does not include AMUSEMENT ARCADE, ADULT THEATERS, ADULT ENTERTAINMENT, or ADULT BOOKSTORE.
- 2.4.96. ENTERTAINMENT, LIVE: Any performance, musical act, karaoke, stand-up comedy, play, song or dance act, disc jockey, or any combination of these, or similar activity performed live by one or more persons, whether or not done for compensation, and whether or not admission is charged. Live Entertainment is considered an accessory use in places of assembly, concert halls, night clubs, etc. This does not include ADULT ENTERTAINMENT.
- 2.4.97. ENTERTAINMENT, OUTDOOR: A commercial establishment providing spectator entertainment in open, partially-enclosed or screened facilities, including sports arenas, racing tracks, drive-in theaters, etc. This does not include ADULT THEATER. Accessory uses may include concessions, snack bars, restaurants, parking and maintenance facilities.
- 2.4.98. EQUIPMENT RENTAL, HEAVY: A place of business engaged in the rental of tools and heavy equipment such as paving machines, motor graders, scissor lifts, backhoes, construction cranes and equipment, tractors and farming implements, and similar items. For moving companies, see INDUSTRIAL USE.
- 2.4.99. EQUIPMENT RENTAL, LIGHT: A place of business engaged in the rental of light equipment such as lawn mowers, lawn tractors, weed eaters, garden tillers, small concrete mixers, chain saws, ladders, and similar items, usually on a daily/hourly basis for remuneration. Light Equipment Rental may also include rental of other items such as appliances, furnishings, meeting/wedding/party supplies, audio/video equipment and similar items. For video rentals, see GENERAL RETAIL, ENCLOSED.
- 2.4.100. ERECT, ERECTED, ERECTION. Build, construct, reconstruct, move upon, or other physical operation on the premises required for building. When used in reference to signs, it shall include build, construct, attach, hang, place, suspend and affix.
- 2.4.101. FAÇADE: Unless indicated otherwise, the exterior wall of a building exposed to public view and that most closely corresponds with the front lot line.
- 2.4.102. FAMILY: A person living alone, or any of the following groups conforming to the limitations in [§5.5 Dwelling Unit Occupancy](#), living together as a single nonprofit and non-commercial housekeeping unit, and sharing common living, sleeping, cooking and eating facilities:
1. Any number of persons all of whom are related to the second degree of consanguinity by blood, marriage, adoption, guardianship, or other duly-authorized custodial relationship;
  2. Up to four persons not all related to one another to the second degree of consanguinity by blood, marriage, adoption, guardianship or other duly-authorized custodial relationship;
  3. Two unrelated persons and any children related to the second degree of consanguinity to either of them;
  4. Not more than eight persons who are “handicapped” as defined in the Fair Housing Act 42 USC § 3602(h), as may be amended
  5. Not more than ten persons who are mentally ill and two caregivers living in a group care home per 11-52-75.1 of the Alabama State Code as may be amended.

For the purposes of this definition “second degree of sanguinity” shall mean a human relationship that includes husbands, wives, parents, children, grandchildren, brothers, sisters, aunts, uncles, nephews, nieces and first

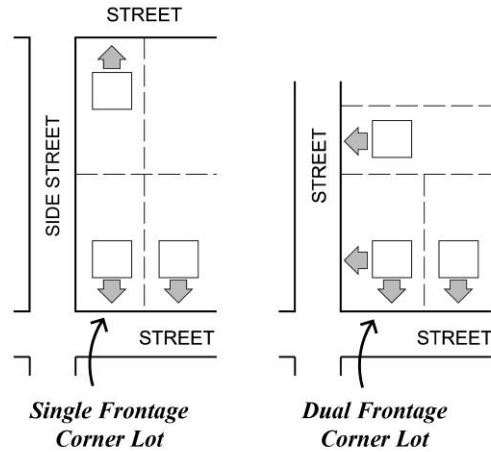
cousins, (including “step” or “half” such relationships) as demonstrated by official public records such as drivers licenses, birth or marriage certificates, or by affidavits. A degree of relationship beyond or outside of the second degree of consanguinity, or that cannot be verified to the Building Official by documents, does not constitute a “relation” or does not amount to “related” under this Ordinance.

- 2.4.103. FARM: A parcel of land at least three (3) acres in size, in one (1) ownership used for the production, keeping or maintenance, for sale or lease, of plants and animals useful to man, subject to [§8.1 Farm](#).
- 2.4.104. FARM SUPPORT BUSINESS: A commercial establishment engaged in the sale of farm support goods and services, including the following activities:
  - 1. the sale of feed, grains, fertilizers, pesticides and similar farm support goods;
  - 2. the provision of warehousing and storage facilities for raw farm products; and
  - 3. the provision of veterinary services to farm animals.
- 2.4.105. FENCE: An artificially constructed barrier of any material or combination of materials designed for such purposes, or vegetation which is planted or retained as a means to enclose or screen areas of land.
- 2.4.106. FENCE, PRIVACY: A fence intended to visually screen all or part of a property or use from the view of the public and/or neighboring properties.
- 2.4.107. FLOOR AREA, GROSS: The total area of a building measured by taking the outside dimensions of the building at each floor level intended for occupancy or storage.
- 2.4.108. FOWL: Chickens, turkeys, ducks, geese, quail, guineas, etc.
- 2.4.109. FUNERAL HOME: A building or part thereof used for human funeral services. Such building may contain space and facilities for; a) embalming and the performance of other services used in preparation of the dead for burial; b) the performance of autopsies and other surgical procedures; c) the storage of caskets, funeral urns and other related funeral supplies; and d) space for the storage of funeral vehicles.
- 2.4.110. GARAGE: A permanently roofed, fully enclosed structure used for automobile shelter and storage. (Not to be confused with a business used for VEHICLE REPAIR, MINOR or MAJOR.)
- 2.4.111. GARDEN CENTER or NURSERY: Retail sale of plants, trees, shrubs and the like for ornamental purposes conducted from a building, greenhouse, outdoor display area or stand, including incidental sales of items customarily associated with such sales activities (containers, fertilizers, ornaments, mulch, potting soil, small gardening tools, gardening equipment and seeds).
- 2.4.112. GARDEN HOME: See DWELLING, GARDEN HOME.
- 2.4.113. GAS STATION: A commercial establishment providing fuel, lubricants, parts and accessories for vehicles, which may also engage in the incidental sale of food items and beverages. When permitted by zoning district, Vehicle Repair activities may also be performed.
- 2.4.114. GENERAL RETAIL, ENCLOSED: The retail sales of goods and services primarily within a building, including, but not limited to, food sales, department stores, clothing stores, home furnishings, appliance stores, automobile parts and supply stores, video rental, gift shops, florist shops, hardware stores, specialty shops, jewelry stores, variety stores, sporting goods stores, antique shops and similar retail activities. This does not include ADULT BOOKSTORE, or ADULT RETAIL ESTABLISHMENT.
- 2.4.115. GENERAL RETAIL, UNENCLOSED: Retail sales of goods and services not otherwise defined in this section, conducted partially or fully outside of a building, including, but not limited to, tombstone or monument sales, utility building sales, manufactured homes, farm tractor sales, sidewalk sales, outdoor food service and similar activities. This does not include GARDEN CENTER.
- 2.4.116. GRADE LEVEL. The average level of the finished ground surface adjacent to the exterior walls of a building, structure or sign.



- 2.4.117. GREENWAY: An open space corridor linking parks, natural reserves, cultural features or historic sites with each other and/or with populated areas.
- 2.4.118. GROCERY STORE: A retail establishment in which the following items are normally sold: food items, beverages, household supplies, personal care items, etc. Grocery stores may also include magazine sales, the sale of automobile maintenance supplies and a deli and/or bakery, but do not engage in any form of vehicle repair or maintenance or the sale of vehicle fuel.
- 2.4.119. GROUP CARE HOME: A nonprofit or for-profit group home for the sheltered care of persons with special needs, which, in addition to providing food and shelter, may also provide some combination of personal care, social or counseling services, and transportation. See Code of Alabama, 1975, 11-52-75.1, Regulation as to housing of mentally-retarded or mentally-ill persons in multi-family zones, as amended.
- 2.4.120. GYMS AND HEALTH CLUBS: Establishments such as fitness centers, gymnasiums, health and athletic clubs including indoor sauna, spa or hot tub facilities and incidental court game uses including, but not limited to, indoor tennis, handball and racquetball. Such establishments may include swimming pools as part of the permitted use, unless otherwise provided for in this Ordinance. These clubs may also include incidental physical instruction. Does not include CLUB or FRATERNAL ORGANIZATION. See also PERSONAL SERVICES.
- 2.4.121. HALFWAY HOUSE: See TRANSITIONAL HOME.
- 2.4.122. HAZARDOUS USES: All uses which involve the storage, sale, manufacture, processing or handling of materials which are easily ignited and likely to burn with moderate rapidity or cause smoke, including materials and/or chemicals which are highly flammable, explosive, noxious, toxic or are otherwise inherently dangerous to humans, animals, land, crops or property.
- 2.4.123. HEAVY INDUSTRY: See INDUSTRY, HEAVY.
- 2.4.124. HELISTOP: A pad and/or other facility accommodating helicopter takeoffs and landings.
- 2.4.125. HOBBY FARM: A two (2) acre or larger tract of land used for the keeping or maintenance of farm animals personally useful to the occupants of a dwelling on the same tract.
- 2.4.126. HOME IMPROVEMENT CENTER: A retail establishment engaged in the sale of a wide range of building materials, including lighting fixtures, electrical supplies, roofing shingles, gutters, doors and windows, plumbing supplies, paint, hardware, wood pest control products, and similar products. Such an establishment may also include the storage and sale of plants, shrubs, flowers, planters, landscaping timbers and materials.
- 2.4.127. HOME OCCUPATION: A business, profession, occupation or trade conducted for gain or support and located entirely within the living area of a dwelling as an incidental activity of the residents of that dwelling.
- 2.4.128. HOSPITAL: An establishment that provides services for surgery and surgical care, in-patient medical, out-patient medical, and the care of sick or injured persons. A hospital may include related facilities such as laboratories, pharmacies, gift shops, coffee shops and cafeterias, out-patient services, training facilities and staff offices, provided such uses are incidental and subordinate to the principal hospital use and is an integral part of the hospital operation.
- 2.4.129. HOTEL: A commercial facility offering transient lodging accommodations on a daily or weekly basis and in which guest rooms are accessed from the interior of the building. Hotels may also include, as an integral part of operations, such services as restaurants, meeting rooms, banquet rooms, gift shops, recreational facilities, etc. Where permitted, Hotels may also include, as an incidental use, a LIQUOR LOUNGE.

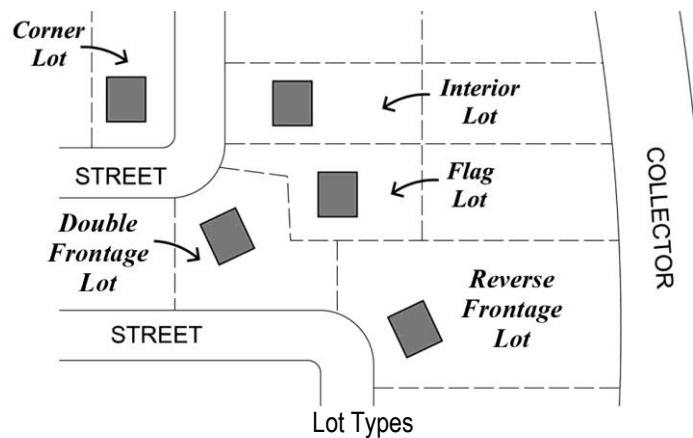
- 2.4.130. IMPERVIOUS SURFACES: Surfaces such as rooftops, sidewalks, roads and parking lots covered by impenetrable materials such as asphalt, concrete, brick and stone, which prevent percolation of runoff into the ground.
- 2.4.131. IMPROVEMENT: Any man-made immovable item which becomes a part of, placed upon or affixed to real estate.
- 2.4.132. INDUSTRIAL PARK: A tract of land planned, developed, and operated as a coordinated and integrated facility for a number of separate industrial uses, with consideration for circulation, parking, signage, utility needs, aesthetics, and compatibility.
- 2.4.133. INDUSTRY, HEAVY: Meat or poultry processing, slaughterhouse, storage or manufacture of flammable, explosive or toxic materials or other materials generally considered to be hazardous or offensive in nature.
- 2.4.134. INDUSTRY, LIGHT: Industrial processes and facilities that are typically less capital intensive and pose more limited environmental impacts than HEAVY INDUSTRY. Most light industry products are produced for end users rather than for use by other industries.
- 2.4.135. INOPERATIVE MOTOR VEHICLE: See VEHICLE, INOPERATIVE.
- 2.4.136. KENNEL: An establishment in which three (3) or more dogs, more than six (6) months of age, are kept, bred, raised, trained, boarded or handled for a fee.
- 2.4.137. LIQUOR LOUNGE: A licensed establishment engaged in the preparation, sale or serving of liquor for consumption on the premises., This includes but is not limited to taverns, bars, cocktail lounges, nightclubs and similar uses where on-premise liquor consumption is a primary or incidental activity. Liquor lounges may include LIVE ENTERTAINMENT. This does not include ADULT ENTERTAINMENT or establishments which sell alcoholic beverages for off-premise consumption only, such as a package store, State Alcoholic Beverage Store, supermarkets, etc. See also NIGHT CLUB.
- 2.4.138. LIVABLE FLOOR AREA: Any floor area within a dwelling usable for any combination of sleeping, eating, cooking, recreation or working purposes.
- 2.4.139. LIVESTOCK: Cows, horses, goats, sheep, swine, ponies, donkeys, cattle, and other hooved animals.
- 2.4.140. LIVESTOCK SALES: The sale of animal livestock within an enclosed yard or structure, including livestock markets, horse or cattle auctions and similar activities.
- 2.4.141. LOT: A parcel of land shown on a recorded plat or a piece of land described by a legally recorded deed, provided, however, that the deeded land was not transferred in conflict with the Subdivision Regulations and this Ordinance.
- 2.4.142. LOT AREA: The minimum area contained within the property of the individual parcels of land shown on a subdivision plat or survey. Lot area excludes any area within an existing or future street right-of-way or any area devoted to common open space.
- 2.4.143. LOT, CORNER: A lot abutting upon two or more streets at their intersection or on two parts of the same street forming an angle of less than one hundred thirty-five (135) degrees.
  - 1. DUAL FRONTAGE CORNER LOT: A residential corner lot abutting an interior lot on each of the two street frontages. Two-frontage Corner lots provide the same minimum depth front yard on each frontage.
  - 2. SINGLE FRONTAGE CORNER LOT: A residential corner lot with frontage on two streets, one of which is a side street. A primary frontage corner lot abuts another primary frontage corner lot on one side and an interior lot on the other side.



Corner Lots

2.4.144. LOT, DOUBLE FRONTAGE: An interior lot having frontages on two streets.

2.4.145. LOT, FLAG: A parcel of land which does not have the required minimum lot width at the front lot line but has direct access to a public street through a narrow strip of land which is part of the same lot. The lot lines of the narrow portion of the lot (the flag pole) are parallel or nearly parallel.



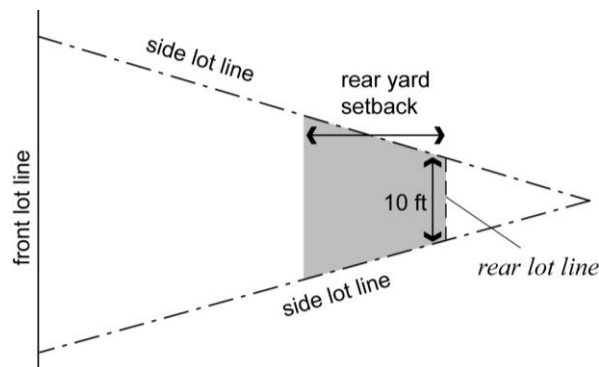
Lot Types

2.4.146. LOT FRONTAGE: The lot width measured at the street line.

2.4.147. LOT, INTERIOR: A lot other than a corner lot.

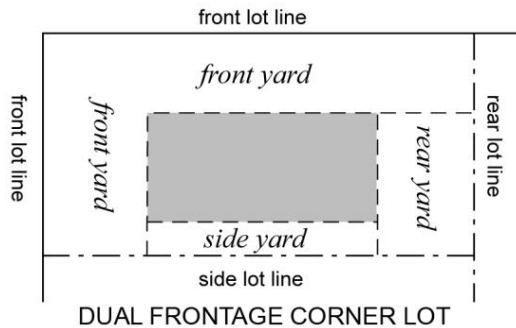
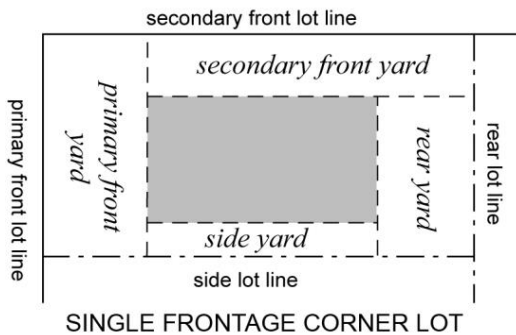
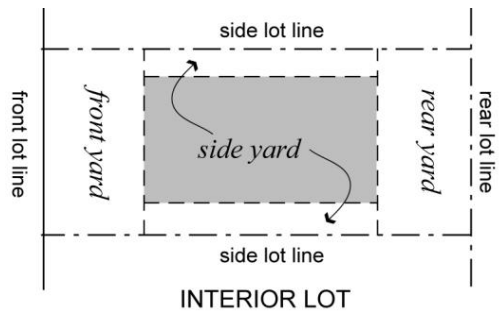
2.4.148. LOT LINE: The legal boundary line of a lot.

2.4.149. LOT LINE, FRONT: The lot line separating a lot from a street right-of-way.

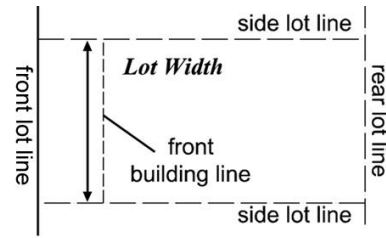


Adjusted Rear Lot Line

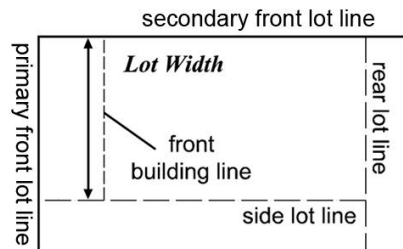
- 2.4.150. LOT LINE, REAR: That lot line which is parallel to and most distant from the front lot line. In the case of an irregular or triangular lot, a line ten (10) ft in length, entirely within the lot, parallel to and at the maximum distance from the front lot line.
- 2.4.151. LOT LINE, SIDE: Any lot line other than a front lot line or a rear lot line.
- 2.4.152. LOT OF RECORD: Any validly-recorded lot which, at the time of its recording, complied with all applicable laws, ordinances and regulations.
- 2.4.153. LOT, REVERSE FRONTAGE: A double frontage lot having a rear yard on a major street and a front yard and access to a local street.
- 2.4.154. LOT WIDTH: The horizontal distance measured between the side lot lines at the required building setback line. In the case of only one (1) side lot line, lot width is the distance measured between the side lot line and the opposite lot line.



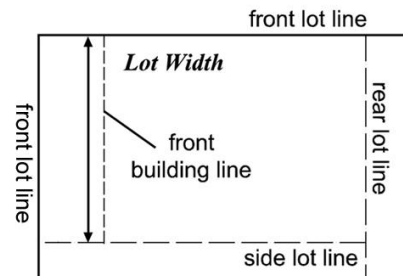
Lot Lines



INTERIOR LOT



SINGLE FRONTAGE CORNER LOT



DUAL FRONTAGE CORNER LOT

Lot Width

- 2.4.155. MAINTENANCE SERVICE: An establishment providing building and yard maintenance services, such as janitorial services, exterminating services, landscaping services, window cleaning services, septic tank services, office cleaning services and similar uses.
- 2.4.156. MANUFACTURED HOME: A factory-built, single-family dwelling that meets the Federal Manufactured Home Construction and Safety Standards Act (42 U.S.C. Sec 5401), commonly known as the HUD Code.
- 2.4.157. MANUFACTURED HOME LOT: A lot that is designed for use within a manufactured home subdivision.
- 2.4.158. MANUFACTURED HOME PARK: A tract of land used or designed to accommodate a manufactured home community of multiple spaces for rent or lease.
- 2.4.159. MANUFACTURED HOME SALES: A lot or tract of land used for display of manufactured homes for sale.
- 2.4.160. MANUFACTURED HOME SPACE: A space that is designed for use within a manufactured home park.
- 2.4.161. MANUFACTURED HOME SUBDIVISION: A division of a tract of land into two (2) or more lots, plats, sites intended for the long-term siting of manufactured homes for dwelling purposes.
- 2.4.162. MANUFACTURED OFFICE: A temporary, non-residential, portable, mobile, or transportable factory-built building or structure, the use of which may be the principal building or an accessory building to an existing operation on the same lot or tract. See also [§7.6 Temporary Uses and Structures](#).
- 2.4.163. MANUFACTURING, GENERAL: The basic processing and manufacturing of materials or products predominately from extracted or raw materials, including the incidental sale, storage and distribution of such products. Said uses

impose moderate to high impact on the surrounding environment by increased traffic, noise or vibration and may require measures to be taken to control smoke, dust or pollutants.

- 2.4.164. MANUFACTURING, LIGHT: The manufacture, predominantly from previously-prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, and packaging of such products, including the incidental storage, sale and distribution of such products where such manufacture poses negligible impact on the surrounding environment due to noise, vibration, smoke, dust or pollutants.
- 2.4.165. MARKET: Retail sales of arts, crafts, produce, discontinued or used goods which are located partially or wholly outside or within an enclosed building. This may include produce market, craft market, farmers' market or similar activities.
- 2.4.166. MASONRY: Veneer of exterior walls constructed of brick, decorative block, split face stone construction, natural stone, reinforced stucco, or other masonry material approved and constructed in accordance with the international building code currently adopted. (e.g. EIFS systems, hardi plank, or other materials of similar characteristics).  
(Ord. No. 2018-017, 11/19/2018) (Ord. No. 2020-001, 3/2/2020))
- 2.4.167. MASSAGE THERAPY ESTABLISHMENT: An establishment where massage therapy is practiced by a licensed professional massage therapist, regardless of whether or not the provision of massage therapy services is the primary function of the establishment.
- 2.4.168. MEDICAL AND DENTAL LABORATORY: An establishment where medical and dental supplies are manufactured. Limited manufacturing that is accessory and incidental to a MEDICAL SUPPORT SERVICE, PROFESSIONAL OFFICE, CLINIC or similar non-manufacturing principal use is not considered a Medical and Dental Laboratory.
- 2.4.169. MEDICAL SUPPORT SERVICE: A place of business which supplies medical support services to individuals, medical practitioners, clinics and hospitals, such as a pharmacy, a medical and surgical supply store, an optician and the like.
- 2.4.170. MILITARY INSTALLATION: A government-sponsored defense facility, including military bases, National Guard armories, military reserve centers and similar uses.
- 2.4.171. MINI-WAREHOUSE: A facility, other than a storage warehouse, with buildings divided into separate compartments that may include climate-controlled units, used to meet the temporary storage needs of households and small businesses, with no commercial transactions permitted other than the rental of the storage units. This does not include the rental of trucks or equipment as an accessory use.
- 2.4.172. MODULAR HOME: A dwelling manufactured off-site in accordance with the City Building Code, transported to and assembled on the building site on a permanent foundation.
- 2.4.173. MOTEL: A commercial facility offering transient lodging accommodation on a daily or weekly basis and in which guest rooms are accessed from the exterior of the building. A motel may include as an integral part of the facility such additional services as restaurants, meeting rooms, banquet rooms, liquor lounge, gift shops, and recreational facilities.
- 2.4.174. NATURAL DISASTER OR OTHER ACT OF GOD: An act attributable to nature without human interference and not preventable by any human agency. For example, damage from a flood, tornado or a lightning strike would be considered a natural disaster or other act of God. See also CASUALTY.
- 2.4.175. NIGHT CLUB: A licensed establishment that does its primary business after dark, may serve food, sells alcoholic beverages for on-premise consumption and which may provide LIVE ENTERTAINMENT or provide an area for customer dancing. This does not include ADULT ENTERTAINMENT. See also LIQUOR LOUNGE.
- 2.4.176. NONCONFORMING STRUCTURE: An otherwise legal building or structure that does not conform with the yard, height, lot coverage, parking, or other development regulations of this Ordinance, for the applicable district, either at the effective date of this Ordinance or as a result of subsequent amendments to it.

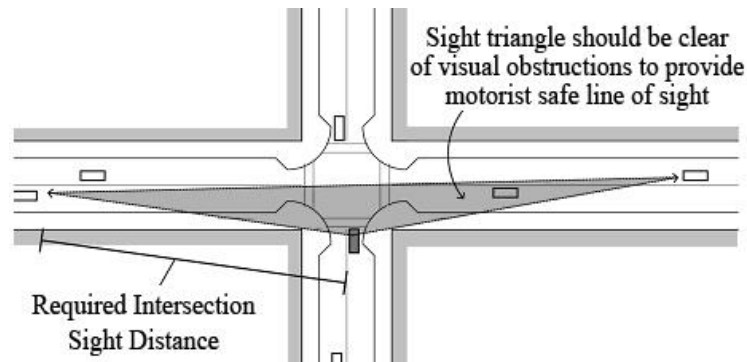


- 2.4.177. NONCONFORMING USE: An otherwise legally established use of a premises which has been continued but that does not conform to the use regulations of this Ordinance for the applicable district, either at the effective date of this Ordinance, or as a result of subsequent amendments.
- 2.4.178. NONCONFORMITIES: The use or development of land, building(s), structure(s), or lot(s), which was lawful at the time of enactment or amendment of zoning regulations but is not in conformity with this Ordinance or subsequent amendments to it.
- 2.4.179. NURSING CARE FACILITY: A licensed institution maintained for the purpose of providing skilled nursing care and medical supervision at a lower level than that provided in a hospital but at a higher level than provided in a DOMICILIARY CARE FACILITY.
- 2.4.180. OCCUPANCY LOAD: The maximum number of persons that may be accommodated by a use or building as determined by its design or by the currently adopted building and fire codes. Not to be confused with Dwelling Unit Occupancy.
- 2.4.181. ODORS, OBNOXIOUS: Dangerous, unwholesome, nauseous or offensive odors, gases or fumes arising from or incidental to any business where such odors, gases or fumes are allowed to escape in the open air in such amounts as to be at any time detrimental to the health of any individuals or the public or that is so noticeable, discomfoting or disagreeable so as to offend the sensibilities of any reasonable individuals or the public at a distance of two hundred (200) ft from the building or the source of such odors, gases or fumes or at the property boundary where the same are generated and released.
- 2.4.182. OFFICE: See BUSINESS OFFICE or PROFESSIONAL OFFICE.
- 2.4.183. OPEN SPACE: Land, not covered by parking areas, rights-of-way or buildings other than recreational structures, pools and stormwater facilities, which is landscaped or left in a natural state as required by the provisions of this Ordinance.
- 2.4.184. OPEN SPACE, COMMON: See COMMON OPEN SPACE.
- 2.4.185. OUTDOOR DISPLAY. An outdoor area designed, improved set aside for the display retail merchandise for sale in the regular course of business and which is left open and freely accessible to the public during normal business hours. OUTDOOR DISPLAY includes but is not limited to plant nurseries, home, farm and garden supplies, building materials, and vehicles, implements and equipment sales. OUTDOOR DISPLAY does not include the storing or parking of goods, equipment or vehicles that are not available to be examined by customers in the regular course of business during normal business hours. It does not include damaged, unusable or inoperable items; items being repaired, replaced or serviced; bulk items; and other similar items.
- 2.4.186. OUTDOOR STORAGE: The keeping, in an unenclosed area, of any goods, materials, merchandise, products, vehicles or other items in the same location for more than forty-eight (48) consecutive hours. This does not include areas otherwise defined as OUTDOOR DISPLAY.
- 2.4.187. OWNER or LANDOWNER: The person or persons having the right and legal title to, beneficial interest in or a contractual right to purchase a lot or parcel of land.
- 2.4.188. PARCEL: A piece or area of land formally described and recorded with block and lot numbers, by metes and bounds, by ownership, or in such manner as to specifically identify the dimensions and/or boundaries.
- 2.4.189. PARK or PLAYGROUND: A noncommercial, non-profit facility composed primarily of open land area and improvements, intended to be used for recreation and enjoyment, including both active and passive recreation. Includes publicly owned and operated parks, playgrounds and recreation facilities.
- 2.4.190. PARKING: See [Article 9 Off-Street Parking and Loading Requirements](#) for definitions concerning parking.
- 2.4.191. PAWN SHOP: A commercial establishment in which products are either purchased from the general public or held for a given time period for a mutually agreed upon price, with a pawn receipt provided with the understanding that he or she may return to repurchase or redeem the item left within the specified time period. This does not include a TITLE LOAN SERVICE.
- 2.4.192. PENAL INSTITUTION: A public institution housing inmates for correction or rehabilitation.

- 2.4.193. PERIMETER: The boundaries or borders of a lot, tract or parcel of land.
- 2.4.194. PERVIOUS SURFACES: Materials for paving roads, parking lots and walkways that allow the movement of water and air around and through the paving material, thus allowing water runoff to infiltrate to the soil below. Examples are pervious concrete, porous asphalt, porous turf, single-sized aggregate, and paving stones or bricks.
- 2.4.195. PERSONAL SERVICES: Establishments engaged in providing services involving the personal care of individuals or their personal goods or apparel, including but not limited to, a barber shop, beauty shop or boutique, cosmetic studio, dry cleaning and laundry service including laundromat, indoor gym, exercise or fitness centers, tanning salons, seamstress services, shoe repair, travel agencies, locksmiths, interior decorators, and formal wear rental. This does not include MASSAGE THERAPY ESTABLISHMENT.
- 2.4.196. PLACE OF ASSEMBLY: Buildings arranged for religious, recreational, civic, educational, or cultural purposes, such as churches, community centers, and civic centers, including related facilities for instruction, meeting, recreation, lodging, eating and other integrally-related activities. A Place of Assembly may include a DAY CARE CENTER as an incidental use.
- 2.4.197. PLANNED UNIT DEVELOPMENT (PUD): For definitions concerning Planned Unit Developments, see [§6.21 Planned Unit Development \(PUD\) District](#).
- 2.4.198. PLANNING AND ZONING COMMISSION or THE COMMISSION: The Planning and Zoning Commission of the City of Gardendale, Alabama.
- 2.4.199. PORCH: A roofed open area, which may be screened, attached to or part of a building, and with direct access to or from it.
- 2.4.200. PORTE-COCHERE: A canopy or other cover extending out from a building entrance to shelter those getting in and out of cars.
- 2.4.201. PREMISES: A lot, parcel, tract or plot of land together with the structures thereon.
- 2.4.202. PRINCIPAL BUILDING: The building, located on a lot or tract of land, in which the principal use is conducted. Lots with multiple principal uses may have multiple principal buildings.
- 2.4.203. PRINCIPAL USE: The primary or predominant use of any lot or parcel.
- 2.4.204. PRINTING ESTABLISHMENT, MAJOR: An establishment which provides blueprinting, copying, printing, engraving or other reproduction services with no limit on floor space.
- 2.4.205. PRINTING ESTABLISHMENT, MINOR: A commercial establishment providing blueprinting, copying, printing, engraving or other reproduction services limited to 2,500 sf of floor space/area.
- 2.4.206. PRODUCT REPAIR AND SERVICES: Establishments offering repair of goods and equipment servicing for small household appliances, bicycles, clocks, watches, shoes, televisions, personal computers and office equipment, locksmith, upholstery shop, and similar uses.
- 2.4.207. PROFESSIONAL OFFICE: See BUSINESS OFFICE or PROFESSIONAL OFFICE.
- 2.4.208. PROPERTY LINE: The lot line or boundary line.
- 2.4.209. PUBLIC BUILDING: Any building used exclusively for public purposes by any department or branch of the government.
- 2.4.210. PUBLIC UTILITY FACILITY: A facility that provides public utility services to the public at large, including water and sewer facilities, gas distribution facilities, electric transmission and distribution facilities, and cable transmission and distribution facilities.
- 2.4.211. PUBLIC UTILITY SERVICE: Essential utility services which are necessary to support development and which involve only minor structures such as lines and poles.
- 2.4.212. RECORDING STUDIO: A facility in which a performance may be created and recorded onto a medium for later reproduction.

- 2.4.213. RECREATIONAL VEHICLE: A vehicular-type portable structure without permanent foundation that can be towed, hauled, or driven and is primarily designed as a temporary living accommodation for recreational and camping purposes.
- 2.4.214. RECREATION, INDOOR: A commercial establishment providing enclosed recreational or sports activities to participants. Such activities include, but are not limited to, bowling alleys, roller skating or ice skating rinks, billiard parlors, racquet ball, indoor batting cages, and related amusements and sports activities. Accessory uses may include such things as the preparation and serving of food and/or the sale of equipment related to the permitted use. This does not include ADULT ENTERTAINMENT.
- 2.4.215. RECREATION, OUTDOOR: A commercial establishment providing recreational or sports activities to participants, including golf driving ranges, miniature golf courses, conventional golf courses, batting cages, tennis courts, racquet ball and other commercial recreational, and sports activities, and similar uses.
- 2.4.216. RECYCLING CENTER: A premises upon which used materials are separated and processed for shipment for recycling and eventual reuse.
- 2.4.217. RECYCLING PLANT: A facility in which recoverable resources (such as newspapers, magazines, books and other paper products; glass; metal cans; and other products) are recycled, reprocessed and treated to return such products to a condition in which they may again be used for production.
- 2.4.218. RESEARCH LABORATORY: Facilities for scientific research, investigation, testing or experimentation, but not facilities for the manufacture or sale of products, except as incidental to the main purpose of the laboratory.
- 2.4.219. RESOURCE EXTRACTION: The removal of soil, sand, clay, gravel, minerals or similar materials for commercial purposes, including quarries, sand and gravel operations, gas extraction and mining operations.
- 2.4.220. RESTAURANT, DINNER THEATER: A restaurant at which comedy or a play, musical, etc. is presented while or after dinner is served. See also LIVE ENTERTAINMENT.
- 2.4.221. RESTAURANT, FAST FOOD: An establishment where food and drink are rapidly prepared for carry-out, fast delivery, drive-thru or drive-in, which may also include facilities for on-premises consumption.
- 2.4.222. RESTAURANT, STANDARD: A licensed establishment where food and drinks are prepared, served and primarily consumed on-premises. A Standard Restaurant may provide limited live entertainment as an accessory use. In contradistinction to NIGHT CLUBS and LIQUOR LOUNGES, Standard Restaurants do not impose age restrictions on patrons at any time during business hours.
- 2.4.223. RESTAURANT WITH OUTDOOR SEATING: A restaurant that has on its premises for outdoor or open-air dining by customers, a seating area that is subordinate to, clearly associated with, and served by the restaurant.
- 2.4.224. RETAIL: The provision of services or the sale of goods and merchandise at retail prices to the general public at large for use or consumption.
- 2.4.225. RIGHT-OF-WAY: Land reserved, used, or to be used for a street, alley, walkway, drainage facility, or other public purpose.
- 2.4.226. RIGHT-OF-WAY LINE: The line that forms the boundary of a right-of-way, typically corresponding with the front lot line of abutting properties.
- 2.4.227. RUNOFF: The portion of rainfall, irrigation water and any other liquids that flows across ground surface and eventually is returned to streams.
- 2.4.228. SALVAGE YARD: A lot or structure or part thereof used primarily for the collection, storage and sale of waste paper, rags, scrap metal or discarded material or for the collection, dismantling, storage and salvaging of machinery or vehicles not in running condition, or for the sale of parts thereof.
- 2.4.229. SANITARY LANDFILL: A state-approved site for solid waste disposal employing an engineering method of disposing of solid wastes in a manner that minimizes environmental hazards by spreading, compacting to the smallest volume and applying cover material over all exposed waste at the end of each operating day.

- 2.4.230. SATELLITE DISH ANTENNA: An accessory structure designed to receive television broadcasts relayed by microwave signals from earth-orbiting communication satellites.
- 2.4.231. SAWMILL: An industrial facility for the cutting, sawing, milling, drying and processing timber into lumber for building and construction purposes
- 2.4.232. SCHOOL: A public or non-profit educational facility.
- 2.4.233. SCHOOL, COMMERCIAL: Private, gainful business providing instructional service in the arts, business, crafts, trades or professions.
- 2.4.234. SCHOOL, INDUSTRIAL: Private, gainful business providing instruction in industrial trades or in the service and operation of heavy equipment or heavy trucks, or any similar school requiring outside storage.
- 2.4.235. SCREEN: To visually shield or obscure one structure, activity or use from another by means of opaque fencing, walls, berms or densely-planted vegetation.
- 2.4.236. SELF-STORAGE WAREHOUSE: See MINI-WAREHOUSE.
- 2.4.237. SETBACK: The distance between a building or structure and a lot line. See also YARD.
- 2.4.238. SHARED PARKING: Use of an off-street parking area for more than one use.
- 2.4.239. SHOPPING CENTER: A group of commercial establishments located on a lot, planned and developed in a unified manner and design, with shared parking and driveway facilities and under a common ownership or management authority.
- 2.4.240. SIGHT TRIANGLE: A triangular-shaped portion of land established at street or driveway intersections in which nothing is erected, placed, planted, or allowed to grow in such a manner as to limit or obstruct the sight distance of motorists entering or leaving the intersection.



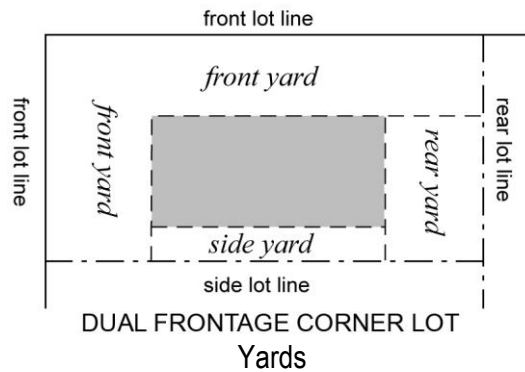
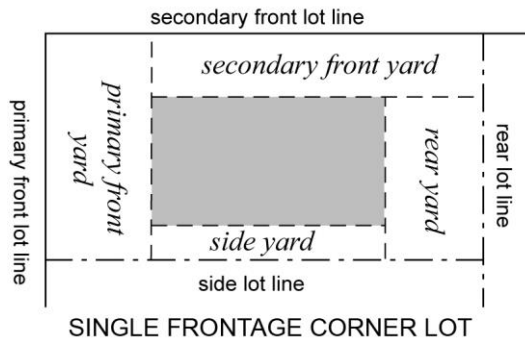
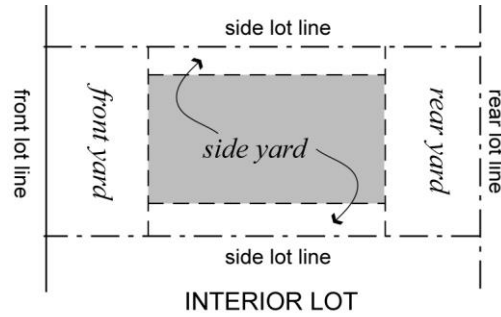
SIGHT TRIANGLE

- 2.4.241. SIGNS: For definitions concerning signs, refer to [Article 10 Sign Regulations](#).
- 2.4.242. SITE: A parcel or parcels of land intended to have one (1) or more buildings or intended to be subdivided into one (1) or more lots.
- 2.4.243. SITE AREA: A land area required to qualify for a particular use or development. Site area is taken from an actual site survey and excludes:
  1. Land within an existing or future street right-of-way, or utility right-of-way easement.
  2. Land which is not contiguous or is cut off by a major barrier.
  3. Land which is part of a previously-approved development.
  4. Land which is zoned for another use.

- 2.4.244. SPECIFIED ANATOMICAL AREAS: (1) Less than completely and opaquely covered human genitals, pubic region, buttock, and female breast below a point immediately above the top of the areola, and (2) Human male genitals in a discernable turgid state, even if completely and opaquely covered.
- 2.4.245. SPECIFIED SEXUAL ACTIVITIES: Any of the following: (1) Human genitals in a state of sexual stimulation or arousal; (2) acts of human masturbation, sexual intercourse or sodomy; and (3) fondling or other erotic touching of human genitals, pubic region, buttock or female breast.
- 2.4.246. STABLE: A structure that is used for the shelter or care of horses and cattle.
- 2.4.247. STORY: That portion of a building, other than a cellar, included between the surface of any floor and the surface of the floor next above it; or, if there is no floor above it, then the space between the floor and the ceiling next above it. A mezzanine or partial floor is counted as a story if the vertical distance from the floor next below to the floor or ceiling next above is twenty-four (24) ft or more.
- 2.4.248. STREET: Any vehicular way that has been dedicated to public use, including all land within the right-of-way.
1. ARTERIAL: A street intended mainly to carry through traffic and that connects and distributes traffic to and from other arterials and collector streets.
  2. COLLECTOR STREET: A street that collects traffic from local streets and connects with arterials and other collectors.
  3. LOCAL STREET: A street that provides access to abutting lots and carries low-speed traffic primarily having a destination or origin on the street itself.
  4. SIDE STREET: That segment of a residential street, between two intersecting streets, along which there are no interior lots.
- 2.4.249. STRUCTURE: A combination of materials that form a construction for use, occupancy, or ornamentation, installed on, above or below the surface of land or water.
- 2.4.250. STUDIO: A place of work for an artist, photographer or craftsman, including instruction, display, production and retail sales of materials produced on the premises. This does not include RECORDING STUDIO or tattoo or body-piercing establishment.
- 2.4.251. SUBDIVISION: The division of a lot, tract or parcel of land into two (2) or more lots, plats, sites or other divisions of land for the purpose (whether immediate or future) of sale or of building development. Such term includes re-subdivision of land and, when appropriate to the context, relates to the process of subdivision or to the land or territory subdivided.
- 2.4.252. SUBDIVISION REGULATIONS: The Subdivision Regulations of the City of Gardendale, Alabama, as may be amended.
- 2.4.253. SURVEYOR: A land surveyor registered in the State of Alabama.
- 2.4.254. TEMPORARY STORAGE CONTAINER: A structure that is designed and constructed by the manufacturer thereof for the purpose of storing items or goods within the structure and outside of a building.
- 2.4.255. TERRACE: A level, landscaped, or surfaced area on a lot directly adjacent to or close to a principal building and not covered by a permanent roof.
- 2.4.256. THEATER: A building or part thereof used to show motion pictures or for drama, dance, musical, or other LIVE PERFORMANCES. This does not include ADULT THEATER.
- 2.4.257. TITLE LOAN SERVICE: An establishment which engages in the practice of accepting motor vehicle titles for monetary compensation.
- 2.4.258. TOWNHOUSE: See ATTACHED DWELLING.
- 2.4.259. TRAFFIC ENGINEER: A professional traffic engineer registered in the State of Alabama.

- 2.4.260. TRAFFIC IMPACT STUDY: A report analyzing anticipated roadway conditions before and after proposed development.
- 2.4.261. TRANSITIONAL HOME: A licensed home for the homeless, victims of domestic abuse, inmates on release from more restrictive custodial confinement or initially placed in lieu of more restrictive custodial confinement, wherein supervision, rehabilitation and counseling are provided to enable residents to reintegrate into mainstream society.
- 2.4.262. TRANSMISSION TOWER: A tower, monopole, pole or similar structure which supports a telecommunications antenna operated above ground in a fixed location, free-standing, guyed, or on a structure.
1. COMMERCIAL: A commercial, Federal Communications Commission (FCC)-licensed facility designed and used for the purpose of transmitting, receiving and relaying voice and data signals from various telecommunications devices and equipment. See also [§8.6 Communications Towers, Antennas, Satellite Dishes and Related Equipment](#).
  2. NON-COMMERCIAL: A transmission tower used only for private recreation, noncommercial exchange of messages, self-training, emergency communication and similar noncommercial purposes. Includes amateur or ham radio.
- 2.4.263. TRUCK TERMINAL: Land and buildings used as a relay station for the transfer of a load from one vehicle to another or one party to another and that is used only for short-term accessory storage of truck loads. The terminal facility may include storage areas for trucks and buildings or areas for the repair and maintenance of trucks associated with the terminal.
- 2.4.264. USE: The activity or function that actually takes place or is intended to take place on a lot or site.
- 2.4.265. USED CAR: Any used or secondhand motor vehicle to which a certificate of title and license plates have been issued and which motor vehicle has been registered for use on the highways by a consumer or by a dealer, and any used or secondhand vehicle required to be titled, including but not limited to trailer coaches and trailers weighing over 2,500 pounds.
- 2.4.266. USED CAR LOT: A commercial establishment where used cars are displayed and offered for purchase, sale, lease, or exchange in the open.
- 2.4.267. UTILITY: A business or service engaged in regularly supplying the public with some commodity or service of public consequence and need, such as electricity, gas, water, telephone service and telegraph service.
- 2.4.268. VARIANCE: Permission granted by the Zoning Board of Adjustments and Appeals to depart from the literal requirements of this Ordinance.
- 2.4.269. VEHICLE, ABANDONED: Any motor vehicle which is not on public right-of-way, but is visible from public right-of-way, that is unlicensed and/or inoperable for a period of thirty (30) consecutive days or greater.
- 2.4.270. VEHICLE, INOPERATIVE: A motor vehicle which cannot be driven upon the public streets for reasons including, but not limited to, being unlicensed, wrecked, abandoned, in a state of disrepair or incapable of being moved under its own power.
- 2.4.271. VEHICLE REPAIR, MAJOR: A place of business primarily engaged in the sales, installation and servicing of mechanical equipment and parts and the major repair and maintenance of vehicles, including painting, body work, rebuilding of engines and transmissions, upholstery work, fabrication of parts and similar activities.
- 2.4.272. VEHICLE REPAIR, MINOR: A place of business primarily engaged in the sales, installation and servicing of mechanical equipment and parts and in the minor repair and maintenance of vehicles, including electrical work, lubrication, tune-ups, wheel alignment, tire balancing, brake and muffler work, battery charging and/or replacement and similar activities.
- 2.4.273. VEHICLE SALES AND RENTAL: A commercial establishment engaged in the sale and/or rental of automobiles, light or medium trucks, recreational vehicles, boats and motorcycles, which may also include the incidental parking, storage, and display of such vehicles. This does not include moving companies, but may include light and medium trucks, vans or trailers rented by the general public for moving personal items. Where permitted, VEHICLE SALES AND RENTAL may include MINOR and/or MAJOR VEHICLE REPAIR.

- 2.4.274. VEHICLE SALES AND RENTAL, MAJOR: A place of business engaged in the sale and/or rental of heavy trucks including, but not limited to, dump trucks and utility vehicles over one (1) ton and large transport trucks/cabs, include the incidental parking, display, maintenance, servicing and minor/major repair of such vehicles.
- 2.4.275. WAREHOUSING: Establishments in which goods, merchandise or equipment are stored for eventual distribution or for short or long term storage.
1. DISTRIBUTION WAREHOUSE: A facility for the ongoing receipt, storage, and distribution of goods, products, cargo or materials, or for the breakdown or consolidation of orders for goods, products, cargo or materials, to or from sources for distribution to various recipients and locations.
  2. STORAGE WAREHOUSE: A facility used primarily for the storage of goods and materials by the owner of the goods or operated for a specific commercial establishment or group of establishments in a particular industrial or economic field.
- 2.4.276. WHOLESALE ESTABLISHMENT: Establishments involved in the sale, lease, or rental of products primarily intended for industrial, institutional, or commercial businesses. The use emphasizes on-site sales or taking of orders and often includes display areas. Businesses may or may not be open to the general public, but sales to the general public are limited. Accessory uses may include offices, product repair, and repackaging of goods. Establishments engaged primarily in sales to the general public or on a membership basis are considered RETAIL. Establishments primarily engaged in the storage of goods with minimal on-site business activity are considered WAREHOUSING.
- 2.4.277. WRECKER SERVICE YARD: A premises used for the placement and/or outside storage of vehicles awaiting final disposition. This does not include SALVAGE YARD.
- 2.4.278. YARD: A minimum open area, unobstructed from the ground up extending along a lot line and inward to the structure. See also illustrations under LOT LINES.
- 2.4.279. YARD, FRONT: A space extending along the full width of the front lot line between side lot lines and from the front lot line to the front building line in depth. A Dual Frontage Corner Lot has a front yard on each frontage. A Single Frontage Corner Lot provides a front yard along the frontage it shares with an interior lot and provides a "secondary" front yard along the side street.
- 2.4.280. YARD, REAR: A space extending across the full width of the lot and lying between the rear lot line and the nearest wall of the principal building.
- 2.4.281. YARD, SECONDARY FRONT: A space extending across side street frontage of a Single Frontage Corner Lot between the primary front yard and the rear lot line, and between the principal building and the adjoining street line.
- 2.4.282. YARD, SIDE: A yard lying between the main building and the side lot line extending from the required front yard to the required rear yard. In the case of a corner lot or an odd shaped lot, any yard that is not a front yard or rear yard is a side yard. In the case of a double frontage lot, any yard that is not a front yard is a side yard.
- 2.4.283. ZONING BOARD OF ADJUSTMENTS AND APPEALS (ZBA): The Zoning Board of Adjustments and Appeals of Gardendale, Alabama.
- 2.4.284. ZONING ORDINANCE or THIS ORDINANCE. The Zoning Ordinance of the City of Gardendale, Alabama unless otherwise specified.



**§2.5. Abbreviations Used in this Ordinance.**

- 2.5.1. ac – Acre(s).
- 2.5.2. ADU – Accessory Dwelling Unit.
- 2.5.3. ALDOT – Alabama Department of Transportation
- 2.5.4. dB – Decibel(s).
- 2.5.5. DU – Dwelling Unit.
- 2.5.6. EIFS – Exterior Insulation Finishing System.
- 2.5.7. FAA – Federal Aviation Administration.
- 2.5.8. FCC – Federal Communications Commission.
- 2.5.9. Ft – Feet.
- 2.5.10. GFA – Gross Floor Area.



- 2.5.11. GLA – Gross Leasable Area.
- 2.5.12. PUD – Planned Unit Development.
- 2.5.13. Sf – Square Feet.
- 2.5.14. ZBA – Zoning Board of Adjustments and Appeals.

**ARTICLE 3 GENERAL PROVISIONS**

**§3.1. General Purpose and Intent - Planning and Zoning**

The Gardendale City Council, for the purpose of promoting the health, safety and general welfare of the public and to accomplish the purposes of Volume 10, Title 11, Chapter 52, Code of Alabama, 1975, as amended and supplanted by all applicable laws, authorizes that this Zoning Ordinance is adopted, and shall include the Official Zoning Map that is on file in the Inspection Services Department. When adopted, this Zoning Ordinance shall repeal the current Zoning Ordinance #97-15, including amendments. Recognizing the integral relationship between planning and zoning, this ordinance has been designed to:

- 3.1.1. Provide for the establishment of districts within the corporate limits of Gardendale, Alabama;
- 3.1.2. Regulate within such districts the height and size of structures, the percentage of lot that may be occupied, the size of yards and other open spaces, the density of population and the use of structures and land;
- 3.1.3. Regulate signs;
- 3.1.4. Facilitate the creation of a convenient, harmonious and attractive community;
- 3.1.5. Facilitate the provision of adequate essential services and facilities;
- 3.1.6. Encourage economic development that provides desirable employment opportunities and expands the tax base;
- 3.1.7. Ensure a balance between residential, non-residential and recreational uses;
- 3.1.8. Ensure a minimum standard of quality in design and development;
- 3.1.9. Protect those areas that may be designated as City Center or Heritage Preservation to enhance and preserve their characteristics and environment;
- 3.1.10. Implement the policies of Gardendale's Comprehensive Plan.

**§3.2. Applicability and Jurisdiction**

- 3.2.1. These provisions shall apply to all development within the corporate limits of the City of Gardendale, unless expressly exempted by this Zoning Ordinance.
- 3.2.2. No development shall occur in the City of Gardendale without first securing the appropriate permit.
- 3.2.3. No development shall occur within the corporate limits of the City of Gardendale without full compliance with the provisions of this Zoning Ordinance and all other applicable city, state and federal regulations.

**§3.3. Relationship to Other Ordinances, Laws and Agreements**

- 3.3.1. The Comprehensive Plan and official Zoning Map for the City of Gardendale shall serve as the guide for administering this Ordinance. To meet the changing needs of the City, these may be amended from time to time.
- 3.3.2. If the provisions of this Ordinance are inconsistent with one another, the more restrictive provision shall govern unless the terms of the provisions specify otherwise. This Ordinance shall supersede any previously adopted ordinances or resolutions in conflict with the terms, conditions, and regulations set forth herein. Editor's Note: Specific ordinances and resolutions have been incorporated, and in some cases amended, in this Ordinance and are listed for reference: Ord. No. 82-4 "An Ordinance Defining a Game Room: Establishing the Rules for the Operation Thereof: Providing for the Purchase of a License"; Ord. No. 98-08 "An Ordinance Amending Ordinance No. 97-21 Relating to the Installation of Antennas, Etc., in the City of Gardendale, Alabama"; Ord. No. 97-21 "An Ordinance to Establish Criteria and Requirements for the Issuance of Permits for the Construction of Towers and the Installation of Antennas, Satellite Dishes Greater Than Eighteen Inches in Diameter and Equipment, as Such Terms are Defined Herein in the City of Gardendale, Al."; Ord. No. 2000-15 "An Ordinance Amending Ord. No. 97-15, the Zoning Ordinance for the City of Gardendale"; Ord. No. 2001-04 "An Ordinance Amending Ordinance No. 97-15, the Zoning Ordinance for the City of Gardendale Prohibiting Portable/Temporary Signs"; Ord. No. 2004-11 "An Ordinance to Amend Certain Provisions of the Zoning Ordinance #97-15 of the City of Gardendale;

Ord. No. 2004-03 “An Ordinance Amending Ord. #97-15 Zoning Ordinance for City of Gardendale (related to swimming pools for garden homes); Ord. No. 2004-12 “An Ordinance to Amend Certain Provisions of Zoning Ord. #97-15 of the City of Gardendale (regarding variances not required for certain lots); Ord. No. 2006-15 “An Ordinance to Require Masonry on Structures in Certain Zoning Districts in the City of Gardendale”; Ord. No. 2006-21 “An Ordinance to License and Regulate Used Car Sales and Used Car Lots for the Purpose of Sales and to Prescribe a Penalty for the Violation of the Provisions of this Ordinance”; Ord. No. 2007-12, “An Ordinance to Amend Ordinance No. 2005-16 and to Provide Additional Regulations for the Usage, Rental and Sale of Temporary Storage Containers”; and Planning and Zoning Commission Resolution No. 2004-01 “A Resolution by the Gardendale Planning and Zoning Commission Regarding Home Occupations”.

