

**DRAFT NUMBER 8**

**CITY OF LEEDS ZONING ORDINANCE**

**Recommended by the Planning and Zoning Commission  
for adoption by the City Council**

**May 13, 2010**

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AN ORDINANCE, IN PURSUANCE OF THE AUTHORITY GRANTED BY VOLUME 10, TITLE 11, CHAPTER 52. CODE OF ALABAMA 1975, AS AMENDED AND SUPPLANTED BY ALL APPLICABLE LAWS TO PROVIDE FOR THE ESTABLISHMENT OF DISTRICTS WITHIN THE CORPORATE LIMITS OF THE CITY OF LEEDS, ALABAMA: TO REGULATE WITHIN SUCH DISTRICTS THE HEIGHT; NUMBER OF STORIES; 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 REPEAL ALL EXISTING ZONING ORDINANCES AND PENALTIES FOR THE VIOLATION THEREOF.

THE GENERAL PUBLIC WELFARE REQUIRING IT, be it ordained by the City Council of the City of Leeds, Alabama, as follows:

### **ARTICLE I SHORT TITLE**

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

### **ARTICLE II PURPOSE**

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

**ARTICLE III  
ADMINISTRATION AND REVIEW PROCEDURES**

**Section 1.0 Enforcing Officer**

The provisions of this Ordinance shall be administered and enforced by the Building inspector of the City. The Building Inspector, or the duly authorized representative, shall in relation to this Ordinance:

- A. Review all building permit applications with regard to conformance with all applicable provisions of this Ordinance and perform required inspections to insure such conformance.
- B. Issue all building permits and maintain records thereof,
- C. Issue all Certificates of Occupancy and maintain records thereof,
- D. Issue and renew, where applicable, all temporary use permits and maintain records thereof,
- E. Maintain current zoning maps and records of amendments thereto; and,
- F. Have the right to enter into any premises at any reasonable time for the purpose of making inspections of land, structures and buildings necessary to carry out the enforcement of this Ordinance. If the Building Inspector finds that any of the provisions of this Ordinance are being violated, he shall proceed to notify, in writing, the person or persons responsible for such violations, indicating the nature of the violation(s) and ordering the appropriate action necessary to rectify it. He shall order the discontinuance of the illegal use of land, buildings or structures; removal of all illegal buildings or structures or any additions, alterations or structural changes thereto; discontinuance of any illegal work being performed; or shall take any other action authorized by this Ordinance to insure compliance with, or to prevent violation of this Ordinance.

**Section 2.0 Building Permit Required**

It shall be unlawful to commence earthwork or the construction of any building or other structure including accessory structures or signs, to store building materials or erect temporary field offices, or to commence the moving, alteration, or repair of any structure including accessory structures, until the Building Inspector of the City has issued a building permit for such work upon determination that the specifications and intended uses of such building or structure conforms with the provisions of this Ordinance in all respects.

## 2.01 Plot Plan

A. It shall be unlawful for the Building Inspector to approve any plans or issue building permits for any excavation or construction until he has inspected such plans in detail and found them in conformity with this Ordinance. Every application for a building permit shall be accompanied by the following:

1. An executed building permit application on forms provided by the City as well as the required building permit application fee.
2. A plot plan which shows:
  - a. Zoning and existing and proposed use of the site
  - b. Scale, north arrow and name of all streets
  - c. Site layout, including property dimensions, rights-of-way, easements, location and dimensions of all buildings (existing and proposed), set-backs, driveway access, off-street parking and loading, circulation, screening, buffers and landscaping.
  - d. Storm drainage, paving, grading and excavation, topography, storm-water detention and flood plain management controls and erosion and sedimentation mitigation measures are required by Ordinance No. 2007-06-01 an subsequent amendments thereto.
  - e. Public and private utilities, including sewage disposal system and water system.

Every building permit shall be accompanied by a plot plan unless the Building Inspector determines that all proposed improvements are contained within an existing building and that a plot plan is not necessary.

3. Construction plans for the proposed structure in sufficient detail to determine compliance with the building and fire codes adopted by the City.
4. A fire protection plan showing the location of necessary fire hydrants with adequate water flow. In addition thereto, the applicant shall submit to the City a written agreement between the applicant and the appropriate water authority specifying that the applicant shall assume the responsibility of purchasing and arranging the installation of such fire hydrants as required by the Fire Department. The applicant shall also agree to pay the annual rental thereof and other charges that may be levied by the water authority for a period of two (2) years from the date of their installation. Such

agreement shall be submitted to the Building Inspector and Fire Department for review and shall be in full force and effect at the time of the issuance of any building permit provided for hereunder.

5. Where applicable, the applicant shall provide the Building Inspector with copies of all deed restrictions and/or covenants which pertain to the subject property.

## 2.02 Review of Building Permit Application

In the event that the application for permit submitted by the applicant includes all information necessary to assure compliance with all appropriate laws and regulations, then in that event, the Building Inspector shall notify the applicant in writing within thirty (30) days of the date of the application whether or not the application will be issued or denied. In the event the Building Inspector fails to provide written notification to the applicant as to the disposition of said building permit application within the prescribed thirty (30) day period, said application shall be deemed to be approved and the Building Inspector shall issue a permit for construction of improvements described in said application.

## 2.03 Denial of Building Permit

When a building permit is denied by the Building Inspector, the Building Inspector shall give written notice to the applicant of the denial with a written statement of the reason or reasons for the denial. Said denial and statement shall be made as an attachment to the permit application.

An appeal of the denial for a building permit may be taken to the Code Appeals Board as stipulated in the Building Code. At such time as the applicant receives notice of the denial by the Building Inspector of the applicant's permit, he shall have the right to notify the Code Appeals Board of his intent to appeal. The applicant shall submit an appeal for administrative review before the Board, on forms provided by the City Clerk, within thirty (30) days after the date of notice of denial of the permit application or he is deemed to have waived his right to appeal to the Code Appeals Board. An appeal of the denial of a building permit shall be heard at the next regularly scheduled meeting of the Code Appeals Board, after compliance with the application and notification procedures for said appeal.

## 2.04 Certificate of Occupancy

Within three (3) days after the owner or his agent has notified the Building Inspector that a building or premises or part thereof is ready for occupancy or use, it shall be the duty of the Building Inspector to make a final inspection thereof, to issue a certificate of occupancy if the building or premises are found to conform with the provisions of this ordinance or, if such certificate is refused, to notify such applicant in writing of the

refusal and the cause or causes therefor. In the event the Building Inspector finds that a building or premises is not in conformity with this Ordinance and determines that such defect(s) can be remedied, he is authorized to issue a conditional certificate of occupancy conditioned upon the correction of such defect(s) within a specified period of time. In the event the Building Inspector finds that a building or premises is not in conformity with this Ordinance but that such nonconformity will correct itself within a lapse of time, he is authorized to issue a temporary certificate of occupancy to expire on the date he determines the violations should be remedied. Any such conditions or limitations shall be noted on the Building Inspectors records and spread upon the original of any such certificate of occupancy issued under these provisions. In the event that any person, firm, or corporation who has been issued a temporary or conditional certificate of occupancy fails to correct such condition(s) within the time specified therein, the Building Inspector is authorized on behalf of the City, to seek injunctive or such other relief as may be appropriate from any court of competent jurisdiction. Appeals from the decision of the Building Inspector shall be heard by the Zoning Board of Adjustment as specified in subsection 2.03 above.

#### 2.05 Expiration of Building Permit

Any permit under which no construction work has been performed within six (6) months or which has not been completed within one (1) year from the original date of issuance shall expire by limitation, but shall upon re-application be renewable subject to the provisions of all Ordinances in force at the time of said application for renewal. Demolition permits shall expire within sixty (60) days from the original date of issuance if the demolition approved in the permit is not completed within the sixty (60) day period.

#### 2.06 Unlawful Structure

Any uses of land or dwellings or construction or alteration of buildings or structures erected, altered, razed or converted in violation of any of the provisions of this Ordinance are hereby declared to be a nuisance per se. The Building Inspector is hereby authorized to apply to a court of equity to abate the nuisance created by such unlawful use of a building, structure or land. Whenever the Building Inspector has declared a structure to be in violation of any applicable provisions of this Ordinance, the owner or occupant shall, within seventy-two (72) hours from receipt of notification from the Building Inspector to vacate such premises, accomplish such vacation of said structure or premises which shall not again be used or occupied until such structure or premises conforms to all provisions of this Ordinance. Service of notification shall be as follows:

- A. By delivery to the owner personally or by leaving the notice at the usual place of abode of the owner with a person of suitable age and discretion; or,

- B. By depositing the notice in the United States Post Office addressed to the owner at his or her last known address with postage prepaid thereon; or,
- C. By posting and keeping posted twenty-four (24) hours, a copy of the notice in a conspicuous place on the premises to be repaired.

#### 2.07 Penalties

Any person, firm, corporation or other organization which violates any provisions of this Ordinance shall be fined, upon conviction, not less than ten dollars (\$10.00) nor more than one hundred dollars (\$100.00) and court costs for each offense. Each day such violation continues shall constitute a separate offense. The conviction of a violation and imposition of any fine shall not constitute an exemption from compliance with all applicable provisions of this Ordinance.

#### 2.08 Remedies

In case any building or other structure is erected, constructed, reconstructed, altered, repaired, converted or maintained or, if any building, structure or land is used in violation of this Ordinance, the Building Inspector of the City or any other appropriate authority or any adjacent or neighboring property owner within five hundred (500) feet who would be damaged or caused hardship by such violation, in addition to other remedies, may:

- A. Request injunctive relief from the appropriate jurisdiction.
- B. Take other appropriate action or proceedings to stay or prevent occupancy of such buildings, structure or land.

#### 2.09 Interpretation Of District Boundaries

- A. The Building Inspector shall make an interpretation of the Zoning Map upon request of any person. Where uncertainty exists as to the boundaries of any zone district shown on said map, the following rules shall apply:
  - 1. Where boundaries are indicated as approximately following street and alley lines or land lot lines, such lines shall be construed to be such boundaries.
  - 2. In unsubdivided property or tracts where a district boundary divides a lot, the location of such boundary, unless the same is indicated by dimensions, shall be determined by the use of the scale appearing on such maps.

3. Where boundaries are approximately parallel to public right-of-way lines, such boundaries shall be construed as being parallel thereto.
- B. An appeal of the zoning map interpretation may be taken to the Zoning Board of Adjustment as provided in Section 7.0 of this Article.

## 2. 10 Interpretation of Zoning Ordinance

The Building Inspector shall make an interpretation of the Leeds Zoning Ordinance upon request of any person. An appeal of the zoning ordinance interpretation may be taken to the Zoning Board of Adjustment as provided in Section 7.0 of this Article.

### **Section 3.0 Land Disturbance Permit**

A Land Disturbance Permit shall be required as stipulated in Ordinance No.2007-06-01.

### **Section 4.0 Planning and Zoning Commission**

The Planning and Zoning Commission is hereby established and shall function as provided by the Code of Alabama, 1975, § 11-52-2 through 11-52-10 or as such may be amended; and it shall have the powers granted therein.

### **Section 5.0 Zoning Board of Adjustment**

A Zoning Board of Adjustment is hereby established. Such board shall be appointed as provided by the Code of Alabama, 1975, Section 11-52-80, or as such may be amended, and it shall have all the powers granted therein.

### **Section 6.0 Variances**

The Zoning Board of Adjustment shall have the authority to grant variances to the Zoning Ordinance as provided in 11-52-80(d)(3) of the Alabama Code.

