CITY OF OXFORD

A L A B A M A

ZONING ORDINANCE

Adopted: September 26, 2017

Prepared by the City of Oxford
with the assistance of

KPS Group, Inc.

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ZONING ORDINANCE FOR THE CITY OF OXFORD

Be it ordained by the City Council of Oxford, Alabama as follows:

That the "Zoning Ordinance of the City of Oxford, Alabama", adopted on September 17, 1962 as subsequently amended from time to time, is hereby revised to read as follows:

An ordinance, in pursuance of the authority by Title 37, Chapter 16, Articles 1 and 2, Sections 772 to 785 inclusive, Code of Alabama, 1940, to provide for the establishment of districts within the corporate limits of the City of Oxford, Alabama; to regulate within such districts, the height, number of stories, and size of buildings and other structures, the percentage of lot that may be occupied, the size of yards and other open spaces, the density of population and the use of buildings, structures and land; to provide methods of administration of this Ordinance and penalties for the violation thereof.

The public welfare requiring it, be it ordained by the City Council of the City of Oxford, Alabama as follows:

Article 1. Authority, Purpose and Scope

Section 1.01 Short Title

This Ordinance is known as the "Zoning Ordinance of the City of Oxford, Alabama" and the Official Zoning Map herein referred to, known as the "Zoning Map of the City of Oxford, Alabama," is further identified by the signature of the mayor and attested by the city clerk. The Zoning Map of Oxford and all explanatory matter thereon is hereby adopted and made a part of this Ordinance. The map is filed in the office of the city clerk and shows the date of adoption of this Ordinance.

Section 1.02 Purpose

The purpose of this Ordinance is to influence the use of property within the City of Oxford in accordance with Title 11, Chapter 52, of the Code of Alabama, 1975 Compilation, as amended; and generally to implement and support the Comprehensive Plan and the developmental policies of the City of Oxford.

Section 1.03 Applicability

The provisions of this Ordinance apply to all property located within the Corporate boundary of the City of Oxford. All uses, structures, sites, lots and parcels must comply with the provisions of this Ordinance.

Section 1.04 Minimum Requirements

The provisions of this Ordinance are considered minimum requirements to promote the public health, safety, and welfare. The provisions of this Ordinance may not lower the restrictions of plats, deeds or private contracts, if greater than the provisions of this Ordinance. That which is more restrictive applies.

No business license will be issued for the use of a property unless the use and property are in compliance with this Ordinance.

Section 1.05 Conflict with Other Regulations

Wherever there is a conflict between the provisions of this Ordinance, and those of any statute, or any local law or regulation, the most restrictive of such provisions applies and will be enforced.

Section 1.06 Severability

If any clause, portion, provision, or section of this Ordinance is held to be invalid by any court of competent jurisdiction, such holding may not render invalid any other clause, portion, provision, or section.

Section 1.07 Repeal of Conflicting Ordinances

On the effective date of this Ordinance, all other local ordinances or parts of ordinances in conflict or inconsistent with this Ordinance, and all amendments thereto, are hereby repealed to the extent necessary to give this Ordinance full force and effect.

Section 1.08 Establishment of Districts

The City is hereby subdivided into residential, commercial, industrial and special districts as shown on the Official Zoning Map. The Official Zoning Map, together with all explanatory materials it contains, is made a part of this Ordinance.

For the purpose of this Ordinance the City of Oxford is divided into districts as follows:

Zoning Districts		
Residential	Nonresidential	Special
E-1 Residential District R-1 Residential District R-2 Residential District R-3 Residential District GH Garden Home District TH Townhouse District MH Manufactured Home District	ASC Area Shopping Center District GB General Business District CBD Central Business District NSC Neighborhood Shopping Center District M-1 Light Manufacturing M-2 General Manufacturing INST Institutional District	AG-1 Agricultural District FC Flood Plain and Conservation District PD Planned Development District CR-1 Retail Core District CR-2 Commercial Overlay District

Section 1.09 District Boundaries

The district boundaries shown on the Official Zoning Map are intended, as far as possible, to follow lot lines; the centerlines of streets, alleys, railroad tracks, streams and watercourses; and the corporate boundary. Where a district boundary cannot be accurately determined from the Map, the Board of Adjustment determines where the boundary is officially located.

Section 1.10 Annexed Property

Following the adoption of this Ordinance, any property annexed into the City will be immediately and automatically placed in the E-1 District, or another district(s) determined by the City Council to be compatible with the intent of the Comprehensive Plan. Any subsequent rezoning of the property will follow the procedures for amendments in this Ordinance.

Section 1.11 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 the street, alley or public way will be automatically extended to the center of same and all area included will be subject to the regulations of the extended district.

Section 1.12 Transitional Rules

This Ordinance applies to applications accepted on or after the effective date of this Ordinance. This Ordinance will not affect any complete application accepted for review, but for which no final action has been taken, prior to this date. The application will be acted on under the law in effect at the time the completed application is accepted.

When a development plan has been started or approved under a previous version of this Ordinance, it may be completed only as follows:

1. If development, for which a site plan, subdivision plat or building permit was approved prior to the effective date of this Ordinance, fails to meet any time frames in effect for that development at the time of approval, the approval will expire; and future development will be subject to this Ordinance.

2. No amendment of this Ordinance will affect a development or Master Development Plan within a Cluster District or Planned Development District approved prior to such amendment. Any such development may continue in accordance with the Zoning Ordinance in effect at the time of its prior approval. Should the development approval expire or be voided, any newly submitted Master Development Plan must conform to the regulations in effect at the time of the new submittal.
3. Any violation of the previous ordinance is a violation under this Ordinance and subject to the penalties set out in §11.09 Penalties and §11.10 Remedies, unless the development, use or other activity complies with this Ordinance.

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Article 2. Definitions

Section 2.01 Purpose

For the purpose of this Ordinance, certain terms used herein 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 applies.

Section 2.02 Interpretation

Except as defined herein or in the City Subdivision Regulations, words used in this Ordinance have their customary dictionary definition.

The Zoning Official is authorized to determine the meaning of any undefined term for which the customary definition conflicts with its usage in this Ordinance.

Section 2.03 Word Usage

In the interpretation of this Ordinance, the provisions of this §2.03 are observed and applied, except when the context clearly requires otherwise. Words used or defined in one tense or form include the other tenses and derivative forms. Words in the singular number include the plural number and words in the plural number include the singular. The masculine gender includes the feminine and the feminine gender the masculine. The word "person" includes an individual, firm, association, organization, partnership, trust, company or corporation.

Section 2.04 General Terms

1. *Abutting or Adjoining*: Touching along a common side, boundary or property line. Two pieces of property that are separated by a right of way are "adjacent", but not "abutting" or "adjoining".
2. *Access*: A way or means of approach to provide physical entrance to a property.
3. *Accessory structures*: Any detached minor building consisting of masonry or frame walls and roof, one or two stories in height necessary as an adjunct to the use or occupancy of a principal or main structure. This does not include open structures such as pergolas and arbors.
4. *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.
5. *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.
6. *Adjacent*: Either abutting or on the opposite side of a street, right of way, or easement that separates it from the subject property. Properties separated by a railroad are not considered "adjacent".
7. *Alley*: A travel way providing a means of access to abutting property but not intended for general traffic circulation.
8. *Alteration and altered:*
    a) Any addition to the height, width or depth of a building or structure.
    b) Any change in the location of any of the exterior walls of a building or structure.

c) Any increase in the interior accommodations of a building or structure.

Also, a building or structure is classified as altered when it is repaired, renovated, remodeled, or rebuilt at a cost in excess of 60% of its value prior to the commencement of such repairs, renovation, remodeling or rebuilding.

9. *Animal Equivalent Unit*: A unit of measurement to compare various animal types based upon equivalent forage needs or waste generation. Refer also to §6.01 Agricultural District.
10. *Applicable District*: That zoning district in which a building, structure, property, or subdivision, for which a zoning application is submitted or permit is sought, is located.
11. *Applicant*: A person submitting an application for development, a variance, administrative appeal, special exception or rezoning.
12. *Basement*: A portion of a building located wholly or partially underground and having a floor-to-ceiling height of not less than 6.5 ft.
13. *Bedroom*: A room marketed, designed or otherwise intended to function primarily for sleeping.
14. *Berm*: A grass covered or landscaped mound of earth used to screen activities or uses.
15. *Block*: A tract or parcel of land entirely surrounded by public streets other than alleys or a combination of streets, public land, public parks, cemeteries, railroad rights-of-way, bodies of water or watercourses, or any other barrier to the continuity of development.
16. *Block, Double-tiered*: A residential block bounded on all sides by streets and within which lots front only on two of the surrounding streets. The corner lots of such blocks are considered "Single frontage corner lots".
17. *Board of Adjustment*: The Board of Adjustment of Oxford, Alabama.
18. *Buffer*: A strip of land that is landscaped to separate incompatible land uses, promoting visual harmony, reducing noise, diverting emissions, and reducing glare. Buffers may consist of existing or planted trees, shrubs or vegetation, fences, walls or earth berm.
19. *Building:* Any structure having a roof supported by columns, or by walls, including tents, lunch wagons, dining cars, trailers and similar structures whether stationary or moving.
20. *Building, Principal:* An enclosed structure designed to be used as a place of occupancy, storage or shelter and in which is conducted the principal use of the concerned lot.
21. *Building area:* The portion of the lot occupied by the main building, accessory building and other structures
22. *Building height:* The vertical distance measured from grade level at the front lot line to the highest point of the roof if a flat roof, to deck line if a mansard roof; or to the mean height between eaves and ridge if a gable, hip, or gambrel roof. For buildings set back 15 ft or more from the front lot line, height is measured from grade level along the front building line.
23. *Building line, Front:* A line extending across the width of a lot coincident with the front-most plane of the building.
24. *Building spacing*: The minimum distance between buildings, measured from the outermost projection, excluding bay windows, chimneys, flues, ornamental features, cornices and eaves.

25. *City*: The City of Oxford, Alabama.
26. *Conditional Use*: A use that would not generally be appropriate throughout a zoning district without restriction(s), but which, if controlled as to number, location, area, size, traffic, noise, lighting or other impacts, would not be detrimental to public health. Conditional uses require approval by the Commission. See §11.06.
27. *Council* or *City Council*: The City Council of the City of Oxford, Alabama.
28. *Density*: Lot area per dwelling unit or the number of dwelling units per acre of site area.
29. *Development*: The division of a parcel of land into two or more parcels; the construction, reconstruction, conversion, alteration, relocation or enlargement of a structure; any mining, dredging, filling, grading, paving, excavation, drilling or disturbance of land; and, any use or extension of the use of the land.
30. *Easement*: Authorization by a property owner of the use of a designated part of their property by another for a specified purpose.
31. *Engineer*: A professional engineer registered and in good standing with the Alabama Board of Engineers and Land Surveyors.
32. *Family*: Any one of the following arrangements when living together in a dwelling as a single-housekeeping unit:
    a) an individual
    b) two or more persons related by legal adoption, blood, or a licit marriage plus up to two unrelated individuals
    c) a group of not more than four unrelated persons.
33. *Fence*: An artificially constructed barrier of any material or combination of materials erected to enclose or screen areas of land.
34. *Floor area, Gross*: The total area of a building measured using the outside dimensions of the building at each floor level intended for occupancy or storage.
35. *Grade level*: For buildings, the average level of the finished grade at the front building line or front lot line (refer also to "Building Height"). For freestanding signs, trees, landscaping, and light fixtures, the level of finished grade at the base of the sign, tree, plant or fixture.
36. *Improvement*: Any permanent item that becomes a part of, is placed upon or is affixed to real estate.
37. *Livestock*: Animals kept for agricultural purposes including but not limited to cows, horses, goats, sheep, swine, ponies, chickens, turkeys, ducks, geese, quail and guineas.
38. *Lot*: A parcel of land, in one ownership, used or set aside and available for use as the site of one or more buildings and accessory structures or for any other purpose.
39. *Lot of record:* A lot that is part of a subdivision, the map or plat of which has been recorded in the office of the probate judge.
40. *Lot, Corner:* A lot abutting two or more streets at their intersections or on two parts of the same street forming an interior angle of less than 135 degrees.

a) *Single frontage corner lot*: A residential corner lot on a double-tiered block. A single-frontage corner lot has a primary front yard, abutting the front yard of the adjoining interior lot, and a narrower front yard along its secondary frontage.

41. *Lot, Flag*: A parcel that does not meet the minimum lot width requirement at the minimum front yard setback but has direct access to a public street through a narrow strip of land (the flag) that is part of the same lot.

42. *Lot, Interior*: A lot other than a corner lot.

43. *Lot, Reverse frontage*: A through lot fronting on both a major street and a parallel, lesser street. Reverse frontage lots may be required to have access from the lesser street.

44. *Lot, Through*: A lot that fronts on two streets that do not intersect at the boundaries of the lot.

45. *Lot area*: The total area within the lot lines of a lot, excluding any rights-of-way.

46. *Lot frontage*: The lot width measured at the front lot line.

47. *Lot line*: A line bounding a lot, which divides it from another lot or from a street or from any other public or private place.

48. *Lot line, Front*: The lot line separating a lot from a street right-of-way. In the case of standard corner lots, there is a primary and secondary front line. The shorter of the two is the primary front lot line. For all other corner lots, both lot lines are considered front lot lines.

49. *Lot line, Rear*: That lot line which is parallel to and most distant from the front line. In the case of a triangular or irregularly shaped lot, a line 10 feet in length, entirely within the lot, parallel to and at the maximum distance from the front lot line.

50. *Lot line, Side*: Any lot line other than a front lot line or a rear lot line.

51. *Lot width*: The minimum distance measured between the side lot lines at the front building line. For corner lots, lot width is the distance measured between the side lot line and the opposite lot line.

52. *Manufactured home lot*: A lot designed for the placement of a manufactured home in a manufactured home subdivision.

53. *Manufactured home space*: A space designed for the placement of a manufactured home within a manufactured home park.

54. *Masonry*: Clay brick, natural or cut stone, stucco, split-face concrete block, fiber cement siding (e.g., HardiePlank) and/or a combination of these. Stucco is only considered a masonry material when applied over a concrete masonry base or when using a three-step process over metal lath mesh to a 7/8th inch thickness or by other processes producing comparable cement stucco finish with equal or greater strength and durability specifications.

55. *Nonconformities*: Lawful uses of lots, structures or characteristics of uses, which, as a result of amendment to this Ordinance, no longer conform to all applicable zoning provisions.

56. *Nonresidential*: Land uses including agricultural, institutional, commercial, lodging and industrial activities. Developments containing residential and nonresidential uses within the same development site are considered nonresidential uses.

57. *Open space, Common*: Land area within a development that is held in common ownership and maintained by a property owner's association for all of the owners for recreation, protection of natural land features, amenities or buffers; is freely accessible to all owners of the development; and, is protected by the provisions of this Ordinance to insure that it remains in such uses.
58. *Owner*: The person having the right and legal title to, beneficial interest in or a contractual right to purchase a lot or parcel of land, or their authorized designee.
59. *Perimeter*: The boundaries or borders of a lot, tract or parcel of land.
60. *Planning Commission* or *Commission*: The Planning Commission of the City of Oxford, Alabama.
61. *Premises*: A lot, parcel, tract or plot or land together with the structures thereon.
62. *Property Line*: The lot line or boundary line.
63. *Recreational vehicle*: A vehicular type portable structure without permanent foundation that can be towed, hauled, or driven and is designed primarily as a temporary living accommodation of recreational and camping purposes.
64. *Satellite dish antenna*: A parabolic or dish-shaped antenna designed to receive television broadcasts relayed by signals from communications satellites.
65. *Screen*: To visually shield or obscure a building, structure or use from adjacent property or public view by means of opaque fencing, walls, berm or densely planted vegetation.
66. *Site*: Land intended to have one or more buildings or intended to be subdivided into one or more lots.
67. *Special exception*: A use or characteristics of development that would not generally be appropriate in a zoning district without restriction, but which, if controlled as to number, area, location or relation to the area, would not be detrimental to public health, safety and general welfare. Special exceptions require approval of the Board of Adjustment. See §12.06.
68. *Story:* That portion of a building included between the upper surface of any floor and the upper surface of the floor next above; or any portion of a building between the topmost floor and the roof, in which the floor area with eight ft or more of head clearance is equivalent to 50% or more of the floor are of the story next below. A top floor in which the floor area with eight ft or more of head clearance is less than 50% of the floor area of the story next below is considered a "half-story". A basement is considered as a story if its ceiling is more than five ft above grade level or if it is used for residential purposes other than for the janitor or domestic servant including the families of the same employed in the building.
69. *Street:* A vehicular way dedicated for public use including all land within the right-of-way.
70. *Structure:* A combination of materials that form a construction for use, occupancy, or ornamentation whether installed on, above or below the surface of land or water. All buildings are structures but not all structures are buildings.
71. *Surveyor*: A professional surveyor registered and in good standing with the Alabama Board of Engineers and Land Surveyors.
72. *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.

73. *Tree, Canopy*. A deciduous tree that reaches a mature height of at least 20 ft.
74. *Tree, Understory*. A deciduous tree that reaches a mature height of at least 15 ft.
75. *Variance*: A relaxation or waiver of the terms of this Ordinance (other than use provisions) as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this Ordinance will result in unnecessary hardship.
76. *Yard*: A minimum open area unobstructed from the ground up extending along a lot line and inward to the structure. The yard is measured as the shortest distance between the structure and the lot line.
    a) *Front yard*: A yard extending the full width of the lot between any building and the front lot line and measured perpendicular to the building at the front building line. Corner lots provide a front yard on both frontages. However, single frontage corner lots have a "primary front yard" and a narrower "secondary front yard" as provided in the district regulations.
    b) *Rear yard*: A yard extending the full width of the lot between the principal building and the rear lot line and measured perpendicular to the building to the closest point of the rear lot line.
    c) *Side yard*: A yard extending from the front yard to the rear yard between the principal building and the side lot line and measured perpendicular from the side lot line to the closest point of the principal building.

Section 2.05 Uses Defined

1. *Agriculture*: The production, storage, keeping, harvesting, grading, packaging, processing, boarding or maintenance, for sale, lease, or personal use, of plants and animals, including but not limited to: forages and sod crops; grains and seed crops; dairy animals and products; poultry and poultry products; the keeping, raising and breeding of livestock; bees and apiary products; fur animals; trees and forest products; fruits, nuts and vegetables; plants and flowers; or lands that are devoted to soil conservation or forestry management.
2. *Animal hospital*: See "Veterinary Hospital."
3. *Animal shelter*: A nonprofit or public organization providing shelter for small domestic animals.
4. *Assisted living facility*: A building, portion of a building, or a group of buildings in which room, board, meals, laundry, and assistance with personal care and other services are provided for not less than 24 hours in any week to at least two ambulatory adults not related by blood or marriage to the owner and/or administrator and licensed by the State of Alabama.
5. *Bakery, Major*: An establishment which bakes goods primarily for wholesale and/or retail and in which may include storage and distribution facilities.
6. *Bakery, Minor*: An establishment, which bakes goods for on-premises retail sale only.
7. *Bank* or *financial institution*: 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.
8. *Bed and breakfast*: A detached single-family dwelling, or portion thereof, in which short-term lodging rooms and meals are provided. See §7.08.

9. *Boarding house:* A detached single-family dwelling or part thereof in which, for compensation, lodging and meals are provided for no more than nine individuals.
10. *Broadcast studio*: An establishment primarily engaged in broadcasting and other information relay services accomplished through the use of electronic and telephonic mechanisms.
11. *Business support service*: A business which supplies support services primarily to business establishments, such as sales of office equipment, supplies and services; cleaning services; computer and office equipment repair and similar services.
12. *Campground*: A plot of ground on which two or more campsites are located, established, or maintained for occupancy by camping units as temporary living quarters for recreation, education or vacation purposes.
13. *Club*: 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.
14. *Commercial parking*: Parking of motor vehicles on a temporary basis within a commercially-operated, off-street parking lot or garage.
15. *Commercial school*: A private, gainful business providing instruction in arts, business, crafts, trades or professions.
16. *Cluster Development*: A form of development that permits a reduction in dimensional requirements, provided there is no increase in the overall density of the development, and the remaining land area is devoted to open space, recreation, or preservation of environmentally sensitive areas. See §7.03.
17. *Construction service*: A place of business engaged in construction activities and incidental storage as well as wholesaling of building materials (but not a retail home improvement center) such as a building contractor, trade contractor or wholesale building supply store.
18. *Convenience store*: See "Retail, General."
19. *Country club*: Land or buildings containing recreational facilities and clubhouse for private club members and their guests.
20. *Day care center*: A licensed facility, that is not a dwelling, providing day care on a regular basis to more than six 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.
21. *Day care home*: A single-family dwelling in which a permanent adult occupant thereof provides care for up to six children for only 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. Within this ordinance, day care homes are regulated separately from home occupations.
22. *Distribution center*: See "Warehousing and Distribution."

23. *Drive-in theatre*: See "Entertainment, Outdoor."
24. *Dwelling*: Any building or portion thereof, which is designed and used for residential occupancy.
25. *Dwelling, Accessory*: A dwelling located on the same lot of and that is subordinate to a detached, single-family dwelling. Accessory dwellings are commonly referred to as guest houses, carriage houses, garage apartments, or mother-in-law units. See §7.07.
26. *Dwelling, Caretaker*: A residence, incidental to a principal use, for an on-site manager, watchman or caretaker employed on the premises.
27. *Dwelling, Multifamily*: A building containing five or more dwelling units on a commonly shared lot.
28. *Dwelling, Duplex*: A building containing two single-family dwelling units totally separated from each other by an unpierced wall extending from basement to roof.
29. *Dwelling, Multiplex*: A building containing three to four dwelling units, each of which has direct access to the outside or to a common hall.
30. *Dwelling, Single-family (Detached)*: A building containing one dwelling unit and that is not attached to any other dwelling by any means and is surrounded by open space or yards.
31. *Dwelling, Townhouse*: A single-family dwelling in a row of at least three such units in which each unit has its own front and rear access to the outside, no unit is located over another, and each unit is separated by one or more vertical common fire-resistant walls.
32. *Dwelling unit*: One or more rooms occupied as separate living quarters, with cooking, sleeping, and sanitary facilities provided within the dwelling unit for the exclusive use of a single family maintaining a household.
33. *Dwelling, Upper-story*: A dwelling unit located on a floor above a nonresidential use.
34. *Entertainment, Indoor*: A commercial establishment providing spectator entertainment within an enclosed building, including movie theaters, playhouses, concert halls, etc.
35. *Entertainment, Outdoor*: An establishment providing spectator entertainment in open or partially enclosed or screened facilities, including sports arenas, racing tracks, drive-in theaters, amusement parks, etc.
36. *Farm*: Land used primarily for agricultural purposes.
37. *Farm support business*: A commercial establishment engaged in the sale of farm support goods and services, including but not limited to the following: the sale of feed, grains, fertilizers, pesticides and similar farm support goods; the provision of warehousing and storage facilities for raw farm products; and the provision of veterinary services to farm animals. Does not include the sale of tractors or other farm vehicles and similar equipment.
38. *Flea Market*: See "Retail, General, Unenclosed."
39. *Funeral Home*: A building used for the preparation of the deceased for burial and the display of the deceased and rituals connected therewith before burial or cremation.

40. *Garden center or Nursery*: The growing, cultivation storage and sale of garden plants, trees, flowers, shrubs, and fertilizers, as well as the sale of garden tools and similar accessory and ancillary products, to the general public.

41. *Garden Home*: A single-family detached dwelling with a lot and yard sizes meeting the requirements of the GH District or, in the case of planned development or cluster development, the requirements established under the approved Master Development.

42. *Gas station*: A commercial establishment involving the retail dispensing of automotive fuels. Gas stations that provide vehicle repair services are classified as either "Vehicle repair, Major" or "Vehicle repair, Minor."

43. *Grocery store.* See "Retail, General."

44. *Group Home*: A dwelling for the sheltered care of 10 persons unrelated by blood or marriage, living together as a single housekeeping unit under the supervision of one or two resident managers, which, in addition to providing food and shelter, my also provide some combination of personal care, social or counseling services, and transportation.

    a) *Transitional Care Home*: A group home whose purpose is to provide a protective living environment to victims of crime or abuse, persons recovering from drug or alcohol addiction, homeless persons, and those reentering society through prerelease, work release or probationary programs.

    b) *Family Care Home*: A group home whose purpose is to serve physically or mentally impaired persons in a family-type living arrangement, and which meet the requirements of Section 11-52-75.1 *Regulations as to housing of mentally retarded or mentally ill persons in multi-family zones,* Code of Alabama, 1975 as amended.

45. *Heavy industry*: Industries including but not limited to meat or poultry processing, slaughterhouse, the storage or manufacturing of flammable, explosive or toxic materials or other materials generally considered to be hazardous or offensive in nature.

46. *Home improvement center*: A place of business providing building, yard and garden materials, appliances, tools and supplies at retail or wholesale.

47. *Home occupation*: A business, profession, occupation or trade conducted for gain or support as an incidental activity within a dwelling. See also §7.04.

48. *Hospital*: An establishment providing primary health services and medical or surgical care to persons, primarily inpatients, suffering from illness, disease, injury, deformity, and other abnormal physical or mental conditions and including as an integral part of the institution related facilities such as laboratories, outpatient facilities, training facilities, medical offices and staff residences.

49. *Hotel:* An establishment providing sleeping accommodations for transients, in which lodging rooms are accessed from the interior of the building. Hotels may also include, as an incidental use, a liquor lounge.

50. *Independent living facility*: A multifamily residential facility for the elderly. These facilities may provide meals and other services such as housekeeping, linen service, transportation, and social

and recreational activities. Such facilities do not provide, in a majority of the units, assistance with activities of daily living such as supervision of medication, bathing, dressing, toileting, etc.

51. *Institutional uses*: Structures or land occupied by a group, cooperative, or other entity created for nonprofit purposes or for public use or services. This does not include institutional facilities in which principal functions on the site involve garages, repair or storage yards, or warehouses. For the purposes of this Ordinance, institutional uses are categorized as follows:

    a) *Low intensity institutional uses*: places of assembly up to 150 seats; day care centers; group care homes; nursing care facilities and other homes for the aged up to 10,000 sf.

    b) *Medium intensity institutional uses*: government buildings up to 12,500 sf; health institutions up to 35,000 sf; elementary and junior high/middle schools; places of assembly up to 300 seats; stadiums and arenas up to 3,000 seats; other institutions up to 35,000 sf.

    c) *High intensity institutional uses*: government buildings greater than 12,500 sf; health institutions greater than 35,000 sf; places of assembly greater than 300 seats; high schools, universities, colleges, junior colleges; other institutions greater than 35,000 sf.

52. *Kennel*: An establishment in which domesticated animals are housed, groomed, bred, boarded, trained, or sold, all for compensation.

53. *Laundering plant*: An establishment primarily engaged in high volume laundry and garment services, including commercial and industrial laundries; garment pressing and dry cleaning; linen supply; diaper service; industrial laundries; carpet and upholstery cleaners, but excluding laundromats and dry cleaning pick-up stations without dry cleaning equipment.

54. *Laundry services*: Laundromat, laundry and dry cleaning pick-up stations, dryer, and clothing storage, but excluding laundering, dry cleaning, and dyeing plants.

55. *Liquor lounge*: A licensed establishment engaged in the preparation, sale or serving of liquor for consumption on the premises only. This includes but is not limited to the following terms: taverns, bars, cocktail lounges, nightclubs and similar uses where liquor sales and consumption occur on the premises.

56. *Livestock sales*: The sale of animal livestock within an enclosed yard or structure, including livestock markets, horse or cattle auctions and similar activities.