- 3.3.3. The City shall not enforce private covenants, restrictions, or documents of property owners’ associations; however, the City may inquire as to whether or not land is subject to these items as part of the development review process.
- 3.3.4. The Zoning Ordinance, Subdivision Regulations, Storm Water Management Post-Construction Ordinance, Storm Water Management Erosion and Sedimentation Control Ordinance, and the Storm Water Management Illicit Discharge Ordinance are all a family of ordinances and laws and shall work in tandem with one another. The more stringent requirement found in any of these ordinances and laws shall apply.

**§3.4. Official Zoning Map**

- 3.4.1. The Official Zoning Map herein referred to, identified by the title “Zoning Map of the City of Gardendale, Alabama,” which, together with all explanatory matter thereon, is hereby made part of this Ordinance.
- 3.4.2. The Official Zoning Map designates the boundaries of the various zoning districts established in the City. It shall be kept on file in the office of the Inspection Services Department.
- 3.4.3. Changes made in zoning district boundaries or other matters affecting the Official Zoning Map shall be made in accordance with the provisions of this Ordinance, including [§4.10 Amendments](#).
- 3.4.4. Where uncertainty exists with respect to the boundaries of zoning districts as shown on the Official Zoning Map, the Zoning Board of Adjustments and Appeals shall interpret said zoning district boundary, subject to procedures outlined in [§4.6 Interpretation of District Boundaries](#).

**§3.5. Transitional Rules**

- 3.5.1. This Ordinance shall apply to applications submitted and accepted on or after the effective date of this Ordinance. This Ordinance shall not affect any complete application that has been submitted and accepted for review, but for which no final action has been taken by the appropriate decision-making body, prior to this effective date. Such application shall be acted on under the law in effect prior to the effective date of this Ordinance.
- 3.5.2. When a development plan has been started or approved under a previous version of this Ordinance, it may be completed only in accordance with the following provisions:
  - 1. If development, for which approval of a Preliminary Plat or a Final Plat for subdivisions or a building permit was given prior to the effective date of this Ordinance, fails to meet any time frames in effect for that development at the time of approval, then said approval shall expire; and future development shall be subject to the requirements of this Ordinance.
  - 2. Any violation of the previous Ordinance No. 97-15 shall continue to be a violation under this Zoning Ordinance and shall be subject to the penalties and enforcement set out in [§4.4 Violations and Penalties](#) and [§4.5 Remedies](#), unless the development, use, construction or other activity complies with the terms of this Ordinance.

## **ARTICLE 4 ADMINISTRATION AND REVIEW PROCEDURES**

### **§4.1. Enforcing Officer**

The provisions of this Ordinance shall be administered and enforced by the Building Official. He may be provided with the assistance of such other person(s) as the City Council may direct. The Building Official, in relation to this Ordinance, shall:

- 4.1.1. Review all Building Permit applications with regard to conformance with all applicable provisions of this Ordinance and perform required inspections to insure such conformance.
- 4.1.2. Issue all Building Permits and maintain records thereof.
- 4.1.3. Issue all Certificates of Occupancy and maintain records thereof.
- 4.1.4. Issue and renew, where applicable, all "temporary use" permits and maintain records thereof.
- 4.1.5. Maintain current zoning maps and records of amendments thereto.
- 4.1.6. Have the right to enter upon any premises at any reasonable time for the purpose of making inspections of land, structures and buildings necessary to carry out the enforcement of this Ordinance. If the Building Official shall find that any of the provisions of this Ordinance are being violated, he shall proceed to notify, in writing, the person(s) responsible for such violation(s), indicating the nature of the violation(s), and ordering the appropriate action necessary for correction of same. He shall order discontinuance of illegal use of land, buildings or structures; removal of illegal buildings or structures or of additions, alterations or structural changes thereto; discontinuance of any illegal work being done; or shall take any other action authorized by this Ordinance to ensure compliance with, or prevent violation of, its provisions.

### **§4.2. Building Permit Required**

It shall be unlawful to commence earthwork or the construction of any building or other structure, including accessory structures or signs, or to store building materials or erect temporary field offices or to commence the moving, alteration or repair of any structure, including accessory structures, until the Building Official has issued for such work a Building Permit.

Application for a Building Permit shall be made to the Building Official on forms provided for that purpose.

- 4.2.1. Plot Plan. It shall be unlawful for the Building Official to approve any plans or issue permits for any excavation or construction until he has inspected such plans in detail and found them in conformity with this Ordinance. To this end, the Building Official shall require that every application for a building permit be accompanied by a plot plan/survey drawn to scale, dimensioned and showing the following in sufficient detail to enable him to ascertain whether or not the proposed development is in conformance with the provisions of this Ordinance:
  1. The actual shape, proportion and dimensions of the lot to be built upon.
  2. The shape, size and location of all buildings 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.
  3. The existing and intended use of all buildings or other structures.
  4. The setback and side lines of the building(s) 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.
  5. Every application for the use of land under and by virtue of the provisions of this Ordinance shall include therewith a plan showing the location of necessary fire hydrants with adequate water flow. In addition thereto, the applicant shall submit to the City a written agreement between the applicant and the appropriate water authority specifying that the applicant shall assume the responsibility of purchasing and having installed such fire hydrant(s) as required by the Fire Department. The applicant shall also agree to pay the annual rental therefore, and such other charges that may be levied by the water authority for a period of two

(2) years from the date of their installation. Such agreement shall be submitted to the Building Official for his and the Fire Department's review and approval and shall be in full force and effect at the time of the issuance of any Building Permit.

New residential and non-residential construction shall meet Ordinance No. 2000-17, such as may be amended, with regard to construction of driveways and private roads for access by fire apparatus to within one hundred (100) ft of a structure.

6. Best Management Practice procedures in effect for erosion control, such as may be amended from time to time, shall be followed.
  7. Where applicable, the applicant shall provide the Building Official with copies of all deed restrictions and/or covenants which pertain to the subject property. Structures may not be placed over easements unless otherwise approved by the Building Official or City Engineer.
  8. In addition to a survey completed by a Surveyor, two (2) sets of stamped house plans shall be submitted for new residential construction, along with proof of septic tank or sewer approval.
  9. In addition to a site plan, three (3) copies of Architectural Plans shall be submitted to the Building Official for construction of all planned residential developments; attached dwellings; garden homes; multi-family dwellings; and commercial, institutional and industrial uses. Architectural Plans shall be reviewed by the Design Review Board for approval of exteriors before building permits are issued.
- 4.2.2. Site Plan Review. New construction and substantial site development expansion of all planned residential developments, attached dwellings, garden homes, multi-family dwellings, manufactured home parks, manufactured home subdivisions, and all non-residential uses shall require the submission and approval of a site plan, a drainage study and plan, and a traffic impact study and plan, (one (1) reproducible set and five (5) copies of each, along with one set reduced to 11" by 17") prepared, stamped and signed by a Professional Engineer, containing at a minimum the information described below (the City also reserves the right to ask for the site plan and any other pertinent information to be furnished in a computerized form):
1. Cover Sheet with:
    - a. Name and location of the development; name, address and signature of the owner; name, address, signature and seal of the engineer.
    - b. Vicinity map.
    - c. Zoning and existing and proposed land use of the site.
    - d. Date, scale, north arrow and name of streets.
  2. Site layout, including property dimensions, rights-of-way, easements, location and dimensions of all buildings (existing and proposed), setbacks, driveways, off-street parking and loading, circulation, screening, buffers and other landscaping, lighting, and paving.
  3. Drainage Study and Plan: For each development, a drainage study and site plan must be furnished. Such study shall be made by, and such plan shall be prepared, stamped and signed by a Professional Engineer. The plan must be based on properly conducted studies and must show, in detail, reasonably satisfactory to the Building Official, the effect that the proposed development will have on the tract of land on which the development is proposed to be built and the land adjacent to and near such tract of land. The plan shall show the topography of the land included in the development. The plan shall include drainage, grading, excavation, erosion and sedimentation, storm-water detention and floodplain management controls. The plan shall provide for such structures and devices as may be required to handle a 100-year rain event, 24-hour storm. Neither the drainage plan, nor the recommendations therein, shall serve as a substitute for any other regulations with respect to drainage as provided for by the ordinances or regulations of the City. The Building Official may waive any requirements of the drainage study and plan that, in his opinion, are not necessary with respect to the proposed development.

4. Public and private utilities, including sewage disposal system and water system. Provide letters of availability for water and sanitary sewer services. Any stipulations and/or special requirements by the utility provider shall be clearly identified and included on the plans (i.e. minimum water service line sizes, residential water booster pumps, residential sewer pumps, sewer lateral size, sewer mains, etc.)

Prior to issuance of a permit, provide a copy of the Birmingham Water Works Board (BWVB) Developer Installed Extension of Mains Agreement and the stamped approved sanitary sewer provider sanitary sewer plans.

5. Fire lanes and hydrants.
6. Traffic Impact Study and Plan: For each development, a traffic impact study and plan, prepared by a traffic engineer, must be furnished. The study shall be prepared in accordance with generally accepted standards for traffic studies. The traffic study shall show, in detail reasonably satisfactory to the Building Official, based on properly conducted studies, the effect that the proposed development will have on the area adjacent to and near the tract of land upon which the development is proposed to be built. The study shall make recommendations with respect to what additional traffic signals or devices will be needed adjacent to or near such tract of land because of the proposed development. The developer shall be required to pay the cost of any such signals and/or devices and any other traffic signals and devices that are considered necessary because of the proposed development.
7. Performance / Improvement Bond. The following bond requirements shall apply in the case of any required improvements not governed by the City Subdivision Regulations.
  - a. Performance Guarantee Required. When it is determined that there will be unfinished improvements that are the responsibility of the developer/owner, a Bond of 150% of the full amount of the cost estimates of said unfinished improvements shall be placed with the City before any permits may be issued. The performance guarantee amount shall be placed in a form and manner approved by the City, and shall be required for any part of the development that will be accepted for maintenance by the City. The schedule of estimated costs for all items to be bonded shall clearly describe the items, quantities, unit costs and total costs of the remaining improvements.
  - b. Release. Upon satisfactory completion of the required improvements and recommendation by the Director of the Public Works Department, the City Engineer and the Building Official, the security may be released. However, if it so chooses, the City may elect to retain the security for a period of one additional year following completion of all improvements to guarantee workmanship.
  - c. Forfeiture. If, in its opinion, said improvements have not been satisfactorily installed in accordance with its approval of the development plan, the City may draw on the performance guarantee and use the funds to complete the improvements. More timely action may be taken in the event of a threat to public health or safety.
- 4.2.3. Approval of Building Permit Application. If, after review, it is found that the proposed construction, excavation, moving or other alteration (as set forth in the application) is in conformity with the provisions of this Ordinance, the Building Official of the City shall issue a Building Permit accordingly.
- 4.2.4. Denial of Building Permit Application. The applicant, upon notification by the Building Official of a Building Permit denial, may make application to the Chairman of the Zoning Board of Adjustments and Appeals, hereinafter referred to as "the ZBA," and request a hearing before that body.
- 4.2.5. Expiration of Building Permit. Any permit, under which no construction work has been performed within six (6) months or which has not been completed within one (1) year from the date of issuance, shall expire by limitation but shall, upon reapplication, be renewable, subject, however, to the provisions of all Ordinances in force at the time of said application for renewal.
- 4.2.6. Certificate of Occupancy. No land or building(s) or other structure(s) or part thereof erected, moved or altered in its use shall be used or occupied until the Building Official shall have issued a Certificate of Occupancy. Within three (3) days after the owner (or his agent) has notified the Building Official that a building or premises or part

thereof is ready for occupancy or use, it shall be the duty of the Building Official to make a final inspection thereof and issue a Certificate of Occupancy if the building or premises or part thereof is found to conform with the provisions of this Ordinance; or, if such Certificate is refused, to notify the owner, in writing, stating the cause for such refusal. Appeals from the decision of the Building Official shall be heard by the ZBA.

(Ord. No. 2018-009, §4.2.2.4, 8-20-2018)

**§4.3. Unlawful Structure.**

Any uses of land or dwellings or construction or alteration 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 a structure, land or building. Whenever the Building Official has declared a structure to be in violation of any applicable provisions of this Ordinance, the owner or occupant shall, within seventy-two (72) hours from receipt of notification from the Building Official to vacate such premises, accomplish such vacation of said 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. Service of notification shall be as follows:

- 4.3.1. By delivery to the owner personally or by leaving the notice at the usual place of abode of the owner with a person of suitable age and discretion; or,
- 4.3.2. By depositing the notice in the United States Post Office addressed to the owner at his or her last known address with postage prepaid thereon; or,
- 4.3.3. By posting and keeping posted twenty-four (24) hours, a copy of the notice in a conspicuous place on the subject premises.

**§4.4. Violations and Penalties.**

Any person, firm, corporation or other organization which violates any provision(s) of this Ordinance shall be fined, upon conviction, not less than Ten Dollars (\$10) nor more than One Hundred Dollars (\$100) and court costs for each offense. Each day such violation continues shall constitute a separate offense. The conviction of a violation and imposition of any fine shall not constitute an exemption from compliance with the provisions of this Ordinance.

**§4.5. Remedies**

In case any building or other structure is erected, constructed, reconstructed, altered, repaired, converted or maintained, or if any building, structure or land is used in violation of this, the Building Official or any other appropriate authority or any owner of property within five hundred (500) ft who would be damaged or caused hardship by such violation, in addition to other remedies, may: (1) institute an Injunction, (2) Mandamus, or (3) other appropriate action or proceedings to stay or prevent occupancy of such building, structure or land.

**§4.6. Interpretation of District Boundaries**

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

- 4.6.1. Where boundaries are indicated, as approximately, following street and alley lines or lot lines, such lines shall be construed to be such boundaries.
- 4.6.2. In unsubdivided property or tracts where a district boundary divides a lot, the location of such boundary, unless the same is indicated by dimensions, shall be determined by the use of the scale appearing on such maps.
- 4.6.3. Where boundaries are approximately parallel to public right-of-way lines, such boundaries shall be construed as being parallel thereto.

#### **§4.7. Interpretation of Uses**

This Ordinance recognizes the limitations of the district use listings given the infinite variations of essentially similar uses. Therefore, the Building Official is empowered to make interpretations so as to classify any questioned use within a listed use of most similar impact and characteristics. However, in no case shall the Building Official interpret a use as falling in one listed use when the use in question is more similar in impact and characteristics to another listed use. Any appeals related to the Building Official's use interpretation may be filed with the ZBA.

- 4.7.1. **Unclassified Uses.** In the event the Building Official finds a new or unusual use that cannot appropriately fit a listed use in any district, the following procedures shall be used to determine the proper district:
1. If compatible with the existing zoning district intent, the unclassified use shall be permitted by Conditional Use upon approval and subject to the conditions set by the Gardendale Planning and Zoning Commission, hereinafter referred to as "the Commission".
  2. If the unclassified use is deemed to be incompatible with the intent of the existing zoning district by the Building Official, he shall then consult with the Commission in order to: (1) draft an appropriate definition for the use; (2) determine the most appropriate zoning district(s) for the use.
  3. Following the steps contained in Paragraph 2 above, the Commission shall hold a public hearing to initiate an amendment to this Ordinance to include a specific definition for the unclassified use and a listing of zoning districts the use would be permitted in, including any specific conditions or criteria required.
  4. Following its public hearing, the Commission shall submit its recommendation(s) to the City Council for final action. All public hearing notification and publication requirements required by law shall be met for public hearings held by the Commission and the City Council.
  5. Following final action by the City Council, said amendments shall be incorporated into the Zoning Ordinance.

#### **§4.8. Zoning Board of Adjustments and Appeals**

- 4.8.1. **Appointment.** A Zoning Board of Adjustments and Appeals is hereby established. The ZBA shall be appointed as provided by Section 11-52-80, Code of Alabama, 1975, or as such may be amended; and it shall have all powers granted therein.
- 4.8.2. **Procedure.** The ZBA 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 or, in his absence, the Acting Chairman. He may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public. The ZBA shall keep minutes of its proceedings, showing the vote, indicating such fact and shall keep records of its examinations and other official actions, all of which shall be public record and be immediately filed in the official records of the ZBA.
- 4.8.3. **Powers and Duties.** The ZBA shall have the following powers and duties as provided in state law for appeals and variances.
1. **Appeals:** The ZBA shall hear and decide appeals where it is alleged that an error exists in any order, requirement, decision or determination made by the Administrative Official in the enforcement of this Ordinance.
    - a. Appeals may be filed by any person aggrieved or by any officer, department, board or bureau of the City affected by any decision of the Building Official.
    - b. **Stay of Proceedings:** An appeal stays all proceedings in furtherance of the action appealed, unless the Building Official certifies to the ZBA after the notice of appeal has been filed that, by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property. Such proceedings shall not be stayed other than by a restraining order, which may be granted by the ZBA, or by an appropriate court of record on application with notice to the Building Official from whom the appeal is taken and on due cause shown.



- c. Such appeals shall be taken within a reasonable time, not to exceed thirty (30) days or such lesser period, as may be provided by the rules of the ZBA, by filing with the Building Official a notice of appeal specifying the grounds thereof. Application shall be made, together with the required fee, at least fifteen (15) days before the scheduled hearing date. The Building Official shall forthwith transmit to the ZBA all papers constituting the record upon which the action was appealed.
  - d. The ZBA shall fix a reasonable time for hearing the appeal, give public notice thereof, as well as due notice to the parties in interest and to all adjoining property owners, and decide the same within a reasonable time. The applicant must attend the hearing.
2. Variances: The ZBA may authorize, upon appeal in specific cases, such variances 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 and so that the spirit of this Ordinance shall be observed and substantial justice done.
- a. Justification: Variances to the terms of this Ordinance may be granted on individual cases upon a finding by the ZBA that the variance will not be contrary to the public interest; and, where owing to special conditions, a literal enforcement of the provisions of this Ordinance would result in unnecessary hardship. In all cases the spirit of the Ordinance shall be observed and substantial justice shall be done. More specifically Before granting a variance, the ZBA shall determine that all of the following criteria have been satisfied:
    - 1) Variances shall be permitted only under peculiar and exceptional circumstances. Hardship alone is NOT sufficient. Alabama Statutes require unnecessary hardship. Mere financial loss of a kind which might be common to all of the property owners in a district shall not be considered an unnecessary hardship.
    - 2) The condition from which relief is sought did not result from action, or lack thereof, by the applicant. There is no basis for a claim that a variance should be granted when the hardship is self created.
    - 3) Variances should be granted sparingly, and the spirit of this Ordinance, in harmony with the spirit of State Law, should be carefully preserved to the end that the structure of this Ordinance would not disintegrate and fall apart by constant erosion at the hands of the ZBA.
  - b. Application for a variance shall be filed with the Building Official at least fifteen (15) days prior to the next scheduled hearing date before the ZBA. The application shall be filed on a form made available by the Inspection Services Department and shall include the following:
    - 1) Name, signature and address of the property owner and agent of the property owner, if any.
    - 2) Address of the property under consideration.
    - 3) Zoning classification and current land use for the property under consideration.
    - 4) Justification for the variance in accordance with ALL of the criteria in §4.8.3.2.a Justification.
    - 5) A vicinity map showing the location of the property.
    - 6) A plot plan, drawn to scale and dimension, showing the property boundaries and proposed development layout with the variance noted or highlighted.
    - 7) The names and addresses of adjacent property owners, as shown on the most recent records of the Jefferson County Tax Assessor.
    - 8) Administrative Fee plus the cost incurred for notification and publication.
  - c. The applicant must attend the hearing.
  - d. Variances Not Required for Certain Lots: For lots of record that do not meet the minimum lot size and/or lot width requirements, refer to [§5.7.6 Nonconforming Lots of Record](#).

3. Special Exceptions: The ZBA may approve exceptions from the normal requirements of this ordinance where such exceptions are expressly authorized herein or upon a recommendation of the Building Official. In such cases, the ZBA shall determine that satisfactory provisions have been made concerning access and traffic, parking and loading, screening and buffering; control of noise, lighting, odor and other potentially disturbing impacts on surrounding properties; the availability, location and capacity of utilities; and compatibility with the character of the surrounding area in terms of bulk, density, lot coverage of structures, and yards and open areas.

The Board may impose such conditions that it deems necessary to protect the public interest and the intent of the Comprehensive Plan and this Ordinance in relation to the items listed above and as may otherwise be reasonably necessary. Such conditions shall apply to the land, structure, and use for which the special exception is granted and not to a particular person. Violations of conditions lawfully attached to any special exception shall be deemed to be violations of this Ordinance.

Applications shall be filed with the Building Inspector at least fifteen (15) days prior to the next scheduled hearing date before the ZBA and shall contain the information specified in §4.8.3.2.b. as applicable.

- 4.8.4. Public Notice Required: At least seven (7) days prior to the scheduled ZBA public hearing, written notice of the request shall be given to all adjacent property owners. See §4.12 Public Notice. Such notice shall state the following:
  1. The name of the applicant.
  2. The location of the property.
  3. The nature of the appeal, special exception or variance and applicable zoning provisions, as applicable.
  4. The time, date and location of the ZBA public hearing at which said application is to be considered.
- 4.8.5. Fees. At the time application is made for an appeal, special exception or variance request, the applicant or agent is required to pay the appropriate fees, as set from time to time by the Council, in addition to costs incurred for the required notification and publication. Said fees and costs shall be non-refundable.
- 4.8.6. Action Taken by ZBA: In exercising the above-mentioned powers, the ZBA may, in conformity with the terms of this Ordinance, reverse or affirm (wholly or in part) or modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as ought to be made and, to that end, shall have all the powers of the Building Official from whom the appeal is taken. The concurring vote of four (4) members of the ZBA shall be necessary to reverse any order, requirement, 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 affect any variation in the application of this Ordinance.
- 4.8.7. Appeals from the Action of the ZBA: When denied by the ZBA, the request shall not be presented again unless the conditions have changed significantly from the previous time it was heard. A request for re-hearing must present evidence that the conditions pertinent to the case have changed significantly. If the ZBA is convinced that there has been a significant change, an application can be filed and treated as a new request and will then be heard at a subsequent meeting.

Any party aggrieved by any final judgment or decision of the ZBA may appeal therefore to the Circuit Court or court of like jurisdiction as provided by Section 11-52-81, Code of Alabama, 1975, as amended, within fifteen (15) days from the date of the Board hearing or such time as established by law, and by filing with the ZBA a written notice of appeal specifying the decision from which the appeal is taken. In case of appeal, the ZBA shall cause a transcript of the proceedings to be certified to the Circuit Court upon its request, and the action in the Circuit Court shall be tried de novo.

#### **§4.9. Conditional Uses**

Certain land uses are identified in the district regulations for special zoning treatment. The nature of these uses is such that, when properly regulated, they are appropriate in several zoning districts. To properly integrate such uses

into the City's land use pattern, a special set of criteria or standards may be provided for each use listed in the Conditional Use category. Review of these standards will tend to maintain compatibility with adjoining land uses; and it is intended that the Commission will review all such proposals for these types of uses for compliance with the appropriate provisions before approval is granted and appropriate permits are issued.

- 4.9.1. Procedures: All uses listed as permitted by Conditional Use shall require the submission of an application to the Commission.
1. An application for a Conditional Use shall be filed with the Chairman of the Commission on forms provided in the Inspection Services Department, at least twenty-one (21) days prior to the scheduled hearing date before Commission. Such application shall be filed by the property owner (or the authorized agent of the property owner), and shall contain the following information:
    - a. Name, address and signature of the property owner and agent of the property owner, if any.
    - b. Address and legal description of the subject property, accompanied by a copy of the applicable tax maps clearly identifying the subject property.
    - c. Existing and proposed zoning classification and land use of the subject property and adjoining properties.
    - d. Proposed use by Conditional Use.
    - e. A vicinity map, drawn to scale, showing the size and location of the subject property.
    - f. Availability of required utilities.
    - g. Map showing any existing flood plains, wetlands, water bodies, topography.
    - h. A conceptual plan drawn to scale and showing the proposed layout, including property boundaries and dimensions, rights-of-way, and any easements on the property; existing and proposed buildings; required setbacks; driveways, parking and loading areas; landscaping and exterior lighting concept (including any required buffers or screening); method of storm water detention; and other information as may be necessary to show the development in relation to adjoining properties and their uses. In the case of hobby farms, home occupations and private tennis courts, the conceptual plan shall only include that information necessary for evaluation of the proposed Conditional Use, as determined by the Building Official.

In addition to the above, the Building Official may require one or more of the following, based on the circumstances of the particular location;

      - 1) Traffic Study
      - 2) Drainage Study
      - 3) Plan for site clearance and disturbance, including description and extent of tree removal, excavation, fill
      - 4) Geotechnical Report
    - i. The names and addresses of adjacent property owners as shown on the most recent records of the Jefferson County Tax Assessor.
  2. At the time a Conditional Use Application is made, the applicant shall pay the appropriate fees, as may be set from time to time by the Council, in addition to costs incurred for the required notification and publication. Fees shall be non-refundable.
  3. The applicant must attend the hearing.
  4. Public Notice: At least seven (7) days prior to the scheduled Commission public hearing written notice shall be given of the proposal to all adjacent property owners. See [§4.12 Public Notice](#). Such notice shall contain the following:
    - a. The name of the applicant.

- b. The location of the property.
  - c. The proposed use by Conditional Use.
  - d. The time, date and location of the Planning Commission public hearing.
- 4.9.2. Violations: Violation of the conditions or safeguards which may have been part of the terms of the Conditional Use approval shall be deemed a violation of this Ordinance and be punishable as prescribed herein. Failure to comply with the terms of the approval shall void the Conditional Use.

#### §4.10. Amendments

The regulations and the number, area and boundaries of districts established by this Ordinance may be amended, supplemented, changed, or repealed by the City Council; but, no amendment shall be considered unless it is first submitted to the Commission for its review and recommendation. This body may, on its own initiative, propose changes and 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 Official Zoning Map.

- 4.10.1. Authority to Amend: Whenever public necessity, convenience, general welfare or good zoning practices warrant such action, the City Council may, by favorable vote of a majority of the members, amend the regulations or zoning district boundaries herein established, in accordance with the Code of Alabama, 1975, Section 11-52-78, or as same may be amended.
- 4.10.2. Authorized Petitioners: A petition for amendment to this Ordinance or the Zoning Map may be initiated by the City Council, the Commission or by an applicant.
- 4.10.3. Petition for Amendment:
  - 1. A petition for amendment, when initiated by an applicant, shall meet the application requirements of this section.
  - 2. The application for rezoning shall be made on a form available from the Inspection Services Department and shall be filed with the Chairman of the Commission at least twenty-one (21) days prior to the Commission hearing. The applicant shall provide the following information and materials:
    - a. Name, signature and address of the property owner and agent of the property owner, if any.
    - b. Address and legal description of the property, accompanied by a copy of the applicable tax maps clearly identifying the subject property.
    - c. Existing and proposed zoning classification and land use of the subject property and adjoining properties.
    - d. Reason for the rezoning request.
    - e. Area in acres required to be rezoned.
    - f. Letters of availability of required utilities.
    - g. A vicinity map, drawn to scale, showing the size and location of the subject property.
    - h. Map showing any existing flood plains, wetlands, water bodies, topography.
    - i. A conceptual plan drawn to scale and showing the proposed layout, including property boundaries and dimensions, rights-of-way, and easements on the property; existing and proposed buildings; number of proposed dwelling units, if any; required setbacks; driveways, parking and loading areas; landscaping and exterior lighting concept (including any required buffers or screening); method of storm water detention; and other information as may be necessary to show the development in relation to adjoining properties and their uses.

In addition to the above, the Zoning Official may require one or more of the following, based on the circumstances of the particular location

- 1) Traffic Study

- 2) Drainage Study
  - 3) Plan for site clearance and disturbance, including description and extent of tree removal, excavation, fill
  - 4) Geotechnical Report
- j. The names and addresses of all adjacent property owners, as well as property owners within five hundred (500) ft of the subject property, as shown on the most recent records of the Jefferson County Tax Assessor.
3. At the time application is made, the applicant is required to pay the appropriate fees, as set from time to time by the Council, in addition to costs incurred for required notification and publication.
- 4.10.4. Public Notice: At least seven (7) days prior to the scheduled Commission hearing, the Inspection Services Department shall give written notice of the proposal to all adjacent property owners, as well as those property owners within five hundred (500) ft of the subject property. See also [§4.12 Public Notice](#). Such notice shall contain the following:
1. The name of the applicant.
  2. The location of the property.
  3. The proposed use of the property requested to be rezoned.
  4. The time, date and location of the Commission public hearing.
- 4.10.5. City Council Action on Amendments
1. Upon receipt of the recommendation of the Commission, the City Council shall give a "first reading" of the proposed amendment at a Council meeting and set the date for a public hearing.
  2. At least fifteen (15) days prior to the public hearing before the Council, the City Clerk shall publish the proposed zoning amendment once a week for two (2) consecutive weeks (once in its entirety and once in a synopsis form referring to the date and name of the newspaper in which the proposed amendment was first published), in advance of its passage, in a newspaper of general circulation throughout the City. Said advertisement shall also contain a notice stating:
    - a. the name of the applicant;
    - b. the location of the property;
    - c. the proposed use of the property requested to be rezoned; and
    - d. the time, date and location of the City Council public hearing.Such notice shall further state that, at such public hearing, all persons who desire shall have an opportunity of being heard in opposition to, or in favor of, the amendment.
  3. The City Clerk shall also give written notice by certified mail to all adjacent property owners, as well as those owners of property within five hundred (500) ft of the subject property, a minimum of fifteen (15) days prior to the scheduled public hearing date.
  4. After such hearing, the Council shall approve or deny the request. If the Council makes changes in the proposed amendment as first advertised, the Council shall hold another public hearing after giving notice as described above.
  5. After Council adoption, it must again be published in the same manner as all municipal ordinances, subject to the provisions of §11-45-8 of the Code of Alabama, 1975, as amended.
  6. Upon receipt of a negative recommendation from the Commission, the applicant may withdraw the amendment request in writing to the Inspection Services Department. In such case, the request shall not be submitted to the Council and shall not be subject [§4.10.6 Limitations on Zoning Requests](#). The rezoning fee shall not be refunded in any case.

4.10.6. Limitations on Rezoning Requests:

1. Should the City Council reject a rezoning request by an applicant, the same kind of rezoning of the same tract of land will not be considered by the Commission until a period of one (1) year has elapsed from the date of such action by the Council. Further, a withdrawal of the application for rezoning, after the hearing held by the Commission but prior to the hearing held by the Council, shall also require a one (1) year time period before another application may be submitted. However, the Commission may adjust this time period if, in the opinion of a majority of the Commission, an unusual situation or circumstance exists which would warrant another hearing. Each time the zoning amendment application is made, required fees, in addition to costs incurred in the required notification and publication, must be paid. Under no condition shall the fee be refunded for failure of such proposed amendment to be enacted into law.
2. If development of the property for which the rezoning request is presented and approved does not commence within one year of the date of Council approval, the property shall revert to the zoning classification held before it was rezoned. For these purposes, "development" shall mean actual construction shall have begun on the principal building and not just site work. However, the Council may approve an extension of this period upon request by the applicant.

(Ord. No. 2018-009, §4.10.3.2., 08-20-2018)

**§4.11. Annexed Property**

Property Owners, who have requested annexation of property into the City, shall be subject to the following:

The Commission shall submit a recommendation for or against annexation to the Council. At the time the request is considered by the Council, a recommendation as to City zoning shall be made in accordance with the provisions of City Ordinance 85-19, which utilizes the "Zone Most Comparable" approach, placing annexed property into the City zoning classification that is most comparable with the County zoning classification that had been applied to the property prior to its annexation.

**§4.12. Public Notice**

Where required by this Ordinance and in accordance with the Code of Alabama, notice of a public hearing shall be deemed given when deposited in the United States Mail, First Class, Postage Prepaid, addressed to adjacent property owners (including owners within 500 ft per the type of zoning request) at the addresses as submitted with the application, as well as publication in a newspaper of general circulation throughout the City or posting of such notices in four (4) conspicuous places within the City, if there is no newspaper of general circulation within the City. Any error in the addresses of such notices shall not invalidate the giving of notice, provided that no more than five (5) percent of the total number of notices given contain any such error.

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## ARTICLE 5 GENERAL REGULATIONS

### §5.1. General Use Regulations

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

### §5.2. Application of this Zoning Ordinance

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

### §5.3. Except as Otherwise Provided for in this Ordinance

- 5.3.1. No land may be used, except for a purpose permitted in the applicable district except as provided for lawful nonconforming uses in [§5.7 Nonconformities](#).
- 5.3.2. 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 applicable district.
- 5.3.3. No building shall be erected, converted, enlarged, reconstructed, moved or structurally altered, except in conformity with the area and height limits of the applicable district.
- 5.3.4. The minimum yard setbacks, number of parking spaces and open spaces (including lot area per family) required by this Ordinance for each and every building existing at the time of passage of this Ordinance or for any building hereafter erected shall not be encroached upon or considered as a required parking space or open space for any other building, nor shall any lot area be reduced below the requirements of this Ordinance.
- 5.3.5. Every building hereafter erected or structurally altered shall be located on a lot as herein defined.
  1. In single-family residential districts, there shall be no more than one (1) principal building and one (1) principal use on one (1) lot, unless otherwise specifically provided for in this Ordinance.
  2. In any district other than a single family residential district, more than one principal building may be allowed on one lot provided that said buildings and property are under common ownership and provided all other regulations are met.
- 5.3.6. Accessory structures shall not include living quarters, except where Accessory Dwelling Units (ADUs) may be approved by Conditional Use. Sanitary facilities shall not be permitted in accessory structures without the approval of the Council.
- 5.3.7. No building shall hereafter be erected and no use shall hereafter be established on a lot that does not have frontage on a public or private street. Where a lot fronts on a street that does not meet the minimum width requirement of the Subdivision Regulations, the minimum front yard setback for such lots shall be the sum of the minimum front yard setback of the applicable district and 25 ft, which sum shall be measured from the street centerline.
- 5.3.8. Every building or structure hereafter constructed shall conform with all applicable provisions of the City Building Code.
- 5.3.9. In no case shall basements of dwellings, residences or buildings be used as temporary living space prior to the total completion of the structure.

### §5.4. Joint Occupancy

No structure shall be erected, structurally altered for or used as a single-family dwelling or duplex simultaneously with any other use, unless specifically provided for otherwise in this Ordinance.

### §5.5. Dwelling Unit Occupancy

Except as otherwise provided for Bed and Breakfasts and Boarding Houses, no dwelling unit shall be occupied by more than one family and shall not exceed the maximum occupancy provided herein, to prevent overcrowding of land



and undue density of population in relation to existing or available community facilities caused by excessive occupancy. Excessive occupancy shall constitute a violation of this Ordinance.

- 5.5.1. For the purposes of this Ordinance, an “occupant” is defined as a person 18 years of age or older, living or sleeping in a dwelling, or having possession of a space within a dwelling. The maximum number of occupants of each dwelling unit shall not exceed one (1) occupant per 200 sf of living space as determined in accordance with the City Building Code.
- 5.5.2. The Building Official is authorized to investigate incidences of possible excessive occupancy. Upon conclusion that there exists excessive occupancy, the Building Official may issue a citation and/or seek an injunction to limit, lower or control the number of occupants in the dwelling unit. Upon receipt of such citation or injunction, the owner of the dwelling unit shall forthwith lower the occupancy to be in conformity with this section.

#### **§5.6. 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 or telegraph service 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 of the City. This is not to be construed to include the erection or construction of buildings.

#### **§5.7. Nonconformities**

##### 5.7.1. Intent

1. If, 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 lawful nonconformities to continue until they are removed, but not to encourage their survival.

It is further the intent of this Ordinance that lawful nonconformities shall not be enlarged upon, expanded, rendered more permanent, nor used as grounds for adding other structures or uses prohibited elsewhere in the same district, except as otherwise provided for in this Section.

2. Any use, lot, parcel or structure that was unlawful on the effective date of this Ordinance, or amendment thereto, shall remain unlawful and shall not enjoy the status of a lawful nonconformity.

##### 5.7.2. 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.

##### 5.7.3. Nonconforming Uses and Structures in Which Nonconforming Uses Exist

1. A nonconforming use occupying part of a structure or premises shall not affect the status of uses in the remaining part of the structure or premises.
2. Permitted Changes. A nonconforming use, or the structure in which it exists, may be changed, altered, structurally altered, repaired, restored, replaced, relocated or expanded without loss of nonconforming use status only in accordance with this Article, and subject to all appropriate approvals, including, but not limited to, building permit approval, zoning inspection approval and/or variance approval. Changes made that were not allowed under the standards of this Article shall forfeit the lawful nonconforming status.
  - a. A nonconforming use may be changed to a conforming use, or to a different nonconforming use that decreases the degree of nonconformity, as detailed below in [§5.7.3.3 Change in Use](#).
  - b. A conforming or nonconforming structure housing a nonconforming use may be repaired, provided that such repair constitutes only routine maintenance necessary to keep the structure in the same general

condition it was in when the use originally became nonconforming, provided the structure is in a safe condition.

- c. A structure housing a nonconforming use damaged by casualty (as distinguished from ordinary wear and tear) may be restored in accordance with the provisions of [§5.7.5 Restoration After Damage](#).
  - d. Minor alterations, cosmetic modifications, interior renovations and similar nonstructural changes to buildings may be permitted subject to the following standards:
    - 1) Such changes shall not increase the land area or gross floor area occupied by any part of the nonconforming use;
    - 2) Such construction shall meet all current requirements of this Ordinance.
  - e. No nonconforming use, or the structure housing it, shall be moved to any other lot or within the lot on which it exists unless the structure is brought into conformity with this Ordinance.
3. Change in Use. A nonconforming use may be changed to a conforming use or to another nonconforming use only when the proposed use decreases the degree of nonconformity as approved by the Building Official. If the Building Official determines the proposed use is not the same or more restrictive than the existing nonconforming use, the request shall be denied. In determining whether a proposed use decreases the degree of nonconformity, the following factors may be considered.
- a. Whether the proposed use will change the size, type and scope of the existing use.
  - b. Whether the proposed use will increase the intensity of the nonconforming use, including hours of operation, traffic, noise, odors, lighting and similar visual impacts.
  - c. Whether or not the proposed use will have a more or less detrimental effect on conforming uses in the surrounding area; and
  - d. Whether the proposed use would increase traffic or require more parking. A more restrictive nonconforming use shall never be a use which increases traffic or requires more parking than the existing nonconforming use.

The Building Official may require that the applicant furnish additional documents including, but not limited to, site plan or survey so that he may determine if the request may be granted.

4. Abandonment, Discontinuance of Nonconforming Use
- a. A nonconforming use which has been discontinued for a continuous period of one (1) year or more, or which is changed to or replaced by a conforming use, shall lose its non-conforming status and shall not be re-established. Any future use shall be in conformity with the provisions of this Ordinance.
  - b. Operation of an accessory or incidental use to the principal nonconforming use during the one-year period shall not continue the principal nonconforming use. No use, including signage, accessory to the principal nonconforming use, shall continue after said nonconforming use terminates
5. Nonconforming Structures
- a. Relationship with nonconforming uses and nonconforming lots
    - 1) Where a nonconforming structure is the site of a non-conforming use, the regulations for non-conforming structures and non-conforming uses shall both be applied. In case of conflict, the rules for non-conforming uses shall prevail.
    - 2) Conforming structures on a nonconforming lot are not nonconforming structures. Refer to [§5.7.6 Nonconforming Lots of Record](#).
  - b. 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 and does not increase the nonconformity.

5.7.4. Continuance. A nonconforming structure may continue as it existed when it became nonconforming, as long as it is maintained in its then structural condition. The structure shall be brought into conformity with this Ordinance, including parking requirements, whenever it is enlarged, extended, reconstructed or structurally altered. Changes made that are not permitted under this §5.7 shall cause loss of the nonconforming status. Permitted changes shall be subject to the following limitations:

1. A nonconforming structure may only be changed, altered, structurally altered, repaired, restored, replaced, relocated or expanded in ways that do not increase or intensify the nonconformity, in accordance with this §5.7 and subject to receipt of all appropriate approvals, including, but not limited to, building permit approval, zoning approval and/or variances.
2. A nonconforming structure may be repaired, provided that such repair constitutes only routine maintenance necessary to keep the structure in the same general condition it was in when it became nonconforming, provided the structure is in a safe condition.
3. A nonconforming structure damaged by Casualty, as distinguished from ordinary wear and tear, may be restored in accordance with [§5.7.5 Restoration After Damage](#).
4. Minor alterations, cosmetic modifications, interior renovations and similar nonstructural changes may be permitted subject to the following standards:
  - a. Such changes shall not increase the land area occupied by any part of the nonconforming structure and shall not increase the gross floor area of any nonconforming structure; and
  - b. Such construction shall meet all current requirements of this Ordinance.
5. No nonconforming structure shall be moved to any other lot or within the lot on which it exists unless the structure is brought into conformity with this Ordinance.

5.7.5. Restoration after Damage

1. If a nonconforming structure or a structure housing a non-conforming use is damaged to an extent of fifty (50) percent or less of its assessed value, according to records maintained by the Jefferson County Tax Assessor's office, it may be restored to its condition prior to the Casualty, provided that such restoration is begun within six (6) months of the date of the Casualty and completed within twelve (12) months of the date of the Casualty. For developments that are not assessed individually by the County, the total assessed value of all buildings on the property shall be used when calculating Casualty damage.
2. Restoration should eliminate or reduce the nonconforming features to the extent possible. If the building cannot be restored except to its original nonconforming condition, the owner shall have the right to do so without variance, but, in no event, shall the nonconformity be increased, enlarged or expanded, except under the provisions of [§5.7.4 Continuance](#).
3. A nonconforming structure, or a structure housing a non-conforming use, that is damaged by Casualty to an extent more than fifty (50) percent of its assessed value at the time of the Casualty, according to records maintained by the Jefferson County Tax Assessor's office, shall not be restored, except in conformity with the provisions of this Ordinance.
4. Restoration shall be subject to issuance of business licenses, if applicable, and building permits; and any work done shall be in compliance with the City Building Code.
5. Unless otherwise approved by the ZBA, restoration shall be accomplished within one year of the date of the Casualty. However, if the structure is in an area under a federal disaster declaration, and the building has been damaged or destroyed as a direct result of conditions that gave rise to the declaration, then the owner shall have an additional year from the date of the natural disaster for the building to be restored.

5.7.6. Nonconforming Lots of Record

1. Where a lot of record existed at the time of the effective date of this Ordinance having less lot area or lot width than herein required for the applicable district, the lot may be used as a building site, provided that the lot, building, and use shall comply with all of the other applicable requirements of the Ordinance; and

provided that deeded land was not transferred in conflict with the City of Gardendale Subdivision Regulations. Otherwise, development shall require a Variance from the ZBA or subdivision approval by the Commission, as appropriate.

However, this provision shall not apply when two (2) or more lots exist together, with contiguous frontage in single ownership as of the effective date of this Ordinance or any time thereafter. Such land shall be considered to be an undivided parcel for the purpose of this Ordinance and shall not be used or sold in a manner which creates lot area or lot width below the requirements stated in this Ordinance.

**§5.8. Abandoned Right-of-Way.**

Whenever any street, alley or other public way is vacated or abandoned by official action of the City, the zoning district adjoining each side of 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.

**§5.9. Abatement of Smoke, Gas, Vibration, Fumes, Dust, Fire and Explosion Hazard or Nuisance.**

The ZBA may require the conduct of any use (conforming or nonconforming), which results in unreasonable smoke, gas, vibration, fumes, dust, fire, radio interference or explosion hazard or nuisance to surrounding property, to be modified or changed to abate such hazard to health, comfort and convenience. The ZBA may direct the Building Official to issue an abatement order, but such order may be directed only after a public hearing by the ZBA, the notice of which shall be sent by registered mail to the owners and/or operators of the property on which the use is conducted, in addition to due notice by advertisement in a newspaper of general circulation. Such hearing shall be held by the ZBA, either upon petition signed by any person affected by the hazard or nuisance or upon the initiative of the ZBA. An abatement order shall be directed by the ZBA only upon reasonable evidence of hazard or nuisance and such order shall clearly specify the date by which the hazard or nuisance shall be abated.

**§5.10. Buildings to be Moved.**

Any building or structure which is to be moved to any location within the City limits shall be considered, for the purpose of this Ordinance, to be a new building under construction and, as such, shall conform to all applicable provisions of this Ordinance and any other applicable regulations.

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## ARTICLE 6 DISTRICT REGULATIONS

### §6.1. Establishment of Districts

In order to carry out the intent and purpose of this Ordinance, the City is hereby divided into the following zoning districts. The Official Zoning Map designates the location and boundaries of these zoning districts.

Zoning District	Section Reference
6.1.1. A-1 Agricultural District	<a href="#">§6.2</a>
6.1.2. E-1 Single-Family Residential District (Estate)	<a href="#">§6.3</a>
6.1.3. R-1 Single-Family Residential District	<a href="#">§6.4</a>
6.1.4. R-2 Single-Family Residential District	<a href="#">§6.5</a>
6.1.5. R-3A Manufactured Home Subdivision District	<a href="#">§6.6</a>
6.1.6. R-3B Manufactured Home Park District	<a href="#">§6.7</a>
6.1.7. R-4 Multi-Family Residential District	<a href="#">§6.8</a>
6.1.8. RT-4 Townhouse Residential District	<a href="#">§6.9</a>
6.1.9. RG Garden Home Residential District	<a href="#">§6.10</a>
6.1.10. Inst-1 Institutional District	<a href="#">§6.11</a>
6.1.11. Inst-2 Institutional District	<a href="#">§6.12</a>
6.1.12. Inst-3 Institutional District	<a href="#">§6.13</a>
6.1.13. CP Preferred Commercial District	<a href="#">§6.14</a>
6.1.14. C-1 Neighborhood Shopping District (Commercial)	<a href="#">§6.15</a>
6.1.15. C-2 Community Business District (Commercial)	<a href="#">§6.16</a>
6.1.16. C-3 General Business District	<a href="#">§6.17</a>
6.1.17. I-1 Light Industrial District	<a href="#">§6.18</a>
6.1.18. I-2 General Industrial District	<a href="#">§6.19</a>
6.1.19. I-3-S Strip Mining District	<a href="#">§6.20</a>
6.1.20. PUD Planned Unit Development District	<a href="#">§6.21</a>
6.1.21. HPD Heritage Preservation Overlay District	<a href="#">§6.22</a>
6.1.22. CC City Center Overlay District	<a href="#">§6.23</a>

Where uncertainty exists with respect to the boundaries of zoning districts as shown on the zoning map, final interpretation shall be made by the ZBA, as outlined in [§4.6 Interpretation of District Boundaries](#). The zoning district regulations are as follows:

**§6.2. A-1 Agricultural District**

6.2.1. Intent. This district consists primarily of undeveloped lands where agricultural and related pursuits may occur within the City and where agriculture support centers may serve outlying rural areas beyond the City. Further, the intent of the A-1 District is to preserve these areas in agriculture, forestry, outdoor recreational, rural residential and other limited, yet compatible, uses until such time as a higher density development pattern may be desired and City services can be expanded to accommodate this development.

6.2.2. Uses Permitted. Refer to Table 6.2.2.

<b>Table 6.2.2 A-1 Permitted Uses</b>	
Uses Permitted by Right. The following uses shall be permitted by right. Similar uses to those listed below may also be permitted, subject to <a href="#">§4.7 Interpretation of Uses</a> .	Use Regulations
Accessory Structures (Residential)	<a href="#">§7.5</a>
Farm	<a href="#">§8.1</a>
Hobby Farm	<a href="#">§8.2</a>
Stable	
Detached Single-Family Dwelling	
Manufactured Home	<a href="#">§6.2.4.1</a>
Modular Home	<a href="#">§7.11</a>
Private Tennis Court	<a href="#">§7.9</a>
Private Swimming Pool	<a href="#">§7.8</a>
Non-Commercial Greenhouse and Gardens	
Transmission Tower (non-commercial)	<a href="#">§7.5</a>
Animal Hospital	
Kennels	
Studio	
Conditional Uses. The following uses may be permitted, subject to approval of the Commission and appropriate permits being issued by the City. See <a href="#">§4.9 Conditional Uses</a> .	Use Regulations
Farm Support Business	
Livestock Sales	
Home Occupation	<a href="#">§8.11</a>
Campground or Recreational Vehicle Park	
Outdoor Entertainment	
Broadcast Studio	
Riding Academy	
Commercial Poultry Houses	<a href="#">§8.1</a>
Manufactured Home Sales	
Day Care Home	<a href="#">§8.14</a>
Group Day Care Home	<a href="#">§8.14</a>
Boarding House	<a href="#">§8.17</a>
Bed and Breakfast	<a href="#">§8.16</a>
Market	

6.2.3. Area and Dimensional Regulations. Except as may be provided for elsewhere in this Ordinance, the area and dimensional regulations in Table 6.2.3 shall apply.

For detached single-family dwellings only, the ZBA may approve as a Special Exception a minimum lot size of 15,000 sf. In such cases, all other area and dimensional regulations in Table 6.2.3 shall be observed. See [§4.8.3.3 Special Exceptions](#) for application and review procedure.

<b>Table 6.2.3 A-1 District Area and Dimensional Regulations</b>	
For manufactured homes, refer also to §6.2.4.1 Manufactured Homes.	
Minimum Lot Area	3 ac
Minimum Lot Width	100 ft for interior lots 115 ft for corner lots
Minimum Yard Setbacks	
Front <sup>1</sup>	35 ft
Rear	35 ft
Side	20 ft
Maximum Building Height	35 ft or 2-1/2 stories
Minimum Floor Area of a dwelling, excluding manufactured homes	
1-story dwelling	1,400 sf
2-story dwelling	1,000 sf on first floor
Total minimum for dwelling	1,400 sf
<sup>1</sup> For corner lots, the minimum front yard setback shall be observed on each frontage.	

6.2.4. Additional Standards.

1. Manufactured Homes.
  - a. Manufactured Homes shall be at least seventy-five (75) ft from the nearest dwelling, excluding another manufactured home.
  - b. Water and sanitary facilities must be approved by the City and the appropriate Jefferson County departments.
  - c. Site Requirements: Manufactured homes shall be subject to the requirements in Table 6.2.3 except that parcel(s) and adjacent property, under the same ownership, shall be permitted the following:
    - 1) One (1) Manufactured Home: 15,000 Sf.
    - 2) Two (2) Manufactured Homes: One (1) acre Minimum.
    - 3) Three (3) Manufactured Homes: Two (2) acre Minimum.
    - 4) The placement of four (4) or more Manufactured Homes shall require rezoning to R-3A or R-3B.
2. Refer to [§8.1 Farm](#) or [§8.2 Hobby Farm](#) for area and dimensional requirements for the raising of livestock or fowl.
3. Activities for personal enjoyment or use, including but not limited to the following may be permitted as accessory uses to a permitted dwelling:
  - a. The keeping of small domestic animals, small fur-bearing animals, or bees for personal enjoyment or use, excluding kennels.
  - b. the cultivation of a garden or orchard
  - c. the raising of plants, vegetables, shrubs, and the like
  - d. the keeping of greenhouses.
4. Provision must be made to dispose of manure and other organic wastes in such a manner as to avoid pollution of ground water or any lake or stream.
5. Buffer Requirements. Where abutting a use of lesser intensity, a Buffer shall be provided in accordance with [§11.3 Buffers](#).
6. Offensive animal odors shall not be detectable at the property line.



7. Where applicable, screening shall be provided, in accordance with [§11.2 Screening](#), to conceal certain site elements, including but not limited to, loading and waste collection areas, mechanical equipment, and outdoor storage and work areas, from public view.
8. Unless otherwise specified in this Ordinance, all structures, livestock barns, cages, pens, and other such facilities used for the feeding or housing of any livestock or fowl, must be set back a minimum of two hundred (200) ft from any adjacent property line, seventy-five (75) ft from the front lot line, and no closer to the front lot line than the principal building.

6.2.5. Additional Regulations (When Applicable)

1. Administration and Review Procedures, [Article 4](#).
2. General Regulations, [Article 5](#).
3. Supplemental Regulations, [Article 7](#).
4. Use Regulations, [Article 8](#).
5. Off-Street Parking and Loading Requirements, [Article 9](#).
6. Sign Regulations, [Article 10](#).
7. Landscaping, Screening and Buffers, [Article 11](#).

**§6.3. E-1 Single-Family Residential District (Estate)**

6.3.1. Intent. To provide areas suitable for detached, single-family dwellings on large lots, along with other specified uses, which are integrally related to residential neighborhoods.

6.3.2. Uses Permitted. Refer to Table 6.3.2.

<b>Table 6.3.2 E-1 Permitted Uses</b>	
Uses Permitted by Right. The following uses shall be permitted by right. Similar uses to those listed may also be permitted, subject to <a href="#">§4.7 Interpretation of Uses</a> .	Use Regulations
Hobby Farm	<a href="#">§8.2</a>
Detached Single-Family Dwelling	
Modular Home	<a href="#">§7.11</a>
Accessory Structures (Residential)	<a href="#">§7.5</a>
Private Tennis Court	<a href="#">§7.9</a>
Private Swimming Pool	<a href="#">§7.8</a>
Non-Commercial Greenhouse and Gardens	
Transmission Tower (non-commercial)	<a href="#">§7.5</a>
Conditional Uses. The following uses may also be permitted, subject to approval of the Commission and appropriate permits being issued by the City. See <a href="#">§4.9 Conditional Uses</a> .	Use Regulations
Accessory Dwelling Unit	<a href="#">§8.18</a>
Home Occupation	<a href="#">§8.11</a>
Day Care Home	<a href="#">§8.14</a>
Group Day Care Home	<a href="#">§8.14</a>
Boarding House	<a href="#">§8.17</a>
Bed and Breakfast	<a href="#">§8.16</a>

6.3.3. Area and Dimensional Regulations. Except as may be provided for elsewhere in this Ordinance, the area and dimensional regulations in Table 6.3.3 shall apply.

<b>Table 6.3.3 E-1 District Area and Dimensional Regulations</b>	
Minimum Lot Area	20,000 sf
Minimum Lot Width	100 ft for interior lots 115 ft for corner lots
Minimum Yard Setbacks	
Front <sup>1</sup>	50 ft
Rear	50 ft
Side	15 ft
Maximum Building Height	35 ft or 2-1/2 stories
Minimum Floor Area of a dwelling	
1-story dwelling	2,000 sf
2-story dwelling	1,400 sf on first floor, total minimum – 2,400 sf

<sup>1</sup> For corner lots, the minimum front yard setback shall be observed on each frontage.

6.3.4. Additional Standards.

1. Buffer Requirements. Where abutting a use of lesser intensity, a Buffer shall be provided in accordance with [§11.3 Buffers](#).
2. Where applicable, screening shall be provided, in accordance with [§11.2 Screening](#), to conceal certain site elements, including but not limited to, loading and waste collection areas, mechanical equipment, and outdoor storage and work areas, from public view.