- A. An application for a variance shall be filed with the City Clerk at least thirty (30) days prior to the scheduled hearing date before the Zoning Board of Adjustment. The application shall be filed by the property owner or the authorized agent of the property owner on a form made available by the City Clerk and shall include the following:
1. Name, signature and address of the property owner and agent of the property owner, if any;
  2. Address of the property under consideration;

3. Existing zoning and land use of the property under consideration;
  4. A written description of the variance(s) requested and justification therefore;
  5. A vicinity map showing the exact location of the property;
  6. A plot plan, drawn to scale and dimensioned, showing the property boundaries and proposed development layout with the variance noted or highlighted;
  7. The names and addresses of adjacent property owners as shown in the most recent records of the County's Tax Assessor's Office; and
  8. A non-refundable application fee in the amount of two hundred and fifty dollars (\$250).
- B. The City shall post a sign on the subject property as required in Ordinance No. 2003-12-03. The City Clerk shall give notice of the hearing as provided in Section 11-52-77(1), Code of Alabama 1975. In addition, at least fifteen (15) days prior to the Zoning Board of Adjustment hearing, the City Clerk shall give written notice of the variance request to all adjacent property owners, in the form of certified mail, addressed to such property owners as their names and addresses appear on the most recent records of the County Tax Assessors Office. Such notice shall contain the following:
1. The name of the applicant;
  2. The location of the property;
  3. The nature of the variance and applicable zoning provisions; and
  4. The time, date and location of the Zoning Board of Adjustment hearing at which said application is to be considered
- C. The variance shall be heard at the next regularly scheduled meeting of the Zoning Board of Adjustment, after compliance with the application and notification procedures for said variance. When the Zoning Board of Adjustment denies a variance request, the Board shall not reconsider the same request for a period of six (6) months from the date of such action by the Board.

## Section 7.0 Administrative Appeals

The Zoning Board of Adjustment shall have the authority to hear and decide appeals of administrative decisions regarding the Zoning Ordinance as provided in 11-52-80(d)(1) of the Alabama Code.

- A. Appeals to the Zoning Board of Adjustment may be taken by any person aggrieved by a decision of the Building Inspector or other zoning administrator.
- B. The appellant shall submit an appeal for administrative review before the Board, on forms provided by the City Clerk, along with a non-refundable application fee of one hundred dollars (\$100), within fifteen (15) days after the date of notice of the administrative decision or he is deemed to have waived his right to appeal to the Zoning Board of Adjustment.
- C. At least fifteen (15) days prior to the scheduled Zoning Board of Adjustment hearing, the City Clerk shall give written notice to the appellant, of the scheduled hearing, in the form of certified mail, and give public notice of the hearing by one (1) publication in a newspaper of general circulation throughout the City.

Such notices shall contain the following:

- 1. The name of the appellant;
  - 2. The nature of the administrative appeal; and
  - 3. The time, date and location of the Zoning Board of Adjustment hearing at which said appeal is to be considered
- D. The appeal shall be heard at the next regularly scheduled meeting of the Zoning Board of Adjustment, after compliance with the application and notification procedures for said appeal. When the Zoning Board of Adjustment denies an appeal, the Board shall not reconsider the same appeal for a period of six (6) months from the date of such action by the Board.
  - E. An appeal stays all proceedings in furtherance of the action appealed, unless the Building Inspector certifies to the Zoning Board of Adjustment after the notice of appeal is filed, that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life and property. In such a case, the proceedings shall not be stayed, other than by a restraining order, which may be granted by the Zoning Board of Adjustment or by a court of record on application, on notice to the Building Inspector from whom the appeal is taken and on due cause shown.

## **Section 8.0 Special Exception Uses**

The Zoning Board of Adjustment shall have the authority to grant special exceptions to the Zoning Ordinance as provided in 11-52-80(d)(2) of the Alabama Code.

- A. All uses listed as Special Exception Uses in each of the zoning districts shall require approval by the Zoning Board of Adjustment.
- B. An application for a Special Exception Use shall be filed with the City Clerk at least thirty (30) days prior to the hearing date before the Zoning Board of Adjustment. An application shall be filed by the property owner or the authorized agent of the property owner on forms provided by the City Clerk . Such forms shall be completed by the applicant or agent and include the following:
  - 1. The name, address and signature of the property owner and agent of the property owner, if any;
  - 2. The address of the property under consideration;
  - 3. The existing zoning and land use of the property under consideration;
  - 4. The proposed Special Exception Use;
  - 5. A vicinity map showing the location of the property;
  - 6. A site plan, drawn to scale and dimensioned, showing the property boundaries and site layout, including property dimensions, rights-of-way, easements, location and dimensions of all buildings (existing and proposed), set-backs, driveway access, off-street parking and loading, circulation, screening, buffers and landscaping; and
  - 7. The names and addresses of adjacent property owners as shown on the most recent records of the County's Tax Assessor's Office.
  - 8. A non-refundable application fee in the amount of two hundred and fifty dollars (\$250.00).
- C. The City shall post a sign on the subject property as required in Ordinance No. 2003-12-03. At least fifteen (15) days prior to the scheduled Zoning Board of Adjustment public hearing, the City Clerk shall give written notice of the proposal to all adjacent property owners in the form of certified mail, addressed to those property owners at their addresses as their names and addresses appear on the most recent records of the County Tax Assessors Office and give

public notice of the hearing by one (1) publication in a newspaper of general circulation throughout the City. Such notices shall contain the following:

1. The name of the applicant;
  2. The location of the property;
  3. The proposed Special Exception Use; and
  4. The time, date and location of the Zoning Board of Adjustment public hearing.
- D. The Special Exception shall be heard at the next regularly scheduled meeting of the Zoning Board of Adjustment, after compliance with the application and notification procedures for said Special Exception. When the Zoning Board of Adjustment denies a Special Exception, the Board shall not reconsider the same request for a period of six (6) months from the date of such action by the Board.

### **Section 9.0 Amendments To The Zoning Ordinance Or The Zoning Map**

The Zoning Ordinance and Map may be amended pursuant to the authority granted in 11-52-78 of the Alabama Code. The Planning and Zoning Commission shall hold a public hearing and make a report to the City Council on all such amendments pursuant to the authority granted by 11-52-79 of the Alabama Code.

- A. A petition for amendment of the zoning district boundaries may be initiated by the City or by the owner of the subject property or agent of such property owner.
1. The application for rezoning by the property owner shall be made on a form available from the City Clerk and shall be filed with the City Clerk at least thirty (30) days prior to the Planning and Zoning Commission hearing. The applicant shall submit the following information and materials:
    - a. The name, signature and address of the property owner and agent of the property owner, if any;
    - b. The address and legal description of the property under consideration, accompanied by a copy of the applicable tax maps clearly identifying the property subject to the rezoning request;
    - c. The present and proposed zoning and land use of the property under consideration;
    - d. The reason for the rezoning request;

- e. A vicinity map, drawn to scale, showing the size and location of the subject property;
  - f. A site plan, drawn to scale and dimensioned, showing the property boundaries, public rights-of-way, topography and storm water management plan, and the proposed use and development layout;
  - g. The names and addresses of all property owners within five hundred (500) feet of the subject property as shown on the most recent records of the County's Tax Assessor's Office;
  - h. A non-refundable application fee in the amount of three hundred and fifty dollars (\$350.00).
2. The City shall post a sign on the subject property as required in Ordinance No. 2003-12-03. At least fifteen (15) days prior to the scheduled Planning and Zoning Commission public hearing, the City Clerk shall give written notice of the proposal to all property owners within five hundred (500) feet of the subject property in the form of certified mail, addressed to those property owners as their names appear on the most recent records of the County Tax Assessors Office, as well as one (1) publication in a newspaper of general circulation throughout the City. Such notices shall contain the following:
- a. Name of the applicant;
  - b. The location of the subject property;
  - c. The proposed zoning and land use of the property requested to be rezoned; and
  - d. The time, date and location of the Planning and Zoning Commission public hearing;
3. Upon receipt of the recommendation of the Planning and Zoning Commission regarding a proposed amendment of the zoning district boundaries, the City Clerk shall, schedule and advertise the proposed amendment for a public hearing before the City Council as required in 11-52-77 Code of Alabama.
4. When the City Council denies a rezoning request, the Planning and Zoning Commission shall not reconsider the same request for a period of six (6) months from the date of such action by the City Council. A withdrawal of the application for rezoning after the hearing held by the

Planning and Zoning Commission, but prior to the public hearing held by the City Council, shall also require a six (6) month time period before another application may be submitted.

- B. Amendment of the Zoning Ordinance text shall be initiated by the City pursuant to the authority and procedures set forth in 11-52-77, 78 and 79 Code of Alabama.
  - 1. At least fifteen (15) days prior to the scheduled Planning and Zoning Commission public hearing, the City Clerk shall give written notice of the proposal by one (1) publication in a newspaper of general circulation throughout the City. Such notices shall contain the following:
    - a. A synopsis of the proposed zoning ordinance amendment and location of where the entire amendment may be viewed; and
    - b. The time, date and location of the Planning and Zoning Commission public hearing.
  - 2. Upon receipt of the recommendation of the Planning and Zoning Commission regarding a proposed zoning ordinance amendment, the City Clerk shall, schedule and advertise the proposed amendment for a public hearing before the City Council as required in 11-52-77 Code of Alabama.
  - 3. When the City Council denies a proposed zoning ordinance amendment, the Planning and Zoning Commission shall not reconsider the same request for a period of six (6) months from the date of such action by the City Council.

### **Section 10.0 Conditional Uses**

- A. All uses listed as Conditional Uses in each of the zoning Districts shall require a hearing before the Planning and Zoning Commission and approval by the City Council.
- B. A minimum of thirty (30) days prior to the regularly scheduled Planning and Zoning Commission meeting at which the conditional use is to be considered, the applicant shall submit to the City Clerk:
  - 1. The name, address and signature of the property owner and agent of the property owner, if any;
  - 2. The address of the property under consideration;
  - 3. The existing zoning and land use of the property under consideration;

4. The proposed Conditional Use;
  5. A vicinity map showing the location of the subject property;
  6. A site plan, drawn at appropriate scale, showing the property boundaries and site layout, including property dimensions, rights-of-way, easements, existing and proposed structures and their uses, set-backs, off-street parking and loading, circulation, screening, buffers and landscaping, existing and proposed topography, property lines, parking and loading areas and points of ingress and egress;
  7. The names and addresses of adjacent property owners as shown on the most recent records of the County's Tax Assessor's Office; and
  8. A non-refundable application fee in the amount of two hundred and fifty dollars (\$250.00).
- C. The City shall post a sign on the subject property as required in Ordinance No. 2003-12-03. At least fifteen (15) days prior to the scheduled Planning and Zoning Commission public hearing, the City Clerk shall give written notice of the proposal to all adjacent property owners in the form of certified mail, addressed to those property owners as their names appear on the most recent records of the County Tax Assessors Office, as well as one (1) publication in a newspaper of general circulation throughout the City. Such notices shall contain the following:
1. Name of the applicant;
  2. The location of the subject property;
  3. The proposed conditional use of the property requested; and
  4. The time, date and location of the Planning and Zoning Commission public hearing.
- D. Upon receipt of the recommendation of the Planning and Zoning Commission regarding the conditional use, the City Clerk shall, schedule and advertise the conditional use for a public hearing before the City Council using the process required in 11-52-77 Code of Alabama for adoption of ordinances.

When the City Council denies a conditional use request, the Planning and Zoning Commission shall not consider the same request for a period of six (6) months.

## **ARTICLE IV DEFINITIONS**

### **Section 1.0 Purpose Of Definitions**

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

#### **1.01 Interpretation**

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

#### **1.02 Word Usage**

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

- A. Words used or defined in one tense or form shall include other tenses and derivative forms.
- B. Words in the singular number shall include the plural number and words in the plural number shall include the singular number.
- C. The masculine gender shall include the feminine and the feminine gender shall include the masculine.
- D. The word "Shall" is mandatory and the word "May" is permissive.
- E. The word "Person" includes an individual, firm, corporation, association, organization, partnership, trust, or company.

### **Section 2.0 Words and Uses Defined**

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

**ABANDONED VEHICLE** - Any vehicle which is partially dismantled, inoperative, (see inoperative motor vehicle definition), wrecked or junked which is left at any place on a street or highway within the City limits for a period of at least seventy-two (72) consecutive hours.