57. *Maintenance service*: An establishment providing building and yard maintenance services, such as janitorial services, exterminating services, landscaping services, window cleaning services, office cleaning services and similar uses.

58. Manufactured homes

    a) *Class A manufactured home*: A “double-wide” manufactured home constructed after July 1, 1976 that meets or exceeds the construction standards promulgated by the US Department of Housing and Urban Development that were in effect at the time of construction and where the manufactured home has a length not exceeding four times its width.

    b) *Class B manufactured home*: A “single-wide” manufactured home constructed after July 1, 1976 that meets or exceeds the construction standards promulgated by the US Department of Housing and Urban Development that were in effect at the time of construction.

c) *Class C manufactured home*: A manufactured home built before 1976 that does not meet the definition of a Class A or Class B Manufactured Home. Class C manufactured homes are not allowed in the City, except as lawful nonconformities.

59. *Manufactured home park*: Land used or designed as a manufactured home community containing multiple spaces for rent or lease.

60. *Manufactured home subdivision*: A subdivision designed and intended for the siting of Class A Manufactured Homes.

61. *Manufacturing, General*: The basic processing and manufacturing of materials or products predominately from extracted or raw materials and the incidental storage, sale and distribution of such products.

62. *Manufacturing, Light*: The manufacture, predominately from previously prepared materials of finished products or parts, including processing, fabrication, assembly, treatment and packing of such products and the incidental storage, sale and distribution of such products

63. *Medical clinic*: A facility providing medical, psychiatric or surgical services for sick or injured persons exclusively on an out-patient basis.

64. *Medical support service*: A place of business, which supplies medical support services to individuals, medical practitioners, clinics and hospitals, including but not limited to a pharmacy, medical and surgical supply store, and an optician.

65. *Mini-warehouse*: A structure group of structures partitioned for leasing of individual storage spaces and is exclusively used for the storage of non-volatile, non-toxic and non-explosive materials.

66. *Mixed use* or *Mixed use development*: The combination of a residential use with commercial and/or lodging uses on the same site or within the same building.

67. *Modular Home*: A structure designed for use as a single-family detached dwelling manufactured off-site and assembled on-site by a licensed contractor, all in accordance with the local or state building code.

68. *Motel:* An establishment providing sleeping accommodations for transients, in which lodging rooms are accessed from the exterior of the building. Motels may also include, as an incidental use, a liquor lounge.

69. *Office, Business* or *Professional*: A room or group of rooms used for conducting the affairs of a business, profession, service, or industry and generally furnished with desks, tables and communications equipment.

70. *Outdoor storage*: The keeping, in an unenclosed area, of any goods, materials, merchandise, products or vehicles in the same place for more than 48 hours.

71. *Park*: Publicly-owned and operated parks, playgrounds, recreation facilities and open spaces. Parks owned and operated by a property owners association are referred to as “Common Open Spaces.”

72. *Parking, Commercial*: A parking area accessible to the public for a fee and not accessory to a use on the same premises.

73. *Parking, Nonresidential*: A parking area serving a nonresidential use, which may or may not be located on the same premises.
74. *Personal service*: An establishment primarily engaged in providing services involving the care of a person or their personal goods or apparel.
75. *Place of assembly*: A facility used for and providing religious, fraternal, recreational, social, educational or cultural activities.
76. *Printing establishment*: Minor. Blue printing, copying, printing, engraving or other reproduction services with 2,500 sf or less of floor space.
77. *Printing establishment, Major*: Blue printing, copying, printing, engraving or other reproduction services with no limit on floor space/area.
78. *Public facility*: Buildings providing public services, not otherwise defined in this Section, including government offices, post offices, museums, libraries, transit stations, police and fire stations, emergency service stations, civil defense operations and similar uses.
79. *Public utility facility*: A facility that provides public utility services to the public at large, including water and sewer, gas distribution, electric transmission and distribution, and cable transmission and distribution facilities.
80. *Recreation*: A commercial establishment providing recreational or sports activities to participants, including bowling alleys, billiard parlors, video game centers, ice and roller skating rinks, driving ranges, miniature golf courses, conventional golf courses, swimming pools, tennis courts and other commercial recreational and sports activities.
81. *Recycling center*: Land, with or without buildings, upon which used materials are separated and processed for shipment for eventual reuse in new products.
82. *Recycling plant*: A facility, other than a junkyard, 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 be used again in new products.
83. *Research laboratory*: A building or group of buildings in which are located 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.
84. *Resource extraction*: The removal of soil, sand, stone, chert, clay, gravel, limestone, or other minerals or similar materials, for commercial purposes, including quarries, sand and gravel operations, gas extraction, and mining operations, and the loading, sizing, crushing, and processing of such materials, and the incidental storage, sale and distribution of such materials.
85. *Restaurant, Fast food*: An establishment where food and drink are rapidly prepared for drive-through or drive-in service.
86. *Restaurant, Standard*: An establishment where food and drink are prepared, served and primarily consumed within the building where patrons are seated and served.
87. *Restaurant, Take-out only*: An establishment where food and drink are prepared and served for consumption off-premises only.

88. *Retail, General*

    a) *General retail, Enclosed*: Retail sales of goods and services conducted fully or 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, auction houses and similar retail activities.

    b) *General retail, Unenclosed*: Retail sales of goods and services conducted primarily (more than 50% of total sales area is unenclosed) or fully outside of a building, including but not limited to outdoor sales, flea markets, and similar activities. "Vehicle sales" is separately defined and regulated.

89. *Rooming house*: See "Boarding House."

90. *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.

91. *School*: A public or nonprofit primary or secondary school. Does not include "Commercial school" or "College."

92. *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.

93. *Stable*: An accessory structure in which horses are kept for private or commercial use.

94. *Studio*: A place of work for an artist, photographer or craftsman, including instruction, display, production and retail sales of materials produced on the premises.

95. *Truck stop*: An establishment involving the maintenance, servicing, storage or repair of commercial vehicles; the retail dispensing of motor vehicle fuels; and the sale of accessories or equipment for trucks and similar commercial vehicles. Truck stops may include overnight accommodations or dining.

96. *Truck terminal*: A premises on which trucks load and unload cargo and freight and where the cargo and freight may be broken down or aggregated into smaller or larger loads for transfer to other vehicles or modes of transportation.

97. *Vehicle and equipment sales, rental and service*: An establishment engaged in the sale or rental of heavy trucks (over one ton), construction equipment, tractors farm implements and similar equipment, including the storage, maintenance and servicing of such vehicles and equipment.

98. *Vehicle repair, Major*: An establishment engaged in the repair and maintenance of vehicles including painting, body work, rebuilding of engines or transmissions, upholstery work, fabrication of parts and similar activities all of which is performed entirely within an enclosed building.

99. *Vehicle repair, Minor*: An establishment engaged in sales, installation, and servicing of mechanical equipment and parts, including audio equipment and electrical work, lubrication,

tune-ups, wheel alignment, tire balancing, brake and muffler work, battery charging and/or replacement and similar activities.

100. *Vehicle sales or rental*: An establishment engaged in the sale or rental of automobiles, light trucks, recreational vehicles, boats, motorcycles, including the incidental parking, storage, maintenance, servicing and repair of such vehicles.

101. *Veterinary hospital*: A place where animals are given medical care and the boarding of animals is limited to short-term care incidental to the hospital use.

102. *Warehousing and distribution*: An establishment engaged in the receipt, storage, and distribution of goods, products, cargo and materials, including transshipment by boat, rail, air or motor vehicle, excluding any retail sales, assembly, or product processing.

103. *Wholesaling establishment*: An establishment primarily engaged in selling merchandise to other businesses, including retailers, industrial, commercial, institutional, or professional business users, other wholesalers, or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies.

104. *Wrecking* or *Junk yard*: A lot or structure or part thereof, used primarily for the collecting, storage and sale of waste paper, rags, scrap metal or discarded material or for the collecting, dismantling, storage and salvaging of machinery or vehicles not in running condition or for the sale of parts thereof.

Section 2.06 Abbreviations used in this Ordinance

1. ac – Acre(s)
2. bldg. – Building
3. BR – Bedroom
4. CR – County Road
5. Dr. – Drive
6. DU – Dwelling Unit
7. EQ – equal
8. FCC – Federal Communications Commission
9. ft – foot or feet
10. GFA – Gross Floor Area
11. max. – maximum
12. min. – minimum
13. na – not applicable
14. oc – on center
15. PL – Property line or Lot Line
16. ROW – Right-of-way
17. sf – sf
18. % - percent
19. § - Section, Subsection, Paragraph or Item within this Ordinance or other regulations, as specified

Article 3. Supplemental Regulations

Section 3.01 General Regulations

Except as otherwise provided for in this Ordinance:

1. No land may be used nor building erected, enlarged, reconstructed, moved, structurally altered or used except for a use permitted by right, approved by the Board of Adjustment as a Special Exception, or approved by the Planning Commission as a Conditional Use in the applicable district. Uses are permitted within each district as specified in Articles 4, 5 and 6. Refer to §3.02 Interpretation of Uses for any uses not expressly identified in this Ordinance.

2. Structures must be located on each lot in accordance with the area and dimensional regulations specified for the district in Articles 4, 5 and 6 unless modified by any applicable Use-Specific Regulations (refer to Article 7).

   No building may be erected, enlarged, reconstructed, moved or structurally altered except in conformity with the dimensional regulations of the applicable district. The minimum lot area, yard setbacks, open spaces and parking spaces required for each and every building, may not be encroached upon or counted toward the requirements for any other building unless specifically provided for otherwise in this Ordinance.

3. Every building hereafter erected or structurally altered must be located on a lot as herein defined and in no case may there be more than one principal building and one principal use on one lot except as otherwise permitted for nonresidential uses and multifamily developments. Accessory structures may not include living quarters except where expressly permitted for Accessory Dwellings.

4. No building for human occupancy may be erected without unrestricted vehicular access to a public street.

5. No private permanent building, fence, wall or other structure may be placed or constructed within a public right-of-way or easement.

6. No lot may be reduced in area so that yards and other open spaces total less than the minimum area required under this Ordinance.

Section 3.02 Interpretation of Uses

This ordinance recognizes the limitations of the district use listings given the infinite variations of uses. Therefore, the Zoning Official is empowered to make interpretations so as to classify any questioned use within a listed use of most similar impact and characteristics. Any appeals related to the Zoning Official's use interpretation may be filed with the Board of Adjustment.

In the event the Zoning Official finds a new or unusual use that cannot appropriately fit a listed use in any district, the following procedures are followed:

1. If compatible with the intent of the existing zoning district in the determination of the Zoning Official, the unclassified use may be permitted by Special Exception upon approval and subject to the conditions set by the Board.

2. If the unclassified use would not be compatible with the intent of the existing zoning district, the Zoning Official will determine the most appropriate zoning classification and inform the applicant accordingly. Upon said determination, the applicant may apply for rezoning in accordance with Article 13 Amendment. The unclassified use may then be permitted as Special Exception upon approval and subject to the conditions set by the Board.

Following final action on the unclassified use, as (1) and (2) above may require, the Commission may initiate an amendment to this Ordinance to list the newly permitted use in the most appropriate district(s).

Section 3.03 Joint Occupancy

Except as specifically provided for upper-story dwellings, accessory dwellings, home occupations and caretaker dwellings, no structure may be erected, structurally altered for or used as a dwelling simultaneously with any other use.

Section 3.04 Public Utilities

Utility poles, wires, cross-arms, transformers attached to poles, guy wires, insulators, conduits and other utility structures necessary for electric power, telephone or telegraph service, distribution of gas, oil, water or other utilities may be constructed, erected, repaired, maintained or replaced within any district of the City. The construction of utility stations or substations is subject to §7.01 Public Utility Facilities.

Section 3.05 Buildings to be Moved

Any building or structure to be moved to any location within the city limits will be considered, for the purpose of this Ordinance, a new building under construction; and, as such, it must conform to all applicable provisions of this Ordinance.

Section 3.06 Lot Area and Yards

1. No building will be required to be set back more than the average of the setback of the existing buildings within 100 ft each side thereof.
2. Single frontage corner lots for detached single-family and duplex dwellings have a primary (greater) front yard setback and a secondary (lesser) front yard setback, as specified in the applicable residential district. Corner lots, in all other cases, have a front yard on each street frontage.
3. Through lots must provide the required front yard on both sides.
4. The following projections into required yards are permitted:
   a) Architectural features such as, but not limited to, chimneys, roof overhangs, or eaves may project up to 2.5 ft, but may not be closer than three ft to any side or rear lot line.
   b) Terraces, steps, uncovered porches and similar features that extend no more than three ft above the ground may project into a required yard but may be no closer than five ft to any side or rear lot line.
   c) Within residential districts, satellite dish antennas may be located only within a rear yard and may be no closer to any property line than 10 ft, measured from the closest edge of the structure.

5. *Future street lines.* Any lot which, at the time of adoption of this Ordinance or any amendment thereto, may be reduced in area by widening a public street to a future street line as indicated on the duly adopted "Major Street Plan", or as reserved under the mapped street provisions of Title 35, Chapter 2, Article 3, Sections 50-62, inclusive, Code of Alabama 1975 (and as amended), the minimum required lot area, the minimum lot width and the maximum building area must be provided by considering the future street lines as the lot lines of such lots.

Section 3.07 Height

In each district, each structure hereafter erected or altered may not exceed the heights specified in the district requirements. Height limitations do not apply to church steeples, hospitals, sanitariums, barns silos, farm structures, chimneys, flag poles, public utility poles, radio and television towers and aerials, cooling towers, water tanks, and industrial structures when required by manufacturing process.

Section 3.08 Fences

Fences or walls may be erected, placed, maintained, or grown along a lot line on residentially zoned property or abutting a residential district, to a height not exceeding six ft above the ground. Where such lot line abuts a nonresidential district, fences and walls may be erected, placed, maintained, or grown to a height not exceeding eight ft.

Section 3.09 Intersection Visibility

To provide a clear view at intersections, there must be an unobstructed triangular area at the junction of any two streets or a street with a driveway or alley. The size of this triangular area is a function of the classification of the streets, which in turn is a function of the relative volume and speed of traffic on them.

1. For streets that intersect at an oblique angle; or, in cases where in the opinion of the Commission there are unusual circumstances that require special consideration, the intersection is referred to the Zoning Official who will recommend a triangular unobstructed area using the standards contained in the latest edition of the *Manual of Uniform Traffic Control Devices*.
2. Where a driveway or alley intersects with a public street, an unobstructed triangular area measuring 10 ft from the intersection along the right-of-way and 10 ft from the intersection along the edge of the driveway or alley.
3. Within the triangular areas defined above, nothing may be planted, placed, erected, or allowed to grow that will interfere with visibility between a height of 2.5 ft and eight ft above finished grade at the intersection of the two street center lines or the right-of-way and driveway or alley edge.

Section 3.10 Accessory Structures

It is the intent of this Ordinance that accessory structures be permitted for uses that are reasonable and customary to the applicable district and permitted use and may not include or be used for human habitation, except as expressly provided for accessory dwellings. Accessory structures must comply with the following:

1. No accessory structure may be erected in any required front or side yard.

2. Accessory structures may not exceed two stories in height and may not cover more than 30% of any required rear yard, and must be at least five ft from the rear and side lot lines and 10 ft from any other structure on the same lot.
3. On any lot abutting, along its side lot line, a residentially-zoned lot, no part of any accessory structure may be located within 60 ft of any front lot line.
4. When an accessory structure is attached to the principal building by a breezeway or similar means, it must comply with the yard requirements of the principal building.
5. Private below-ground swimming pools on residential lots must be located in the rear yard only, set back no less than 10 ft from the nearest lot line, and enclosed by a protective wall, fence or similar type barrier of a minimum height of four feet with suitable locks on all gates and exits.
6. Storm and fallout shelters are permitted as principal or accessory uses and structures in any district, subject to the yard and lot coverage regulations of the district. Such structures may contain or be added to other structures, or may be constructed separately, and in addition to shelter use may be used for any permitted principal or accessory use, but may not be used as a dwelling.

Section 3.11 Common Open Spaces and Facilities

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

1. If not owned and maintained by the developer, an association representing the owners must own the common open space or facility in perpetuity. Membership in the association is mandatory and automatic for all owners of the subdivision or condominium and their successors. The association must have lien authority to ensure the collection of dues from all members. The responsibility for maintaining the common open space and/or facilities is borne by the association.
2. Management Plan. The applicant must submit a plan for management of open space and/or common facilities that:
   a) 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;
   b) 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;
   c) provides that any changes to the plan be approved by the Commission; and
   d) provides for enforcement of the plan
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. Costs will become a lien on all involved properties.

Section 3.12 Manufactured Homes

All manufactured homes must be located in an approved manufactured home sales establishment, manufactured home park or manufactured home subdivision except as otherwise provided herein:

1. A manufactured home may be temporarily parked and used as a bona fide construction office and the quarters of a night watchman at a construction site provided a permit is secured from the Zoning Official. The permit will expire upon completion of the construction for which the permit is issued.
2. An existing manufactured home located in the AG-1 District may be replaced in accordance with §3.13.5.

Section 3.13 Nonconformities

It is the purpose of this Section to provide for the regulation of legally nonconforming lots, structures, and uses; and to specify the circumstances and conditions under which such nonconformities can be continued, expanded, or modified; and under which they must be terminated.

1. *General Provisions*

   a) Except as otherwise provided in this Section, any nonconforming lot, structure or use lawfully existing on the effective date of this Ordinance, or subsequent amendment thereto, may be continued so long as it remains otherwise lawful.

   b) Nothing in this Section may be interpreted to prohibit routine maintenance, restoration of a structure to a safe condition, internal renovations and modifications, and external improvements, which do not increase in scope or scale the nonconformity of the structure.

      Nothing in this Section may be deemed to prevent the strengthening or restoration to a safe condition of a structure in accordance with an order of a public official who is charged with protecting the public safety and who declares such structure to be unsafe and orders its restoration to a safe condition; provided that such restoration of such structure is not otherwise in violation of this Ordinance.

   c) No nonconformity may be moved, in whole or in part, to any other location on the same or any other lot unless the entire structure conforms to the regulations of the applicable district after being moved.

   d) Any other provision of this Section to the contrary notwithstanding, no use or structure which is accessory to a principal nonconforming use or structure may continue after such principal use or structure has ceased or terminated, unless it thereafter conforms to all of the regulations of this Ordinance.

   e) The burden of establishing the lawful nonconforming status of any improvement, structure or use under the terms of this Article in all cases is that of the owner, not the City.

2. *Definitions*. For the purposes of this Section the following definitions apply:

   a) *Nonconforming Lot of Record*: Any vacant lot legally established prior to the effective date of this Ordinance or amendment thereto, which does not fully comply with the dimensional regulations of the applicable district.

b) *Nonconforming Developed Lot*: Any lot containing a building, structure, and/or activity legally established prior to the effective date of this Ordinance or amendment thereto, but which does not fully comply with the dimensional regulations of the applicable district.

c) *Nonconforming Improvements*: Any physical improvements, including drainage improvements, driveways, landscaping, lighting and parking areas, but not including buildings, structures or signs, legally established prior to the effective date of this Ordinance or amendment thereto, but which does not fully comply with the applicable regulations for such improvements in this Ordinance.

d) *Nonconforming Structure*: Any building or structure, other than a sign, legally established prior to the effective date of this Ordinance or amendment thereto, but which does not fully comply with the dimensional regulations of the applicable zoning district.

e) *Nonconforming Use*: An activity using land, buildings, and/or structures for purposes, which were legal prior to the effective date of this Ordinance or amendment thereto, but which does not fully comply with the use regulations of this Ordinance.

f) *Nonconformity, Minor*: Any property comprising a nonconforming developed lot and/or nonconforming structure, but which is used for an activity otherwise in compliance with the applicable regulations of this Ordinance.

g) *Nonconformity, Major*: Any property, which is used for an activity that is not fully in compliance with the regulations for the applicable district.

3. *Nonconforming Lots of Record*. Where the owner of a nonconforming lot of record does not own sufficient abutting land to enable compliance with the dimensional regulations of this Ordinance, one building and its accessory structures may be built provided they conform as closely as possible, as determined through application and approval of a variance by the Board of Adjustments, to the requirements of the applicable district; and further provided that no side yard, where required to be greater than five ft, may be reduced to less than five ft.

4. *Minor Nonconformities*. Minor nonconformities may be modified, enlarged, and/or expanded provided that such modification, enlargement, or expansion conforms to all other regulations in this Ordinance, unless the Board of Adjustment grants a variance from such regulations.

5. *Major Nonconformities*.

a) A nonconforming use may be changed to another nonconforming use provided the new use is the same or lesser intensity of use as the original use.

b) A nonconforming use may not be enlarged within a structure, nor occupy a greater area of land, than it did at the effective date of this Ordinance or amendment thereto.

c) A structure containing a nonconforming use may not be moved to any portion of the lot other than that occupied at the effective date of this Ordinance or subsequent amendment thereto.

d) A nonconforming use may not be altered, enlarged, or intensified in any way that increases its nonconformity, but may be altered or reduced to decrease its nonconformity.

e) A nonconforming use which changes to a permitted use within the applicable district, may not thereafter revert to a nonconforming use.

f) The above notwithstanding, an existing manufactured home located in the AG-1 District may be replaced by a Class A or Class B manufactured home provided the replacement home: is not more than five years old from the date of manufacture, is placed on site not more than six months from the date of removal, is placed in the same location as the existing home and is deemed to be in sound condition upon inspection by the City.

g) If a nonconforming use is damaged in any manner to the extent that the restoration costs would exceed 60% of the value of that use immediately before such damage occurred, or is discontinued and remains vacant for one year or more, any subsequent use of that lot and/or structure must be in full compliance with the regulations of the applicable district.

If a nonconforming use is damaged by less than 60% of the value of that use prior to damage, it may be repaired to its condition prior to damage provided that such repairs are completed within 12 months of the date of such damage and do not result in enlargement of the nonconforming use.

h) In contradistinction to Item g above, detached single-family dwellings existing prior to the rezoning of a property to an ASC, GB, CBD or NSC District may be restored, regardless of the extent of damage, upon approval of a Special Exception by the Board of Adjustment and provided such restoration is completed within 12 months of the date of such damage and does not result in enlargement of the dwelling. However, after discontinuance of such use for one year or more, subsequent use of such structures must be in full compliance with the regulations of the applicable district, as provided in this Subsection.

6. *Nonconforming Improvements*. Nonconforming improvements must be brought into conformance with the applicable regulations of this Ordinance prior to occupancy by a new use, expansion of an existing use or prior to occupancy following a period of vacancy of one year or longer. The Board of Adjustment may modify this requirement where it finds that the fully required improvements may not practicably be provided due to inadequate area on a developed lot.

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Article 4. Residential Districts

Section 4.01 General Use Regulations

1. *Uses Permitted*. See Table 4-1 Use Regulations, Residential Districts.

   Except as expressly provided for otherwise in this Article 4, nonresidential uses are prohibited in residential districts. Low intensity institutional uses, as defined in Article 2, are permitted by right in a residential district. Medium intensity institutional uses may be approved as a Conditional Use by the Planning Commission. Existing institutional uses may be expanded to medium intensity in a residential district only upon approval of a Conditional Use. High intensity institutional uses, whether by expansion of an existing use or new construction, are prohibited in all residential districts.

2. *Development Criteria*. See Table 4-2 Area and Dimensional Regulations, Residential Districts.

3. *Parking Regulations*. See Article 8 Parking.

4. *Sign Regulations*. See Article 9 Signs.

5. *Landscaping, Screening and Buffers*. See Article 10 Landscaping for multifamily and nonresidential uses.

Section 4.02 E-1 District

The purpose of this district is to provide and preserve land for residential estates and other low-density single family dwelling areas. The district regulations are designed to protect the residential character of these areas by prohibiting commercial and industrial activities; to encourage a suitable neighborhood environment by including among the permitted uses such facilities as parks and open spaces, schools and places of worship, and to preserve the openness of the areas by requiring certain minimum yard and area standards.

Section 4.03 R-1 District

The purpose of this district is to provide and preserve land for medium-density single-family dwelling areas. The district regulations are designed to protect the residential character of these areas by prohibiting commercial and industrial activities; to encourage a suitable neighborhood environment by including among the permitted uses such facilities as parks and open spaces, schools and places of worship, and to preserve the openness of the areas by requiring certain minimum yard and area standards.

Section 4.04 R-2 District

The purpose of this district is to provide and preserve land for medium-density single-family dwelling areas. The district regulations are designed to protect the residential character of these areas by prohibiting commercial and industrial activities; to encourage a suitable neighborhood environment by including among the permitted uses such facilities as parks and open spaces, schools and places of worship, and to preserve the openness of the areas by requiring certain minimum yard and area standards.

Section 4.05 R-3 District

The purpose of this district is to provide and preserve land for multifamily dwellings and special residential uses. The district regulations are designed to protect the residential character of these areas by prohibiting commercial and industrial activities; to encourage a suitable neighborhood environment by including among the permitted uses such facilities as parks and open spaces, schools and places of worship, and to preserve the openness of the areas by requiring certain minimum yard and area standards.

A minimum of 3 acres is required to establish an R-3 District.

1. *Development Criteria*. See Table 4-2 Area and Dimensional Regulations, Residential Districts and the following:
   a) All properties zoned R-3 must be served by municipal water and sewer.
   b) Multifamily developments with sites greater than one acre, containing more than eight dwelling units, or containing more than one building are subject to §7.09 Multifamily Dwellings.

Section 4.06 GH Garden Home District

The purpose of this district is to provide and preserve land for garden home developments. The district regulations are designed to protect the residential character of these areas by prohibiting commercial and industrial activities and to encourage a suitable neighborhood environment by including among the permitted uses such facilities as parks and open spaces.

1. *Development Criteria*. See Table 4-2 Area and Dimensional Regulations, Residential Districts and the following:
   a) All properties zoned GH must be served by municipal water and sewer.
   b) Detached accessory structures are only permitted on lots having a depth of at least 120 ft. In all other cases, accessory structures must be attached to the dwelling.
   c) Front facades must be no less than 70% masonry. Side and rear facades must be no less than 50% masonry. The area of windows and doorways is excluded from this calculation.
   d) Forward of the front building line, driveways may not be wider than 12 ft.

Section 4.07 TH Townhouse District

The purpose of this district is to provide and preserve land for development of attached single family dwellings, or townhouses. The district regulations are designed to protect the residential character of these areas by prohibiting commercial and industrial activities and to encourage a suitable neighborhood environment by including among the permitted uses such facilities as parks and open spaces. It is expected that townhouse developments will offer a high level of amenities to compensate for the modest private yard space afforded on townhouse lots.

1. *Development Criteria*.
   a) *Site requirements*. Townhouse development sites must contain not less than 2.5 acres. At least 75% of the development site must consist of developable land. All properties zoned TH must be served by municipal water and sewer.

b) *Maximum density*. Townhouse developments may not exceed twelve units per acre. Impervious surfaces at project build-out may not exceed 60% of the development site.

c) Each attached dwelling must be located on its own separate platted lot. This requirement may be waived for townhouses developed in a condominium arrangement.

d) Townhouse buildings may contain no less than three and no more than 12 attached dwelling units. A minimum spacing of 40 ft must be provided between the front façade of a townhouse building and any other building façade, or between the rear facades of opposing townhouse buildings.

e) *Area and dimensional requirements for townhouse lots*. See Table 4-2 Area and Dimensional Regulations, Residential Districts and the following.

1) A side yard is only required at the unattached end of a row of townhouses, in which case the minimum width is 10 ft. When the unattached end faces a public street, the minimum setback is 15 ft.