6.3.5. Additional Regulations (When Applicable)

1. Administration and Review Procedures, [Article 4](#).
2. General Regulations, [Article 5](#).
3. Supplemental Regulations, [Article 7](#).
4. Use Regulations, [Article 8](#).
5. Off-Street Parking and Loading Requirements, [Article 9](#).
6. Sign Regulations, [Article 10](#).
7. Landscaping, Screening and Buffers, [Article 11](#).

**§6.4. R-1 Single-Family Residential District**

6.4.1. Intent. To provide areas for medium-density, detached, single-family dwellings, along with other specified uses, which are integrally related to residential neighborhoods.

6.4.2. Uses Permitted. Refer to Table 6.4.2.

<b>Table 6.4.2 R-1 Permitted Uses</b>	
Uses Permitted by Right. The following uses shall be permitted by right. Similar uses to those listed below may also be permitted, subject to <a href="#">§4.7 Interpretation of Uses.</a>	Use Regulations
Detached Single-Family Dwelling	
Modular Home	<a href="#">§7.11</a>
Accessory Structures (Residential)	<a href="#">§7.5</a>
Conservation Development (Detached Single-Family Dwellings)	<a href="#">§8.20</a>
Private Tennis Court	<a href="#">§7.9</a>
Private Swimming Pool	<a href="#">§7.8</a>
Non-Commercial Greenhouse and Gardens	
Transmission Tower (non-commercial)	<a href="#">§7.5</a>
Hen Coup	<a href="#">§7.13</a>
Conditional Uses. The following uses may also be permitted, subject to approval of the Commission and appropriate permits being issued by the City. See <a href="#">§4.9 Conditional Uses.</a>	Use Regulations
Accessory Dwelling Unit	<a href="#">§8.18</a>
Home Occupation	<a href="#">§8.11</a>
Day Care Home	<a href="#">§8.14</a>
Group Day Care Home	<a href="#">§8.14</a>
Boarding House	<a href="#">§8.17</a>
Bed and Breakfast	<a href="#">§8.16</a>

6.4.3. Area and Dimensional Regulations. Except as may be provided for elsewhere in this Ordinance, the area and dimensional regulations in Table 6.4.3 shall apply.

<b>Table 6.4.3 R-1 District Area and Dimensional Regulations</b>	
Minimum Lot Area	15,000 sf
Minimum Lot Width	100 ft for interior lots 115 ft for corner lots
Minimum Yard Setbacks	
Front/Primary Front <sup>1</sup>	35 ft
Secondary Front	25 ft
Rear	40 ft
Side	15 ft
Maximum Building Height	35 ft or 2-1/2 stories
Minimum Floor Area of a dwelling	
1-story dwelling	1,400 sf
2-story dwelling	1,000 sf on first floor, total minimum – 1,400 sf
<sup>1</sup> For dual frontage corner lots, the minimum front yard setback shall be observed on each frontage.	

6.4.4. Additional Standards.

1. Buffer Requirements. Where abutting a use of lesser intensity, a Buffer shall be provided in accordance with [§11.3 Buffers.](#)

2. Where applicable, screening shall be provided, in accordance with [§11.2 Screening](#), to conceal certain site elements, including but not limited to, loading and waste collection areas, mechanical equipment, and outdoor storage and work areas, from public view.

6.4.5. Additional Regulations (When Applicable)

1. Administration and Review Procedures, [Article 4](#).
2. General Regulations, [Article 5](#).
3. Supplemental Regulations, [Article 7](#).
4. Use Regulations, [Article 8](#).
5. Off-Street Parking and Loading Requirements, [Article 9](#).
6. Sign Regulations, [Article 10](#).
7. Landscaping, Screening and Buffers, [Article 11](#).

(Ord. No. 2022-010, 7/19/2022)

**§6.5. R-2 Single-Family Residential District**

- 6.5.1. Intent. To provide areas for medium-density, single-family dwellings along with other specified uses which are integrally related to residential neighborhoods.
- 6.5.2. Uses Permitted. Refer to Table 6.5.2.

<b>Table 6.5.2 R-2 Permitted Uses</b>	
Uses Permitted by Right. The following uses shall be permitted by right. Similar uses to those listed below may also be permitted, subject to <a href="#">§4.7 Interpretation of Uses</a> .	Use Regulations
Detached Single-Family Dwelling	
Modular Homes	<a href="#">§7.11</a>
Accessory Structures (Residential)	<a href="#">§7.5</a>
Conservation Development (Detached Single-Family Dwellings)	<a href="#">§8.20</a>
Private Tennis Court	<a href="#">§7.9</a>
Private Swimming Pool	<a href="#">§7.8</a>
Non-commercial Greenhouse and Gardens	
Transmission Tower (non-commercial)	<a href="#">§7.5</a>
Hen Coup	<a href="#">§7.13</a>
Conditional Uses. The following uses may also be permitted, subject to approval of the Commission and appropriate permits being issued by the City. See <a href="#">§4.9 Conditional Uses</a> .	Use Regulations
Accessory Dwelling Unit	<a href="#">§8.18</a>
Boarding House	<a href="#">§8.17</a>
Bed and Breakfast	<a href="#">§8.16</a>
Home Occupation	<a href="#">§8.11</a>
Day Care Home	<a href="#">§8.14</a>

- 6.5.3. Area and Dimensional Regulations. Except as may be provided for elsewhere in this Ordinance, the area and dimensional regulations in Table 6.5.3 shall apply.

<b>Table 6.5.3 R-2 District Area and Dimensional Regulations</b>	
Minimum Lot Area	10,000 sf (15,000 sf if septic tank and field lines are required)
Minimum Lot Width	75 ft for interior lots 80 ft for single frontage corner lots 90 ft for dual frontage corner lots
Minimum Yard Setbacks	
Front/Primary Front <sup>1</sup>	35 ft
Secondary Front	25 ft
Rear	35 ft
Side	10 ft
Maximum Building Height	35 ft or 2-1/2 stories
Minimum Floor Area of a dwelling	
1-story dwelling	1,200 sf
2-story dwelling	1,000 sf on first floor, total minimum – 1,200 sf
<sup>1</sup> For dual frontage corner lots, the minimum front yard setback shall be observed on each frontage.	

- 6.5.4. Additional Standards.

- 1. Buffer Requirements. Where abutting a use of lesser intensity, a Buffer shall be provided in accordance with [§11.3 Buffers](#).

2. Where applicable, screening shall be provided, in accordance with [§11.2 Screening](#), to conceal certain site elements, including but not limited to, loading and waste collection areas, mechanical equipment, and outdoor storage and work areas, from public view.

6.5.5. Additional Regulations (When Applicable)

1. Administration and Review Procedures, [Article 4](#).
2. General Regulations, [Article 5](#).
3. Supplemental Regulations, [Article 7](#).
4. Use Regulations, [Article 8](#).
5. Off-Street Parking and Loading Requirements, [Article 9](#).
6. Sign Regulations, [Article 10](#).
7. Landscaping, Screening and Buffers, [Article 11](#).

(Ord. No. 2022-010, 7/19/2022)

**§6.6. R-3A Manufactured Home Subdivision District**

- 6.6.1. Intent. To provide areas for Manufactured Home Subdivision development free from other uses which are incompatible with the character and intent of this district.
- 6.6.2. Uses Permitted. Refer to Table 6.6.2.

<b>Table 6.6.2 R-3A Permitted Uses</b>	
Uses Permitted by Right. The following uses shall be permitted by right. Similar uses to those listed below may also be permitted, subject to <a href="#">§4.7 Interpretation of Uses</a> .	Use Regulations
Detached, Single-Family Manufactured Home	
Accessory Structures (Residential)	<a href="#">§7.5</a>
Conservation Development (Detached, Single-family Manufactured Homes)	<a href="#">§8.20</a>
Greenhouse and Gardens, Non-commercial	
Transmission Tower (non-commercial)	<a href="#">§7.5</a>
Conditional Uses. The following uses may also be permitted, subject to approval of the Commission and appropriate permits being issued by the City. See <a href="#">§4.9 Conditional Uses</a> .	Use Regulations
Home Occupation	<a href="#">§8.11</a>

- 6.6.3. Area and Dimensional Regulations. Except as may be provided for elsewhere in this Ordinance, the area and dimensional regulations in Table 6.6.3 shall apply:

<b>Table 6.6.3 R-3A Area and Dimensional Regulations</b>	
Minimum Lot Area	7,500 sf (15,000 sf if septic tank and field lines are required)
Minimum Lot Width	50 ft for interior lots 65 ft for corner lots
Minimum Yard Setbacks	
Front <sup>1</sup>	35 ft
Rear	35 ft
Side	8 ft

<sup>1</sup> For corner lots, the minimum front yard setback shall be observed on each frontage.

6.6.4. Additional Standards

1. Each manufactured home shall be located on its own lot.
2. The minimum manufactured home floor area shall be 500 sf.
3. Manufactured Home Subdivisions shall be in conformance with the Subdivision Regulations.
4. All manufactured homes shall be installed according to all requirements of the City Building Code and shall be completely skirted, within thirty (30) days from the date the home is moved on a lot, with weather-resistant material. Skirting shall be adequately vented.
5. All access points shall be controlled through the site review of plans submitted to the Commission on each manufactured home subdivision plan.
6. The subdivision shall be served by water, sanitary facilities and adequate drainage facilities, and such plans shall be submitted to the City Engineer and the Commission for review and approval.

- 6.6.5. Procedure for Plat Approval. A Site Plan, in accordance with [§4.2.2 Site Plan Review](#), and layout for all manufactured home subdivisions shall be prepared and submitted to the Commission for review and approval. See also the Subdivision Regulations. In addition to that required by §4.2.2, the site plan shall include, at a minimum:



1. Number of lots, dimensions and layout of all lots.
  2. Street plan, in accordance with the Subdivision Regulations.
  3. Location and type of all street lighting. No exterior lighting fixture, including lighting for parking areas, walkways, general illumination or any other purposes (except legal signs), shall exceed thirty (30) ft in height measured from the ground. Said lighting fixtures must be installed in such a manner so as to direct the beam of light away from any nearby residential areas and public rights-of-way.
- 6.6.6. Additional Regulations (When Applicable)
1. Administration and Review Procedures, [Article 4](#).
  2. General Regulations, [Article 5](#).
  3. Supplemental Regulations, [Article 7](#).
  4. Use Regulations, [Article 8](#).
  5. Off-Street Parking and Loading Requirements, [Article 9](#).
  6. Sign Regulations, [Article 10](#).
  7. Landscaping, Screening and Buffers, [Article 11](#).

**§6.7. R-3B Manufactured Home Park District**

6.7.1. Intent. To provide areas for Manufactured Home Parks free from other uses which are incompatible with the character and intent of this district.

6.7.2. Uses Permitted. The following uses shall be permitted by right:

Manufactured Home, management office, manager's residence, service facilities (such as laundromats, household storage buildings, outdoor storage yards, refuse disposal areas and similar common service facilities), retail convenience sales, recreational facilities and residential accessory uses and structures.

All service, storage, retail and recreational facilities shall be for the use of residents of the Manufactured Home Park and their guests only.

<b>Table 6.7.3 R-3B Area and Dimensional Regulations</b>	
Minimum Site Area	20 contiguous acres
Minimum Area for Manufactured Home Spaces	5,000 sf in area 50 ft minimum width at the front lot line
Minimum Yard Setbacks for Manufactured Homes and Principal Buildings	
From Park Boundary Line	35 ft
Front Yard <sup>1</sup>	25 ft
Rear Yard	10 ft
Side Yard	10 ft
Minimum spacing between Manufactured Homes	20 ft
Minimum Yard Setbacks for Accessory Structures	
Front Yard	25 ft
Side and Rear Yards	5 ft
Maximum Density (if not served by public water and sewer)	6 Manufactured Homes per gross tract acre <sup>2</sup>
<sup>1</sup> For corner lots, the minimum front yard setback shall be observed on each frontage.	
<sup>2</sup> A lower density may be required by the Jefferson County Health Department.	

6.7.3. Site Standards. A site plan, as required by [§4.2.2 Site Plan Review](#), shall be prepared and submitted for each manufactured home park. The site standards and area and dimensional regulations following and in Table 6.7.3 shall apply:

1. All Manufactured Home Parks shall front on and have access from a dedicated street of at least fifty (50) in width.
2. Location and type of street lighting shall be as recommended by the Alabama Power Company or comparable engineering data approved by the Building Official. No exterior lighting fixture, including lighting for parking areas, walkways, general illumination or any other purposes (except legal signs), shall exceed thirty (30) ft in height measured from the ground. Said lighting fixtures shall direct the beam of light away from any nearby residential areas and public rights-of-way.
3. Location and type of fire hydrants shall be as approved by the Fire Department.
4. Each manufactured home park shall be provided with one or more open spaces for recreational use having a minimum area of one hundred (100) sf per manufactured home space. Such areas shall be consolidated into usable areas with their least dimension not less than forty (40) ft.

5. A maximum of one hundred (100) sf of storage area may be provided on each space. Alternatively, park management may provide common storage lockers at an equivalent or greater capacity. Permitted accessory structures on manufactured home spaces shall include all accessory structures permitted on the lots of detached single-family dwellings, except for private swimming pools and ground-mounted satellite dish antennas.
  6. Two-way private, paved streets, maintained by the park management, shall be installed for access to all manufactured home spaces. Such streets shall be in conformance with the Subdivision Regulations. No manufactured home space shall have direct access to a public street.
  7. Each manufactured home shall have two (2) paved, off-street parking spaces in accordance with the design standards of [Article 9 Off-Street Parking and Loading Regulations](#). The location of all driveways shall be shown on the required site plan and approved by the Commission.
  8. Waste collection facilities shall be provided and shall be the responsibility of park management.
  9. Signs shall be in accordance with [§10.5 Signs Permitted in Residential Areas](#).
  10. Each manufactured home shall be provided with a deck or patio of at least two hundred (200) sf.
  11. All required yards shall be permanently landscaped and maintained with ground cover, trees and shrubs.
  12. Fences shall be in accordance with [§7.3 Fences and Walls](#).
  13. Manufactured home spaces shall not be subdivided from the park property and therefore may only be leased or rented to residents. Spaces shall not be sold individually.
  14. Installation. All manufactured homes shall be installed according to all requirements of the City Building Code and be completely skirted, within thirty (30) days from the date the home is moved into the park, with a weather-resistant material. Skirting shall be adequately vented.
  15. Buffer Requirements. A thirty-five (35) foot buffer shall be provided around the entire park. The buffer shall be landscaped and maintained by park management in accordance with [§11.3 Buffers](#).
  16. Screening shall be provided, in accordance with [§11.2 Screening](#), to conceal certain site elements, including but not limited to, loading and waste collection areas, mechanical equipment, and outdoor storage and work areas, from public view.
- 6.7.4. Additional Regulations (When Applicable)
1. Administration and Review Procedures, [Article 4](#).
  2. General Regulations, [Article 5](#).
  3. Supplemental Regulations, [Article 7](#).
  4. Off-Street Parking and Loading Requirements, [Article 9](#).
  5. Sign Regulations, [Article 10](#).
  6. Landscaping, Screening and Buffers, [Article 11](#).

**§6.8. R-4 Multi-Family Residential District**

6.8.1. Intent. To provide areas for multi-family residential development free from other uses that are incompatible with the character and intent of the district.

6.8.2. Uses Permitted. Refer to Table 6.8.2.

<b>Table 6.8.2 R-4 Permitted Uses</b>	
Uses Permitted by Right. The following uses shall be permitted by right. Similar uses to those listed below may also be permitted, subject to <a href="#">§4.7 Interpretation of Uses</a> .	Use Regulations
Accessory Structures (Residential)	<a href="#">§7.5</a>
Duplex	
Group Care Homes	<a href="#">§8.3</a>
Multi-family Dwellings on tracts of land containing not more than one (1) acre	
Private Swimming Pools	<a href="#">§7.8</a>
Private Tennis Courts	<a href="#">§7.9</a>
Conditional Uses. The following uses may also be permitted, subject to approval of the Commission and appropriate permits being issued by the City. See <a href="#">§4.9 Conditional Uses</a> .	Use Regulations
Multi-Family Dwellings on tracts of land containing more than one (1) acre	<a href="#">§8.15</a>
Home Occupation, for Home Office only	<a href="#">§8.11</a>

6.8.3. Area and Dimensional Regulations. Except as may be provided for elsewhere in this Ordinance, the area and dimensional regulations in Table 6.8.3 shall apply.

<b>Table 6.8.3 R-4 Area and Dimensional Regulations</b>	
Maximum Density	10 dwelling units per acre
Maximum Buildable Area	35%
Minimum Lot Width	100 ft
Minimum Yard Setbacks	
Front	35 ft <sup>1</sup>
Rear	30 ft
Side	25 ft
Maximum Building Height	35 ft or 2-1/2 stories
Minimum Average Floor Area	900 sf
Minimum Building Spacing for multi-family dwellings	
Front to front	40 ft
Front to end, Back to end	20 ft, if end wall is unpierced 30 ft, if the end wall is pierced
Back to back	40 ft
Front to back	50 ft
End to end	20 ft, if end wall of at least one of the buildings is unpierced 30 ft, if end wall of both of the buildings is pierced

<sup>1</sup> For corner lots, the minimum front yard setback shall be observed on each frontage.

6.8.4. Additional Standards.

1. A Site Development Plan, as required by [§4.2.2 Site Plan Review](#), shall provide for, at a minimum:
  - a. Convenient vehicular servicing of the buildings, satisfactory circulation of traffic in the parking areas and appropriate access management.

- b. A preliminary plan or engineering report providing for the site grading, storm drainage, sanitary sewerage and water supply.
  - c. Suitable access points adjoining public streets serving the proposed development, which shall be properly illuminated to reduce traffic hazards.
  - d. Waste collection facilities shall be provided and shall be the responsibility of the property owner or manager.
2. No exterior lighting fixture, including lighting for parking areas, walkways, general illumination or any other purposes (except legal signs), shall exceed thirty (30) ft in height measured from the ground. Said lighting fixtures must be installed in such a manner so as to direct the beam of light away from any nearby residential areas and public rights-of-way.
  3. Exterior Materials
    - a. A minimum of seventy (70) percent of the exterior of multi-family dwellings and group care homes shall be clad in masonry, which shall be calculated as the sum of the area of all exterior facades, excluding openings for windows, trim, and doors.
    - b. The balance of the exterior walls shall consist of wood, hard-coat stucco, masonry board, glass, other masonry or cut stone. Metal and exposed cinder block are prohibited. Exterior trim work may consist of other materials subject to approval by the Building Official.

(Ord. No. 2006-15, Section 3, 8/7/2006)

4. Buffer Requirements. Where abutting a use of lesser intensity, a Buffer shall be provided in accordance with [§11.3 Buffers](#).
5. Screening shall be provided, in accordance with [§11.2 Screening](#), to conceal certain site elements, including but not limited to, loading and waste collection areas, mechanical equipment, and outdoor storage and work areas, from public view.

6.8.5. Additional Regulations (When Applicable)

1. Administration and Review Procedures, [Article 4](#).
2. General Regulations, [Article 5](#).
3. Supplemental Regulations, [Article 7](#).
4. Use Regulations, [Article 8](#).
5. Off-Street Parking and Loading Requirements, [Article 9](#).
6. Sign Regulations, [Article 10](#).
7. Landscaping, Screening and Buffers, [Article 11](#).

(Ord. No. 2023-008, 10/16/2023)

**§6.9. RT-4 Townhouse Residential District**

6.9.1. Intent. To provide areas suitable for attached single-family dwellings.

6.9.2. Uses Permitted. Refer to Table 6.9.2.

<b>Table 6.9.2 RT-4 Permitted Uses</b>	
Uses Permitted by Right. The following uses shall be permitted by right.	Use Regulations
Attached (Townhouse) Dwellings	
Accessory Structures (Residential)	<a href="#">§7.5</a>
Non-Commercial Greenhouse and Gardens	
Private Tennis Court	<a href="#">§7.9</a>
Private Swimming Pool	<a href="#">§7.8</a>
Conditional Uses. The following uses may be permitted, subject to approval of the Commission and appropriate permits being issued by the City. See <a href="#">§4.9 Conditional Uses</a> .	Use Regulations
Home Occupation	<a href="#">§8.11</a>

6.9.3. Area and Dimensional Regulations. Except as may be provided for elsewhere in this Ordinance, the area and dimensional regulations in Table 6.9.3 shall apply.

<b>Table 6.9.3 RT-4 Area and Dimensional Regulations</b>	
Maximum Density	8 dwelling units/acre
Minimum Lot Width	18 ft for interior lots 33 ft for corner lots
Minimum Yard Setbacks <sup>1</sup>	
Front	20 ft <sup>2</sup>
Rear	30 ft
Side	0 ft
Maximum Building Height	35 ft or 2-1/2 stories
Minimum Livable Floor Area	
1 story dwelling	1,200 sf
1-1/2 or 2 story dwelling	1,200 sf, with at least 600 sf being on the first floor
Minimum Building Spacing for Attached Dwellings. Each townhouse or group of townhouses shall be separated from one another as follows:	
Front to front	40 ft
Front to end, Back to end	20 ft, if end wall is unpierced 30 ft, if end wall is pierced
Back to Back	40 ft
Front to Back	50 ft
End to end	20 ft, if end wall of at least one of the buildings is unpierced 30 ft if end wall of both of the buildings is pierced
<sup>1</sup> Notwithstanding the minimum side yard setback of 0 ft, all townhouse dwellings shall be located at least fifteen (15) ft from the boundary of any adjacent tract of land.	
<sup>2</sup> For corner lots, the minimum front yard setback shall be observed on each frontage.	

6.9.4. Additional Standards.

1. A maximum of six (6) dwellings may be attached in a building group.
2. Eave Overhangs: Except when townhouse dwellings are required to be a certain distance from the boundary of the adjacent tract of land, cornices or eaves may extend onto adjacent property when allowed by a

properly executed and recorded agreement between the owner of the townhouse and the owner of such adjacent property. All such cornices and eaves shall be constructed of fire-rated materials.

3. A site development plan, as required by [§4.2.2 Site Plan Review](#), shall provide for:
  - a. All utilities shall be placed underground.
  - b. All lots shall be served by public water and sanitary sewer.
  - c. Convenient vehicular servicing of the buildings, satisfactory circulation of traffic in the parking areas and appropriate access management.
  - d. Driveways shall not be permitted in front yards. An alley or shared driveway shall be provided for access to off-street parking, which may be located in one or more common parking areas or individual parking areas located at the rear of each lot, or a combination thereof.
  - e. A preliminary plan or engineering report providing for the site grading, storm drainage, sanitary sewerage and water supply.
  - f. Suitable entrance and exit points adjoining public streets serving the proposed development, which shall be properly illuminated to reduce traffic hazards.
  - g. The development shall be designed such that each lot may be accessed on foot without having to cross another lot.
  - h. Private swimming pools, tennis courts and non-commercial greenhouses shall be permitted only in common open spaces of sufficient area to meet all applicable requirements of this Ordinance.
  - i. Provisions shall be made for the ownership and maintenance of all common open spaces subject to [§7.12 Ownership and Maintenance of Common Open Spaces and Facilities](#).
  
4. For Townhouse Developments of five (5) acres or more:
  - a. Parking Areas for Boats, Campers and Recreational Vehicles: Each development shall be provided with one (1) screened parking area for boats, campers and recreational vehicles for each ten (10) dwelling units in the development. Each such parking area shall be screened by an opaque wall or fence of permanent construction, at least six (6) ft, but not more than eight (8) ft, in height and designed and constructed so as to conceal the parking area from visibility from outside such wall or fence. The entrance to the parking area shall be screened by a gate constructed of an opaque material, which gate shall be the same height as the wall or fence. The parking area shall be paved with concrete.
  - b. Each development shall be provided with service areas for the storage of waste and maintenance equipment. Waste collection areas shall be grouped or at the rear of individual lots with adequate access provided for collection vehicles.
  - c. Sidewalks: Sidewalks of not less than five (5) ft in width shall be provided between any parking area and the buildings which they serve, and there shall be a curb between all parking areas and adjacent sidewalk. The sidewalks shall be concrete or brick.
  - d. Exterior Lighting: Lighting shall be provided for all parking areas. Such lighting shall be arranged so as to direct glare away from any adjacent residential areas and any adjacent public rights-of-way. Each lighting fixture shall be designed and installed so as to direct its beam of light below the horizontal plane of such lighting fixture.
  - e. Fire Protection: No portion of any building shall be located farther from a fire hydrant than may be reached with five hundred (500) ft of hose.
  - f. Recreational and Play Areas: At least ten (10) percent of the area of each development shall be reserved as one or more recreational areas for the use of the residents of the development and their guests. Of this ten (10) percent, an area of not less than 5,000 sf shall be designated as a children's play area. Recreational areas shall be well maintained in a safe and orderly condition.

5. Exterior Materials.

- a. A minimum of seventy (70) percent of the exterior of all townhouse dwellings shall be clad in masonry, which shall be calculated as the sum all exterior facades, excluding openings for windows, trim, and doors.
- b. A minimum of seventy (70) percent of the front façade shall be clad in masonry.
- c. The balance of the exterior walls shall consist of wood, hard-coat stucco, masonry board, glass, other masonry or cut stone. Metal and exposed cinder block are prohibited. Exterior trim work may consist of other materials subject to approval by the Building Official.

(Ord. No. 2006-15, Section 2, 8/7/2006)

6. Buffer Requirements. Where abutting a use of lesser intensity, a Buffer shall be provided in accordance with [§11.3 Buffers](#).

6.9.5. Additional Regulations (When Applicable)

1. Administration and Review Procedures, [Article 4](#).
2. General Regulations, [Article 5](#).
3. Supplemental Regulations, [Article 7](#).
4. Use Regulations, [Article 8](#).
5. Off-Street Parking and Loading Requirements, [Article 9](#).
6. Sign Regulations, [Article 10](#).
7. Landscaping, Screening and Buffers, [Article 11](#).



**§6.10. RG Garden Home Residential District**

6.10.1. Intent. To provide areas suitable for the development of garden home dwellings.

6.10.2. Uses Permitted. Refer to Table 6.10.2.

<b>Table 6.10.2 RG Permitted Uses</b>	
Uses Permitted By Right. The following uses shall be permitted by right:	Use Regulations
Accessory Structures (Residential)	<a href="#">§7.5</a>
Garden Home Dwellings	
Modular Homes	<a href="#">§7.11</a>
Private Swimming Pools	<a href="#">§7.8</a>
Hen Coup (limited to Garden Homes with a lot area of at least 15,000 sq ft)	<a href="#">§7.13</a>
Conditional Uses. The following uses may be permitted, subject to approval of the Commission and appropriate permits being issued by the City. See <a href="#">§4.9 Conditional Uses</a> :	Use Regulations
Accessory Dwelling Units	<a href="#">§8.18</a>
Transmission Towers (non-commercial)	<a href="#">§7.5</a>
Home Occupation	<a href="#">§8.11</a>

6.10.3. Area and Dimensional Regulations. Except as may be provided for elsewhere in this Ordinance, the area and dimensional regulations in Table 6.10.3 shall apply.

<b>Table 6.10.3 RG Area and Dimensional Regulations</b>	
Maximum Density	6 dwelling units/acre
Minimum Lot Area	7,260 sf
Minimum Lot Width	55 ft for interior lots 65 ft for corner lots
Minimum Yard Setbacks <sup>1</sup>	
Front	20 ft <sup>2</sup>
Rear	25 ft <sup>3</sup>
Side	6.5 ft
Maximum Building Height	35 ft or 2-1/2 stories
Minimum Floor Area	
1 story dwelling	1,200 sf
2 story dwelling	1,200 sf with at least 600 sf being on the first floor
<sup>1</sup> No structure shall be located less than 25 ft from any boundary of a contiguous R-1, R-2, or E-1 Single Family Residential District. <sup>2</sup> For corner lots, the minimum front yard setback shall be observed on each frontage. <sup>3</sup> An unenclosed porch or an uncovered deck, patio, or terrace may extend into the required rear yard setback but shall not extend closer than 15 ft to the rear lot line.	

6.10.4. Additional Standards.

1. A Site Plan shall be submitted in accordance with [§4.2.2 Site Plan Review](#).
2. Any easements or comparable access rights required for the maintenance of a garden home shall be provided for in the deed for the lot on which such garden home is located.
3. All utilities shall be placed underground.
4. Exterior Materials.
  - a. A minimum of seventy (70) percent of the exterior of all dwellings shall be clad in masonry, which shall be calculated as the sum of all exterior facades, excluding openings for windows, trim, and doors.

- b. A minimum of seventy (70) percent of the front façade shall be clad in masonry.
- c. The balance of the exterior walls shall consist of wood, hard-coat stucco, masonry board, glass, other masonry or cut stone. Metal and exposed cinder block are prohibited. Exterior trim work may consist of other materials subject to approval by the Building Official.

This masonry requirement shall apply to all garden home developments approved after August 7, 2006. However, subdivisions approved by the Commission before August 7, 2006 are exempt, with the exception that, if a preliminary plat was approved before said date and said approval expired prior to approval of a final plat, such development shall then be subject to this masonry requirement.

(Ord. No. 2006-15, Section 2, 8/7/2006)

5. Buffer Requirements. Where abutting a use of lesser intensity, a Buffer shall be provided in accordance with [§11.3 Buffers](#).

6.10.5. Additional Regulations (When Applicable)

1. Administration and Review Procedures, [Article 4](#).
2. General Regulations, [Article 5](#).
3. Supplemental Regulations, [Article 7](#).
4. Use Regulations, [Article 8](#).
5. Off-Street Parking and Loading Requirements, [Article 9](#).
6. Sign Regulations, [Article 10](#).
7. Landscaping, Screening and Buffers, [Article 11](#).

(Ord. No. 2022-010, 7/19/2022)

**§6.11. Inst-1 Institutional District**

- 6.11.1. Intent. To provide areas suitable for a select group of institutional uses which are compatible and to prevent encroachment from incompatible uses.
- 6.11.2. Uses Permitted. Refer to Table 6.11.2.

<b>Table 6.11.2 Inst-1 Permitted Uses</b>	
Uses Permitted by Right. The following uses shall be permitted by right. Similar uses to those listed below may also be permitted, subject to <a href="#">§4.7 Interpretation of Uses</a> :	Use Regulations
Accessory Structures	<a href="#">§7.5</a>
Country Club	
Day Care Center	
Domiciliary Care Facility	
Park	
Place of Assembly	
School	
School, Commercial	
Transmission Tower, Commercial	<a href="#">§8.6</a>
Conditional Uses. The following uses may be permitted, subject to approval of the Commission and appropriate permits being issued by the City. See <a href="#">§4.9 Conditional Uses</a> :	Use Regulations
Cemetery	<a href="#">§8.10</a>
Nursing Care Facility	<a href="#">§8.9</a>
Pet Cemetery	
Transitional Home	

- 6.11.3. Area and Dimensional Regulations. Except as may be provided for elsewhere in this Ordinance, the area and dimensional requirements in Table 6.11.3 shall apply.

<b>Table 6.11.3 Inst-1 Area and Dimensional Regulations</b>	
Minimum Lot Area	None specified, although the lot size shall be adequate in size to provide for required parking, buffers, storage and servicing of the building/facility.
Minimum Lot Width	None specified, although the lot width shall be adequate in size to provide for required parking, buffers, storage and servicing of the building/facility.
Minimum Yard Setbacks:	
Front <sup>1</sup>	35 ft
Rear <sup>2</sup>	15 ft
Side <sup>2</sup>	0-15 ft <sup>3</sup>
Maximum Building Height	55 ft, provided any structure taller than 55 ft must be specifically approved by the Fire Chief and Building Official.
<sup>1</sup> For corner lots, the minimum front yard setback shall be observed on both frontages. <sup>2</sup> When abutting a use of lesser intensity, a Buffer shall be provided subject to <a href="#">§11.3 Buffers</a> . <sup>3</sup> The minimum side yard setback may be less than 15 ft subject to the requirements of the City Building Code.	

- 6.11.4. Additional Standards.

1. A Site Plan shall be submitted in accordance with [§4.2.2 Site Plan Review](#).
2. No exterior lighting fixture, including lighting for parking areas, walkways, general illumination or any other purposes (except legal signs), shall exceed thirty (30) ft in height measured from the ground. Said lighting fixtures shall direct the beam of light away from any nearby residential areas and public rights-of-way.

3. Each building shall have a service yard, adequate for the handling of waste and the loading and unloading of vehicles.
4. Screening shall be provided, in accordance with [§11.2 Screening](#), to conceal certain site elements, including but not limited to, loading and waste collection areas, mechanical equipment, and outdoor storage and work areas, from public view.
5. Buffer Requirements. Where abutting a use of lesser intensity, a Buffer shall be provided in accordance with [§11.3 Buffers](#).

6.11.5. Additional Regulations (When Applicable)

1. Administration and Review Procedures, [Article 4](#).
2. General Regulations, [Article 5](#).
3. Supplemental Regulations, [Article 7](#).
4. Use Regulations, [Article 8](#).
5. Off-Street Parking and Loading Requirements, [Article 9](#).
6. Sign Regulations, [Article 10](#).
7. Landscaping, Screening and Buffers, [Article 11](#).
8. Architectural Control Standards, [Article 12](#).

(Ord. No. 2018-017, 11/19/2018)

**§6.12. Inst-2 Institutional District**

6.12.1. Intent. To provide areas suitable for selected institutional uses which are compatible with each other and to prevent encroachment by incompatible uses.

6.12.2. Uses Permitted. Refer to Table 6.12.2.

<b>Table 6.12.2 Inst-2 Permitted Uses</b>	
Uses Permitted by Right. The following uses shall be permitted by right. Similar uses to those listed below may also be permitted, subject to <a href="#">§4.7 Interpretation of Uses</a> :	Use Regulations
Accessory Structures	<a href="#">§7.5</a>
Cemetery	<a href="#">§8.10</a>
Colleges and universities	
Day Care Center	
Domiciliary Care Facility	
Transitional Home	
Museum	
Nursing Care Facility	<a href="#">§8.9</a>
Park	
Place of Assembly	
Public Building	
School	
School, Commercial	
Transmission Tower, Commercial	<a href="#">§8.6</a>
Conditional Uses. The following use(s) may be permitted, subject to the approval of the Commission and appropriate permits being issued by the City. See <a href="#">§4.9 Conditional Uses</a> :	Use Regulations
Clinic	
Club or Fraternal Organization	
Funeral Home	
Helistop	
Hospital	
Public Utility Facility	

6.12.3. Area and Dimensional Regulations. Except as may be provided for elsewhere in this Ordinance, the area and dimensional regulations in Table 6.12.3 shall apply.

<b>Table 6.12.3 Inst-2 Area and Dimensional Regulations</b>	
Minimum Lot Area	None specified, although the lot size shall be adequate in size to provide for required parking, buffers, storage and servicing of the building/facility.
Minimum Lot Width	None specified, although the lot width shall be adequate in size to provide for required parking, buffers, storage and servicing of the building/facility.
Minimum Yard Setbacks:	
Front <sup>1</sup>	35 ft
Rear <sup>2</sup>	15 ft
Side <sup>2</sup>	0-15 ft <sup>3</sup>
Maximum Building Height	55 ft, provided any structure taller than 55 ft must be specifically approved by the Fire Chief and Building Official.
<sup>1</sup> For corner lots, the minimum front yard setback shall be observed on both frontages. <sup>2</sup> Where abutting a use of lesser intensity, a Buffer shall be provided subject to <a href="#">§11.3 Buffers</a> . <sup>3</sup> The minimum side yard setback may be less than 15 ft subject to the requirements of the City Building Code.	

6.12.4. Additional Standards.

1. A Site Plan shall be submitted in accordance with [§4.2.2 Site Plan Review](#).
2. Each building shall have a service yard, adequate for the handling of waste and the loading and unloading of vehicles.
3. No exterior lighting fixture, including lighting for parking areas, walkways, general illumination or any other purposes (except legal signs), shall exceed thirty (30) ft in height measured from the ground. Said lighting fixtures shall direct the beam of light away from any nearby residential areas and public rights-of-way.
4. Screening shall be provided, in accordance with [§11.2 Screening](#), to conceal certain site elements, including but not limited to, loading and waste collection areas, mechanical equipment, and outdoor storage and work areas, from public view.
5. Buffer Requirements. Where abutting a use of lesser intensity, a Buffer shall be provided in accordance with [§11.3 Buffers](#).

6.12.5. Additional Regulations (When Applicable)

1. Administration and Review Procedures, [Article 4](#).
2. General Regulations, [Article 5](#).
3. Supplemental Regulations, [Article 7](#).
4. Use Regulations, [Article 8](#).
5. Off-Street Parking and Loading Requirements, [Article 9](#).
6. Sign Regulations, [Article 10](#).
7. Landscaping, Screening and Buffers, [Article 11](#).
8. Architectural Control Standards, [Article 12](#).

(Ord. No. 2018-017, 11/19/2018)

**§6.13. Inst-3 Institutional District**

- 6.13.1. Intent. To provide areas suitable for a selected class of institutional uses which are compatible and to prevent encroachment from incompatible uses.
- 6.13.2. Uses Permitted. Refer to Table 6.13.2.

<b>Table 6.13.2 Inst-3 Permitted Uses</b>	
Uses Permitted By Right. The following uses shall be permitted by right. Similar uses to those listed below may also be permitted, subject to <a href="#">§4.7 Interpretation of Uses</a> :	Use Regulations
Accessory Structures	<a href="#">§7.5</a>
Cemetery	<a href="#">§8.10</a>
Clinic	
Club or Fraternal Organization	
Colleges and Universities	
Country Club	
Day Care Center	
Funeral Home	
Mental Health Care and Out-patient and In-patient Treatment Facilities	
Military Installation	
Nursing Care Facility	<a href="#">§8.9</a>
Park	
Place of Assembly	
Penal Institution	
Public Buildings	
Public Utility Facility	
School	
School, Commercial	
Transitional Home	
Transmission Tower, Commercial	<a href="#">§8.6</a>
Conditional Uses. The following uses may also be permitted, subject to approval of the Commission and appropriate permits being issued by the City. See <a href="#">§4.9 Conditional Uses</a> :	Use Regulations
Helistop	
Hospital	

- 6.13.3. Area and Dimensional Regulations. Unless otherwise provided for elsewhere in this Ordinance, the area and dimensional regulations in Table 6.13.3 shall apply.

<b>Table 6.13.3 Inst-3 Area and Dimensional Regulations</b>	
Lot Area	None specified, although the lot shall be of sufficient size and area to provide for required parking, buffers, storage and servicing of the building/facility.
Lot Width	None specified, although the lot shall be of sufficient width to provide for required parking, buffers, storage and servicing of the building/facility.
Minimum Yard Setbacks	
Front <sup>1</sup>	35 ft
Rear <sup>2</sup>	35 ft
Side <sup>2</sup>	0-15 ft <sup>3</sup>

Maximum Building Height	55 ft, provided any structure taller than 55 ft must be specifically approved by the Fire Chief and Building Official.
<sup>1</sup> For corner lots, the minimum front yard setback shall be observed on both frontages. <sup>2</sup> Where abutting a use of lesser intensity, a Buffer shall be provided subject to <a href="#">§11.3 Buffers</a> . <sup>3</sup> The minimum side yard setback may be less than 15 ft subject to the requirements of the City Building Code.	

6.13.4. Additional Standards.

1. A Site Plan shall be submitted in accordance with [§4.2.2 Site Plan Review](#).
2. Each building shall have a service yard, adequate for the handling of waste and the loading and unloading of vehicles.
3. No exterior lighting fixture, including lighting for parking areas, walkways, general illumination or any other purposes (except legal signs), shall exceed thirty (30) ft in height measured from the ground. Said lighting fixtures shall direct the beam of light away from any nearby residential areas and public rights-of-way.
4. Screening shall be provided, in accordance with [§11.2 Screening](#), to conceal certain site elements, including but not limited to, loading and waste collection areas, mechanical equipment, and outdoor storage and work areas, from public view.
5. Buffer Requirements. Where abutting a use of lesser intensity, a Buffer shall be provided in accordance with [§11.3 Buffers](#).

6.13.5. Additional Regulations (When Applicable)

1. Administration and Review Procedures, [Article 4](#).
2. General Regulations, [Article 5](#).
3. Supplemental Regulations, [Article 7](#).
4. Use Regulations, [Article 8](#).
5. Off-Street Parking and Loading Requirements, [Article 9](#).
6. Sign Regulations, [Article 10](#).
7. Landscaping, Screening and Buffers, [Article 11](#).
8. Architectural Control Standards, [Article 12](#).

(Ord. No. 2018-017, 11/19/2018)



**§6.14. CP Preferred Commercial District (Office)**

6.14.1. Intent. To provide areas suitable for office, government, financial and other professional services, along with commercial uses which are deemed compatible with the professional office environment.

6.14.2. Uses Permitted. Refer to Table 6.14.2.

<b>Table 6.14.2 CP Permitted Uses</b>	
Uses Permitted by Right. The following uses shall be permitted by right. Similar uses to those listed below may also be permitted, subject to <a href="#">§4.7 Interpretation of Uses</a> :	Use Regulations
Accessory Structures	<a href="#">§7.5</a>
Business or Professional Office <sup>1</sup>	
Bank or Financial Service	
Business Support Service	
Commercial Parking	
Gyms and Health Clubs	
Massage Therapy Establishment	
Museum	
Park	
Personal Services	
Public Building	
Restaurant, Fast Food	<a href="#">§8.5</a>
School, Commercial	
Studio	
Transmission Tower, Commercial	<a href="#">§8.6</a>
<sup>1</sup> Office buildings in excess of 2,500 sf of floor area may use ten (10) percent of the floor area for retail and service uses such as restaurants, gift shops, specialty shops, and other commercial uses appropriate to the professional office environment.	
Conditional Uses. The following uses may be permitted, subject to approval of the Commission and appropriate permits being issued by the City. See <a href="#">§4.9 Conditional Uses</a> .	Use Regulations
Clinic	
Day Care Center	
Public Utility Facility	
Recording Studio	
Restaurant, Standard (see <a href="#">§8.5.2</a> for outdoor seating)	

6.14.3. Area and Dimensional Regulations. Except as may be provided for elsewhere in this Ordinance, the area and dimensional regulations in Table 6.14.3 shall apply.

<b>Table 6.14.3 CP Area and Dimensional Regulations</b>	
Minimum Lot Area	None specified, although the lot size shall be adequate in size for the proposed use, required parking, servicing of the building(s) and other requirements.
Minimum Lot Width	None Specified, although lots shall be of sufficient width to allow for the proposed use, parking, the servicing of the building(s) and other requirements.
Minimum Yard Setbacks	
Front <sup>1</sup>	35 ft
Rear <sup>2</sup>	15 ft
Side <sup>2</sup>	0-15 ft <sup>3</sup>
Maximum Building Height	55 ft, provided any structure taller than 55 ft must be specifically approved by the Fire Chief and Building Official.

<sup>1</sup> For corner lots, the minimum front yard setback shall be observed on both frontages.

<sup>2</sup> Where abutting a use of lesser intensity, a Buffer shall be provided subject to [§11.3 Buffers](#).

<sup>3</sup> The minimum side yard setback may be less than 15 ft subject to the requirements of the City Building Code.

6.14.4. Additional Standards.

1. Outdoor seating for Restaurants shall be subject to [§8.5.2](#).
2. A Site Plan shall be submitted in accordance with [§4.2.2 Site Plan Review](#).
3. Each building shall have a service yard, adequate for the handling of waste and the loading and unloading of vehicles.
4. Screening shall be provided, in accordance with [§11.2 Screening](#), to conceal certain site elements, including but not limited to, loading and waste collection areas, mechanical equipment, and outdoor storage and work areas, from public view.
5. No exterior lighting fixture, including lighting for parking areas, walkways, general illumination or any other purposes (except legal signs), shall exceed thirty (30) ft in height measured from the ground. Said lighting fixtures shall direct the beam of light away from any nearby residential areas and City rights-of-way.
6. Buffer Requirements. Where abutting a use of lesser intensity, a Buffer shall be provided in accordance with [§11.3 Buffers](#).

6.14.5. Additional Regulations (When Applicable)

1. Administration and Review Procedures, [Article 4](#).
2. General Regulations, [Article 5](#).
3. Supplemental Regulations, [Article 7](#).
4. Use Regulations, [Article 8](#).
5. Off-Street Parking and Loading Requirements, [Article 9](#).
6. Sign Regulations, [Article 10](#).
7. Landscaping, Screening and Buffers, [Article 11](#).
8. Architectural Control Standards, [Article 12](#).

(Ord. No. 2018-017, 11/19/2018)

**§6.15. C-1 Neighborhood Shopping District**

- 6.15.1. Intent. To establish and preserve areas for those commercial uses which are especially useful in close proximity to residential areas, while minimizing the possible undesirable impact of such uses on the neighborhoods which they serve.
- 6.15.2. Uses Permitted. Refer to Table 6.15.2.

<b>Table 6.15.2 C-1 Permitted Uses</b>	
Use Permitted by Right. The following uses shall be permitted by right. Similar uses to those listed below may also be permitted, subject to <a href="#">§4.7 Interpretation of Uses</a> .	Use Regulations
Accessory Structures	<a href="#">§7.5</a>
Bank or Financial Service	
Business or Professional Office	
Business Support Service	
Car Wash	
Clinic	
Day Care Center	
General Retail (Enclosed) Less than 3,000 sf of Floor Area	
Gyms and Health Clubs	
Massage Therapy Establishment	
Park	
Personal Services	
Product Repair and Services	
Public Building	
Studio	
Swimming Pool, Indoor	<a href="#">§7.8</a>
Transmission Tower, Commercial	<a href="#">§8.6</a>
Conditional Uses. The following uses may be permitted, subject to approval of the Commission and appropriate permits being issued by the City. See <a href="#">§4.9 Conditional Uses</a> .	Use Regulations
Animal Hospital	
Gas Station, not including Vehicle Repair	<a href="#">§8.8</a>
Funeral Home	
Public Utility Facility	
Restaurant, Fast Food	<a href="#">§8.5</a>
Restaurant, Standard (see <a href="#">§8.5.2</a> for outdoor seating)	
Shopping Center, 15,000 sf of retail floor area or less	<a href="#">§8.7</a>
Short-term Rental/Short-term Rental Unit	<a href="#">§8.22</a>
Swimming Pool, Outdoor	<a href="#">§7.8</a>
Vehicle Repair, Minor	

(Ord. No. 2023-004, 6/5/2023)

- 6.15.3. Area and Dimensional Regulations. Except as may be provided for elsewhere in this Ordinance, the area and dimensional regulations in Table 6.15.3 shall apply.

Table 6.15.3 C-1 Area and Dimensional Regulations	
Minimum Lot Area	None specified, although the lot size shall be adequate in size to provide for required parking, buffers, storage and servicing of the building(s).
Minimum Lot Width	None Specified, although lots shall be of sufficient width to allow for the proposed use, required parking, buffers, storage and the servicing of the building(s).
Minimum Yard Setbacks	
Front <sup>1</sup>	35 ft
Rear <sup>2</sup>	15 t
Side <sup>2</sup>	0-15 ft <sup>3</sup>
Maximum Building Height	55 ft, provided any structure taller than 55 ft must be specifically approved by the Fire Chief and Building Official.
<sup>1</sup> For corner lots, the minimum front yard setback shall be observed on both frontages. <sup>2</sup> Where abutting a use of lesser intensity, a Buffer shall be provided subject to <a href="#">§11.3 Buffers</a> . <sup>3</sup> The minimum side yard setback may be less than 15 ft subject to the requirements of the City Building Code.	

#### 6.15.4. Additional Standards.

1. Outdoor seating for Restaurants shall be subject to [§8.5.2](#).
2. No shopping center may exceed 15,000 sf of retail floor area.
3. A Site Plan shall be submitted in accordance with [§4.2.2 Site Plan Review](#).
4. Each building shall have a service yard adequate for handling waste and the loading and unloading of vehicles.
5. Buffer Requirements. Where abutting a use of lesser intensity, a Buffer shall be provided in accordance with [§11.3 Buffers](#).
6. Screening shall be provided, in accordance with [§11.2 Screening](#), to conceal certain site elements, including but not limited to, loading and waste collection areas, mechanical equipment, and outdoor storage and work areas, from public view
7. No exterior lighting fixture, including lighting for parking areas, walkways, general illumination or any other purposes (except signs) shall exceed thirty (30) ft in height measured from the ground. Said lighting fixtures shall direct the beam of light away from any adjacent residential areas and public rights-of-way.

#### 6.15.5. Additional Regulations (When Applicable)

1. Administration and Review Procedures, [Article 4](#).
2. General Regulations, [Article 5](#).
3. Supplemental Regulations, [Article 7](#).
4. Use Regulations, [Article 8](#).
5. Off-Street Parking and Loading Requirements, [Article 9](#).
6. Sign Regulations, [Article 10](#).
7. Landscaping, Screening and Buffers, [Article 11](#).
8. Architectural Control Standards, [Article 12](#).

(Ord. No. 2018-017, 11/19/2018)



**§6.16. C-2 Community Business District**

- 6.16.1. Intent. To establish and preserve a retail business district convenient to the overall community and attractive for a wide range of retail and service uses.
- 6.16.2. Uses Permitted. Refer to Table 6.16.2.
- 6.16.3. Area and Dimensional Regulations. Except as may be provided for elsewhere in this Ordinance, the area and dimensional regulations in Table 6.16.3 shall apply.
- 6.16.4. Additional Standards.
  - 1. Outdoor seating for Restaurants shall be subject to [§8.5.2](#).
  - 2. A Site Plan shall be submitted in accordance with [§4.2.2 Site Plan Review](#).
  - 3. No exterior lighting fixture, including lighting for parking areas, walkways, general illumination or any other purposes (except signs), shall exceed thirty (30) ft in height measured from the ground. Said lighting fixture shall be constructed in such a manner so as to direct the beam of light away from any adjacent residential areas and public rights-of-way.
  - 4. Each building shall have a service yard adequate for the handling of waste and the loading and unloading of vehicles.
  - 5. Buffer Requirements. Where abutting a use of lesser intensity, a Buffer shall be provided in accordance with [§11.3 Buffers](#).
  - 6. Screening shall be provided, in accordance with [§11.2 Screening](#), to conceal certain site elements, including but not limited to, loading and waste collection areas, mechanical equipment, and outdoor storage and work areas, from public view.

<b>Table 6.16.2 C-2 Permitted Uses</b>	
Uses Permitted By Right. The following uses shall be permitted by right. Similar uses to those listed may also be permitted, subject to <a href="#">§4.7 Interpretation of Uses</a> .	Use Regulations
Accessory Structures	<a href="#">§7.5</a>
Alternative Financial Service	<a href="#">§8.21</a>
Animal Hospital	
Bakery, Minor	
Bank or Financial Service	
Broadcast Studio	
Business or Professional Office	
Business Support Service	
Car Wash	
Children’s Indoor Play Facility	
Clinic	
Commercial Parking	
Day Care Center	
Equipment Rental, Light	
Funeral Home	
Garden Center or Nursery	
Gas Station, not including Vehicle Repair	<a href="#">§8.8</a>
General Retail, Enclosed and Unenclosed	
Grocery Store	
Gyms and Health Clubs	
Home Improvement Center	

Liquor Sales (for off-premise consumption only)	
Market	
Massage Therapy Establishment	
Medical Support Service	
Museum	
Park	
Personal Services	
Public Building	
Printing, Minor	
Product Repair and Services	
Restaurant, Fast Food	<a href="#">§8.5</a>
Restaurant, Standard (see <a href="#">§8.5.2</a> for outdoor seating)	
School, Commercial	
Studio	
Swimming Pool, Indoor and Outdoor	<a href="#">§7.8</a>
Transmission Tower, Commercial	<a href="#">§8.6</a>
Used Car Sales Lot	<a href="#">§8.4</a>
Vehicle Sales and Rental	
Conditional Uses. The following uses may be permitted, subject to approval of the Commission and appropriate permits being issued by the City. See <a href="#">§4.9 Conditional Uses</a> .	Use Regulations
Arcade, Amusement	
Entertainment, Indoor	
Equipment Rental, Heavy	
Gas Station, including Minor Vehicle Repair	<a href="#">§8.8</a>
Hotel or Motel	
Medical and Dental Laboratory	
Mini-Warehouse	<a href="#">§8.12</a>
Moving Companies	
Public Utility Facility	
Recording Studio	
Recreation, Indoor and Outdoor	
Shopping Center	<a href="#">§8.7</a>
Short-term Rental/Short-term Rental Unit	<a href="#">§8.22</a>
Theater	
Vehicle Repair, Minor	
Vehicle Sales and Rental with Minor Vehicle Repair	
Business Office for Contractors, including Minor Fabrication	<a href="#">§8.19</a>
Research Laboratory	
Wholesale Establishment, Enclosed	

(Ord. No. 2023-004, 6/5/2023; Ord. No. 2024-003, 1/16/2024)

<b>Table 6.16.3 C-2 Area and Dimensional Regulations</b>	
Minimum Lot Area	None specified, although the lot size shall be adequate in size to provide for required parking, buffers, storage and servicing of the building(s).
Minimum Lot Width	None specified, although lots shall be of sufficient width to allow for the proposed use, parking, buffers, storage and the servicing of the building(s).
Minimum Yard Setbacks	
Front <sup>1</sup>	35 ft

Rear <sup>2</sup>	15 ft
Side <sup>2</sup>	0-15 ft <sup>3</sup>
Maximum Building Height	55 ft, provided any structure taller than 55 ft must be specifically approved by the Fire Chief and Building Official.
<sup>1</sup> For corner lots, the minimum front yard setback shall be observed on both frontages. <sup>2</sup> Where abutting a use of lesser intensity, a Buffer shall be provided subject to <a href="#">§11.3 Buffers</a> . <sup>3</sup> The minimum side yard setback may be less than 15 ft subject to the requirements of the City Building Code.	

6.16.5. Additional Regulations (When Applicable)

1. Administration and Review Procedures, [Article 4](#).
2. General Regulations, [Article 5](#).
3. Supplemental Regulations, [Article 7](#).
4. Use Regulations, [Article 8](#).
5. Off-Street Parking and Loading Requirements, [Article 9](#).
6. Sign Regulations, [Article 10](#).
7. Landscaping, Screening and Buffers, [Article 11](#).
8. Architectural Control Standards, [Article 12](#).