**ABUT, ADJACENT, ADJOIN OR CONTIGUOUS** - To physically touch or border upon or to share a common border with

**ACCESSORY STRUCTURE** - A structure detached from a principal building on the same lot and customarily incidental and subordinate to the principal building or use. All buildings are considered structures but not all structures are buildings.

**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.

**AIRPORT**- A place where commercial aircraft can land and take-off. Such use may include: terminals, hangars, fueling and repair facilities, passenger accommodations and other integrally related facilities.

**ALLEY** - A service way providing a secondary means of access to abutting property and not intended for general traffic circulation.

**ALTERATION** - Any change or rearrangement in the supporting members of an existing building, such as bearing walls, columns, beams, girders or interior partitions, as well as any change to doors or windows, or any enlargement to a building or a structure, whether horizontally or vertically, or the moving of a building or structure from one location to another.

**ANIMAL SHELTER** - A non-profit or public organization providing shelter for domestic animals.

**ANIMAL HOSPITAL** - A business where small household pets are given medical treatment which may include surgical treatment and where the short-term boarding of pets within an enclosed building may be provided.

**ANTENNA, COMMERCIAL** - An antenna which is not accessory to the primary use of the premises, but is either an integral part of the primary use, such as television and radio broadcast antennae and parabolic antennae for the receipt of signals for commercial distribution; or a separate business from the primary use, such as telecommunications antennae.

**ANTENNA** - An exterior apparatus designed to transmit and/or receive electromagnetic waves.

**ANTENNA, ACCESSORY** - An antenna which is accessory to the primary use of the premises, and which may include: parabolic antennae, amateur radio towers and other transmitters and receivers that are secondary to the primary use of the premises.

**BAKERY - RETAIL** - A business which bakes goods for on-premises retail sale only.

**BAKERY**- An business which bakes goods primarily for wholesale trade which may also include storage and distribution facilities.

**BANK OR FINANCIAL INSTITUTION** - A business engaged in providing banking or financial services to the general public, such as: banks, savings and loan institutions, credit unions, finance companies and similar uses.

**BASEMENT** - A portion of a building located wholly or partially underground, having one-half (1/2) or more of its floor-to-ceiling height below the average grade of the adjoining ground.

**BED AND BREAKFAST INN** - A dwelling, or portion thereof, where short-term lodging rooms and meals are provided. The operator of the inn shall live on the premises or in adjacent premises.

**BERM** - A grass covered or landscaped mound of earth with a slope of one-third (1/3) degrees or greater on both sides of the mound used to screen activities or uses.

**BINGO FACILITY** - A location which has been inspected and approved by the City used for the purpose of playing bingo games pursuant to a permit issued under Ordinance No. 2009-09-01.

**BOARDING HOUSE** - A dwelling for the residency of two (2) or more boarders on a long-term basis (at least month-to-month). Each room to be rented shall not constitute a dwelling as defined in this Ordinance.

**BROADCAST STUDIO** - A business primarily engaged in the provision of broadcasting services, including: film and sound recording, radio stations and television studios.

**BUILDING, HEIGHT** - The vertical distance measured from the average elevation of the finished grade at the front of the building to the highest point of the roof for flat roofs, to the decked line for mansard roofs, and to the mean height between eaves and ridges for gable, hip and gambrel roofs.

**BUILDING SETBACK, FRONT** - The shortest distance from the building to the front lot line, measured perpendicular to the front lot line.

**BUILDING SETBACK, SIDE** - The shortest distance from the building to the side lot line, measured perpendicular to the side lot line.

**BUILDING SETBACK, REAR** - The shortest distance from the building to the rear lot line, measured perpendicular to the rear lot line.

**CAMPGROUND** - A business which provides rental spaces for: tents, campsites, travel trailers, motor homes or other recreational vehicles, and accessory support services.

CAR WASH - A business engaged in washing or cleaning of automobiles and light vehicles. Such a facility may be automated or may employ the services of individuals to perform such services manually.

CARPORT - A roofed structure providing space for the parking or storage of motor vehicles and enclosed on not more than three (3) sides.

CITY- Shall mean the City of Leeds, Alabama.

CLINIC - A facility providing medical, psychiatric or surgical services for persons exclusively on an out-patient basis.

CLUB - A non-profit organization established for a common purpose to pursue common goals, interests, and activities and usually characterized by: certain membership qualifications, payment of fees/dues, regular meetings, a constitution or set of by-laws.

COMMERCIAL SCHOOL - A business providing instructional services in the arts, business, crafts, trades or professions.

COMMUNICATIONS TOWER - A free-standing structure constructed or erected for the sole purpose of supporting a commercial antenna.

CONSTRUCTION SERVICE - A business engaged in construction activities and the accessory storage of vehicles, equipment or materials, such as a building or trade contractor.

COUNCIL or CITY COUNCIL - Shall mean the City Council of the City of Leeds, Alabama.

DAY CARE CENTER - A licensed facility, other, than a residence, providing day care on a regular basis to more than six (6) children, elderly, handicapped or infirm persons.

DAY CARE HOME - A licensed service, operated from a dwelling by the resident, providing day care on a regular basis to six (6) or less children, elderly or infirm persons.

DOMICILIARY CARE FACILITY - Licensed homes for the aged, intermediate institutions and related institutions (not otherwise defined in this ordinance) the primary purpose of which is to furnish room, board, laundry, personal care and other non-medical services (regardless of what it may be named or called) for not less than twenty-four (24) hours in any week, to individuals not related by blood or marriage to the owner or administrator. This kind of care implies sheltered protection and a supervised environment for persons, who, because of age or disability, are incapable of living independently in their own homes or in a commercial room and board situation, yet who do not require the medical and nursing services provided by a nursing home. In these

facilities, there might be available, temporarily and incidentally, the same type of limited medical attention that an individual would receive if living at home.

DWELLING UNIT - A building or portion thereof, providing separate, complete and independent, living facilities for one or more persons comprising a household, including permanent provisions for sleeping, cooking and sanitation.

DWELLING UNIT, ATTACHED - A building containing two or more dwelling units that share a common wall at the lot line and are situated on separate lots.

DWELLING UNIT, DETACHED - A building that contains one dwelling unit

DWELLING UNIT, MULTIPLE - A building containing two or more dwelling units situated on one lot or parcel.

EASEMENT - Authorization by a property owner of the use of a designated part of his property by another for a specified purpose.

ENTERTAINMENT, INDOOR -A business providing indoor entertainment and recreation including, but not limited to: bowling alleys, billiard parlors, video game centers, ice and roller skating rinks

ENTERTAINMENT, OUTDOOR - Stadiums and coliseums which are not accessory to a school, amphitheaters, drive-in theaters, race tracks, golf driving ranges, miniature golf courses, swimming pools and tennis courts which are not accessory uses on the premises, theme parks and other commercial recreational and sports activities, except Bingo Facilities.

FARM - A parcel of land, consisting of at least five (5) acres of land used for the production, keeping or maintenance, for sale or lease, of plants and animals useful to man including the following activities:

1. Forage and sod crops.
2. Grain and seed crops.
3. Dairy animals and products.
4. Livestock, such as: beef cattle, swine, sheep, goats, or any similar livestock; including the breeding and raising of such animals but excluding commercial meat processing operations.
5. Poultry, including egg production, but excluding commercial poultry processing operations.

6. Nursery operations involving the raising of: plants, shrubs and trees for sale and transportation, including: greenhouses and the incidental sale of items associated with a nursery operation.
7. Bees and apiary products.
8. Fisheries, excluding commercial fish processing operations.
9. Fruit and vegetables of all kinds, including the growing and harvesting of such fruit and vegetables, but excluding commercial food processing operations.
10. Blacksmith operations
11. Kennels

**FARM SUPPORT BUSINESS** - A commercial establishment engaged in the sale of farm support goods, equipment and services, including the following: the sale of feed, grains, fertilizers, pesticides, trees, seeds, plants and similar goods; the provision of warehousing and storage facilities for raw farm products; and the provision of veterinary services to farm animals.

**FLOOR AREA, GROSS** - The total area of a building measured by taking the outside dimensions of the building at each floor level intended for occupancy or storage.

**FLOOR AREA, GROSS LEASE-ABLE (GLA)**. The total floor area of a building designed for both tenant occupancy and exclusive use, but does not include shared or common areas among tenants.

**FLOOR AREA, LIVEABLE** - The area of the first floor plus the area of the floors next above, and the area under a sloping roof having a minimum ceiling height of six (6) feet. Garage floor area, basements, decks, porches, patios, terrace and carport floor area are not included as livable floor area.

**GARAGE OR YARD SALE** - The sale of personal belongings, by an individual or non profit organization on the premises of the entity conducting the sale.

**GARDEN CENTER OR NURSERY** - Retail sale of plants, trees, shrubs and the like for ornamental purposes conducted from a building, greenhouse, outdoor display area or stand, including incidental sales of items customarily associated with such sales activities (containers, fertilizers, ornaments, mulch, potting soil, small gardening tools and equipment, and seeds).

**GASOLINE SERVICE STATION** - A business that sells fuel, lubricants, parts and accessories for vehicles at retail and where minor vehicle repair may be conducted within an enclosed building.

**GENERAL RETAIL, ENCLOSED** - The retail sale of goods and services, not otherwise defined in this section, including, but not limited to: food sales, convenience stores which dispense automotive fuels, department stores, clothing stores, grocery stores, home furnishings, appliance stores, pharmacies, photocopy services, office supplies, automobile parts and supply stores, video rental, gift shops, florist shops, hardware stores, jewelry stores, variety stores, studios, sporting goods stores, antique shops, auction houses, barber shop, beauty shop, cosmetic studio, dry cleaning and laundry service, including laundromats, indoor exercise and fitness centers, tanning salons, seamstress or alteration service, shoe repair, gunsmith, travel agencies, locksmiths, interior decorators, formal wear sales and/or rental and similar retail and service uses conducted within a building.

**GOLF COURSE** - Public or private land and buildings associated with a golf course, including a country club.

**GROUP CARE HOME** - A dwelling shared by handicapped persons, including resident staff, who live together as a single housekeeping unit and in a long-term, family-like environment in which staff persons provide care and education and work toward enabling the resident to live as independently as possible in order that he or she may participate in community activities, and, at the same time, work to reach his or her maximum development potential.

**HALFWAY HOUSE** - A licensed home for inmates on release from more restrictive custodial confinement or an initial place in lieu of such more restrictive custodial confinement, wherein supervision, rehabilitation and counseling are provided to guide residents back into society, enabling them to live independently.

**HOBBY FARM** - A two (2) acre or larger tract of land used for the keeping or maintenance of farm animals personally useful to the occupants of the dwelling on the same tract.

**HOME IMPROVEMENT CENTER** - A business which sells building, yard and garden supplies, yard maintenance equipment, paint, wallpaper, plumbing supplies, appliances, tools and similar products at retail where there is no outdoor display or storage of lumber or building supplies.

**HOSPITAL** - An establishment which provides health services primarily for inpatient medical or surgical care of the sick and injured, including accessory facilities such as: laboratories, pharmacies, out-patient clinics, training facilities, gift shops, coffee shops, cafeterias and staff offices.

**HOTEL OR MOTEL** - A business offering transient lodging accommodations on a daily or weekly basis. Such facility may also include: restaurants, lounges, meeting rooms, banquet rooms, gift shops and recreational facilities as accessory uses.

**INOPERATIVE MOTOR VEHICLE** - A motor vehicle which cannot be driven upon the public streets for reasons including, but not limited to being unlicensed, wrecked, abandoned, in a state of disrepair or incapable of being moved from one location to another under its own power.

**KENNEL** - A business where three (3) or more dogs are either permanently or temporarily boarded, which is not an animal hospital or animal shelter.

**LIVESTOCK SALES** - The sale of animal livestock within an enclosed yard or structure.

**LOT** - A parcel of land created by a subdivision plat, on which it is designated as a number lot, intended for transfer of ownership or for building development, which shall abut a public street.