2) Each townhouse must have its own yard containing not less than 400 sf, exclusive of paved parking space, reasonably secluded from view from streets and from neighboring property.

f) *Minimum floor area*. For one story dwellings, the minimum floor area is 1,000 sf. For multistory dwellings (including 1.5 stories), the minimum floor area is 1,200 sf with a minimum of 600 sf on the first floor.

g) *Accessory Structures*. Detached accessory structures are permitted only on lots having a depth of at least 120 ft.

h) *Fire Protection*. Every townhouse development must be served or equipped at all times with fire hydrant equipment in good working order. The type, size, number and location of hydrants must comply with the applicable rules and regulations of the City, including those of the Oxford Fire Department. Each dwelling unit may be located not more than 1,000 ft from a fire hydrant.

i) Front facades must be no less than 70% masonry. Rear facades must be no less than 50% masonry. The area of windows and doorways is excluded from this calculation.

j) Sidewalks not less than four ft in width must connect all dwelling units, recreational amenities, common areas and public sidewalks adjoining the development site.

2. *Parking Regulations*. See Article 8 Parking. Off-street parking facilities must be either provided on and to the rear of the individual townhouse lots, or grouped in bays in the interior of blocks. Individual driveways are not permitted forward of the front building line of a townhouse lot.

3. *Review and Approval*. All townhouse developments must be approved in accordance with the Oxford Subdivision Regulations prior to the issuance of a zoning permit. Where the requirements or review considerations of this §4.07 conflict with the corresponding requirements of the Subdivision Regulations, the requirements herein govern. The Commission will review the following considerations and may attach such conditions to approval as may be reasonably necessary:

a) Consistency of the proposed development with the Comprehensive Plan

b) Access, circulation and other traffic impacts of the proposed development on adjoining public streets

c) Extent to which the layout and design of the development will retain and protect sensitive and enhancing natural features of the site

d) Extent to which architectural design features will complement the predominant architectural styles present in the surrounding neighborhood. All townhouse buildings within a development must be designed and use materials and colors to be aesthetically compatible with one another

e) Extent to which proposed buildings are designed and oriented to take advantage of scenic views and/or to maximize solar access

f) Extent to which higher densities on the site are visually screened or buffered from any adjoining single family detached dwellings

g) Extent to which recreational amenities will be incorporated into the development

Section 4.08 MH Manufactured Home District

1. *Purpose*. The following regulations are designed to encourage the development of quality living environments for residents of manufactured home parks and subdivisions. The regulations ensure ample provisions of open space and flexibility in layout to enhance the development of the district with respect to flood zones, steep slopes, and other topographical features. To these ends rezoning to, and development under this Section will be permitted only in accordance with a detailed Master Development Plan.

2. *Parking Regulations*. Except as otherwise stated herein, parking is subject to Article 8 Parking.

3. *Sign Regulations*. Except as otherwise stated herein, signage must comply with the requirements of Article 9 Signs.

4. *Manufactured Home Subdivisions.*

   a) All manufactured home subdivisions must be approved in accordance with the Oxford Subdivision Regulations prior to the issuance of a zoning permit.

   b) Lots are subject to the area and dimensional requirements in Table 4-3.

   c) Only Class A manufactured homes, which must conform to the following requirements, are permitted in manufactured home subdivisions:

      1) No more than one manufactured home is permitted on a lot.

      2) Manufactured homes must be oriented with their long side parallel to the front lot line.

Table 4-1 Use Regulations, Residential Districts							
	E-1	R-1	R-2	R-3	GH	TH	MH
Accessory Structures, Residential	R	R	R	R	R	R	R
Bed and Breakfast, see §7.08	SE	SE	SE				
Boarding House, subject to §7.10	SE	SE	SE	R			
Cemetery	C	C	C	C			
Cluster Development, see §7.03	R	R	R	R			
Country Club	R	R	R	R			
Day Care Center				SP			C
Day Care Home	R	R	R	R			
Dwelling, Accessory, see §7.07	R	R	R				
Dwelling, Duplex			R	R			
Dwelling, Multiplex			C	R			
Dwelling, Multifamily, see §7.09				SP			
Dwelling, Single-family detached	R	R	R	R	R		
Dwelling, Townhouse						R	
Gardens, as an accessory use to a residence	R	R	R	R	R	R	
Garden, as a principal use (e.g. community garden)	SE	SE	SE	SE	SE	SE	
Golf Course	C	C	C	C	C	C	
Group Home							
Transitional Care Home				SE			
Family Care Home				SP			
Home Occupation, see §7.04	R	R	R		R	R	
Independent Living Facility				SP			
Keeping of Chickens or Bees, see §7.12	R	R	R				
Manufactured Home Park							SP
Manufactured Home Subdivision							R
Parks, Open Space and Greenways	SP	SP	SP	SP	SP	SP	SP
Parking, Nonresidential	SE	SE	SE	SE			
Place of Assembly, up to 150 seats	SP	SP	SP	SP			
Place of Assembly, up to 300 seats	C	C	C	C			
Public Facility, up to 12,500 sf	C	C	C	C			
Public Utility Facility, see §7.01	SP	SP	SP	SP	SP	SP	SP
School, Elementary or middle/junior high	C	C	C	C			
Telecommunications Tower, see §7.02	SP	SP	SP	SP	SP	SP	SP

R – The use is permitted by right.
SE – The use requires action by the Board of Adjustment as a special exception per §12.05.
SP – The use requires review and approval of Site Plan by the Commission per §11.05.
C – The use is conditional and requires review by the Commission per §11.06.
A blank cell in the Table indicates that the use is not permitted.

Table 4-2 Area and Dimensional Regulations, Residential Districts						
	E-1	R-1	R-2	R-3	RG	RT
Minimum Lot Area, if on sewer	30,000 sf	12,750 sf	10,250 sf	8,000 sf	6,000 sf	1,250 sf
Minimum Lot Area, if unsewered	30,000 sf	15,000 sf	15,000 sf	n/a	n/a	n/a
Minimum Lot Width, if on sewer	125 ft	85 ft	75 ft	65 ft	60 ft	20 ft
Minimum Lot Width, if unsewered	125 ft	100 ft	75 ft	n/a	n/a	n/a
Front Yard	50 ft	30 ft	30 ft	25 ft	20 ft	12 ft
Secondary Front Yard (see §3.06.2)	n/a	22 ft	18 ft	15 ft	15 ft	15 ft
Rear Yard	50 ft	45 ft	40 ft	25 ft	25 ft	20 ft
Side Yard, for buildings up to 1.5 stories	20 ft	10 ft	10 ft	10 ft	10 ft	n/a
Side Yard, for buildings over 1.5 stories	20 ft	12 ft	12 ft	12 ft	10 ft	n/a
Maximum Impervious Surface Area	25%	30%	30%	50%	60%	80%
Maximum Building Height	2.5 stories or 35 ft	2.5 stories or 35 ft	2.5 stories or 35 ft	2.5 stories or 35 ft	2.5 stories or 35 ft	2.5 stories or 25 ft

3) The manufactured home must have a minimum of 960 sf of enclosed and heated living area.

4) The roof must have a minimum vertical rise of three ft for each twelve ft of horizontal run and must be finished with a type of shingle commonly used in standard residential construction.

5) All roof structures must have an eave projection of no less than six inches, which may include a gutter.

6) The exterior siding must consist predominantly of vinyl or aluminum horizontal siding, wood, or hardboard, comparable in composition, appearance and durability to the exterior siding commonly used in standard residential construction

7) All manufactured homes must be set up in accordance with the standards set by the Alabama Manufactured Home Institute. The moving hitch, wheels and axles, and transporting lights must be removed prior to occupancy.

Table 4-3 Area and Dimensional Regulations, Manufactured Home Subdivisions	
Minimum Lot Area, if on sewer	10,250 sf
Minimum Lot Area, if unsewered	15,000 sf
Minimum Lot Width	100 ft
Front Yard	30 ft
Rear Yard	40 ft
Side Yard	10 ft
Maximum Impervious Surface Area	30%
Maximum Building Height	1 story

5. *Manufactured Home Parks.*

a) Procedure. A master plan showing the exact manner in which the entire tract will be improved and used must be presented to the Commission for review and approval. When rezoning is required, the approved master plan will accompany the Commission's recommendation, and pending approval, will be retained in the file of the city clerk as a part of the city's record amending the zoning map.

b) Uses Permitted. In addition to those uses permitted in Table 4-1, the following uses are also permitted in a manufactured home park upon approval of the master plan by the Commission:

1) caretaker dwelling

2) offices and maintenance buildings incidental to a manufactured home park

3) laundromat and concession building for the use of residents of the park only

4) swimming pools, cabanas, and other outdoor recreational facilities

c) Development Criteria

1) Manufactured home parks may contain no less than five contiguous acres.

2) A manufactured home park may not accept tenants unless and until at least 25% of its lots have been developed together with facilities in accordance with city, county, or state laws, and must meet all published State of Alabama health regulations.

3) Minimum dimensions of manufactured home space: 50 ft long by 25 ft wide

4) Minimum separation between manufactured homes

(i) Side-to-side: 20 ft

(ii) End-to-end or side-to-end: 15 ft

5) All principal and accessory structures and vehicular areas must be set back not less than 20 ft from the exterior lot lines of the park.

d) Parking and access

1) At least one parking space must be provided for each manufactured home. In addition, visitor parking must be provided at a rate of one space per four manufactured home

spaces. Required parking may be provided in common parking areas or on manufactured home spaces.

2) Interior access roads and parking areas must be paved with an all weather surface, resistant to erosion. Interior roadways must have a minimum clearance of 40 ft. The driving surface of interior roadways must have a minimum width of 18 ft.

3) No direct access is allowed between individual manufactured home spaces and any public street.

e) Sign Regulations. One principal use sign no larger than 50 sf is permitted for each manufactured home park. Freestanding directional signs, building identification signs and other incidental signage are permitted but may not be located so as to be legible from abutting properties or public rights-of-way.

f) Landscaping, Screening and Buffers. See Article 10 Landscaping.

g) Storm shelters. Storm shelters must be provided on-site in any new manufactured home park in accordance with the following:

1) Storm shelter must have a minimum floor area of seven sf for each manufactured home space and be located no more than 1,320 linear ft from the furthest home space in the manufactured home park.

2) Shelters must be designed by a licensed structural engineer or architect and must comply with all applicable City Building, Mechanical, Plumbing and Electrical Codes and be built and installed as approved by the Building Inspector. Shelters must be designed and constructed to meet all applicable requirements of the Americans with Disabilities Act (ADA) and, if located within a floodplain, must meet all FEMA requirements.

The park operator is responsible for making the storm shelter accessible and usable in times of need. Storm shelters may not be used for storage purposes if such storage reduces the minimum floor area required herein.

Article 5. NONRESIDENTIAL DISTRICTS

Section 5.01 General Regulations for Nonresidential Districts

1. *Uses Permitted*. See Table 5-1 Use Regulations, Nonresidential Districts
2. *Development Criteria.* See Table 5-2 Area and Dimensional Regulations, Nonresidential Districts.
3. *Parking, Loading and Unloading Regulations*. See Article 8 Parking.
4. *Sign Regulations*. See Article 9 Signs.
5. *Landscaping, Screening and Buffers*. See Article 10 Landscaping.

Section 5.02 ASC Area Shopping Center District

1. *Purpose*. The purpose of this District to provide for the establishment and development of large scale shopping centers and malls which are designed to serve a citywide, area-wide, or regional market. Development in the ASC District is primarily intended to be situated in close proximity to major thoroughfares of the city.

   A minimum of 10 acres is required to establish an ASC District.

2. *Uses Permitted.* See Table 5-1 Use Regulations, Nonresidential Districts and the following limitations:

   a) Minor vehicle repair. All parts storage, repair and related functions must be conducted entirely within an enclosed building.

   b) Multifamily dwellings are permitted only in the upper floors of a building, in which the ground floor is designed and intended for and occupied by a commercial use.

   c) New single-family detached dwellings are prohibited; however, existing single-family detached dwellings may be replaced, repaired, or restored in accordance with §3.13.5 Major Nonconformities.

   d) In no case are the following uses permitted: parking or occupancy of manufactured homes for any purpose; any "special hazardous" uses as defined by the City Building Code.

3. *Development Criteria.* See Table 5-2 Area and Dimensional Regulations, Nonresidential Districts.

   a) A clearly defined and delineated pedestrian system must be provided for circulation between functions, and between parking areas and store entrances.

Section 5.03 GB General Business District

1. *Purpose*. The purpose of this District is to provide and preserve land for general retail sales, personal and professional services, and other compatible businesses. The district regulations are designed to protect surrounding residential uses by requiring certain minimum yard and area standards.

   A minimum of 10 acres is required to establish a GB District.

2. *Uses Permitted*. See Table 5-1 Use Regulations, Nonresidential Districts and the following limitations:

a) Multifamily dwellings are permitted only in the upper floors of a building, in which the ground floor is designed and intended for and occupied by a commercial use.

b) New single-family detached dwellings are prohibited; however, existing single-family detached dwellings may be replaced, repaired, or restored in accordance with §3.13.5 Major Nonconformities.

c) In no case are the following uses be permitted: parking or occupancy of manufactured homes for any purpose; any "special hazardous" uses as defined by the City Building Code.

3. *Development Criteria*. See Table 5-2 Area and Dimensional Regulations, Nonresidential Districts.

Section 5.04 CBD Central Business District

1. *Purpose*. The purpose of this District is to provide for the continued use and reinvestment in land and buildings in historic Downtown Oxford. Permitted uses include retail sales, personal and professional services, entertainment, and public services and facilities. The use of upper floors for residential use is also encouraged. The district regulations are designed to preserve Downtown Oxford's traditional, compact and pedestrian-oriented development pattern.

2. *Uses Permitted.* See Table 5-1 Use Regulations, Nonresidential Districts and the following limitations:

a) Minor vehicle repair. All parts storage, repair and related functions must be conducted entirely within an enclosed building.

b) Multifamily dwellings are permitted only in the upper floors of a building, in which the ground floor is designed and intended for and occupied by a commercial use.

c) New single-family detached dwellings are prohibited; however, existing single-family detached dwellings may be replaced, repaired, or restored in accordance with §3.13.5 Major Nonconformities.

d) In no case are the following uses be permitted: parking or occupancy of manufactured homes for any purpose; any "special hazardous" uses as defined by the Southern Standard Building Code.

3. *Development Criteria.* See Table 5-2 Area and Dimensional Regulations, Nonresidential Districts.

4. *Pedestrian Circulation*. It is the intent of this Subsection to provide for the unobstructed and continuous movement of pedestrian traffic within the district. No use permitted under this district may cause the destruction or obstruction of any existing sidewalk system or the removal of trees and shrubs from any city right-of-way. Buildings must be designed to provide for pedestrian access from existing sidewalks and from off-street parking areas within the district. Pedestrian bridges over public rights-of-way are permitted only upon approval of the Council.

Section 5.05 NSC Neighborhood Shopping Center

1. *Purpose*. The purpose of this District is to provide and preserve land for retail sales, personal and professional services, and other compatible businesses in locations convenient to and to a limited scale and intensity to assure compatibility with adjacent neighborhoods.

A minimum of three acres is required to establish an NSC District.

2. *Uses Permitted.* See Table 5-1 Use Regulations, Nonresidential Districts and the following limitations:

   a) Minor vehicle repair. All parts storage, repair and related functions must be conducted entirely within an enclosed building.

   b) Multifamily dwellings are permitted only in the upper floors of a building, in which the ground floor is designed and intended for and occupied by a commercial use.

   c) New single-family detached dwellings are prohibited; however, existing single-family detached dwellings may be replaced, repaired, or restored in accordance with §3.13.5 Major Nonconformities.

   d) In no case are the following uses be permitted: parking or occupancy of manufactured homes for any purpose; any "special hazardous" uses as defined by the Southern Standard Building Code.

3. *Pedestrian Circulation*. It is the intent of this Subsection to provide for the unobstructed and continuous movement of pedestrian traffic within the district. No use permitted under this district may cause the destruction or obstruction of any existing sideway system, or the removal of trees and shrubs from any city right-of-way. Buildings must be designed to provide for pedestrian access from existing sidewalks and from off-street parking areas with clearly designated pedestrian lanes.

Section 5.06 INST Institutional District

1. *Purpose*. The purpose of this District is to provide for and protect uses that are institutional in nature, while assuring compatibility with development in adjoining districts.

2. *Uses Permitted*. See Table 5-1 Use Regulations, Nonresidential Districts.

Section 5.07 M-1 Light Manufacturing District

1. *Purpose*. The purpose of this District is to provide for light manufacturing, processing, assembly, warehousing, wholesaling and related activities. M-1 Districts are intended to have convenient access to arterial roadways and/or railroads. To minimize adverse impacts on surrounding non-industrial properties due to noise, vibration, heat, waste, dust, odor or glare, M-1 Districts are to be located and developments designed so that they are separated from less intensive land uses.

2. *Uses Permitted.* See Table 5-1 Use Regulations, Nonresidential Districts and the following limitations:

   In no case are the following uses be permitted: slaughter house, stockyard; bag cleaning; central mixing plant for cement, mortar, plaster or paving materials; curing; tanning or storage of hides; distillation of bones; coal, tar or wood; fat rendering; forge plant; manufacture of acetylene, acid; alcohol, ammonia, bleaching powder, brick pottery, terra cotta or rile, concrete blocks; disinfectants, dyestuffs, fertilizers, paint, turpentine, varnish, soap and tar products, wool pulling or scouring; junk yards and/or wrecking establishments; cotton waste reclaiming; and similar types of plants or operations.

Section 5.08 M-2 General Manufacturing District

1. *Purpose*. The purpose of this District is to provide for general manufacturing and other industrial uses that due to noise, vibration, heat, waste, dust, odor or glare may pose more adverse impacts on neighboring properties than may be permitted in the M-1 District. M-2 Districts are intended to have convenient access to arterial roadways and/or railroads. To minimize adverse impacts on surrounding non-industrial properties, M-2 Districts are to be located and developments designed so that they are separated from less intensive land uses.

2. *Uses Permitted*. See Table 5-1 Use Regulations, Nonresidential Districts.

Table 5-1 Use Regulations, Nonresidential Districts

	ASC	GB	CBD	NSC	M-1	M-2	INST
Airport					C	C	C
Animal Shelter					SP		R
Assisted Living Facility							SP
Bakery, Major					R	R	
Bakery, Minor	R	R	R	R			
Bank or Financial Service	R	R	SP	SP			
Broadcast Studio		R	R	SP	R		
Business or Professional Office	R	R	R	R			
Business Support Service	R	R	R		R		
Car Wash	R	R		SP	R		
Campground		C					
Cemetery			SP				SP
Club		R	R	R	R		R
Construction Service		SP			R	R	
Country Club							R
Day Care Center		R	SP	SP			R
Dwelling, Caretaker	R	R	R	R	R	R	R
Dwelling, Multifamily (3+ units)	R	R	R	R			
Entertainment, Indoor	R	R	R	SE			
Entertainment, Outdoor		SP	SP	SP			
Family Care Home							R
Farm Support Business		R			R	R	
Funeral Home		R	SP	SP			R

R – The use is permitted by right.
SE – The use requires action by the Board of Adjustment as a special exception per §12.06.
SP – The use requires review and approval of Site Plan by the Commission per §11.05.
C – The use is conditional and requires review by the Commission per §11.06.
A blank cell in the Table indicates that the use is not permitted.

Table 5-1 Use Regulations, Nonresidential Districts							
	ASC	GB	CBD	NSC	M-1	M-2	INST
Garden Center or Nursery	R	R	R	SP			
Gas Station	R	R	SP	SP	R	R	
Home Improvement Center	R	R	SP				
Home Occupation, see §7.04	SE	SE	SE	SE			
Hospital							C
Hotel	R	R	R	R			
Industry, Heavy						C	
Kennel		SE		SE	R		
Landfill, Inert or Sanitary						C	
Laundering Plant					SE	R	
Laundry Service	R	R	R	R			
Liquor Lounge, see §7.11	SE	SE	SE				
Maintenance Service		SP	SP		R		
Manufacturing, General						R	
Manufacturing, Light					R	R	
Medical Clinic		R	R	R			R
Medical Support Service	R	R	R	R			
Mini-warehouse, see §7.05		SP		C	R		
Motel	R	R					
Nursing Care Facility							R
Parks and Open Spaces	R	R	R	R	R		R
Parking, Commercial	R	R	R	R	R	R	R
Personal Service	R	R	R	R			
Place of Assembly		SP	SP	SP			SP
Printing Establishment, Major		SE			R		
Printing Establishment, Minor	R	R	R	R	R		
Public Facility	SP	SP	SP	SP	SP	SP	SP
Public Utility Facility	SP	SP	SP	SP	SP	SP	SP
Recreation, Indoor	R	R	R	R			
Recreation, Outdoor		SP	SP	SP			SP

R – The use is permitted by right.
SE – The use requires action by the Board of Adjustment as a special exception per §12.06.
SP – The use requires review and approval of Site Plan by the Commission per §11.05.
C – The use is conditional and requires review by the Commission per §11.06.
A blank cell in the Table indicates that the use is not permitted.

Table 5-1 Use Regulations, Nonresidential Districts							
	ASC	GB	CBD	NSC	M-1	M-2	INST
Recreational Vehicle Park		C					
Recycling Center	SE	SE	SE	SE	SE	SE	SE
Recycling Plant					SP	R	
Rehabilitation Facility		R					R
Research Laboratory		C			R	R	C
Resource Extraction						C	
Restaurant, Fast Food	R	R		SP			
Restaurant, Standard	R	R	R	R			
Restaurant, Take Out Only	R	R	R	R			
Retail, General, Enclosed	R	R	R	R			
Retail, General, Unenclosed		SP	SP	C			
School, Commercial		R	R	R	R		R
School, Nonprofit or Public		SP	SP	SP			SP
Storage, Indoor		SP					
Storage, Outdoor		SP			R	R	
Studio		R	R	R			
Telecommunications Towers, see §7.02	SP	SP	SP	SP	SP	SP	SP
Transitional Care Home							R
Truck Stop		C			R	R	
Truck Terminal					R	R	
Vehicle and Equipment Sales, Rental and Service		SP			R	R	
Vehicle Repair, Major		SP		SP	R	R	
Vehicle Repair, Minor	SP	R	SP	SP	R	R	
Vehicle Sales or Rental	C	R	C				
Veterinary Hospital	SP	R	C	SP	R		
Warehousing and Distribution					R	R	
Wholesaling Establishment	SP	SP	SP		R		
Wrecking and Junk Yards, see §7.06						R	

R – The use is permitted by right.
SE – The use requires action by the Board of Adjustment as a special exception per §12.06.
SP – The use requires review and approval of Site Plan by the Commission per §11.05.
C – The use is conditional and requires review by the Commission per §11.06.
A blank cell in the Table indicates that the use is not permitted.

Table 5-2 Area and Dimensional Regulations, Nonresidential Districts							
	ASC	GB	CBD	NSC	M-1	M-2	INST
Minimum Lot Area, if on sewer	None specified, except that lots must be of sufficient size to meet minimum setback, parking, loading, unloading and landscaping requirements.						
Front Yard [1]	10 ft	10 ft	5 ft	10 ft	0 ft	0 ft	10 ft
Rear Yard	10 ft	10 ft	5 ft	10 ft	0 ft	0 ft	10 ft
Rear Yard, along an alley	10 ft	10 ft	5 ft	0 ft	0 ft	0 ft	10 ft
Side Yard	10 ft	0/10 ft[2]	0/10 ft[2]	0/10 ft[2]	0/10 ft[2]	0/10 ft[2]	10 ft
Maximum Building Height	n/a	n/a	n/a	35 ft or 3 stories	n/a	n/a	35 ft or 3 stories

[1] See §3.06.1 for front yard modifications.

[2] If not built to the lot line, buildings must be set back a minimum of 10 ft from side lot lines.

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Article 6. Special Districts

Section 6.01 AG-1 District

1. *Purpose*. The purpose of this District is to provide and preserve land for agricultural and forestry uses and other compatible uses. The district regulations are designed to maintain the essentially natural, open and rural character of these areas by requiring certain minimum yard and area standards.

2. *Uses Permitted*.

   a) Uses Permitted by Right: general farming, including horticulture and livestock, other similar agricultural uses; detached single-family dwellings; parks and playgrounds; cemeteries; and accessory structures incidental to the preceding uses

   b) Uses requiring Site Plan Approval. The following uses may be permitted upon review and approval of a site plan by the Planning Commission in accordance with §11.05 and subject to any use-specific regulations: public facilities; public utility facilities; telecommunications towers

   c) Special Exception Uses. The following uses may be permitted upon approval by the Board of Adjustment in accordance with §12.06 and subject to any use-specific regulations: bed and breakfast; boarding house

   d) Conditional Uses. The following uses may be permitted upon approval by the Planning Commission in accordance with §11.06: campgrounds; farm support business; livestock sales

   e) In no case are the following uses be permitted: concentrated animal feeding operations (as defined the EPA); animal slaughtering; commercial food or fish processing operations.

Table 6-1 Area and Dimensional Regulations, AG-1 District	
Minimum Lot Area, if on water system	15,000 sf [1]
Minimum Lot Area, if not on water system	20,000 sf [1]
Minimum Lot Width	100 ft
Front Yard	30 ft
Rear Yard	30 ft
Side Yard	12 ft
Maximum Impervious Surface Area	50%
Maximum Building Height	3 stories or 45 ft
[1] Minimum Lot Area is increased based on the number of animal equivalent units as defined in Article 2.	

3. *Development Criteria*.

   a) For area and dimensional requirements, see Table 6-1 Area and Dimensional Regulations, AG-1 District.

b) Any structure used for the housing of livestock may not be located closer than 100 ft to the nearest property line and not closer than 200 ft to the nearest dwelling (other than that of the owner).

c) Livestock may not exceed four animal equivalent units per acre.

Table 6-2 Animal Equivalent Units			
Slaughter/feed cattle	1.0	Horses, mules and donkeys	2.0
Dairy cattle	1.4	Turkeys	0.02
Swine	0.4	Ducks	0.2
Sheep and goats	0.2	Laying hens or broilers	0.02

d) A booth or stall from which farm produce grown on the same premises and sold to the general public is permitted subject to the following:

1) Sales areas must be set back from all lot lines so as to meet the district yard requirements.

2) Sales areas may not occupy any part of a required off-street parking or loading area.

4. *Parking, Loading and Unloading Regulations*. See Article 8 Parking.

5. *Sign Regulations*. See Article 9 Signs.

6. *Landscaping, Screening and Buffers*. See Article 10 Landscaping.

Section 6.02 FC Flood Plain and Conservation District

1. *Purpose*. The purpose of this zone is to protect public health, safety, and general welfare; to protect persons, private and public property from the hazards of flood water inundation, and to protect the community from costs which are incurred when urban development occurs in flood plains. The area subjected to flood hazard will be conserved for open land uses, agricultural uses, recreational areas, and other uses which do not require extensive buildings within the flood plain.

2. *Uses Permitted*. All uses not specifically permitted below are prohibited.

a) Uses Permitted by Right: agricultural uses and crop production; wildlife refuges; including game preserves, sanctuaries; and forest reserves; watershed conservation areas and reservoirs; parks; open storage usages, and parking areas; cemeteries

b) Uses requiring Site Plan Approval. The following uses may be permitted upon review and approval of a site plan by the Planning Commission in accordance with §11.05: outdoor recreation, including but not limited to miniature golf, amusement parks, and drive-in theaters; aircraft landing strips

c) Conditional Uses. The following uses may be permitted upon approval by the Planning Commission in accordance with§11.06: quarries such as sand, gravel, stone, topsoil and borrow pit; earth and sanitary landfills; dumps

3. *Special Construction Requirements*.

a) Not more than 30% of the site may contain impervious surfaces.

b) No permanent building or structure, except for those customary to agricultural uses, may be constructed in the FC District, unless permitted under the following terms:

When specifically approved by the Commission as an exception to these regulations under the conditions herein listed; and after a public hearing before the Council, the following may be permitted:

1) Permanent structures associated with the uses permitted, provided that the first floor level is at or above an elevation of the flood of record plus two ft, and that such construction may not impede the flow of flood waters nor increase the hazard of flooding either upstream or downstream.