(Ord. No. 2018-017, 11/19/2018; Ord. No. 2022-011, 7/19/2022)



**§6.17. C-3 General Business District**

- 6.17.1. Intent. To establish and preserve areas of the city for a wide range of businesses convenient to the community, city and region.
- 6.17.2. Uses Permitted. Refer to Table 6.17.2.
- 6.17.3. Area and Dimensional Regulations. Except as may be provided for elsewhere in this Ordinance, the area and dimensional regulations in Table 6.17.3 shall apply.
- 6.17.4. Additional Standards.
  - 1. Outdoor seating for Restaurants shall be subject to [§8.5.2](#).
  - 2. Tattoo Parlors shall not be permitted within 500 ft of the nearest boundary of any Residential or Institutional District as measured from the nearest property line of the concerned premises. Furthermore, not more than two (2) such uses shall be permitted within 1,000 ft of each other, as measured between the nearest property lines.
  - 3. A Site Plan shall be submitted in accordance with [§4.2.2 Site Plan Review](#).
  - 4. No exterior lighting fixture, including lighting for parking areas, walkways, general illumination or any other purposes (except signs), shall exceed thirty (30) ft in height measured from the ground. Said lighting fixtures must be constructed in such a manner to direct the beam of light away from any adjacent residential areas and public rights-of-way.
  - 5. Each building shall have a service yard adequate for the handling of waste and the loading and unloading of vehicles.
  - 6. Buffer Requirements. Where abutting a use of lesser intensity, a Buffer shall be provided in accordance with [§11.3 Buffers](#).
  - 7. Screening shall be provided, in accordance with [§11.2 Screening](#), to conceal certain site elements, including but not limited to, loading and waste collection areas, mechanical equipment, and outdoor storage and work areas, from public view

<b>Table 6.17.2 C-3 Permitted Uses</b>	
Uses Permitted by Right. The following uses shall be permitted by right. Similar uses to those listed below may also be permitted, subject to <a href="#">§4.7 Interpretation of Uses</a> .	Use Regulations
Accessory Structures	<a href="#">§7.5</a>
Alternative Financial Service	<a href="#">§8.21</a>
Animal Hospital	
Bakery, Minor	
Bank and Financial Services	
Business or Professional Offices	
Business Support Service	
Car Wash	
Children’s Indoor Play Facility	
Clinic	
Commercial Parking	
Day Care Center	
Entertainment, Indoor	
Equipment Rental, Light	
Funeral Home	
Gas Station, including Minor or Major Vehicle Repair	<a href="#">§8.8</a>
Garden Center or Nursery	
General Retail, Enclosed and Unenclosed	

Grocery Store	
Gyms / Health Clubs	
Home Improvement Center	
Hotel or Motel	
Kennels	
Market	
Massage Therapy Establishment	
Medical Support Service	
Museum	
Park	
Personal Services	
Printing, Minor	
Product Repair and Services.	
Public Building	
Recreation, Outdoor	
Restaurant, Fast Food	<a href="#">§8.5</a>
Restaurant, Standard (see <a href="#">§8.5.2</a> for outdoor seating)	
School, Commercial	
Shopping Center	<a href="#">§8.7</a>
Studio	
Swimming Pool, Indoor and Outdoor	<a href="#">§7.8</a>
Tattoo Parlor	§6.17.4
Theater	
Transmission Tower, Commercial	<a href="#">§8.6</a>
Used Car Sales Lot	<a href="#">§8.4</a>
Vehicle Repair, Minor and Major	
Vehicle Sales and Rental including Minor and Major Vehicle Repair	
Wholesale Establishment, Enclosed	
Conditional Uses. The following uses may be permitted, subject to the approval of the Commission and appropriate permits being issued by the City. See <a href="#">§4.9 Conditional Uses.</a>	Use Regulations
Arcade, Amusement	
Campground	
Club or Fraternal Organization	
Entertainment, Outdoor	
Equipment Rental, Heavy	
Liquor Lounge	
Liquor Sales (for off-premise consumption only)	
Medical and Dental Laboratory	
Mini-Warehouse	<a href="#">§8.12</a>
Moving Companies	
Night Club	
Public Utility Facility	
Recording Studio	
Recreation, Indoor	
Short-term Rental/Short-term Rental Unit	<a href="#">§8.22</a>
Vehicle Sales and Rental, Major	
Business Office for Contractors, including Minor Fabrication	<a href="#">§8.19</a>
Research Laboratory	

Warehousing	
Wholesale Establishment, Unenclosed	

(Ord. No. 2023-004, 6/5/2023; Ord. No. 2024-003, 1/16/2024)

Table 6.17.3 C-3 Area and Dimensional Regulations	
Minimum Lot Area	None specified, although the lot size shall be adequate in size for required parking, buffers, storage, and servicing of the building(s).
Minimum Lot Width	None specified, although lots shall be of sufficient width to allow for the proposed use, parking, buffers, storage and the servicing of the building(s).
Minimum Yard Setbacks	
Front <sup>1</sup>	35 ft
Rear <sup>2</sup>	15 ft
Side <sup>2</sup>	0-15 ft <sup>3</sup>
Maximum Building Height	55 ft, provided any structure taller than 55 ft must be specifically approved by the Fire Chief and Building Official.
<sup>1</sup> For corner lots, the minimum front yard setback shall be observed on both frontages. <sup>2</sup> Where abutting a use of lesser intensity, a Buffer shall be provided subject to <a href="#">§11.3 Buffers</a> . <sup>3</sup> The minimum side yard setback may be less than 15 ft subject to the requirements of the City Building Code.	

6.17.5. Additional Regulations (When Applicable)

1. Administration and Review Procedures, [Article 4](#).
2. General Regulations, [Article 5](#).
3. Supplemental Regulations, [Article 7](#).
4. Use Regulations, [Article 8](#).
5. Off-Street Parking and Loading Requirements, [Article 9](#).
6. Sign Regulations, [Article 10](#).
7. Landscaping, Screening and Buffers, [Article 11](#).
8. Architectural Control Standards, [Article 12](#).

(Ord. No. 2018-017, 11/19/2018)

**§6.18. I-1 Light Industrial District**

6.18.1. Intent. This district consists of areas where limited industrial uses are permitted. The district encourages employment centers with a low degree of environmental impact. Principal Industrial activities include light manufacturing, industrial services, warehousing, wholesaling, distribution services and other limited impact activities. The I-1 District also allows for selected commercial and agricultural uses supportive of industrial employment centers.

6.18.2. Uses Permitted. Refer to Table 6.18.2.

<b>Table 6.18.2 I-1 Permitted Uses</b>	
Uses Permitted by Right. The following uses shall be permitted by right. Similar uses to those listed below may also be permitted, subject to <a href="#">§4.7 Interpretation of Uses</a> .	Use Regulations
Accessory Structures	<a href="#">§7.5</a>
Construction Service	
Equipment Rental, Light and Heavy	
Maintenance Service	
Manufacturing, Light	
Medical and Dental Laboratory	
Research Laboratory	
Truck Terminal	
Warehousing	
Wholesale Establishment, Enclosed and Unenclosed	
Animal Hospital	
Bakery, Major	
Business or Professional Office	
Business Support Service	
Farm Support Business	
Gas Station with Minor and Major Vehicle Repair	<a href="#">§8.8</a>
Garden Center	
Home Improvement Center	
Kennels	
Manufactured Home Sales	
Mini-Warehouse	<a href="#">§8.12</a>
Moving Companies	
Printing, Major	
School, Commercial	
School, Industrial	
Temporary Storage Containers Sales and Rental	
Transmission Tower, Commercial	<a href="#">§8.6</a>
Vehicle Repair, Minor and Major	
Vehicle Sales and Rental, Major	
Vehicle Sales and Rental, with Minor and Major Vehicle Repair	
Conditional Uses. The following uses may be permitted, subject to approval of the Commission and appropriate permits being issued by the City. See <a href="#">§4.9 Conditional Uses</a> .	Use Regulations
Airport	
Heliport	
Industrial Park	<a href="#">§8.13</a>

6.18.3. Area and Dimensional Regulations. Except as may be provided for elsewhere in this Ordinance, the area and dimensional regulations in Table 6.18.3 shall apply.

<b>Table 6.18.3 I-1 Area and Dimensional Regulations</b>	
Minimum Lot Size	None specified, although lots shall be of sufficient size to accommodate the proposed use, required parking, loading and unloading, buffers, storage and servicing of the building(s).
Minimum Lot Width	None specified, although lots shall be of sufficient width to allow for the proposed use, required parking, buffers, storage and servicing of the building(s).
Minimum Yard Setbacks	
Front <sup>1</sup>	35 ft
Rear <sup>2</sup>	15 ft
Side <sup>2</sup>	0-15 ft <sup>3</sup>
Maximum Building Height	45 ft, provided any structure taller than 35 ft must be specifically approved by the Fire Chief
<sup>1</sup> For corner lots, the minimum front yard setback shall be observed on both frontages. <sup>2</sup> Where abutting a use of lesser intensity, a Buffer shall be provided subject to <a href="#">§11.3 Buffers</a> . <sup>3</sup> The minimum side yard setback may be less than 15 ft subject to the requirements of the City Building Code.	

6.18.4. Additional Standards.

1. A Site Plan shall be submitted in accordance with [§4.2.2 Site Plan Review](#).
2. Buffer Requirements. Where abutting a use of lesser intensity, a Buffer shall be provided in accordance with [§11.3 Buffers](#).
3. Each building shall have a service yard adequate for the handling of waste and the loading and unloading of vehicles.
4. Screening shall be provided, in accordance with [§11.2 Screening](#), to conceal certain site elements, including but not limited to, loading and waste collection areas, mechanical equipment, and outdoor storage and work areas, from public view
5. Pre-engineered, All Metal Buildings shall be permitted, subject to [§7.10](#).
6. Temporary Storage Containers.
  - a. Businesses may store containers for the purpose of renting, leasing, and/or selling them, provided all District Regulations are met and provided that the location has sufficient space for adequate parking and public safety access, and is in compliance with all applicable health and safety regulations. Approval is subject to all business licenses and permits being obtained.
  - b. The operator or other person in charge of any site on which a Container is placed shall be responsible to ensure that the Container is in good condition and free from evidence of deterioration, weathering, discoloration, rust, ripping, tearing, or other holes or breaks. Said person shall also be responsible to ensure that no hazardous or illegal substances are stored or kept within the Container. When not in use, Containers must be kept locked.

6.18.5. Additional Regulations (When Applicable)

1. Administration and Review Procedures, [Article 4](#).
2. General Regulations, [Article 5](#).
3. Supplemental Regulations, [Article 7](#).
4. Use Regulations, [Article 8](#).
5. Off-Street Parking and Loading Requirements, [Article 9](#).
6. Sign Regulations, [Article 10](#).
7. Landscaping, Screening and Buffers, [Article 11](#).

**§6.19. I-2 General Industrial District**

6.19.1. Intent. To provide suitable areas where moderate to heavy industrial uses are permitted. This district encourages employment centers where a potentially high degree of environmental impact uses can be located, including general and heavy manufacturing and industry.

6.19.2. Uses Permitted. Refer to Table 6.19.2.

<b>Table 6.19.2 I-2 Permitted Uses</b>	
Uses Permitted by Right. The following uses shall be permitted by right. Similar uses to those listed may also be permitted, plus uses permitted in I-1 District, subject to <a href="#">§4.7 Interpretation of Uses</a> .	Use Regulations
Accessory Structures	<a href="#">§7.5</a>
Any use permitted by right in the I-1 District	
Manufacturing, General, excluding those listed as a Conditional Use	
Sawmill	
Transmission Tower, Commercial	<a href="#">§8.6</a>
Wrecker Service Yard	
Conditional Uses. The following uses may be permitted, subject to approval of the Commission and appropriate permits being issued by the City. See <a href="#">§4.9 Conditional Uses</a> .	Use Regulations
Airport	
Asphalt Manufacturing and Limestone Drying	
Heliport	
Fertilizer Plant	
Garbage Disposal Plants, Landfills and similar uses	
Glue Factory	
Incinerator	
Industrial Park	<a href="#">§8.13</a>
Manufacture of Paint, Turpentine, Varnish, Soap and Tar Products	
Meat and Poultry Processing Plant	
Mixing Plant for Concrete, Cement Mortar or Paving Materials	
Oil Refinery	
Paper and Pulpwood Manufacturing	
Recycling Plant	
Rendering Plant	
Salvage Yard	
Tannery	

6.19.3. Area and Dimensional Regulations. Except as may be provided for elsewhere in this Ordinance, the following area dimensional regulations shall be required:

6.19.4. Additional Standards.

1. A Site Plan shall be submitted in accordance with [§4.2.2 Site Plan Review](#).
2. Any use involving hazardous waste shall have approval of the Alabama Department of Public Health, Environmental Health Administration, Division of Solid and Hazardous Waste, or equivalent governmental agency before any approval becomes final.
3. Screening shall be provided, in accordance with [§11.2 Screening](#), to conceal certain site elements, including but not limited to, loading and waste collection areas, mechanical equipment, and outdoor storage and work areas, from public view. Any garbage/refuse service area(s) shall be limited to the rear of the principal

building or complex it serves and screened to a height which is adequate to conceal such facilities from public view.

4. Buffer Requirements. When abutting a use of lesser intensity, a Buffer shall be provided in accordance with [§11.3 Buffers](#).

<b>Table 6.19.3 I-2 Area and Dimensional Regulations</b>	
Minimum Lot Size	None specified, although lots shall be of sufficient size to accommodate the proposed use, required parking, loading and unloading, buffers, storage and servicing of the building(s).
Minimum Lot Width	None specified, although lots shall be of sufficient width to allow for the proposed use, required parking, buffers, storage and servicing of the building.
Minimum Yard Setbacks	
Front	35 ft
Rear	15 ft
Side	0-15 ft
Maximum Building Height	45 ft, provided any structure taller than 35 ft must be specifically approved by the Fire Chief
<sup>1</sup> For corner lots, the minimum front yard setback shall be observed on both frontages. <sup>2</sup> Where abutting a use of lesser intensity, a Buffer shall be provided subject to <a href="#">§11.3 Buffers</a> . <sup>3</sup> The minimum side yard setback may be less than 15 ft subject to the requirements of the City Building Code.	

6.19.5. Additional Regulations (When Applicable)

1. Administration and Review Procedures, [Article 4](#).
2. General Regulations, [Article 5](#).
3. Supplemental Regulations, [Article 7](#).
4. Use Regulations, [Article 8](#).
5. Off-Street Parking and Loading Requirements, [Article 9](#).
6. Sign Regulations, [Article 10](#).
7. Landscaping, Screening and Buffers, [Article 11](#).

**§6.20. I-3-S Surface Mining District**

- 6.20.1. Intent. To regulate and restrict surface mining operations to selected areas and to provide safeguards for adjacent properties and the environment. This is the only district in which surface mining shall be permitted, with the exception of any lawfully nonconforming operations licensed by the State of Alabama and/or the City of Gardendale actively engaged in surface mining operations at the time of the adoption of this Ordinance.
- 6.20.2. Uses Permitted. A building or premises shall be used only for the following purposes:
  - 1. Extraction of minerals, coal, ore, etc., by the surface mining method.
  - 2. Accessory uses, facilities and structures customarily incidental to surface mining operations, including but not limited to buildings and structures, machinery, transmission lines, roads, and railroads.
- 6.20.3. Area and Dimensional Regulations. In the above-permitted uses, the area and dimensional regulations set forth in the following section shall be observed:
  - 1. The extraction of minerals, coal, ore, etc., by the surface method will not be permitted within two hundred (200) ft of any property line or public right-of-way, provided, however:
    - a. The foregoing two hundred (200) ft setback may be reduced in whole or in part with the written consent of the owner(s) of the adjacent property and the written consent of the Commission.
    - b. Said setback may also be waived along any portion of a lot line shared with an adjoining property also in the I-3-S District.
    - c. This setback, or any reduction thereof, as may be approved by the Commission, shall be maintained as a densely planted buffer or earth berm covered with vegetation throughout its length, other than the means of egress and ingress, which shall be gated.
  - 2. Accessory structures, buildings, machinery, housing, roads, railroads, transmission lines, rights-of-way and other facilities customarily incidental to surface mining shall not be permitted within two hundred (200) ft of any principal building on an adjoining property, nor closer than fifty (50) ft of any adjoining property line or public right-of-way line. Exceptions to this include the point at which mine access roads or haulage roads join such public right-of-way and cases where the City or other governmental unit having jurisdiction over such roads may permit such roads to be located.
- 6.20.4. Additional Standards.
  - 1. Prior to the use of the land for the above-described purposes, the applicant shall submit a Site plan showing, in addition to that required in [§4.2.2 Site Plan Review](#), the location(s) of the mineral seam(s) and estimated number of tons to be extracted; location of wells or storage facilities; approximate time required to conduct the operation and reclaim the land; a general expression of subsequent use of the property; and any other information requested by the Building Official and/or Commission. If rezoning is required, all paperwork and notification processes shall be followed in accordance with those regulations.
  - 2. All such firms, persons, corporations and other entities shall be subject to any and all State and Federal Laws pertaining to regulation of strip mining operations.
  - 3. Any ordinance on hauling regulations, which may be in force or which may otherwise be amended or adopted, shall be complied with in all respects.



6.20.5. Additional Regulations (When Applicable)

1. Administration and Review Procedures, [Article 4](#).
2. General Regulations, [Article 5](#).
3. Supplemental Regulations, [Article 7](#).
4. Off-Street Parking and Loading Requirements, [Article 9](#).
5. Sign Regulations, [Article 10](#).
6. Landscaping, Screening and Buffers, [Article 11](#).

**§6.21. Planned Unit Development (PUD) District**

6.21.1. Intent. Planned Unit Development (“PUD”) is a method of development which permits more than one use to be developed on a tract of land, in part or whole, in accordance with an approved master development plan. The intent is to encourage and allow more innovative development and redevelopment options, the purpose of which is:

1. To permit flexibility in zoning standards to allow more creative and harmonious designs to accommodate planned associations of uses such as industrial or office parks or complexes, commercial uses, residential developments, or any appropriate combination of uses which may be planned, developed or operated as integral land use units;
2. To permit higher densities of land in conjunction with provisions for functional open space and community services;
3. To promote the efficient use of land to facilitate a more economic arrangement of uses, buildings, circulation systems and utilities;
4. To combine and coordinate uses, building forms, building relationships and architectural styles;
5. To promote the preservation and enhancement of existing natural landscape features, their scenic qualities and amenities to the greatest extent possible and to utilize such features in a harmonious fashion;
6. To except a development from conventional zoning regulations regarding setbacks, minimum yard size, off-street parking regulations, minimum floor areas, and other regulations to achieve the intent described herein;
7. To give the applicant reasonable assurance of ultimate approval early in the design process, while providing the city officials with reasonable assurance that the development will retain the character envisioned at the time of concurrence.

6.21.2. Definitions. For the purpose of the PUD District, the following terms shall apply whenever they are used in relation to a PUD. If any terms defined in this §6.21 contradict or conflict with any terms defined in any other section of this Ordinance, the definitions in this §6.21 shall apply as related to a PUD District:

1. **APPLICANT:** The owner of the land proposed for a PUD or designated representative of the owner.
2. **COMMON OPEN SPACE:** Open space within a development held in common ownership and maintained by the developer or by a property owners’ association of all residents for recreation, protection of natural land features, amenities or buffers; is freely accessible to all residents of the development; and is protected by the provisions of this Ordinance to ensure that it remains in such use(s).
3. **DEVELOPMENT:** The construction, reconstruction, remodeling, conversion, structural alteration, relocation, enlargement or demolition of any structure, portion of a structure, or sign; any change in use of a property, building, structure or material change in the appearance of any structure; any increase in the number of dwelling units, businesses, manufacturing establishments, or offices; any mining, excavation, filling, grading, paving or land disturbance; and any act of subdivision of land.
4. **GROSS SITE AREA:** The total land area to be classified as the Planned Unit Development.
5. **PLANNED UNIT DEVELOPMENT:** A development comprehensively planned as a single entity, under a unified site plan, for which flexible zoning standards allow for innovative design, mixtures of land uses and building types, usable open spaces and the preservation of natural features.
6. **MASTER DEVELOPMENT PLAN:** A fully integrated comprehensive written plan finally approved by the City Council for the design, development and construction of a Planned Unit Development, including, but not limited to, the application, statement of objectives, conceptual plan, current and proposed uses, property development standards, development schedule, and any and all other submittals to the City that may be required by this Section from time to time.
7. **PRELIMINARY DEVELOPMENT PLANT:** A fully integrated comprehensive written plan of an Applicant that is subject to final approval by the City Council for the design, development and construction of a Planned

Unit Development, including, but not limited to, the application, statement of objectives, conceptual plan, current and proposed uses, property development standards, development schedule, and any and all other submittals to the City that may be required by this Section from time to time.

6.21.3. Permitted Uses

1. The Applicant shall propose two (other than common open space) or more PUD Land Use Districts as part of the Master Development Plan. The uses permitted shall be as provided in Table 6.21.3. Conditional Uses may be included as part of the Master Development Plan but shall require approval by the Commission as specified in [§4.9 Conditional Uses](#) prior to issuance of a building permit for that use.

<b>Table 6.21.3 PUD Land Use District Permitted Uses</b>
<p><b>Planned Residential</b></p> <p>Permitted Residential Uses: Residential Accessory Uses and Structures, Attached and Detached Single-Family, Duplex and Multi-family Dwellings</p> <p>Permitted Non-Residential Uses: Common Open Space, Public Building, Public Facilities and Services, Outdoor Recreation</p> <p>Conditional Uses: Accessory Dwelling, Bed and Breakfast, Boarding Home, Country Club, Day Care Center, Day Care Home, Domiciliary Care Facility, Golf Course, Group Care Home, Group Day Care Home, Nursing Care Facility, Place of Assembly, Public or Private School</p>
<p><b>Neighborhood Mixed Use District (MX-1)</b></p> <p>Permitted Residential Uses: Residential Accessory Uses and Structures, Attached and Detached Single-Family, Duplex and Multi-family Dwellings</p> <p>Permitted Non-Residential Uses. The following uses shall be permitted subject to a maximum gross floor area of 15,000 sf per establishment within an enclosed building, unless such limit is expressly waived or modified as part of the approved Master Development Plan: Accessory Structures (Non-Residential), Bakery (Minor), Bank or Financial Service, Business or Professional Office, Children’s Indoor Play Facility, Clinic, Clubs and Fraternal Organizations, Common Open Space, Convenience Store, Domiciliary Care Facility, Garden Center or Nursery, General Retail (Enclosed), Gyms and Health Clubs, Market, Nursing Care Facility, Personal Services, Place of Assembly, Printing (Minor), Product Repair and Services, Public Building, Public Facilities and Services, Recreation (Outdoor), Restaurant (Standard), Studio</p> <p>Conditional Uses: Animal Hospital, Car Wash, Entertainment (Indoor and Outdoor), Gas Station, Liquor Store, Recording Studio)</p>
<p><b>General Mixed Use District (MX-2)</b></p> <p>Permitted Residential Uses: Accessory Structures (Residential), Attached (Townhouse) Single-Family and Multi-family Dwellings</p> <p>Permitted Non-Residential Uses: Accessory Structures (Non-Residential), Animal Hospital, Bakery (Minor), Bank or Financial Service, Business or Professional Office, Children’s Indoor Play Facility, Clinic, Clubs and Fraternal Organizations, Commercial School, Common Open Space, Domiciliary Care Facility, Entertainment (Indoor and Outdoor), Garden Center or Nursery, Gas Station, General Retail (Enclosed), Gyms and Health Clubs, Liquor Lounge, Liquor Store, Night Club, Personal Services, Place of Assembly, Printing (Minor), Product Repair and Services, Public Building, Public Facilities and Services, Recording Studio, Recreation (Indoor and Outdoor), Restaurant (Fast Food), Restaurant (Standard), Studio, Vehicle Repair (Minor), Vehicle Sales and Rental</p> <p>Conditional Uses: Car Wash, Commercial Parking, Mini-Warehouse,</p>
<p><b>Special District</b></p> <p>Any uses not permitted or conditionally permitted in the above districts may be proposed for inclusion within one or more Special Districts and shall be subject to approval by the Commission and Council as part of the Master Development Plan. Unless otherwise determined by the Council, all uses proposed for a Special District shall be treated as Conditional Uses.</p>

(Ord. No. 2023-003, 6/5/2023)

2. Within the MX-1 and MX-2 Land Use Districts, residential uses are encouraged but shall not be required.

3. If any of the proposed uses is a Conditional Use, it may be approved as part of the Master Development Plan, provided public notice has been provided as required by [§4.9 Conditional Uses](#). If a Conditional Use is proposed after approval of the Master Development Plan, it shall require an amendment to the Master Development Plan, including separate public hearing and notice process.
4. Final approval of all uses shall be contingent upon approval of the Master Development Plan by the Commission and Council.
5. Neither the temporary usage nor a business that involves the sale, rent or storage of Temporary Storage Containers shall be allowed in a PUD District without express approval by the Council, in accordance with the following criteria.
  - a. The location has sufficient space for parking and public safety access and is in compliance with all applicable health and safety regulations.
  - b. The total square footage of each Container shall not exceed two hundred (200) sf.
  - c. In residential districts, Containers shall be placed only in the driveway and must be set back a minimum of ten (10) ft from the front property line.
  - d. No Container shall remain on any site in excess of thirty (30) consecutive days nor remain at any one location in excess of thirty (30) cumulative days in a calendar year. In the event of a hardship, emergency conditions, or other extenuating circumstances, the time limitations stated herein may be extended at the discretion of, and upon approval by, the Building Official.

(Ord. No. 2007-12, Section 6, 6/8/2007)

6.21.4. Area and Dimensional Regulations. The provision of adequate light, air and open space for buildings shall be required, as well as consideration for the proper functional relationship of all dwellings, structures and uses within the PUD. Except for the requirements set forth herein below, the dimensional requirements of this section are to be considered general minimum standards for preparing and evaluating a development concept; actual dimensions will become established through the site plan review and approval process.

1. Property Requirements for a PUD
  - a. The minimum size of the tract or parcel shall be five (5) contiguous acres. The Council may allow consideration of a smaller site provided the applicant shall prove that:
    - 1) the project is consistent with the developmental goals of the Comprehensive Plan for the particular location;
    - 2) the minimum acreage requirement in the given location is impractical due to the ownership, layout, pre-existing development and other constraints in the immediate vicinity;
    - 3) the design concept shall fully integrate the PUD into the surrounding neighborhood and/or business area;
    - 4) the proposed arrangement of uses, buildings, streets, parking, open spaces and amenities, all consistent with Comprehensive Plan as required in (1) above, could not be reproduced on the site subject to the regulations of other applicable zoning districts.
  - b. Smaller land areas may be added to an existing PUD if contiguous, under the same ownership and subject to the same development standards of the approved Master Development Plan.
  - c. All properties in an approved PUD shall be subject to the standards set forth in the approved Master Development Plan even if subsequently sold unless rezoned. However, to maintain continuity of the Master Development Plan, in no case shall any portion of a PUD become nonconforming as a result of a portion of the PUD being rezoned.
  - d. PUDs shall have a minimum street frontage of two hundred (200) ft.
  - e. The PUD must be contiguous acreage and shall not encompass any land which is not part of the PUD.

2. Density, building height, building spacing and setbacks shall be as provided in Table 6.21.4 and the following:
  - a. No structure may be located nearer than fifteen (15) ft to any boundary of a PUD.
  - b. Front, side and rear seatbacks for single-family and duplex dwellings and nonresidential structures shall be proposed and approved as part of the Master Development Plan. Building separation for attached and multifamily dwellings shall comply with the recommended standards in Table 6.21.4. In all cases, minimum separation between buildings shall be in accordance with the City Building Code.
  - c. All structures shall generally be set back ten (10) feet from street rights-of-way. However, a lesser front setback may be expressly approved where the Council finds such variation is consistent with the overall design intent of the proposed PUD or portion thereof and will have no negative impact on public safety.

<b>Table 6.21.4 PUD District Area and Dimensional Requirements</b>	
Maximum Residential Density PR, MX-1, MX-2	12 du/net acre
Maximum Building Height <sup>1</sup> PR MX-1 MX-2	3 stories 3 stories 4 stories
Minimum Building Spacing. Each building shall be separated from one another as follows:	
Front to front; Front to back	40 ft
Front to end, Back to end	20 ft if end wall is unpierced 30 ft if end wall is pierced
Back to back	40 ft
End to end	15 ft if end wall is unpierced 25 ft if end wall is pierced
Any other situation	20 ft
<sup>1</sup> The siting of any structures taller than 35 ft shall require specific approval of the Fire Chief.	

(Ord. No. 2023-003, 6/5/2023)

6.21.5. Property Development Standards

1. Standards. Property development standards for a PUD shall be proposed by in the Master Development Plan and approved by the Council after recommendation from the Commission. Such standards shall be consistent with the developmental policies, goals and principles of the Gardendale Comprehensive Plan. Development shall be compatible with the topography of the site and shall preserve any unusual topographic features. The development shall not adversely affect either the developed or undeveloped property in the vicinity of the PUD and shall be compatible with adjacent or nearby properties with regard to density, size of buildings, architectural style and type of use. The Council's determination as to whether the proposed development of the PUD is compatible with the neighboring properties shall be presumptively correct, with regard to the above-cited criteria. Adequate water, sewer, streets and other facilities and utilities shall be available for the proposed PUD or there shall be a definite proposal for making them available at the expense of a party other than the City. Depending upon the density and type of uses proposed, the Council may require buffers, landscaping, setbacks for buildings along the perimeter of the site, or a combination of these as the Council deems necessary and appropriate for preservation of other property in the vicinity. The Council shall impose such reasonable conditions, terms or limitations that it finds necessary or helpful for the protection and promotion of the public health, safety, morals and welfare of the City.

No use of the parcel(s), nor construction, modification or alteration of any use or structure within a PUD shall be permitted unless such construction or use complies with the terms and conditions of the approved plan. Each subsequent owner and/or entity created by the development, such as a property owners' association

and/or architectural review committee, shall comply with the terms and conditions of the approved plan. A seller/owner of a property that is zoned PUD, or which is in the process of receiving such approval, shall notify the buyer of the terms and conditions of the approved Master Development Plan. The City bears no liability for misrepresentation of terms and conditions of said PUD. The applicant shall set forth the conditions of approval within covenants that shall be recorded (Refer to [§6.21.6 Application Procedure](#)).

2. Any part of the project area not used for buildings or other structures, parking, loading or access ways shall be left in a natural state or landscaped with grass, trees and/or shrubs.
3. Common Open Space. Common open space shall consist of a minimum of twenty-five (25) percent for any portion of a PUD designated for detached single family dwellings; thirty (30) percent for any portion of a PUD designated for attached or multi-family dwellings; and fifteen (15) percent for any portion of a PUD developed for non-residential use.

Notwithstanding the specifications listed below, the designated common open space in any PUD shall be further subject to all other appropriate requirements and restrictions. Nevertheless, the term “common open space” shall apply only to land area within the gross site area of the development that:

- a. Is not land within individual lots;
  - b. Is not encumbered by any substantial structure or enclosure, or off-street parking facility;
  - c. Is not within eight (8) ft of any building;
  - d. Is not within a roadway, except a median that is at least fifty (50) ft wide at its narrowest point and is designed for use as a recreational space;
  - e. Is not to be used as or be in any required drainage area, or any right-of-way or easement, unless such area is maintained as common natural area, otherwise meets the requirements of this §6.21.5, and is specifically approved as Common Open Space as part of the Master Development Plan;
  - f. Is capable of being used and enjoyed for the purpose of recreation, play and relaxation, for community gardens, or as undisturbed natural area(s) or wildlife habitat;
  - g. Is legally and practicably accessible to the residents and/or users of the PUD;
  - h. And can be:
    - 1) Left in its natural or undisturbed state, if wooded or floodplain, except for the cutting of trails for walking or jogging;
    - 2) Maintained as open lawn area or re-landscaped as a natural area;
    - 3) Used for ball fields, picnic areas or similar open recreation facilities; or
    - 4) Part of a setback, flood zone or other open area required as part of the approved PUD, subject to standards listed above.
  - i. Maintenance provisions shall be made, in accordance with [§7.13 Ownership and Maintenance of Common Open Spaces](#), for the upkeep of all common open spaces not left in a natural state, and said document shall be recorded, and a recorded copy provided to the Inspection Services Department.
  - j. No designated common open space may be subdivided in the future, nor may it be used for any purpose other than those permitted as listed above. No re-arrangement or alteration to any approved common open space that would result in a reduction of the original amount of open space, nor in its proportion to the overall development, shall be permitted.
  - k. Common open space dedicated to the City or other governmental agency for operation and maintenance shall not be for the exclusive use of the residents of the PUD development.
4. Exterior Materials. The following masonry standards shall apply to all non-residential buildings and garden home, attached (townhouse) and multi-family dwellings:

- 1) A minimum of seventy (70) percent of the exterior of all buildings shall be clad in masonry, which shall be calculated as the sum of all exterior facades, excluding openings for windows, trim, and doors.
- 2) A minimum of seventy (70) percent of the front façade shall be clad in masonry.
- 3) The balance of the exterior walls shall consist of wood, hard-coat stucco, masonry board, glass, other masonry or cut stone. Metal and exposed cinder block are prohibited. Exterior trim work may consist of other materials subject to approval by the Building Official.

(Ord. No. 2006-15, 8/7/2006)

5. Sign Standards. A signage plan shall be presented for approval as part of the Master Development Plan. There shall be architectural harmony and a unified appearance of all signs to enhance the appearance of the site and its streetscapes. Consideration of design issues necessarily requires some exercise of judgment within the specific criteria set out in this section, but those decisions shall be objective rather than arbitrary or capricious.

PUD signage shall generally conform to [Article 10 Sign Regulations](#) and this Paragraph 5. The Commission and Council may use the most compatible sign height, size and locational requirements in Article 10 as a guide in determining the appropriateness of proposed Sign Standards. The Council shall have the authority to further restrict and control signage in a PUD when deemed necessary to protect the aesthetics of the surrounding areas or to protect the health, safety and welfare of the community.

At a minimum, all proposed signs shall be part of a common design scheme, meeting at least the following criteria:

- a. Each design scheme shall have consistency among signs for at least three of the following criteria: lighting design, color schemes, materials, shape, proportion and/or type faces;
  - b. The materials and design of all wall signs shall follow one design scheme;
  - c. The materials and design of freestanding signs shall follow one design scheme, which may or may not be the same as the design scheme for wall signs; however, the design scheme for freestanding signs shall use building materials, colors and design features consistent with the materials, colors and design features of the principal building on the site.
  - d. If the design schemes for the wall signs and freestanding signs are different, they shall have in common at least two of the following criteria: lighting design, color schemes, materials, and proportion.
  - e. After approval of the signage plan for the PUD, no sign shall be erected, placed, painted or maintained, except in accordance with the provisions of said approval. Any change in the approved signage design plan that is determined to be major in scope by the Building Official must be presented in detail to the Commission for approval (at one of their regular meetings).
  - f. All permitting rules and building codes for signs shall apply to a PUD, and drawings showing the dimensions, supporting members, size, height, colors, electrical wiring and components, materials of the sign, and method of attachment or mounting shall be provided to the Inspection Services Department as part of the permitting process.
  - g. Billboards shall be prohibited.
6. Other Regulations. All applicable regulations provided for elsewhere in this Ordinance, including minimum parking requirements, shall be in force except where the matters covered by such regulations are specifically addressed in this Section. All PUDs shall also comply with all applicable provisions of the Subdivision Regulations unless expressly approved otherwise by the Commission.

#### 6.21.6. Application Procedure

Pre-application Conference. Before filing an application for a PUD District, the prospective applicant shall schedule a pre-application conference with the Building Official, and shall present a concept plan for the PUD. All pertinent development issues and PUD procedures shall be discussed thoroughly at the pre-application

conference. All information listed below shall be submitted to the Building Official at least ten (10) days prior to the pre-application conference for review.:

- a. The relationship between the proposed development and adjacent neighborhoods, business areas, etc.
  - b. The proposed land use arrangement for the site.
  - c. The concept for provision of open spaces (refer to [§6.21.5.3 Common Open Space](#)).
  - d. The total net acreage devoted to all land uses.
  - e. An estimate of the total building coverage and floor area to be devoted to each type of non-residential use; and
  - f. The number of dwelling units and density for each residential area
2. Application. After the pre-application conference has been held, the applicant may file an application for the rezoning of the site with the Inspection Services Department. If the property is already zoned PUD, the applicant may file for approval of the PUD Master Development Plan. In either case, such application shall be accompanied with a Preliminary Master Development Plan, which shall include changes to the Concept Plan in response to recommendations from the pre-application conference, along with the following documents, materials, and information in Paragraphs 3 and 4 following.

The applicant shall provide fifteen (15) copies, and one set in 11" by 17" format, of the Preliminary Master Development Plan and all attendant documents and information. During the time the Preliminary Master Development Plan is under consideration, the applicant shall furnish the Inspection Services Department with fifteen (15) copies of any revisions of the site plan and other documentation. The City reserves the right to ask for all portions of the Preliminary Master Development Plan to be furnished in a digital format.

3. The Preliminary Master Development Plan shall include the following written documentation:
- a. A legal description of the PUD site;
  - b. The name(s), addresses and telephone numbers of the present owner(s) of the land composing the PUD; and, if different, the applicant who will act as owner during development;
  - c. A statement of development objectives, including a description of the character of the proposed development, its relationship to surrounding areas, and its consistency with the Gardendale Comprehensive Plan;
  - d. The Development Schedule indicating the approximate date when construction of the PUD is expected to begin and the approximate date it is to be completed. Any applicable phasing of the project shall also be clearly indicated and fully explained;
  - e. A statement of the applicant's intentions with regard to future selling or leasing of all or portions of the PUD, including land areas and structures;
  - f. Estimated percentages of the site to be devoted to each type of land use, including any sub-categories of residential, commercial and institutional uses, recreational and open space areas; and
  - g. A plan for the intended manner of permanent care and maintenance of open spaces, recreational areas, and private rights-of-way (refer to [§6.21.5 Property Development Standards](#), for information on recorded covenants), which shall include instruments to be used in conveying title (including beneficial ownership) of common areas as required in [§7.13 Ownership and Maintenance of Common Open Spaces and Facilities](#), including provisions for guaranteeing:
    - 1) the continued use of such land for the intended purposes;
    - 2) maintenance;
    - 3) when appropriate, the availability of funds required for such maintenance;
    - 4) adequate insurance protection;



- 5) recovery for losses sustained by casualty or by condemnation; and
  - 6) proof of the financial responsibility of the established entity to maintain the common area.
4. The Preliminary Master Development Plan shall be prepared at a scale of 1" = 40' or as otherwise approved by the Building Official and shall include a Site Plan consisting of the following materials:
- a. The name of the proposed development;
  - b. The legal description of the tract or parcel of land on which the PUD is to be developed;
  - c. The scale of the drawing;
  - d. North arrow;
  - e. The boundary survey and dimensions of the property;
  - f. All contours and elevations shown on a separate topographical survey at two (2) ft contour intervals or as otherwise approved by the Building Official;
  - g. A vicinity map showing the PUD site in relation to surrounding property and a general description of the adjacent and surrounding area, including the current zoning and land uses.
  - h. Delineation of proposed land use districts or areas,
    - i. The proposed lot lines, setbacks and dimensions thereof;
    - j. The number of all existing and proposed residential buildings and structures, including:
      - 1) Distribution of housing types and/or densities;
      - 2) The size, location, grouping and orientation of all structures and buildings;
      - 3) The total number of proposed units, including stories and maximum heights of each residential building; and
      - 4) The total proposed floor areas of all dwelling units.
    - k. The number of all existing and proposed non-residential buildings and structures, including:
      - 1) The types of uses proposed;
      - 2) The size, location, grouping and orientation of all proposed buildings and structures, and
      - 3) The number of stories, maximum heights, and total floor areas of all proposed buildings and structures.
    - l. The location and size of all areas to be conveyed, dedicated or reserved as commonly owned open spaces, public parks, recreational areas and similar public or semi-public uses;
    - m. The locations, size and type of all proposed utility easements. The following statement shall be added to any site plan submitted in connection with the proposed development plan: *"Maintenance of easements outside City right-of-way shall be the responsibility of the property owner and not the City of Gardendale"*;
    - n. The existing and proposed circulation system of arterial, collector and local streets, both public and private, including:
      - 1) The location and dimensions of streets, rights-of-way, alleys, driveways and other points of access to streets;
      - 2) Estimated traffic volumes;
      - 3) The width and type of all paved areas for vehicular circulation;
      - 4) Notations of proposed ownership;

- 5) The location, dimensions, screening, lighting and capacities of all parking areas;
  - 6) All service and loading zones; and
  - 7) The location and size of all bicycle and pedestrian facilities
  - o. A landscape plan indicating treatment of materials used for private and common open spaces, and the proposed treatment of the PUD including materials and techniques to be used; and
  - p. Instruments to be used in conveying title (including beneficial ownership) of common areas to a corporation, association or other legal entity, including provisions for guaranteeing;
    - 1) the continued use of such land for the intended purposes;
    - 2) maintenance;
    - 3) when appropriate, the availability of funds required for such maintenance;
    - 4) adequate insurance protection;
    - 5) recovery for losses sustained by casualty or by condemnation; and
    - 6) proof of the financial responsibility of the established entity to maintain the common area.
  - q. A preliminary drainage study (*refer to Ord. No. 2019-003 Storm Water Management Post-Construction Ordinance*) with complete drainage plans prepared and sealed by a Professional Engineer at the time of submission of construction plans.  
(Ord. No. 2019-016, 7/1/2019)
  - r. Any additional information determined by the Building Official to be reasonable and necessary for evaluating the character of the proposed PUD and its potential impact on the surrounding areas.
5. Master Development Plan. The Final Master Development Plan shall be prepared at a scale of 1"=40' unless otherwise approved by the Building Official and shall include all materials of the Preliminary Master Development Plan approved by the Commission and Council, including all changes, additions, and corrections required by the Building Official, Commission and Council as part of the review and approval process.

Following approval of the Final Master Development Plan (by phase, if applicable), the items listed below, at a minimum, shall be made available to all subsequent owners and/or entities. A copy shall be furnished by the applicant to the Inspection Services Department (by phase, if applicable).

- a. The location and size of the tract or parcel of land to be developed as a PUD, including its legal description and a current perimeter survey certified by a surveyor. The survey shall show all streets adjacent to the site, all easements and rights-of-way on the site and the location of any existing buildings or other structures. A statement shall be added to the survey that says "Maintenance of any easement outside City right-of-way shall be the responsibility of the property owner and not the City of Gardendale."
- b. A vicinity map showing the parcel in relation to surrounding property and a general description of the adjacent and surrounding area, including the current zoning and land uses of the adjacent and surrounding area.
- c. A statement of the planning objectives to be achieved by the PUD. The statement shall include a description of the proposed development and the rationale behind the assumptions and projections made by the applicant.
- d. The density of land use to be allowed to all parts of the PUD site, together with tabulations by acreage and percentage of the tract or parcel of land to be occupied by each proposed use.
- e. The location, size and character of any common open space (refer to [§6.21.5 Property Development Standards](#)) or any commonly owned facilities; and the type of organization which will own, use and maintain any commonly owned open space or facilities.

- f. The number, location and layout of parking spaces and attendant driveways and other areas necessary for the maneuvering of motor vehicles.
  - g. All means of access to and from the PUD site.
  - h. The location and dimensions of any service yards.
  - i. A detailed landscape plan.
  - j. The outside appearance of any proposed non-residential buildings.
  - k. All proposed signs.
  - l. Materials with which parking areas, driveways and sidewalks will be covered.
  - m. All storm drainage facilities.
  - n. All plans for providing utilities to the development.
  - o. The substance of covenants, easements or other restrictions.
  - p. Any development data, plans or specifications that the applicant or the Building Official, Commission, or Council believes is pertinent and will assist in clarifying the application.
6. Review Procedures
- a. When a rezoning is necessary for a PUD, the approval process shall comply with the procedures set forth in [§4.10 Amendments](#). However, if the provisions of §4.10 are inconsistent with the provisions of this Section, the provisions of this Section shall govern. Following the pre-application conference and the submission of a complete application and Preliminary Master Development Plan, the request shall be placed on the agenda of the next public hearing before the Commission.
  - b. After holding a public hearing on the application for such PUD rezoning and/or approval of the Preliminary Master Development Plan, the Commission shall :
    - 1) make a recommendation for approval, approval with changes, or denial to the Council;
    - 2) with the consent of the applicant, postpone its recommendation for no longer than sixty (60) days to allow time for further review of materials or for the applicant to make and provide requested changes.
  - c. If the proposed PUD is determined by the Commission to be unacceptable, the reasons for such determination shall be set forth in the Commission's recommendation to the Council.
  - d. Upon the Commission's recommendation to the Council, the Preliminary Master Development Plan and all related materials, including any changes or modifications made thereto in the review and hearing process, shall be forwarded to the Council for a public hearing, subject to the requirements of [§4.10 Amendments](#).
  - e. Upon receipt of this information, the Council shall approve, amend and approve, or disapprove the Preliminary Master Development Plan.
  - f. Any modifications and/or changes approved by the Commission shall be considered binding on the subsequent development of the PUD, unless any changes therein are approved in writing by the Council.
  - g. The Preliminary Master Development Plan may be considered and approved as the Final Master Development Plan only if there are to be absolutely no changes to it following review and approval and provided it is specifically approved as the Final Master Development Plan by the Council. Otherwise, any revisions, updates, additions, or changes of any type, shall require that the development plan be resubmitted to the Council. Said re-submission shall include all information required by this Section.
  - h. The Final Master Development Plan shall be submitted and approved before any excavation permits, demolition permits or construction permits of any type are issued and shall also be submitted and approved prior to, or simultaneously with, the preliminary approval of any resurvey or subdivision plat.

7. Additional Time for Submission of Documents, Materials, and Information
  - a. Exceptions may be made regarding the time when the documents, materials and information required as part of the application must be submitted, for cases in which the site exceeds ten (10) acres, or in cases in which the Building Official determines, as a result of the pre-application conference, that there are special, unusual or unique circumstances which warrant such exceptions.
  - b. In those cases, the applicant may be allowed to submit such documents, materials and information in phases as the planning of the PUD progress. Such allowance shall not exempt the applicant from submitting all such documents, materials and information for review and approval prior to beginning construction of any portion of the PUD, including excavation and site preparation.
  - c. Such allowance shall not be an authorization for the applicant to make major changes to the proposed development plan as originally approved by the Council. See [§6.21.7.2 Deviation from Development Plan](#).
  - d. Such allowance shall not relieve the applicant from meeting the commencement and completion dates approved in the plan. See [§6.21.7.4 Commencement and Completion of Construction](#).
8. Subdivisions / Resurveys. The PUD site shall be resurveyed or subdivided in accordance with the City's Subdivision Regulations and shall conform to the approved Master Development Plan and the provisions of this Section. If there is an irreconcilable conflict between the requirements of the Subdivision Regulations and the requirements of this Section, the requirements of this Section shall be controlling. The Master Development Plan must be approved prior to, or simultaneously with, the preliminary approval of the resurvey or subdivision plat.
9. Performance / Improvement Bond. Proposed public improvements shall be constructed or their construction shall be guaranteed in accordance with the City Subdivision Regulations. If such improvements are not subject to the City Subdivision Regulations, a bond may be required as provided in [§4.2.2.7 Performance/Improvement Bond](#).
10. Fees. An administrative fee, as set from time to time by the Council and provided in the City Schedule of Fees, shall be paid with the filing of the application. Other fees include regular and Certified mail costs and publication costs incurred in processing the rezoning request or any future re-hearing that may be required; and any costs that may apply for subdivision, resurvey or Conditional Use requests.
 

For each additional public hearing, extension request, or re-application, the applicant shall be required to pay the Administrative Fee to defray the costs of processing, along with any costs incurred for notification and/or publication. Said reimbursement shall be due immediately upon notice of amount due by the Inspection Services Department.

6.21.7. Additional Requirements and Provisions

1. Before building permits may be issued, the Inspection Services Department shall submit final architectural plans to the Design Review Board for review.
2. Deviation from the Development Plan. To facilitate minor adjustments to the approved Final Master Development Plan as may be required by engineering or other circumstances unforeseen at the time of Council approval, the Building Official is authorized to approve alterations to the Master Development Plan which are incidental or minor in scope. Otherwise, the Building Official shall refer requests for more substantial changes to the Commission as follows.
  - a. Major changes shall be reviewed and approved by the Commission. These include any change in the boundaries of any land use district or to the planning criteria such as but not limited to:
    - 1) Changes in density, open space, amount of land proposed for a certain use, or change in the area of a lot by more than ten (10) percent.
    - 2) Changes in the size of any building or structure by more than ten (10) percent.
    - 3) Rearrangement of lots, blocks and building tracts.

- 4) Changes in the location of any building or structure by more than five (5) ft in any direction.
- b. However, the following changes shall require approval by the Council following a recommendation by the Commission:
  - 1) Greater density than, or a structure larger than, that which could have been permitted by the Council in its consideration of the Master Development Plan, or
  - 2) A use not approved by the Council, including a Conditional Use not expressly approved as part of the Master Development Plan.
- c. The Commission shall have the right to require: further review; an additional public hearing; or, complete re-application for approval of any changes that may, in the opinion of the Commission, substantially alter the concept of the PUD as originally approved.
3. Violation of the Approved Development Plan. Any deviation from the Master Development Plan, which is not approved in accordance with §6.21.7.2 above, shall constitute a violation of this Ordinance.
4. Commencement and Completion of Construction
  - a. Construction of the approved development shall begin in accordance with the approved Development Schedule submitted; however, in no event shall the development begin more than one (1) year from the date of the approval of the Master Development Plan (or rezoning approval if the PUD property was rezoned) by the City Council. Construction shall be deemed to have started with the actual construction of a principal building and does not mean site preparation or excavation of the site.
  - b. If development is halted after commencement of construction, or if a change in ownership occurs after commencement of construction, the approved Master Development Plan shall remain in full force and effect, and no change shall be permitted, except as outlined in this §6.21.7.
  - c. Any approved changes in the plan shall not extend the time at which said one-year period begins. This one-year date, however, can be extended at the discretion of the Commission, provided the applicant provides the Commission with a written request for an extension no sooner than sixty (60) days prior to the end of the one-year period. Written documentation must be provided to the satisfaction of the Commission to demonstrate that such extension is warranted.
  - d. If the Commission extends the commencement of construction date, it may, but shall not be obligated to, extend the completion period for the PUD by a period of time that may be less, but may not be greater than, the length of time by which the commencement date was extended. The development shall be completed within the period of time approved as part of the Master Development Plan, subject to any extension by the Commission.
5. Failure to Begin Construction. Failure to begin construction of the PUD within one year of approval (or as extended), shall automatically void the Master Development Plan; and, in the case of property that also had to be rezoned to the PUD zoning classification as part of the currently approved Master Development Plan, the zoning classification shall automatically revert to the zoning classification(s) in effect for those properties prior to being rezoned to a PUD. No building permit shall then be issued (except a permit for a building which would be in compliance with such prior zoning classification) until a new Master Development Plan has been resubmitted and approved and the subject property has been rezoned to PUD in accordance with the procedures set forth in this Section.
6. Development in Phases. If the PUD is to be constructed in stages, the construction of the first phase shall begin within one (1) year from the date of the approval of the Master Development Plan by the Council; and each additional phase must begin no later than the construction commencement date for each phase as provided for in the Development Schedule approved by the Council. In all cases, progress towards completion of the development should proceed in accordance with said Development Schedule. At a minimum, development shall commence each year on ten (10) percent of the total PUD area, or fifty (50) acres, whichever is less. Failure to comply with this provision shall constitute a deviation from the Master Development Plan, and the provisions and procedures of this Section shall apply accordingly.

7. Completion of a PUD. The development of a PUD shall be considered to be complete when the land has been resurveyed or subdivided in accordance with the Subdivision Regulations; the subdivision plat has been recorded in the Office of the Judge of Probate of Jefferson County, Alabama and a recorded copy furnished to the Inspection Services Department; the installation of all utilities which are to be used in the PUD has been completed (except for service lines to individual dwelling units); all required streets (public and private), curbs, gutters and sidewalks have been installed and the final coat of paving has been placed on all streets.
- 6.21.8. Changes to Zoning Ordinances. No amendment or modification of this Ordinance shall be effective as to any PUD approval issued prior to such amendment or modification, it being intended that the PUD shall continue to be developed in accordance with the Zoning Ordinance in effect at the time of such prior approval. Should the PUD expire or otherwise be terminated for any reason, any newly submitted PUD development plan shall meet all Zoning Ordinance regulations in effect at the time of the new PUD approval.
- 6.21.9. Variances. The ZBA shall have no authority to grant variances that would amend the duly adopted final plat or the attached conditions, if any, for a PUD. Amendments or alterations to approved PUD districts shall be as provided for in [§6.21.7.2 Deviation from Development Plan](#).
- 6.21.10. Rules of Construction. Except as may be otherwise modified in the Master Development Plan by specific reference to the Section or Sections of this Ordinance to be so modified, all provisions of Ordinance No. 2013-02, as amended shall continue to apply in full force and effect to any property located with a PUD Planned Unit Development District, including any and all other and further provisions of this Ordinance that would be otherwise applicable to such property but for its location within a PUD Planned Unit Development District for each use more particularly described therein.

**§6.22. Heritage Preservation Overlay District**

*Reserved.*

**§6.23. City Center Overlay District**

*Reserved.*

**ARTICLE 7 SUPPLEMENTAL REGULATIONS**

**§7.1. General Yard Requirements**

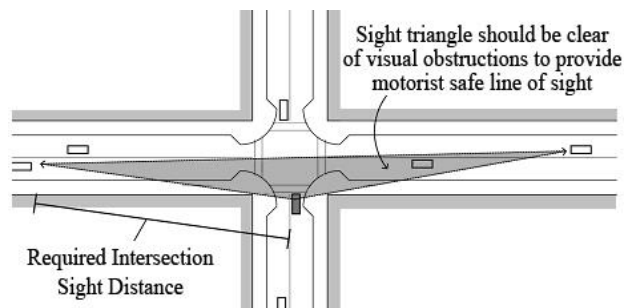
7.1.1. Every part of a required yard shall be open to the sky, unobstructed by any structure or part thereof, and unoccupied for storage, servicing or similar uses, except as provided for herein.

7.1.2. Front Yard Modifications

1. Where forty (40) percent or more of the properties on the same block frontage is presently developed or may hereafter be developed with buildings that have (with a variation of five (5) ft or less) a front yard greater or lesser in depth than herein required, new buildings shall not be erected closer to the street than the average front yard so established by the existing dwelling.
2. Where forty (40) percent or more of the properties on the same block frontage is presently developed or may hereafter be developed with buildings that do not have a front yard as described below, the following shall apply:
  - a. Where a building is to be erected on a parcel that is within one hundred (100) ft of existing buildings on both sides, the minimum front yard setback shall be a line drawn between the closest front corners of the adjacent buildings; or,
  - b. Where a building is to be erected on a parcel that is within one hundred (100) ft of an existing building on one (1) side only, such building may be erected as close to the street as the existing building.
3. Double frontage lots shall provide the required front yard on both sides.
4. In residential districts, dual frontage corner lots shall provide a front yard along each street frontage. However, single frontage corner lots shall only be required to provide a secondary front yard on the longer of the frontages.