**LOT OF RECORD** - Any legally recorded lot, which, at the time of its recording, complied with all applicable laws, ordinances and regulations.

**LOT OF RECORD - NON-CONFORMING** - Any legally recorded lot, which, at the time of its recording complied with all applicable laws, ordinances and regulations, but as the result of the adoption of subsequent ordinances, may possess less area and/or width than required for the district in which it is located.

**LOT, CORNER** - A lot abutting two (2) or more streets at their intersection.

**LOT, DOUBLE FRONTAGE OR THROUGH** - A lot having frontage on two (2) or more streets, but not at their intersection.

**LOTLINE**- A line bounding a lot which divides one (1) lot from another or from a street or from any other public or private place.

**LOTLINE, FRONT**- The lot line(s) that abut a public street.

**LOT LINE, SIDE** - Any lot line other than a front lot line or a rear lot line.

**LOT LINE, REAR** - That lot line which is parallel to and most distant from the front lot line or in the case of a irregular or triangular lot, a line ten (10) feet in length, entirely within the lot, parallel to and at the maximum distance from the front lot line.

**LOUNGE** - A business engaged in the sale or serving of alcoholic beverages for consumption on the premises. This shall include, but not be limited to: taverns, bars,

cocktail lounges, nightclubs and similar uses where the sale of alcoholic beverages is the primary source of business revenue on the premises.

LUMBER YARD - The sale of lumber or other building supplies which are stored or displayed outside of a building.

MAINTENANCE SERVICE - A business providing building and yard maintenance services, such as: janitorial, exterminating, landscaping, window cleaning, office cleaning, etc.

MANUFACTURED HOME - A structure, transportable in one (1) or more sections which, in its traveling mode, is eight (8) body feet or more in width and forty (40) body feet or more in length; or, when erected on site, is three hundred and twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling unit with or without a permanent foundation, is connected to the required utilities, and includes the plumbing and electrical systems required. For the purposes of this Ordinance, a manufactured home is a structure, not a building, and is therefore not a "detached dwelling" as defined herein.

MANUFACTURED HOME SALES - A business that displays and sells manufactured homes.

MILITARY INSTALLATION - A government sponsored defense facility, including: military bases, national guard armories, military reserve centers and similar uses.

NEIGHBORHOOD RECREATION - A building, structure, or other facility used for recreational programs, facilities and activities, which serves and is owned by a neighborhood association.

NON-CONFORMITIES - Lawful uses of lots, structures or characteristics of uses which, as a result of the adoption of subsequent ordinances, no longer conform to all applicable provisions contained herein.

NURSING CARE FACILITY - A licensed institution maintained for the purpose of providing skilled nursing care and medical supervision.

OFFICE - A building where the administrative affairs of a business or a profession are conducted, such as: attorney, accounting or bookkeeping firm, real estate agency, insurance agency, financial planner; architect, engineer, other consulting services, physician or dentist, secretarial service and the administrative staff of a business or industry.

OUTDOOR STORAGE - The keeping, in an unenclosed area, of any goods, materials, merchandise, products, or vehicles in the same place for more than forty-eight (48) hours.

OWNER - The person or persons having the right and legal title to a lot or parcel of land.

PARABOLIC ANTENNA - An accessory structure designed to receive television broadcasts relayed by microwave signals from earth orbiting communication satellites.

PARK - Publicly owned and operated parks, playgrounds, recreation facilities and open spaces.

PENAL INSTITUTION - A State of Alabama Department of Corrections Facility.

PHOTOCOPY SERVICES - A business providing copying, printing, book binding, presentation materials or other reproduction services to the general public at retail.

PLACE OF WORSHIP - Buildings and facilities used for religious purposes, such as churches and synagogues, including related facilities for: instruction, meeting, recreation, eating and other accessory uses and activities.

PLANNING AND ZONING COMMISSION - Shall mean the Planning and Zoning Commission of the City of Leeds, Alabama.

PREMISES - A lot, parcel, tract or plot of land together with the structures thereon.

PRINCIPAL BUILDING - The primary building on a lot or a building that houses a principal use.

PRINCIPAL USE -The purpose for which land or buildings and structures thereon are designed, arranged or intended to be used, occupied or maintained.

PRINTING ESTABLISHMENT - A business engaged in blueprinting, copying, printing, engraving or other reproduction services primarily to business and wholesale customers.

PUBLIC BUILDING - Buildings arranged for the purpose of providing public services, not otherwise defined in this section, including: government and municipal buildings, post offices, museums, libraries, community centers, transit stations, police and fire stations, municipal buildings, emergency service stations, civil defense operations and similar uses.

PUBLIC UTILITY FACILITY - A facility that provides public utility services to the public at large, including, but not limited to electric power sub-stations, wastewater treatment plants, water storage tanks, water filtration plants, operation centers and similar public utility facilities.

PUBLIC UTILITY SERVICE - Utility structures including, but not limited to: poles, wires, cross arms, transformers attached to poles, guy wires, insulators, conduits and other facilities necessary for the transmission or distribution of electric power or to provide

cable television, telephone or telegraph service and pipe lines, vents, valves, hydrants, regulators, meters, and other facilities necessary for the transmission or distribution of gas, oil, water and other utilities

RECYCLING PLANT - A facility in which recoverable resources, such as: newspapers, magazines, books and other paper products; glass, metal cans; and other products are recycled, reprocessed and treated to a condition that is adequate for their reuse.

RENTAL CENTER - A business engaged in the rental of a variety of tools and equipment.

RESEARCH LABORATORY- A building or group of buildings in which scientific research, investigation, testing or experimentation facilities are located. There shall be no provision for the manufacturing or sale of the products, except as incidental to the main purpose of the laboratory.

RESOURCE EXTRACTION - The removal of soil, sand, clay, gravel, minerals, or similar materials for commercial purposes, including: quarries, sand and gravel operations, gas extraction and mining.

RESTAURANT, DRIVE- UP - A business where food is prepared and which has a drive-up window where food may be picked up by patrons or drive in facilities where patrons may order and receive food while seated in motor vehicles. It may also contain facilities for standard sit-down consumption of food by patrons.

RESTAURANT, STANDARD - A business where food and drink are prepared, served and primarily consumed within the building or at outdoor tables where patrons are seated.

SALVAGE YARD OR JUNK YARD - A lot, structure or part thereof, used primarily for: the collecting, storage and sale of waste paper, rags, scrap metal or other discarded materials; the collecting, dismantling, storage and salvaging of machinery or inoperable motor vehicles, or for sale of parts thereof.

SANITARY LANDFILL - An approved site for solid waste disposal employing an engineering method of waste disposal that minimizes environmental hazards. This operation shall employ processes of spreading, compacting to the smallest volume possible, and applying cover material over all exposed waste at the end of each operating day.

SCHOOL - A public or non-profit school

SEASONAL SALES - The seasonal sale of farm produce, firewood, Christmas trees and similar seasonal items.

**SELF STORAGE FACILITY** - A building or group of buildings consisting of individual storage units leased to customers for the storage of personal property.

**SELF STORAGE FACILITY, LIMITED ACCESS** - A self-service storage facility with limited access points from the exterior of the building to interior halls that provide the only access to individual storage units.

**SELF STORAGE FACILITY, MULTI ACCESS** - A self-service storage facility with access points from the exterior of the building to individual storage units.

**SHOPPING CENTER** - A group of commercial establishments located on a lot or parcel, planned and developed in a unified manner and designed with shared parking and driveway facilities, all under a common ownership or management authority, except such buildings in the Central Business Zoning District.

**SIGHT TRIANGLE**- A triangular shaped portion of land established at street or driveway intersections in which nothing is erected, placed, planted, or allowed to grow in such a manner as to limit or obstruct the sight distance of motorists entering or leaving the intersection.

**SPECIAL EXCEPTION USE** - A use which is permitted subject to special exception is a use that would not generally be appropriate without restriction(s) throughout the zoning district; but which, if controlled as to number, area, location or relation to the surrounding area, would not be detrimental to public health. This use is permitted, subject to a Special Exception Use Permit being granted by the Zoning Board of Adjustment and further subject to appropriate permits being issued in accordance with the provisions of this Ordinance.

**STABLE - PRIVATE** - An accessory building in which horses or ponies are kept for private use and not for commercial purposes. For purposes of this definition, boarding horses or ponies for a fee and riding lessons for a fee shall be commercial purposes.

**STABLE, PUBLIC** - A business where horses or ponies are kept for commercial use, including, without limitation, boarding and riding lessons for a fee. The definition shall also include the term "riding school" where patrons purchase riding lessons.

**STORY** - That portion of a building included between the upper surface of a floor and upper surface of the floor or ceiling next above. A mezzanine (a low ceiling story between two main stories of a building) or partial floor shall be counted as a story if the vertical distance from the floor next below to the floor or ceiling next above is twenty-four (24) feet or more. A basement shall be counted as a story if more than fifty (50) percent, by cubic content, is above the height level of the adjoining ground.

**STREET** - Any vehicular way which has been dedicated to the public use.

**STRUCTURE** - Anything constructed or erected with a fixed location on the ground or attached to anything having a fixed location on the ground. All buildings are structures. but not all structures are buildings.

**STUDIO** - A work place for artists, photographers, or craftsmen, including instruction, display, production and retail sales of materials produced on the premises.

**SUBDIVISION** - The division of a lot, tract or parcel of land into two (2) or more lots, plats, sites or other divisions for the purpose, whether immediate or future, of sale or building development. Such term includes re-subdivision of land, and when appropriate to the context, relates to the process of subdivision or to the land or territory subdivided.

**SWALE** - A grassed area with gradual slopes which transports stormwater.

**TRAVEL TRAILER/RECREATIONAL VEHICLE** - A structure that is intended to be transported over the streets, either driven as a motor vehicle or attached to or hauled by a motor vehicle; and, it is designed for temporary recreational use as sleeping quarters but does not meet the defined criteria of a Manufactured (Mobile) Home.

**TRUCK STOP** - A business which is designed to sell motor fuels to heavy trucks and which may contain a restaurant or convenience store. A truck stop may also provide designated areas for the temporary parking of heavy trucks, including all night parking, and the sale of vehicle equipment, motor oil and other vehicle accessories. Minor vehicle repair is permitted, however such facility shall not be used for the long-term storage of vehicles or the storage of inoperable or abandoned vehicles.

**TRUCK TERMINAL** - The land and buildings used by a trucking company to load, dispatch, park, maintain and repair trucks owned or leased by said company.

**USE** - The activity or function that actually takes place or is intended to take place on a lot or site.

**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, literal enforcement of the provisions of this Ordinance would result in unnecessary hardship. However, in all cases the spirit of this Ordinance shall be observed and substantial justice done, as determined by the Zoning Board of Adjustment.

**VEHICLE AND EQUIPMENT SALES - MAJOR** - The sale or rental of heavy trucks, construction equipment, tractors, and similar equipment including the storage, maintenance, and servicing of such vehicles and equipment.

**VEHICLE CLEANING AND/OR DETAILING** - A business which engages in exterior and interior cleaning of motor vehicles.

VEHICLE REPAIR, MAJOR - The repair of vehicles including: rebuilding of vehicle engines, frames, bodies or suspensions; painting or body repair; and the fabrication of parts and similar activities.

VEHICLE REPAIR, MINOR - The repair and maintenance of vehicles, including: electrical work, lubrication, tune-ups, wheel alignment, tire balancing, transmission repair, brake and muffler work, and similar activities.

VEHICLE SALES OR RENTAL - A business engaged in the sale or rental of: automobiles, light trucks, travel trailers, recreational vehicles, boats and motorcycles.

WAREHOUSING, WHOLESALING AND DISTRIBUTION - Buildings wherein materials or merchandise are stored, pending distribution or sale.

WRECKER SERVICE YARD - The dispatch of wrecker vehicles and storage of recovered vehicles awaiting final disposition.

YARD - A minimum open area, unobstructed from the ground up, extending along a lot line and inward to the structure. The yard shall be measured as the shortest distance between the structure and the lot line.