2) Earth fill or other materials may not be used to raise the elevation of the land, unless the fill proposed does not restrict the flow of water and unduly increase flood height and hazard, as determined by the Council upon recommendation by the Commission based upon an engineering report prepared by an engineer at the expense of the land owner.

3) Development of natural resources and extraction of raw materials such as rock, gravel, and sand; subject to the following:

(i) No excavation may approach nearer than 300 ft to any residential district; 100 ft to any arterial or collector street; or nearer than 60 ft to any other street.

(ii) Side slope of the excavation must be no steeper than 2:1 (horizontal: vertical) and a vegetative cover of such slopes must consist of a short, perennial, drought-resistant grass which will permit the establishment of a good sod cover.

(iii) Filing with the city clerk of a restrictive covenant providing that no foreign matter such as rubbish, car bodies, refuse, etc., may be deposited within the excavation area. Such covenant must be approved as to form by the city attorney, binding upon the applicants, their heirs, successors, or assigns.

(iv) A performance bond is required in such an amount and for such length of time as may be determined by the Council to be necessary to guarantee excavation in accordance with the provisions set forth above, and provided further that the Council may at its discretion and in such manner as is consistent with the public health, safety, and welfare, modify or waive any of the conditions if it can be clearly demonstrated that such conditions are not required to protect public health, safety, convenience, and general welfare.

Section 6.03 Planned Development District

1. *Intent*. Planned Development is a regulatory method that allows flexibility in the development of large tracts of land and/or of multiple uses or tenants on one tract in accordance with an approved Master Development Plan. The intent is to enable more innovative development and redevelopment options, the purpose of which is:

a) To permit flexibility in zoning standards to allow more creative and harmonious designs to accommodate planned associations of uses such as industrial or commercial uses,

residential developments, or any appropriate combination of uses which may be planned, developed or operated as integral land use units;

b) To permit higher densities of land in conjunction with provisions for functional open space, amenities and community services;

c) To promote economy in the arrangement of uses, buildings, circulation systems and utilities;

d) To coordinate uses, building forms, building relationships and architectural styles;

e) 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.

2. *Definitions.* For the purpose of the PD District, the following definitions apply whenever they are used in relation to a PD. If any terms defined herein contradict or conflict with any terms defined in any other section of this Ordinance, the definitions in this §6.03 apply as related to a PD District:

a) *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.

b) *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.

c) *Gross Site Area*: The total land area to be classified as the Planned Development.

3. *Minimum Requirements for Establishing a PD District*. The tract must be a minimum of five contiguous acres, have a minimum street frontage of 200 ft, and not encompass any land which is not part of the PD. A smaller site may be considered provided evidence that:

a) the project is consistent with the developmental goals of the Comprehensive Plan for the particular location;

b) the minimum acreage requirement is impractical due to ownership, layout, pre-existing development and other constraints;

c) the design concept fully integrates the development into the surrounding neighborhood or business area;

d) the arrangement of uses, buildings, streets, parking, open spaces and amenities, all in accord with the Comprehensive Plan, could not be reproduced on the site subject to the regulations of other available zoning districts.

All properties in an approved Planned Development are bound by the standards in an approved Master Development Plan, even if subsequently sold, unless and until the Master Development Plan is voided by the City on request of the owner. However, to maintain continuity of the

Master Development Plan, in no case will any portion of a PD District become nonconforming solely as a result of a portion of the tract being rezoned.

4. *Application Procedure*

a) Pre-application Conference. Before filing an application for a PD District, the prospective applicant must present a concept plan to the Building Official. All information listed below must be submitted to the Building Official at least 10 working days prior to the conference:

1) Relationship between the proposed development and adjacent, existing development

2) Proposed land use arrangement for the development

3) Concept for provision of open spaces

4) Total net acreage devoted to any: detached single-family, attached single-family, multifamily, commercial, institutional, industrial and open space uses

5) Number of dwelling units and density for each Land Use District or smaller division of the development to contain residential uses

b) Application. After the pre-application conference, the applicant may file a rezoning application together with the proposed Master Development Plan. If the property is already zoned PD, the applicant must submit the proposed Master Development Plan for review by the Commission. The Master Development Plan includes a written document, which may include supporting graphic materials, and a site plan or plan set illustrating the intents of the planned development, all subject to the submittal requirements in the Appendix. The applicant must submit 15 copies of the written document, 10 copies of the site plan or plan set, and an electronic version of said materials in a format approved by the Building Official.

c) Review and Approval.

1) After holding a public hearing on the application for PD rezoning and/or approval of the Master Development Plan, the Commission will make a recommendation for approval, approval with changes, or denial to the Council; or, with consent of the applicant, postpone its recommendation to allow time for further review or for the applicant to make requested changes.

2) If the proposal is deemed by the Commission to be unacceptable, the reasons for such determination will be set forth in its recommendation to the Council.

3) Any changes approved by the Commission are considered binding on all subsequent development, unless otherwise modified or waived in writing by the Council.

4) Once the Commission has rendered its decision, the Master Development Plan and all related materials, including any changes made thereto, are forwarded to the Council. The Council will approve, approve with changes, or disapprove the PD rezoning following a public hearing on the matter.

5) No excavation, demolition or construction are permitted until the Master Development Plan has been approved by Council. Upon approval of the Master Development Plan, the applicant may then apply for preliminary approval of any required resurvey or subdivision plat.

d) Fees. An administrative fee, as set from time to time by the Council, must be paid with the filing of the application as well as any costs incurred for public notice. For each additional public hearing, extension request, or re-application, the applicant is required to pay such fee to defray the costs of processing and public notice. Said reimbursement is remitted immediately upon notice of amount due by the City.

5. *Additional Provisions*

a) Changes to Master Development Plan. To facilitate minor adjustments to the approved Master Development Plan as may be necessary, the Building Official may approve changes that are incidental or minor in scope. The following changes must be referred to the Commission; changes greater in scope require approval by the Commission and Council:

1) A change in land use district boundaries, provided the effect on the number of dwelling units or amount of open space, commercial or multifamily areas does not exceed the limits in items 2 or 3 below

2) An increase in the overall number of dwelling units or land devoted to multifamily development greater than five percent but less than 10%

3) A reduction in the amount of open space or land designated for commercial use by more than five percent but less than 10%

4) Rearrangement of streets, or reduction in the number of pedestrian or bicycle facilities

5) Changes to the Development Schedule

Any deviation from the Master Development Plan, which is not approved as provided herein, constitutes a violation of this Ordinance.

b) Construction must commence within 365 calendar days from the date of approval by the Council. Construction is deemed to have started with the actual construction of a principal building and does not mean site preparation or excavation of the site. Failure to begin construction within this time period, unless an extension is granted by the Commission, voids the Master Development Plan. No building permit may be issued without a valid Master Development Plan.

c) The ZBA may not grant variances that would have the effect of amending an approved Master Development Plan.

d) No amendment of this Ordinance affects a Planned Development approved prior to such amendment. The Planned Development may continue in accordance with the Zoning Ordinance in effect at the time of such prior approval. Should the Planned Development approval expire or be voided, any newly submitted Master Development Plan must conform to the regulations in effect at the time of the new submittal.

6. *Property Development Standards*. Property development standards must be proposed in the Master Development Plan and must be consistent with the developmental policies of the Oxford Comprehensive Plan. All provisions of the Zoning Ordinance and Subdivision Regulations apply except where specifically addressed in this Section or within the approved Master Development Plan. No use of the property, nor construction, modification or alteration of any use or structure is permitted in conflict with the Master Development Plan.

a) Development must be compatible with site topography. Scenic assets and natural features, such as trees, streams, and topographic features, must be protected and preserved to the extent possible.

b) Structures and open space must be arranged in such a way as best to serve the needs of residents and to minimize any adverse effects on neighboring properties.

c) Harmonious design, incorporating a variety of building types and variations in building styles, is encouraged.

d) Density, building height, building spacing and setbacks must be as provided in Table 6-3.

Table 6-3 PD Development Standards				
Min. Setback from PD Boundary	15 ft			
	PR-1	PR-2	PM-1	PM-2
Max. Residential Density	4 du/acre	8 du/acre	8 du/acre	10 du/acre
Min. Common Open Space	25%	30%	20%	15%
Min. Land Area Designated for Commercial Uses	n/a	n/a	50%	60%
Max. Building Height	2-1/2 stories	3 stories	4 stories	6 stories
Min. front yard setback Along arterial Along collector Along local street	 25 ft 15 ft 15 ft	 25 ft 15 ft 10 ft	 25 ft 10 ft 0 ft	 25 ft 10 ft 0 ft
Minimum Building Spacing for Attached and Multifamily Dwellings				
Front to front; Front to back; back to back	40 ft			
Front to end, Back to end	20 ft if end wall is unpierced 30 ft if end wall is pierced			
End to end	15 ft if end wall is unpierced 25 ft if end wall is pierced			
Any other situation	15 ft			
Min. Floor Area for Dwellings Efficiency or Studio Units All other Dwellings	 425 sf 600 sf			

e) The development may not adversely affect property in the vicinity and must be compatible with adjacent properties with regard to density, scale, character and use. Buffers, landscaping, setbacks for buildings along the perimeter of the site, or a combination of these may be required for the protection of adjoining properties.

f) Adequate water, sewer, streets and other facilities and utilities must be available to the Planned Development or there must be a definite proposal for making them available at the expense of a party other than the City. The Commission may impose such reasonable

conditions that it finds necessary to protect and promote the public health, safety, and welfare of the City.

7. *Uses*. A Planned Development must comprise one or more PD Land Use Districts. Uses in each Land Use District are subject to Table 6-4. Final approval of uses is contingent on approval of the Master Development Plan. Any Conditional Use not specifically approved as part of the Master Development Plan requires approval by the Commission in accordance with §11.06 Conditional Uses.

8. *Circulation Standards*.

   a) Vehicular access must be from streets capable of supporting existing traffic and the traffic to be generated by the planned development. Access points must be located and designed in accordance with accepted access management practices to separate through and local traffic, maintain capacity, and enhance safety of motorists, pedestrians and bicyclists. Streets, driveways and parking, loading and service areas must be designed to provide safe, convenient access to all uses and facilities.

   b) Pedestrian facilities must be arranged to provide safe and convenient routes to, from and within a Planned Development. Pedestrian facilities need not always be along streets, particularly in low density residential areas and in areas with difficult terrain. Pedestrian crossings at the perimeter of a development must be marked and controlled. Fencing, landscaping or other barriers may be required to prevent crossing at other than designated points.

      Recreational facilities, schools and places of worship, must be accessible to residential areas with a minimum of street crossings. Where possible, such uses must be accessible from a common, interconnected pedestrian system.

   c) Bicycle and bridle paths, where provided, must be coordinated with the pedestrian system.

   d) There must be adequate access to all structures for emergency response purposes.

9. *Open Space Standards*. Common Open Space must be provided in each PD Land Use District in the amounts shown in Table 6-3. No designated common open space may be subdivided in the future, nor may it be reduced in area or used for any purpose other than those permitted as listed above unless approved through and amendment to the Master Development Plan.

   a) The following are excluded from calculation of common open space:

      1) land within individual lots;

      2) land encumbered by any substantial structure or enclosure or parking facility;

      3) land within eight ft of any building;

      4) land within a roadway, except a median that is at least 50 ft wide at its narrowest point and is designed for use as a recreational space; and

      5) land to be used as or be in any required drainage area or easement, unless such area is designed and maintained as open space.

Table 6-4 PD Land Use District Permitted Uses
Limited Residential 1 (PD-1) *Permitted Residential Uses*: residential accessory structures, detached single-family dwellings *Permitted Nonresidential Uses*: common open space, public building, public facilities and services *Conditional Uses*: accessory dwelling, bed and breakfast, country club, day care center, golf course, group day care home, place of assembly, public or private school
General Residential 2 (PD-2) *Permitted Residential Uses*: residential accessory uses and structures, detached single-family, duplex, townhouse and multifamily dwellings, accessory dwellings *Permitted Nonresidential Uses*: common open space, public building, public facilities and services, country club, outdoor recreation *Conditional Uses*: bed and breakfast, boarding home, day care center, group home, nursing care facility, place of assembly, public or private school
Limited Mixed Use District (PD-3) *Permitted Residential Uses*: residential accessory uses and structures, detached single-family, duplex, townhouse and multifamily dwellings, accessory dwellings *Permitted Nonresidential Uses*. The following uses are 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, bakery (minor), bank or financial service, business or professional office, clinic, clubs, common open space, entertainment (indoor), garden center or nursery, general retail (enclosed), gyms and health clubs, liquor lounge, 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 *Conditional Uses*: animal hospital, car wash, entertainment (outdoor), gas station, liquor store, recording studio, fast food and take-out only restaurants
General Mixed Use District (PD-4) *Permitted Residential Uses*: residential accessory structures, townhouse and multifamily dwellings *Permitted Nonresidential Uses*: accessory structures, animal hospital, bakery (minor), bank or financial service, business or professional office, clinic, clubs, commercial parking, commercial school, common open space, entertainment (indoor), 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 (standard), studio, vehicle repair (minor), vehicle sales and rental *Conditional Uses*: car wash, mini-warehouse, fast food and take-out only restaurants, entertainment (outdoor)
Special District Any uses not permitted or conditionally permitted in the above districts may be proposed for inclusion within one or more Special Districts. Unless otherwise approved as part of the Master Development Plan, all uses proposed for a Special District are treated as Conditional Uses.

b) Maintenance provisions must be included in the Master Development Plan, consistent with §3.11 Common Open Spaces and Facilities, for all common open spaces not left in a natural state. Common open space dedicated to the City or other governmental agency for operation and maintenance may not be for the exclusive use of the residents or patrons of the Planned Development.

c) The area of Common Open Spaces in each development phase must meet the requirements in Table 6-3 unless otherwise approved as part of the Master Development Plan.

Table 6-5 Materials Guidelines

	All exterior walls	Front Facade
Detached Single-family dwellings	Min. 30% masonry	Min. 40% masonry
Attached Single-family and Multifamily Dwellings	Min. 50% masonry	Min. 60% masonry
Nonresidential Buildings	Min. 70% masonry	Min. 80% masonry

10. *Exterior Materials*. An Architectural Review Committee representing the interests of property owners within a Planned Development is recommended. Standards for exterior building materials must be incorporated into the Master Development Plan consistent with the following guidelines and Table 6-5, and will govern the design of buildings. The Commission may require as part of the Master Development Plan that design plans for multifamily and nonresidential buildings be reviewed by the Commission prior to approval of building permits.

a) Area of window and door openings are not included in calculation of exterior building requirements.

b) Masonry is as defined in Article 2.

c) Cement block may only be used on residential building exteriors at the foundation up to a height of three ft. Cement block foundations along front facades must be screened with shrubs or other landscaping. Cement block may only be used on nonresidential building exteriors along rear and side elevations but may not exceed 50% of each such elevation.

d) Vinyl siding is discouraged for use as an exterior material on dwellings and is prohibited as an exterior material for nonresidential buildings.

e) Metal siding is discouraged but may be accepted for use as an exterior material for multifamily and nonresidential buildings upon express approval of the Commission.

11. *Signage*. A Signage Plan must be submitted as part of the Master Development Plan and must generally conform to Article 9 Sign Regulations and this Subsection 11. The Commission uses the most compatible sign height, size and location requirements in Article 9 as a guide in reviewing proposed Signage Plans. All permitting and building and electrical code requirements apply to signs in a Planned Development.

a) Off-premise signs are prohibited.

b) Street signs must be uniform in design throughout a Planned Development. If a standard other than that of the City of Oxford is used, the developer or property owners' association will be responsible for maintenance.

12. *Landscaping.* The standards of Article 10 Landscaping apply unless standards are approved with the Master Development Plan to address buffering, screening and landscaping for vehicular areas.

Section 6.04 Commercial Redevelopment Districts

1. *Site/Development Plan Review*. All development within the following Commercial Redevelopment Districts requiring a Building Permit are subject to review and approval by the Planning Commission in accordance with §11.05 Site Plan Review. This does not apply to routine maintenance, repairs or renovations to existing single-family dwellings and duplexes.

2. *Definitions*. For this §6.04 the following definitions apply:

   a) *Age-restrictive uses*. Any retail, service or entertainment, which by its nature or by law, restricts or prohibits entry based on age, but excluding uses meeting the requirements of §7.11 Liquor Lounge.

   b) *Façade*. A building elevation containing the primary public entrance to the establishment or any building elevation facing and visible from an adjoining public street right-of-way.

   c) *Ground floor portion of Façade*. That portion of a façade between grade level and 12 ft above grade level.

3. *Area and Dimensional Regulations*. See Table 6-6, Area and Dimensional Regulations.

4. *Development Criteria*. The Commission uses the following standards, in addition to the conditions set forth in §11.05, in the review of development plans in the CR-1 and CR-2 Districts:

   a) Walkability, Streetscape Design. In the process of redevelopment, there should be an emphasis on creating walkable streetscapes along local streets, new streets created through re-subdivision, and internal vehicular ways. This is achieved, in part, by placing buildings close to the street or vehicular way with off-street parking located to the side or rear of buildings.

      Angled or parallel parking may be placed along the street (including within public right-of-way where practicable) or vehicular way.

      Sidewalks of at least eight ft in width must be installed along adjoining streets or vehicular ways and set back from the curbline at least four ft. Within this setback, trees must be installed at an average spacing of 50 ft. If parking is provided along the street or vehicular way, the sidewalk may extend to the curbline and trees planted in tree wells. Sidewalks may be installed in public right-of-way as approved by the City Engineer. Additional walkways may be required to connect sidewalks to building entrances.

   b) Access management. To improve safety and preserve traffic capacity, access points along public streets must be located as far as practicable from one another and from intersections.

   c) Architectural Guidelines. The following guidelines apply to commercial and mixed-use building facades visible from public rights-of-way:

1) Roofline. There should be variation in the roofline of facades longer than 50 ft. Flat roof buildings should have an articulated cornice element. Incorporation of pitched roof elements in a flat roof building is encouraged.

2) Building Facades.

(i) At least 60% of the façade area, excluding the area of window and door openings, must be masonry.

(ii) Vinyl siding, metal siding and plain concrete block are prohibited as primary façade materials.

(iii) Metal siding and plain, textured or split-face concrete block may be permitted as accent materials, not exceeding 10% of the façade area.

(iv) Windows and door openings must constitute at least 20% of the ground floor portion of the façade.

3) Awnings or canopies should be provided along facades containing building entrances to provide shade and protection from rain. Awnings should be sized to fit the structural openings in the façade, not extend across multiple bays.

d) Lighting. Exterior pole-mounted lights may not be taller than 20 ft. Poles and fixtures should be consistent with design of buildings. Wooden poles are prohibited. Building and site lighting must be shielded as necessary to prevent glare on area streets.

Table 6-6 Area and Dimensional Regulations, CR Districts

Minimum Lot Area	Minimum Lot Width	Front Yard	Rear yard	Side Yard	Maximum Building Height
n/a	25 ft	5 ft	10 ft	0/10 ft[1]	n/a

[1] If not built to the lot line, buildings must be set back a minimum of 10 ft from side lot lines.

e) Open space. For sites of four or more acres, at least 5% of the total site area must be improved for open space accessible to the public, such as outdoor dining areas, plazas or similar spaces. An open space may not be counted if more than 50% of its perimeter is bound by surface parking.

f) Parking, Loading and Unloading Regulations. See Article 8 Parking. Loading and service areas may not face Quintard Avenue, Snow Street, Hamric Drive, or Leon Smith Parkway. Existing loading and service areas facing these streets must be screened.

g) Sign Regulations. See Article 9 Signs.

h) Landscaping, Screening and Buffers. See Article 10 Landscaping. Landscaping requirements along side or rear lot lines may be modified or waived through Site Plan Review, to reduce separation and encourage interconnection with adjoining properties.

5. *CR-1 Retail Core District*.

a) *Purpose*. The purpose of the CR-1 District is to encourage, through reinvestment and re-use, redevelopment and infill development, the creation of a family-friendly shopping and dining

environment including those areas along and bounded by Quintard Avenue, Snow Street and Hamric Drive East. The CR-1 District is intended to promote the following:

1) A walkable arrangement of buildings and parking areas, vehicle and pedestrian facilities, open spaces, landscaping and other site amenities.

2) Quality architecture that presents a positive image along major roads.

3) Compact design that minimizes separation between commercial uses on adjoining properties and fosters vehicular and pedestrian access between them.

4) Development of a concentration of retail and dining uses in central, accessible locations with complementary uses in supportive locations.

5) The encouragement of projects which involve the assembly and redevelopment of adjoining properties.

b) *Uses Permitted*.

1) Uses Permitted by Right: enclosed general retail, standard restaurants, indoor entertainment, indoor recreation, open space, accessory parking, nonresidential parking

2) Conditional Uses. The following uses may be permitted upon approval by the Planning Commission in accordance with §11.06: fast food restaurants, personal services, hotels, liquor lounges. Business and professional offices and dwellings may also be permitted as Conditional Uses but are limited to upper floors only. The Planning Commission may approve and attach conditions to other uses when it finds such uses to be consistent with the purpose of the district.

3) Prohibited Uses. Age-restrictive uses.

c) *Development Criteria*. See §6.04.3 and §6.04.4.

6. *CR-2 Commercial Overlay District*.

a) *Applicability*. For areas within the CR-2 Overlay District, the regulations of the underlying zoning apply except as modified herein. However, where the CR-2 District overlays any FC Flood Plain and Conservation District, the more restrictive regulations apply.

b) *Purpose*. The purpose of the CR-2 District is to encourage, through reinvestment and re-use, redevelopment and infill development, the creation of a commercial and mixed-use environment surrounding and supportive of the CR-1 Retail Core District. The CR-2 Overlay District is intended to promote the following:

1) A walkable arrangement of buildings and parking areas, vehicle and pedestrian facilities, open spaces, landscaping and other site amenities.

2) Quality architecture that presents a positive image along major roads.

3) Compact design that minimizes separation between commercial uses on adjoining properties and fosters vehicular and pedestrian access between them.

4) Development of uses and activities supportive and complementary to retail and dining uses of the CR-1 Retail Core District.

5) The encouragement of projects which involve the assembly and redevelopment of adjoining properties.

c) *Uses Permitted*. In addition to those uses permitted in the underlying district, additional uses are permitted as follows:

1) Uses Permitted by Right: enclosed general retail, standard and fast food restaurants, hotels, banks, business and professional offices, indoor entertainment, personal services, parks, open space, bakery (minor), business support service, home improvement center, laundry service, studio.

2) Conditional Uses. The following uses may be permitted upon approval by the Planning Commission in accordance with §11.06: unenclosed general retail, wholesaling establishment, take-out only restaurant, gas station, medical clinic, medical support service. The Planning Commission may approve and attach conditions to other uses when it finds such uses to be consistent with the purpose of the district.

3) Prohibited Uses. Age-restrictive uses.

d) *Development Criteria*. See §6.04.3 and §6.04.4. Residential uses, if permitted in the underlying district, are subject to the area and dimensional regulations of that district and any other applicable requirements of this Ordinance.

Article 7. Use-Specific Regulations

Section 7.01 Public Utility Facilities

1. All electrical power substations must be enclosed within a chain link fence, or similar fence, or be so designed to be inaccessible to unauthorized persons. Electrical power substations in all zones except manufacturing must be enclosed by a planting screen with a minimum height of eight feet and of sufficient depth and density to screen the structure from view. Setback requirements for buildings apply to power substations and are measured from the fencing enclosure except that setbacks along property lines adjacent to streets and alleys may not be less than 15 feet regardless of other setback requirements and that such enclosures may not be constructed closer than 10 feet of adjoining properties. Utility lines must approach the substation from the side opposite the main traffic artery where possible. Distribution lines may be run underground from any orientation.
2. Public or privately owned utility stations other than electrical power substations must be enclosed by a planting screen of such height, depth and density to screen the structure from view. Fencing is required where such structures present hazards to animals or people. Structures extending above the ground in excess of two feet must comply with the same regulations as required for power substations.
3. Should proposed utility installations be of a nature that would cause a noise level of 12 decibels above the ambient noise level at any given time measured at a point on the property line nearest the sound source, such proposal must be approved the Planning Commission.
4. Should the public utility company not be able to comply with the above regulations, he may submit a proposed site plan of the desired installation to the Planning Commission for approval and recommendation to the City Council. The site plan must include the following:
   a) Site of physical plant including height of structure, length and width including that of fencing
   b) Setbacks
   c) Means of access
   d) Landscaping plan
   e) Streets and alleys
   f) Any proposed lighting indicating screening of same as necessary to protect adjacent property owners from glare
   g) Other features pertaining to the particular installation.

Section 7.02 Telecommunication Towers, Antennas and Satellite Dishes

1. *Definitions*. As used in this Section, the following words and terms have the meanings as defined herein:
   a) *Antenna*: An electromagnetic device which conducts radio signals through an attached cable or wave guide, to or from a radio transmitter or receiver. “Antenna” includes devices commonly referred to as “whips”, “panels” and “parabolic dishes”. “Antenna” includes an

antenna used in conjunction with microwave, cellular or personal communication service systems and any other type of telecommunication systems now or hereafter in use.

b) *Co-location site:* A parcel of land or other site on which the antennas and related equipment of more than one party are located.

c) *Communication facilities*: Towers, antennas and equipment, collectively.

d) *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.

e) *Fiber-optics:* Light transmissions through very fine flexible glass, by internal reflection.

f) *Monopole:* Any self-supporting wooden pole or any self-supporting metal or concrete pole designed to support an antenna; provided, that the word "monopole" does not include a latticed steel or metal tower, a tower which requires guy wires for support or a tower which has more than one source of support, such as a tower with more than one leg.

g) *Residential property*: Any land located in a Residential District.

h) *Tower*: Any telecommunication Monopole (as defined hereinbefore) including Monopoles used for microwave, cellular or personal communication service systems and any other telecommunication systems now or hereafter in use. As used in this article, "tower" includes any telecommunication tower installed or constructed within the city prior to the effective date of this Ordinance, regardless of whether such tower is a Monopole or another type of tower.

i) *Tower compound*: A parcel of land or a building on which communication facilities are located

2. *Required Approvals*. No party may construct a tower, install an antenna or equipment within the city unless such party first obtains permission to do so from the Commission and obtains a building permit from the city.

   In considering whether to issue a permit for a tower, an antenna or equipment, the Commission will apply the criteria contained in this Section.

3. *Applicability*. Communication facilities may be constructed and installed in any zoning district, provided they comply with the provisions of this Section. All towers, antennas and equipment constructed or installed, whether on a new or existing tower compound, after the effective date of this Ordinance and any changes or additions to any tower or antenna in existence before the effective date of this Ordinance, are subject to this Section. A tower which is proposed to be built on a co-location site is subject to the same requirements and conditions as all other towers. Routine maintenance of, and repairs to, the communication facilities, may be performed without the approval of the Commission.

4. *Public hearing*. The Commission will hold a public hearing with respect to each application for the construction of a tower and/or the installation of the equipment to be used in connection with the first antenna to be placed on the tower. The installation of any additional antenna on the same tower, and the equipment used in connection with such additional antenna, would be subject to the approval of the mayor and would not require a hearing or approval of the Commission unless:

a) the tower compound is to be enlarged or there is a change in the size or location of the existing tower; or

b) the mayor considers it appropriate that such application be referred to the Commission for review and consideration; in either case a public hearing will be held, subject to all the conditions and requirements of a public hearing on an application for the construction of the initial tower on a tower compound.