7.1.3. Rear Yard Modifications. Where a lot abuts a dedicated alley, one-half (1/2) of the alley width may be considered as part of the required rear yard.

7.1.4. Sight Distance at Intersections. To provide a clear view at intersections, there shall be an unobstructed triangular area at the intersection of any two streets or a street with a driveway, alley or railroad. The size of this triangular area shall be determined in accordance with Table 7.1.4. Such distance shall be measured from the position of a car stopped at the intersection to the centerline of the intersecting street. Within this triangular area, no structure, sign or planting shall be permitted that obstructs the motorist's view between a height of 2.5 ft and eight (8) ft above grade level at the intersection.



**SIGHT TRIANGLE**



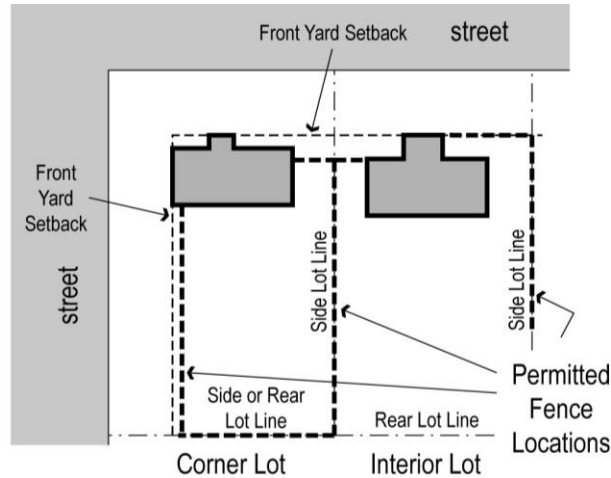
Table 7.1.4 Sight Distance Requirements	
Design Speed of intersecting street (mph)	Intersection Sight Distance (ft) <sup>1</sup>
15	170
20	225
25	280
30	335
35	390
40	445
<sup>1</sup> Distances are intended as a minimum guideline. Site conditions such as grades, traffic volumes, signalization types, etc. may warrant increases in desired sight distances.	

**§7.2. Height Modifications**

- 7.2.1. Any limitation on the number of stories shall not apply to buildings used exclusively for storage purposes, provided such buildings do not exceed the maximum height in feet of the applicable district.
- 7.2.2. Chimneys, cooling towers, elevators, bulkheads, fire towers, gas tanks, steeples, penthouses, stacks, stage towers or scenery lofts, tanks, water towers, ornamental towers and spires, wireless television or radio towers or necessary mechanical appurtenances (where permitted) may be erected to any height not in conflict with existing or hereafter adopted ordinances of the City of Gardendale, except that, where permitted in connection with residential uses, such structures shall be limited to a height of twenty-five (25) ft above the average height of structures permitted in that district.

**§7.3. Fences and Walls**

- 7.3.1. Permit Required. No person, firm or corporation shall construct or cause to be constructed or erected within the City any fence without first making an application for and securing a building permit. However, installation of underground electric fences designed for control of domestic animals does not require issuance of a permit.
- 7.3.2. Fence Location.
  - 1. For non-residential districts, fence construction shall be subject to site plan approval with no setback restriction(s) except those deemed necessary and reasonable by the Commission, or the Building Official when no review by the Commission is required, unless otherwise stipulated elsewhere in this Ordinance.
  - 2. No fence of any material shall be of a height or be located so as to obstruct sight distance at the intersection of a street with a driveway, alley or another street.
  - 3. Fences may be permitted within or along side and rear yards on interior lots in residential districts. Fences shall conform to all applicable front yard setbacks, but, in no instance, shall be placed forward of the front building line. (See illustration.)
  - 4. A fence may be permitted on an undeveloped residential lot; however, the fence may not extend beyond the front building line of the dwellings on either side of the lot. In no instance shall the fence extend into any required front yard setback or public rights-of-way.
  - 5. No fence or any type of planting shall be placed or constructed in any location that would hinder access to fire hydrants.



Permitted Residential Fence Locations

7.3.3. Height Standards.

1. Fences in a residential district shall not exceed a height of six and one half (6 ½) ft as measured from the top most point of the fence to the ground or surface along the center line of the fence (except for tennis courts, which may have a maximum height of ten (10) ft. Unless otherwise permitted by the Commission, fences in industrial districts shall not exceed eight (8) ft in height nor six and one-half (6-1/2) ft in all other non-residential districts.
2. If a fence, wall or hedge is constructed on top of a wall or berm, the combined height of the fence, wall or hedge and the wall or berm shall not exceed the maximum height that would apply to the fence, wall or hedge alone.
3. Fences used for guard railing, around depressed ramps, tops of retaining walls along driveways and adjacent to residential sidewalks shall not exceed forty-two (42) inches in height.

7.3.4. Design Standards.

1. The finished side of a fence shall face abutting property and public rights-of-way.
2. The following types of fences are permitted in all districts: masonry walls, ornamental iron, woven wire (chain link), wood, vinyl, aluminum, and other composite materials designed specifically for use as fencing; and hedges. Note: wooden fences may not be used as part of a required buffer unless otherwise specifically approved by the Commission (see [§7.5 Accessory Uses and Structures](#)).
3. Fences and walls visible from public rights-of-way or abutting property shall be of a uniform style to provide an orderly appearance but may provide visual interest through the use of a regularly spaced columns or a combination of fence materials or undulation of the fence line.

7.3.5. Prohibited Fences. The following types of fences are prohibited: Any fence carrying electrical current or utilizing spikes, nails, barb wire or other security fencing with pointed materials in its construction. However, when warranted and upon review by the Building Official (or other approving authority as applicable), such fence may be permitted in the A-1, I-1 and I-2 districts.

7.3.6. Maintenance. Every fence shall be maintained in a condition of reasonable repair and shall not be allowed to become and remain in a condition of disrepair. Any fence that poses a threat to the public safety, health or welfare, shall be considered a public nuisance, and the City may commence proceedings for the abatement thereof.

The requirement to set back a fence or hedge from lot lines does not relieve the property owner of maintenance responsibilities for that portion of the private property lying outside of the fence or hedge.

- 7.3.7. Nonconforming Fences. It is the intent of this Ordinance to allow the continuation of nonconforming fences until they are discontinued but not to encourage their survival. No nonconforming fence shall be enlarged, extended, reconstructed or structurally altered unless such fence is made to conform with this §7.3. Ordinary maintenance of a nonconforming fence is permitted, provided such does not expand or intensify the nonconformity.

**§7.4. Porches, Terraces, Balconies, Cornices and Eaves**

- 7.4.1. Sills or ornamental features of a structure may project into any required setback not to exceed six (6) inches, unless otherwise provided for in this Ordinance.
- 7.4.2. Cornices or eaves may project into any required yard setback by no more than eighteen (18) inches.
- 7.4.3. Unless otherwise provided for in this Ordinance, terraces, unenclosed open porches, decks, underground storm shelters or ornamental features of single-family and duplex dwellings may project into a required yard, but shall not extend closer than ten (10) ft to the side lot line, thirty (30) ft to the front lot line, and twenty-five (25) ft to the rear lot line.
- 7.4.4. For multi-family residential developments, an unenclosed balcony, porch, deck or fire escape may project into a required rear yard up to twelve (12) ft, and into a required front or side yard up to eight (8) ft.
- 7.4.5. In no instance shall there be any encroachment into required buffer areas or easements.

**§7.5. Accessory Uses and Structures**

All accessory uses and structures shall conform to all applicable requirements of this Ordinance and shall: directly serve the principal use or structure; be customarily accessory and clearly incidental to the principal use; be owned or operated by the same entity owning the principal use or structure; and be located on the same lot as the principal use or structure.

7.5.1. General Regulations for Accessory Structures.

1. No accessory structure shall be built prior to construction of the principal structure, nor shall such be used for purposes that are not normally incidental to principal use.
2. In accordance with the City Building Code, accessory structures shall be set back twenty-five (25) ft or more from the principal building unless a fire wall is provided, in which case the minimum setback may be reduced to fifteen (15) ft.
3. Unless otherwise provided for in this Ordinance, accessory structures shall be permitted in the rear yard only and shall not be located in a required buffer or easement.
4. Accessory structures shall not exceed the maximum building height of the applicable district. Detached accessory structures up to twelve (12) ft in height shall be permitted no closer than five (5) ft of any side or rear lot line. Accessory structures above twelve (12) ft in height shall be set back one (1) additional foot for each four (4) ft in height above twelve (12) ft up to the maximum building height of the district.

7.5.2. Accessory Structures on Residential Premises. Residential accessory structures shall meet the following requirements:

1. Small accessory structures that are not to be placed on a permanent foundation, such as utility sheds, but excluding carports, shall not require a building permit but shall require zoning approval by the Building Official to ensure all applicable regulations are met.
2. Accessory structures shall not occupy, in total, more than forty-five (45) percent of the required rear yard or 864 sf, whichever is smaller; except that where the lot is two (2) acres or larger, the 864 sf limit shall not apply.
3. Accessory structures may be no closer than five (5) ft to the side or rear lot lines.
4. Where permitted, non-commercial transmission towers, including amateur radio antennae, may extend an additional twenty-five (25) ft above the maximum allowable building height of a principal building.

5. Accessory structures shall be constructed of materials, which are compatible with other buildings in the district to ensure that the aesthetic value and appearance of the neighborhood is retained. Carports that are completely open on all sides and that are placed in the rear yard only may be aluminum or metal.
6. All electrical power service to accessory structures shall originate from the main power service at the main building and not a separate metered service. However, upon a determination by the Zoning Official that the proposed use of an accessory structure does not constitute an accessory dwelling, or any use not expressly authorized by these Regulations, an accessory structure in an A-1 or E-1 District may have separate electrical service from the main building and may be separately metered. In such cases and prior to installation of separate electrical service to an accessory structure in an A-1 or E-1 District, the owner shall first receive written authorization from the Building Official. Failure to receive such authorization shall be considered a violation of this Ordinance.
7. A detached carport may be permitted in the side yard subject to the following:
  - a. The carport shall be set back at least five (5) ft from the side lot line and shall not extend forward of the front building line.
  - b. If the carport exceeds fifteen (15) ft in height, it shall be set back no less than ten (10) ft from the side lot line.
  - c. The carport shall not be enclosed on more than three (3) sides.
  - d. The design and materials of the carport, including roof pitch and form, shall be consistent with that of the principal dwelling. Metal/aluminum exteriors shall be prohibited.
  - e. When not paved, the driveway to, and the foundation of, the carport shall be constructed of pervious materials approved by the Building Official.
8. Attached carports and garages are considered part of the principal structure and must conform to the same setbacks.
9. Satellite Dish Antennae. Small detached, ground-mounted satellite dish antennas may be erected in the side or rear yard only and at least five (5) ft from any lot line and shall be neutral in color and, to the greatest extent practicable, compatible with the appearance and character of the neighborhood. Where placement restrictions prevent satisfactory reception or other problems of a unique nature, relief by the ZBA may be requested.
10. Temporary Storage Containers shall not be permanently established as an accessory structure. See also [§7.6.4 Temporary Storage Containers](#).

#### **§7.6. Temporary Uses and Structures**

Certain temporary uses may be established provided that such uses are discontinued upon the expiration of the approved time period. Temporary uses shall not involve the construction or alteration of any permanent structure or sign. The Building Official shall give due consideration to the proposed use and the surrounding area and shall determine if the proposed temporary use may be permitted in accordance with the intent of this §7.6.

- 7.6.1. The Building Official may revoke a temporary use permit at any time subsequent to the failure of the owner or operator to maintain and/or conduct the temporary use in accordance with the conditions of its approval. Upon receipt of notice of revocation of the approval, the owner or operator of such activity shall cease operation of the activity immediately. Such provision shall not preclude the use of any other remedy prescribed by law with respect to violations of the provisions of this Ordinance.
- 7.6.2. Construction Trailers.
  1. The Building Official may grant a Temporary Use Permit for the location of an office trailer at a construction site in any zoning district for not more than one (1) year. A site plan/survey may be required, and all appropriate permits and business licenses shall be issued before placement of the temporary trailer and/or

- use. Such temporary uses shall not begin prior to approval of a site plan or subdivision plat and shall terminate upon expiration of the permit unless an extension is approved.
2. The temporary structure may not be placed in any right-of-way, and the temporary use shall not be detrimental to property or improvements in the surrounding area or to the public health, safety or general welfare.
  3. Within fifteen (15) days of placement, trailers shall have temporary underpinning from the body of the trailer to the ground and temporary landscaping, both of which shall be subject to approval by the Building Official.
  4. Said temporary use shall occur only on the premises of the construction project and shall not be considered an approved use related to off-site properties or projects.
  5. Extension of Time: Any request for an extension, prior to expiration of the permit, of the approved time period shall be for good cause and in writing to the Building Official, who will determine if the extension may be granted. The Building Official shall have the authority to refer the extension request to the Council for approval.
  6. Removal of Temporary Structure: The temporary structure must be removed within thirty (30) days after expiration of the Temporary Use permit, or upon issuance of the final Certificate of Occupancy. (For Single Family Residential subdivisions, this would be upon issuance of the final Certificate of Occupancy for buildable, approved lots in the development.)
  7. Abandonment of Temporary Structure: Notwithstanding Paragraph 5 above, if the temporary structure is abandoned and has not been removed sixty (60) days after expiration of the last permitted date, and following notification to the property owner, the City Council may have the structure removed and place the incurred expenses of such removal as a lien against the property.
- 7.6.3. Temporary Real Estate Offices. A Temporary Use Permit may also be approved for the temporary use of a permanent on-site structure, such as a model home, as a pre-sales/leasing office.
- 7.6.4. Temporary Storage Containers. Temporary Storage Containers may be located outside of a principal building provided all the following criteria are met; a business license is obtained by the container provider; and a Temporary Use Permit is secured from the Building Official:
1. Agricultural and Residential Districts.
    - a. The floor area of a container shall not exceed two hundred (200) sf.
    - b. Containers shall be placed in the driveway, or if impracticable, in a location approved by the Building Official, provided there is sufficient space for required parking, public safety access, and the location does not pose a health or safety hazard. In all cases, containers shall be set back a minimum of ten (10) ft from the front lot line.
    - c. No container shall remain on any site in excess of thirty (30) consecutive days or thirty (30) cumulative days in a calendar year. In the event of a hardship, emergency conditions, or other extenuating circumstances, an extension may be approved upon request to the Building Official.
  2. Commercial Districts.
    - a. Containers may not be stored on site for the purpose of rental, leasing and/or sale, including on the premises of Mini-Warehouse facilities.
    - b. Temporary usage may be approved provided off-street parking is not reduced below that required by this Ordinance, there is adequate public safety access, and the location does not pose a health or safety hazard.
  3. Industrial Districts. The operator or other person in charge of any site on which a container is placed shall be responsible to ensure that all containers are in good condition and free from evidence of deterioration, weathering, discoloration, rust, ripping, tearing, or other holes or breaks. Said person shall also be

responsible to ensure that no hazardous or illegal substances are stored or kept within any such container. When not in use, containers shall be kept locked.

7.6.5. Roll-off Dumpsters on Residential Premises. A property owner or tenant may rent and use a roll-off dumpster on a residential premises in accordance with all applicable provisions of this §7.6 and when the following conditions are met:

1. The Inspection Services Department shall be notified at least one business day prior to placing the unit on the site.
2. The unit shall be placed on the site for no more than sixty (60) consecutive days.
3. The unit shall have a maximum capacity of thirty (30) cubic yards, or is no larger than eight (8) ft in height, eight (8) ft in width and sixteen (16) ft in length.
4. The unit shall not be placed on streets or other rights-of-way, common areas or required buffers or other landscaped areas. Placement shall not obstruct safe and convenient access to fire hydrants or other public safety access, required parking spaces, driveways and pedestrian pathways.
5. The unit shall be used only for disposal of acceptable waste. Examples of waste that are not acceptable include refrigerators, a/c units, tires, batteries, car parts, hazardous waste or toxic materials, gas and propane tanks.

#### **§7.7. Outdoor Storage of Recreational Vehicles, Construction Equipment**

The outdoor storage or parking of any airplanes, vehicle, boat, trailer, motor home, recreational vehicle and similar vehicles shall be prohibited for a period greater than forty-eight (48) hours in any residential district, except where expressly permitted by other provisions of this Ordinance, and unless the following conditions are met:

7.7.1. Recreational Vehicles.

1. When possible, all such vehicles or equipment shall be placed within a completely enclosed building or shall be located behind the front building line and parked no closer than three (3) ft to any side or rear lot line.
2. Recreational vehicles shall be placed, at a minimum, on an all-weather surface, paved or constructed of pervious materials approved by the Building Official.
3. Parking shall be limited to a premises upon which there is an inhabited dwelling, and the vehicle is owned by the occupant thereof, unless otherwise provided for in this Ordinance.
4. In the case of multi-family dwellings, all such vehicles shall be stored in one or more consolidated locations and be screened, if not in an enclosed building, by a fence, wall or vegetation adequate to conceal the vehicle from public view off the premises. For attached dwellings, refer to [§6.9 RT-4 District](#).
5. No recreational vehicle, while parked or stored in a residential area, shall be occupied as a dwelling or be connected to sanitary sewer facilities or have a fixed connection to electricity, water or gas.

7.7.2. Construction Equipment. The outdoor storage of construction equipment on a premises in any residential district is prohibited. However, this shall not apply when the construction equipment being stored is being used for construction work on the site, upon which it is being stored. The equipment shall be removed immediately upon completion of the work.

#### **§7.8. Swimming Pools**

Where permitted, swimming pools shall comply with the following:

7.8.1. Standards for All Pools:

1. Swimming pools shall be subject to the requirements of the City Building Code.

2. Before approval of a permit to install the swimming pool, all applicable regulations and requirements in effect for storm water and erosion control shall be met. Information and permit applications may be secured from the Inspection Services Department.
3. Pools, decks, pool houses and related structures that are detached from the principal building shall be in accordance with [§7.5 Accessory Uses and Structures](#).
4. Swimming pools, including mechanical appurtenances, shall not be located closer than ten (10) ft to any property line and shall not be located in any required buffer or easement area.
5. The method of discharge of water shall be done in a manner that will not create a nuisance to any adjoining property.
6. The use of megaphones, loudspeakers and public address systems shall be prohibited, and use of any sound-producing or reproducing device, including the human voice, shall comply with the provisions of the City's noise ordinance.
7. All exterior lighting fixtures shall be constructed to direct the beam of light below the horizontal plane of the fixture, reflecting away from any adjacent property. Said fixtures shall not extend higher than twenty-five (25) ft above ground level.
8. All outdoor pools shall be completely enclosed at the time of construction by a permanent fence of not less than four (4) ft in height above the level of all surface or ground lying within three (3) ft of such fence and shall have no horizontal gaps or openings in excess of four (4) inches in width. Gates or doors may constitute a part of such enclosure; and all such gates or doors, except the door of a dwelling which forms a part of such enclosure, shall be equipped with a self-closing and self-latching device for keeping the gate or door securely closed at all times when not in actual use.

7.8.2. Standards for Single-Family Dwellings.

1. Above Ground Pools. Permanent swimming pools that are wholly or partially above ground level shall be located no closer than twenty-five (25) ft to any property line.
2. Electrical power service shall originate from the main power source at the principal building and not a separate metered service.
3. Private swimming pools shall be permitted in the RT-4 District only in an approved Common Open Space meeting the minimum requirements hereinabove.

7.8.3. Standards for Multi-Family and Non-residential Premises. Swimming pools for multi-family and non-residential uses shall meet minimum standards deemed appropriate by the Inspection Services Department and City Engineer upon review of each specific proposal.

**§7.9. Tennis Courts**

Where permitted, private tennis courts shall comply with the following requirements:

- 7.9.1. All tennis courts constructed in single-family residential districts shall meet the following minimum standards:
  1. The tennis court shall be located in the rear yard.
  2. The tennis court shall be set back at least twenty-five (25) ft from any property line or dwelling.
  3. Fences shall meet the requirements of [§7.3 Fences and Walls](#).
- 7.9.2. Tennis courts for multi-family and non-residential uses shall meet the standards deemed appropriate by the Commission during site plan review.
- 7.9.3. If lighted, all exterior lighting fixtures shall direct the beam of light toward the facility itself and away from any adjacent areas. Said fixtures shall not exceed thirty (30) ft in height.

**§7.10. Pre-Engineered, All Metal Buildings**

Pre-engineered, all metal building shall be permitted only in the I-1, I-2, I-3-S Districts and shall be subject to the following requirements:

- 7.10.1. All primary structures are to be covered (no exposed structure).
- 7.10.2. All exterior walls are to be painted. No galvanized materials will be permitted.
- 7.10.3. Sufficient parking retainers shall be used where a parking area is at the building wall.
- 7.10.4. Steel pipe or concrete guards are to be used at all overhead doors.
- 7.10.5. All overhead door frames shall be painted with a finished coat of paint. No primed frames will be permitted.
- 7.10.6. All buildings shall have factory standard steel building gutters and gable trim. No house gutters or economy trim shall be permitted.
- 7.10.7. Sixty (60) percent of the wall area on the front or entrance wall is to be of acceptable material other than steel panels, such as glass, masonry, EIFS, hardi plank, wood shingle or porcelain panels.
- 7.10.8. The front or entrance wall shall have either a mansard system, gable overhang, eave canopy or aluminum marquee.
- 7.10.9. All overhang, extensions, open bays, fascia or mansard systems or any condition that leaves roof sheets or frame exposed shall have soffit panels or soffit trim.
- 7.10.10. All buildings shall comply with the City Building Code.
- 7.10.11. In certain cases, where all-metal buildings are deemed to be incompatible with surrounding development (either in construction or appearance), the developer may be required to cover either all or part of the exterior of the building with materials as deemed appropriate by the Design Review Board.

**§7.11. Modular Homes**

The regulations and requirements in this section are designed to ensure protection of health, safety and welfare of the residents of modular homes and of the neighborhood. The following requirements shall be met:

- 7.11.1. No modular home shall be occupied for dwelling purposes unless expressly permitted in the applicable zoning district. A set of house plans shall be presented as part of the permit application process.
- 7.11.2. A modular home shall not be permitted unless and until it meets and complies with all requirements applicable to a single family dwelling and possesses all necessary permits and other certifications as required by State, County and City codes. Those laws or regulations that are more stringent either pursuant to, or adopted after the effective date of this Ordinance shall apply.
- 7.11.3. Modular Homes shall be at least twenty (20) ft in width and shall meet the minimum square footage requirements of any restriction of plats, deeds, or private contract if such is greater than the provisions of this Ordinance.
- 7.11.4. Modular Homes shall be placed on a permanent foundation constructed with material customarily used in conventional type residential developments and shall be attached and/or anchored thereto in compliance with all applicable State, County or City Codes, standard regulations or laws, and with manufacturer installation specifications.
- 7.11.5. The minimum distance from the top of the foundation to the eaves of the dwelling shall be eight (8) ft as measured at the highest elevation of the foundation to the lowest elevation of the eaves.
- 7.11.6. Modular Homes shall have a pitched roof composed of a material customarily used on conventional dwellings, including fiberglass, shake, asphalt, metal or tile.



**§7.12. Ownership and Maintenance of Common Open Spaces and Facilities.**

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

- 7.12.1. Owner's Association. An association representing the owners shall own the common open space or facility in perpetuity. Membership in the association shall be mandatory and automatic for all owners of the subdivision or condominium and their successors. The association shall have lien authority to ensure the collection of dues from all members. The responsibility for maintaining the common open space and/or facilities located thereon shall be borne by the association.
- 7.12.2. Management Plan. The applicant shall submit a plan for management of open space and/or common facilities that:
  1. allocates responsibility and guidelines for the maintenance and operation of the common open space/facilities including provisions for ongoing maintenance and for long-term capital improvements;
  2. estimates the costs and staffing requirements needed for maintenance and operation of, and insurance for, the common open space/facilities and outlines the means by which such funding will be obtained or provided;
  3. provides that any changes to the plan be approved by the Commission; and
  4. provides for enforcement of the plan
- 7.12.3. In the event the party responsible for maintenance of the Common Open Space fails to maintain all or any portion in reasonable order and condition, the City may assume responsibility for its maintenance and may enter the premises and take corrective action, including the provision of extended maintenance. The costs of such maintenance may be charged to the association, or to the individual owners that make up the association, and may include administrative costs and penalties. Such costs shall become a lien on all involved properties.

**§7.13. Hen Coups.**

General Conditions for the keeping of Hen Coup.

- 7.13.1. Location and requirements for hen coups and enclosures:
  1. The maximum size of the coop and pen area shall be one hundred (100) square feet, which is to be included in the maximum total square footage of accessory structures in the rear yard, as described in [§7.5 Accessory Uses and Structures](#).
  2. The maximum height of a coop and the pen fence around the coop shall be six (6) feet, as measured from the existing grade to the highest part of the coop or fence.
  3. The coup and pen area shall meet the setbacks as required in [§7.5 Accessory Uses and Structures](#).
  4. A coup or pen must be built within a rear yard that is surrounded by an opaque wall or fence that is at least six (6) feet in height. A chain-link fence, chain-link fence with slats, or similar fence shall not constitute an opaque wall or fence. Nothing in this section shall prevent construction of a coup and pen to abut the side of an applicant's house, so long as it otherwise meets the requirements of the Code of Ordinances.
  5. Hen coups shall be covered and ventilated, and a fenced pen enclosure/run is required. The coup and pen must be constructed in a way that establishes a clean safe and pleasant environment free of odor, vermin, noise, and disease.
  6. All enclosures for keeping of hens shall be so constructed and maintained as to prevent rodents or other pests from being harbored underneath, within, or within the walls of the enclosure.
  7. Hen coups must be impermeable to rodents, wild birds, predators, and weather, including all openings, ventilation holes, doors, and gates. Enclosures shall be kept in neat condition, including provision of clean, dry bedding materials and regular removal of waste materials, so not to create an odor.

8. The space per hen in the coup shall not be less than three (3) square feet.
  9. All hen feed shall be kept in the secured and covered metal or plastic container, or otherwise protected to prevent rodents and other pests from gaining access to it.
- 7.13.2. Any person keeping hens as an accessory to an occupied dwelling shall be subject to the following restrictions:
1. Up to four hens may be kept at an occupied single-family residence.
  2. Ducks, geese, turkeys, peafowl, male chickens/roosters, pigeons, or any other poultry or fowl are not allowed.
  3. Hens are not allowed on duplex, triplex, townhomes, multifamily properties, community gardens, or any other uses.
  4. Hens must be secured within a covered hen coup, hen tractor, or fenced pen/run area all the time and are not allowed to run at large upon any public properties or off the premises of the owner. Hens must have access to food and water all the time. The coup and pen/run area must be completely secured from predators with hardware cloth or similar material. Chicken wire shall not be used.
  5. The coup and pen/run area must be cleaned regularly and kept free of insects and rodents. Odors from hens, hen manure, or other items associated with the keeping of hens must not be perceptible at the property boundaries. Hens must not be permitted to create a nuisance consisting of noise or pests or contribute to any other nuisance condition.
  6. No manure may be allowed to accumulate on the floor of the coop or ground. All feed and other items associated with the keeping of hens that are likely to attract or to become infested with rodents or other pests shall be kept in a rodent and pest-proof container.
  7. Composting of hen manure is allowed in an enclosed bin. The composting bin shall be kept at least 20 feet away from all property lines. Waste materials (feed, manure, and litter) not composted must be bagged and disposed of in the trash.
  8. Hens must be kept for personal use only. Selling hen, eggs, feathers, or hen manure, or the breeding of hens is prohibited.
  9. Hens may not be slaughtered on premises.
  10. Any person who violates any provision of the article will, upon conviction, be punished as provided in this Code. Additionally, the building official has the sole discretion to require that the hens be removed within 10 days if he or she determines that the owner is in violation of the requirements of the Code.

(Ord. No. 2022-010, 7/19/2022)

## ARTICLE 8 USE REGULATIONS

### §8.1. Farm

- 8.1.1. The minimum land area shall be three (3) acres. At least one acre shall be required for each livestock animal, horse and similar animal. A maximum of twenty (20) fowl or poultry per acre shall be permitted.
- 8.1.2. The following farming activities shall be permitted:
  1. Feed and sod crops.
  2. Grain and seed crops.
  3. Dairy animals and dairy products.
  4. Kennels.
  5. Livestock, such as beef cattle, swine, sheep, goats, or any similar livestock; including the breeding and raising of such animals but excluding commercial meat processing operations.
  6. Poultry, including egg production but excluding commercial poultry processing operations.
  7. Nursery operations involving the raising of plants, shrubs and trees for sale and transplantation, including greenhouses and the incidental sale of items customarily associated with a nursery operation.
  8. Bees and apiary installations and products.
  9. Fisheries, excluding commercial fish processing operations.
  10. Fruit and vegetables of all kinds, including the growing and harvesting of such fruit and vegetables, but excluding commercial food processing operations.
- 8.1.3. Development Standards.
  1. All structures, livestock barns, cages, pens and other such facilities used for the feeding or housing of any livestock or fowl, shall be set back a minimum of two hundred (200) ft from any adjacent property line and seventy-five (75) ft from the front property line and any public right-of-way, and shall not be located forward of the front building line.
  2. When permitted, and in addition to the above, commercial poultry houses shall not be built closer than three hundred (300) ft to the nearest then-existing dwelling other than that of the owner; and swine shall not be housed, fed and/or watered closer than two hundred (200) ft to any adjacent property line, three hundred (300) ft to the nearest then-existing dwelling, and seventy-five (75) ft to any public right-of-way.
  3. Temporary sawmills and chippers, used in connection with timber cutting operations, shall be set back at least two hundred (200) ft from any lot line.
  4. Single-family dwellings shall conform to the minimum area and dimensional regulations of the applicable district.
  5. A farm stand, from which farm produce grown on the same premises is sold to the general public, may be permitted, subject to the following:
    - a. Sales areas shall be set back from all lot lines so as to meet the district yard requirements.
    - b. Sales areas shall not occupy any part of a required off-street parking or loading area.
  6. Incidental, accessory structures and activities commonly associated with a farm may include barns, silos, animal pens, loading and unloading platforms or chutes and other accessory uses including blacksmith operations.

**§8.2. Hobby Farm**

8.2.1. Where permitted, the minimum lot area shall be two (2) acres.

8.2.2. Unless otherwise provided for in this Ordinance, the keeping of livestock and fowl shall be limited to the following:

1. Poultry;
2. Horses, donkeys, ponies and dairy animals.

The keeping of goats, sheep, and swine are prohibited as a part of a hobby farm.

8.2.3. The use shall be subject to the following setback and area requirements:

1. Permitted livestock and fowl shall be housed not less than two hundred (200) ft from any adjacent lot not zoned A-1.
2. At least one (1) acre of lot area shall be required for each small livestock animal and a maximum of twenty (20) poultry for every 8,000 sf of lot area shall be permitted.
3. Offensive animal odors shall not be detectable at the property line.

**§8.3. Group Care Home**

Where permitted, Group Care homes shall comply with all applicable State regulations and the following requirements:

- 8.3.1. The use shall be conducted within a dwelling.
- 8.3.2. The building shall maintain the exterior appearance of a single-family dwelling, with no separate outside entrances to individual bedrooms.
- 8.3.3. The Group Care Home shall be sponsored by a public or non-profit organization.
- 8.3.4. State Licensing requirements shall be met.
- 8.3.5. No Group Care Home shall be located within 1,000 ft of another Group Care Home as measured between lot lines.
- 8.3.6. The Group Care Home shall have full-time, 24-hour, on-site supervision.

**§8.4. Used Car Sales Lots**

Where permitted, Used Car Sales Lots shall comply with Ordinance No. 2006-21 (adopted October 16, 2006), as may be amended, and shall be further subject to the regulations herein. The granting of a Used Car Sales Lot license shall be contingent upon obtaining all applicable zoning approvals and permits, and upon compliance with all further business license provisions (Business license requirements, approval and revocation procedures are outlined in Ordinance No. 2006-21).

Existing businesses requesting approval of a Used Car Sales Lot may not use parking spaces, required of the existing use, for a used car display area, but shall meet all of the requirements herein.

8.4.1. A Site Plan shall be submitted in accordance with [§4.2.2 Site Plan Review](#).

8.4.2. Development standards.

1. There shall be a minimum lot size of three-fourths (3/4) acre and a permanent structure containing not less than seven hundred (700) sf of interior floor space to be used as a business or sales office. Any new structure to be built shall conform to the City Building Code.
2. Grounds shall meet, or be improved to comply with, the following minimum requirements upon that portion of the land to be used for display and/or offering for sale of Used Cars:

- a. Parking spaces for each used car in inventory shall be a minimum of ten (10) ft by twenty (20) ft.
- b. Improved ground shall contain a gravel base of not less than four (4) inches covered by a minimum of two (2) inches of pavement or concrete.

8.4.3. Additional Regulations.

1. Premises shall be kept in a neat and clean condition.
2. Used cars that are part of the inventory shall not encroach upon any public right-of-way.
3. No activities shall be permitted that, at the property line, exceed eighty (80dB) decibels from 7am-9pm nor seventy-five (75 dB) decibels from 9pm-7am.
4. When permitted by the applicable zoning district, vehicle repair and service shall be performed entirely within an enclosed building located on the same premises. However, the washing and waxing of such vehicles may be allowed in a designated outside area on the same premises.
5. Abandoned or inoperative vehicles shall not be stored on the premises for a period exceeding thirty (30) consecutive days.

(Ord. No. 2006-21, 10/16/2006)

**§8.5. Restaurants**

8.5.1. Fast Food Restaurant (Free-Standing). Where permitted, and upon review by the City Engineer and Building Official, a free-standing Fast Food Restaurant shall comply with the following:

1. Submission of a Site Plan in accordance with [§4.2.2 Site Plan Review](#).
2. The reviewing official shall have the authority to refer an application to the Commission for review and approval.
3. Development Standards.
  - a. The exterior of the premises shall be cleared of all refuse at least once every six (6) hours during business hours.
  - b. No sound emitting devices operated as part of the restaurant shall emit sounds that, at the property line, exceed eighty (80dB) decibels from 7am-9pm nor seventy-five (75 dB) decibels from 9pm-7am.

8.5.2. Outdoor Seating for Restaurant.

1. Outdoor seating areas accessory to an enclosed restaurant shall:
  - a. Be confined to an area delineated on a plan approved by the Building Official.
  - b. Be ADA (American Disabilities Act) compliant.
  - c. Not be located on public right-of-way or interfere with vehicular circulation or pedestrian passage. Such passage shall meet all applicable code requirements as well as other standards established by the Building Official for safe and convenient pedestrian movement. However, in certain cases, the Council may expressly permit the use of a portion of a public sidewalk for such use provided a minimum clear distance of five (5) ft is maintained for pedestrian passage.
2. A physical barrier to define the seating area may be required by the Building Official.
3. No part of the outdoor eating facilities shall be closer than fifty (50) ft to the lot line of the nearest dwelling.
4. The area shall be maintained free of trash and debris at all times.
5. Hours of operation for outdoor eating areas located adjacent to residentially zoned property shall be limited to between 7:00 a.m. and 11:00 p.m.

**§8.6. Communication Towers, Antennas, Satellite Dishes and Related Equipment**

8.6.1. Intent. To establish requirements, conditions and minimum standards for the construction and installation of Towers, Antennas and Equipment to be used in connection with telecommunication services to be provided to the public by means of cellular systems, personal communication service systems and other systems; to protect public health, safety and welfare in accordance with the purpose of this Ordinance; to minimize and discourage unnecessary proliferation of new towers and promote the co-location of new antennas onto existing towers; to ensure compatibility with adjacent land uses; to protect against the devaluation of property and to preserve the character of existing communities and their design; to protect revitalization areas, historic areas and other areas of special significance or public investment; and to avoid adverse visual impacts to the City landscape.

8.6.2. Definitions: For the purpose of this Section, the following words and terms shall have the meanings as defined herein:

1. CO-LOCATION SITE: A premises on which the antennas and related equipment of more than one party are located.
2. COMMUNICATION FACILITIES: Towers, Antennas and Equipment, collectively.
3. COMMUNICATIONS ANTENNA: A device used to transmit and/or receive wireless communication services as authorized by the Federal Communications Commission, including all mounts and supporting structures other than supporting communications towers as defined herein. Communications antennas include:
  - a. MICROWAVE DISH: Parabolic antennas that emit microwave signals.
  - b. PANEL ANTENNA: Vertical and horizontal plane antennas that aim radio signals in specific directions.
  - c. WHIP ANTENNA: Cylindrical antennas that emit radio signals in a 360-degree horizontal plane and a compressed vertical plane.
4. COMMUNICATIONS TOWER: Any communications tower installed or constructed within the City prior to the effective date of this Ordinance, regardless of type. Any ground-mounted structure that is designed and constructed primarily for the purpose of supporting one or more communications antennas. Communications towers include:
  - a. MONOPOLE TOWERS: Cylindrical self-supporting towers constructed as a single spire.
  - b. CAMOUFLAGED TOWERS: Self-supporting towers concealed such that they blend in with their surroundings. Such towers may be constructed to resemble objects, such as a tree or a streetlight, or may be concealed within another structure, such as a clock tower, church steeple or lamppost.
5. EQUIPMENT: All equipment and facilities used in conjunction with one or more towers and/or antennas, including but not limited to, electronic systems, generators, fuel tanks and fuel.
6. FAA: Federal Aviation Administration.
7. FCC: The Federal Communications Commission.
8. MONOPOLE: Any self-supporting wooden, metal or concrete pole designed to support an antenna. This does not include a latticed steel or metal tower, a tower which requires guy wires for support to a tower and that has more than one source of support, such as a tower with more than one leg.
9. OWNER: The person who is shown as the owner of property according to the records of the Tax Assessor of Jefferson County, Alabama.
10. TOWER COMPOUND: A premises on which communication facilities are located.

8.6.3. Applicability and Exemptions. Communication facilities may be constructed and installed only in non-residential zoning districts provided they comply with the provisions herein and obtain appropriate permits and licenses from the City. For the purposes of this §8.6.3, the A-1 District shall be considered a residential district. All towers, antennas and equipment constructed or installed in the City after the effective date of this Ordinance, whether on a new or existing tower compound, shall be subject to this §8.6. A tower proposed to be built on a Co-Location

Site shall be subject to the same requirements and conditions as all other towers. Any changes or additions to any tower or antenna in existence before the effective date of this Ordinance shall be subject to these provisions.

8.6.4. General Standards.

1. Receiving Antennas. Small receiving antennas located in residential districts shall be considered, and treated as, accessory structures. A receiving antenna located in a non-residential zoning district shall be screened on at least three (3) sides if mounted on the top or roof of a structure or screened on four (4) sides if ground-mounted.
2. All towers shall be Monopoles.
3. Towers and tower compounds shall be properly maintained. Routine maintenance of, and repairs to, communication facilities may be performed without Commission review or approval.
4. Co-Location. A new tower shall not be constructed if space is available, on an economically reasonable basis, on an existing tower that is structurally and technically able to support a proposed antenna. An affidavit, subject to [§8.6.7.8 Affidavit](#), that reasonable efforts have been made to locate the proposed antenna on an existing tower shall be submitted with the application.
  - a. Pursuant to this subsection, the owner of any existing communications tower that has space structurally and technically available for any additional communications antennas shall make such space reasonably and economically available to other providers.
  - b. Each new tower shall be designed for the installation of additional antennas to the fullest extent practicable, taking into consideration the structural and technical limitations of the type of tower proposed.
5. Pre-Existing Towers. Any communications tower or antenna not meeting the requirements of this Section, for which a permit has been properly issued, shall hereafter be considered a legal nonconforming structure. However, any communications antenna locating on a pre-existing, properly permitted communications tower subsequent to adoption of this Ordinance shall be exempt from the restrictions when the following conditions are met:
  - a. No structural alterations to the existing tower will be necessary; however, if structural strengthening is necessary to accommodate co-location, such alteration may proceed provided the tower type shall remain the same as previously permitted;
  - b. There will be no increase in the total height or lighting of the facility, including the tower, antennas and all other associated facilities; and
  - c. All setback and buffer requirements applicable to the existing tower at the time its permit was issued can, and will, still be complied with.

Such approval may be granted following application to, and review by, the Building Official.

6. Exemptions:
  - a. Accessory facilities used exclusively for dispatch communications by public emergency agencies or government agencies.
  - b. Accessory facilities used exclusively for dispatch communications by private entities, provided such facilities do not exceed twenty (20) ft in height above the rooftop of the building to which said facilities are accessory.
  - c. Communication towers, antennas and related necessary facilities used exclusively for internal communications by public utilities, provided that:
    - 1) such facilities are subordinate and incidental to approved non-residential uses or structures on the same parcel;
    - 2) such facilities do not exceed twenty (20) ft in height above a structure when mounted thereto, or sixty (60) ft in height when ground-mounted; and,

- 3) towers, poles or other support structures do not exceed thirteen (13) inches in diameter.

Determination of exemption of any such facilities exceeding the foregoing dimensions shall be made by the Building Official.

#### 8.6.5. Development Criteria.

The Building Official shall review all applications for compliance with the provisions of this Section. By a vote of at least two-thirds (2/3) of the members of the Commission, who are present and voting at the public hearing at which an application is considered, the Commission may waive any one or more of the following requirements if the circumstances justify the waiver and provided the reason(s) for such waiver is included in the minutes of the Commission meeting.

1. **Setbacks.** When a tower compound is situated on a parcel contiguous to any residential property, the centerline of the tower may not be located closer than one hundred (100) ft from the nearest property line of such dwelling. If all land contiguous to the tower compound is in a non-residential zoning district, the centerline of the tower may not be located nearer than fifty (50) ft from the nearest property lines of adjoining properties.

The Commission may reduce this setback requirement in exceptional cases where, due to unusual topographic conditions of the tower compound, the enforcement of such setback requirements would result in unnecessary hardship to the applicant, provided that the required minimum setback may not be reduced to less than that required in the applicable district and that the setback reduction shall not, in the opinion of the Commission, be contrary to the health, safety and general welfare of the public.

2. **Appearance of Towers.** Towers shall be constructed of wood, galvanized steel or concrete and retain their natural finish so as to reduce their visibility. To the extent practicable, towers and tower compounds shall be designed, through the use of building materials, colors, textures, screening and landscaping to minimize adverse visual impacts on surrounding properties and public rights-of-way. The Commission may require that planting and a decorative fence or wall be constructed around a tower compound to help accomplish this end.

If a faux tree is proposed, it shall be of a type of tree compatible with those existing in surrounding areas. If no trees exist within the immediate areas, the applicant shall create a landscape setting that integrates the faux tree with added tree species of a similar height and type. Additional camouflage of the faux tree may be required depending on the type and design of faux tree proposed.

3. **Signs.** No signs or other forms of advertising, including signs displaying the name of the owner or user of the facility, may be attached to, or depicted on, a tower or antenna.
4. **Lighting.** There shall be no lighting on any towers except when required by the FAA. In cases where the FAA does require a tower to be lighted, only red blinking lights shall be used at night; white strobe lights shall not be permitted for nighttime lighting. Written documentation of any FAA directives to light a tower differently than provided herein shall be submitted with the application.

Lights for security and to assist in making emergency repairs may be installed on buildings which contain equipment. Such lights shall be pointed in a downward direction from a height of not more than ten (10) ft, and no such light may exceed a maximum of 150 watts. Light fixtures shall not direct light away from/off of the site.

5. **Landscaped Buffers**

- a. All tower compounds shall be surrounded by a landscaped buffer which shall, to a height of at least eight (8) ft, effectively screen the view of the tower compound from adjacent public rights-of-way and residential property. The buffer, which may be located within the required setback area, shall consist of a landscaped strip, at least four (4) ft in depth, located outside of a security fence. The buffer shall be planted with a combination of trees, shrubs, vines and/or ground cover capable of attaining, at maturity, a height as high as the security fence, and which will enhance and at least partially screen the security fence.



For tower compounds located within 1,000 ft of residential property or schools, the Commission may require wider landscaped buffer areas and other items, such as decay-resistant, solid wood fences, earth berms and brick or masonry walls in addition to the security fences and planting referred to herein.

- b. All fences, walls and landscaping shall be kept in good condition and repair by the owner or user. If a person other than the person identified in the original application becomes responsible for maintenance and repair, the owner shall give the Building Official written notice of such person's name and address.
  - c. Existing mature tree growth and natural land forms on tower compound sites shall be preserved to the maximum extent practicable. In some cases, such as tower compounds located on large, wooded lots, preservation of a substantial amount of natural growth around the perimeter of the tower compound may be taken into consideration by the Planning Commission in determining the extent of the buffer required.
  - d. In isolated, non-residential areas, alternative landscaping methods, such as the use of a dark colored, vinyl-coated or galvanized steel chain link security fence in combination with evergreen shrubs, trees, vines, and/or other plantings, may be permitted by the Commission on the condition that, if the areas surrounding such tower compounds become developed, the Commission shall have the right to require the owner to comply with the provisions of **Item a** above.
6. **Security.** The support structure and support facilities shall be constructed so as to prevent unauthorized entry. A dark colored vinyl-coated or galvanized steel chain link security fence, at least eight (8) ft in height, shall be installed around the perimeter of the tower compound.
  7. **Structural Safety of Towers.** Towers shall comply with wind loading and all other applicable structural safety standards and building and technical codes having jurisdiction, so as not to endanger the health and safety of residents, employees or travelers in the event of structural failure due to extreme weather conditions or other acts of God.
  8. **Size of Tower Compound.** Each tower compound shall be large enough to provide room for a structure to contain the equipment for a least one additional antenna.
  9. **Compliance with Rules and Regulations.** All communication facilities shall comply with all applicable rules, regulations and requirements of the FCC and any other governmental agencies having jurisdiction over them. The Commission may require that satisfactory evidence of such compliance be presented.
  10. **Access.** A driveway, for maintenance, repair and emergency access, and a parking area with an all-weather surface shall be provided for each tower compound. Subject to the approval of the Commission and to an appropriate agreement with the owner thereof, access may be by means of, and parking may be provided on, an adjoining parcel of land. The Commission may also permit on-street parking along one or more public streets adjoining the tower compound to serve as the parking area.

#### 8.6.6. Removal of Unused or Abandoned Facilities

1. Any communication facility that ceases to be used for its original purpose shall be removed at the owner's expense. Within ten (10) days of sending notice to the FCC of the intent of the owner to cease use of the facility, the owner shall provide the Building Official with a copy of such notice. The owner shall have ninety (90) days from the date of such ceasing (or by such earlier date as may be required by the FCC) to remove the obsolete tower and all accessory structures and to restore the site to its natural condition.
2. In case of multiple providers sharing use of a single tower, notice shall be required from each provider as to their cessation of operations, and such provider shall remove its facilities within the ninety (90) day period prescribed above. At such time as all providers cease operation of their facilities located thereon, the owner shall complete the removal and restoration process as set forth herein.
3. A tower used by multiple providers may continue to be used as long as the tower is used by at least one party. Any party who ceases to use a shared tower shall remove its antenna and other equipment within ninety (90) days after it ceases to use the tower (or within such shorter period as may be prescribed by the FCC) so that the facility may be available for use by another party.

4. If removal is not accomplished within such ninety-day period (or such shorter period as may be prescribed by the FCC), the landowner, if different from the owner of the tower, shall remove it within ninety (90) days of receiving written notice from the City to do so. If neither the tower owner nor the landowner removes the tower within the time prescribed, the City may, but shall not be obligated to, remove the tower. The City may recover the cost of doing so from the tower owner and/or the landowner.
5. If the tower is located on City property, the City shall have the right to purchase the tower for One Hundred Dollars (\$100.00) when it ceases to be used for telecommunication purposes by the tower owner and by all other parties sharing use of the tower. Such right to purchase shall be exercised by the City within sixty (60) days of the day the City receives notice that the tower owner intends to cease use of the tower.

#### 8.6.7. Application

Application for a permit to construct a new tower or to locate an antenna or additional equipment on an existing tower or tower compound, shall include the following:

1. **Application Fees.** To help defray the costs of processing applications, reviewing plans and otherwise administering the provision of this Section, the applicant shall submit an application fee as may be set from time to time by the Council. This application fee is non-refundable and shall be in addition to any and all other fees, including rezoning requests and costs of notice and publication for public hearings, if applicable.
2. **Statement of Impact on Health, Safety and Welfare.** A brief written statement concerning the steps the applicant has taken to comply with all applicable rules, regulations and requirements concerning health and safety matters related to the proposed communication facilities, especially as related to [§8.6.5 Development Criteria](#).
3. **Site Plan.** A site plan shall be prepared by a surveyor and scaled to not less than 1"=50', showing the location and dimensions of the premises upon which the communication facilities are to be located, as well as the location of setback lines, driveways, parking areas, fencing, landscaping, and generators; and, if a fuel tank is to be used, the size of the tank and the type and maximum amount of fuel to be stored in it. The site plan shall also show:
  - a. all parcels located within 500 ft of any part of the tower compound
  - b. the latitude, longitude, Section, Township, Range, tax parcel identification number, street address and site identification number of the proposed tower compound
  - c. if the proposed tower compound is leased, or is proposed to be leased, and is a part of a larger parcel, its location with respect to the boundary lines of such larger parcel
  - d. the zoning classification of the premises and all adjoining properties
  - e. such other information required by the Commission.
4. When a public hearing is required, the application shall include the names and addresses of all owners of property adjoining the subject premises and certification of the applicant, a surveyor or an attorney that the list of property owners was obtained from the records of the Tax Assessor and that the list contains the names and addresses of all owners of property adjoining the premises.
5. **Elevation View.** A silhouette and elevation view of the existing or proposed tower, as applicable, tower compound and all other communication facilities, shall be prepared indicating colors and materials to be used and any security fence, decorative fence and/or decorative wall. The configuration of proposed antenna arrays shall be shown on the silhouette. The proposed location of future, additional antenna arrays shall be shown on the silhouette by dashed lines.
6. **Location of Tower Compound.** If any part of the tower compound is, or is to be, located within 1,000 ft of a boundary line of the City, the following information shall be clearly indicated on the site plan:
  - a. that the tower compound is, or would be, located within 1,000 ft of the city boundary line;
  - b. the name of the adjacent municipality or municipalities;

- c. the zoning classification of all properties, within 1,000 ft of the premises and located in another municipality
7. Frequency Band and Wattage. The frequency band and maximum wattage of proposed communication facilities.
8. Affidavit. For installation of a new tower, the applicant shall provide an affidavit stating that:
  - a. there is no existing tower from which the area to be served by the proposed new tower can be served; or
  - b. the applicant has made good faith efforts to have its antenna installed on an existing or proposed tower, from which the area proposed to be served by the new tower could be served, and has been unable to do so

The affidavit shall also include a detailed written narrative of the efforts made by the applicant to obtain use of an existing tower.
9. The estimated life of the tower, the antenna and the equipment.
10. The name and address of the party who shall be responsible for the maintenance and repair of the communication facilities, and any fences, walls and landscaped buffer areas.
11. Certification of Shared Use Design. If the tower to be used is one on which there are already one or more antennas, certification by a Professional Engineer, who is qualified to make such certification, that the tower proposed to be used can accommodate the proposed antenna and existing antennas in a safe and functional manner.

#### 8.6.8. Approval Procedure

1. No party may construct a tower, install the first antenna or install related equipment unless such party first obtains permission for the communications facility from the Commission following a public hearing. The installation of additional antenna and necessary equipment on an existing tower may be approved by the Building Official and shall not require approval of the Commission unless:
    - a. the tower compound is to be enlarged, or there is a change in the size or location for the existing tower; or
    - b. the Building Official considers it appropriate that such application be referred to the Commission for its review and consideration.
  2. The City shall, by United States certified or registered mail, provide adjoining property owners with notice of the public hearing at which the Commission shall consider the application; and shall publish said notification in accordance with State Law. The notice shall include 1.) the name of the applicant; 2.) the location of the property; 3.) the proposed use of the property; and, 4.) the time, date and location of the public hearing. The applicant shall be responsible for all costs incurred in connection with the postage and publication for the public hearing, as well as all application fees.

If, at the hearing, the request is tabled or continued until another specific date and that date is announced, it shall not be necessary to provide additional notices to adjoining property owners.
  3. Where rezoning is required, refer to [§4.10 Amendments](#).
  4. Action on Appeals. An applicant wishing to appeal a decision by the Commission denying approval shall submit such appeal to the Council. Application shall be made to the City Clerk within thirty (30) days of the date of the Commission hearing at which such denial was made. The City Clerk shall provide written notification of the Council hearing as required in **Item 2** above. The applicant shall be responsible for cost of postage and publication as part of the appeal.
  5. Fees are non-refundable.
- 8.6.9. Foundation Survey and As-Built Certification. After the foundation for a new tower is poured, a foundation survey prepared by a Surveyor and showing the location of the tower foundation, shall be provided to the Building Official. No further work may be done with respect to the construction of the tower until the Building Official has

approved, in writing, the foundation and its location. Upon completion of the new tower and installation of antenna, or upon the location of an additional antenna on an existing tower, as applicable, the facilities shall not be put into operation until a Professional Engineer, qualified to make such certification, furnishes the City written certification that the tower and antenna were built and installed (or the antenna installed on an existing tower) in accordance with the plans submitted to the City and the provisions of this Section.

**§8.7. Shopping Center**

Where permitted, a shopping center shall consist of a building group that is unified. The following shall be required:

- 8.7.1. A Site Plan shall be submitted in accordance with [§4.2.2 Site Plan Review](#).
- 8.7.2. The number of access points shall be kept to a minimum and, to the extent practicable, cross access facilities shall be used to provide access between the center and abutting non-residential premises.
- 8.7.3. A Copy of any Deed Restrictions intended for the property shall be provided together with the Site Plan submittal.
- 8.7.4. The number, location, height and design of all shopping center signage shall be coordinated through a master signage plan submitted as part of Site Plan Review.

**§8.8. Gas Station**

Where permitted, Gas Stations shall observe all applicable regulations of national and state fire codes, the City Building Code, the ADEM, State law, and the provisions herein.

8.8.1. New Gas Stations.

- 1. A minimum lot frontage of two hundred (200) ft shall be required along any street from which vehicular access is provided.
- 2. In accordance with the City Building Code, no Gas Station shall hereafter be located and no property shall be used as such closer than 300 ft from places of assembly.
- 3. All islands shall be set back a minimum of a twenty (20) ft from the edge of pavement of any adjoining street.

8.8.2. General Regulations for all Gas Stations

- 1. The number and location of driveways shall be in accordance with the access management standards in the Subdivision Regulations. Two-way driveways shall not exceed twenty-four (24) ft in width. One-way driveways shall not exceed fourteen (14) ft in width
- 2. There shall be no outside storage or display of accessories when the gas station is not open for business.
- 3. Vehicle repair shall be permitted only in accordance with the use regulations of the applicable district.
- 4. At no time shall any vehicles for sale be displayed on the premises.
- 5. Storage of vehicles on the premises is permitted only where Vehicle Repair is allowed. In all cases, vehicles shall not be parked or stored in the building or on the premises longer than sixty (60) days.
- 6. The design, operation and maintenance of all Gas Stations shall be in accordance with all applicable state and local laws, the City Building Code and City Fire Code.