YARD, FRONT - A yard extending along the full width of the front lot line(s) between side lot lines and from the front lot line(s) to the front building line in depth.

YARD, REAR - A yard extending across the full width of the lot and lying between the rear lot line and the nearest line of the building.

YARD, SIDE - A yard lying between the main building and the side lot line extending from the required front yard(s) to the required rear yard.

ZONING BOARD OF ADJUSTMENT - The Zoning Board of Adjustment of the City of Leeds, Alabama.

## **ARTICLE V GENERAL REGULATIONS**

### **Section 1.0 Application of this Ordinance**

No structure shall be constructed, erected, placed or maintained and no land use shall be commenced or continued except as authorized by this Ordinance.

## **Section 2.0 Except as Otherwise Provided for in this Ordinance**

- A. No land may be used except for a purpose permitted in the zoning district where it is located.
- B. No building shall be erected, converted, enlarged, reconstructed, moved or structurally altered; except in conformity with the uses permitted in the zoning district in which it is located.
- C. No building shall be erected, converted, enlarged, reconstructed, moved or structurally altered except in conformity with the area and dimensional regulations of the zoning district in which the building is located.
- D. The minimum building setbacks, number of parking spaces, open spaces, including lot area per dwelling, required by this Ordinance for each and every building existing at the time of passage of this Ordinance or for any building hereafter erected, shall not be encroached upon or considered as a required building setback, open space or lot area for any other building, nor shall any lot area be reduced below the requirements of this Ordinance.
- E. Every building hereafter erected or structurally altered shall be located on a lot as herein defined and in no case shall there be more than one main building and one main use on one lot, except for multiple dwellings, office and industrial parks, shopping centers, institutional campuses and similar multi-building developments. Accessory structures shall not include living quarters that constitute a dwelling.
- F. Buildings or structures hereafter constructed shall conform with all applicable provisions of the American National Standard for Buildings and Facilities for Physically Disabled and/or Handicapped.

## **Section 3.0 Non-Conforming Uses**

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

### 3.01 Non-conforming Lots of Record

- A. There exist lots that were lawful when platted, but which do not comply with the area and dimensional regulations of this Ordinance, referred to as non-conforming lots of record.
- B. When a non-conforming lot of record is contiguous to a lot or parcel under common ownership, the non-conforming lot of record shall be combined, by means of a resurvey, with the contiguous lot(s) and parcel(s) to form one or more lots that comply with the area and dimensional regulations of this Ordinance. If the lot(s) resulting from combining the lot(s) and parcel(s) does not conform to the area and dimensional regulations of this ordinance, it may only be used as a building site upon approval of the Zoning Board of Adjustment.
- C. When a non-conforming lot of record is not contiguous to a lot or parcel under common ownership, such non-conforming lot of record may only be used as a building site, upon approval of the Zoning Board of Adjustment.
- D. A building permit shall not be issued for a non-conforming lot of record unless and until it has been combined with a contiguous lot or parcel under common ownership to create a conforming lot, or approved by the Zoning Board of Adjustment if not contiguous to a lot or parcel under common ownership.

### 3.02 Continuance

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

### 3.03 Restoration To Safe Condition

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

### 3.04 Restoration After Damages

- A. No non-conforming building or structure, except a detached dwelling, which has been damaged to the extent of more than fifty percent (50%) of its current replacement value at the time of such damage, may only be rebuilt or restored in conformity with the provisions of this Ordinance. If a non-conforming building is damaged less than fifty percent (50%) of its current replacement value, it may be rebuilt or restored and used as before the damage, provided that such building or restoration is completed within one (1) year of the date of such damage.

- B. In order to preserve the uniformity of existing neighborhoods, dwellings which have been damaged by natural causes, to the extent of more than fifty percent (50%) of their replacement value at the time of such damage, may be rebuilt or restored by the owner, provided that the rebuilt or restored dwelling is at least as large as the damaged dwelling and equals or exceeds the building setbacks of the damaged dwelling. All improvements shall be constructed in conformity with the building codes in effect when the building permit for rebuilding or restoring the damaged dwelling is received by the City.

### 3.05 Abandonment or Discontinued Use

A non-conforming use which has been abandoned or the use discontinued for a continuous period of one (1) year or more shall not be re-established and any future use shall conform with all provisions of this Ordinance.

### 3.06 Change In Use

A non-conforming use shall not be changed to another non-conforming use.

### 3.07 Structures Conforming to District Regulations but not other Regulations

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

## **Section 4.0 Abandoned Right-Of-Way**

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

## **Section 5.0 Buildings to be Moved**

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

**ARTICLE VI  
ESTABLISHMENT OF DISTRICTS**

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

A-1	Agriculture District
E-1	Single Family Residential Estate District
R-1	Single Family Residential District
R-2	Single Family Residential District
R-3	Multi-Family Residential District
R-T-3	Townhouse Residential District
R-5	Garden Home Residential District
RMHP	Residential Manufactured Home Park District
NB	Neighborhood Business District
B-1	Central Business District
B-2	Community Business District
I-1	Light Industrial District
I-2	Heavy Industrial District
RD	Reserve District

**Section 1.0 A-1 Agricultural District**

1.1 Intent

This district consists primarily of land where agricultural activities may occur within the City. The intent of A-1 District is to preserve these areas in agriculture, forestry, rural residential and other limited yet compatible land uses.

1.02 Uses Permitted

The following uses shall be permitted in the A-1 Agricultural District:

Similar uses to those listed below may also be permitted subject to Article III, Administration and Review Procedures, section 2.10, Interpretation of Zoning Ordinance

A. Agricultural Uses

1. Customary accessory structures and buildings associated with farming and related agricultural activities subject to the following: Side and rear setbacks shall be at least fifty (50) feet and shall not occupy any portion of the front yard. All non-residential accessory buildings and structures shall be constructed of materials which are compatible with other buildings in the district in which they are located in order to insure that the aesthetic value and appearance of the neighborhood is maintained.

2. Farms, as defined in Article IV, and subject to Section 17.0 of Article VII.
3. Stables, Private
4. Hobby Farms, as defined in Article IV and subject to Section 18.0 of Article VII

B. Residential Uses

1. Detached Dwellings as defined in Article IV, subject to the provisions of Section 1.05 herein
2. Non-Commercial Greenhouses and Gardens
3. Private Swimming Pools, subject to Article VII, Section 9.0
4. Private Tennis Courts, subject to Article VII, Section 10.0
5. Satellite Dish Antennas, subject to Article VII, Section 6.0

C. Institutional Uses

1. Clubs
2. Country Clubs
3. Parks
4. Places of Worship
5. Public Buildings
6. Public Utility Services
7. Schools

D. Commercial Uses

Studios

E. Temporary Uses

Garage Sales or Yard Sales subject to Article VII, Section 8.0

1.03 Conditional Uses

A. Agricultural Uses

1. Farm Support Business
2. Livestock Sales
3. Stables, Commercial
4. Animal Hospitals
5. Indoor Riding Facility

B. Institutional Uses

1. Animal Shelters
2. Cemeteries, subject to Article VII, Section 19.0
3. Public Utility Facilities

C. Commercial Uses

1. Day Care Homes
2. Home Occupations, subject to Article VII, Section 11.0

1.04 Special Exception Uses

Public Utility Facilities

1.05 Area and Dimensional Regulations

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

Minimum Lot Size: 3.0 Acres\*

Minimum Lot Width at the Building Line: 150 Feet\*\*

Minimum Yard Setbacks: Front: 75 Feet\*\*\*  
Rear: 75 Feet\*\*\*  
Side: 50 Feet (on each side)\*\*\*

Maximum Height of Structures: 35 feet or 2 ½ stories

Minimum Livable Floor Space Area In Square Feet:\*\*\*\*

One story: 2,000 square feet  
Two or more stories: 1,600 square feet on first floor and minimum total of 2,000 square feet

\* A for all parcels of record which were less than three (3.0) acres on May 15, 2006, as recorded in the Probate Court of the county in which the property is located, the minimum lot size shall be the parcel size. After May 15, 2006, a larger parcel may only be divided into less than three (3.0) acre lots when such division is not considered to be a subdivision pursuant to Alabama law such as the testate conveyance of more than one part of a parcel of land to issue for homestead purposes.

\*\* The minimum lot width at the building line for those lots less than three (3.0) acres may be reduced by the Zoning Board of Adjustment to a minimum of eighty five (85)

feet. In determining the appropriate lot width at the building line, the Board shall consider the size, shape, dimensions, and other relevant factors of the lot being considered.

\*\*\* The minimum yard setbacks for those lots less than three (3.0) acres may be reduced by the Zoning Board of Adjustment to a minimum of forty (40) feet front set back, forty five (45) feet rear set back, and fifteen (15) feet side set back (on each side). In determining the appropriate lot width at the building line, the Board shall consider the size, shape, dimensions, and other relevant factors of the lot being considered.

\*\*\*\* Provided that if a single-family residence in existence on May 15, 2006 is destroyed by fire or natural disaster, another single family residence of the same size or larger may be rebuilt in the same location.

#### 1.06 Public Buildings

All public buildings shall have a front yard setback of fifty (50) feet.

#### 1.07 Buffer Requirements:

The following uses shall provide a buffer that is at least twenty five (25) feet wide along all property lines that abut a Single Family Residential District or a dwelling in the Agriculture District:

Ballfields, tennis courts, swimming pools and similar facilities  
Places Worship  
Public Buildings  
Public Utility Facilities  
Schools

#### 1.08 Additional Regulations (When Applicable)

See subsection 1.02 of this Article; and Article IV, Definitions.

A. Fowl and Livestock shall conform with the following provisions:

1. Horses, cows, sheep, goats, and swine shall be housed not less than one hundred and fifty (150) feet from any use permitted in any residential or business zoning district, other than the owner's residence, with not more than three (3) such animals per acre.
2. Fowl, rabbits and other small animals shall be housed not less than one hundred (100) feet from any use permitted in any residential or business zoning district, other than the residence of the owner, with a maximum of forty (40) such fowl or animals per acre.

- B. Administrative and Review Procedures, Article III
- C. Definitions, Article IV
- D. General Regulations, Article V
- E. Supplemental Regulations, Article VII
- F. Off-Street Parking and Loading Regulations, Article VIII
- G. Sign Regulations, Article IX
- H. Landscaping and Buffers, Article X

## **Section 2.0 E-1 Single Family Residential Estate District**

### **2.01 Intent**

To provide areas for low density detached dwellings and selected institutional and commercial uses which serve residential neighborhoods.

### **2.02 Permitted Uses**

Detached Dwellings  
Fire and Police Stations  
Garage Sales or Yard Sales  
Home Occupations  
Public Utility Services  
Accessory Antennae  
Accessory Buildings and Structures

### **2.03 Conditional Uses**

Bed and Breakfast Inns  
Day Care Homes  
Golf Course  
Neighborhood Recreation  
Parks  
Places Of Worship  
Schools  
Accessory Buildings and Structures

### **2.04 Special Exception Uses**

Commercial Antennae  
Communications Towers and Compounds  
Public Utility Facilities

## 2.05 Area and Dimensional Regulations

Minimum Lot Size:	1.0 Acre
Minimum Lot Width At the Building Line:	150 Feet
Minimum Building Setbacks:	
Front:	75 Feet*
Rear:	75 Feet
Side:	25 Feet

\*Minimum setback shall be 75 feet from all public street rights-of-way.

Maximum Height of Structures: 35 feet or 2 1/2 stories

Minimum Livable Floor Space Area (Sq. Ft.): 2,500 per dwelling

## 2.06 Required Buffers

The following uses shall provide a buffer that is at least twenty five (25) feet wide along all property lines that abut a Single Family Residential District or a dwelling in the Agriculture District:

- Ballfields, tennis courts, swimming pools and similar facilities
- Communications Towers and Compounds
- Fire and Police Stations
- Places of Worship
- Public Buildings
- Public Utility Facilities
- Schools

## 2.07 Additional Regulations

All buildings associated with a Conditional Use shall have a front yard of at least fifty (50) feet, a rear yard of at least thirty-five (35) feet, and a side yard of at least thirty-five (35) feet. Churches and schools shall have a maximum building height of forty-five (45) feet, all other conditional uses shall have a maximum building height of thirty five (35) feet.