The City will, by United States certified or registered mail, provide such property owners with notice of the public hearing. If, at the meeting of the Commission during which the public hearing is held or was scheduled to have been held, it is announced that the public hearing is continued or postponed to a certain specific date, no notice of such continued or postponed hearing will be given.

5. *Co-location*. A new tower may not be constructed if space is available, on an economically reasonable basis, on an existing tower which is structurally and technically able to support the proposed antenna. An affidavit that reasonable effort has been made by the applicant to locate the proposed antenna on an existing tower must be submitted with the application for the construction of a new tower. Such affidavit must comply with the provisions of §7.02.10.g. Each tower constructed must be designed to provide 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 to be constructed.

6. *Review Criteria*. In considering whether to permit communication facilities to be constructed and/or installed at a certain location, the Commission will consider the following public health, safety, and general welfare criteria:

   a) *Structural safety of towers*: Towers must comply with wind-load and other structural standards contained in applicable building and technical codes adopted by the Council, and the electronic industries associations code, so as not to endanger the health and safety of people in the event of the structural failure of a tower. The Zoning Official will determine whether towers comply with the requirement of this subsection.

   b) *Appearance of tower compounds*: To the extent practicable, towers and tower compounds must be designed, through the use of building materials, colors, textures, screening and landscaping, so that their appearance is compatible with surrounding land uses. The Commission may require that planting and a decorative fence or wall be constructed around a tower compound to help accomplish this end.

   c) *Compliance with rules and regulations*: All communication facilities must comply with all applicable rules, regulations and other requirements of the FCC and other governmental agencies having jurisdiction over them, including but not limited to, the State of Alabama and the health department of the applicable county. The Commission may require that satisfactory evidence of such compliance be furnished by the applicant.

7. *Development Criteria*. The Zoning Official will review all applications for towers, antennas, or equipment for compliance with the provisions of this Section. By a vote of at least 2/3 of the members of the Commission present at the public hearing, the Commission may waive any one or more of the following requirements if the circumstances justify such waiver and provided the

reasons for such waiver are included in the minutes of the meeting of the Commission at which such waiver was granted.

a) All towers must be monopoles.

b) Each tower compound must be large enough to provide room for a structure to contain the equipment for at least one additional antenna.

c) The centerline of a tower may not be located nearer than 100 ft from the boundary line of any residential property. If the land on which a tower compound is located, and all land which abuts the tower compound, is in a nonresidential zoning district (including land in a Planned Development District used for nonresidential purposes) the centerline of the tower may not be closer than 50 ft from the boundary line of such property. The Commission may reduce the foregoing setback requirements in exceptional cases where, due to unusual topographic conditions, the enforcement of such setback requirements would result in unnecessary hardship; provided that the setback may not be reduced to less than the minimum setback required in the applicable district and that the reduction of the setback requirements may not, in the opinion of the Commission, be contrary to the health, safety and general welfare of the public.

d) Towers must be constructed of wood, galvanized steel or concrete and retain their natural finish so as to reduce their visibility. Towers must be properly maintained.

e) No signs or other forms of advertising, including signs displaying the name of the owner or user of the tower or antenna, may be attached to, or depicted on, a tower or antenna.

f) Towers may not be illuminated except as provided herein. Lights for security and maintenance purposes may be installed on structures which contain equipment. Such light must be pointed downward from a height of not more than 10 ft and may not exceed a maximum of 150 watts. Such lights must be located and directed so that they do not shine or reflect onto or toward any residential property.

g) Each tower compound must be surrounded and fully secured by a dark colored, vinyl-coated or galvanized steel chain link security fence or masonry wall or combination thereof, at least eight ft in height.

h) All tower compounds must be surrounded by a landscaped buffer which must, to a height of at least eight ft, effectively screen the view of the tower compound from adjacent public ways and residential property. The buffer, which may be located in the required setback area, must consist of a landscaped strip, at least four ft in depth, located outside of the security fence. The landscaped strip must be planted with a combination of trees, shrubs, vines, and/or ground covers capable of attaining, at maturity, a height as high as the security fence and which will enhance and partially screen the outward appearance of the security fence. For tower compounds located within 1,000 ft of residential property or areas of special aesthetic concerns, such as schools, the Commission may require wider landscaped buffer areas and other items, such as decay-resistant, solid wood fences, earth beams and masonry walls. All fences, walls and landscaping must be kept in good condition and repair maintained in a neat manner by the owner or user of the tower.

In the application for permission to construct a new tower or to install an additional antenna on an existing tower, the applicant must include of the name and address of the party who

will be responsible for maintenance and repair of the communication facilities, and any fences, walls and landscaped buffer areas. If a different person becomes responsible for such maintenance and repair, the owner of the tower must give the Zoning Official written notice of such person's name and address.

i) In isolated, nonresidential 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 on the condition that if the areas surrounding such tower compounds become developed, the Commission may require the owner of the tower compound to comply with the requirements of §7.02.7.h above.

j) Existing mature tree growth and natural land forms must 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 Commission in determining the extent of the buffer required.

k) A parking area and driveway with all-weather surfaces must be provided for each tower compound to provide adequate access for maintenance and repairs and for vehicles providing emergency services. 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 property. Subject to the approval of the Commission, one or more public streets adjoining the tower compound may serve as the parking area.

8. *Removal of Unused Towers*. Any tower which is no longer in use for its permitted purpose must be removed at the owner's expense. Within 10 working days of sending notice to the FCC of the intent of the owner to cease use of the tower, the owner must provide the mayor with a copy of such notice. The owner must remove the tower and all communication facilities used in connection with it within 90 calendar days from the day the tower ceases to be used or by such earlier date as may be required by the FCC. If the owner does not remove the tower from the tower compound within the 90-day period, or shorter period if prescribed by the FCC, the owner of the property on which the tower is located, if different from the owner of the tower, must remove it from such land within 90 calendar days of receiving written notice form the city to do so. If neither the owner of the tower nor the owner of the property removes the tower within the time prescribed, the city may, but is not obligated to, remove the tower. If the city removes the tower it is entitled to recover the cost of doing so from the owner of the tower and/or the owner of the property. Notwithstanding the foregoing, a tower used by more than one party may continue to be used for telecommunication purposes as long as the tower is used for such purposes by at least one party. Any party who ceases to use a tower used by more than one party must remove its antenna from the tower and must remove its equipment from the tower compound within 90 calendar days after it ceases to use the tower, or within such shorter period as may be prescribed by the FCC, so that the tower and compound will be available for use by another party. If the tower is located on property owned by the City of Oxford or the Oxford Board of Education, the city or the board, respectively, has the right to purchase the tower for $100.00 when it ceases to be used for telecommunication purposes by all parties who have an antenna located on the tower. Such right to purchase must be exercised by the city or

the board within 60 calendar days of the date the city receives notice that the owner of the tower intends to cease use of the tower for its permitted purpose.

9. *Receiving Antennas*. A building permit is required for receiving antennas over 18 inches in diameter. A receiving antenna located in a residential zoning district is considered to be an accessory structure. A receiving antenna located in a nonresidential zoning district must be screened on at least three sides if it is located on the roof of a building or on the top of any other structure, and it must be screened on four sides if it is located at ground level.

10. *Application*. In addition to other items and information required by this Ordinance, all applications for a permit to construct a new tower or to locate an antenna or additional equipment on an existing tower compound, must include the following:

    a) A list of the names and addresses of all owners of property any part of which is located within 500 ft of any part of the tower compound or proposed tower compound upon which the tower, antenna or equipment are to be located. For the purpose of this Section, the owner of property is considered to be the person shown as the owner of such property according to the records of the tax assessor of the applicable county. The application must be accompanied by the certification by the applicant, a surveyor or an attorney that the list of property owners was obtained from said tax assessor and that the list contains the names and addresses of all owners of property within 500 ft of such tower compound.

    b) *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.

    c) *Site plans:* A site plan, prepared by a surveyor, scaled to not less than one inch equals 50 ft, showing the location and dimensions of the subject property, as well as the location of setback lines, driveways, parking areas, fencing, landscaping, and generators and the location, size and type of any fuel tanks. The site plan must be prepared by a licensed and must also show:

        1) all parcels located within 500 ft of any part of the tower compound

        2) zoning classification of the property and of all parcels within 500 of the compound

        3) the latitude, longitude, section, township, range, tax parcel identification number, street address and the site identification number of the proposed tower compound. If any part of the tower compound is or will be located within 1,000 ft of a boundary line of the city, the following information must be clearly indicated:

            (i) the distance from such boundary line

            (ii) the name of the adjacent municipality

            (iii) the zoning classification of the land in such municipality within 1,000 ft of the proposed tower compound.

        4) such other information as may be required by the Commission to determine compliance with the requirements of this Ordinance. If the proposed tower is to be located on a

portion of a larger property, its location with respect to the boundary lines of such property must be shown on the site plan.

d) *Elevation views:* a silhouette and elevation view of the proposed or existing tower, as applicable, all other communication facilities, and the tower compound, describing colors and materials to be used for the communication facilities and any fencing or walls. The configuration of proposed antenna arrays must be shown on the silhouette. The proposed location of future, additional antenna arrays must be shown on the silhouette by dashed lines.

e) *Frequency band and wattage:* The frequency band and maximum wattage of proposed communication facilities.

f) The estimated life of the tower, the antenna and the equipment.

g) *Affidavit:* An affidavit of the applicant stating that: 1) there is no existing tower from which the area to be served from the proposed new tower can be served; or 2) 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 and giving a detailed written narrative of the efforts made by the applicant to use such existing or proposed tower.

h) *Certification of Shared Use Design*. If the tower to be used is one on which there is already one or more antennas, the application must be accompanied by a certification by an engineer, qualified to make such certification, certifying that the tower is able to accommodate the proposed antenna, as well as the antennas already located on the tower, in a safe and functional manner.

To help defray the costs of processing applications, reviews and otherwise administering the provisions of this Section, the applicant must submit a non-refundable application fee of $250 as well as any costs incurred by the City for public notice.

11. *Foundation Survey, As-Built Certification*. After the foundation for a tower is poured, a foundation survey, prepared by a surveyor, showing the location of the foundation of the tower, must be furnished to the Zoning Official, and no further work may be done with respect to the construction of the tower until the Zoning Official has approved, in writing, the foundation, including its location. Upon the completion of the tower and installation of an antenna, or upon the location of an additional antenna upon an existing tower, the tower and antenna or the antenna, as the case may be, may not be put into operation until a qualified engineer furnishes the City written certification that the tower and the antenna were built and installed, or the antenna was installed, if the antenna was installed on an existing tower, in accordance with the plans submitted to the city including the installation of any required buffers, fencing and walls.

12. *Inspection Fee*. To determine whether tower compounds are in compliance with the requirements of this Section, the city will make, or have made on its behalf an annual inspection of the communication facilities on each tower compound including the walls, fences and landscaping, for which an annual inspection fee of $200.00 is imposed. If more than one antenna is located on a tower, the annual inspection fee is $300.00. The fee is due January of each year and is delinquent if not paid by January 31 of such year. To help defray the cost of collecting fees, an additional fee, in the amount equal to 10% of the fee is payable for each

month, or portion of a month, after January in which the fee remains unpaid. If the fee is not paid within 90 calendar days of its due date, the city may withdraw its permission for the location of communication facilities on the tower compound, in which event; all communication facilities must be removed within 90 calendar days of the date on which the owner of the tower receives such notice.

The fee is payable by, and is the responsibility of the owner of the tower, even if additional antennas located on the tower are owned by other parties. If there is more than one owner of the tower, each owner will be jointly and severally liable for the entire amount of the fee and any additional fees due because of delinquency in payment. Within a reasonable time after inspection has been completed, the city will give the owner written notice, by United States registered or certified mail, of any aspects of the communication facilities or the tower compound not in compliance with this Section. If such problems or deficiencies are not corrected within 30 calendar days of the date such notice is sent to the owner, any person found to be in violation of these requirements and all other applicable ordinances, rules or regulations of the city with respect to any communication facilities or tower compound will, upon conviction, be punished by a fine of not less than $1.00 nor more than $500.00, at the discretion of the court trying the case. Each day any violation of this Ordinance continues constitutes a separate offense. The purpose of the inspection is to determine whether the facilities are in compliance with this Section, not to address the safety or structural soundness of the facilities.

Section 7.03 Cluster Development

1. *Intent*.

   a) To provide flexibility to achieve the most effective development on lands constrained by natural hazards that may limit the amount or type of development

   b) To promote the creation of accessible green space

   c) To protect sensitive, environmental land features to promote the public health and safety

   d) To reduce erosion, sedimentation, land disturbance, and removal of vegetation

   e) To promote development of walking and bicycling facilities and greenways within new developments that can be connected to adjacent neighborhoods and activity centers; and

   f) To reduce perceived density by providing access to and views of open space.

2. *Applicability*. The Cluster Development option is available, upon approval by the Commission, for single-family detached residential development of at least three acres in the E-1, R-1, R-2, R-3 and GH Districts. The applicant must comply with all other provisions of this Ordinance and all other applicable regulations, except those incompatible with the provisions herein.

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

4. *Density Determination*.

   a) The maximum number of lots is 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 other density limitations, such as watershed protection requirements, as applicable to the site. In making this calculation, the following may not be included in the total area of the tract:

1) Designated floodway
2) Bodies of open water over 5,000 sf of contiguous area
3) Wetlands, as defined by the Army Corps of Engineers

b) The above notwithstanding, the maximum permitted density is 12 units/acre net residential area or nine units per gross acre.

c) The minimum total area for front, rear and side yards is 2.5 times the ground floor area of the dwelling unit. A minimum 20 ft of space between residential buildings must be provided.

5. *Application Requirements*.

a) Site Analysis Map. The applicant must prepare and submit a site analysis map concurrently with the development plan and/or preliminary plat. The purpose of the site analysis map is to ensure that important site features have been identified prior to the creation of the site design, and that the proposed open space will meet the requirements herein. For specific submittal requirements, refer to the Appendix.

b) Cluster Development Plan. The applicant must prepare a Cluster Development Plan, which yields no more lots than identified under §7.03.4. The Cluster Development Plan must identify open spaces to be protected and include an open space management plan (see §7.03.7), and must be submitted prior to the issuance of a grading permit.

c) Instrument of Permanent Protection. An instrument of permanent protection, as described in §7.03.8, must be placed on the open space at the time of issuance of a grading permit.

6. *Other Requirements*. The Applicant must adhere to all other requirements of the applicable district and the Subdivision Regulations.

7. *Open Space Management Plan*. For the purposes of this Section, “open space” is defined as the portion of a Cluster 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.

a) Standards.

1) The minimum open space must comprise at least 25% of the gross tract area.

2) The following priority conservation areas must be included within the open space, unless the applicant demonstrates that this would constitute an unusual hardship and be counter to the purposes of the Cluster Development:

(i) The 100-year floodplain;

(ii) Riparian zones of at least 75 ft width along all perennial and intermittent streams;

(iii) Slopes above 25% of at least 10,000 sf contiguous area;

(iv) Wetlands, as defined by the Corps;

(v) Existing trails that connect the site to neighboring areas; and

(vi) 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:

(i) Important historic sites;

(ii) Existing healthy, native forests of at least one-acre contiguous area;

(iii) Individual existing healthy trees greater than eight inches caliper; and

(iv) Other significant natural features and scenic viewsheds, particularly those that can be seen from public roads.

4) Utility rights-of-way and small areas of impervious surface may be included within the protected open space but cannot be counted towards the 25% minimum area requirement (exception: historic structures and existing trails may be counted). Large areas of impervious surface, such as portions of streets, parking and loading areas, are excluded from calculating open space.

5) At least 25% of the open space must be suitable for passive recreational use.

6) At least 50% of the open space must be in a contiguous tract, which may be divided by a local street whose area is excluded from the open space. The layout of open space in a Cluster Development should allow connection to neighboring areas of open space.

7) The open space must be directly accessible to the largest practicable number of lots and/or buildings within the site. Non-abutting lots must be provided with safe, convenient access to the open space through sidewalks or off-street walkways.

b) *Permitted Uses of Open Space*.

1) Conservation of natural, archeological or historical resources;

2) Meadows, woodlands, wetlands, wildlife corridors, game preserves, or similar conservation-oriented areas;

3) Passive recreation areas, such as open fields, walking or bicycle trails;

4) Active recreation areas, provided that they are limited to no more than 20% of the total open space and are not located within priority conservation areas. Active recreation areas may include impervious surfaces. Active recreation areas in excess of this limit must be located outside of the protected open space.

5) Landscaped stormwater management facilities, community and individual wastewater disposal systems located on soils particularly suited to such uses. Such facilities must be located outside of Primary Conservation Areas;

6) Easements for drainage, access, and underground utility lines;

7) Other conservation-oriented uses compatible with the purposes of this Section.

c) Prohibited Uses of Open Space:

1) Golf courses;

2) Roads, parking lots and similar impervious surfaces, except as specifically authorized in the previous subsections;

3) Agricultural and forestry activities not conducted according to accepted best management practices;

4) Impoundments; and

5) Other activities as determined by the applicant and recorded on the legal instrument for permanent protection.

d) Ownership and Management of Open Space. See §3.11.

8. *Legal Instrument for Protection of Open Space*. The open space must be protected in perpetuity by a binding legal instrument recorded with the deed. The instrument for permanent protection must include clear restrictions on use of the open space, including all restrictions contained in this Subsection, and any restrictions the applicant chooses to place on the open space. The instrument must be one of the following:

a) A permanent conservation easement in favor of either:

1) a land trust or similar conservation-oriented non-profit organization with legal authority to accept such easements. The organization must be bona fide and in perpetual existence and the conveyance instruments must contain an appropriate provision for retransfer in the event the organization becomes unable to carry out its functions; or

2) a governmental entity with an interest in pursuing goals compatible with the purposes of this Subsection, and if the entity accepting the easement is not the City, then a third right of enforcement favoring the City must be included in the easement.

b) A permanent restrictive covenant for conservation purposes in favor of a governmental entity.

c) An equivalent legal tool that provides permanent protection, as approved by the City Attorney.

9. *Tax Assessment of Open Space*. Once a legal instrument for permanent protection has been placed upon the open space, the County Tax Assessor may be requested to reassess the open space at a lower value to reflect its more limited use.

Section 7.04 Home Occupations

1. Where permitted, Home Occupations must comply with the following requirements:

a) Home occupations are limited to office use only (e.g. personal computer, telephones, fax).

b) There may be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation. Signage identifying the home occupation is prohibited.

c) No home occupation may be conducted in any accessory building.

d) The use of the dwelling unit for the Home Occupation must be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than 25% of the floor area of the dwelling unit may be used in the conduct of the Home Occupation;

e) No person other than members of the family residing on the premises may be engaged in such operation.

f) No traffic may be generated by the Home Occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such Home Occupation must be met off the street and other than in a required front yard.

g) No individual sales or service may be offered within the dwelling unit of the house.

h) There may be no bulk pick-up or delivery of merchandise or materials.

i) The home occupation must not create a disturbance (noise, vibration, glare, fumes, odors, electrical interference, etc.) or blight of any nature, which may reasonably be considered a nuisance.

j) No more than one home occupation may be conducted in a dwelling unit.

2. Any person who desires to engage in a Home Occupation must apply for a license from the Business License Office of the City. Applicants must sign a certification provided by the Business License Office that such business will be conducted in accordance with the requirements of this Section.

Section 7.05 Mini-warehouses

1. No storage of volatile, toxic or explosive materials is permitted, either inside the structure(s) or on the premises.
2. Storage spaces may not be used for commercial activities. However, this does not include periodic auctions, which are held on the premises to dispose of items which have been abandoned and/or for which the lease time has expired.
3. The Commission may require screening around the perimeter of the site as part of any required Conditional Use or Site Plan approval. Any outdoor storage must be screened as required in §10.02.

Section 7.06 Wrecking and Junk Yards

1. No automobile wrecking yard, salvage yard or junkyard may be established closer than 300 ft to an established residential district.
2. All outdoor storage of salvage and wrecking operations must be completely contained within a fence or wall of not less than six nor more than 10 ft in height. Such fence must be designed in accordance with §10.04. Existing wrecking, salvage or junk yard must comply within one year of the effective date of this requirement. An extension of up to 90 days may be considered upon written request to the Board of Adjustment.
3. The storage of wrecked automobile, junk, or salvaged materials may not exceed the height of the required screen fence or wall.

Section 7.07 Accessory Dwellings

1. Accessory dwellings are only permitted as an accessory use to a permitted single-family detached dwelling.

2. Area and Dimensional Requirements.
   a) Accessory dwellings are permitted only on lots with a minimum lot size of 10,250 sf.
   b) The minimum habitable floor area is 300 sf and the maximum habitable floor area is 30% of the gross floor area of the principal dwelling. Detached accessory dwellings are subject to §3.10 Accessory Structures.
   c) Setbacks. If detached from the principal dwelling, accessory dwellings must be to the rear of the principal dwelling or within the upper floor of a detached garage or similar permitted accessory structure and must be set back as otherwise required of accessory structures.
3. Additional Requirements.
   a) One parking space, in addition to that required for the principal dwelling, must be provided.
   b) Accessory dwellings, whether attached or detached, must maintain the appearance of the principal dwelling, including colors, materials, and style, and may not create additional entrances toward the front of the property.
   c) Accessory dwellings may not be separately metered, including electricity, water and gas.

Section 7.08 Bed and Breakfasts

Bed and breakfasts may only be permitted in single-family detached dwellings, must be operated by the owner and resident of the dwelling, and must comply with the following provisions:

1. Use Regulations. All guest rooms must be located within the principal structure. Individual guest rooms may contain no cooking facilities, and no food preparation or cooking is allowed.
2. Parking. For each and every approved guest room, one parking space must be provided, in addition to the spaces required for the residence. Such additional required parking spaces must be screened from adjacent properties and arranged so that each space has direct access to a driveway. Recreational vehicle parking is prohibited except on lots one acre or larger in size. Where allowed, recreational vehicle parking must be located away from view from public rights-of-way and from neighboring properties to maximum extent practicable.

Section 7.09 Multifamily Dwellings

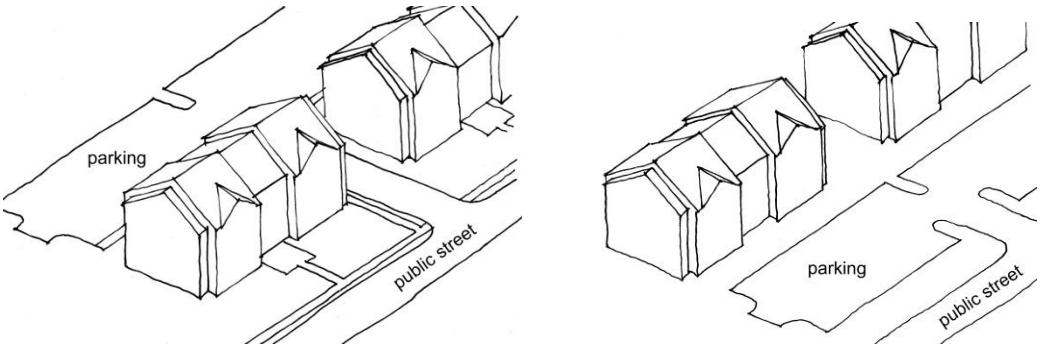
Where permitted, multifamily dwellings involving the development of more than one acre, containing more than eight dwelling units, or containing more than one building are subject to the following provisions. Where there is any conflict between the provisions herein and the provisions of §4.05 R-3 Residential District, the more restrictive govern.

1. The site must be planned to limit disruption of steep slopes and natural drainage systems.
2. *Arrangement*. Multifamily buildings must 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 must 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 must be accessible from the street, interior drive or open space they face.

3. *Parking*

a) In addition to the base requirements in Article 8 Parking, visitor parking must be provided at a rate of two additional spaces per five dwelling units.

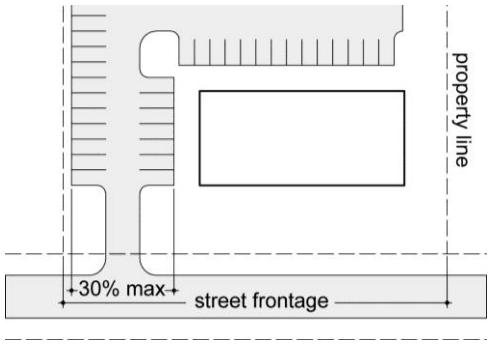
b) Parking lots must be located to the side or rear of buildings, and may not be located closer to a public street than the front building line.



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 must be located away from public street views

d) When located to the side of buildings and adjacent to a public street, parking areas may not occupy more than 30% of the public street frontage.



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

e) The storage of boats, campers, and recreational vehicles is not permitted in required parking areas and, where provided, must be screened through landscaping, fences and/or walls from public view.

4. *Access*

a) Private drives that provide access from a public street must be designed in accordance with Table 7-1. Where parallel parking is provided along the drive, each parking lane must be a minimum of seven ft measured from face of curb. Trees must be installed at least two ft from the back of curb.

Table 7-1 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

b) The number and width of vehicular access points along a public street must be minimized. On corner lots, driveway access must be located along the street of lesser classification and located as far as practicable from the street intersection.

5. *Open Space*. At least 20% of the site must be reserved as open space. At least 10% of the site must be improved and maintained as open space for the use of the residents and guests. All proposed common open spaces must be included in the Site Plan submittal.

6. *Stormwater Management*. Stormwater retention or detention facilities must be integrated into the design of parking areas and common open spaces as landscape amenities and should include low impact design techniques such as swales and rain gardens. The use of cisterns to capture stormwater for on-site irrigation is also encouraged. Stormwater management facilities located within a common open space may be counted as improved open space.

7. *Service, Loading and Waste Collection*. Each development must have a service area for waste collection, located behind the front building line and away from public views but otherwise accessible to vehicles collecting such waste and to residents. The location of such areas must minimize negative visual, noise, odor and other impacts to adjoining streets, on-site dwellings and adjacent developments. Each such area must be paved and screened in accordance with §10.02 Screening.

8. *Storage Units*. For each dwelling unit, dedicated storage space of at least 280 cubic feet must be provided.

9. *Fire Protection*

   a) No portion of any building may be located farther from a fire hydrant than may be reached with 500 ft of hose.

   b) Every multifamily building must 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 adjoining a building.

   c) No parking spaces may be located between buildings and fire truck access areas.

10. *Buffers*. Buffers must be provided between lower intensity uses on abutting lots in accordance with §10.01 Buffers.

11. *Pedestrian Access Standards*

    a) Walkways must connect the pedestrian circulation system to adjacent public streets.

    b) If not already provided, a publicly accessible sidewalk of at least five ft in width must be provided along all public street frontages. The sidewalk must be located within the right-of-way or within an easement provided for such purposes.

c) Walkways must connect the main entrances of all buildings and building entrances to parking areas and common areas and facilities. For buildings fronting on a public street, a public sidewalk may be counted toward this standard.

d) Walkways must be provided to connect to any public trails or similar bicycle-pedestrian facilities adjoining the site.

e) Standards for Pathways

1) Walkways must be of concrete or masonry pavers and at least five ft wide except that walkways serving no more than four units may be four ft wide.

2) Except as provided in Item 3 below, walkways must 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.

3) 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 must be integrated into the design of such shared auto/pedestrian court.

12. *Open Space Standards*

a) All common open spaces and recreational areas must be well maintained in a safe and orderly condition. Open spaces must be oriented to receive adequate sunlight.

b) Improved open space must be consolidated into one or a few central locations to assure accessibility and usability.

c) Open space and recreational areas are counted toward the 10% improved open space requirements in §7.09.5 as follows:

1) Required setback areas do not count unless they otherwise meet the standards of this Subsection. Spaces must be large enough to support leisure and recreational activity; no dimension may be less than 15 ft.