8.8.3. Prohibited Uses

- 1. Storage of vehicles except as provided for in this §8.8.
- 2. Buying or offering for sale new or used motor vehicles.
- 3. Any use performed inside the principal building or on the premises which is offensive or dangerous or which constitutes a nuisance to the occupants of adjacent properties by reason of smoke, fuels, dust, odor, vibrations, noise or unsightliness.

**§8.9. Nursing Care/Nursing Home Facility**

Where permitted, a Nursing Care Facility shall comply with the following:

- 8.9.1. A Site Plan shall be submitted in accordance with [§4.2.2 Site Plan Review](#).
- 8.9.2. Two hundred (200) sf of open space, exclusive of required front yards, side yards, buffer areas, parking areas, loading spaces or other purposes shall be provided on the premises for each bed in the nursing care facility. The open space shall be open and unobstructed from the ground upwards.

**§8.10. Cemeteries**

Where permitted, Cemeteries shall comply with the following:

- 8.10.1. A Site Plan shall be submitted in accordance with [§4.2.2 Site Plan Review](#).
- 8.10.2. No part of a cemetery shall be located closer than two hundred (200) ft to any residential district nor closer than five hundred (500) ft to any hospital or nursing care facility.
- 8.10.3. A six (6) ft high protective wall or decorative fence shall be constructed along all property lines, except at points of ingress and egress. Cemeteries shall be exempt from any other required buffering or screening along public rights-of-way. The facility shall install gates with locks at points of ingress and egress.
- 8.10.4. No grave site shall be located closer than one hundred fifty (150) ft to a water line or underground water supply.
- 8.10.5. No mausoleum, crematoriums or any other building or structure (accessory to or incidental to a cemetery) shall be located closer than two hundred (200) ft to any property line.

**§8.11. Home Occupations**

Where permitted, Home Occupations shall comply with the followings:

- 8.11.1. General Standards.
  - 1. Home Occupations shall be clearly incidental to residential use of the dwelling and shall not change the essential character of the dwelling or adversely affect the uses permitted in the district. No Home Occupation shall be permitted, which might interfere with the general welfare of the surrounding residential area due to potential noise, electrical interference, increased pedestrian and vehicular traffic or any other conditions which would constitute an objectionable use.
  - 2. Home Occupations shall be confined to twenty-five (25) percent of the principal dwelling, and the business shall not be conducted in any accessory building(s), except for an approved Home Office within an Accessory Dwelling Unit. In addition, no additional buildings or structures may be constructed in connection with the Home Occupation.
  - 3. For an approved Accessory Dwelling Unit or a dwelling unit within a multi-family development, consideration may be given for approval of a Home Office ONLY, subject to [§8.11.3](#) following.
  - 4. In no case shall any unoccupied dwelling be used for a Home Occupation.
  - 5. No outside storage shall be used in connection with the Home Occupation.
  - 6. Employment shall be limited to members of the family residing in the dwelling, and there shall be no employment or help other than those members of the residential family.
  - 7. No display of products shall be visible from the street, and only articles which are included as part of the Conditional Use approval may be sold from the premises.
  - 8. The business shall not create any noise which is audible from off the premises and shall not emit any smoke, vibration, fume or dust which affects nearby properties.

9. Instruction of music, art, dancing and similar activities shall be limited to two (2) students at a time, and any noise created by the activity shall not be detectable beyond the property line.
  10. No more than two motor vehicles related to a Home Occupation may be parked on the premises of any dwelling or accessory structure. Such vehicles may be trucks not exceeding three-quarters ton in load capacity, vans or automobiles, provided that such vehicles must be parked on a portion of the premises that was paved or otherwise designed as a parking area or driveway prior to the commencement of the Home Occupation.
  11. Unless otherwise stipulated by the Commission, the activity carried on as a Home Occupation shall be limited to the hours between 7:00 A.M. and 10:00 P.M.
  12. Minimal deliveries of office supplies by services, such as UPS and Federal Express shall be permitted only.
  13. The Building Official and/or a representative of the Fire Department of the City shall be permitted to make an inspection upon receipt of the initial application; and, in addition, make annual inspections at license renewal time or at any time, upon reasonable request, to enter and inspect the premises covered for safety and compliance purposes.
  14. The Building Official and/or representative of the Fire Department shall file with the Commission a written inspection report advising the commission that the licensee is in compliance with this section or, if not in compliance, to set out any area of non-compliance.
  15. Should a Home Occupation licensee die or move to a new location, the existing license shall automatically terminate, except that, in the case of death, should a surviving spouse or adult then residing at the same residence desire to continue the Home Occupation, the license would remain in effect, if otherwise in compliance.
  16. Signs shall be subject to [§10.6 Signs Permitted in Residential Areas](#).
- 8.11.2. Prohibited Occupations. Business activities that shall not be permitted as Home Occupations include, but are not limited to:
1. On-site storage or presence of explosives, hazardous materials, or any substance or activity that is determined to constitute a threat to the public health or safety;
  2. On-site servicing, repair or painting of motor or other vehicles, or any motorized equipment, excluding small household appliances and personal computers;
  3. A boarding house or inn, or the like;
  4. A welding or machine shop, or the like;
  5. Rental, use, dispatch, sale or lease of a hearse, ambulance, wrecker or tow truck, taxi or limousine when such vehicle is brought to the site.
  6. A Nursing Care Facility, Group Day Care Home, Day Care Home, Group Care Home or the like. NOTE: Day Care Homes, Group Day Care Homes, and Group Care Homes are regulated separately from Home Occupations but may otherwise be permitted subject to the applicable provisions in this Ordinance.
  7. Hair salon.
  8. Medical services.
- 8.11.3. Administrative Approval of Home Office. Recognizing that technology offers new opportunities to work in the home environment and that many Home Occupations, by their nature, are limited to computer and telephone usage and are not considered to be detrimental to the residential neighborhood or its citizens, the Building Official or his representative is authorized to establish an Administrative Review process whereby requests for home offices may be approved as a conditional use. Otherwise, all applications for Home Occupations must be approved by the Commission for conditional use approval.

- 8.11.4. Application and Inspections. Application shall be made in writing to the Inspection Services Department on forms supplied by that office. Inspection of the premises shall be made by the Building Official and/or Fire Department designee as part of the approval process.
- 8.11.5. Revocation of Approval. If the recipient of any Home Occupation approval does not abide by the conditions of the approval, the Building Official has the authority to issue a Cease and Desist Order and to take appropriate action to have the business license immediately rescinded.
- 8.11.6. Home Occupations Appeals. The ZBA may hear an appeal by any applicant denied an application for a Home Occupation under the following conditions:
  - 1. A written application for appeal is submitted to the ZBA indicating the section of this chapter under which the use is required.
  - 2. All contiguous property owners shall be individually notified by written letter of the time and place of the ZBA's meeting and the applicant's intentions at least seven days prior to such meeting. The applicant shall furnish to the ZBA a list containing the names and current addresses of the contiguous property owners.
  - 3. The applicant shall appear in person or by agent or attorney at the meeting.
  - 4. The approval of the application will not confer upon the applicant any special privileges that are denied to other residents of the district in which the property is located.
  - 5. The occupation is in harmony with the purpose and the intent of this article and will not be injurious to the neighborhood or to the general welfare.
  - 6. The approval of the application is the only administrative action necessary in order to make the requested occupation meet the intent and spirit of this article at the specified location.
  - 7. The application is not for a use that is specifically disallowed in the specified district.
  - 8. The ruling on a Home Occupation appeal shall be determined using the definitions and requirements for an approved Home Occupation as a guide.

**§8.12. Mini-Warehouses**

Where permitted, mini-warehouses shall comply with the following standards. Additional development standards may be required as conditions of approval when deemed necessary.

- 8.12.1. Area and Dimensional Standards:
  - 1. A minimum lot size of three (3) acres shall be required for a mini-warehouse development when such development does not exceed one (1) story in height. In all other cases, the minimum acreage shall be reduced by one half (1/2) acre for each story in height. However, in no case shall such mini-warehouse development exceed forty-five (45) ft in height.
  - 2. When such development does not exceed one (1) story in height, there shall be a maximum of thirty (30) storage units or 15,000 sf of enclosed storage area per acre.
- 8.12.2. A Site Plan shall be submitted in accordance with [§4.2.2 Site Plan Review](#). The Site Plan shall provide adequate space and turning radius for the parking, circulation, stacking and turning movements of moving vans and trucks and fire fighting apparatus/vehicles. At a minimum, the following shall be observed:
  - 1. All one-way drive aisles shall provide one 10-ft wide parking lane and one 10-ft wide travel lane. Traffic direction and parking shall be designated by signs or painting.
  - 2. All two-way drive aisles shall provide one 10-ft wide parking lane and two 12-ft wide travel lanes.
  - 3. Any other site requirements determined through the Conditional Use procedure to minimize impacts on adjacent property.
- 8.12.3. Use Limitations.

1. Mini-warehouses are for the sole purpose of storage only. There shall be no residential living, workshops or repair activities, manufacture or fabrication, or any other non-approved use on the property or within the storage units and no sales of the contents of such storage units (with the exception of periodic auctions to allow the owner of the mini-warehouse property to dispose of the contents of a storage unit due to proper legal proceedings).
2. The rental of trucks or equipment shall NOT be considered an accessory use and shall be prohibited.
3. Hours of operation shall be as approved by the City of Gardendale.

8.12.4. Additional Standards.

1. Storage bay doors shall not face any abutting property located in a residential district.
2. All exterior lighting associated with the development shall direct beams of light away from adjacent streets or thoroughfares as well as any adjacent residential district. Flashing, blinking or intermittent lights or bare neon tubing are prohibited.
3. Except as may be provided for elsewhere in this ordinance, all items stored on this property shall be entirely within an enclosed building.
  - a. No storage of volatile, toxic, hazardous or explosive materials shall be permitted, either inside any structure or on the premises.
  - b. Outdoor storage of operational recreational vehicles, moveable campers, and water craft may be permitted so long as such items are stored in a designated area at the rear of the property and screened in accordance with [§11.2 Screening](#). Said recreational vehicles, campers and water craft shall not be occupied or otherwise used for any other purpose while in the storage facility. There shall be no repair or maintenance work performed on such vehicles while stored.
  - c. As part of Site Plan approval, a suitable pervious surface may be accepted for the outdoor storage area with approval of the Building Official.
4. Buffers shall be provided in accordance with [§11.3 Buffers](#). Unless otherwise required by the Commission, the facility shall be enclosed entirely by a six (6) ft high fence, except at points of access. Gates shall be provided for access and secured with locks. The fence enclosure may be counted toward buffer requirements subject to [§11.4 Design Standards for Fences](#).
5. Any waste collection areas shall be behind the front building line and screened subject to [§11.2 Screening](#). Such area shall be covered if containing a sewer drain.

**§8.13. Industrial Park**

Where permitted, Industrial Parks shall comply with the following:

- 8.13.1. A Site Plan shall be submitted in accordance with [§4.2.2 Site Plan Review](#). The reviewing authority may require a traffic impact study prepared by a Traffic Engineer. The site plan shall provide for:
  1. Access to an Industrial Park shall be by way of a major street adequate and suitable for the accommodation of truck traffic.
  2. All internal streets shall have a minimum right-of-way width of seventy (70) ft, with a minimum paved roadway width of thirty (30) ft with twenty-four (24) inch curb and gutter, a maximum gradient of five (5) percent, and shall otherwise conform to City standards for commercial streets and other requirements by the Commission. In all cases, appropriate access and circulation by vehicles and emergency equipment shall be provided.
  3. Outdoor storage shall be permitted only when accessory to a permitted principal use. Outdoor storage shall be located behind the front building line and screened subject to [§11.2 Screening](#).
  4. Buffers shall be provided in accordance with [§11.3 Buffers](#).



5. Cul-de-sacs are permitted in Industrial Parks provided they are less than 500 ft long as measured from the terminal point of the cul-de-sac to the closest intersection. Cul-de-sac bulbs shall be paved and have a minimum radius of seventy (70) ft.
  6. The vehicular approach to an Industrial Park site from a public street shall be so designed that uncontrolled left hand turns from the street shall be eliminated or reduced either by a frontage road or other suitable means deemed adequate by the City Engineer and Director of the Public Works Department, including addition of a left turn storage lane to the adjoining street.
  7. Sight distances at all points of access to public streets shall not be less than 1,000 ft, except where a traffic signal light is installed at the access to the site or as otherwise determined by a traffic impact study conducted by the City Engineer or a Traffic Engineer approved by the City.
  8. Acceleration and deceleration lanes, the length of which shall be subject to ALDOT standards, shall be provided along any external streets with a posted speed limit of thirty (30 mph) miles per hour or greater.
  9. Street lighting and lighting of the premises shall be provided in accordance with the City and Alabama Power Company street lighting standards.
  10. Fences shall be eight (8) ft in height. For additional fence standards, refer to [§7.3 Fences and Walls](#). If used as a part of a required buffer or screening, fences shall be subject to [§11.4 Design Standards for Fences](#).
- 8.13.2. A report of subsurface soil conditions shall be provided by a Geotechnical Engineer to the Building Official for review and approval by the City Engineer as evidence of suitable bearing for building foundations.
- 8.13.3. A copy of any existing or proposed deed restrictions and covenants shall be provided together with the Site Plan. A copy of such restrictions shall be provided to the City upon recording with the Probate Judge, if applicable.

#### **§8.14. Day Care Home and Group Day Care Home**

Where permitted, Day Care Homes and Group Day Care Homes shall be subject to the following:

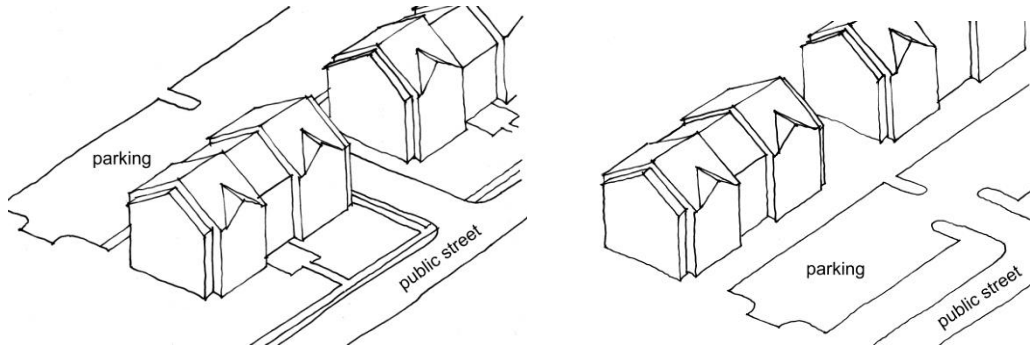
- 8.14.1. Day Care and Group Day Care Homes shall be clearly incidental to residential use of the dwelling and shall not change the essential character of the dwelling.
- 8.14.2. Day Care Home shall provide day care for six (6) or less children. Group Day Care Homes shall provide day care for seven (7) to twelve (12) children. Both shall meet all applicable state and county licensing requirements and any additional requirements established by the Commission.
- 8.14.3. Employment shall be limited to members of the family residing in the dwelling.
- 8.14.4. No part of the day care service shall be conducted in any accessory building.
- 8.14.5. No Day Care Home or Group Day Care Homes shall be located within 1,000 ft of another Day Care Home, Group Day Care Home or Group Care Home, as measured between lot lines.
- 8.14.6. Such activity shall be limited to the hours between 5:00 a.m. and 7:00 p.m.

#### **§8.15. Multi-Family Dwelling**

Where permitted, Multi-Family Dwellings involving the development of more than one (1) acre shall be subject to the following provisions. Where there is any conflict between the provisions herein and the provisions of [§6.8 R-4 Multi-Family Residential District](#), §8.15 provisions shall govern.

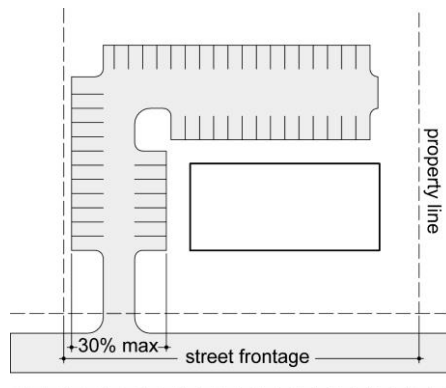
- 8.15.1. Site Development Standards
  1. Minimum Lot Area: more than one (1) acre
  2. Minimum Yard Setbacks:
    - a. Front: 35 ft along each frontage

- b. Rear: 40 ft
- c. Side: 25 ft
- 3. Building spacing shall be as provided in Table 6.8.3.
- 4. The site shall be planned to limit disruption of steep slopes and natural drainage systems.
- 5. Multifamily buildings shall be oriented toward streets, interior drives and improved open spaces, not adjacent properties. A multifamily building may be aligned along a parking area provided it is also oriented toward a street, interior drive or improved open space.
  - a. Building entrances shall face and be clearly visible from streets, interior drives or interior open space. This does not apply to entrances to individual dwelling units.
  - b. Building entrances shall be accessible from the street, interior drive or open space they face.
- 6. Parking.
  - a. Off-street parking shall be provided per dwelling unit as follows: 1 bedroom – 1.5 spaces; 2 bedrooms – 2 spaces; 3 bedrooms – 2.5 spaces; and Visitor Parking – 1.5 spaces per five (5) dwelling units.
  - b. Parking lots shall be located to the side or rear of buildings, and shall not be located closer to a public street than the front building line.



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

- c. Where provided, common or individual garage parking areas shall be located away from public street views
- d. When located to the side of buildings and adjacent to a public street, parking areas shall not occupy more than 30% of each perimeter public street frontage.



Maximum width of parking area facing public street when located to side of building.

7. Private drives that provide access from a public street to off-street parking areas shall be designed in accordance with the dimensional standards in Table 8.15.1 below. Where parallel parking is provided, each parking lane shall be a minimum of 7 ft measured from face of curb. Trees shall be installed at least two (2) ft from the back of curb.

Table 8.15.1 Dimensional Standards for Private Drives			
Curb Type/Width	Travel lane width	Total width (face of curb to face of curb)	Tree spacing
Curb/gutter; 18 in	10-11 ft	22-24 ft	50 ft oc average

8. Open Space. At least 20% of the site shall be reserved as open space. At least ten (10) percent of the site shall be improved and maintained as open space for the use of the residents and guests. All proposed common open spaces shall be included in the Site Plan submittal for review by the Commission.
  9. Stormwater Management. Stormwater retention or detention facilities shall be governed by applicable section as listed in Chapter 103 Stormwater Management.
  10. Access Management. The number and width of vehicular access points along a public street shall be minimized. On corner lots, driveway access shall be located along the street of lesser classification and located as far as practicable from the street intersection.
  11. Service, Loading and Waste Collection. Each development shall be provided with a service area for waste collection. Each such area shall be located behind the front building line and away from public views but shall otherwise be conveniently accessible to vehicles collecting such waste and to residents. The location of such areas shall minimize negative visual, noise, odor and other impacts to adjoining streets, on-site dwellings and adjacent developments. Each such area shall be paved with concrete and shall be screened in accordance with [§11.2 Screening](#).
  12. Parking Areas for Boats, Campers and Recreational Vehicles. Each development shall be provided with one (1) screened parking area for boats, campers and recreational vehicles for each ten (10) dwelling units in the development. Each such parking area shall be screened in accordance with [§11.2 Screening](#). The parking area must be paved with concrete.
  13. Storage Units. For each dwelling unit, dedicated storage space of at least 280 cubic feet shall be provided.
  14. Fire Protection.
    - a. No portion of any building shall be located farther from a fire hydrant than may be reached with 500 ft of hose.
    - b. Every multifamily building shall be accessible to fire trucks as required and approved by the Fire Department. Provided adequate clearance, such access may be located along an interior drive, within a parking lot or within any open area adjacent to each building. The acceptable distance between buildings and the fire truck access area shall be determined by the Fire Department based upon building height and design.
    - c. No parking spaces shall be located between buildings and fire truck access areas.
  15. Buffers shall be provided in accordance with [§11.3 Buffers](#).
- 8.15.2. Pedestrian Access Standards. A pedestrian circulation system meeting the following standards shall be provided:
1. Walkways shall connect the pedestrian circulation system to adjacent public streets. Such walkways shall be in a straight line, except where topography prevents a direct connection or where an indirect route would enhance the design and/or use of a common open space.
  2. If not already provided, a publicly accessible sidewalk of at least five (5) ft in width shall be provided along all public street frontages. The sidewalk shall be located within the right-of-way or within an easement provided for such purposes.

3. Walkways shall connect the main entrances of all buildings. For buildings fronting on a public street, a public sidewalk may be counted toward this standard. Walkways shall be provided that connect building entrances to parking areas and common areas and facilities.
4. Walkways shall be provided to connect to any public trails or similar bicycle-pedestrian facilities adjoining the site.
5. Materials Standards for Pathways.
  - a. Walkways shall be of concrete or masonry pavers and at least five (5) ft wide except that walkways serving no more than four (4) units may be four (4) ft wide.
  - b. Except as provided in Item c below, walkways shall be clearly defined and designed so as to be separated from vehicular use areas through the use of raised curbs, elevation changes, bollards, landscaping, different paving materials, and/or other similar methods. Striping alone does not meet this requirement. If a raised path is used it must be at least four inches high and the ends of the raised portions must be equipped with curb ramps. Bollard spacing must be no further apart than five (5) ft on center.
  - c. Walkways may be within a vehicular drive if the drive provides access to 16 or fewer parking spaces and the entire drive is surfaced with paving blocks, bricks, or other special paving. Trees and other landscaping elements shall be integrated into the design of a shared auto/pedestrian court.

8.15.3. Open Space Standards.

1. All common open spaces and recreational areas must be well maintained in a safe and orderly condition. Open spaces shall be oriented to receive adequate sunlight.
2. Improved open space shall be consolidated into one or a few central locations to assure accessibility and usability.
3. Open space and recreational areas shall be counted toward the ten (10) percent improved open space requirements in §8.15.1.9 as follows:
  - a. Required setback areas shall not count unless they otherwise meet the standards of this §8.15.3. Spaces shall be large enough to support leisure and recreational activity; no dimension shall be less than 15 ft.
  - b. Children's playground area shall be provided within one or more common open spaces in the amount of fifty (50) sf per unit. The minimum size of any playground shall be 3,000 sf. Children's play areas shall be located so that they are visible from dwelling units and near pedestrian activity. This shall not apply to age-restricted multifamily dwellings.
  - c. Covered private balconies, porches, decks, or patios may be used to meet up to 25% of the required open space. To qualify, such spaces shall be at least 35 sf in area with no dimension less than five (5) ft. Such spaces shall not be counted when they are completely inset into the building; they must project at least two (2) ft beyond the wall plane.

8.15.4. Privacy and Security Standards.

1. When a multifamily building is located adjacent to a public street, any stairway shall be enclosed within the building. For street-facing buildings upper floor units shall be accessed from within the building interior or from an exterior walkway that overlooks an interior courtyard or similar common area. Exterior stairs shall only be permitted for buildings within the interior of the development and not located along a public street.
2. For privacy separation shall be provided between windows of ground floor dwelling units and adjacent walkways, parking areas and common open spaces, including:
  - a. A horizontal separation of at least ten (10) ft in depth including a landscaped bed containing at least one row of evergreen shrubs with a mature height of at least three (3) ft; and/or
  - b. Vertical separation so that the bottom edge of a window is at least five (5) ft above the grade of the adjacent walkway, parking area or common open space. Developments are encouraged to raise the

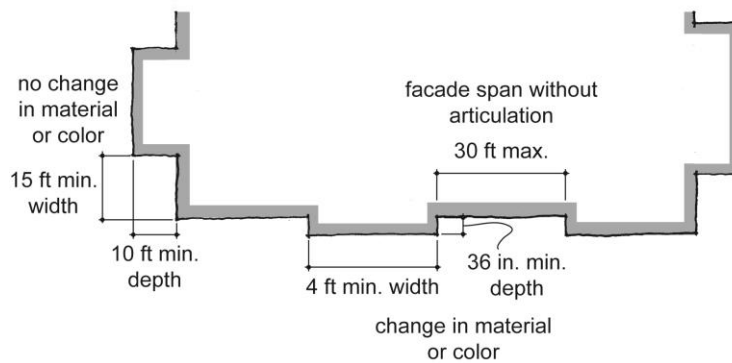
ground floor of residential buildings at least 30 inches above the sidewalk or parking area to enhance residents' privacy.

8.15.5. Lighting Standards. Lighting should eliminate adverse impacts of light spillover; provide attractive lighting fixtures and layout patterns that contribute to a unified exterior lighting design; and provide exterior lighting for safe vehicular and pedestrian access to and within a development, while minimizing impacts on adjacent properties.

1. Plan Required. Applicants shall submit a lighting plan subject to the requirements herein for Commission approval.
2. Pedestrian Lighting. Pedestrian-level, bollard lighting, ground-mounted lighting, or other low, glare controlled fixtures mounted on building or landscape walls shall be used to light walkways.
3. Lighting Height. Light poles and lighting structures shall be no more than 20 ft high.
4. Building-Mounted Lighting. Building-mounted lighting shall be limited to accent lighting used to illuminate architectural features and entrances, with a maximum height of 20 ft. Building-mounted lighting shall not be permitted to illuminate parking lots/areas.
5. Illumination Level. Pedestrian areas, driveways, and parking areas shall be illuminated to a minimum average of one footcandle.
6. Spillover Glare. Light fixtures shall use full cut-off lenses or hoods to prevent glare and light spillover onto adjacent properties, buildings, and roadways.

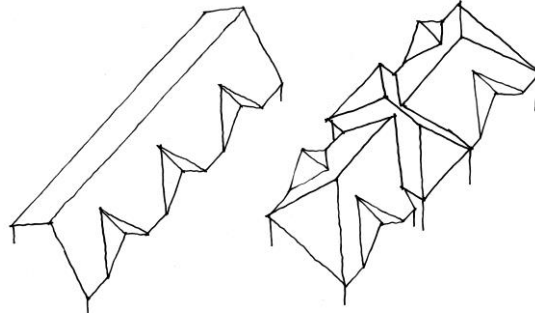
8.15.6. Architectural Standards.

1. Four-sided design. All building elevations shall reflect consistent design, textures, colors, and features. All walls shall be modulated and fenestrated to provide visual interest.
2. Building Articulation. All buildings shall include the following architectural design features at intervals of no more than 30 ft along all facades facing a street, common open space, and common parking area:
  - a. Vertical building articulation. Minimum depth and width of articulation is 36 inches and four (4) ft, respectively, if corresponding with a change in color or building material and/or roofline. Otherwise, minimum depth and width of articulation is 10 ft and 15 ft, respectively. Projecting balconies, including those that are partially recessed, may count toward this requirement.



- b. Articulation of the "base, middle and top". This typically includes a distinctive design for the portion of the elevation along the foundation and ground floor, consistent articulation of middle floors, and a distinctive roofline.
3. Accessory structures. Accessory structures shall reflect the same design and finish as the principal building(s).
4. Roof Design.

- a. Multifamily buildings shall have a minimum 4:12 and a maximum 5:12 roof pitch. Alternative roof designs will be considered provided design elements are included to help the building and its roofline fit into the site's context.
- b. All buildings shall incorporate variations in the roofline. The maximum length of any continuous roofline shall be 30 ft. The use, alone, of dormers and/or gables is not sufficient to comply with this requirement.



Left: Continuous roofline exceeds 30 ft. Right: Acceptable variation in roof design.

- c. Eaves shall extend beyond the supporting wall at least 16 inches.

#### 8.15.7. Building Details and Materials.

1. Changes in material should occur at the horizontal divisions between the base, middle and top and on inside corners. "Heavier" materials such as masonry should be used on the base.
2. Exterior Finishes. Building facades shall incorporate a coordinated color scheme consisting of matte finishes. A "coordinated color scheme" includes a limited number of complementary colors that are used throughout the development; and in the case of developments with multiple buildings, primary façade colors may alternate from building to building provided trim colors, materials and/or other design features visually tie together individual buildings. Neutral or earth tone colors are recommended. Gloss finishes may be used for trim and accent. Fluorescent and metallic paints are prohibited.
3. Windows
  - a. Transparent windows facing the street are required. At least 15% of each street-facing facade shall be transparent. All other facades shall have a minimum transparent area of 10%.
  - b. Windows shall be recessed or project at least two (2) inches from the wall plane or window trim shall be used at least four (4) inches in width with color that contrasts with the base building color. Exceptions will be considered where the design includes other distinctive window or facade treatment that adds visual interest to the building.
4. Preferred Building Materials. Building exteriors shall be constructed from high quality, durable materials as follows:
  - a. Brick or other masonry, including cementitious siding. When used for the facade of any building, concrete blocks shall be split, rock- or ground-faced and shall not exceed three (3) courses or twenty-four inches (24") above grade of the masonry area of the facade. To add visual interest, the use of specialized textures and/or colors used effectively with other building materials and details are encouraged. Plain concrete block or plain concrete may be used only as foundation material if the foundation material is not revealed more than three (3) ft above finished grade at the foundation wall.

Preferred other acceptable materials: Adhered masonry veneer, anchored masonry veneer, cedar shake shingles, cement boards, copper shingles, fiber cement lap siding, fiber cement panel siding, hardboard siding, marble slabs, porcelain tile, stone cast artificial anchored, stone natural, structural glass, stucco or exterior cement plaster, terra cotta anchored, and wood siding.

- b. Exterior insulated finish system (EIFS) and similar troweled finishes (stucco) shall be trimmed in wood, masonry, or other approved materials and shall be sheltered from extreme weather by roof overhangs or other methods.
  - c. Horizontal wood siding. Composite boards manufactured from wood or other products, such as hardboard or plankboard, may be used when the board product is less than six inches wide.
5. Prohibited Materials. The following materials are prohibited in visible locations unless an exception is granted based on the integration of the material into the overall design of the structure.
- a. Plywood siding (including T-111 or similar plywood), except when used as a component in board and batten siding.
  - b. Metal/Aluminum siding
  - c. Highly tinted or mirrored glass (except stained glass) as more than 10 percent of the building facade.
  - d. Corrugated fiberglass.
  - e. Chain link fencing (except for temporary purposes such as a construction site or as a gate for a refuse enclosure).
  - f. Crushed colored rock/crushed tumbled glass.
  - g. Noncorrugated and highly reflective sheet metal.
  - h. Vinyl Siding
- 8.15.8. Landscaping. In addition to any required parking lot landscaping, buffers and screening, landscaping shall include the following:
1. Foundation Planting. All street-facing elevations must have landscaping along any exposed foundation. The landscaped area may be along the outer edge of a porch instead of the foundation. This landscaping requirement does not apply to portions of the building facade that provide access to the building. Foundation landscaping shall meet the following standards:
    - a. The landscaped area shall be at least three (3) ft wide.
    - b. There shall be at least one three-gallon shrub for every three lineal feet of foundation.
    - c. Groundcover plants shall fully cover the remainder of the landscaped area.
  2. Landscaping techniques include the following:
    - a. Existing trees and native vegetation should be preserved whenever possible.
    - b. Use plants that require low amounts of water, including native drought-resistant species.
    - c. Use of low-impact development techniques, including pervious pavement, swales, and rain gardens, to manage stormwater in parking lots.
    - d. Locate trees along street frontages at appropriate spacing so that, at maturity, residential entrances are clearly visible from the street and sidewalk.
    - e. Plant a mix of evergreen and deciduous plants to maintain year-round color and interest.
    - f. Shrubs, grasses and other non-tree vegetation as appropriate.
  3. An irrigation method shall be included in the landscaping plan. Irrigation shall be required immediately after planting and May through October thereafter or as recommended by a landscape professional. Developers should consider installing underground irrigation systems whenever possible to avoid drought loss.

8.15.9. Additional Standards

1. Traffic Impact Study and Plan. A traffic impact study and plan, prepared by a Traffic Engineer, shall be furnished together with the Site Plan. The study shall be prepared in accordance with generally accepted standards for traffic studies. The traffic study shall show, in detail reasonably satisfactory to the Building Official, the effect that the proposed development will have on the area adjacent to and near the site. The study shall make recommendations with respect to what additional traffic signals or devices will be needed adjacent to or near the site because of the proposed development. The developer shall be required to pay the cost of any such signals and/or devices, if the Building Official considers them necessary.
2. Drainage Study and Plan. For each development, a drainage study and plan shall be furnished as part of the Site Plan. Such study shall be prepared by a Professional Engineer. The plan shall be based on properly conducted studies and must show, in detail, reasonably satisfactory to the Building Official, the effect that the proposed development will have on the site and the land adjacent to and near the site. The plan shall include drainage, grading, excavation, topography, erosion and sedimentation, stormwater detention and floodplain management controls. The plan shall provide for such structures and devices as may be required to handle a 100-year rain event, 24-hour storm. Neither the drainage plan, nor the recommendations therein, shall serve as a substitute for any other regulations with respect to drainage as provided for by the ordinances or regulations of the City.
3. Additional Requirements. The Commission and/or the Building Official shall have the right to impose additional requirements they deem necessary to protect the health, safety and welfare of the residents of the multifamily residential development and neighboring residents.
4. Bond. Proposed public improvements shall be constructed or their construction shall be guaranteed in accordance with the City Subdivision Regulations. If such improvements are not subject to the City Subdivision Regulations, a bond may be required as provided in [§4.2.2.7 Performance/Improvement Bond](#).

8.15.10. Definitions. For the purposes of this Section, the following terms shall be defined as follows:

1. Articulation, articulated. Changes in the depth along the building façade such as attached columns, wall recesses, horizontal banding, cornices, etc. to provide depth and variety to the façade.
2. Fenestration, fenestrated. The pattern of window and door openings on a façade.
3. Low Impact Development (LID). A site planning and engineering design approach to managing stormwater runoff that emphasizes conservation and use of natural features, infiltration, and on-site storage and treatment involving landscape elements integrated into the design of the site. This approach uses engineered small-scale hydrologic controls to replicate predevelopment hydrology through infiltrating, filtering, storing, evaporating, and detaining runoff close to its source.
4. Open Space, Improved. Open space that has been created or modified by man including but not limited to parks, playgrounds, swimming pools, ball fields, plazas, landscaped green spaces.
5. Pervious pavement. Paving materials that allow water to penetrate into the ground below, including concrete paving blocks, concrete grid pavers, perforated brick pavers and similar paving materials. This shall not include compacted gravel.
6. Rain garden. A planted depression or hole that allows stormwater runoff from impervious surfaces to be absorbed into the ground.
7. Swale. An open, grassed or vegetated channel used to partially treat stormwater, attenuate flooding potential and convey stormwater.

(Ord. No. 2020-001, 3/02/2020)



**§8.16. Bed and Breakfast**

Bed and Breakfasts may be permitted subject to Conditional Use approval and the following standards in the A-1, E-1, R-1, and R-2 Districts only.

8.16.1. Conformance

1. The establishment of a Bed and Breakfast shall not result in a site or structure that would be nonconforming under [§5.7 Nonconformities](#). A Bed and Breakfast shall not be permitted if the lot or structure is nonconforming under the terms of this Ordinance or the City Building Code.
2. The establishment shall be located in the principal dwelling only.
3. The establishment and premises shall meet all current federal, state and local guidelines related to the disabled.
4. The establishment must be a member of the Bed and Breakfast Association of Alabama.

8.16.2. Exterior Appearance.

1. The exterior of the Bed and Breakfast shall maintain its single family dwelling character.
2. Commercial vehicle traffic to and from the facility for services such as laundry, food delivery and refuse collection shall not exceed that customarily associated with a single family detached dwelling.
3. On site features (such as swimming pools, outdoor seating areas, outdoor dining areas, or parking) used specifically for operation of the Bed and Breakfast shall be screened from public view to minimize adverse impact on adjacent properties used for residences.
4. All on-site lighting shall reflect downward and away from adjoining property and streets.

8.16.3. Operations.

1. There shall be no more than five (5) guest rooms in any Bed and Breakfast.
2. The maximum rental term allowed for any one guest shall be seven (7) days within any six-month period.
3. Each establishment shall maintain an accurate record of each guest and the duration of the guest's stay. Such records may be requested and reviewed by the City upon notice.
4. The establishment shall not include any separate eating establishment; however, a continental breakfast and light fare may be provided for resident guests.
5. No cooking or cooking facilities shall be permitted in guest rooms.
6. The establishment shall not permit receptions, business meetings, private parties, seminars, dances or tours or other similar events or activities unless expressly approved as part of the Conditional Use approval, which may be contingent on a minimum lot size of one acre, increased buffers and other conditions the Commission may require to mitigate incompatibility of such activities with residential surroundings.
7. Alcoholic beverages shall not be sold on-premises but may be pre-purchased with reservations in accordance with all applicable laws. However, in no case shall liquor be sold or offered on-premises or pre-purchased with reservations.

8.16.4. Parking.

1. Recreational vehicles, trailer homes, campers and utility trucks exceeding seven (7) ft height, seven (7) ft width, or twenty (20) ft length may not be parked by guests on the premises, street or other public right-of-way.
2. Guest parking shall not be stacked on site. Guest parking shall have free access and circulation without being blocked by other vehicles on the site.

3. The Owner shall install and maintain any traffic control devices that may be required as part of the Conditional Use approval. Said devices shall conform to specifications related to development on private property in the currently adopted Manual of Uniform Traffic Control Devices (MUTCD) and the Uniform Vehicle Code (UVC).
- 8.16.5. Signs. One non-illuminated sign not exceeding three (3) sf in area may be attached to and parallel with the front porch or front facade.
- 8.16.6. Submission Requirements.
1. A survey of the property, certified by a surveyor or engineer, shall be submitted, which shall include landscaping, existing and proposed buildings and accessory structures, drainage flow, parking areas and parking spaces and driveways, and required screening.
  2. A copy of the Jefferson County Health Department permit for septic tank approval shall be provided. When on sewer, County approval of such shall be provided.
  3. The owner shall provide a complete floor plan of the building to include all guest rooms, bathrooms, etc. and indicating the number of electrical meters serving the structure.
  4. Any changes in the approved site plan shall be submitted to the Commission for review and approval prior to issuance of the business license.
- 8.16.7. Permits/Inspections/Licenses.
1. Inspections by the Building Official and the Fire Department are required; and a business license shall be obtained before operating a Bed and Breakfast.
  2. The Business License and Health Department Food Permit shall be displayed in a conspicuous place within the establishment at all times. A copy of the Food Permit shall be furnished to the Building Official before issuance of a Business License.
- 8.16.8. Expiration. Conditional Use approval shall expire:
1. One (1) year from the date of approval of the Conditional Use if the Bed and Breakfast has not begun operation; or
  2. One year from the date the use was terminated;
  3. Upon failure to renew the Business License; or
  4. At any time the use does not comply with any of the conditions of approval or the terms of this Ordinance.

### **§8.17. Boarding House**

Boarding Houses may be permitted subject to Conditional Use approval and the following standards in the A-1, E-1, R-1, and R-2 Districts only.

- 8.17.1. Conformance.
1. The maximum number of occupants, including residents and boarders, on any one property shall be in accordance with [§5.5 Dwelling Unit Occupancy](#) along with any applicable City Building Code limitations or sanitation restrictions.
  2. Boarding rooms shall be located in the principal dwelling only.
  3. The establishment of a Boarding House shall not result in a site or structure that would be nonconforming under [§5.7 Nonconformities](#). A Boarding House shall not be permitted if the lot or structure is nonconforming under the terms of this Ordinance or the City Building Code.
  4. There shall be no more than one Boarding House per individual tract, parcel or platted lot.

5. There shall be at least one fully-equipped bathroom on each floor where there are boarding rooms. Further, there shall be at least one such bathroom for each five residents. Such bathrooms shall be accessible from a common hallway.
  6. The structure and premises shall meet all current federal, state and local guidelines related to the disabled.
- 8.17.2. Exterior Appearance.
1. The exterior of the dwelling shall maintain its single-family dwelling character.
  2. On-site features (such as swimming pools, outdoor seating areas, outdoor dining areas, or parking) used by boarders shall be screened to minimize adverse impact on adjacent residential properties.
  3. Any outside lighting shall be directed away from adjacent residential properties.
- 8.17.3. Operations.
1. Boarders shall execute a lease before occupancy, and such records shall be made available to the City upon request.
  2. No cooking or cooking facilities shall be permitted in boarders' rooms.
  3. These boarding rooms shall not be fully contained dwelling units and shall have no separate electric power meters.
  4. The owner shall be responsible for the sanitary maintenance of the entire structure and premises.
- 8.17.4. Parking.
1. Parking shall not be stacked on site. There shall be free access and circulation without vehicles being blocked.
  2. The owner shall install and maintain any traffic control devices that may be required as part of the Conditional Use approval. Said devices shall conform to specifications related to development on private property in the currently adopted Manual of Uniform Traffic Control Devices (MUTCD) and the Uniform Vehicle Code (UVC).
- 8.17.5. Signs. One non-illuminated sign not exceeding three (3) sf in area may be attached to and parallel with the front porch or facade.
- 8.17.6. Submission Requirements.
1. A survey of the property, certified by a surveyor or engineer, shall be submitted, which shall include landscaping, existing and proposed buildings and accessory structures, drainage flow, parking areas and parking spaces and driveways, and required screening.
  2. A copy of the Jefferson County Health Department permit for septic tank approval shall be provided. When on sewer, County approval of such shall be provided.
  3. The owner shall provide a complete floor plan of the building to include all boarding rooms, bathrooms, etc. and indicating the number of electrical meters serving the structure.
  4. Any changes in the approved site plan shall be submitted to the Commission for review and approval prior to issuance of the business license.
- 8.17.7. Permits/Inspections/Licenses.
1. Inspections by the Building Official and the Fire Department shall be required; and a business license shall be obtained before operating a Boarding House establishment.
  2. The Business License and Health Department Food Permit shall be displayed in a conspicuous place within the establishment at all times. A copy of the Health Department Food Permit shall be furnished to the Building Official before issuance of a Business License.

8.17.8. Expiration. Conditional Use approval shall expire:

1. One (1) year from the date of approval of the Conditional Use if the Boarding House has not been established; or
2. One year from the date the use was terminated;
3. Upon failure to renew the Business License; or
4. At any time the use does not comply with any of the conditions of approval or the terms of this Ordinance.

**§8.18. Accessory Dwelling Unit (ADU)**

8.18.1. Purpose

1. To allow secondary, subordinate dwelling units in certain single family residential districts, while respecting and protecting the family character of the residential neighborhood by ensuring that Accessory Dwelling Units, hereinafter "ADUs," are established under the strict standards and conditions of this Section.
2. To provide a means for residents to remain in their homes and neighborhoods and obtain extra income, security, companionship and services.
3. To provide a broader range of accessible and more affordable housing within the City.
4. To allow housing units in certain single family neighborhoods, which are appropriate for people at a variety of stages in life, and to provide a mix of housing that responds to changing family needs and smaller households.

8.18.2. Applicability.

1. Subject to Conditional Use Approval, ADUs may be established in the E-1, R-1, and R-2 Districts and in the RG District for lots over 15,000 sf in area and provided all other conditions of this Section are met, subject to Conditional Use approval.
2. This Section does not attempt to identify or enforce subdivision restrictive covenants that may prohibit the construction of more than one dwelling on a lot, along with similar restrictions of plats, deeds or private contracts.
3. It shall be the builder's and/or property owner's responsibility (and not the City of Gardendale) to obtain a letter from a title insurance company stating that the property is not subject to any such restrictive covenants or other deed restrictions or, if it is, that said covenants or restrictions have been removed from the property. Said clearance letter shall be to the satisfaction of the Commission. Said documentation shall be provided before consideration may be given to the Conditional Use request.

8.18.3. General Standards.

1. An ADU shall conform to all applicable requirements of the City Building Code, the Americans with Disabilities Act, and the regulations of this Section. NOTE: The City Building Code prohibits the human occupancy of any accessory structures not constructed to the minimum standards required of dwellings and, therefore, accessory structures are neither suitable nor safe as living quarters unless constructed or improved to meet such standards.
2. An ADU may be added to or included within the principal dwelling, or located in a detached structure. However, any addition or detached structure shall meet the setback requirements applicable to the principal dwelling. A detached ADU shall be separated from the principal dwelling by no less than fifteen (15) ft.
3. A detached ADU shall be located in the rear yard only and shall be located on the same lot or parcel as the principal dwelling.
4. No more than one principal dwelling and one ADU shall be permitted on any lot or parcel.
5. An ADU shall meet all applicable health department standards for water and sewage disposal, including payment of impact fees.

6. The maximum number of occupants allowed to reside on any one property shall be in accordance with [§5.5 Dwelling Unit Occupancy](#), the City Building Code and any sanitation restrictions.
  7. An approved, detached ADU shall only be constructed after, or concurrently with, the principal dwelling. In no case shall an ADU be occupied prior to the primary dwelling.
  8. Manufactured homes and recreational vehicles shall not be permitted as ADUs.
  9. An ADU shall not have a separate address or separate utilities.
- 8.18.4. Occupancy. Either the principal dwelling or the ADU shall be occupied by an immediate family member of the property owner. For the purposes of this Section, “owner occupancy” shall be defined as a property owner, as reflected in title records, legally residing at the site, as evidenced by voter registration, vehicle registration or similar means, more than six months out of any given year. For the purposes of this Section, “immediate family member of the property owner” shall be limited to the owner’s spouse, parents, siblings or children.
- 8.18.5. Application for Conditional Use Approval of an ADU
1. Only the legal owner may apply for Conditional Use approval, which shall be done in accordance with [§4.9 Conditional Uses](#). If the owner chooses to have an agent act in his behalf, the owner shall provide, as part of the application, a letter signed by all owners stating they understand and agree to all conditions of this Section.
  2. The application shall include a separate affidavit signed by the property owner affirming that the owner or an immediate family member of the property owner, as defined hereinabove, will occupy the principal dwelling or Accessory Dwelling Unit for more than six months out of any given year.
  3. A survey of the property, certified by a surveyor or engineer, shall be submitted as part of the Conditional Use application. This survey shall indicate landscaping, location of existing and proposed buildings and accessory structures, drainage flow, parking areas and parking spaces and driveways, and required screening.
  4. The application shall include a letter of clearance from a title insurance company, as described in §8.18.2.
  5. Regardless of who may reside in the ADU, the Certificate of Occupancy for it shall be issued to the residing property owner before it may be occupied.
- 8.18.6. Design
1. Architectural design details shall be furnished as part of the Conditional Use approval.
  2. The architectural design of the principal dwelling should be incorporated into the design of the ADU, with matching materials, colors, window style and roof design. If an addition extends beyond the current footprint or existing height of the principal dwelling, such addition must be consistent with the existing design. The ADU shall be designed so that the appearance of the building remains that of a single family dwelling.
  3. Attached ADUs shall have only one entrance on each front or street side of the residence, unless there were additional entrances before the ADU was created.
  4. An ADU cannot exceed fifty (50) percent of the *livable floor area* (excluding garages, open porches and the like) of the principal dwelling, or 900 sf, whichever is smaller, (excluding any single-car garage attached to the ADU). If, in the opinion of the Commission, strict adherence to this requirement would be impractical or uneconomical (as in the case of a basement or upper floor that may exceed the maximum), the Commission may allow increased size as long as the ADU remains subordinate to the principal dwelling and all other standards set forth in this section are met.
  5. Parking shall be located to the rear of the principal dwelling only.
- 8.18.7. Recording Requirements. Approval of the ADU shall be subject to the owner recording a deed restriction with the Probate office, to run with the land, which provides notice that the existence of the ADU is predicated upon the occupancy of either the ADU or the principal dwelling by the owner or an immediate family member of the owner; and which provides that any prospective buyer is made aware of the limitations of this Section, and which further

provides for the removal of the ADU and the restoration of the premises to a single family dwelling if any of the conditions of approval are violated. A copy of the recorded document shall be provided to the Inspection Services Department before a Certificate of Occupancy for the ADU is issued. This document shall not be changed without approval of the Building Official.

8.18.8. Division of Property. ADUs shall not be subdivided in ownership from the principal dwelling nor separated from the parcel on which the principal dwelling is located.

8.18.9. Permits/Inspections/Licenses

1. City permits and licenses shall be secured prior to any construction related to a proposed ADU; and construction shall be completed prior to issuance of the Certificate of Occupancy for the ADU.
2. The ADU shall not be used for the conduct of business except as may be provided by Conditional Use approval of a Home Occupation under [§8.11](#) for a Home Office only.

8.18.10. Enforcement. The City retains the right, with reasonable notice, to inspect the ADU for compliance with the provisions of this Ordinance.

8.18.11. Expiration, Revocation.

1. Elimination of an ADU may be accomplished by the owner recording a certificate of same with the Probate Office, with copy of said notification to be provided to the Inspection Services Department.
2. Revocation. Conditional Use approval for the ADU may be rescinded at any time for failure to comply with any applicable regulations and ordinances.

**§8.19. Business Office for Contractors including Minor Fabrication**

8.19.1. Business Office for Building Contractors including Minor Fabrication may be approved by the Building Official in the following situations only and shall be subject to all appropriate permits and licenses required by the City. Uses not meeting all the restrictions herein may only be approved as a Conditional Use by the Commission ([§4.9 Conditional Uses](#)).

1. Application, Review and Approval.
  - a. Application shall be made in writing by letter to the Building Official, providing complete details and scale of the subject business and any development plans for the property (including but not limited to the size and location of office and fabrication areas; parking; storage; fencing, buffers, screening; and name, address, and phone number of property owner and owner of business, if different).
  - b. Notwithstanding the standards otherwise outlined herein and to ensure the protection of surrounding areas, the Building Official, at his discretion and for any reason, may refer an application to the Commission as a Conditional Use request.
  - c. Any restrictions deemed necessary and imposed as part of the Building Official's approval shall be fully complied with before issuance of a business license. Failure to follow these procedures or adhere to the restrictions herein may result in immediate revocation of the business license.
  - d. When granted, Administrative approval shall apply provided there is no change of use or increase in size/scale other than as originally approved, and all conditions of the approval are met. If there is a change in the principal use, or if the fabrication activity grows in size/scale, or further development is proposed on the premises, the approval must be re-evaluated; and a new application must be submitted so that the Building Official may determine if additional restrictions are necessary or if the request must be presented to the Commission as a Conditional Use.
  - e. Administrative approval shall not include site development approval. Any new development or any change, alteration, or enlargement to an existing structure must meet all regulations pertaining to that process.

- f. Appeals to such decision of the Building Official must present this request to the Commission as a Conditional Use, and may, if denied, subsequently appeal to the ZBA.
2. Development Standards.
    - a. Minor fabrication shall be limited to building trades such as general contractors, painting contractors, plumbing, heating and air, and electrical contractors. Minor fabrication activities shall be incidental and subordinate to the primary, permanent business office use; and continuance of the minor fabrication approval shall be contingent upon continuance of the business office on the same premises.
    - b. All approved fabrication activities shall be performed in an enclosed building, and all materials shall be stored in an enclosed building.
    - c. The Building Official may require fencing or buffers or may place other restrictions as deemed necessary for the protection of adjoining properties.
    - d. Not more than three (3) vehicles normally used in the performance of the business shall be parked on the property. Parking of vehicles associated with the business, other than standard size passenger vehicles, shall not be located to the rear of the premises; and such vehicles shall not be maintained or repaired on the premises. All areas used for such vehicles shall be paved.
    - e. Fabrication shall not include activities that create noise, dust, vibration or fumes, unless it is determined by the Building Official that these effects will be minimal and will not affect adjoining properties.
    - f. There shall be no storage of volatile, toxic or explosive materials whether inside the structure(s) or outside.
    - g. The premises shall be kept in a clean and orderly condition at all times.
    - h. Hours of operation shall be limited to between 6:00 a.m. and 8:00 p.m.

## **§8.20. Conservation Development**

### 8.20.1. Intent:

1. To provide flexibility to achieve the most effective development on lands constrained by natural hazards or environmental regulations, which may limit the amount or type of development;
2. To enhance quality of life by promoting the creation of accessible green space;
3. To protect sensitive, environmental land features to protect the health and safety of residents and neighboring property owners;
4. To reduce erosion, sedimentation, land disturbance, and removal of vegetation;
5. To promote construction of convenient walking trails, bike paths, and greenways within new developments that are connected to adjacent neighborhoods and activity centers to increase accessibility for pedestrians and bicyclists; and
6. To reduce perceived density by providing access to and views of open space.

8.20.2. Applicability. The Conservation Development option is permitted for detached single-family and duplex development on sites of at least five (5) acres and otherwise in accordance with the district regulations. The applicant shall comply with all other provisions of this Ordinance and all other applicable regulations, except those incompatible with the provisions herein.

8.20.3. Ownership of Development Site. If held in multiple ownership, the site shall be developed according to a single plan with common authority and common maintenance responsibility as approved by the City Attorney.

8.20.4. Density Determination. The maximum number of lots shall be determined by dividing the total area of the proposed subdivision by the most restrictive of the following: minimum lot size of the applicable district or by regulations as determined by City and/or County Health Department standards for septic tanks, or by any

regulations applicable to the site that may limit its development density. In making this calculation, the following shall not be included in the total area of the parcel:

1. Bodies of open water over 5,000 sf of contiguous area; and
2. Wetlands, as defined by the Army Corps of Engineers pursuant to the Clean Water Act.

8.20.5. Application Requirements.

1. Site Analysis Map. Concurrent with the submission of a Preliminary Plat or Site Plan, the applicant shall prepare and submit a site analysis map. The purpose of the site analysis map is to ensure that important site features have been adequately identified prior to the creation of the site design, and that the proposed open space will meet the requirements herein. The plan shall include the following:
  - a. Property boundaries;
  - b. All streams, rivers, lakes, wetlands, flood hazard boundaries, and other hydrologic features;
  - c. All boundaries of applicable regulated buffer areas, easements, and ROWs;
  - d. Topography at five ft or smaller intervals;
  - e. All Primary and Secondary Conservation Areas labeled by type, as described in §8.20.6;
  - f. General vegetation characteristics;
  - g. General soil types;
  - h. Planned location of protected Open Space;
  - i. Existing roads and structures; and
  - j. Potential connections with existing greenspace and trails.
2. Conservation Development Plan. The developer shall prepare a conservation subdivision plan, which yields no more lots than identified under §8.20.4. The Conservation Development Plan may include lots that do not meet the size and setback requirements of the applicable district. The Conservation Development Plan shall identify all open spaces to be protected and include an open space management plan pursuant to §8.20.6. The Conservation Development Plan shall be submitted, in full, prior to the issuance of a grading permit.
3. Instrument of Permanent Protection. An instrument of permanent protection, such as a conservation easement or permanent restrictive covenant and as described in §8.20.7, shall be placed on the open space at the time of issuance of a grading permit.
4. Other Requirements. The Applicant shall adhere to all other applicable requirements of the zoning district and the Subdivision Regulations.