## **Section 3.0 R-1 Single Family Residential District**

### 3.01 Intent

To provide areas for medium density, detached dwellings and selected institutional and commercial uses which serve residential neighborhoods.

3.02 Permitted Uses

Detached Dwellings  
Fire and Police Stations  
Garage Sales or Yard Sales  
Home Occupations  
Public Utility Services  
Accessory Antennae  
Accessory Buildings and Structures

3.03 Conditional Uses

Bed and Breakfast Inns  
Day Care Homes  
Golf Course  
Neighborhood Recreation  
Parks  
Places Of Worship  
Schools

3.04 Special Exception Uses

Commercial Antennae  
Communications Towers and Compounds  
Public Utility Facilities

3.05 Area and Dimensional Regulations

Minimum Lot Size:	15,000 square feet
Minimum Lot Width At the Building Line:	100 Feet
Minimum Building Setbacks:	
Front:	40 Feet*
Rear:	40 Feet
Side:	15 Feet

\*Minimum setback shall be 40 feet from all public street rights-of-way.

Minimum Livable Floor Space Area (Sq. Ft.):	One story dwelling - 1,800
	Two story dwelling - 2,200
First floor of two story dwelling	- 1,200

Maximum lot coverage of buildings including accessory buildings - 40%

### 3.06 Required Buffers

The following uses shall provide a buffer that is at least twenty five (25) feet wide along all property lines that abut a Single Family Residential District or a dwelling in the Agriculture District:

Ballfields, tennis courts, swimming pools and similar facilities  
Communications Towers and Compounds  
Fire and Police Stations  
Places of Worship  
Public Buildings  
Public Utility Facilities  
Schools

### 3.07 Additional Regulations

All buildings associated with a Conditional Use shall have a front yard of at least fifty (50) feet, a rear yard of at least thirty-five (35) feet, and a side yard of at least thirty-five (35) feet. Churches and schools shall have a maximum building height of forty-five (45) feet, all other conditional uses shall have a maximum building height of thirty five (35) feet.

## **Section 4.0 R-2 Single Family Residential District**

### 4.01 Intent

To provide areas for medium density, detached dwellings and selected institutional and commercial uses which serve residential neighborhoods.

### 4.02 Permitted Uses

Detached Dwellings  
Fire and Police Stations  
Garage Sales or Yard Sales  
Home Occupations  
Public Utility Services  
Accessory Antennae  
Accessory Buildings and Structures

### 4.03 Conditional Uses

Bed and Breakfast Inns  
Day Care Homes  
Golf Course  
Neighborhood Recreation

Parks  
Places Of Worship  
Schools

4.04 Special Exception Uses

Commercial Antennae  
Communications Towers and Compounds  
Public Utility Facilities

4.05 Area and Dimensional Regulations

Minimum Lot Size:	10,500 square feet
Minimum Lot Width At the Building Line:	85 Feet
Minimum Building Setbacks:	
	Front: 30 Feet*
	Rear: 35 Feet
	Side: 10 Feet

\*Minimum setback shall be 30 feet from all public street rights-of-way.

Minimum Livable Floor Space Area (Sq. Ft.):	One story dwelling - 1,500
	Two story dwelling - 1,800
	First floor of two story dwelling - 1,200

Maximum lot coverage of buildings including accessory buildings - 40%

4.06 Required Buffers

The following uses shall provide a buffer that is at least twenty five (25) feet wide along all property lines that abut a Single Family Residential District or a dwelling in the Agriculture District:

Ballfields, tennis courts, swimming pools and similar facilities  
Communications Towers and Compounds  
Fire and Police Stations  
Places Worship  
Public Buildings  
Public Utility Facilities  
Schools

#### 4.06 Additional Regulations

All buildings associated with a Conditional Use shall have a front yard of at least fifty (50) feet, a rear yard of at least thirty-five (35) feet, and a side yard of at least thirty-five (35) feet. Churches and schools shall have a maximum building height of forty-five (45) feet, all other conditional uses shall have a maximum building height of thirty five (35) feet.

### **Section 5.0 R-3 Multi-Family Residential District**

#### 5.01 Intent

To provide areas suitable for the development of multiple dwellings and selected institutional and commercial uses which are appropriate in a high density residential environment.

#### 5.02 Permitted Uses

Multiple Dwellings  
Assisted Living Facility  
Day Care Home  
Fire and Police Stations  
Group Care Home  
Home Occupations  
Neighborhood Recreation  
Parks  
Places of Worship  
Public Utility Services  
Schools  
Accessory Antennae  
Accessory Buildings and Structures

#### 5.03 Conditional Uses

Boarding House  
Day Care Center  
Domiciliary Care Facility  
Golf Courses  
Halfway House  
Nursing Care Facility  
Public Buildings

#### 5.04 Special Exception Uses

Commercial Antennae  
Communications Towers and Compounds  
Public Utility Facilities

#### 5.05 Area and Dimensional Regulations

Maximum number of multiple dwellings per gross acre: 8  
Minimum Land Area: One acre  
Minimum Lot Width: 200 feet  
Maximum lot coverage of buildings including accessory buildings - 35%

Minimum Livable Floor Area:

One bedroom multiple dwelling: 850 square feet  
Two bedroom multiple dwelling 1,150 square feet  
Three bedroom multiple dwelling 1,386 square feet

Minimum Building Setbacks:

Front:	35 Feet*
Rear:	35 Feet
Side:	10 Feet

\*Minimum setback shall be 35 feet from all public street rights-of-way.

#### 5.06 Required Buffers

The following uses shall provide a buffer that is at least twenty five (25) feet wide along all property lines that abut a Single Family Residential District or a dwelling in the Agriculture District:

Assisted Living Facility  
Attached Dwellings  
Ballfields, tennis courts, swimming pools and similar facilities  
Boarding House  
Communications Towers and Compounds  
Day Care Center  
Domiciliary Care Facility  
Fire and Police Stations  
Halfway House  
Multiple Dwellings  
Nursing Care Facility  
Public Utility Facilities

Places of Worship  
Schools

5.07 Additional Regulations

- A. All buildings associated with a Conditional Use shall have a front yard of at least fifty (50) feet, a rear yard of at least thirty-five (35) feet, and a side yard of at least thirty-five (35) feet. Churches and schools shall have a maximum building height of forty-five (45) feet, all other conditional uses shall have a maximum building height of thirty five (35) feet.
- B. In order to ensure the permanency of buildings, reduce the need for periodic maintenance and maintain a character which is commensurate with the public interest, the following materials shall be used as primary exterior building wall finishes: brick, stone, wood, stucco and concrete siding (hardy board or similar material).
- C. Boats, trailers, campers, recreational vehicles and similar items shall not be parked in the areas required to meet the minimum off-street parking requirements or forward of the front building setback line. Storage spaces, equal in number to one such space per 20 dwelling units, shall be maintained for parking boats, trailers, campers, recreational vehicles and similar items. All such spaces visible from the public right-of-way shall be screened and buffered from view by use of landscaped berms, plantings or other such screening methods, as much as possible or practical.
- D. A playground shall be provided and maintained in a safe condition.
- E. A storage area, at least 4'X4', shall be provided for each dwelling unit.

**Section 6.0 R-3-T Townhouse Residential District**

6.01 Intent

To provide areas suitable for Attached Dwellings (Townhouses)

6.02 Permitted Uses

Attached Dwellings (Townhouses)  
Fire and Police Stations  
Public Utility Services  
Accessory Antennae  
Accessory Buildings and Structures

### 6.03 Conditional Uses

Neighborhood Recreation  
Parks  
Places of Worship  
Schools

### 6.04 Special Exception Uses

Commercial Antennae  
Communications Towers and Compounds  
Public Utility Facilities

### 6.05 Area and Dimensional Regulations

Maximum number of dwellings per gross acre: 7  
Minimum site area: One acre  
Minimum Lot Width At Building Line: 28 Feet

Minimum Building Setbacks:

Front: 25 Feet\*  
Rear: 30 Feet  
Side: 0 Feet, 10 feet for end dwelling units

\*Minimum setback shall be 25 feet from all public street rights-of-way, except that the setback may be reduced to five (5) feet when vehicle access to the lot is from a rear alley and all lots in the block are so served.

Minimum Livable Floor Space Area (Sq. Ft.): One story dwelling - 1,200  
Two story dwelling - 1,600  
First floor of two story dwelling - 1,000

### 6.06 Required Buffers

The following uses shall provide a buffer that is at least twenty five (25) feet wide along all property lines that abut a Single Family Residential District or a dwelling in the Agriculture District:

Attached Dwellings (Townhouses)  
Ballfields, tennis courts, swimming pools and similar facilities  
Communications Towers and Compounds  
Fire and Police Stations  
Places of Worship

Public Utility Facilities  
Schools

6.07 Additional Regulations

- A. All buildings associated with a Conditional Use shall have a front yard of at least fifty (50) feet, a rear yard of at least thirty-five (35) feet, and a side yard of at least thirty-five (35) feet. Churches and schools shall have a maximum building height of forty-five (45) feet, all other conditional uses shall have a maximum building height of thirty five (35) feet.
- B. A maximum of one hundred (100) dwelling units may be constructed per development area.
- C. At least three (3) sides of all buildings shall be surfaced with brick.
- D. Dwellings shall not directly access a collector or arterial road.
- E. All utilities shall be located under public street rights-of-way or easements.
- F. Buildings containing dwellings may have multiple stories or combinations of one and two-story sections; however, in no case shall one dwelling unit be located above another.
- G. Buildings containing dwelling units shall not be located closer than thirty five (35) feet from the nearest exterior street right-of-way nor closer than twenty five (25) feet from the nearest interior street right-of-way.
- H. Accessory buildings and structures are prohibited.
- I. A storage room or area in the garage, consisting of at least forty eight (48) square feet shall be provided in each dwelling unit.
- J. At least two (2) off-street parking spaces shall be required for each dwelling, in addition to spaces within a garage or carport. Garage doors that face the street shall be setback at least twenty (20) feet from the public street right-of-way.
- K. Boats, trailers, campers, recreational vehicles and similar items shall not be parked in the areas required to meet the minimum off-street parking requirements or forward of the front building setback line. Storage spaces, equal in number to one such space per 20 dwelling units, shall be maintained for parking boats, trailers, campers, recreational vehicles and similar items. All such spaces visible from the public right-of-way shall be screened and buffered from view by use of landscaped berms, plantings or other such screening methods, as much as possible or practical.

- L. No individual fences shall be permitted forward of the front building setback line of a dwelling. No fences or walls other than those provided as part of a required buffer shall be located within fifteen (15) feet of the perimeter of the development site.

## **Section 7.0 R-5 Garden Home Residential District**

### 7.01 Intent

To provide areas suitable for the development of high density detached dwellings and selected institutional and commercial uses which serve residential neighborhoods.

### 7.02 Permitted Uses

Detached Dwellings  
Home Occupations  
Public Utility Services  
Police and Fire Stations  
Accessory Antennae  
Accessory Buildings and Structures

### 7.03 Conditional Uses

Golf Course  
Neighborhood Recreation  
Parks  
Places of Worship  
Schools

### 7.04 Special Exception Uses

Commercial Antennae  
Communications Towers and Compounds  
Public Utility Facilities

### 7.05 Area and Dimensional Regulations

Minimum Lot Width at The Building Line: 60 Feet

Minimum Lot Area: 6,500 Square Feet

Minimum Building Setbacks:

Front: 20 Feet\*  
Rear: 30 Feet  
Side: 5 Feet

\*Minimum setback shall be 20 feet from all public street rights-of-way, except that the front setback may be reduced to five (5) feet if access to all the lots in the block is from a rear alley.