2) Children's playground area must be provided in the amount of 50 sf per unit. The minimum size of any playground is 3,000 sf. Children's play areas must be located so that they are visible from dwelling units and near pedestrian activity. This requirement does not apply to age-restricted developments, such as senior housing.

3) Covered private balconies, porches, decks, or patios may be used to meet up to 25% of the required open space. To qualify, such spaces must be at least 35 sf in area with no dimension less than five ft. Such spaces are not counted when they are completely inset into the building; they must project at least two ft beyond the wall plane.

13. *Privacy and Security Standards*

a) When a multifamily building is located adjacent to a public street, any stairway must be enclosed within the building. For street-facing buildings upper floor units must be accessed from within the building interior or from an exterior walkway that overlooks an interior courtyard or similar common area. Exterior stairs may only be permitted for buildings within the interior of the development and not located along a public street.

b) Separation must be provided between windows of ground floor dwelling units and adjacent walkways, parking areas and common open spaces, including:

1) A horizontal separation of at least 10 ft in depth including a landscaped bed containing at least one row of shrubs with a mature height of at least three ft; and/or

2) Vertical separation so that the bottom edge of a window is at least five 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.

14. *Lighting Standards*. Lighting should eliminate adverse impacts of light spillover; provide attractive lighting fixtures and layout patterns that contribute to safety and to a unified exterior lighting design; and provide exterior lighting for safe vehicular and pedestrian access to and within a development.

a) Plan Required. Applicants must submit a lighting plan subject to the requirements herein for Commission approval.

b) Pedestrian Lighting. Pedestrian-level, bollard lighting, ground-mounted lighting, or other low, glare-controlled fixtures mounted on building or landscape walls must be used to light walkways.

c) Lighting Height. Light poles and lighting structures may be no more than 20 ft high.

d) Building-Mounted Lighting. Building-mounted lighting is limited to accent lighting used to illuminate architectural features, entrances and adjoining walkways, with a maximum height of 20 ft. Building-mounted lighting may not be used to illuminate parking areas.

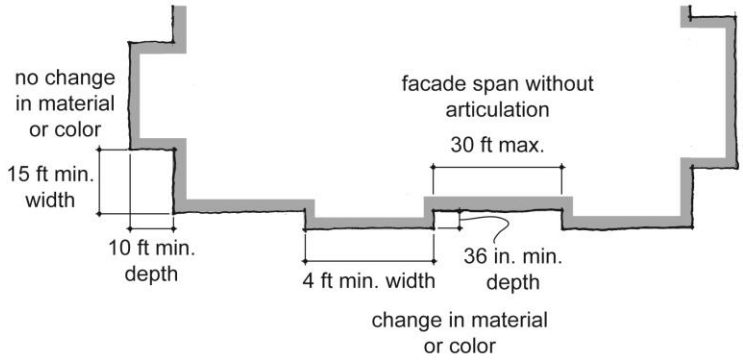
e) Illumination Level. Pedestrian areas, driveways, and parking areas must be illuminated to a minimum average of one footcandle.

f) Spillover Glare. Light fixtures must have full cut-off lenses or hoods to prevent glare and light spillover onto adjacent properties, buildings, and roadways.

15. *Architectural Guidelines.* All building elevations must reflect consistent design, textures, colors, and features. All walls is articulated and fenestrated to provide visual interest.

a) Building Articulation. Multifamily dwellings should 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:

1) Vertical building articulation. Minimum depth and width of articulation is 36 inches and four 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.



2) 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.

b) Diversity of Building Types. Multi-building developments must provide different architectural designs to achieve visual interest and variety, particularly where multiple buildings front on the same public street. Changes in building colors or reversal of facade designs are not sufficient alone to comply with this standard. Variations must be provided in a combination of at least two of the following: vertical articulation (meeting the requirements of Paragraph a above), fenestration, building materials, and roof design.

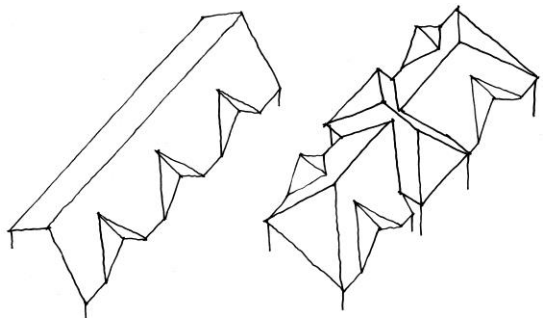
c) Accessory structures. Accessory structures must be consistent in design, materials and finish as multifamily buildings.

d) Roof Design

1) Pitched roofs must have a minimum 5:12 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.

2) All buildings must incorporate variations in the roofline. The maximum length of any continuous roofline is 60 ft. The use, alone, of dormers and/or gables is not sufficient to comply with this requirement.

1) Eaves must extend beyond the supporting wall at least 16 inches.



Left: Continuous roofline exceeds 60 ft. Right: Acceptable variation in roof design.

16. *Building Details and Materials*

a) 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.

b) Exterior Finishes. Building facades must incorporate a coordinated color scheme, which must include 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.

c) Windows

1) Windows facing the street are required. At least 15% of each street-facing facade must be fenestration. All other facades must have a minimum fenestration area of 10%.

2) Windows must be recessed at least two inches from the wall plane or window trim must be used at least four 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.

d) Preferred Building Materials

1) Brick or other masonry, including cementitious siding. When used for the facade of any building, concrete blocks must be split, rock- or ground-faced and may not exceed 25% 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 exposed more than three ft above finished grade at the foundation wall.

2) Exterior insulation and finish system (EIFS) and similar troweled finishes (stucco) must be trimmed in wood, masonry, or other approved materials and must be sheltered from extreme weather by roof overhangs or other methods.

3) 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.

e) 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.

1) Plywood siding (including T-111 or similar plywood), except when used as a component in board and batten siding.

2) Metal siding

3) Highly tinted or mirrored glass (except stained glass)

4) Corrugated fiberglass

5) Chain link fencing (except for temporary purposes)

6) Crushed colored rock/crushed tumbled glass

7) Noncorrugated and highly reflective sheet metal

f) Vinyl siding is acceptable when the board size is less than six inches wide. However, it may not be used adjacent to grade. Vinyl siding cannot be painted, which limits opportunities for changing building colors as part of future renovations.

17. *Landscaping*. In addition to any required parking lot landscaping, buffers and screening, landscaping must include the following:

a) Foundation Planting. All street-facing elevations must have landscaping along the foundation meeting the following standards:

1) The landscaped area must be at least three ft wide.

2) There must be at least one three-gallon shrub for every three lineal feet of foundation.

3) Additional planting and groundcover must fully cover the remainder of the landscaped area.

b) Recommended landscaping techniques include the following:

1) Preservation of existing trees whenever possible

2) Use of plants that require low amounts of water, including native species

3) Use of low-impact development techniques, including pervious pavement, swales, and rain gardens, to manage stormwater in parking lots

4) Planting of trees along street frontages at appropriate spacing

5) Use of both evergreen and deciduous plants to maintain year-round color and interest

c) An irrigation method must be included in the landscaping plan. Irrigation is 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.

18. *Additional Standards*

a) Traffic Impact Study and Plan. A traffic impact study and plan, prepared by a Traffic Engineer in accordance with generally accepted standards for traffic studies, must be furnished with the Site Plan. The study must show, in detail satisfactory to the Zoning Official, the effect that the proposed development will have on traffic flow in the vicinity and must identify what additional traffic signals or devices will be needed adjacent to the site because of the proposed development. The developer must pay the cost of any such signals and/or devices, if the Commission deems them necessary.

b) Drainage Study and Plan. A drainage study and plan, prepared by an engineer, must be furnished with the Site Plan. The plan must be based on properly conducted studies and must show, in detail satisfactory to the Zoning Official, the effect that the proposed development will have on the site and neighboring land. The plan must include drainage, grading, excavation, topography, erosion and sedimentation, stormwater detention and

floodplain management controls. The plan must provide for such structures and devices as may be required to handle a 100-year rain event, 24-hour storm.

c) Additional Requirements. The Commission and/or the Zoning Official may impose additional requirements to protect the health, safety and welfare of the residents of the multifamily development and neighboring residents.

19. *Definitions*. For the purposes of this Section, the following terms are defined as follows:

a) *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.

b) *Fenestration, fenestrated*. Window and door openings on a façade.

c) *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.

d) *Open Space, Improved*. Open space that has been created or modified by man including but not limited to parks, playgrounds, swimming pools, plazas, landscaped green spaces.

e) *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 does not include compacted gravel.

f) *Rain garden*. A planted depression or hole that allows stormwater runoff from impervious surfaces to be absorbed into the ground.

g) *Swale*. An open, grassed or vegetated channel used to partially treat stormwater, attenuate flooding potential and convey stormwater.

Section 7.10 Boarding Houses

1. The owner or lessee must reside within the dwelling used as a boarding house with said structure serving clearly as that person's permanent residence.
2. The living quarters of the permanent residents and boarders must be in the principal dwelling and no separate structure on the premises may be used for dwelling purposes.
3. No separate exterior doorways for individual boarding rooms are permitted.
4. Not more than two parking spaces are permitted forward of the front building line.

Section 7.11 Liquor Lounge

During any 90 day period, the gross receipts from the serving of meals and food must constitute at least 51% of the total gross receipts of the business. Liquor lounges must also comply with applicable requirements of the Chapter 4 of the City of Oxford Code of Ordinances.

Section 7.12 Keeping of Chickens or Honeybees

In the E-1, R-1 and R-2 Districts, the keeping of chickens and honeybees is permitted subject to the following:

1. Chickens or bees may be kept only on the premises of an occupied single-family detached dwelling and only in the rear yard.
2. Keeping of Chickens
   a) Not more than six hens are permitted; roosters are prohibited.
   b) Except when under the personal control of the resident, chickens must be confined within a coop or run at all times.
   c) Coops and runs are subject to the setback requirements in §3.10 Accessory Structures. No structure for the keeping of chickens may be located within 50 ft of the nearest dwelling.
   d) A coop may not exceed 120 sf in area.
   e) The activity and associated structures must be maintained in a condition such that no odors or noises are produced that create a nuisance for adjoining properties.
3. Keeping of Honeybees
   a) Not more than four beehives are permitted, except that one additional beehive is permitted for each 2,500 sf of additional lot area above the minimum lot size of the applicable district.
   b) Beehives must be set back no less than 20 ft from the nearest property line.
   c) There must be an adequate, accessible water source on site and located within 50 ft of the beehive(s).
   d) If the landing platform of a hive faces and is within 25 ft of any lot line, there must be a flight path barrier (fence, structure or plantings) not less than six ft in height, located in front of the hive.

Article 8. PARKING

Section 8.01 Off-street Parking and Loading Terms

Certain terms, when used in this Article, have the following meanings:

1. *Emplo*yee. The maximum number of persons employed at the facility regardless of the time period during which this occurs or whether the persons are full-time employees. The major shift may be a particular day of the week or a lunch or dinner period in the case of a restaurant.
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.
3. *Loading Area*. That area used to satisfy the requirements of this Ordinance for truck loading and unloading.
4. *Loading Space*. An off-street space or berth used for the unloading or loading of commercial vehicles.
5. *Occupancy Load*. The maximum number of persons, which may be accommodated by the use as determined by its design or by fire code standards.
6. *Parking Aisle*. That portion of the parking area consisting of lanes providing access to parking spaces.
7. *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.
8. *Parking Space*. That portion of the parking area set aside for the parking of one vehicle.
9. *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 type activity station.

Section 8.02 Required Off-street Parking Spaces

Unless otherwise provided for, all uses must conform to the minimum parking space requirements outlined in Table 8-1. In situations where the required number of parking spaces is not readily determinable by Table 8-1, the Zoning Official is authorized to determine the parking space requirements using the table as a guide.

1. *Shared and joint parking*.
   a) 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 8-2.
   b) A joint parking area may contain required parking spaces for more than one use, provided the combined number of spaces complies with the parking for all uses. If, however, the combined uses wish to make use of the same spaces 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.

Table 8-1 Required Off-Street Parking Spaces by Use	
Agricultural Uses	
Farm	1 per 1.05 employees
Farm Stand	1 per 250 sf of retail floor area
Farm Support Business	1 per 1.05 employees, plus 1 per company vehicle
Stable	1 per 3 persons of occupancy load plus 1 per 1.05 employees
Residential Uses	
Accessory Dwelling	1 per DU
Boarding House	1 per BR
Duplex	2 per DU
Independent Living Facility	2 per 3 DUs plus 1 space per employee
Manufactured Home	2 per manufactured home lot (in manufactured home subdivision)
Multifamily Developments	1 per studio, efficiency or 1-BR unit 1.75 per 2-BR unit 2.0 per 3+ BR unit
Single-family Dwellings Attached Detached (except GH) Garden homes (GH)	 2 per DU plus 1 additional space per 3 DUs 2 per DU 2 per DU plus 1 additional space per 3 DUs
Institutional Uses	
Assisted Living Facility	1 per 4 residents plus 1 per employee
Club	1 per 100 sf of non-storage and non-service floor area
Community Center	1 per 300 sf of GLA
Country Club	1 per 3 persons of occupancy load
Day Care Center	1 per employee, plus 1 stacking or parking space per 8 persons enrolled of occupancy load
Group Care Home	1 per 4 beds plus 1 per employee
Hospital	1 per 2 patient beds plus 1 per emergency room bed plus 1 per employee
Library	1 per 500 sf of GLA
Nursing Care Facility	1 per 4 beds plus 1 per employee
Place of Assembly	1 per 3 seats in the main assembly space
Public Facility	1 per 300 sf of GLA
Rehabilitation Facility	1 per 4 beds plus 1 per employee
School, College or University	1 per 5 students plus 2 per 3 employees
School, Elementary or Junior High/Middle	1 per classroom, plus either 1 per employee or 1 per 3 seats in the main assembly space (whichever is greater)

School, High	1 per 8 students of occupancy load, plus either 2 spaces per classroom or 1 per 3 seats in the main assembly space (whichever is greater)
School, Vocational	1 per 3 students of occupancy load plus 1 per employee
Commercial Uses	
Animal Hospital	1 per 300 sf of GLA
Appliance Store	1 per 400 sf of GLA
Art Gallery	1 per 350 sf of GLA
Automobile Dealership	1 per 200 sf of interior sales area plus 1 per 4,000 sf of outdoor display area plus 1 stacking space per service bay
Automobile Parts Store	1 per 400 sf of GLA plus 1 per employee
Automobile Rental Establishment	1 per 400 sf of GLA plus 1 per rental vehicle
Automobile Repair Service	1 per employee plus 2 stacking spaces per service bay plus 1 per company vehicle
Bank (no drive-thru)	1 per 250 sf of GLA
Bank (drive-thru only)	1 per 2 employees plus 3 stacking spaces per teller
Bank (with drive-thru)	1 per 350 sf GLA plus 3 stacking spaces per teller
Barber or Beauty Shop	2.5 per chair
Bed and Breakfast	1 per guest bedroom plus 2 spaces
Bowling Alley	3.5 per bowling lane
Call Center, Telemarketing Office	1 per 150 sf of GLA or 1 per employee, whichever is greater
Car Wash (full service or automated)	1 per employee plus 4 stacking spaces per bay
Car Wash (self-service)	3 stacking spaces per approach lane plus 2 drying spaces per stall
Clinic	6 per practitioner
Commercial School	1 per 3 students of occupancy load plus 1 per employee
Convenience Store	1 per 200 sf of GLA
Dry Cleaning Pick-Up	1 per 300 sf of GLA
Funeral Home	1 per 1 employee plus 1 per 3 seats of occupancy load plus 1 per company vehicle
Furniture Store	1 per 600 sf of GLA
Service Station	2 per service bay plus 1 per company vehicle plus 1 per employee plus 1 stacking space per fuel island
Gas Station/ Convenience Store	1 per 300 sf of GLA plus 1 stacking space per fuel island
General Retail Business	Under 50,000 sf: 1 per 200 sf of GLA 50,000-99,999 sf: 1 per 250 sf of GLA 100,000+ sf: 1 per 300 sf of GLA

Home Improvement Center	1 per 400 sf of GLA
Hotel or Motel	1 per room plus 1 per employee
Laundromat	1 per 2 washing machines
Liquor Lounge (free standing)	1 per 100 sf of GLA
Mini-warehouse	5 spaces adjacent to leasing office (if any)
Office, business or professional	1 per 400 sf of GLA
Movie Theater	1 per 3 seats
Outdoor Recreation Golf Course: Miniature Golf: Golf Driving Range: Other:	 4 per hole 2 per tee 1 per tee 1 per 3 persons of occupancy load
Pool Hall	1 per table
Restaurant, Take-out or delivery only	1 per employee plus 1 per 300 sf of GLA
Restaurant, Drive-in	1 per ordering station plus 1 per employee
Restaurant, Drive-thru	1 per 100 sf of GLA plus 4 stacking spaces per drive-thru window
Restaurant, Standard	1 per 3 seats of occupancy load
Shopping Center	see General Retail, plus requirements for other uses
Unenclosed Retail	1 per 500 sf of display area plus 1 per employee
Industrial Uses	
General Industry and Manufacturing, Research Laboratory and similar uses	1 per 1 employee plus 1 per company vehicle but not less than 1 per 1,000 sf of GLA
Warehouse, distribution and wholesale Business	1 per 1 employee plus 1 per company vehicle but not less than 1 per 500 sf of GLA

2. *Location of Required Parking*. All required parking spaces must be located on the same lot as the use served by the parking, except as provided below:

   a) Required parking within planned residential developments may be provided in common parking areas.

   b) If the number of required parking spaces cannot reasonably be provided on the same lot or premises as the served use, remote parking may be permitted by a Special Exception if within 400 feet of the concerned lot(s). Such Special Exception requires written legal documentation that the user of such remote spaces has the right to such spaces.

3. *Parking Restrictions*

   a) The use of off-street parking in any residential district for nonresidential purposes may only be permitted upon approval of a Special Exception by the Board of Adjustment.

b) The use of any required parking space for the storage of any motor vehicle for sale or for any purpose other than parking is prohibited.

Table 8-2: 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 if documented in a parking demand study.

4. *Design Requirements*

a) The minimum parking space dimensions are as shown in Table 8-3.

b) In parking areas of 20 or more parking spaces, up to 20% of the spaces may be reserved for compact cars. Such spaces must contain a minimum rectangular area of eight ft width and 16 ft length. These spaces must be conspicuously marked for compact cars only.

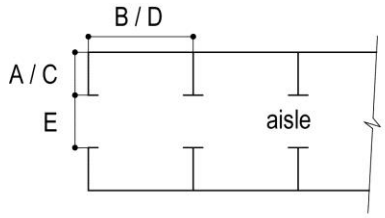
c) Stacking space must contain a minimum rectangular area of 10 ft in width and 20 ft in length and be separate from parking aisles and spaces.

d) Handicapped parking spaces must be provided and designed in accordance with the applicable provisions of the Americans with Disabilities Act.

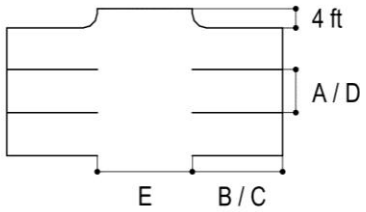
e) Parking areas must be designed so that vehicles may exit such areas without backing onto a public street. This requirement does not apply to parking areas that serve single-family or duplex lots; although, backing into arterials is prohibited in all cases.

f) The location and design of off-street parking areas may not cause the destruction of any public right-of-way or easement, sidewalks, or trees located on any public right-of-way except as approved by the City for installation of driveways.

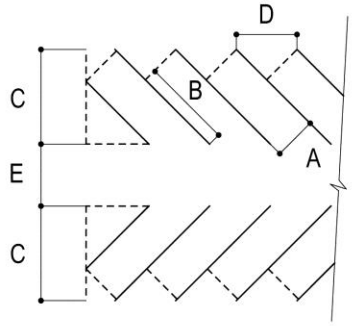
Table 8-3: Parking Lot Dimensional Requirements							
Parking Angle	Stall Width (A)	Stall Length (B)	Stall Depth (C)	Curb Length (D)	Aisle Width (E)		Interlock (F)
					One-Way	Two-Way	
0°	8 ft	22 ft	8 ft	22 ft	12 ft	20 ft	na
30°	8.5 ft	20 ft	17.4 ft	17 ft	15 ft	20 ft	3.9 ft
45°	8.5 ft	20 ft	20.2 ft	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



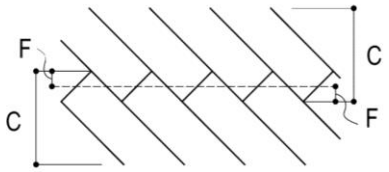
0° Parking



90° Parking



Angled Parking



Angled Parking with Interlock

g) Parking areas for all developments must 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.

h) All parking areas must be surfaced with dust-free materials resistant to erosion and maintained in good condition, i.e. free of pot holes, weeds, trash, refuse, etc.

i) Parking spaces, except those serving single-family or duplex dwelling units, must be demarcated with painted lines or other markings.

j) Driveways serving more than two parking spaces must provide adequate turn-around space on the lot.

k) Drainage in parking areas must direct storm water back into the site toward adequate drainage channels. Parking areas of 20 or more spaces may be required to provide on-site

storm water detention to mitigate the sudden discharge of high volumes of storm water into the public drainage system. Drainage plans are subject to approval by the City Engineer.

Section 8.03 Access Controls

1. Proposed driveways or access points to public streets require approval by the City Engineer. The proposed location, width, drainage structure, traffic conditions, sight distances and resurfacing must be provided with request for approval.
2. The maximum number of and minimum spacing between driveways and between driveways and intersections with streets and alleys must comply with city access management standards. Driveways must be located as far from street intersections as practicable and the number of driveways serving any one premises must be kept to a minimum
3. Driveway cuts along a public street may not exceed 25 ft in width except where specifically approved by the City Engineer.
4. Driveways must be a minimum of five ft from the nearest edge of a street drainage inlet.

Section 8.04 Off-Street Loading

1. *Required Off-Street Loading Spaces*. All nonresidential structures and uses must provide and maintain adequate off-street space for the loading and unloading of materials or goods, and for delivery and shipping, so that such operations can be accomplished without encroaching upon or otherwise interfering with the use of adjoining properties, public streets, alleys and sidewalks by pedestrians and vehicles. See Table 8-4 for minimum required loading spaces.
2. *Off-street Loading Design Standards*
   a) Each loading space must have a minimum rectangular area of 12 ft in width and 55 ft in length, exclusive of driver and maneuvering space. Each space must allow vertical clearance of 14 ft.
   b) Joint or combined off-street loading space for two or more buildings on the same lot can be provided as long as the amount of such combined off-street space is equal in size and capacity to the combined requirements of the several buildings to be served.
   c) Loading spaces may not be located within the required front yard or within five ft of any property line.
   d) Loading spaces may not be used to meet parking requirements
   e) Loading spaces may not be located or designed in a manner that interferes with the on-site circulation of traffic, nor allow or require a vehicle to extend into any right-of-way or over any property line during loading or unloading.

Table 8-4 Required Loading Spaces	
Retail store, storage warehouse, wholesale establishment, industrial plant or factory, freight terminal, market, restaurant, funeral home, laundry or dry cleaning plant, or similar use	• Less than 8,000 sf GFA: no space required unless the Commission determines that the specific use requires such space • 8,001-20,000 sf of GFA: 1 space • 20,001-60,000 sf GFA: 2 spaces • Over 60,000 sf GFA: 2 spaces plus 1 additional space for every 50,000 sf GFA or fraction thereof over 60,000 sf
Auditorium, convention hall, exhibit hall, hotel, office building, stadium, sanitarium or similar use	• Less than 10,000 sf GFA: no space is required unless the Commission determines that the specific use requires such space • 10,001-40,000 sf GFA: 1 space • Over 40,000 sf GFA: 1 space plus 1 additional space for every 50,000 sf or fraction thereof over 40,000 sf

Section 8.05 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 must conform with the off-street parking and loading standards of this Ordinance to the furthest practicable extent.

Article 9. SIGN REGULATIONS

Section 9.01 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 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.

Section 9.02 Definitions

The following definitions are applicable to this Article 9:

1. *Attached 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 unless otherwise defined in these regulations.

Attached Sign

2. *Awning or Canopy Sign*: A sign painted on, affixed to or attached to an awning or canopy.
3. *Banner*: A temporary sign of light-weight fabric or vinyl or similar material mounted to a pole or a building. National, state and municipal flags or the official flag of any institution or business are not considered Banners. (See also “Temporary Sign”, “Window Sign”.)
4. *Canopy*: A multisided overhead structure or architectural projection that is supported by attachments to a building and either cantilevered from such building or supported by columns at additional points, or supported by columns, but not attached to or enclosed by walls.

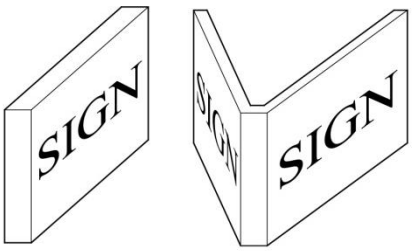
Electronic Changeable Copy Sign

5. *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.
6. *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

7. *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.

8. *Double faced sign*: A sign constructed to display its message on the outer surfaces of two opposing 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.

9. *Erect*: To build, construct, attach, hang, place, mount, suspend or affix, including the painting of attached signs upon the exterior of buildings or structures.
10. *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 facade, 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.
11. *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, excluding Electronic Changeable Copy Signs.
12. *Freestanding sign*: A sign supported by structures or supports placed on or anchored in the ground and that are independent from any building or other structure.
13. *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:
    a) *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

    b) *Direct light*: One emitting light from a source within or affixed to the sign face and beaming outward from it.

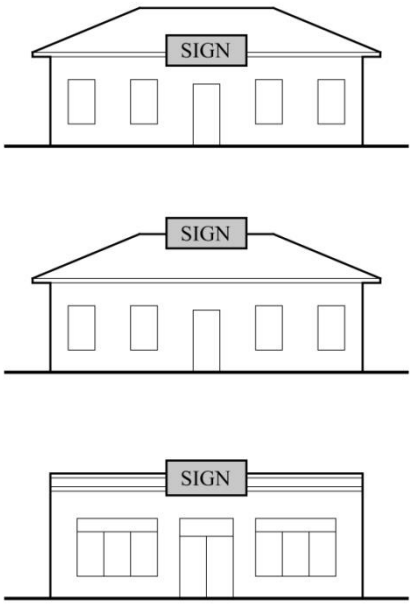
Signs using direct light

14. *Incidental Sign*: A non-commercial sign, other than an official sign, which is four sf in area or less and provides information or direction for the convenience and necessity of the public.
15. *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.
16. *Multi-tenant Center*: A group of commercial or industrial establishments on one or more parcels of land having shared access and/or shared parking.
17. *Non-commercial message*: Any wording or other displays other than a commercial message. Non-commercial messages are considered to be on-premises messages.
18. *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.
19. *Off-premise sign or message*: A sign or message 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 on which the sign is located.
20. *On-Premise sign*: A sign, whether permanent or temporary, other than an off-premise sign.
21. *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.
22. *Portable sign*: Any sign that is designed to be transported, including, but not limited to, such signs with wheels removed; with chassis or support constructed without wheels; converted to an A- or T- frame sign; attached temporarily to the ground, structure, or other signs; or 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.
23. *Projecting sign*: Any attached sign permanently affixed at more or less a right angle to the building façade to which it is attached.
24. *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.

Projecting Sign

25. *Residential Identification Sign*: A permanent sign located at a principal entrance to a residential subdivision or multifamily development giving the name of the subdivision or development

26. *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.