8.20.6. Open Space Management Plan. For the purposes of Conservation Developments, "Open Space" is defined as the portion of the conservation development that has been set aside for permanent protection. Activities within the Open Space are restricted in perpetuity through the use of a legal instrument approved by the City Attorney. Such Open Spaces shall be in accordance with the following:

1. The minimum restricted Open Space shall comprise at least twenty-five (25) percent of the gross tract area.
2. The following are considered Primary Conservation Areas and shall be included within the Open Space, unless the applicant demonstrates that this provision would constitute an unusual hardship and be counter to the purposes of the conservation development:
  - a. The 100-year floodplain;
  - b. Riparian zones of at least seventy-five (75) ft width along all perennial and intermittent streams;
  - c. Slopes above twenty-five (25) percent of at least 10,000 sf contiguous area;
  - d. Wetlands, as defined by the Army Corps of Engineers pursuant to the Clean Water Act;



- e. Existing trails that connect the site to neighboring areas; and
  - f. Archaeological sites, cemeteries and burial grounds.
3. The following are considered Secondary Conservation Areas and should be included within the open space to the maximum extent feasible:
    - a. Important historic sites;
    - b. Existing healthy, native forests of at least one acre contiguous area;
    - c. Individual existing healthy trees greater than eight (8) inches caliper; and
    - d. Other significant natural features and scenic viewsheds, particularly those that can be seen from public roads.
  4. Utility ROWs and small areas of impervious surface may be included within the protected Open Space but shall not be counted towards the minimum area requirement (exception: historic structures and existing trails may be counted). Large areas of impervious surface shall be excluded from the Open Space.
  5. At least thirty-three (33) percent of the Open Space shall be suitable for passive recreational use.
  6. At least seventy-five (75) percent of the Open Space shall be in a contiguous tract, which may be divided by a local street whose area shall be excluded from the Open Space. The Open Space shall adjoin any neighboring areas of open space, other protected areas, and non-protected natural areas that would be candidates for inclusion as part of a future area of protected open space.
  7. The Open Space shall be directly accessible to the largest practicable number of lots and/or buildings within the site. Non-abutting lots shall be provided with safe, convenient access to the Open Space.
  8. Open Spaces may contain the following:
    - a. Conservation of natural, archeological or historical resources;
    - b. Meadows, woodlands, wetlands, wildlife corridors, game preserves, or similar conservation-oriented areas;
    - c. Walking or bicycle trails constructed of porous paving materials;
    - d. Passive recreation areas, such as open fields;
    - e. Active recreation areas, provided that they are limited to no more than ten (10) percent of the total Open Space and are not located within Primary Conservation Areas. Active recreation areas may include impervious surfaces. Active recreation areas in excess of this limit shall be located outside of the protected Open Space.
    - f. Landscaped stormwater management facilities, community and individual wastewater disposal systems located on soils particularly suited to such uses. Such facilities shall be located outside of Primary Conservation Areas;
    - g. Easements for drainage, access, and underground utility lines;
    - h. Other conservation-oriented uses compatible with the purposes of this Section.
  9. Open Spaces may not contain the following:
    - a. Golf courses;
    - b. Roads, parking lots and similar impervious surfaces, except as specifically authorized in the previous subsections;
    - c. Agricultural and forestry activities not conducted according to accepted best management practices;
    - d. Impoundments; and

- e. Other activities as determined by the applicant and recorded on the legal instrument providing for permanent protection.
- 10. All common open spaces shall be subject to [§7.12 Ownership and Maintenance of Common Open Spaces and Facilities](#).
- 8.20.7. Legal Instrument for Protection of Open Space. The open space shall be protected in perpetuity by a binding legal instrument recorded with the deed. The instrument for permanent protection shall include clear restrictions on use of the open space, including all restrictions contained in this Section, and any restrictions the applicant chooses to place on the open space. The instrument shall be one of the following:
  - 1. A permanent conservation easement in favor of either:
    - a. a land trust or similar conservation-oriented non-profit organization with legal authority to accept such easements. The organization shall be bona fide and in perpetual existence and the conveyance instruments shall contain an appropriate provision for retransfer in the event the organization becomes unable to carry out its functions; *or*
    - b. a governmental entity with an interest in pursuing goals compatible with the purposes of this Section, and if the entity accepting the easement is not the City, then a third right of enforcement favoring the City shall be included in the easement.
  - 2. A permanent restrictive covenant for conservation purposes in favor of a governmental entity.
  - 3. An equivalent legal tool that provides permanent protection, as approved by the City Attorney.
- 8.20.8. Tax Assessment of Open Space. Once a legal instrument for permanent protection has been placed upon the Open Space, the County Tax Assessor shall be requested to reassess the Open Space at a lower value to reflect its more limited use.

**§8.21. Alternative Financial Services**

Because of their very nature, Alternative Financial Services, including but not limited to collateral loan/exchange, payday loan, title loan/pawn businesses, pawn shops and check cashing establishments, are recognized, particularly when several are concentrated in a given area, to have deleterious effects upon adjacent areas, detract from property values and can have adverse effects on the general welfare. Therefore, not more than two (2) such uses shall be permitted within 1,000 ft of each other, as measured between the nearest property lines. Nor shall any such use be located closer than 500 ft to the nearest boundary of any residential district, as measured from the nearest lot line of the property on which the use is contemplated.

**§8.22. Short-Term Rental Regulations**

- 8.22.1. Purpose:
  - 1. This Section applies to all Rentals of Short-term Rental Units within the city. Nothing in this Section affects the right of the city to impose or collect other applicable fees, charges, or penalties or take other appropriate action to remedy a violation of other ordinances or laws. The mayor and/or his designee has the authority to promulgate and adopt policies to carry out the provisions of this Section.
  - 2. The city is committed to maintaining and preserving the quality of its residential character, the housing stock and existing communities, scenic beauty, and the natural resources that are the foundation of its economic strength and quality of life.
  - 3. The Rental of single-family homes in residential zoning districts for temporary occupancy has been identified as a community concern due to the potential for increased traffic, noise, high occupant turnover, and density in residential districts and has the potential to create a danger to the health and safety of the residential neighborhood, nearby residential properties, and neighborhood areas.
  - 4. The purpose of this Section is to safeguard the peace, safety and general welfare of the residents of the city, and their visitors and guests, by eliminating noise, vandalism, overcrowding, neighborhood uncertainty, high

occupancy turnover, diminution of neighborhood character, and other effects that have become associated with Short-term Rental Units within the city.

5. The restrictions established in this Section are necessary to protect the public health, safety and welfare of the residents of the city and the integrity and residential character of the city's residential zoning districts.

8.22.2. Definitions. For the purposes of this Section, the following definitions shall apply unless the context clearly indicates a different meaning:

1. *"Enterprise"* shall mean any corporation, association, firm, partnership, LLC, or other legal entity.
2. *"Managing Agency"* or *"Rental Agent"* shall mean a Person, Operator, Enterprise, or agency representing the owner of a Short-term Rental Unit, or a Person, Enterprise or agency owning more than one Short-term Rental Unit.
3. *"Operator"* shall mean a Person or Enterprise who is owner or proprietor of a Short-term Rental Unit, whether in the capacity of owner, lessee, sublessee, mortgagee in possession, licensee, Managing Agency, Rental Agent, or any other capacity, and who desires to Rent a Short-term Rental Unit on such property to a Transient. Where the Operator performs his or her functions through a Managing Agency of any type or character or through a Rental Agent, the Managing Agency or Rental Agent has the same duties as the Operator. In order to be eligible to be an Operator hereunder, a Person or Enterprise desiring to operate a short-term rental must be the owner or proprietor of the property on which the short-term rental will occur or be designed in writing by the owner as the agent for the owner of the property.
4. *"Person"* shall mean any individual or a group of individuals, Enterprise, Managing Agency, Rental Agent, Operator, or any entity.
5. *"Remuneration"* shall mean compensation, money, or other consideration given in return for occupancy, possession, or use of real property.
6. *"Rent"* shall mean the consideration or remuneration charged (regardless of actual receipt) in money, goods, labor, or otherwise, including all receipts, cash, credits, property or services of any kind for the occupancy or possession of space in a Short-term Rental Unit.
7. *"Rental"* shall mean an arrangement between a Transient and an Operator whereby Rent is received in exchange for the right to possess a Short-term Rental Unit.
8. *"Short-term rental"* shall mean the Rental of any Short-term Rental Unit or any part thereof to a Transient for overnight occupancy for a period less than thirty (30) consecutive calendar days, counting portions of calendar days as full days.
9. *"Short-term Rental Unit"* shall mean any building, structure, or portion thereof which is used for Short-Term Rentals. The term "Short-term Rental Unit" shall not include (1) a structure which is located in a zoning district within which Short-term rentals are not permitted under the Zoning Ordinance of Gardendale, Alabama unless otherwise permitted by the provisions of this section or (2) hotels, motels, boarding houses, or rooming houses.
10. *"Short-term Rental Hosting Platform"* is defined as any marketplace that facilitates short-term rentals, through advertising, match-making or other means, from which the platform derives revenues, including booking fees or advertising revenues, from or maintaining the marketplace.
11. *"Transient"* shall mean those Persons (whether one or more) who reside, possess, or inhabit Short-term Rental Unit as defined by this Section for a period of less than thirty (30) consecutive calendar days, counting portions of calendar days as full days.

8.22.3. Short-term Rentals of Short-term Rental Units – Generally. It shall be unlawful for a Person to Rent a Short-term Rental Unit to a Transient without complying with the provisions of this Section. The provisions of this section shall not supersede the prohibition of short-term rentals by a homeowner's association, by a controlling entity, or by other covenants agreed upon by the owner of a property.

- 8.22.4. Allowed Rentals. Short-term rentals as defined by this section are allowed within the city limits of Gardendale, Alabama subject to the provisions of this Section.
- 8.22.5. Prohibited Rentals. It shall be unlawful for any Person to Rent or possess to Rent for any type of remuneration a Short-term Rental Unit that is not located within a zoning district within which Short-term rentals are permitted under the Zoning Ordinance of Gardendale, Alabama, as the same may be amended from time to time or that is not in compliance with [Section 8.22.8](#) hereof.
- 8.22.6. Annual Permit and Business License and Lodging Taxes required for all Short-term Rentals. An annual short-term rental permit and business license shall be issued by the appropriate city department to any such Operator complying with the provisions of this section. An Operator shall be required to obtain a short-term rental permit for each property on which short-term rentals will occur. An Operator shall be required to obtain a business license for each short-term rental location within the city. An Operator is responsible for collection and remitting all taxes, including, but not limited to, Lodging Taxes, as provided in [Section 8.22.11](#) Taxes.

1. Short-term Rental Permit.

- a. *Generally; Duration and Expiration of Permit.* The Inspection Services Department shall be responsible for the issuance of short-term rental permits. Each short-term rental permit will begin on the date of issuance and expire on December 31st of each year. No permit holder shall transfer the right to operate under any permit issued under this section to any other person or entity by lease, agreement, contract or any other agreement. No permit issued under this section may be operated or shall have any legal effect at any location other than those for which it is issued.
- b. *Permit Fee.* Except as provided herein, each short-term rental permit application shall be accompanied by a nonrefundable fee of one hundred fifty dollars (\$150.00) to help defray the city's cost of processing and reviewing the application.
- c. *Permit Requirements.* Applications for a short-term rental permit shall be on a form prepared by the Inspection Services Department and shall include a minimum of the following:
- 1) Name of the Operator of the property to be utilized for short-term rental purposes and contact information therefor, including the owner's cell phone number and email address if the Operator is a lessee in possession of the property;
  - 2) Physical address of the property to be utilized by the Operator for short-term rental purposes;
  - 3) Name of the emergency contact for the Operator of the short-term residential rental property who is able to respond on premises to complaints at any time during the day or night when the property is occupied by a Transient, including the emergency contact's primary physical mailing address, cell phone number, and email address;
  - 4) Sworn statement acknowledging receipt of this section and that each of the following is true and accurate:
    - (a) Short-term Rental Unit has code compliant smoke detectors and carbon monoxide alarms installed, as required by the most currently adopted and applicable International Fire Code and International Building Code and as otherwise determined as necessary by the fire marshal and/or Department of Planning and Community Development representative.
    - (b) The Short-term Rental Unit has posted emergency contact information and diagram/floor plan indicating fire exits and escape routes displayed in a prominent location within the Short-term Rental Unit.
    - (c) The Short-term Rental Unit contains a sprinkler system for fire suppression throughout and above the cooktop or stove area.
    - (d) The Short-term Rental Unit is in compliance with applicable provisions of the city's minimum property maintenance, building, electrical, mechanical and plumbing codes.

- (e) The property on which the Short-term Rental Unit sits is in compliance with all the standards and requirements under the zoning ordinance.
  - (f) The Operator has made best efforts to notify the properties immediately adjacent to the desired short-term rental of the application.
  - (g) The Operator's signed acknowledgement that he/she has reviewed this Chapter and understands its requirements.
  - (h) The property has no outstanding taxes or municipal code violations present thereon; and
  - 5) A list of short-term rental hosting platform(s) that will be used by the Operator to advertise or solicit the property for use as a short-term rental; and
  - 6) Such other information as deemed necessary by the Building Official of Inspection Services Department, or their designees.
- d. *Documents Required for Permit Process.* The following documentation shall be provided by an applicant along with the short-term rental permit application:
- 1) A copy of the applicant's driver's license or government issued identification.
  - 2) A copy of the deed evidencing ownership of the property on which the Short-term Rental Unit sits or a copy of the legal instrument through which the applicant claims the right to possess the property as an Operator.
  - 3) A list of the short-term rental platform(s) that will be utilized to advertise or solicit the property for use as a short-term rental.
  - 4) A survey of the property illustrating the number and location of parking spaces allotted to the premises.
  - 5) A floorplan of the building illustrating the bedrooms that will be utilized for short-term rental occupants.
  - 6) A certificate of insurance evidencing current, valid liability insurance either showing:
    - (a) a rider on a homeowner's policy that expressly covers short-term rentals and provides a minimum of one-million dollar (\$1,000,000.00) liability and personal injury coverage; and/or
    - (b) a commercial insurance policy covering short-term rentals at the permitted address that provides a minimum of one million dollars (\$1,000,000.00) of liability and personal injury coverage. Said insurance shall indicate the policy shall not terminate or be cancelled prior to completion of the then current permit period without a thirty (30) day written notice to the city sent in writing to the City of Gardendale, Alabama, Attn: Building Official, Inspection Services Dept. 925 Main Street – P. O. Box 889, Gardendale, Alabama 35071.
- e. *Permit Issuance.* Upon submission of the information required herein and the requested documents and the review and approval thereof, the Building Official of Inspection Services Department or his/her designee shall issue an annual Short-term Rental Permit. Review of an application shall be conducted in accordance with due process principles and shall be granted unless the applicant fails to meet the conditions and requirements of this section or federal or state law related to the operation of a short-term rental, or otherwise fails to demonstrate the ability to comply with local, state or federal law through the operation of the proposed short-term rental.
- 1) Short-term Rental Permit Requirements. A short-term rental permit issued by the city shall contain at least the following information:
    - 2) the address of the short-term rental property;
    - 3) the permit holder's name;
    - 4) the Operator's contact information, including name, cell phone, and email, for complaints by guests and/or neighbors who shall be available at any time to respond to on-premises complaints concerning

the short-term rental;

- 5) dates of permit duration and expiration; and
  - 6) any other information deemed necessary by the Building Official of the Inspection Services Department.
- f. Continual compliance with requirements of Section required; Fraud, misrepresentation, and/or false statement in short-term rental application. All requirements set forth in this Section herein shall be continuously maintained by an Operator of a short-term rental property for the duration of any permit period. Furthermore, any fraud, misrepresentation, or false statements contained in the attestations, required documentation, or correlating application materials shall be grounds for immediate suspension and/or revocation of a short-term rental permit by the City Council.
2. Business License. Any Operator or other Person engaged in the business of operating a short-term rental within the city shall pay for and take out a business license with the city in such manner and in such sums as provided in. An Operator is responsible for collection and remitting all taxes, including, but not limited to, Lodging Taxes, as provided in Section 8.22.11 Taxes.
- 8.22.7. Limited Occupancy; Parking Restrictions. No Short-term Rental Unit shall exceed the maximum guest occupancy of two persons per bedroom or such other occupancy number as determined by the fire marshal. Subject to the limitations of parking availability within the subject property, one (1) parking space per bedroom is required at each Short-term Rental Unit for use by Transients. Transients must park all vehicles within designated parking areas of a short-term rental property. Overnight street parking by Transients is strictly prohibited.
- 8.22.8. Suspension and Revocation of Short-term Rental Permit.
1. If three (3) valid and substantiated complaints are received by city police within a twelve-month period concerning a short-term rental property, then the Operator's short-term rental permit for that property shall be suspended by the Inspection Services Department for a period of no less than six (6) months.
  2. If an Operator has his/her short-term rental permit suspended for a second time within two (2) consecutive years, then suspension of such short-term rental permit for the second consecutive year shall be for a period of no less than twelve (12) months.
  3. If an Operator has his/her short-term rental permit suspended for a third time within three (3) consecutive years, the short-term rental permit shall be revoked permanently.
  4. An Operator may appeal the suspension or revocation of a short-term rental permit to the City Council by serving written notice of appeal to the City Clerk within seven (7) days of the suspension or revocation. The appeal will be heard no later than thirty (30) days following such appeal at the next regularly scheduled City Council meeting.
- 8.22.9. Violation; Penalties; Process.
1. Any Person that has violated or continues to violate this section shall be guilty of a violation. Each act of violation and/or each day upon which any violation shall occur and/or continue to exist shall constitute a separate offense punishable as described herein.
  2. Upon the determination of the building official of the city or his designee that a violation of this section exists, a written notice of violation shall be issued to all Persons in violation of this section or any one of them. Such notice shall be issued by first class mail or hand delivery. Service shall be deemed effectuated by first class mail on the third day following the date of mailing or upon hand delivery. The notice shall (a) identify the violation, (b) include a correction order specifying the action required to comply with the provisions of this section, and (c) include a specified time within which to comply. If a violation is not sufficiently corrected in the opinion of the Building Official of Inspection Services Department or his/her designee within the specified period of time contained in the notice, then a citation and/or notice to appear may be issued by a building official or other enforcement officer directing all Persons or any one or more of them to appear in the municipal court at a time and date stated therein to answer to such violation(s). The defendant(s) shall have all rights secured to persons charged in the city with violations generally. If a defendant is found guilty by the

municipal court, the court may impose a fine or imprisonment or both in accordance with the provisions of section 8.22.2 through 8.22.9 of this Code.

- 8.22.10. Other Remedies. A violation of any portion of this section constitutes a public nuisance per se. The city, as an additional or alternate remedy, may institute equitable or injunctive proceedings in a court of competent jurisdiction to abate uses prohibited by this section. Nothing in this section shall limit the city from enforcement of its Code, state or federal law by any other legal remedy available to the city. Nothing in this section shall be construed to limit or supplant the power of any city inspector, official or other duly empowered officer under the city's ordinances, rules and regulations and the authority granted under state law, as amended, to take necessary action, consistent with the law, to protect the public from property which constitutes a public nuisance or to abate a nuisance by any other lawful means of proceedings.
- 8.22.11. Taxes. Short-term rentals are subject to applicable state and local taxes and Operators thereof are responsible for payment any and all applicable taxes as established by state law and the city code, including, but not limited to, lodging taxes.

(Ord. No. 2023-004, 6/5/2023)





## ARTICLE 9 OFF-STREET PARKING AND LOADING REQUIREMENTS

### §9.1. Purpose of Off-Street Parking and Loading Requirements

The primary purpose of these provisions is to reduce traffic congestion on public streets by requiring certain minimum parking and loading areas be provided off-street. Further, these provisions ensure safe and convenient access to and from each site, as well as safe and efficient on-site traffic circulation, and encourage the design of attractive, efficient and harmonious facilities.

### §9.2. Off-Street Parking and Loading Terms Defined

The following terms, when used in this Article, shall have the meanings defined in this section:

- 9.2.1. ACCESS BOUNDARY: That portion of the parking area that consists of a travel lane bounded on either side by an area that is not part of the parking area.
- 9.2.2. GROSS LEASABLE AREA (GLA): The total floor area of a building designed for both tenant occupancy and exclusive use. GLA includes both owned and leased areas but does not include shared or common areas among tenants. Where the total floor area of a building is occupied or where a building has no shared or common area, GLA is the gross floor area measured by taking the outside dimensions of the building at each floor level intended for occupancy or storage.
- 9.2.3. IMPERVIOUS SURFACES: Constructed surfaces such as rooftops, sidewalks, roads and parking lots covered by impenetrable materials such as asphalt, concrete, brick, stone and other materials, which seal surfaces, repel water and prevent percolation of runoff into the ground.
- 9.2.4. LOADING AREA: That area used to satisfy the requirements of this Ordinance for loading and unloading of commercial vehicles.
- 9.2.5. LOADING SPACE: An off-street space or berth used for the unloading or loading of commercial vehicles.
- 9.2.6. LODGING ROOM (LR): That portion of a hotel, motel, boarding room, Bed and Breakfast or similar facility intended for guest occupancy.
- 9.2.7. OCCUPANCY LOAD: The maximum number of persons that may be accommodated by the use as determined by its design or by fire code standards.
- 9.2.8. PARKING AISLE: That portion of the parking area providing vehicular access to parking spaces.
- 9.2.9. PARKING AREA: An improved area on a lot exclusively used or designed for use as a temporary storage area for motor vehicles, containing access driveways, parking aisles and parking spaces.
- 9.2.10. PARKING SPACE: That portion of the parking area, enclosed or unenclosed, set aside for the parking of one (1) vehicle.
- 9.2.11. PERVIOUS SURFACES: A range of materials and techniques for paving roads, parking lots and walkways that allow the movement of water and air around and through the paving material, thus allowing water runoff to infiltrate the soil below. Examples are pervious concrete, porous asphalt, porous turf, single-sized aggregate, and paving stones or bricks.
- 9.2.12. STACKING SPACE: An off-street space for the temporary stacking of vehicles with an aisle intended to serve a drive-in teller window, take-out food window, dry cleaning/laundry pick-up or similar facility.
- 9.2.13. VEHICLE, ABANDONED: On public right-of-way: Any motor vehicle which is partially dismantled, inoperative, wrecked or junked, which is left on a public street or public right-of-way for a period of at least forty eight (48) consecutive hours. On private property: Any unlicensed and/or inoperative motor vehicle left in a location visible from, but not on public right-of-way, for a period of sixty (60) consecutive days or greater.
- 9.2.14. VEHICLE, INOPERATIVE: A motor vehicle that cannot be driven on any public streets for reasons including, but not limited to, being unlicensed, wrecked, abandoned, in a state of disrepair or incapable of being moved under its own power.

**§9.3. Required Off-Street Parking Spaces**

Unless otherwise provided for, all uses shall conform to the minimum parking space requirements in Table 9.3. Where the required number of parking spaces is not readily determinable from the table, the Building Official shall determine the parking space requirements using the table as a guide. Where fractional spaces apply, the parking spaces required shall be construed to be the next highest whole number. Where a requirement is based on the number of employees, it shall be calculated using the number of employees during the largest shift.

- 9.3.1. Shared Parking for Mixed Uses. Subject to approval by the Commission, minimum parking requirements for a mixed-use development may be reduced by calculation of shared parking requirements for the development using the shared parking demand information in Table 9.3.1.
- 9.3.2. Joint Parking. A joint parking area may contain required parking spaces for more than one (1) use, provided the combined number of spaces complies with the parking for all uses. If, however, applicant desires to make use of the same spaces for different businesses at different times, the same spaces may be credited to each separate use. The applicant for a combined use facility must present documentation of a combined parking agreement; and, if sharing the same spaces, a time schedule for allocation of such spaces.
- 9.3.3. Principal and Accessory Uses. The parking requirements for an establishment that involves one or more principal and accessory uses shall be determined by the Building Official using the table as a guide, which may include calculating the requirements for each use, based on their individual floor areas (or other factor in Table 9.3) and adding the individual requirements together.

<b>Table 9.3 Off-Street Parking Space Requirements by Use</b>	
<b>Agricultural Uses</b>	
Farm	1 space per 1.5 employees
Farm Stand	1 space per 100 sf of display area
Farm Support Business	1 space per 400 sf of GLA
Kennel	1 space per 300 sf of GLA
Livestock Sales	0.3 space per seat or 1 space per 300 sf
Stable (Commercial)	1 per 3 stalls
<b>Residential Uses</b>	
Accessory Dwelling	1 per DU
Attached <sup>1</sup> or Detached Single Family Dwelling	2 spaces per DU
Duplex	<sup>1</sup> One (1) additional space shall be provided on-site per 2 attached dwellings for guest parking. <sup>2</sup> Space shall also be provided for boats and recreational vehicles. See <a href="#">§6.9 R-4 Multi-Family Residential District</a> .
Manufactured Home	
Multi-Family Dwelling <sup>2</sup>	
Bed and Breakfast	2 spaces for the dwelling plus 1 per LR
Boarding House	
Group Care Home	2 spaces plus 1 space per caregiver
Studio or Efficiency Apartment	1 space per DU
<b>Institutional Uses</b>	
Cemetery	2 spaces per 3 employees, plus 1 space per vehicle customarily used in operation of the use, or stored on the premises, plus 1 space per 4 seats in auditorium or chapel
Club or Fraternal Organization	1 space per 4 seats at occupancy load
Colleges and Universities	1 space per 3 full time equivalent students
Country Club	1 space per 4 members based on maximum anticipated membership, plus 1 space per 2 employees

<b>Table 9.3 Off-Street Parking Space Requirements by Use</b>	
Day Care Center	1 space per employee, plus 1 stacking or parking space per 8 persons enrolled
Domiciliary Care Facility	1 space per employee plus 1 space per 3 residents
Hospital Mental Health Facility	1 space per 2 patient beds plus 1 space per employee
Medical Clinic	2 spaces per examination or treatment room plus 1 space per employee
Military installation	n/a
Museum	10 spaces, plus 1 additional space per 400 sf of GLA in excess of 2,000 sf
Nursing Care Facility	1 space per employee plus 1 space per 4 residents
Park	1 space per 5,000 sf of land area
Place of Assembly	1 space per 300 sf of GLA or per 3 seats at occupancy load, whichever is greater
Public Building	1 space per 300 sf of GLA
Public Utility Facility	1 space
School Elementary and Middle	1 space per employee or 1 space per 5 seats in largest assembly space, whichever is greater
High	1 space per employee plus the greater of: 1 space per 5 students or 1 space per 4 seats in largest assembly space
School, Commercial	1 space per employee plus 0.25 spaces per student capacity
Transitional Home	1 space per 4 residents plus 1 space per employee
<b>Commercial Uses</b>	
Animal Hospital	1 space per employee plus 1 space per examination room
Appliance Store	1 space per 500 sf of gross sales floor area plus 1 space per 2,500 sf of gross warehouse storage floor area
Bank or Financial Service	1 space per 350 sf of GLA plus 4 stacking spaces for each drive-thru window
Barber, Beauty Shop	2 spaces per chair plus 1 per 2 hair drying stations plus 1 per employee
Billiard Room	1 space per employee plus the greater of: 1 space per billiard table or 1 space per 250 sf of GLA
Bowling Alley	4 spaces per lane
Business Office for Contractor Service	1 space per 1.25 employees
Campground	1 space per campsite plus 1 space per employee
Car Wash, Full service	30 stacking space plus 2 space per 3 employees plus 1 space per manual drying, cleaning or vacuuming station
Car Wash, Self service	2 stacking spaces per stall plus 2 stacking spaces per vacuuming station
Children's Indoor Play Facility	1 space per 350 sf of GLA
Convenience Store	1 space per 300 sf of sales floor area and not less than 6 spaces
Copy Shop	1 space per 330 sf of GLA
Driving Range	1.5 spaces per tee
Dry Cleaning Establishment	1 space per 500 sf of GLA and not less than 4 spaces plus 3 stacking spaces per drop-off lane
Entertainment, Indoor and Outdoor	1 space per 4 seats at occupancy load plus 1 space per employee
Funeral Home	1 space per 4 seats of chapel capacity plus 1 space per 2 employees
Furniture Store	1 space per 500 sf of gross sales floor area plus 1 space per 2,500 sf of gross warehouse storage floor area
Gallery, Art	1 per 350 sf of GLA
Garden Center or Nursery	1 per 500 sf of GLA

<b>Table 9.3 Off-Street Parking Space Requirements by Use</b>	
Gas Station	2 spaces plus 1.5 stacking spaces per pump plus parking spaces as required for convenience stores or repair services, if applicable
Golf Course	2 spaces per hole plus 1 per employee
Gym or Health Club	1 space per 3 occupants based on design capacity
Home Improvement Center	1 space per 300 sf of GLA
Hotel or Motel	1 space per LR plus 1 space per 400 sf of meeting space (plus parking for Liquor Lounge or Restaurant, if applicable)
Laundromat	1 space per 3 washing machines
Liquor Lounge	1 space per 3 seats at occupancy load plus 1 space per employee
Market	1 space per 350 sf and not less than 4 spaces
Miniature Golf	1.5 spaces per hole
Mini-warehouse	1 space per 40 storage units plus 1 space per 300 sf of leasing office space
Nail Salon, Day Spa	1 per 150 sf of GFA
Office, Business or Professional	1 space per 300 sf of GLA
Personal Services	1 space per 200 sf of GLA
Recreation, Indoor and Outdoor	1 space per 3 persons at occupancy load
Restaurant, Carry-out/Delivery Only	1 space per employee plus 1 space per 400 sf of GLA
Restaurant, Fast Food Drive-thru	1 space per 4 seats at occupancy load, including outdoor dining plus 4 stacking spaces per drive-thru lane
Drive-in	1 space per outdoor dining table plus 1 space per 1.25 employees plus drive-in spaces
Restaurant, Standard	1 space per 4 seats at occupancy load, including outdoor dining, plus 1 space per employee and any spaces designated for carry-out
Retail Sales, Enclosed	If under 150,000 sf GLA: 1 space per 200 sf GLA For 150,000 sf GLA and greater: 1 space per 300 sf of GLA
Retail Sales, Unenclosed	1 space per 7,000 sf of outdoor display area plus 1 space per 250 sf of interior display area
Skating Rink	1 space per 200 sf
Theater, Indoor	1 space per 4 seats at occupancy load plus 1 space per employee
Vehicle Sales and Rental	1 space per 7,000 sf of outdoor display area plus 1 space per 250 sf of interior display area (plus requirements for Vehicle Repair, if applicable)
Vehicle Repair, Major and Minor	2 spaces per service bay plus 2 stacking spaces per bay
<b>Industrial Uses</b>	
Equipment Rental, Light and Heavy Vehicle Sales and Rental, Major	1 space per 7,000 sf of outdoor display area plus 1 space per 250 sf of interior display area (plus requirements for Vehicle Repair, if applicable)
General Industrial, Manufacturing, Warehousing, and Distribution Uses	Space for all vehicles used in connection therewith plus the greater of: 1 space per 1.5 employees or 1 space per 1,000 sf of GLA
Light Manufacturing	1.5 spaces per 1,000 sf of GLA
Plant Nursery	1 space per employee plus space for all vehicles used in connection therewith
Wholesale Establishment	Space for all vehicles used in connection therewith plus the greater of: 1 space per 1.5 employees or 1 space per 500 sf of GLA (plus 1 space per 250 sf of sales floor area, if applicable)

Table 9.3.1: Typical Shared Parking Demand by Use and Time of Day*						
Parking Demand by Use	Weekday 8am-5pm	Weekday 6pm- 12am	Weekday 12am- 6am	Weekend 8am-5pm	Weekend 6pm- 12am	Weekend 12am- 6am
Residential	60%	100%	100%	80%	100%	100%
Office	100%	20%	5%	5%	5%	5%
Commercial	90%	80%	5%	100%	70%	5%
Lodging	70%	100%	100%	70%	100%	100%
Restaurant	70%	100%	10%	70%	100%	20%
Entertainment	40%	100%	10%	80%	100%	50%
Movie Theater	40%	80%	10%	80%	100%	10%
Institutional (non-church)	100%	20%	5%	10%	10%	5%
Institutional (church)	10%	5%	5%	100%	50%	5%

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

**§9.4. Off-Street Parking Design Standards**

9.4.1. General Standards. In addition to the Parking Space dimensions in Table 9.4, the following standards shall apply:

1. In large parking areas of twenty (20) or more Parking Spaces, up to twenty (20) percent of the Parking Spaces may be reserved for compact cars. Such spaces shall contain a minimum rectangular area of eight (8) ft in width and sixteen (16) ft in length. These spaces shall be conspicuously marked for compact cars only.
2. Stacking Spaces shall contain a minimum rectangular area of ten (10) ft in width and twenty (20) ft in length and be separated from parking aisles and spaces.
3. Handicapped Parking Spaces shall be provided and designed in accordance with the applicable provisions of federal, state and local law.

9.4.2. Design Standards.

1. Parking areas shall be designed so that vehicles may exit such areas without backing onto a public street. This requirement does not apply to parking areas of single-family and duplex dwellings. However, backing into arterial streets shall be prohibited in all cases.
2. For all developments involving off-street parking areas in excess of 20 spaces, adequate lighting shall be provided and a lighting plan, in accordance with the following standards, shall be submitted as part of the required Site Plan.
  - a. Lighting fixtures used to illuminate parking areas shall not exceed a height of twenty-five (25) ft above grade level on residential premises and thirty (30) ft above grade level in non-residential premises.
  - b. All lighting fixtures shall be designed, shielded, aimed, located and maintained to prevent light trespass and glare onto adjacent properties or roadways.
  - c. The Lighting Plan shall be prepared by a registered engineer, design or lighting professional and shall include the information listed in Appendix.
3. Parking areas for all developments shall be so designed that sanitation, emergency and other public service vehicles can adequately and safely serve such developments without the necessity of backing unreasonable distances or making other dangerous maneuvers. Fire lanes may be required by the Fire Code.
4. All parking areas shall be surfaced with dust-free materials such as concrete or asphalt. When approved by the Building Official and the City Engineer, pervious surface materials may be used provided they meet the

manufacturer's specifications and are properly installed and maintained. This requirement shall apply only to parking areas regularly and permanently intended for such use and shall not apply, in the case of dwellings, to portions of yards used temporarily and only on occasion for visitor parking, such as for parties.

5. Parking spaces, except those serving single family and duplex dwellings, shall be demarcated with painted lines or other markings.
6. All parking areas shall be maintained in good condition (i.e. free of pot holes, weeds, trash, refuse, etc.).
7. Drainage in parking areas shall direct storm water back into the site from adjacent properties toward adequate drainage channels. Large parking areas of twenty (20) or more spaces shall provide on-site storm water detention to retard the sudden discharge of high volumes of storm water into the public drainage system. The quantity and rate of runoff after development shall not exceed the quantity and rate of runoff before development, with calculations based on a one hundred (100) year rain event, twenty-four (24) hour storm. The Site Plan shall be prepared, stamped and signed by a Professional Engineer, and drainage plans shall be subject to the approval of the Commission and/or the City Engineer.
8. All off-street parking spaces for other than single-family and duplex dwellings shall be separated from adjacent sidewalks by concrete curb, planting strip or other barrier or buffer as required by the approving authority.

Table 9.4 Parking Lot Dimensional Requirements							
Parking Angle	Stall Width (A)	Stall Length (B)	Stall Depth (C)	Curb Length (D)	Aisle Width (E)		Interlock (F)
					One-Way	Two-Way	
0°	8 ft	22 ft	8 ft	22 ft	12 ft	20 ft	na
30°	9 ft	20 ft	17.4 ft	17 ft	15 ft	20 ft	3.9 ft
45°	9 ft	20 ft	20.2 ft	12 ft	15 ft	20 ft	3.2 ft
60°	9 ft	19 ft	21 ft	10.4 ft	20 ft	24 ft	2.3 ft
90°	9 ft	19 ft	19 ft	9 ft	20 ft	24 ft	na

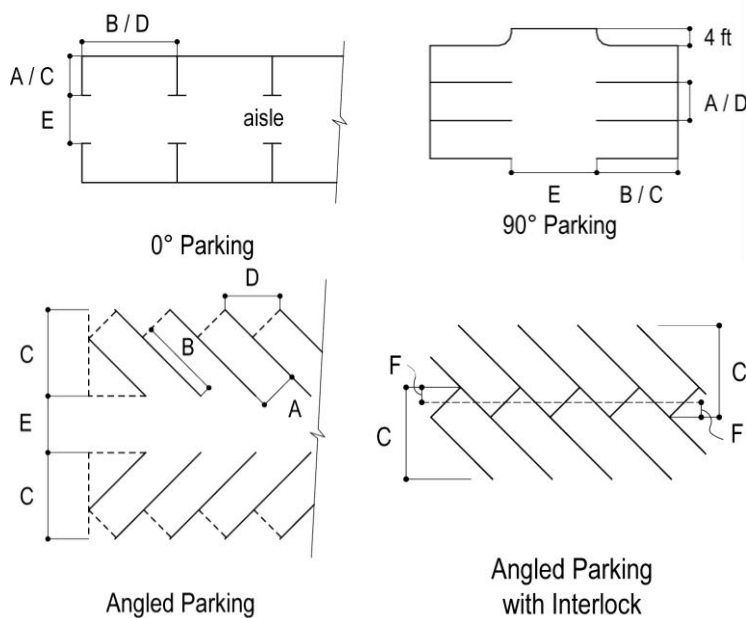


Figure 9.4 Parking Dimensions

- 9.4.3. Location of Required Parking. All required parking spaces shall be located on the same lot as the use served by the parking, except as provided below:
1. Required parking within planned residential, multi-family and attached single-family developments may be provided in common parking areas.
  2. If the number of required parking spaces cannot reasonably be provided on the same lot as the served use, satellite parking may be provided on an adjacent lot provided the parking requirements of the served use are met. The satellite parking spaces shall be located within four hundred (400) ft of the nearest public entrance to the building housing the principal use. If the use is not housed within a building, satellite parking spaces shall be located within four hundred (400) ft of the lot. A satellite parking exception shall be subject to approval by the Building Official and requires written legal documentation from the adjacent property owner that the user of such satellite spaces has the right to such spaces.
  3. Any available on-street or other public parking, which correlates with the applicable site or development, shall be counted towards the overall parking and loading requirements subject to approval by the Building Official. These parking spaces must be provided within (400) feet of the nearest public entrance to the building housing the principal use. If available public parking is located within a joint parking area, refer to §9.3.2 Joint Parking.

(Ord. No. 2017-011 9-5-2017)

#### **§9.5. Parking Prohibitions**

- 9.5.1. The keeping of an inoperative motor vehicle shall be screened from view from all public or private street rights-of-way by virtue of storage within an enclosed building or being screened by privacy fence, topography and/or vegetation. Moreover, no inoperative motor vehicle shall be parked on any public street or public right-of-way.
- 9.5.2. No vehicle exceeding 7,500 pounds gross weight and no boats, trailers, recreational vehicles, campers and/or similar equipment, regardless of weight, shall be kept within a residential district, unless such vehicle is parked in accordance with the regulations of this Ordinance. In no instance shall a camper or recreational vehicle be connected to power, water, or sanitary facilities or used as a dwelling in a residential district.
- 9.5.3. The use of off-street parking in all residential districts for non-residential purposes is prohibited.
- 9.5.4. The use of any required parking space for the storage of any motor vehicle for sale, or for any purpose other than the parking of a motor vehicle for employees or visitors, is prohibited.

(Ord. No. 2023-009, 10/16/2023)

#### **§9.6. Access Management**

The following regulations shall govern ingress and egress to all lots:

- 9.6.1. Proposed access points shall be reviewed by the Building Official, Public Works Director and City Engineer. The proposed location, width, drainage structure, traffic conditions, sight distances and surfacing shall be addressed in the request for approval.
- 9.6.2. Entrances shall be held to a minimum and be located at points affording maximum sight distances, minimum grades and maximum separation in accordance with Table 9.5. Combined or shared driveways and entrances or marginal access streets may be required along major and minor arterials.
- 9.6.3. Corner lots may be allowed entrances on each frontage in accordance with Table 9.5.
- 9.6.4. Entrances shall be located so that the curb openings are a minimum of five (5) ft from the nearest edge of a street drainage inlet.

- 9.6.5. Installation of turn lanes, pavement widening, or other appropriate modifications at approaches to entrances may be required if deemed necessary by the Inspection Services Department, Public Works Department and City Engineer.
- 9.6.6. Each parking area shall be physically separated from an adjoining street right-of-way by a curb or equivalent barrier to control vehicular access to and from the lot. Such barrier shall be located at or along the front lot line, unless suitable barriers are located within the street right-of-way. Except for permitted access ways, such barriers shall be continuous.

<b>Table 9.5 Driveway Spacing Regulations</b>			
Minimum Spacing			Max. number of driveways per frontage length
	from intersections <sup>1</sup>	from other driveways	
<b>All Uses</b>			
Arterial	150 ft	100 ft	1 per 150 ft
<b>Single-Family and Duplex Dwellings</b>			
Collector	100 ft	25 ft	1 per 100 ft
Local	60 ft	10 ft	1 per 60 ft
<b>All other Uses</b>			
Collector	125 ft	75 ft	1 per 125 ft
Local	75 ft	50 ft	1 per 75 ft
<sup>1</sup> Where the lot frontage of an existing lot is less than the required distance, a driveway may nonetheless be approved by the Building Official provided it is as far as practicable from the intersection.			

**§9.7. Required Off-Street Loading Spaces**

- 9.7.1. Any use with a gross leasable area (GLA) of 6,000 sf or more, which requires deliveries and shipments, must provide off-street loading spaces in accordance with Table 9.7. In situations where the required number of loading spaces is not readily determinable by the table, the Building Official is authorized to determine the loading space requirement, using the table as a guide.
- 9.7.2. Every public assembly use, auditorium, convention hall, exhibition hall, stadium, office building, funeral home, multi-family buildings of twenty (20) or more units, restaurants and hotels of 30,000 sf or more shall provide off-street loading spaces, as required in Table 9.7:

<b>Table 9.7 Required Off-Street Loading Spaces</b>	
GLA of Building	Required Number of Loading Spaces
<b>Uses Generally</b>	
6,000-24,999 sf	1
25,000-79,999 sf	2
80,000-127,999 sf	3
128,000-198,999 sf	4
199,000-255,999 sf	5
256,000-319,999 sf	6
320,000-391,999 sf	7
Each additional 72,000 sf	1
<b>Uses listed in §9.7.2</b>	



6,000- 29,999 sf	1
30,000-44,999 sf	2
45,000-119,999 sf	3
120,000-197,999 sf	4
198,000-290,999 sf	5
291,000-389,999 sf	6
390,000-488,999 sf	7
489,000-587,999 sf	8
588,000-689,999 sf	9
Each Additional 105,000 sf	1
Multi-family Residential	1 per 20 DU

**§9.8. Off-Street Loading Design Standards**

- 9.8.1. Each loading space shall have a minimum rectangular area of twelve (12) ft in width and fifty-five (55) ft in length, exclusive of driver and maneuvering space. Each space shall allow vertical clearance of fourteen (14) ft.
- 9.8.2. No loading space shall be located within the front yard or within five (5) ft of any property line.
- 9.8.3. No loading space shall be used to meet the parking space requirement, interfere with the on-site circulation of traffic, nor allow a truck to extend into any right-of-way or over any property line.
- 9.8.4. All lighting fixtures used to illuminate loading areas shall not direct light on adjacent streets or properties and shall not exceed a height of thirty (30) ft above grade level.
- 9.8.5. All required loading spaces shall be located on the same lot as the principal use served by the spaces, unless a satellite or joint use loading facility is secured in equivalent as satellite or joint parking facilities, as provided by [§9.4.3 Location of Required Parking](#) and/or [§9.3.2 Joint Parking](#).

**§9.9. Change in Parking and Loading Requirements**

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

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**ARTICLE 10 SIGN REGULATIONS**

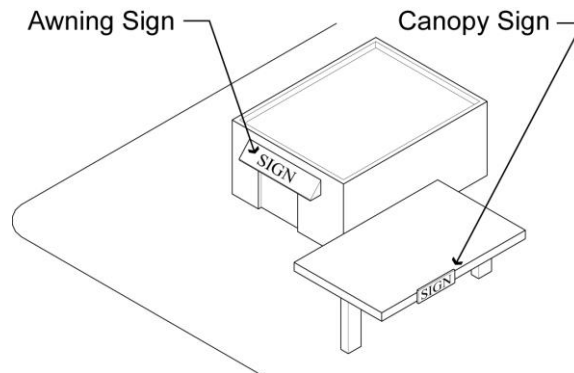
**§10.1. Purpose and Intent**

The purpose of these Sign Regulations is to encourage the effective use of signs as a means of communication in the City; to lessen the hazards to pedestrians and vehicular traffic; to promote the economic viability of the business community while protecting the city and its citizens from a proliferation of signs of a type, size, location and character that would adversely impact the aesthetics of the community and threaten the health, safety and welfare of the community; and to enable the fair and consistent enforcement of these regulations.

**§10.2. Definitions Applicable to this Sign Ordinance**

The following definitions are applicable to this Article 10:

- 10.2.1. **ABANDONED SIGN:** A sign that no longer correctly directs or exhorts any person, advertises a bona fide business, tenant, owner, activity conducted or product available on the premises where the sign is displayed.
- 10.2.2. **AWNING SIGN:** A sign painted on, affixed to or attached to an awning.



Awning and Canopy Signs

- 10.2.3. **BANNER:** A temporary sign of light-weight fabric or vinyl or similar material mounted to a pole or a building . National flags, state and municipal flags or the official flag of any institution or business are not considered BANNERS. (See also TEMPORARY SIGN, WINDOW SIGN.)
- 10.2.4. **CANOPY:** A multisided overhead structure or architectural projection that is: 1) supported by attachments to a building on one or more sides and either cantilevered from such building or supported by columns at additional points, or 2) supported by columns, but not attached to or enclosed by walls.
- 10.2.5. **CANOPY SIGN:** A sign painted on, affixed to or attached to a canopy.
- 10.2.6. **CHANGEABLE COPY SIGN, ELECTRONIC:** A sign designed so that characters, letters or illustrations can be electronically changed or re-arranged. Electronic signage includes, but is not limited to, Light Emitting Diode (LED) and liquid crystal display (LCD) technology.



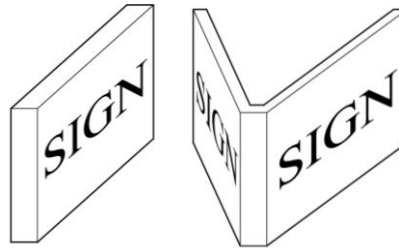
Electronic Changeable Copy Sign

- 10.2.7. **CHANGEABLE COPY SIGN, MANUAL:** A sign designed so that characters, letters or illustrations can be manually changed or re-arranged without permanently altering the sign.



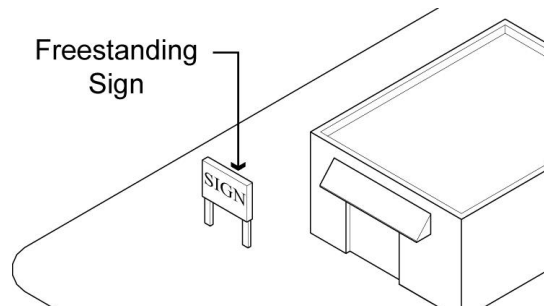
Manual Changeable Copy Sign

- 10.2.8. **COMMERCIAL MESSAGE:** Words, symbols, logos, pictures or any combination thereof, that identify or direct attention to a business, commodity, service or entertainment sold or offered for sale or a fee.
- 10.2.9. **DOUBLE FACED SIGN:** A sign constructed to display its message on the outer surfaces of two opposite planes. When only one face may be viewed from any vantage point along the street, the area of one side (the larger, if applicable) is counted toward allowable sign area. If both faces may be viewed from the same vantage point, the area of both sides is counted.



Double-faced signs: For the sign above left, copy area on only one face is counted. For the sign above right, copy area of both faces is counted.

- 10.2.10. **ERECT:** To build, construct, attach, hang, place, mount, suspend or affix, including the painting of wall signs upon the exterior of buildings or structures.
- 10.2.11. **FAÇADE:** All window and wall area of that building elevation facing a public street. Where a building contains multiple tenant spaces, each with individual entrances and wall/window area along the building façade, such as in a shopping center, the façade area for each use is calculated based on the width of each tenant space along the building front.
- 10.2.12. **FLASHING SIGN:** A sign, the illumination of which is not kept constant in intensity at all times when in use, and which exhibits marked changes in lighting effects. This includes signs containing animated, blinking, flashing, intermittent, traveling, and fluctuating lights, or which may utilize Light Emitting Diode (LED) technology or liquid crystal display (LCD), plasma, video or similar display, including arrangements that spell messages, simulate motion or form various symbols or images. However, a sign that changes its message no more frequently than one time per eight seconds is considered an **ELECTRONIC CHANGEABLE COPY SIGN** not a **FLASHING SIGN**.
- 10.2.13. **FREESTANDING SIGN:** A sign supported by structures or supports that are placed on or anchored in the ground and that are independent from any building or other structure.



Freestanding Sign

10.2.14. ILLUMINATED SIGN: A sign lighted by or exposed to artificial lighting either by lights on or inside the sign face or directed toward the sign, including the following types of illumination:

1. INDIRECT LIGHT: One reflecting light from a separate outside source aimed toward it, including silhouettes on a background or reflected light.



Signs using indirect light

2. DIRECT LIGHT: One emitting light from a source within or affixed to the sign face and beaming outward from it.



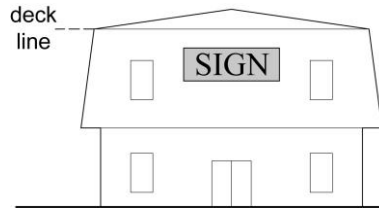
Signs using direct light

3. INTERMITTENT LIGHT: See FLASHING SIGN.

10.2.15. INCIDENTAL SIGN: A non-commercial sign, other than an official sign, providing information or direction for the convenience and necessity of the public.

10.2.16. INTEGRATED BUSINESS CENTER: A group of commercial or industrial establishments on one or more parcels of land having shared access and/or shared parking.

- 10.2.17. **LEGIBLE:** Able to be read and/or understood from a public right-of-way or from adjacent property by a viewer with the eyesight required for receipt of an Alabama driver's license, including wearing any corrective lenses required by such license.
- 10.2.18. **MANSARD SIGN.** A sign integrated into a portion of a mansard roof or a mansard roof-like structure at the top of a wall and that does not extend above the deck line. For the purposes of these regulations, MANSARD SIGNS are treated as ATTACHED SIGNS and are not considered ROOF SIGNS, unless the sign extends above the deck line.



Mansard Sign

- 10.2.19. **MARQUEE SIGN:** A changeable message sign mounted on a marquee on the front of a building.



Marquee Sign

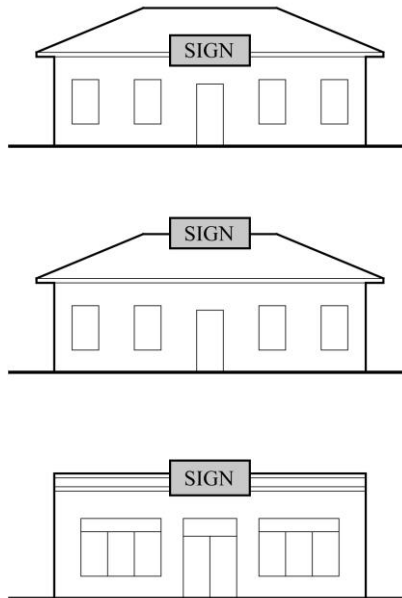
- 10.2.20. **NON-COMMERCIAL MESSAGE:** Any wording or other displays other than a commercial message. Non-commercial messages are considered to be on-premises messages.
- 10.2.21. **NONCONFORMING SIGN:** A sign that is not in conformance with the provisions of this Ordinance or amendment heretofore or hereafter enacted, where such sign lawfully existed prior to the effective date of this Ordinance or amendment thereto.
- 10.2.22. **OFF-PREMISE SIGN:** A sign that, at any time, directs attention to a business, commodity, service, entertainment or activity conducted, sold, produced, manufactured, available or furnished at a location other than the premises upon which the sign is located.
- 10.2.23. **ON-PREMISE SIGN:** A sign other than an off-premise sign.
- 10.2.24. **PERMANENT SIGN:** A sign structure which is, or was, originally designed, constructed, modified or intended to be permanently affixed to a building, structure, or to the ground.
- 10.2.25. **PORTABLE SIGN:** Any sign that is designed to be transported, including, but not limited to, such signs:
1. With wheels removed;
  2. With chassis or support constructed without wheels;
  3. Converted to an A- or T- frame sign;
  4. Attached temporarily to the ground, structure, or other signs; or
  5. Mounted on a vehicle for advertising purposes, parked and visible from the public right-of-way, except signs identifying the related business when the vehicle is being used in the normal day-to-day operations of that business.

- 10.2.26. PROJECTING SIGN: Any attached sign permanently affixed at more or less a right angle to the building façade to which it is attached.



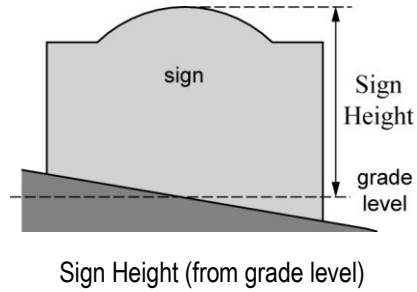
Projecting Sign

- 10.2.27. OFFICIAL SIGN: Any sign, illuminated or not, erected on public property and maintained by the City, State or Federal Government for dissemination of general information and matters of public interest.
- 10.2.28. ROOF SIGN: A sign that is mounted on the roof of a building or that is wholly dependent upon a building for support and which projects above the highest point of a building with a flat roof or the eave line of a building with a gambrel, gable or hip roof; or the deck line of a building with a mansard roof.



Roof Signs

- 10.2.29. SIGN: A name, identification, image, description, display or illustration which is affixed to, painted on, or represented directly or indirectly upon a building, structure or piece of land and which directs attention to an object, product, place, activity, facility, service, event, attraction, person, institution, organization or business and which is visible from any street, right-of-way, sidewalk, alley, park or other public property, together with any and all structural supports and ornamental attachments. Customary displays of merchandise or objects and material without lettering placed behind a store window are not considered signs or parts of signs.
- 10.2.30. SIGN FACE: The entire area of the surface used for the display of a sign message as seen from only one direction.
- 10.2.31. SIGN HEIGHT: The vertical distance measured from the adjacent street, grade level at the sign or upper surface of the nearest curb other than an elevated roadway, whichever permits the greatest height, to the highest point of said sign.