Minimum Livable Floor Space Area (Sq. Ft.): One story dwelling - 1,500  
Two story dwelling - 1,800  
First floor of two story dwelling - 1,200

7.06 Required Buffers

The following uses shall provide a buffer that is at least twenty five (25) feet wide along all property lines that abut a Single Family Residential District or a dwelling in the Agriculture District:

Ballfields, tennis courts, swimming pools and similar facilities  
Communications Towers and Compounds  
Fire and Police Stations  
Places Of Worship  
Public Utility Facilities  
Schools

7.07 Additional Regulations:

- A. All utilities shall be placed underground.
- B. Each lot may have one accessory building which shall not exceed two hundred (200) square feet.
- C. All buildings associated with a Conditional Use shall have a front yard of at least fifty (50) feet, a rear yard of at least thirty-five (35) feet, and a side yard of at least thirty-five (35) feet. Churches and schools shall have a maximum building height of forty-five (45) feet, all other conditional uses shall have a maximum building height of thirty five (35) feet.

## **Section 8.0 RMHP Residential Manufactured Home Park District**

### 8.01 Intent

To provide subdivisions for manufactured homes

### 8.02 Permitted Uses

Fire and Police Stations  
Garage Sales and Yard Sales  
Home Occupations  
Manufactured Homes  
Accessory Antennae  
Accessory Buildings and Structures

### 8.03 Conditional Uses

Golf Course  
Neighborhood Recreation  
Parks  
Places of Worship  
Schools

### 8.04 Special Exception Uses

Commercial Antennae  
Communications Towers and Compounds  
Public Utility Facilities

### 8.05 Area and Dimensional Regulations

Minimum Lot Size: 15,000 square feet

Minimum Lot Width at Building Line: 80 feet

Minimum Building Setbacks: Front: 35 Feet\*  
Rear: 35 Feet  
Side: 10 Feet

\*Minimum building setback shall be 35 feet from all public street rights-of-way.

Minimum Livable Floor Space Area: 720 Square Feet

## 8.06 Required Buffers

The following uses shall provide a buffer that is at least twenty five (25) feet wide along all property lines that abut a Single Family Residential District or dwelling in the Agriculture District.

Ballfields, tennis courts, swimming pools and similar facilities  
Communications Towers and Compounds  
Fire and Police Stations  
Places of Worship  
Public Utility Facilities  
Schools

## 8.07 Additional Regulations

- A. All buildings associated with a Conditional Use shall have a front yard of at least fifty (50) feet, a rear yard of at least thirty-five (35) feet, and a side yard of at least thirty-five (35) feet. Churches and schools shall have a maximum building height of forty-five (45) feet, all other conditional uses shall have a maximum building height of thirty five (35) feet.
- B. All lots in the subdivision shall front a public street which shall comply with the minimum standards of the Subdivision Regulations.
- C. All manufactured homes shall be installed in compliance with the Building and Fire Codes adopted by the City.
- D. Each manufactured home lot shall have at least two (2) off-street parking spaces which are paved.

## **Section 9.0 Neighborhood Business District**

### 9.01 Intent.

To provide areas suitable for offices and neighborhood shopping which are compatible with surrounding neighborhoods.

### 9.02 Permitted Uses

Banks or Financial Services  
Business or Professional Offices  
Public Utility Service  
Fire and Police Stations  
Public Buildings  
Clinics

Places of Worship  
Parks  
Day Care Centers  
Schools  
Accessory Antennae

The following neighborhood retail and service uses :

Antique Shops  
Bakeries, Retail  
Barber and Beauty Shops  
Coffee Shops  
Convenience stores, including those which dispense automotive fuels  
Dry Cleaning Outlets  
Florist Shops  
Gift Shops  
Hardware Stores  
Jewelry Stores  
Laundromats  
Locksmiths  
Pharmacies  
Photocopy Services  
Restaurants, Standard  
Seamstress or Alteration Services  
Shoe Repair  
Studios  
Tanning Salons  
Travel Agencies  
Video Rental  
Similar neighborhood retail and service uses  
Accessory Buildings and Structures

#### 9.03 Conditional Uses

Seasonal Sales  
Shopping Centers

#### 9.04 Special Exception Uses

Commercial Antennae  
Communications Tower  
Public Utility Facilities

9.05 Area and Dimensional Regulations

Minimum Lot Size: None specified; although lots shall be of adequate size to accommodate the proposed use along with adequate parking, buffers and any service and storage areas.

Minimum Building Setbacks:

Front:	35 Feet*
Rear:	35 Feet**
Side:	35 Feet***

\*Minimum setback shall be 35 feet from all public street rights-of-way.

\*\*Rear yard may be reduced to fifteen feet (15') if the adjoining property is zoned business or light industrial.

\*\*\*Side yard may be reduced to ten (10) feet if the adjoining property is zoned business or light industrial.

9.06 Required Buffers

The following uses shall provide a buffer that is at least twenty five (25) feet wide along all property lines that abut a Single Family Residential District or a dwelling in the Agriculture District.

- Ballfields, tennis courts, swimming pools and similar facilities
- Communications Towers and Compounds
- Fire and Police Stations
- Places of Worship
- Public Buildings
- Public Utility Facilities
- Schools

All other uses shall provide a buffer that is at least twenty five (25) feet wide along all property lines that abut a Single Family, Townhouse, or Multi-Family Residential District or Agriculture District.

9.07 Additional Regulations

All buildings associated with a Conditional Use shall have a front yard of at least fifty (50) feet, a rear yard of at least thirty-five (35) feet, and a side yard of at least thirty-five (35) feet. Churches and schools shall have a maximum building height of forty-five (45) feet, all other conditional uses shall have a maximum building height of thirty five (35) feet.

## **Section 10.0 B-1 Central Business District**

### 10.01 Intent

To preserve the central business district.

### 10.02 Permitted Uses

Bakeries

Banks and Financial Institutions

Business or Professional Offices

Club

Fire and Police Stations

Lounge

Multi-family dwellings located above the first floor of a building

General Retail, Enclosed

Photocopy Services

Public Buildings

Public Utility Services

Restaurants, Standard

Studios

Accessory Antennae

Accessory Buildings and Structures

### 10.03 Conditional Uses

Seasonal Sales

### 10.04 Special Exception Uses

Commercial Antennae

Communications Tower

### 10.05 Area and Dimensional Regulations

Minimum Lot Area: None

Minimum Lot Width: None

Maximum Building Height: Forty (40) feet

Minimum Yards: None

### 10.06 Required Buffers

None

## **Section 11.0 B-2 Community Business District**

### 11.01 Intent

To establish and preserve a retail business district convenient to the public which is suitable for a wide range of retail and service uses that have minimal impact off the premises.

### 11.02 Permitted Uses

Any use permitted in the NB District

Animal hospitals, no outside kennels or runs  
Broadcast Studios  
Clubs  
Commercial Antennae  
Commercial Schools  
Entertainment, Indoor

Fireworks Sales, limited to a period not to exceed fourteen (14) days, twice in any calendar year. Establishments which sell fireworks shall be separated by a distance of at least two thousand (2,000) feet and maintain a distance of at least one hundred (100) feet from any gasoline pump.

Funeral Homes

Gasoline Service Station, provided that the parking of vehicles offered for sale and the storage of inoperative motor vehicles for more than one hundred and eighty (180) days are prohibited.

General Retail, Enclosed  
Home Improvement Center  
Hotels and Motels  
Lounge  
Nursing Care Facilities  
Pawn Shops  
Seasonal Sales

Vehicle Repair, Minor; provided that all repair work shall be conducted within an enclosed building and the parking of vehicles offered for sale and the storage of inoperative motor vehicles for more than one hundred and eighty (180) days are prohibited.

Vehicle Sales or Rental; provided that all repair work shall be conducted within an enclosed building and the storage of inoperative motor vehicles for more than one hundred and eighty (180) days is prohibited.

Accessory Antennae  
Accessory Buildings and Structures

#### 11.03 Conditional Uses

Campgrounds  
Car Washes  
Entertainment, Outdoor  
Garden Center or Nurseries  
General Retail, Unenclosed  
Hospitals  
Manufactured Home Sales  
Rental Centers  
Restaurants, Drive-Up  
Vehicle Cleaning and Detailing

#### 11.04 Special Exception Uses

Communications Towers and Compounds  
Public Utility Facilities

#### 11.05 Area and Dimensional Regulations

Minimum Lot Area: None specified; although lots shall be of adequate width and size to accommodate the proposed use along with adequate parking, buffers and service and storage areas.

Minimum Lot Width: None

Minimum Building Setbacks:

Front:	35 Feet*
Rear:	35 Feet**
Side:	15 Feet***

\*Minimum setback shall be 35 feet from all public street rights-of-way.

\*\*Rear yard may be reduced to fifteen (15) feet if adjoining property is zoned for business or industrial use.

\*\*\*Side yard may be reduced to five (5) feet if adjoining property is zoned for business or industrial use.

Maximum Building Height: 45 Feet

#### 11.06 Required Buffers

The following uses shall provide a buffer that is at least twenty five (25) feet wide along all property lines that abut a Single Family Residential District or a dwelling in the Agriculture District.

Ballfields, tennis courts, swimming pools and similar facilities  
Communications Towers and Compounds  
Fire and Police Stations  
Places of Worship  
Public Buildings  
Public Utility Facilities  
Schools

All other Permitted and Conditional Uses with floor area less than one hundred thousand (100,000) square feet shall provide a buffer that is at least fifty (50) feet wide along all property lines that abut a Single Family Residential District or Agriculture District. All other Permitted and Conditional Uses with floor area of one hundred thousand (100,000) square feet or greater shall provide a buffer that is at least one hundred (100) feet wide along all property lines that abut a Single Family Residential District or Agriculture District. All other Permitted and Conditional Uses with floor area less than one hundred thousand (100,000) square feet shall provide a buffer that is at least twenty five (25) feet wide along all property lines that abut a Townhouse or Multi-Family Residential District. All other Permitted and Conditional Uses with floor area of one hundred thousand (100,000) square feet or greater shall provide a buffer that is at least fifty (50) feet wide along all property lines that abut a Townhouse or Multi-Family Residential District.

### **Section 12.0 I-1 Light Industrial District**

#### 12.01 Intent

To provide areas for manufacturing, fabricating, processing or assembling uses which do not create any objectionable noise, vibration, smoke, dust, odor, heat or glare.

#### 12.02 Permitted Uses

Fabricating, processing, packaging, assembling and manufacturing of finished or semi-finished products from previously prepared materials; which does not emit: odor, dust,

gas, fumes, smoke, noise, vibration or waste material that is detrimental to the property or to the public health and safety.

Animal Hospitals  
Bakery  
Commercial Antennae  
Entertainment, Outdoor

Fireworks Sales, limited to a period not to exceed fourteen (14) days, twice in any calendar year. Establishments which sell fireworks shall be separated by a distance of at least two thousand (2,000) feet and maintain a distance of at least one hundred (100) feet from any gas pump.

Gasoline Service Station, provided that the parking of vehicles offered for sale and the storage of inoperative motor vehicles for more than one hundred and eighty (180) days are prohibited.

Lumber Yards  
Maintenance Services  
Military Installations  
Police and Fire Stations  
Printing Establishment  
Public Utility Facilities and Services, Except Wastewater Treatment Plan  
Rental Centers  
Research Laboratory  
Seasonal Sales

Vehicle Repair, Minor; provided that all repair work shall be conducted within an enclosed building, and the parking of vehicles offered for sale and the storage of inoperative motor vehicles for more than one hundred and eighty (180) days are prohibited.

Vehicle Sales or Rental; provided that all repair work shall be conducted within an enclosed building and the storage of inoperative motor vehicles for more than one hundred and eighty (180) days is prohibited.