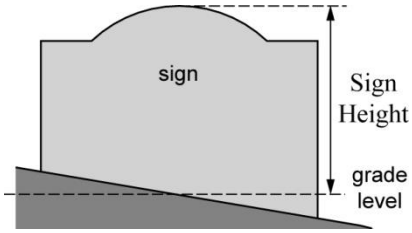


Roof Signs

27. *Sign*: A name, identification, image, description, display or illustration on a building, structure or piece of land, which directs attention to an object, product, place, activity, facility, service, event, attraction, person, institution, organization or business and which is legible from any street, right-of-way, sidewalk, alley, park or other public property, together with any and all structural supports and ornamental attachments.

28. *Sign Face*: The entire area of the surface used for the display of a sign message as seen from only one direction.

29. *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 the sign.



Sign Height (from grade level)

30. *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.

31. *Spacing of Signs*: The distance between signs as measured along the nearest edge of pavement of the street to which said signs are directed.

32. *Temporary Sign*: Any sign, other than a Portable Sign or a sign affixed to a vehicle, not designed, constructed or intended to be permanently affixed to any building, structure or the ground.

33. *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.

34. *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. Displays of merchandise, objects or material without lettering placed behind a store window are not considered signs or parts of signs.

Section 9.03 General Regulations

1. *General Standards*. The following standards apply in all zoning districts:

   a) Except as provided in §9.4.4 Signs Subject to Other Standards, no sign or portion of a sign may be located closer than two ft to a public right-of-way except as otherwise provided for Projecting Signs in §9.06.2.c. No sign may interfere in any way with motorist visibility at the intersection of a street with another street, alley or driveway. See §3.09 Intersection Visibility.

   b) A commercial message on a lawful sign may be substituted with a non-commercial message.

   c) No illuminated sign, other than a permanent Residential Identification Sign, is permitted within 50 ft of any residential district.

   d) No sign may occupy any portion of a required parking space or aisle.

   e) All signs must conform to the City Building Code, if applicable.

   f) The area around all signs must be kept clean and free of trash and of vegetation that is not part of the landscaping associated with the sign. All signs and all components thereof, including structural supports, must be kept in a state of good repair. The sign owner/lessor or property owner must maintain all signs in a safe and proper operating manner at all times. Any sign that exhibits one or more of the following conditions is considered in violation of this Ordinance subject to remedies in §9.10 Unlawful Signs:

      1) Peeling or flaking paint or surface material on the sign face

      2) Missing portions of the message, display or of the sign face

      3) The sign face is cracked, damaged, or faded such that the message or display is not legible

      4) The message or display is incomplete or illegible due to electronic or lighting failure or for any other reason.

   g) Nothing in this ordinance prohibits or limits the outdoor display of products where such displays are otherwise lawful. This ordinance, however, applies to any sign, banner, or other attention-attracting device affixed to a product displayed outdoors and that is directed toward and legible from public view.

   h) No person may, for the purpose of improving the visibility of any sign, damage, trim, destroy or remove any landscaping required by this Ordinance or trees or other vegetation within any right-of-way (unless express written authorization is obtained from the agency having jurisdiction over the right-of-way).

2. *Prohibited Signs*. It is unlawful to erect or maintain any sign not expressly authorized by, or exempted from, these regulations. The following signs are prohibited in all zoning districts:

   a) Any sign that 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

   b) Signs that emit audible sound, odor, or visible matter such as smoke or steam

c) Signs or sign structures that interfere 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 applicable regulation

d) Flashing signs

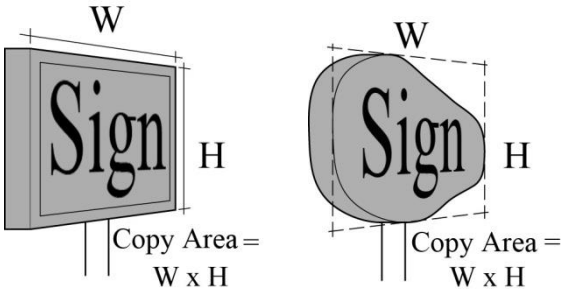
e) Any sign or support thereof placed in or that interferes with, a public street right-of-way except as otherwise permitted under §9.04.4 Signs Subject to Other Standards

f) Snipe signs

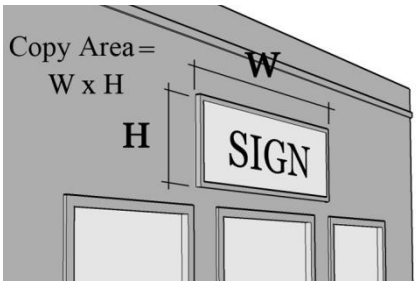
g) Portable signs

3. *Measuring Copy Area*

a) The copy area of freestanding and projecting signs is measured as the area within a single rectangle that encompasses the extreme limits of the sign face, including all advertising surfaces, background, framing and ornamentation, but excluding structural frames and members not forming an integral part of the display. For double-faced signs, the area of each face is counted. Otherwise, the area of only one face, the larger (if applicable), is counted.



Measuring Copy Area (Freestanding Signs)



Measuring Copy Area (Attached Sign)

b) The copy area of all other signs is 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.

Section 9.04 Exemptions

1. *Actions Not Requiring a Permit*. The following actions related to signs are exempt from permit requirements of this Ordinance but are subject to all other standards of this Ordinance.

a) 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

b) The changing of copy on Changeable Copy Signs provided there are no structural changes or change in the primary light source

c) Installation of signs permitted in all districts (§9.04.2); signs exempt from these regulations (§9.04.3); and signs subject to other standards (§9.04.4)

d) Installation and changing of window signs.

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 specified and the City Building Code, where applicable.

a) Address Sign, not exceeding three sf in area and bearing the E-911 address of the premises. Occupant name may be included but no other message may otherwise be included.

b) Temporary Signs, in accordance with the requirements in §9.05 and §9.06.

c) Incidental Signs, whether freestanding or attached, less than four sf in area and less than four ft in height.

d) 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 may exceed six sf in area and may not be separately illuminated.

e) 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 may contain more than four such flags.

f) Non-commercial Signs. In addition to any other permanent or temporary signage otherwise provided for in this Article, each occupied lot is permitted an aggregate sign area of 15 sf for non-commercial speech, which may not be illuminated, may not exceed six and one-half sf in area per sign and may not exceed five ft in height. However, when 15 sf or more of the sign area available to a premises for commercial messages is substituted with one or more non-commercial messages in accordance with §9.03.1.c, no additional non-commercial signage is permitted.

3. *Signs Exempt from these Regulations*. The following signs are exempt from permit requirements and the provisions of this Article, except as provided herein. However, all such signs must comply with the City Building Code and all other applicable regulations:

a) 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 another private or public property

b) Any sign with less than four sf in area and less than four ft in height (if freestanding), that is not separately lighted and that is not legible from the public right-of-way or from another private or public property

c) Official signs

d) Stadium signs, including scoreboards and incidental advertising signs intended to be viewed only from within a stadium

e) Decorations containing no commercial message

f) Signs affixed to vehicles

g) Signs authorized by the City for public events

4. *Signs Subject to Other Standards*. The following signs are exempt from the permit requirements of this Ordinance; but, to the extent allowed by law, are 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 or otherwise deviate from the standards set forth in this Ordinance to the extent that the statute or court order expressly requires the larger size or other deviation. In all other respects, such signs must conform to the standards of this ordinance.

a) Signs conforming to the Manual of Uniform Traffic Control Devices and bearing no commercial message

b) Official signs

c) Signs required by a state or federal statute or by an order of a court of competent jurisdiction

d) 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

e) 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.

Section 9.05 Signs Permitted in Residential and Agricultural Districts

Signs are permitted in the AG-1, E-1, R-1, R-2, R-3, GH and TH Districts subject to the following provisions.

1. The following signs are allowed for each residential premises:

   a) One address sign, per §9.04.2 Signs Permitted in All Districts. Such sign may not be directly illuminated.

   b) Each occupied lot is permitted up to two temporary signs at one time that contain a commercial message, which may not be illuminated, may not exceed four ft in height and may not exceed an aggregate copy area of six and one-half sf. Commercial messages may only refer to commercial activity lawfully and/or temporarily conducted on the premises, including 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. Temporary signs related to the sale of personal property must be removed within 24 hours after the end of the sale.

2. Residential Identification Signs. The following are permitted for each residential development:

   a) Permanent Residential Identification Signs are permitted in accordance with the following:

      1) Residential Identification Signs must be located on private property, whether commonly or individually owned, and may bear no commercial message.

      2) Residential Identification Signs may be indirectly lit but may not otherwise be illuminated.

      3) One Residential Identification Sign is permitted at each principal entrance to a residential development as follows:

         (i) For single-family residential developments, the sign may not exceed 48 sf of copy area. For multifamily developments, the sign may not exceed 12 sf of copy area for each 50 dwelling units, or 48 sf, whichever is less.

         (ii) If there are walls on both sides of the entrance, then one attached sign per side is permitted in lieu of a freestanding sign, with the aggregate area not exceeding the allowable copy area established in Item i above.

      A “principal entrance” is considered to be that place where property included within the development abuts and has vehicular access to an external public street. For the purposes

of this Subsection, a development of 50 or fewer dwelling units is considered to have only one principal entrance.

b) Temporary Residential Identification Signs. As a temporary use accessory to residential development, one temporary residential identification sign is permitted at each principal entrance, as described in Paragraph 1 above, in accordance with the following:

1) There may in no case be more than one such sign for a subdivision or development with 50 or fewer lots included in the subdivision or development and no more than two such signs for any other subdivision or development.

2) Such sign may not be illuminated and may not exceed 32 sf in area;

3) Such sign must be removed upon the installation of a permanent Residential Identification Sign.

3. Signs for any nonresidential uses permitted in Agricultural and Residential Districts, such as schools and places of worship, may not exceed in number, height or area that which is allowed in the NSC District (see §9.06).

Section 9.06 Signs Permitted in Nonresidential Districts

Permanent signs are permitted in nonresidential districts in accordance with Table 9-1 and the following:

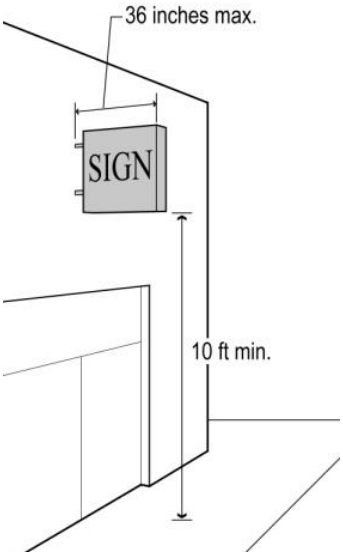
1. *Freestanding Signs*. Nonresidential uses are permitted freestanding signage as provided in Table 9-1. The following standards apply to all freestanding signs, except where otherwise specified:

a) Freestanding signs may be illuminated or not and may include manual or electronic changeable copy, subject to §9.06.4 Electronic Changeable Copy Signs.

b) Freestanding signs may be no closer than 15 ft to the edge of pavement of any street and no closer than 50 ft from a sign on an abutting property.

c) Freestanding signs within a Multi-tenant Center must be consistent in design, materials, and colors.

d) Allowable sign height is based on the classification of the street along which it is located as provided in Table 9-1. Different height limits may apply on corner lots when the abutting streets are classified differently.



Maximum Projection of Projecting Sign

Table 9-1 Nonresidential District Sign Standards						
District	ASC	GB	CBD	NSC	INST	M-1 & M-2
Max. Height [1]						
Arterial	30 ft	30 ft	15 ft	15 ft	15 ft	30 ft
Collector	25 ft	25 ft	15 ft	15 ft	15 ft	25 ft
Local	15 ft	15 ft	12 ft	12 ft	12 ft	15 ft
[1] See §9.06.1.e for height allowances for signs along Interstate 20.						
Freestanding Signage for Individual Premises (other than Multi-tenant Centers)						
Max. number of signs	1 per street frontage					
Max. copy area per sign	100 sf	150 sf	100 sf	50 sf	100 sf	150 sf
Freestanding Signage for Multi-tenant Centers						
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 above for individual premises					
Attached Signage for Individual Premises and Multi-tenant Centers						
Max. number of attached signs	1 wall or projecting sign per façade + 1 awning or canopy sign per facade					
Max. copy area per sign						
Wall Sign	150 sf or 25% of the façade area, whichever is less					
Projecting Sign	16 sf					
Awning or Canopy Sign	25% of the surface area of the awning or canopy					

e) Signs on properties located within 1,000 ft of the nearest right-of-way line of Interstate 20 may exceed the height limits in Table 9-1 but may not exceed a height of 100 ft.

2. *Attached Signs*. Each establishment is allowed permanent signage on each facade. Nonresidential uses, including those in Multi-tenant Centers, are allowed attached signage as provided in Table 9-1 subject to the following:

   a) Attached signs, except where specifically prohibited herein, may be directly or indirectly illuminated.

   b) Attached Signs may not extend out from the face of the building more than 12 inches. Attached Signs may include manual or electronic changeable copy, subject to §9.06.4 Electronic Changeable Copy Signs.

   c) Projecting signs may not project outward more than 36 inches from the building face and must have a minimum clearance of 10 ft from the surface below to the lowest point on the sign. Projecting signs may not extend into a public right-of-way more than eight inches without express approval from the Building Official.

   d) Awning and Canopy Signs

      1) Awning and Canopy signs may extend no closer than two ft horizontally to the curb line of any public street nor less than 10 ft vertically from the finished surface directly below.

      2) Copy area may not exceed 25% of the surface area of the canopy or awning, which surface area is not counted toward allowable sign area.

3. Window signs are permitted, provided they do not collectively cover more than 20% of the window glass area.

4. Electronic Changeable Copy Signs are permitted subject to the following standards:

   a) Electronic or digital display units must have installed ambient light monitors to automatically adjust the brightness level of the message based on ambient light conditions. Maximum brightness levels may not exceed 7,000 nits during daylight hours and 2,500 nits during nighttime hours.

   b) Any sign using 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, must be repaired or disconnected within 24 hours of notice from the City.

   c) The message area may not exceed the permitted copy area for the applicable sign type in the district, or 200 sf, whichever is less.

   d) Electronic changeable copy signs must observe the following minimum setbacks from residential districts:

      1) 100 ft if changeable copy area up to 20 sf

      2) 200 ft if changeable copy area of 21-100 sf

      3) 500 ft if changeable copy area greater than 100 sf

5. *Temporary Signs*. Temporary signs are permitted as follows:
   a) Temporary Signs may be attached or freestanding but are prohibited in a public right-of-way.
   b) No temporary sign may include an off-premise message.
   c) For any premises which is occupied or for which a building permit has been issued, and for which a permanent sign has not been installed, one temporary sign is 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. The temporary sign may not exceed the size allowed for the permanent sign, and, if freestanding, may not exceed eight ft in height.

Section 9.07 Off-Premise Sign Regulations

Off-premise Signs may be permitted only in the ASC, GB, M-1 and M-2 Districts upon review and approval by the Commission and in accordance with the following provisions and those in Table 9-2:

1. No off-premise sign may be erected within 100 ft of any residential district.
2. Upon express approval of the Commission, Off-Premise Signs may include an Electronic Changeable Copy element but may not otherwise be directly illuminated. For indirect illumination the beam of light may only be directed toward the sign face.

Table 9-2 Off-Premise Sign Regulations

	Interstate Highway	Federal-Aid Urban Highway	All other streets
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 In all other cases	 25 ft 40 ft	 25 ft 30 ft	 25 ft 30 ft
Minimum Spacing between Off-Premise Signs on same side of street	1,000 ft	500 ft	750 ft

Section 9.08 Permitting, Construction and Maintenance of Signs

1. *Permits Required*
   a) Except where explicitly exempted in §9.04 Exemptions, all signs erected or altered require a sign permit issued by the Building Official.
   b) Whether a sign is exempt or not, an electrical permit is required for all illuminated signs.
   c) Any off-premise signs to be located within 660 ft of the right-of-way of an Interstate Highway or Federal-Aid Primary Highway System require a permit from the ALDOT.
2. *Application for Permit*. Application must be made to the Building Official, together with a permit fee, and accompanied by such information as needed to assure compliance with this Article and all other applicable laws and regulations, including, but not limited to:

a) Scaled, clear and legible drawings with description showing the exact location of the proposed sign and any existing signs on the site.

b) Drawings showing the sign specifications including dimensions, construction supports, size, electrical wiring, and component materials of the sign and method of attachment.

3. *Denial of Permit.* When a permit is denied by the Building Official, written notice is provided to the applicant with reason for the denial. Appeal may be taken to the Board of Adjustment upon denial of a sign permit, subject to all procedures outlined in Article 12 Board of Adjustment. Application for the appeal must be submitted within 30 calendar days after denial of the sign permit, after which time the applicant/owner is deemed to have waived the right of appeal.

4. *Inspection of Signs*. The person erecting, altering, relocating, enlarging or converting any sign must notify the Building Official upon completion of the work for which permits are required and issued. (See §9.04 Exemptions.*)* Freestanding signs may be subject to a footing inspection, and all illuminated signs are subject to electrical inspection.

Section 9.09 Nonconforming Signs

All signs constructed or altered after adoption of this Ordinance must conform in all respects to the requirements and provisions contained herein. It is the intent of this Ordinance to allow lawfully nonconforming signs to remain until they are removed, discontinued or altered, but not to encourage their survival, subject to the following:

1. *Nonconforming On-Premise Signs.* Nonconforming on-premise signs that are structurally altered must, upon completion of the alteration, conform in all respects to the provisions of this Ordinance. If a structural alteration is necessary for maintenance (§9.03.1 General Standards), the sign must be made to conform to the dimensional limitations of this Article.

2. *Portable Signs*. Portable Signs must be removed within two years of the effective date of this Ordinance.

3. *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, must, upon completion of the alteration, conform in all respects to the provisions of this Ordinance.

Section 9.10 Unlawful Signs

1. *Confiscation of Signs Located in Public Right-of-Way*. Any sign placed in public right-of-way, except in conformance with this Ordinance, is forfeited and subject to confiscation. In addition to other remedies provided for in this Article, the City has the right to recover from the owner or person placing the sign the full costs of removal and disposal.

2. *Abandoned Signs*. Except as otherwise provided for in this Article, any sign located on property which becomes unoccupied for one year or more; or any sign which no longer advertises a bona fide business, entity, event, location, product or service for one year or more, is deemed abandoned and must be altered or removed to conform to this Ordinance. An abandoned sign is prohibited and must be removed. Removal, if by the City will be at the expense of the property owner and/or sign owner.

3. *Notification*. Notices from the Building Official are sent by certified mail. Any time periods provided in this Section commence on the date of the receipt of the certified mail. The notice

will be mailed to the property owner as shown on the latest available tax maps, and the occupant which the sign serves. Any person having an interest in the sign or the property may appeal the decision of the Building Official by filing a written notice of appeal with the ZBA within 30 calendar days of receipt of the notice.

4. *Removal and/or Repair of Signs by the City*. Any sign erected without an applicable permit or that has deteriorated 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, are considered in violation of this Ordinance.

   a) The Building Official may cause to be removed any sign erected without a permit or any sign which becomes a safety hazard or which is not kept in a good condition and state of repair, as specified in §9.03.1 General Standards. A written notice will be made to the owner of the premises and/or the sign owner describing the violation. Any repair, painting, alteration, relocation or removal will be at the sign owner or property owner's expense. If corrections or repairs have not been made within 60 calendar days of receipt of the notice, the sign will be declared a nuisance and may be removed or otherwise abated by the Building Official.

   b) 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.

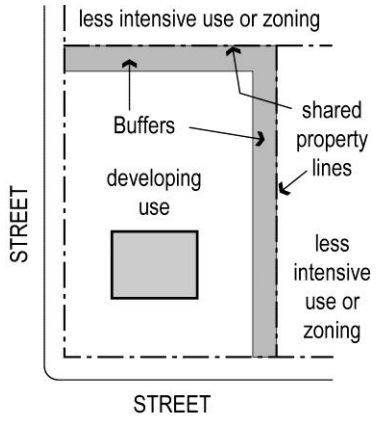
   Any costs incurred by the City for removal/repair of the sign will be charged to the owner of the premises, and that portion that remains unpaid will constitute a lien against the property.

Article 10. LANDSCAPING

The intent of this Article is to establish standards for buffers required between incompatible land uses and screening of certain activities from public views, and to provide for landscaping surrounding and within vehicular areas in multifamily and nonresidential developments. For the purposes of this Article, "fences" and "walls" have the same meaning. Landscaping may not be planted in a manner or location, which causes a hazard to vehicles entering or within the public right-of-way.

Section 10.01 Buffers

1. Applicability. Buffers must be provided in accord with the requirements of Table 10-1 and as described herein. Any buffer requirement is the responsibility of the developing land use. A Landscaping Plan must be provided in accordance with §10.05. Buffer requirements are based on the developing land use and the existing, abutting use.



Buffer Illustration

2. Required yards, where corresponding with the buffer area, may overlap and may be counted toward buffer width requirements.

3. Buffer requirements may be modified by the approving authority in certain cases as follows:

   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 planned use of the neighboring property.

   b) If the land use relationship 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 half of the width of an adjoining alley may be counted toward the buffer width requirement but the landscaping density requirements may not be reduced.

   d) Whenever the proposed use abuts vacant land, buffer requirements are based on the zoning of the abutting property or the use projected by the Comprehensive Plan, whichever requires a lesser buffer.

   e) Buffers may not be used for parking, recreational use or any other purpose, except as provided herein. The approving authority may permit a pedestrian access way through a

required buffer where appropriate. Public utilities and storm drainage facilities may be constructed in a required buffer, provided the buffer is otherwise installed in compliance with the approved Landscaping Plan. The City may require supplemental plantings to mitigate the effect of any such land disturbance in the buffer.

4. Design Standards

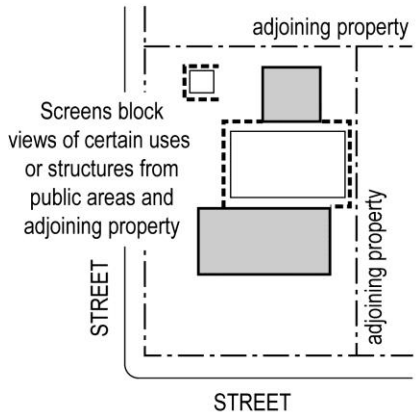
   a) Prior to occupancy of the premises, the buffer must provide a visually impervious barrier, from the ground to five ft above grade level throughout the entire length of the buffer. Within one year after installation, the buffer must be at least six ft above grade throughout the entire length of the buffer.

   b) Required plantings must be evergreen.

   c) The required buffer width may be reduced as provided in Table 10-1 when a fence is provided that is five to seven ft tall and that meets the requirements in §10.04.

Section 10.02 Screening

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



Screening

1. *Applicability*. For all multifamily, nonresidential and mixed use developments, the following require screening:

   a) Garbage collection, recycling and refuse handling areas

   b) Maintenance areas or utility structures associated with a building or development

   c) Utility meters and air conditioners/mechanical units

   d) Outside runs for veterinary clinics, animal shelters, and kennels

   e) Outdoor storage of materials, stock, equipment, and vehicles (such as those stored for repair), not including retail display

   f) Any other uses for which screening may be required by the reviewing authority

Table 10-1 Buffer Requirements By Use

Developing Land Use	Existing Abutting Uses or Zoning								
	Single-family		Multi-family	Lodg-ing	Institutional			Business	Parks & green-ways
	detached	attached			low/medium/high				
Residential and Lodging	Buffer Class Required								
Detached, single-family	na	na	A	A	A			A	na
Attached, single-family	A	na	A	A	A			A	na
Multi-family	B	A	na	na	na			na	na
Lodging	B	B	A	na	na			na	na
Manufactured home/RV parks	B	B	B	B	A			B	A
Institutional									
Low intensity	A	A	na	na	na	na	na	na	na
Medium intensity	A	A	A	na	na	na	na	na	A
High intensity	B	B	B	A	A	na	na	na	A
Business/Commercial									
Offices up to 50,000 sf	A	A	A	na	A	na	na	na	A
Offices greater than 50,000 sf	B	B	B	A	B	A	na	na	A
Amusement; outdoor entertainment	B	B	B	A	B	A	na	na	A
Retail, shopping centers, and restaurants up to 50,000 sf	B	B	A	A	A	A	na	na	A
Retail, shopping centers, and restaurants greater than 50,000 sf	B	B	B	A	B	A	na	na	A
Heavy commercial, including repair, contractor and automotive uses	B	B	B	A	B	A	na	na	A
Industry									
Warehousing, storage, and public utility facilities	C	C	C	C	C	B	B	A	B
Other industrial uses	C	C	C	C	C	C	C	B	B

Planting Requirements by Buffer Class

Buffer Class	Width		Required trees per 100 lf
	With fence/wall	Without fence/wall	
A	10 ft	15 ft	6
B	15 ft	20 ft	8
C	22 ft	30 ft	10

2. *Design Requirements*. The design of screening is subject to the following and as approved by the reviewing authority:

   a) Location on site should be the first consideration in providing required screening. The reviewing authority may lessen screening requirements when the location of the use to be screened reduces its visibility to the public and neighboring properties.

   b) Screening may not be placed so as to impede any drainage way and may not block access to any above-ground, pad-mounted transformer and must provide the minimum clear distance required by the utility company.

   c) The method of screening, including height and materials, must be that which is sufficient to visually screen the use. The minimum height needed is preferred.

   d) 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.

   e) Uses requiring screening, when co-located, may be screened together.

   f) Uses that produce objectionable noise or odors must be located so as to minimize such impacts to the public and abutting properties.

   g) Shrubs must be evergreen and spaced no more than five feet on center. If used in combination with a fence, shrubs may be deciduous and may be spaced no more than eight ft on center.

   h) Trees must be evergreen and, when used in the absence of a fence, must be used together with shrubs to provide a continuous, opaque screen.

3. *Requirements for specific uses*

   a) Refuse and recycling containers may not be located forward of the front building line. Such containers must be screened on three sides with an opaque gate for access. The fence must be at least two ft taller than the container.

   b) For restaurants, enclosures must be sized, as needed, to accommodate the storage of grease containers.

   c) Mechanical equipment on roofs or on site must be screened so as to not be visible from public streets or adjacent properties. The screening of building-mounted mechanical equipment must be an integral component of the building design. Mechanical equipment installed on site must be adequately screened by plant materials and/or fences to blend in with site landscaping.

   d) Outdoor storage, where permitted, must be screened to a height of six ft or two ft taller than the material or equipment to be screened, whichever is greater.

   e) Service areas, work yards, and similar uses should be located to minimize their visibility to the public and to any abutting properties to which such functions would be objectionable. Where their location is insufficient to effectively screen the use, required screening must be at least six ft in height.

Section 10.03 Landscaping for Vehicular Areas

1. Applicability. These regulations apply to areas on a nonresidential, multifamily or mixed-use development that are used for off-street parking and loading; vehicular storage, display, maneuvering and washing; and the dispensing of motor fuels.
2. A Landscaping Plan is required as part of every development application for new construction, which includes vehicular areas as herein described. This Section applies to new vehicular areas for all uses, except single family dwellings, duplexes and multiplexes. If the size of an existing, applicable vehicular area is increased by 15% or more, the new vehicular area must be made to comply with the requirements of this Section.
3. Requirements
   a) Each vehicular area must have interior landscaping covering not less than five percent of the total vehicular area.
   b) A landscaping strip at least five ft in width must be provided between the parking lot and any side or rear lot lines. Along side lot lines these areas must be planted with evergreen shrubs and one understory tree per each 40 ft (the width of any cross access drives may be discounted). Where this overlaps or conflicts with other landscaping requirements, the greater requirement governs.
   c) The primary landscaping materials used in vehicular areas must be canopy trees. Shrubs and other planting materials may be used to compliment the canopy trees, but may not be the sole component of the landscaping.
   d) Plantings must be set back from the edge of the planted area as needed to protect them from damage by vehicles.
   e) Street Frontage Landscaping
      1) A landscaped strip at least 10 ft wide must be located between any vehicular area and the public right-of-way. The width may be reduced to five ft when a fence, meeting the requirements of §10.04 and that is between 2.5 to 3.5 ft tall, is provided.
      2) Shrubs must be evergreen and spaced no more than five ft on center. If used in combination with a fence meeting the requirements of §10.04, shrubs may be deciduous and may be spaced no more than eight ft on center.
      3) At least one understory tree for every 35 lf or one canopy tree for every 45 ft of required landscape strip is required. Only canopy and understory trees, as defined in Article 2, will be counted toward these requirements.