- 10.2.32. **SNIPE SIGN:** A sign made of any material when tacked, nailed, posted, pasted, glued, or otherwise temporarily attached, or attached, without the permission of the property owner, to: trees, poles, stakes, rocks, fences or other object visible from the public right-of-way; trees, light or utility poles, park benches, bus shelters, waste receptacles, street markers, traffic control devices, guard rails, or similar objects located on public property or right-of-way. Historical markers and official signs identifying a natural feature are not considered SNIPE SIGNS.
- 10.2.33. **SPACING OF SIGNS:** The distance between signs as measured along the nearest edge of pavement of the street to which said signs are directed.
- 10.2.34. **STREAMERS:** Fringe, strips, or flags commonly attached to a cord and strung between two or more points.
- 10.2.35. **SUBDIVISION SIGN:** A freestanding sign located at a principal entrance to a planned residential subdivision or a City-designated neighborhood.
- 10.2.36. **TEMPORARY SIGN:** Any sign not originally designed, constructed or intended to be permanently affixed to any building, structure or the ground.
- 10.2.37. **TEMPORARY SUBDIVISION SIGN:** A temporary sign advertising the sale of property in an approved subdivision within the City,
- 10.2.38. **WALL SIGN:** Any sign painted on or attached to and erected parallel to the face of, or erected and confined within the limits of, the outside wall of any building and supported by such wall or building not otherwise defined in these regulations.



Wall Sign

- 10.2.39. **UNLAWFUL SIGN:** A sign erected after the effective date of these regulations, or amendment thereof, that is not in conformance with these regulations; a sign that the Building Official declares to be a danger to public safety by reason of dilapidation or abandonment; or a nonconforming sign for which a permit required under any previous regulations was not obtained.
- 10.2.40. **WINDOW SIGN:** Any sign, pictures, symbol or combination thereof placed inside a window or upon the window pane, door or glass and is visible from the exterior of the building. A sign hung inside a window is considered a WINDOW SIGN though it may otherwise be similar in design and material to a BANNER.





Window Sign

**§10.3. General Regulations**

In any zoning district within the City of Gardendale, the following regulations shall apply:

10.3.1. General Standards. The following standards shall apply to signs in all zoning districts:

1. Except as provided in [§10.4.4 Signs Subject to Other Standards](#), no sign or portion of a sign shall be located closer than two (2) ft to a public right-of-way.
2. No sign shall be placed in or interfere in any way with motorist visibility at the intersection of a street with another street, alley or driveway. See [§7.1.4 Sight Distance at Intersections](#).
3. No illuminated sign, other than a permanent subdivision identification sign, shall be permitted within fifty (50) ft of any residential district.
4. No sign shall occupy any portion of a parking space or aisle.
5. All signs shall conform with the City Building Code. Signs that by reason of size, materials, design or location are not governed by the City Building Code under its terms, shall not be affected by this standard.
6. The area around all signs shall be kept clean and free of trash and of vegetation that is not part of the landscaping associated with the sign. Sign landscaping shall be well maintained.
7. All signs and all components thereof, including structural supports, shall be kept in a state of good repair. The sign owner/lessor or property owner shall maintain all signs in a safe and proper operating manner at all times. Any sign that exhibits one or more of the following conditions shall be considered in violation of this Ordinance subject to remedies in [§10.11 Unlawful Signs](#):
  - a. Peeling or flaking paint or surface material on the sign face.
  - b. Missing portions of the message, display or of the sign face.
  - c. The sign face is cracked, damaged, or faded such that the message or display is not legible.
  - d. The message or display is incomplete or illegible due to electronic or lighting failure or for any other reason.
8. No person may, for the purpose of increasing or enhancing the visibility of any sign, damage, trim, destroy or remove any trees, shrubs or other vegetation within any right-of-way (unless express written authorization is obtained from the agency having jurisdiction over the right-of-way) or on any area where landscaping is required by City regulations.

10.3.2. Prohibited Signs. It shall be unlawful to erect, cause to be erected, maintain or cause to be maintained, any sign not expressly authorized by, or exempted from, these regulations. The following signs shall be prohibited in all zoning districts:

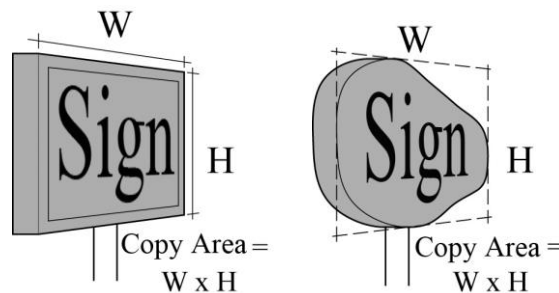
1. Any sign that, by reason of its position, working, illumination, shape, symbol, color, form or character, may obstruct, impair, obscure or interfere with the view of, or may be confused with any authorized traffic sign, signal or device or interfere with, mislead, confuse or disrupt traffic flow or traffic safety.

2. Signs that emit audible sound, odor, or visible matter such as smoke or steam.
3. Signs or sign structures that interfere in any way with free use of any fire escape, emergency exit, or standpipes, or that obstruct any window to such an extent that light or ventilation is reduced to a point below that required by any provision of this Ordinance, the City Building Code or other applicable regulation.
4. Any sign having flashing, traveling, or animated illumination except as otherwise permitted under [§10.7.4 Electronic Changeable Copy Signs](#).
5. Any sign or support thereof placed in or that interferes with, a public street right-of-way except as otherwise permitted under [§10.4.4 Signs Subject to Other Standards](#).
6. Snipe signs, except where expressly permitted by these regulations or by another City Ordinance.
7. Inflatable signs, tethered balloon signs, and twirling signs, except as permitted under [§10.4.5 Temporary Sign Regulations](#).
8. Any sign attached to or painted onto a vehicle or trailer parked on a public right-of-way or on private property, such that the advertising is legible from the public right-of-way and such vehicle is not otherwise being used in the regular conduct of the business.
9. Portable and Temporary Signs are prohibited in all zoning districts, except as otherwise provided for in [§10.4 Exemptions](#).

Nothing in this ordinance shall prohibit or limit the outdoor display of products where such displays are allowed under the zoning ordinance. This ordinance shall, however, apply to any sign, banner, pennant, or other attention-attracting device affixed to a product displayed outdoors.

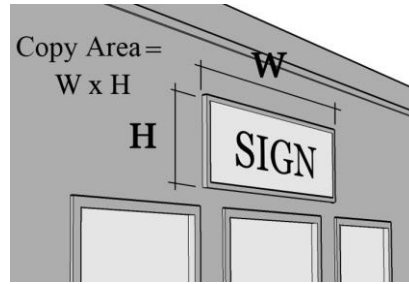
10.3.3. Measuring Copy Area.

1. The copy area of freestanding and projecting signs shall be measured as the area within a single rectangle that encompasses the extreme limits of each and every sign face, including all advertising surfaces, background, framing and ornamentation, but excluding structural frames and members not forming an integral part of the display. If both faces of a double-faced sign may be viewed simultaneously from any vantage point along the street to which it is displayed, the area of each face shall be counted. Otherwise, the area of only one face, the larger (if applicable), shall be counted.



Measuring Copy Area (Freestanding Signs)

2. The copy area of all other signs shall be measured as the area within a single rectangle that encompasses all letters, words, symbols or other graphic elements, together with any frame or other material or color forming an integral part of the display or used to differentiate such sign from the background against which it is placed.



Measuring Copy Area (Wall Sign)

## §10.4. Exemptions

- 10.4.1. Actions Not Requiring a Permit. The actions related to signs shall be exempt from the permit requirements of this Ordinance but shall be subject to all other standards of this Ordinance. Certain temporary signs are subject to temporary permits, see [§10.4.5 Temporary Sign Regulations](#).
1. Routine sign maintenance, including painting, repainting, cleaning and repair not involving structural changes. This does not include painting or repainting of the entire sign face.
  2. The changing of copy on CHANGEABLE COPY SIGNS, provided there are no structural changes and provided there is no change in the primary light source used (such as a change to electronic/LED/LCD technology).
  3. Installation of signs permitted in all districts ([§10.4.2](#)); signs exempt from these regulations ([§10.4.3](#)); and signs subject to other standards ([§10.4.4](#))
  4. Installation and changing of window signs located in non-residential districts that collectively cover twenty (20) percent or less of the window glass surface area.
- 10.4.2. Signs Permitted in All Districts. The following signs are exempt from sign permit requirements and are not to be included in determination of the allowable number, type or area of a sign that requires a sign permit. Such signs, however, are subject to the requirements herein and provisions of the City Building Code, where applicable.
1. Address Sign. Signs not exceeding three (3) sf in area bearing the E-911 address of the premises. Occupant name may also be included but no commercial message shall otherwise be included.
  2. Incidental signs, whether freestanding or attached, that are smaller than four (4) sf and less than four (4) ft in height.
  3. Memorial Signs. Signs or tablets, names of buildings and date of erection, when cut into any masonry surface or inlaid so as to be part of the building, provided that no such sign shall exceed six (6) sf in area and shall not be separately illuminated.
  4. Non-commercial Flags. Flags, banners or insignias of a governmental, religious, charitable or fraternal organization that include no commercial message, subject to established City policy and protocols of the applicable government or non-government organization. No premises shall contain more than four such flags.
  5. Non-Commercial Signs. In addition to any other permanent or temporary signage otherwise provided for in this Article, each occupied lot shall be permitted an aggregate sign area of fifteen (15) sf for non-commercial speech, which shall not be illuminated, shall not exceed six and one-half (6.5) sf in area per sign and shall not exceed five (5) ft in height.
  6. Property Management Signs. Signage that identifies the entity responsible for the management or leasing of property is permitted in all districts provided it is: 1) incorporated into a permitted permanent sign or 2) is incorporated into or meets the criteria for an exempt sign pursuant to §10.4.3. In no case, shall additional permanent sign area or an additional permanent sign be permitted for conveying property management information.

- 10.4.3. Signs Exempt from these Regulations. The following signs are exempt from sign permit requirements and from the provisions of this Article 10, except as provided herein. However, all such signs shall comply with the City Building Code and all other applicable regulations:
1. Any sign, other than a window sign, located inside a building, structure or enclosed space and not legible from the public right-of-way or from private or public property other than the property on which it is located.
  2. Any sign with a sign area of less than four (4) sf and less than four (4) ft in height (if freestanding), that is not separately lighted and that is not legible from the public right-of-way or from private or public property other than the property on which it is located.
  3. Official signs.
  4. Stadium signs. Scoreboards and incidental advertising signs intended to be viewed from within a stadium.
  5. Temporary holiday decorations containing no commercial message, subject to applicable provisions of the City Building Code.
  6. Signs erected by or authorized by the City for citywide events.
- 10.4.4. Signs Subject to Other Standards. The following signs shall be exempt from the permit requirements of this Ordinance; but, shall, to the maximum extent allowed by law, be subject to the other standards of this ordinance. Where a sign is erected pursuant to a statute or a court order, the sign may exceed the size and/or locational standards of this ordinance (including placement within public rights-of-way) or otherwise deviate from the standards set forth in this ordinance to the extent that the statute or court order expressly required the larger size or other deviation. In all other respects, such signs shall conform to the standards of this ordinance.
1. Signs conforming to the Manual of Uniform Traffic Control Devices and bearing no commercial message;
  2. Official signs
  3. Signs required by a state or federal statute;
  4. Signs required by an order of a court of competent jurisdiction;
  5. Signs installed by public utilities in their rights-of-way or on their facilities and bearing no commercial message other than such messages necessary to identify the use;
  6. Signs installed by a transit company with a franchise or other right to operate in the City, where such signs are installed along its routes and relate to schedules or other information about the transit route.
- 10.4.5. Temporary Sign Regulations. Temporary signs shall be permitted in Non-residential districts as follows:
1. Applicability. This section shall apply to the following zoning districts: A-1, C-P, C-1, C-2, C-3, Inst-1, Inst-2, Inst-3, I-1, I-2 and I-3-S.
  2. General Provisions. The following shall apply to all temporary signs in non-residential districts:
    - a. A temporary sign may be an attached sign or a freestanding sign, but shall not be permitted in a public right-of-way.
    - b. Duration of Display. The display of temporary signage shall be limited to a maximum aggregate display period of thirty (30) days in a calendar year except as otherwise provided in §10.4.5.4.
    - c. Except as provided in §10.4.5.4 there shall be no more than one temporary sign per address at any one time.
    - d. A Temporary Sign Permit shall be required prior to the installation of any temporary sign authorized in this §10.4.5.
  3. Content. Any sign allowed under this section may contain: any noncommercial message; a commercial message pertaining to goods, services or other commercial transactions available on the premises or that will be available on the premises when construction is complete. Signs seeking employees for a business shall be considered to pertain to commercial transactions available on the premises and shall be allowed.

4. Rules for Types of Temporary Signs.
  - a. Temporary Sign Where Permanent Sign not Installed. For any premises which is occupied or for which a building permit has been issued, and for which the permanent sign allowed has not been installed, one temporary sign shall be allowed from the date of occupancy or the date of issuance of the building permit, whichever comes first, until the date of installation of the permanent sign not to exceed sixty (60) days. The temporary sign shall not exceed the size allowed for the permanent sign or thirty-two (32) sf, whichever is smaller, and, if freestanding, shall not exceed eight (8) ft in height.
  - b. Grand Opening Banners. Each new non-residential use may have one (1) banner per frontage announcing the opening of the establishment. Such banners shall be limited to an aggregate area of thirty-two (32) sf per establishment and, if freestanding, shall not exceed eight (8) ft in height. Newly established integrated business centers shall be permitted an aggregate area of forty (40) sf but shall be limited to one (1) banner per frontage of such center regardless of the number of new uses.
  - c. Other Temporary Signs. Other temporary signs shall not exceed twenty-four (24) sf in area and, if detached, shall not exceed six (6) ft in height.
  - d. Temporary Signs for Non-Profit Organizations and Events. Temporary signs for non-profit 501(c)-3 organizations and noncommercial community events, such as for charitable fundraising events, shall be permitted as follows.
    - 1) The location and number of the signs shall be as approved by the Building Official subject to City Policy.
    - 2) Such signs may be permitted for up to two (2) weeks and shall be removed within forty-eight (48) hours following the event.

**§10.5. Signs Permitted in the A-1 Agriculture District**

The following types of signs are permitted in the Agricultural District:

- 10.5.1. Those signs permitted under §10.6 Signs Permitted in Residential Areas.
- 10.5.2. Signs customarily associated with uses permitted in the Agricultural District.

**§10.6. Signs Permitted in Residential Districts.**

- 10.6.1. The following types of signs are permitted in the E-1, R-1, R-2, R-3A, R-3B, R-4, RT-4, and RG Districts, subject to specified requirements.
- 10.6.2. The following signs shall be allowed for each residential premises:
  1. One address sign, per [§10.4.2 Signs Permitted in All Districts](#). Such sign shall not be illuminated.
  2. Each occupied lot shall be permitted no more than two temporary signs at one time that contain a commercial message, which shall not be illuminated, shall not exceed five (5) ft in height and shall not exceed a total of six and one-half (6.5) sf for all such signs. The only commercial messages permitted on such signs are messages related to commercial activity lawfully and temporarily conducted on the premises, including Home Occupations; Bed and Breakfasts; Boarding Houses; the lawful, occasional sale of personal property (such as through a garage sale or a yard sale); or the sale, rental or lease of the premises. Signs related to the sale of personal property shall be removed within twenty-four (24) hours after the end of the sale. Signs related to the sale, lease or rental of the premises shall be removed no later than twenty-four (24) hours from the date on which the deed, lease or other document representing the transaction is completed.
- 10.6.3. Residential Identification Signs. The following shall be permitted for each residential development:
  1. Permanent Residential Identification Signs shall be permitted in accordance with the following:

- a. A “principal entrance” shall be considered to be that place where property included within the development abuts an external public street.
  - b. There shall not be more than one “principal entrance” for each fifty (50) dwelling units, provided that each development shall be entitled to at least one such sign.
  - c. Residential Identification Signs shall be located on private property, either commonly or individually owned, and shall be no closer than fifteen (15) ft to a right-of-way line.
  - d. Residential Identification Signs shall bear no commercial message.
  - e. Residential Identification Signs may be indirectly lit but shall not otherwise be illuminated.
  - f. One freestanding residential identification sign shall be permitted at each principal entrance to a residential development of single-family or duplex dwellings. The sign shall not exceed forty-eight (48) sf of copy area. If there are walls on both sides of the entrance, then one wall sign per side is permitted in lieu of a freestanding sign, each not to exceed twenty-four (24) sf in copy area.
  - g. One freestanding residential identification sign shall be permitted at each principal entrance to a multi-family development. The sign shall not exceed twelve (12) sf of copy area for each fifty (50) dwelling units in the development, or forty-eight (48) sf, whichever is less. If there are walls on both sides of the entrance, then one wall sign per side is permitted, each not to fifty (50) percent of the maximum allowable copy area.
2. Temporary Residential Identification Signs. As a temporary use accessory to the permitted activity of lawful residential development, one temporary Residential Identification Sign shall be permitted at each principal entrance, as described in Paragraph 1 above, in accordance with the following:
- a. There shall in no case be more than one such sign for a subdivision or development with fifty (50) or fewer lots included in the subdivision or development and no more than two such signs for any other subdivision or development.
  - b. Such sign shall not be illuminated and shall not exceed thirty-two (32) sf in area;
  - c. Such sign shall be removed upon the installation of a permanent Residential Identification Sign.

10.6.4. Signs permitted in planned residential districts shall be determined during the site plan review process.

### **§10.7. Signs Permitted in Non-Residential Districts**

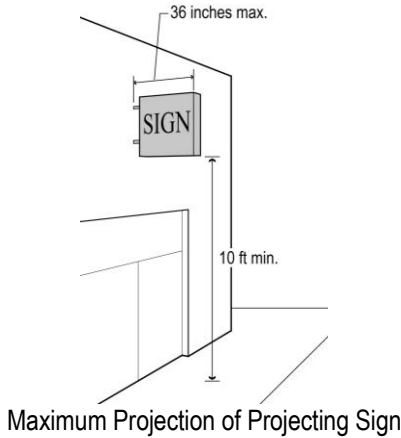
Permanent freestanding and attached signs shall be permitted in non-residential districts in accordance with Table 10.7 and the following:

- 10.7.1. Freestanding Signs. Non-residential uses, not located in an Integrated Business Center, shall be allowed freestanding signage as provided in Table 10.7. Non-residential uses in Integrated Business Centers shall be allowed freestanding signage as provided in Table 10.7.3. The following standards shall apply to all freestanding signs, except where otherwise specified:
1. Freestanding signs may be illuminated or non-illuminated and may include manual or electronic changeable copy, subject to [§10.7.4 Electronic Changeable Copy Signs](#).
  2. Freestanding signs shall be no closer than fifteen (15) ft to the edge of pavement of any street and no closer than fifty (50) ft from a sign on an abutting property.
  3. Freestanding signs used for Integrated Business Centers shall be consistent in design, materials, and colors.
  4. Allowable sign height is based on the classification of the street along which it is located as provided in Table 10.7. Different height limits shall apply on corner lots when the abutting streets are classified differently.

Table 10.7 Non-Residential District Sign Standards						
Signage Allowed	District	C-1	C-2 & C-3	CP	INST-1, INST-2, & INST-3	I-1, I-2, & I-3-S
Freestanding Signage*	1 freestanding sign per street frontage per premises					
Max. number of freestanding signs per premises						
Max. copy area per freestanding sign	100 sf	150 sf	100 sf	100 sf	150 sf	
Max. Height						
Arterial	35 ft	40 ft	30 ft	30 ft	40 ft	
Collector	25 ft	30 ft	20 ft	20 ft	30 ft	
Local	15 ft	20 ft	15 ft	15 ft	20 ft	
* Additional freestanding signage may be available for integrated business centers subject to Table 10.7.3						
Attached Signage	1 wall or projecting sign per façade + 1 awning, canopy or marquee sign per facade					
Max. number of attached signs						
Wall or Mansard Sign	150 sf or 25% of the façade area, whichever is less					
Max. copy area per sign						
Projecting Sign	16 sf					
Max. copy area						
Awning, Canopy, or Marquee Sign	25% of the surface area of the awning, canopy, mansard or marquee					
Max. copy area						

10.7.2. Attached Signs. Each establishment shall be allowed attached signage on each facade. No more than one wall sign or one projecting sign shall be permitted on any one façade. One awning, canopy or marquee sign per façade is allowed in addition to the wall or projecting sign. Non-residential uses, whether in an Integrated Business Center or not, shall be allowed attached signage as provided in Table 10.7 subject to the following:

1. Attached signs, except where specifically prohibited herein, may be directly or indirectly illuminated.
2. Wall signs shall not extend out from the face of the building more than twelve (12) inches. Wall signs may include manual or electronic changeable copy, subject to [§10.7.4 Electronic Changeable Copy Signs](#).
3. Projecting signs shall not project outward more than thirty-six (36) inches from the building face and shall have a minimum clearance of ten (10) ft from the surface below to the lowest point on the sign. Projecting signs shall not project into public right-of-way nor exceed sixteen (16) sf in sign area.



4. Awning, Canopy and Marquee Signs.

- a. Awning and Canopy signs shall be flat against the surface of the awning or canopy, which shall extend no closer than two (2) ft horizontally to the curb line of any public street nor eight (8) ft vertically from the finished surface directly below.
- b. Awning signs shall not be internally-illuminated, however, canopy, mansard and marquee signs may be illuminated.
- c. The permanently-affixed copy area of canopy or marquee signs shall not exceed an area equal to twenty-five (25) percent of the surface area of the canopy, marquee or architectural projection upon which such sign is affixed or applied, which surface area shall not be counted toward allowable sign area.

<b>Table 10.7.3 Freestanding Signage for Integrated Business Centers</b>	
GFA of Center	Number and Area of Signs
1,000,000 sf and larger	Max. number of signs: 4 Max. aggregate copy area: 850 sf Max. copy area of each sign: 350 sf
500,000-999,999 sf	Max. number of signs: 3 Max. aggregate sign area: 700 sf Max. copy area of each sign: 300 sf
100,000-499,999 sf	Max. number of signs: 1 per street frontage up to 2 total Max. aggregate copy area: 500 sf Max. copy area of each sign: 250 sf
50,000-99,999 sf	Max. number of signs: 1 per street frontage up to 2 total Max. aggregate copy area: 350 sf Max. copy area of each sign: 200 sf
10,000-49,999 sf	Max. number of signs: 1 per street frontage up to 2 total Max. aggregate copy area: 250 sf Max. copy area of each sign: 150 sf
Less than 10,000 sf	Max. number of signs: 1 per street frontage up to 2 total Max. aggregate copy area: n/a Max. copy area of each sign: as provided in Table 10.7

10.7.3. Window signs shall be permitted, provided they do not collectively cover more than twenty (20) percent of the window area.

10.7.4. Electronic Changeable Copy Signs, where permitted, shall be subject to the following standards.

- 1. Sign display technology shall be programmed so that the message or image on the sign changes no more often than every eight (8) seconds.



2. There shall be no effects of movement, flashing, scintillation, or similar effects in the individual images.
3. Changes of image shall be substantially instantaneous as seen by the human eye and shall not use fading, rolling, window shading, dissolving or similar effects as part of the change.
4. Automatic level controls shall be used to reduce light levels at night and under cloudy or other darkened conditions, in accordance with the following standards. All electronic or digital display units shall have installed ambient light monitors, and shall at all times allow such monitors to automatically adjust the brightness level of the message based on ambient light conditions. Maximum brightness levels shall not exceed 5,000 nits when measured from the sign's face at its maximum brightness, during daylight hours and 500 nits when measured from the sign face at its maximum brightness between dusk and dawn, i.e., the time of day between sunrise and sunset.
5. Any sign using video technology which malfunctions, fails, or ceases to operate in its usual or normal programmed manner causing therein motion, movement, flashing or any other similar effects, shall be repaired or disconnected within twenty-four (24) hours by the owner or operator of such sign.
6. The message area shall not exceed the permitted copy area for the applicable sign type in the district, or 200 sf, whichever is less.
7. The following limitations shall apply to the location of signs using video technology:
  - a. A sign on which the video technology includes 100 sf or more of sign area shall not be erected within 500 ft of a residential district.
  - b. A sign on which the video technology includes twenty (20) sf or more of sign area but less than 100 sf of sign area shall not be erected within 200 ft of a residential district.
  - c. A sign on which the video technology includes less than twenty (20) sf of sign area shall not be erected within 100 ft of a residential district.

**§10.8. Off-Premise Sign Regulations**

Off-premise signs, where permitted, shall comply with the following.

- 10.8.1. No off-premise sign shall be permitted on any lot which has two (2) or more on-premise signs.
- 10.8.2. No billboard shall be erected closer than one hundred (100) ft to any residential district.
- 10.8.3. Any illumination of a billboard shall be of an indirect type, and the beam of light shall be directed toward the sign face and away from adjacent areas and rights-of-way.
- 10.8.4. No flashing, traveling, animated or intermittent illumination of off-premise signs shall be permitted. There shall be no electronic moving messages, which includes, but is not limited to, Light Emitting Diode (LED) and/or liquid crystal displays (LCD).
- 10.8.5. All off-premise signs shall comply with the area and dimensional regulations in Table 10.11.

<b>Table 10.11 Off-Premise Sign Regulations</b>			
	<b>Interstate Highway</b>	<b>Federal-Aid Urban Highway</b>	<b>All other streets</b>
Minimum Setback from Front Lot Line	20 ft	20 ft	20 ft
Minimum Setback from Side and Rear Lot Lines	15 ft	15 ft	15 ft
Maximum Sign Area (including embellishments)	800 sf	400 sf	300 sf
Maximum Height:			
From elevated grade	25 ft	25 ft	25 ft
In all other cases	40 ft	30 ft	30 ft
Minimum Spacing between Off-Premise Signs on same side of street	1,000 ft	500 ft	750 ft

**§10.9. Permitting, Construction and Maintenance of Signs**

10.9.1. Permits Required

1. Except where this article explicitly exempts a sign, all signs erected or altered shall require a sign permit issued by the Building Official. As part of this process, approval by the Design Review Board may be required.
2. Whether a sign is exempt or not, an electrical permit shall be required for all illuminated signs. Application for an electrical permit shall be made by the electrical contractor whenever such work is performed on any sign.
3. All outdoor advertising signs to be located within six hundred sixty (660) ft of the nearest edge of the right-of-way of a highway on the Interstate or Federal-Aid Primary Highway System shall file an application for a permit with the Alabama Department of Transportation (ALDOT) as required by the Highway Beautification Act - Outdoor Advertising.

10.9.2. Application for Permit. Application shall be made to the Building Official, together with a permit fee, on a form provided by that office and shall be accompanied by such information as may be required to assure compliance with this Article 10 and all other applicable laws and regulations, including, but not limited to:

1. Scaled, clear and legible drawings with description showing the exact location of the proposed sign and any existing signs on the site.
2. Drawings showing the sign specifications including dimensions, construction supports, size, electrical wiring, and component materials of the sign and method of attachment.

10.9.3. Denial of Permit

1. When a permit is denied by the Building Official, he shall give written notice to the applicant of the denial with a written statement of the reason for such denial. A copy of said statement shall be made as an attachment to the permit application.
2. Appeals of Permit Denial. Appeal may be taken to the ZBA upon denial by the Building Official to issue a sign permit, subject to all procedures outlined in [§4.8 Zoning Board of Adjustments and Appeals](#). Application for the appeal shall be submitted within thirty (30) days after denial of the sign permit, after which time the applicant/owner is deemed to have waived the right of appeal. If, as part of the permit process, a recommendation regarding the sign was made by the Design Review Board, said recommendation shall be made part of the information provided to the ZBA.

10.9.4. Inspection of Signs. The person erecting, altering, relocating, enlarging or converting any sign shall notify the Building Official upon completion of the work for which permits are required and issued. (See [§10.4 Exemptions](#).) All freestanding signs shall be subject to a footing inspection, and all illuminated signs shall be subject to an electrical inspection by the Building Official.

**§10.10. Non-Conforming Signs**

All signs constructed or altered after adoption of this Ordinance shall conform in all respects to the requirements and provisions contained herein. If there exist signs that were lawful before the Ordinance was passed or amended, but that do not conform to the terms of the Ordinance, it is the intent of this Ordinance to permit these nonconforming signs to remain until they are removed, discontinued or altered, but not to encourage their survival.

10.10.1. Nonconforming On-Premise Signs

1. Nonconforming signs that are structurally altered shall, upon completion of the alteration, conform in all respects to the provisions of this Ordinance.
2. Nonconforming signs shall be maintained as required in [§10.3.1 General Standards](#). If a structural alteration is required to accomplish maintenance, the sign shall be made to conform, upon completion of the alteration, to the provisions of this Ordinance.

3. The copy area of an internally illuminated nonconforming sign may be removed from the sign structure without jeopardizing the legal non-conforming status of the sign, provided the sign message is not changed.
- 10.10.2. Restoration After Damages. A nonconforming sign that 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.

#### **§10.11. Unlawful Signs**

- 10.11.1. Confiscation of Signs Located in Public Right-of-Way. Any sign installed or placed on public right-of-way, except in conformance with the requirements of this Ordinance, shall be forfeited to the public and subject to confiscation. In addition to other remedies provided for under this Article, the City shall have the right to recover from the owner or person placing the sign the full costs of removal and disposal.
- 10.11.2. Abandoned Signs. Except as may otherwise be provided for in this Article, any sign that is located on property which becomes vacant and is unoccupied for a time period of four (4) months or more; or any sign which no longer advertises a bona fide business, institution, person, event, location, product or service for a continuous period of sixty (60) days or more, shall be deemed to have been abandoned and shall be altered or removed to conform in all respects to the provisions of this Ordinance. Permanent signs applicable to a business temporarily suspended because of a change in ownership or management of such business shall not be deemed abandoned unless the property remains vacant for a period of nine (9) months or more. An abandoned sign is prohibited and shall be removed by the owner of the sign or owner of the premises. Removal by the City shall be at the expense of the property owner and/or sign owner.
- 10.11.3. Notification. All notices mailed by the Building Official shall be sent by certified mail. Any time periods provided in this Section shall be deemed to commence on the date of the receipt of the certified mail. The notice shall be mailed to the owner of the property on which the sign is located as shown on the latest available tax maps, as well as the occupant which the sign serves. Any person or persons having an interest in the sign or the property may appeal the determination of the Building Official ordering removal or measures necessary to bring the sign into compliance with the provisions of the Ordinance by filing a written notice of appeal with the ZBA within thirty (30) days of receipt of the notice.
- 10.11.4. Removal and/or Repair of Signs by the City
  1. Any sign erected without a permit or that has deteriorated due to lack of maintenance and, in the opinion of the Building Official, needs to be repainted, refinished or reworked in order to restore it to a safe and lawful condition, shall be found to be in violation of this Ordinance.
  2. The Building Official shall cause to be removed any sign erected without a permit or any sign which becomes a safety hazard or which is not kept in good general condition and good state of repair, as specified in [§10.3.1 General Standards](#). A written notice shall be made by Certified Mail to the owner of the premises and/or the sign owner describing the nature of the violation(s). Any repair, painting, alteration, relocation or removal shall be at the sign owner or property owner's expense. If corrections/repairs have not been made within sixty (60) days of receipt of said letter, the sign shall be declared a nuisance and may be removed, obliterated or otherwise abated by the Building Official.
  3. Any sign which, in the opinion of the Building Official, constitutes an immediate or imminent danger to life or property may be caused to be removed or put in a safe condition immediately.
  4. In the case of any of the situations described above in Paragraphs 1, 2 or 3, any costs incurred by the City for removal/repair of the sign(s) shall be charged to the owner of the premises, and that portion that remains unpaid shall constitute a lien against the property.

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## ARTICLE 11 LANDSCAPING, SCREENING AND BUFFERS

The intent of this Article is to establish standards for buffers required between incompatible land uses, screening of outdoor storage, waste collection areas and similar site elements; and to provide for landscaping surrounding and within vehicular areas. For the purposes of this Article, “fences” and “walls” shall have the same meaning. Landscaping shall not be planted in a manner or location which causes a hazard to vehicles entering or within the public right-of-way.

### §11.1. Landscaping for Vehicular Areas

- 11.1.1. Applicability. These regulations apply to any off-street parking area containing more than forty (40) parking spaces and associated vehicular areas. For the purposes of this section, vehicular areas shall include: off-street parking and loading; vehicular storage, display, maneuvering and washing; and the dispensing of motor fuels.

A Landscaping Plan, in accordance with [§11.5 Landscaping Plan](#), shall be submitted as part of any Site Plan required for a development which includes vehicular areas as herein described. This Section shall apply to new vehicular areas for all uses, except single family dwellings, two family dwellings and manufactured homes. If the size of an existing vehicular area is increased by ten (10) percent or more, the new vehicular area shall be made to comply with the requirements of this Section; except that landscaping in the existing vehicular area shall be exempt from the irrigation requirement.

#### 11.1.2. Interior Vehicular Area Landscaping Requirements

1. Each vehicular area shall have interior landscaping covering not less than five (5) percent of the total vehicular area. Such landscaping shall be in addition to all planting within six (6) ft of a building.
2. In addition, a five (5) ft wide landscaping strip shall be provided along the parking lot perimeter and shall be planted with evergreen shrubs and canopy trees (1 per 40 linear ft). Where this overlaps or conflicts with other landscaping requirements, the greater requirement shall govern.
3. The primary landscaping materials used in vehicular areas shall be trees, which comply with the standards of Table 11.1. Shrubs and other planting materials may be used to compliment the tree planting, but shall not be the sole component of the landscaping.
4. The interior dimensions of any planting area shall be sufficient to protect all landscaping materials planted therein.

#### 11.1.3. Perimeter Landscaping Requirements adjacent to Public Rights-of-Way

1. Only trees listed in Table 11.1 shall be counted toward these requirements.
2. A landscaped strip at least ten (10) ft wide, which shall not include a sidewalk or trail, shall be located between the vehicular area and the public right-of-way, except where driveways cross the property line. The width may be reduced to five (5) ft when a fence, meeting the requirements of [§11.4 Design Standards for Fences](#) and that is between 2.5-3.5 ft tall, is provided.
3. The entire width of the strip shall be planted with a double staggered row of shrubs. The shrubs shall be evergreen and a minimum of thirty (30) inches high at installation.
4. At least one tree for every forty (40) linear ft of required landscape strip, or portion thereof, shall be planted in the landscape strip.

<b>Table 11.1 Tree List for Vehicular Areas</b>	
Only the following trees may be planted to comply with the requirements of §11.1. All such trees shall be at least two and one half (2-½) inches in diameter, measured five (5) ft above the root ball of the tree. Canopy trees should be used wherever possible to maximize shade opportunities. Understory trees are primarily for ornamental purposes.	
<u>Canopy Trees</u>	
Willow Oak	<i>Quercus phellos</i>
Zelkova	<i>Zelkova serrata</i>
Chinese Elm	<i>Ulmus parvifolia</i>
American Elm	<i>Ulmus americana</i> 'Liberty'
Gingko	<i>Ginko biloba</i>
Shumard Oak	<i>Quercus shumardii</i>
Green Ash	<i>Fraxinus pennsylvanica</i>
American Holly	<i>Ilex opaca</i>
Bigleaf Magnolia	<i>Magnolia macrophylla</i>
<u>Understory Trees</u>	
Okame Cherry	<i>Prunus x incamp</i>
Trident Maple	<i>Acer buergerianum</i>
Chinese Pistache	<i>Pistacia chinensis</i>
Eastern Redbud	<i>Cercis canadensis</i>
Crape Myrtle	<i>Laegerstroemia indica</i>
Saucer Magnolia	<i>Magnolia x soulangiana</i>
Flowering Dogwood	<i>Cornus florida</i>
River Birch	<i>Betula nigra</i>

**§11.2. Screening**

Screening is intended to provide visual separation of certain uses from public areas and adjoining properties.

11.2.1. Applicability. For all multi-family, manufactured home parks, non-residential and mixed use developments, the following shall require Screening:

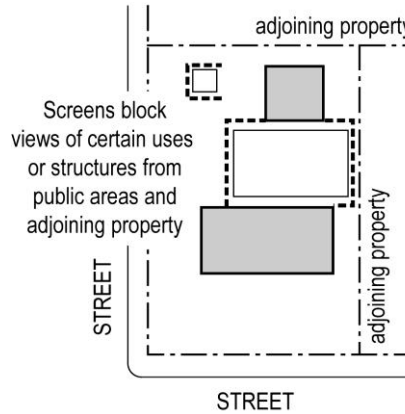
1. Waste/recycling collection areas
2. Maintenance areas or utility structures associated with a building or development
3. Ganged utility meters and HVAC, other ground-mounted mechanical units
4. Loading areas
5. Outside runs for veterinary clinics, animal shelters, and kennels
6. Outdoor storage, including vehicles
7. Any other uses for which screening may be required by the reviewing authority.

These requirements may be modified for developments in industrial districts provided the site elements normally required to be screened will not be visible from non-industrial premises nearby.

11.2.2. Safety Provisions. Screening shall not impede or divert the flow of water in any drainage way and shall not block access to any above-ground, pad-mounted transformer and shall provide the minimum clear distance required by the utility company.

11.2.3. Design Requirements.

1. Location on site should be the first consideration in screening the uses listed in §11.2.1 above. The reviewing authority may lessen screening requirements when the location of the use to be screened reduces its visibility or other impact to the public and neighboring properties.



Screening Illustration

2. The method of screening, including height and materials, shall be that which is sufficient to visually screen the use. The minimum height needed is preferred.
3. Fences, berms, or landscaping used for other purposes, but that are proposed as part of a required screen and that meet the requirements of this Section, may count toward these requirements.
4. Uses requiring screening, when co-located, may be screened together.
5. Uses that produce objectionable noise or odors shall be located so as to minimize such impacts to the public and abutting properties.
6. Shrubs shall be evergreen and spaced no more than five (5) ft on center. If used in combination with a fence, shrubs may be deciduous.
7. Trees shall be evergreen and, when used in the absence of a fence, should have a low understory and/or be used together with shrubs to provide a continuous, opaque screen.

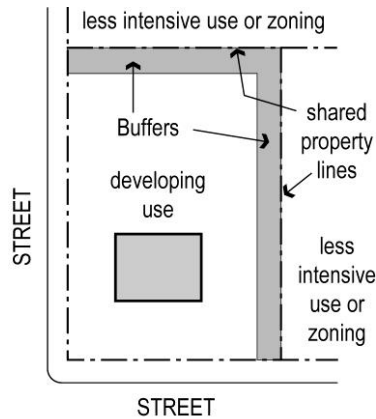
11.2.4. Requirements for specific uses.

1. Waste and recycling containers shall not be located forward of the front building line. Such containers shall be screened by a combination of opaque fence and plant material on three (3) sides. Opaque gates, designed to complement the screen, shall be installed for access. The fence shall be at least two (2) ft taller than the container.
2. For restaurants, enclosures shall be sized, as needed, to accommodate the storage of grease containers.
3. Mechanical equipment on roofs or on site shall be screened so as to not be visible from public streets or adjacent properties. The screening of building-mounted mechanical equipment shall be an integral component of the building design. Mechanical equipment installed on site shall be adequately screened by plant materials and/or fences to blend in with site landscaping.
4. Outdoor storage, where permitted, shall be screened to a height of six (6) ft or two (2) ft taller than the material or equipment to be screened, whichever is greater.
5. Where the location of service areas, loading docks, work yards, and similar uses is insufficient to effectively screen the use, required screening shall be at least six (6) ft in height.

**§11.3. Buffers**

Buffers shall be provided in accord with the requirements of Table 11.3 and as described in this §11.3.

- 11.3.1. Applicability. A Landscaping Plan shall be provided in accordance with [§11.5 Landscaping Plan](#). Except as otherwise provided herein, Buffers shall be required based on the developing land use and the existing, abutting use.



Buffer Illustration

- 11.3.2. General Standards. In order to decrease incompatibility between neighboring land uses, the following standards shall apply to all required buffers, whether the buffer is comprised of planted, natural, or a combination of planted and natural vegetation.

1. Buffer requirements shall be in accordance with Table 11.3. Where the uses concerned are not precisely addressed in the table, the approving authority, shall use the table as a guide to determine the buffer requirements for the particular case.
2. Required yards, where corresponding with the buffer area, may overlap and may be counted toward a buffer width requirement.
3. 100 percent of the applicable buffer requirement shall be the responsibility of the developing land use.
4. Any required buffer abutting a park or greenway may be reduced, if the owner dedicates land to be set aside for all or part of the required buffer width to the City for incorporation into the park or greenway. Such land dedication shall be deemed acceptable only upon approval of the Council.
5. Buffer requirements may be modified by the approving authority in certain cases as follows (See also [§11.6 Modification or Waiver](#)):
  - a. When the proposed use will abut an existing, nonconforming use on a property that is designated for another use in the Comprehensive Plan *and* is zoned accordingly with said plan, the Buffer may be modified to be consistent with the projected use of the neighboring land.
  - b. If the land use relationships between two abutting lots changes so that a lesser Buffer would be required, the width of the previously provided Buffer may be reduced accordingly.
  - c. Up to one-half (1/2) of the width of an abutting alley may be counted toward the buffer width requirement but the landscaping density requirements shall not be reduced.
  - d. Whenever the proposed use abuts vacant land, buffer requirements shall be based on the zoning of the abutting property or the use projected by the Comprehensive Plan, whichever requires a lesser buffer.
  - e. Golf courses, playfields, stables, swimming pools, tennis courts, and other recreational facilities; parking and other vehicular use areas; buildings, dumpsters, and outdoor storage are prohibited in required Buffers. The approving authority may permit a pedestrian access way through a required Buffer, to allow



access between the abutting uses, if desired. Public utilities and storm drainage facilities may be constructed in a required buffer, provided the buffer is installed in compliance with the approved Landscaping Plan. The City may require supplemental evergreen plantings in order to mitigate the effect of land disturbance in the buffer.

11.3.3. Design Standards

1. Prior to occupancy of the building or premises, the buffer shall provide a visually impervious barrier, uniformly dense at all heights from the ground, and a minimum of five (5) ft above grade throughout the entire length of the buffer. Within one year after installation the buffer shall be at least six (6) ft above grade throughout the entire length of the buffer. The buffer shall be comprised of vegetation which meets or exceeds these minimum standards throughout the calendar year.
2. In the case of planted buffers, the entire surface area of the buffer shall be planted as prescribed in this Section. Only evergreen plant materials may be planted within a required buffer. Trees shall be provided as required in accordance with Table 11.3.
3. The required Buffer width may be reduced as provided in Table 11.3 when a fence is provided that is 5-7 ft tall and that meets the requirements in §11.4 Design Standards for Fences. However, this shall not waive or reduce planting requirements.

**§11.4. Design Standards for Fences**

Fences used as a part of any required Buffer, Screen, or Landscaping shall comply with the following:

- 11.4.1. Fences shall be of masonry, durable wood, or a combination thereof. Untreated wood, chain-link, plastic or wire shall not be permitted.
- 11.4.2. Fences must be of a design to form a visual barrier from all vantage points along the public right of way (for Screening) or from adjoining property (for Screening and Buffers). Dense landscaping may be necessary with certain fence designs to provide such visual barrier. In any case, no more than twenty-five (25) percent of the fence surface shall be left open.
- 11.4.3. The finished side of the fence shall face abutting property.
- 11.4.4. Required shrubs and trees shall be planted on the exterior side of the fence.
- 11.4.5. If a fence is longer than 100 ft in one direction, it shall have columns of wood or masonry which project outward from the fence surface. Such columns shall be spaced no greater than fifty (50) ft on center.

**§11.5. Landscaping Plan**

A Landscaping Plan shall be required as part of every zoning, Site Plan, Conditional Use, Variance and Building Permit application for new construction that requires a buffer, screening and/or landscaping in vehicular areas. The Landscape Plan shall be drawn to a scale no larger than one inch equals fifty (50) ft and shall contain the following:

- 11.5.1. The location and dimension of all areas proposed for landscaping and planting, including a description of the proposed plant materials.
- 11.5.2. All dimensions and distances, property lines, easements, rights-of-way and buffers.
- 11.5.3. Existing and proposed buildings and structures, including signs, trash and garbage containers, utility and drainage structures.
- 11.5.4. Existing and proposed buildings and structures on the subject property and on adjacent property affected by the required buffer. When the finished floor elevation of buildings on the subject property differs by ten (10) ft or more from the finished floor elevation of the buildings on the adjacent property affected by the buffer, the plan shall include a cross section which accurately shows the comparative elevations of the buildings in relationship to the buffer.

- 11.5.5. Bodies of water including water detention and retention areas.
- 11.5.6. Driveways, vehicular areas, existing and proposed parking spaces, access aisles and other vehicular areas.
- 11.5.7. Sufficient information and detail to demonstrate compliance with the requirements of this Section.

**§11.6. Modification or Waiver**

The planting requirements of this Article shall be applied equally to similarly classified and situated properties, but may be modified in certain cases where a building site is subject to any of the following circumstances as determined by the Commission:

- 11.6.1. Existing natural vegetation, which meets, in whole or in part, buffer or screening requirements, may be applied toward the requirements of this Article. Where natural vegetation (trees and/or shrubs) exist on a piece of property, when application is made for a Building Permit, such natural vegetation shall be left undisturbed until the Building Official has evaluated it with regard to its suitability as a buffer or screen, as applicable. The Building Official may require that the developer retain a portion of the natural vegetation, where such already exists, rather than require a man-made planting strip or other methods of buffering or screening. However, additional planting may be required to achieve the requirement.
- 11.6.2. Where impending development of adjacent property would make these standards unreasonable or impractical.
- 11.6.3. Where, after inspection by the City, it is found that the view from adjoining properties is blocked by a change in grade or other natural or man-made features.
- 11.6.4. Where planting cannot, in the professional opinion of an expert, be expected to thrive due to poor soil conditions, intense shade or similar conditions.
- 11.6.5. In special cases where the side and/or rear yards may be inadequate to meet the landscaping requirements, the Commission shall determine, based upon site plan review or other pertinent information requested, an alternative method of buffering, screening or other landscaping as applicable.
- 11.6.6. Where the premises is located in an industrial district and site elements normally required to be screened would not be visible from any non-industrial premises.

**§11.7. Maintenance and Irrigation**

- 11.7.1. All required plantings shall be permanently maintained in good growing condition by the party required to provide such plantings and, when necessary, replaced with new growth. All fencing shall be permanently maintained in good condition and whenever necessary, repaired or replaced by the party required to provide such fence, which may include the developer, property owner, or a property owners' association.
- 11.7.2. All plant material shall be tended and maintained in a healthy growing condition, replaced when dead and kept free of weeds, refuse and debris.
- 11.7.3. All landscaping required in this Article 11 shall be drought-tolerant, native species or shall be irrigated by an automatic irrigation system.
- 11.7.4. In the event the party responsible fails to maintain all or any portion of required landscaping in reasonable order and condition, the City may assume responsibility for its maintenance and may enter the premises and take corrective action, including the provision of extended maintenance. The costs of such maintenance may be charged to said party and may include administrative costs and penalties. Such costs shall become a lien on all involved properties.

Table 11.3 Buffer Requirements by Use										
Buffer Class	Width						Required trees per 100 lf			
	With fence/wall			Without fence/wall						
A	15 ft			25 ft			8			
B	20 ft			30 ft			10			
C	25 ft			35 ft			12			
D	30 ft			40 ft			12			
Developing Land Use	Existing Abutting Uses or Zoning									
	Single-family		Multi-family	Lodging	Institutional			Business	Open Space	Gen. Ind.
	detached	attached			low/medium/high					
Buffer Class Required										
Residential and Lodging										
Detached, single-family	na	na	na	na	na			na	na	na
Attached, single-family	A	na	na	na	na			na	na	na
Multi-family	B	A	na	na	na			na	na	na
Lodging	B	B	A	na	na			na	na	na
Manufactured home parks	B	B	B	B	A			B	A	na
Institutional										
Low intensity	A	A	na	na	na	na	na	na	na	na
Medium intensity	A	A	A	na	na	na	na	na	A	na
High intensity	B	B	B	A	A	na	na	na	A	na
Business/Commercial										
Offices up to 50,000 sf	A	A	A	na	A	na	na	na	A	na
Offices greater than 50,000 sf	B	B	B	A	B	A	na	na	A	na
Amusement; outdoor entertainment	B	B	B	A	B	A	na	na	A	na
Retail, shopping centers, and restaurants up to 50,000 sf	B	B	A	A	A	A	na	na	A	na
Retail, shopping centers, and restaurants greater than 50,000 sf	B	B	B	A	B	A	na	na	A	na
Heavy commercial, including repair, contractor and automotive uses	B	B	B	A	B	A	na	na	A	na
Industry										
Warehousing, telecommunications towers, public utility facilities	C	C	C	C	C	B	B	A	B	na
General industrial uses	C	C	C	C	C	C	C	B	B	na
<b>Surface mining</b>	<b>D</b>	<b>D</b>	<b>D</b>	<b>D</b>	<b>D</b>	<b>D</b>	<b>D</b>	<b>D</b>	<b>D</b>	<b>B</b>

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## ARTICLE 12 ARCHITECTURAL CONTROL STANDARDS

### §12.1. Purpose of Architectural Control Standards

The purpose of this section is to establish minimum standards for exterior architecture of commercial, office, institutional, religious, industrial and warehouse buildings to ensure a high quality of development, redevelopment and compatibility with evolving architectural or planning themes that contribute to a community image of quality, visual aesthetics, permanence and stability, which are in the best interest of the citizens of the city. These standards are intended to prevent use of building materials that are unsightly and contribute to depreciation of area property values or cause urban blight.

These standards are further intended to enhance the appearance of building exteriors, additions and accessory structures in order to prevent visual disharmony, to minimize adverse impacts on adjacent properties from buildings which are or may become unsightly, and to discourage buildings that detract from the character and appearance of the area. It is not the intent of this section to unduly restrict design freedom when reviewing and approving project architecture in relationship to the proposed land use or site characteristics.

### §12.2. Definition Applicable to Architectural Control Standards

The following definitions are applicable to this Article 12:

- 12.2.1. Masonry materials shall mean and include that form of construction defined below and composed of clay, brick, stone, decorative concrete block, rock or other materials of equal characteristics laid up unit by unit set in mortar.
- 12.2.2. Brick includes kiln fired clay or shale brick manufacture to ASTM C216 and C652. Grade SW, can include concrete brick if the coloration is integral, shall not be painted, and it is manufactured to ASTM C1623; minimum thickness of two and one quarter inches when applied as a veneer, and shall not include underfired clay or shell brick.
- 12.2.3. Stone includes naturally occurring granite, marble, limestone, slate, river rock, and other similar hard and durable all weather stone that is customarily used in exterior building construction; may also include cast or manufacture stone product, provided that such project yields a highly textured stone-like appearance, its coloration is integral to the masonry material and shall not be painted on, and it is demonstrated to be highly durable and maintenance free; natural or manmade stone shall have a minimum thickness of two and five eighths inches when applied as a veneer.
- 12.2.4. Decorative concrete block includes highly texture finish, such as split faced, indented, hammered, fluted, ribbed or similar architectural finish; coloration shall be integral to the masonry material and shall not be painted on; minimum thickness of three and five eighths inches when applied as a veneer; shall include light weight and featherweight concrete block or cinder block units.
- 12.2.5. Precast concrete panels include products often associated with Tilt Up Wall Construction but only allowed if post-constructed wall areas are then covered by defined masonry materials that can be laid up unit by unit set in mortar and meet the required percentage of coverage as defined in this ordinance.
- 12.2.6. Synthetic masonry – synthetic stucco exterior insulation finishing systems (EIFS, cement board, and similar products) should meet the standards of the International Code Council evaluation report.

### §12.3. Scope of Regulations

The provisions of this section are applicable to all properties within the City of Gardendale that are located within Inst-1, Inst-2, Inst-3, CP, C-1, C-2, C-3 zoning districts.

**§12.4. Architectural Design Standards**

All new structures and buildings, and all existing structures and buildings proposed to have facade changes of fifty (50) percent or greater, and located within an Inst-1, Inst-2, Inst-3, CP, C-1, C-2, and C-3 zoning districts shall be erected and constructed as follows with any of the approved materials, or any other comparable or superior materials as approved by the building official. The following masonry standards have been established, while acknowledging there may be certain nationally recognized franchises with standard architectural designs that may be considered:

- 12.4.1. A minimum of 70 percent of the total exterior finish of a building shall consist of masonry. For purposes of determining the relative percentages of exterior finish of a building all exposed walls shall be considered; excluding, however, windows, doors, and trim.
- 12.4.2. A minimum of 70 percent of the exterior finish of the facade of a building shall consist of masonry.
- 12.4.3. When synthetic masonry is used, a minimum of 70 percent of the exterior of all buildings shall be a combination of masonry and synthetic masonry. At least 30 percent of the exterior of all buildings shall be clad in masonry. The Building Official may attach conditions to the use of synthetic masonry to prevent damage due to water infiltration and other causes.
- 12.4.4. The balance of the exterior walls shall consist of wood, glass, or other permitted materials. Exposed cinder block is prohibited. Architectural metal is, and exterior trim work may consist of other materials, subject to approval by the building official.
- 12.4.5. Application should be accomplished only by a manufacturer trained installer in accordance to manufactured standard details.
- 12.4.6. Any building to be constructed as part of a development agreement with the City pursuant to Section 94.01 of the Recompiled Constitution of Alabama shall be required to comply with the exterior materials included in the development plan approved by the City Council for such building notwithstanding any provision of this Section.

(Ord. No. 2018-017, 11/19/2018)

**ARTICLE 13 LEGAL STATUS PROVISIONS**

**§13.1. Minimum Requirements**

In their interpretation and application, the provisions of this Ordinance shall be considered minimum requirements adopted for the promotion of the public health, safety, morals, conveniences, order, prosperity and general welfare of the City. Where other Ordinances or regulations which may be adopted hereafter impose greater restrictions than those specified herein, compliance with such other ordinances or regulations is mandatory. This Ordinance shall not lower the restriction of plats, deeds or private contracts, if such are greater than the provisions of this Ordinance.

**§13.2. City Not Subject to Ordinance**

Any provision of this Ordinance to the contrary notwithstanding, the City, in exercising any government function, power or authority, shall not be subject to the provisions of this Ordinance or in any way limited thereby in the exercise of such governmental function, power or authority.

**§13.3. Savings Clause, Severability**

It is the intent of the City Council in adopting this Ordinance that all provisions be construed to protect and preserve the public health, safety and welfare of the property owners and residents of the City of Gardendale and, further, to promote the morals, conveniences, order, prosperity and general welfare of the City. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held by a court of competent jurisdiction to be invalid, such holding shall not affect any other section, clause, provision or portion of this Ordinance which is not, in and of itself, invalid or unconstitutional.

**§13.4. Effective Date**

This Ordinance shall take effect and be in force from and after its passage and adoption.

Duly adopted by the City Council this, the

4<sup>th</sup> day of March, 2013

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Stanley K. Hogeland, President

City of Gardendale

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ATTEST: R. Dee Gray, Acting City Clerk

City of Gardendale