Section 10.04 Design Standards for Fences

Fences used to meet the landscaping requirements of this Article 10, including buffering and screening, must comply with the following:

1. Fences must be of masonry, durable wood, or a combination thereof. Untreated wood, chain-link, plastic or wire is not permitted. No more than 25% of the fence surface may be left open. The finished side of the fence must face abutting property.
2. Required shrubs and trees must be planted on the exterior side of the fence.

3. If a fence is longer than 100 ft in one direction, it must have wood or masonry columns, which project outward from the fence surface. Such columns must be spaced no greater than 50 ft on center.

Section 10.05 Landscaping Plan

A Landscaping Plan is required as part of every development application for new construction which requires a buffer, screening and/or landscaping in vehicular areas. The Landscape Plan must be drawn to a scale no larger than one inch equals 50 ft and must contain the information listed in the Appendix.

Section 10.06 Modifications

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

1. Existing natural vegetation, which meets, in whole or in part, buffer or screening requirements, may be applied toward such requirements. Where natural vegetation (trees and/or shrubs) exist on a piece of property, when application is made for a Building Permit, such natural vegetation must be left undisturbed until the Zoning Official has evaluated it for its suitability as a buffer or screen, as applicable. The Zoning Official may require that the developer retain such natural vegetation. However, additional planting may be required to fully achieve the requirement.
2. Where impending development of adjacent property would make these standards unreasonable or impractical.
3. Where, after inspection by the Zoning Official, it is found that the view from adjoining properties is blocked by a change in grade or other natural or man-made features.
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.

Section 10.07 Maintenance and Irrigation

1. All fences required by this Article or by a Master Development Plan, Conditional Use or similar approval by the applicable city authority must be permanently maintained in good condition and, when necessary, replaced or repaired. All required plant material must be tended and maintained in a healthy growing condition, replaced when dead and kept free of weeds, refuse and debris. Plant materials must be replaced the next applicable growing season following notice by the City. Overgrowth of plant materials, to the extent that it interferes with sight distance or otherwise poses a safety hazard, must be corrected within 10 working days from notice by the City.
2. All required landscaping should be drought-tolerant, native species or must be irrigated by an automatic irrigation system.

Article 11. Administration and Enforcement

Section 11.01 Enforcing Officer

The provisions of this Ordinance are administered and enforced by the Zoning Official or other authorized officers of the city. This official has the right to enter upon any premises at any reasonable time for the purpose of making inspections of buildings or premises necessary to carry out his duties in the enforcement of this Ordinance.

Section 11.02 Building Permit Required

It is unlawful to commence the excavation for or the construction of any building or other structure, including accessory structures, or to store building materials or erect temporary field offices, or to commence the moving, (except necessary repairs not affecting the external or party walls, chimneys, stairways or heights of building) of any structure, including accessory structures, until the Building Inspector has issued for such work a building permit including a statement that the plans, specifications and intended use of such structure in all respects conform with the provisions of this Ordinance. Application for a building permit is made to the Building Inspector on forms provided for that purpose.

Section 11.03 Approval of Plans, Issuance of Building Permit

1. Every application for a building permit for excavation, construction, use of land, moving or alteration must be accompanied by a plan or plat drawn to scale and showing the following in sufficient detail to enable the Building Inspector to ascertain whether the proposal is in conformance with this Ordinance:
   a) The actual shape, proportion and dimension of the lot to be built upon
   b) The shape, size, and location of all buildings and structures to be erected, altered, or moved and of any buildings or structures already on the lot
   c) The existing and intended use of all buildings and structures
   d) The setback and side lines on adjoining lots and such other information concerning the lot or abutting lots as may be essential for determining whether the provisions of this Ordinance are being observed.
2. If the proposed excavation, construction, moving or alteration is in conformity with the provisions of this Ordinance, the Zoning Official will issue a building permit accordingly. If an application for a building permit is not approved, the Zoning Official will state in writing on the application the cause for such disapproval. Issuance of a building permit may, in no case, be construed as waiving any provision of this Ordinance.
3. A reproducible set of the final approved site plan must be submitted by the applicant and retained on file by the Zoning Official. All subsequent building permits and subdivision plats submitted by the applicant must be in substantial accord with the final site plan.
4. An approved site plan becomes null and void if significant development does not commence with 12 months of approval.

Section 11.04 Certificate of Occupancy Required

No land or building or other structure or part thereof, hereafter erected, moved or altered in its uses may be used until the Building Inspector issues a certificate of occupancy stating that such land or structure or part thereof is in conformity with this Ordinance.

Within three days after the owner or his agent has notified the Building Inspector that a building or premises or part thereof is substantially ready for occupancy or use, it is the duty of the Building Inspector to make a final inspection thereof, and to issue a certificate of occupancy if the building or premises or part thereof is found to conform with the provisions of this Ordinance, or if such certificate is refused to state the refusal in writing with the cause to the owner or their authorized agent.

Section 11.05 Site Plan Review

1. *Applicability*. Review and approval of site plans by the Planning Commission is required for those uses indicated in Articles 4, 5 and 6 and any multifamily and nonresidential developments meeting the following characteristics:

   a) New construction with a site of two acres or larger

   b) New construction, expansion of an existing building or use by more than 50%, or moving an existing building or structure when such activity is proposed on any property abutting US Highway 78, Alabama Highway 29, Alabama Highway 202, and Leon Smith Parkway

2. Site Plan Requirements. The proposed site plan must be submitted in triplicate to the Zoning Official. The Council may, at its discretion establish by resolution, a fee to cover the costs of the site plan review. Applicants must submit a proposed site plan including those materials listed in the Appendix.

3. General Conditions

   The Commission will approve the site plan only upon finding that the building, structures, facilities and uses proposed will not:

   a) Adversely affect the health or safety of persons residing in or working on the land in question or in the neighborhood thereof.

   b) Be detrimental to the public welfare or adversely affect the use or development of adjacent or surrounding properties.

   c) Constitute a violation of any provision of this ordinance or any other applicable law, regulation or ordinance.

4. Specific Conditions

   a) The Commission, as a condition of approval, may require additional screen planting, fences or walls when necessary to avoid adverse impacts upon the use or development of adjacent or neighboring properties.

   b) The Commission may establish minimum design standards acceptable for site plan development to ensure good site planning and to protect the health, safety and welfare of local citizens.

c) The Commission may attach other conditions to the approval of the site plan where necessary to assure that the use of land in question will be consistent with the purpose and intent of this Ordinance.

d) The concerned land may be used and developed only in accordance with the plan approved or as modified by the Commission. The Commission in accordance with these regulations may modify a site plan. Use and development of land that is the subject of the site plan or the construction of a building or structure thereon in a manner not in compliance with that plan constitutes a violation of this Ordinance.

e) One or more of the uses proposed for the concerned land must be established on such land within 365 calendar days after the date of approval of the plan or said plan will become void; provided, that the Commission may extend such time upon request filed within such 365-day period and may grant further extension; provided, that the total length of such extensions may not exceed one year. Where the site plan contemplates the construction of one or more new buildings or structures, the use is considered established when construction of one or more the buildings has commenced.

Section 11.06 Conditional Uses

Conditional uses are those that have some special effect, which differs from the potential impacts of permitted uses or exceeds them in intensity, or have uniqueness such that their effect upon the surrounding environment cannot be determined in advance of a use being proposed in a particular location. As such, conditional uses must be reviewed in terms of existing zoning and land uses in the vicinity of the proposed use: whether, and to what extent the use at the proposed location is consistent with the Comprehensive Plan, the intent of this Ordinance, and any other development policies and/or regulations of the City; and whether and to what extent all steps possible have been taken by the developer to minimize adverse effects of the use on the immediate vicinity and on the public health, welfare and safety in general.

1. All conditional uses require application to and approval by the Commission. The application must be filed at least 20 working days prior to the date on which it is scheduled to be heard by the Commission, and must include a Site Plan in accordance with the submittal requirements in the Appendix. At least 15 working days prior to the scheduled Commission hearing, the Zoning Official will give written notice to all adjoining property owners.

2. The Commission will review the proposed conditional use for compliance with this Ordinance and other applicable codes and Ordinances, and for compatibility with the purposes of the applicable zoning district. In particular the Commission must determine that satisfactory provisions have been made concerning the following:

   a) Access to and from the property and the proposed structure and/or uses, with particular attention to vehicular and pedestrian safety and convenience, traffic flow and control, and emergency access

   b) The location and accessibility of off-street parking and loading areas

   c) The location and accessibility of refuse and service areas and their potentially adverse effects upon surrounding properties

d) The screening and buffering of potentially adverse views and activities from surrounding properties

e) Control of noise, glare, odor, surface water runoff, and other potentially disturbing impacts upon surrounding properties

f) The availability, location, and capacity of utilities

g) The location and scale of signs and lighting with particular reference to traffic safety, glare, and visual compatibility with surrounding properties

h) The bulk, density, and lot coverage of structures, and yards and open areas, with reference to their compatibility with the character of the surrounding area

3. The Commission may impose such conditions for approval as it deems necessary in the particular case to protect the public interest and further the purposes of this Ordinance, in relation both to the items listed above and to any other factor it deems relevant. Such approval and conditions are attached to the property, structure, and/or use for which conditional use is approved and not to a particular person. Violations of conditions attached to any conditional use are considered violations of this Ordinance.

4. Within 60 calendar days of the public hearing, unless an extension of time is agreed to by the applicant, the Commission must approve the application for a conditional use, approve it with conditions, or deny it. Failure of the Commission to act on an application within this timeframe constitutes approval.

Section 11.07 Statutory Review

The Commission must review the character, location and extent of any public street, square, park or other public way, ground, open space or building or structure, or any major utility project, whether publicly or privately owned, in accordance with Section 11-52-11 of the Code of Alabama, 1975, as amended. The purpose of such review is to determine whether or not such projects are consistent with the goals and policies of the Comprehensive Plan. The Commission's findings and recommendations are transmitted to the Council. Failure of the Commission to act on an official submission within 60 calendar days from the date of such submission constitutes approval.

Section 11.08 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 Zoning Official is hereby authorized to apply to a court of competent jurisdiction to abate the nuisance created by such unlawful use of a structure, land or building. Whenever the Zoning Official has declared a structure to be in violation of any applicable provisions of this Ordinance, the owner or occupant must, within 72 hours from receipt of notification from the Zoning Official to vacate such premises, accomplish such vacation until such structure or premises has been adapted to conform to the provisions of this Ordinance. Such notification will be by one of the following methods:

1. By delivery to the owner personally, or by leaving the notice at the usual place of residence of the owner with a person of suitable age and discretion

2. By depositing the notice in the United States as first class certified mail

3. By posting and keeping posted for 72 hours, a copy of the notice in a conspicuous place on the premises to be repaired.

Section 11.09 Penalties

Any person violating any provision of this Ordinance will be fined upon conviction not less than $10.00 nor more than $100.00 and cost of court for each offense. Each day such violation continues constitutes a separate offense. The conviction of a violation and imposition of any fine does not constitute an exemption from compliance with the provisions of this Ordinance.

Section 11.10 Remedies

In case any building or other structure is erected, constructed, reconstructed, altered, repaired, converted or maintained or any building, structure or land is used in violation of this Ordinance, the Zoning Official or any adjacent or neighboring property owner who would be specially damaged by such violation, in addition to other remedies, may institute injunction, mandamus or other appropriate action or proceeding to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use, to correct or abate such violation or to prevent occupancy of such building, structure, or land.

Section 11.11 Construction of Structures in Unzoned Area Prohibited

It is unlawful for anyone to construct, commence to construct, or to cause construction of any structure in any area of the City that has not been zoned by the City Council. The Building Inspector is hereby instructed not to issue any building permit for any commercial construction in any area of the City not yet zoned.

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Article 12. Board of Adjustment

Section 12.01 Establishment and Membership

The Board of Adjustment previously established is hereby continued, and its members are appointed and vacancies filled in accordance with Sections 11-52-80 and 11-52-81 of the Code of Alabama, 1975, as amended.

Section 12.02 Meetings, Procedures and Records

Meetings of the Board are held at the call of the chairman and are open to the public. The Board may adopt and publish rules of procedure; keep minutes of its proceedings; and keep records of its official actions, all of which must be a public record.

Section 12.03 Powers and Duties

The Board has the following powers:

1. *Interpretation of Boundaries*. To hear and decide upon interpretation of zoning district boundaries shown on the Official Zoning Map in accord with criteria specified in §1.09.
2. *Appeals*. To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the Zoning Official, acting under the authority of this Ordinance.
3. *Variances*. To hear and decide appeals for a variance from the provisions of this Ordinance in accordance with §12.05.
4. *Special Exceptions*. To hear and decide special exceptions upon which the Board is required to act for uses as shown in Articles 4, 5 and 6 and other special exceptions expressly provided for in this Ordinance.

Section 12.04 Administrative Appeals

1. Appeals to the Board may be made by any person aggrieved or affected by any decision made by the Zoning Official relating to the provisions of this Ordinance. Appeals must be filed within 15 working days of the date of the action being appealed. Appeals must be filed in writing on forms made available by the City.
2. An appeal stays all proceedings in furtherance of the action appealed from, unless the Zoning Official certifies to the Board after the notice of the appeal has been filed, that a stay would cause imminent peril to life or property. In such case, proceedings will not be stayed except by a restraining order which may be granted by the Board or by a court of record.
3. At least 15 working days prior to the hearing the Zoning Official will give written notice to all adjacent property owners, stating the name of the appellant, the location of the property, the decision being appealed, and the time, date, and location of the hearing.
4. The Board may affirm, reverse wholly or in part, or modify the Zoning Official's decision.

Section 12.05 Variances

Any property owner may file an application for a variance from the requirements of this Ordinance where it is claimed that, by reason of exceptional narrowness, shallowness, or shape or by reason of exceptional topographic conditions, or other exceptional conditions of such property existing at the time of the adoption of this Ordinance, the strict application and literal enforcement of this Ordinance would result in unnecessary hardship upon such owner.

It is the intent of this Ordinance that variances be used only to overcome some physical condition of a property, which poses a practical difficulty to its development and prevents its owner from using the property in conformance with this Ordinance.

1. An application must be filed on forms made available by the City at least 30 calendar days before the scheduled hearing date before the Board. At least 15 working days prior to the hearing, the Zoning Official will give written notice to all adjacent property owners, stating the name of the applicant, the location of the property, the nature of the variance and applicable sections of this Ordinance, and the time, date, and location of the hearing.
2. The applicant must establish and substantiate that the variance, if granted, will conform to *all* the criteria listed below:
   a) The variance will not permit the establishment of a use that is not otherwise permitted in the applicable district.
   b) There are unique conditions applicable to the land or building that do not apply generally to land or buildings in the vicinity, and which conditions are such that the strict application of this Ordinance would deprive the applicant of reasonable use of such land or buildings.
   c) There is proof of an unnecessary hardship suffered directly by the property in question resulting from the application of this Ordinance. Variances granted under similar conditions on other properties is not sufficient evidence to prove an unnecessary hardship. Nor is it sufficient to show that greater value or profit would result. An unnecessary hardship is not self-created; nor can it be established on this basis by one who purchases the property with or without knowledge of the restrictions
   d) The variance will not impair an adequate supply of light and air to adjacent property, substantially increase congestion in the public streets, increase the danger of fire, endanger the public safety, or substantially diminish or impair the value of adjacent properties.
   e) The variance will not grant the applicant any privilege denied by this Ordinance to other land or structures in the same zoning district.
   f) The variance as requested is the minimum variance that will enable the reasonable use of the property.
   g) The variance will be in harmony with the general purpose and regulations of the district, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.
3. The Board may prescribe any safeguards or conditions that it deems necessary to secure substantially the objectives of the provisions of this Ordinance to which the variance applies.

Section 12.06 Special Exceptions

1. Applications for Special Exceptions must be filed at least 20 working days before the scheduled hearing date before the Board. The application must be filed by the property owner or authorized agent on a form made available by the City. The City must provide notice to all adjoining property owners.
2. At least 15 working days prior to the hearing, the Zoning Official will give written notice to adjacent property owners, stating the name of the applicant, the location of the property, the proposed use, and the time, date and location of the Board's hearing.
3. The Board will review the application for compliance with this Ordinance and all other applicable codes and Ordinances of the City. In particular the Board must determine that satisfactory provisions have been made concerning the following, among other considerations:
   a) Access to and from the property and the proposed structure and/or uses, with particular attention to vehicular and pedestrian safety and convenience, traffic flow and control, and emergency access
   b) The location and accessibility of off-street parking and loading areas
   c) The location and accessibility of refuse and service areas and their potentially adverse effects upon surrounding properties
   d) The screening and buffering of potentially adverse views and activities from surrounding properties
   e) Control of noise, glare, odor, surface water runoff, and other potentially disturbing impacts upon surrounding properties
   f) The availability, location, and capacity of utilities
   g) The location and scale of signs and lighting with particular reference to traffic safety, glare, and visual compatibility with surrounding properties
   h) The bulk, density, and lot coverage of structures, and yards and open areas, with reference to their compatibility with the character of the surrounding area

   The Board may impose such conditions for approval that it deems necessary in the particular case 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. Any conditions apply to the land, structure, and use and not to a particular person. Violations of conditions attached to any Special Exception are considered violations of this Ordinance.
4. The Board may also grant special exceptions for business use of a manufactured home in a business district upon showing of catastrophic circumstances created by Act of God or casualty damage. Such Special Exceptions are valid for a period not exceeding one year and are not transferable.

Section 12.07 Abatement of Nuisance

Abatement of nuisances is governed by City of Oxford Ordinance 2015-05, and as may be amended.

Section 12.08 Rehearings

1. All decisions rendered by the Board are final and binding on all parties. No appeal of an administrative decision, or decision on a variance or a special exception may be reheard, and no further application may be accepted once a decision has been rendered except under one or more of the following conditions:

   a) New evidence or information pertinent to the request has been discovered that was not available to the applicant at the time of the original hearing.

   b) The decision resulted from an error in procedures made by the Board, the Zoning Official, or any other City Officials.

   c) The decision resulted from an error in substantive law under the provisions of this Ordinance or the Code of Alabama, 1975, as amended.

2. Where no error is alleged and no new evidence is available, a new or more effective presentation by the applicant does not constitute grounds for rehearing. Any applicant wishing a rehearing must appear before the Board to present one or more of the qualifying conditions listed in this Section. If the Board finds that one or more of the qualifying conditions exist, the applicant may submit a new application to be heard at a subsequent meeting.

Section 12.09 Appeals from Action of the Board of Adjustment

Any party aggrieved by any final judgment or decision of the Board may within 15 working days thereafter make an appeal to the circuit court or court of like jurisdiction, by filing with the Board a written notice of appeal specifying the judgment or decision from which appeal is taken. In case of such appeal, the Board must cause a transcript of the proceedings in the case to be certified to the court to which the appeal is taken and the cause in such court will be tried *de novo.*

Article 13. AMENDMENT

Section 13.01 Procedure

The regulations and the number, area, and boundaries for districts established by this Ordinance may be amended, supplemented, or repealed by the City Council upon receipt of a report by the Planning Commission. Petitions to amend the Zoning Map may be initiated by the owner of property proposed to be rezoned, by the Commission or by the City Council.

Section 13.02 Action on Petition

1. The Commission will fix a reasonable time for a public hearing and will give public notice thereof, as required by law. As necessary, the Commission will notify owners of surrounding property by mail and post a notice of such hearing on the concerned property.
2. The Commission has 60 calendar days to submit its recommendations to the Council. If the Commission fails to submit a report within the 60 day period, it will be deemed to have approved the proposed amendment and the Council will proceed to hold a public hearing pursuant to Title 11, Chapter 52 of Code of Alabama, 1975, as amended. Any party wishing to speak for or against an amendment may appear and speak at the public hearing.

Section 13.03 Limit on Application for Ordinance Amendments

No action will be initiated for an amendment to this Ordinance affecting the same parcel more than once a year, unless specifically authorized by the Council on the grounds that the circumstances and conditions relevant to the amendment request have changed significantly since the prior hearing.

Section 13.04 Fees

A schedule of application fees for consideration of all approvals, permits, certificates, and public hearings required under this Ordinance is established by separate resolution or ordinance. Fees are computed to recover all costs incurred by the City in reviewing and processing zoning-related requests, including advertising fees and are adopted and revised from time to time by the Council.

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Appendix

1. Submittal Requirements for Master Development Plan (PD District)

   a) The Master Development Plan submittal must include the following written documentation, provided in a page format not larger than 11”X17”. 8-1/2”X11” format is preferred.

      1) Legal description of the site;

      2) Name(s), addresses and telephone numbers of the present owner(s) of the land composing the Planned Development; and, if different, the applicant who will act as owner during development;

      3) Statement of development objectives, including a description of the character of the proposed development, its relationship to surrounding areas, and its consistency with the Comprehensive Plan;

      4) The Development Schedule indicating the approximate date when construction is to begin and approximate date it is to be completed. Any applicable phasing of the project must also be clearly indicated and fully explained;

      5) A statement of the applicant's intentions with regard to future selling or leasing of all or portions of the development, including land and structures;

      6) Percentages of the site to be devoted to each type of land use, including single-family residential, multifamily residential; commercial; industrial; institutional; recreational and open space areas; and

      7) A plan for the intended manner of permanent care and maintenance of open spaces, recreational areas, and private rights-of-way, which must include instruments to be used in conveying title of Common Open Spaces as required in §3.11 Common Open Spaces and Facilities

   b) The Master Development Plan must include a site plan (or plan set containing multiple drawings) prepared at a scale of 1” = 40’ or another scale as approved by the Building Official and providing the following information. Format should typically not exceed 24”X36”:

      1) Name of the proposed development

      2) Legal description of the site

      3) Scale and north arrow

      4) Boundary survey and dimensions of the property

      5) All contours and elevations shown on a separate topographical survey at two ft contour intervals or as otherwise approved by the Building Official

      6) A vicinity map showing the site in relation to surrounding property and a general description of the adjacent and surrounding area, including the current zoning and land uses

      7) Delineation of proposed land use districts

      8) Proposed lot lines, setbacks and dimensions thereof

      9) Number of all existing and proposed residential buildings and structures, including:

(i) Distribution of housing types and/or densities;

(ii) The size, location, grouping and orientation of all structures and buildings;

(iii) Total number of proposed units, including stories and maximum heights of each building

(iv) Floor areas of each type of proposed dwelling unit

10) The number of all existing and proposed nonresidential buildings and structures, including:

(i) Types of uses proposed

(ii) Size and location of all proposed buildings and structures, and

(iii) Number of stories, maximum heights, and Gross Floor Area of all proposed buildings and structures

11) Location and size of all Common Open Spaces, including any proposed to be dedicated for public use

12) Locations, size and type of all proposed utility easements. The following statement must be added to any site plan submitted in connection with the proposed development plan: "Maintenance of easements outside City right-of-way are the responsibility of the property owner and not the City of Oxford";

13) Proposed circulation system, both public and private, including:

(i) Location and dimensions of streets, rights-of-way, alleys, and driveways

(ii) Estimated traffic volumes

(iii) Width and type of all paved areas for vehicular circulation

(iv) Notations of proposed ownership

(v) Location and size of all bicycle and pedestrian facilities

(vi) Location, dimensions, screening, lighting and capacities of all parking areas

(vii) Location of service and loading zones

14) Landscape plan indicating approach and standards for landscaping of private and common open spaces, buffers, screening and parking lot landscaping

15) Drainage plans drawn and stamped by a Professional Engineer; and

16) Any additional information determined by the Building Official to be reasonable and necessary for evaluating the character of the proposed development and its potential impact on the surrounding areas.

2. Submittal Requirements for Site Plan Review and Conditional Uses

   a) One or more scaled drawings or maps (1"=20' unless size dictates a more appropriate scale), clearly showing the following:

      1) Vicinity map, north arrow, scale, accurate shape proportion and dimensions of the site, name of property owner, developer and person drawing map.

      2) Existing and proposed topography of the site and the surrounding area at least two-foot contour intervals showing the location of existing woodlands, streams, and other significant features of the land.

      3) Location and dimensions of existing and proposed buildings, structures, curb cuts, driveways, off-street parking and loading areas, signs, walls, fences, screen planting, landscaping, pedestrian walks, open space, and recreational areas for use by employees, residents, tenants or the general public.

      4) Proposed storm drainage plan.

      5) Proposed traffic circulation system where any part of the land is to be used by motor vehicles.

      6) Proposed dedication of land for public use, including streets, easements, park and school sites.

      7) The location of all existing and proposed power lines, gas lines, sewer and water lines, and the location of any easements to be granted for these utilities.

   b) Drawings showing the proposed appearance of the buildings, structures and grounds after the completion of all buildings and structures and the establishment of the uses proposed on the land.

   c) A statement of the area of land involved in the site, the number of acres and percentage designated for each proposed land use including public facilities, the percentage of the site proposed to be covered by buildings, the total number of dwelling units proposed, the number of dwelling units proposed per acre, the area proposed to be devoted to open space, the area proposed to be paved for parking, driveways, loading space, sidewalks, the total number of parking spaces for the use proposed, the number of employees excepted per shift, the total floor area of proposed commercial uses and the proposed manner of illumination of signs.

   d) Restrictions on the use of property including proposed restrictive covenants.

   e) Plans for the protection of abutting properties.

   f) Written request for exceptions to or variations from the requirements of these regulations, if any are being requested.

   g) A statement defining the manner in which the City is to be assured that all improvements and protection devices, such as buffers, fences, etc., are to be installed and maintained.

   h) Such other additional information as may be reasonably required by the Commission to accomplish the purpose of the site plan review function.

3. Submittal Requirements for Cluster Development
   a) Site Analysis Map including the following:
      1) Property boundaries
      2) All streams, rivers, lakes, wetlands, flood hazard boundaries, and other hydrologic features
      3) All boundaries of applicable regulated buffer areas, easements, and ROWs
      4) Topography at 5 ft or smaller intervals
      5) All Primary and Secondary Conservation Areas labeled by type, as described in §7.03
      6) General vegetation characteristics
      7) General soil types
      8) Planned location of protected Open Space
      9) Existing roads and structures
      10) Potential connections with existing greenspace and trails
   b) Cluster Development Plan, including all materials normally provided with a preliminary plat and that indicates areas to be maintained as open space
   c) Instrument of Permanent Protection
4. Submittal Requirements for Landscape Plan
   a) The location and dimension of all areas proposed for landscaping and planting, including a description of the proposed plant materials.
   b) All dimensions and distances, property lines, easements, rights-of-way and buffers
   c) Existing and proposed buildings and structures, including signs, garbage containers, utility and drainage structures
   d) Existing buildings and structures on abutting property adjacent to any required screening or buffers
   e) Bodies of water including detention and retention areas
   f) Driveways, vehicular areas, existing and proposed parking spaces, access aisles and other vehicular areas
   g) Sufficient information and detail to demonstrate compliance with the requirements of Article 10