Warehousing, Wholesaling and Distribution  
Accessory Antennae  
Accessory Buildings and Structures

### 12.03 Conditional Uses

Airports, including heliports  
Construction Services  
Self Storage Facility

## Wastewater Treatment Plan

### 12.04 Special Exception Uses

#### Communications Towers and Compounds

### 12.05 Area and Dimensional Regulations

Minimum Lot Size: None specified, although lots shall be of adequate width and size to accommodate the proposed use as well as provide adequate space for required parking, buffers and any service and storage areas.

Minimum Lot Width: None specified, although lots shall be of adequate width to accommodate the proposed use as well as provide adequate space for required parking, buffers and any storage and service yards.

Maximum Building Height: 3 Stories or 45 Feet

Minimum Yards:

Front: 75 Feet (50 feet for office and administrative buildings)\*

Rear: 35 Feet\*\*

Side: 35 Feet\*\*\*

\*Minimum setback shall be seventy five (75) feet from all public street rights-of-way; fifty (50) feet for office and administrative buildings.

\*\*Rear yard may be reduced to fifteen (15) feet if the adjoining property is zoned industrial.

\*\*\*Side yard may be reduced to fifteen (15) feet if the adjoining property is zoned industrial.

### 12.06 Required Buffers

All Permitted and Conditional uses shall provide a buffer that is at least one hundred (100) feet wide along all property lines that abut a Single Family Residential District or Agriculture District; and a buffer that is at least fifty (50) feet wide along all property lines that abut a Townhouse or Multi-Family Residential District, Neighborhood Business District, Central Business District or Community Business District.

Uses that are permitted, conditional or special exception uses in the residential or business zoning districts shall provide buffers as required in the applicable residential or business zoning district.

## **Section 13.0 I-2 Heavy Industrial District**

### 13.01 Intent

To provide areas for heavy industrial uses.

### 13.02 Permitted Uses

Any use permitted in the I-1 Light Industrial District, plus:

The basic processing and manufacturing of materials or products predominately from extracted or raw materials

- Animal Shelters
- Cement Plants
- Commercial Antennae
- Crematorium
- Gasoline Service Stations
- Manufactured Home Sales
- Processing of Stone, Chert, Gravel, Clay, Slag, Coal and similar materials
- Public Utility Services and Facilities
- Saw Mills
- Self-Storage Facility
- Storage of Repossessed Vehicles and Equipment
- Truck Stop
- Truck Terminal
- Vehicle and Equipment Sales, Major
- Vehicle Cleaning and Detailing
- Vehicle Repair, Major
- Vehicle Repair, Minor
- Wrecker Service Yards
- Accessory Antenna
- Accessory Buildings and Structures

### 13.03 Conditional Uses

The basic processing and manufacturing of materials or products predominately from extracted or raw materials which emits: odor, dust, gas, fumes, smoke, noise, vibration or waste material that may be detrimental to the property or to the public health.

The storage or manufacture of explosive or volatile materials which are hazardous to the property or to the public health.

- Incinerators
- Mining
- Penal Institutions
- Quarries
- Recycling Plants
- Resource Extraction
- Salvage Yards
- Sanitary Landfills

#### 13.04 Special Exception Uses

Communications Towers and Compounds

#### 13.05 Area and Dimensional Regulations

Minimum Lot Size:           None specified, although lots shall be of adequate width and size to accommodate the proposed use as well as provide adequate space for required parking, buffers and any service and storage areas.

Minimum Lot Width:       None specified, although lots shall be of adequate width and size to accommodate the proposed use as well as provide adequate space for required parking, buffers and any service and storage areas.

Minimum Building Setbacks:

- Front:           100 Feet
- Rear:           100 Feet
- Side:           100 Feet

#### 13.06 Required Buffers

All Permitted and Conditional uses shall provide a buffer that is at least two hundred (200) feet wide along all property lines that abut a Single Family Residential District or Agriculture District; and a buffer that is at least seventy five (75) feet wide along all property lines that abut a Townhouse or Multi-Family Residential District, Neighborhood Business District, Central Business District or Community Business District.

Uses that are permitted, conditional or special exception uses in the residential or business zoning districts shall provide buffers as required in the applicable residential or business zoning district.

## **Section 14.0 RD Reserve District**

### 14.01 Intent.

To reserve areas for hunting, fishing, land management and other passive uses.

### 14.02 Permitted Uses

Discharge of firearms  
Hunting and fishing

Land management activities including the construction of ponds and access roads, clearing and maintenance of fields and the harvesting and planting of timber

Accessory buildings and structures

### 14.03 Special Exception Uses

Communications Tower  
Public Utility Facilities

### 14.04 Area and Dimensional Regulations

#### A. Minimum Area:

Property which is the subject of a zoning amendment application for the Reserve District must contain at least two hundred and fifty (250) contiguous acres of land.

#### B. Minimum Building Setback:

Accessory buildings and structures, Conditional Uses and Special Exception Uses shall be setback at least one hundred (100) feet from any property line.

**ARTICLE VII  
SUPPLEMENTAL REGULATIONS**

**Section 1.0 Front Yard Requirements**

- A. Where a building is to be erected on a lot or parcel of land that is within fifty (50) feet of existing buildings on both sides, the minimum front yard shall be the line drawn between the closest front corners of the adjacent buildings.
- B. Where a building is to be erected on a lot or parcel of land that is within fifty (50) feet of an existing building on one (1) side only, such building may be erected as close to the street as the existing adjacent building.
- C. Through and corner lots shall provide the required front yard on all abutting streets.

**Section 2.0 Height Modifications**

- A. Any limitation on the number of stories shall not apply to buildings used exclusively for storage purposes, provided such buildings do not exceed the height in feet permitted in the district in which they are located.
- B. All chimneys, cooling towers, elevators, bulkheads, fire towers, steeples, penthouses, stacks, stage towers or scenery lofts, tanks, water towers, ornamental towers and spires, wireless telecommunications, television or radio towers, where permitted, may be erected to any height not in conflict with existing or hereafter adopted ordinances of the City. Where accessory to residential uses, such structures shall be limited to a height of twenty-five feet (25') above the permitted height of structures in that district.

**Section 3.0 Cornices, Eaves, Decks and Balconies**

- A. Sills or ornamental features of a building shall not project more than six (6) inches into any required yard.
- B. Cornices or eaves shall not project more than twenty-four (24) inches into any required yard.
- C. Unenclosed balconies and decks shall be located in the rear or side yards and shall not be located closer than fifteen feet (15') from the rear property line and ten feet (10') from a side property line
- D. Enclosed or roofed balconies and decks shall comply with the required building setback for the zoning district.

## **Section 4.0 Fences and Walls**

- A. No fence shall be allowed in the front yard(s), in any Single Family Residential District .
- B. Fences shall not exceed a height of six and one-half feet (6 1/2') as measured from the topmost point of the fence to the ground or surface along the center line of the fence.
- C. The following types of fences are permitted in all zoning districts: masonry walls, ornamental iron, chain link, wood and vinyl.
- D. Except in the A-1, I-1 and I-2 districts, the following types of fences are prohibited: any fence carrying electric current, any fence that utilizes spikes, barbed wire or other materials designed to inflict wounds to those coming in contact with the fence.
- E. A commonly owned, decorative masonry wall or a wrought iron fence, may be constructed along the perimeter of a residential subdivision as part of the development of the subdivision, provided that:
  - 1. The wall or fence, and associated easement or parcel, is approved as part of the subdivision plats for the subdivision.
  - 2. The wall or fence does not exceed six and one half (6 1/2) feet in height.
  - 3. The wall or fence is owned by the homeowners association and is located within a common easement or parcel.
  - 4. The wall or fence is not constructed between the front of a dwelling and a public street.
  - 5. All such masonry walls shall have a brick or stone surface. All such wrought iron fences shall have vertical brick columns spaced not more than ten (10) feet apart.
- F. A building permit shall be required prior to the erection of any fence or wall.

## **Section 5.0 Accessory Buildings and Structures**

- A. In all residential zoning districts, accessory structures less than ten (10) feet in height shall be permitted within five (5) feet of any side or rear property line but shall not occupy any portion of the front yard. All accessory structures ten (10) or

more feet in height shall be set back one (1) additional foot for each three (3) feet in height above ten (10) feet, but shall not exceed sixteen (16) feet in height.

- B. Each residential lot may have one accessory building in addition to a detached garage. All accessory buildings in a residential zoning district including the MHSD district, shall comply with the following requirements:
  - 1. The maximum floor area for all accessory buildings except detached garages shall be twenty-five percent (25%) of the habitable floor area of the dwelling. The maximum floor area for detached garages shall be fifty percent (50%) of the habitable floor area of the dwelling.
  - 2. All accessory structures shall be constructed of materials which are compatible with dwellings in the neighborhood in order to insure the aesthetic value and appearance of the neighborhood is maintained.
  - 3. Accessory structures shall not be built prior to the construction of the primary structure and shall not be used for purposes which are not normally incidental to residential use.

### **Section 6.0 Accessory Antennas**

- A. Ground mounted antennae shall not be located in the front yard.
- B. Antennae shall be neutral in color.

### **Section 7.0 Temporary Structures and Building Material Storage**

Building materials and temporary structures for construction purposes shall not be placed or stored on any lot or parcel of land or public right-of-way before appropriate building permits have been issued by the City. Such building materials and temporary structures shall be removed upon completion or abandonment of the construction work.

### **Section 8.0 Garage or Yard Sales**

- A. Garage or yard sales may be conducted on a lot or parcel for not more than three (3) days (whether consecutive or not) during any 90-day period.
- B. All signs, display tables, stands, racks, and similar items shall be removed immediately after such sale and such items shall be stored inside an enclosed building or screened from public view while sales are not in progress.
- C. See Article IX, Section 6.0(B) for permitted yard sale signs.

## **Section 9.0 Private Swimming Pools**

- A. Permanent swimming pools, which are wholly or partially above ground level, shall be located in the rear yard of a Single Family or Townhouse Residential District and no closer than twenty-five feet (25') from any property line. No mechanical appurtenance shall be located within ten feet (10') of any property line.
- B. Swimming pools constructed below grade shall be subject to the following:
  - 1. The pool and mechanical appurtenances shall be located no closer than ten feet (10') from any property line.
  - 2. The pool shall be enclosed at the time of construction by a fence of not less than four feet (4') in height. The gates shall be provided with permanent self-latching devices.
  - 3. The pool shall be constructed in compliance with the building codes adopted by the City .
  - 4. All exterior lighting fixtures shall be constructed to direct the beam of light below the horizontal plane of the fixture, reflecting away from any adjacent property. Said fixtures shall not exceed ten (10) feet in height.

## **Section 10.0 Private Tennis Courts**

- A. Tennis courts shall be located in the rear yard of a lot or parcel in a Townhouse or Single Family Residential District .
- B. Tennis courts shall be located at least twenty five (25) feet from a property line in a Townhouse or Single Family Residential District .
- C. Exterior light fixtures shall direct the beam of light down on the premises and shall not exceed twenty (20) feet in height when located within fifty (50) feet of a Townhouse or Single Family Residential District boundary.

## **Section 11.0 Home Occupations**

Home occupations shall comply with the following requirements:

- A. The home occupation shall be clearly incidental to residential use of the dwelling and shall not change the character thereof. The home occupation shall not create noise, generate traffic or result in any other activity that is not normally associated with residential use.

- B. Home occupations shall be limited to an office or personal service business.
- C. Home occupations shall be confined to twenty-five percent (25%) of the principal dwelling and outside storage of equipment, materials or merchandise is prohibited. No accessory buildings or structures shall be used in connection with the home occupation.
- D. Employment shall be limited to the members of the family residing in the dwelling.
- E. Instruction of music, dancing and similar activities shall be limited to two (2) students at a time and any noise created by the activity shall not be detectable off the premises.
- F. Hours of operation shall occur between 7:00 am and 10:00 pm.
- G. The Building Inspector and/or a representative of the Public Safety Department of the City shall be permitted to make an inspection, upon receipt of the initial application; and, in addition, make inspections at license renewal time or at any time, upon reasonable request, to enter and inspect the premises for safety and compliance purposes.
- H. In the event of the death or relocation of a home occupation licensee, the existing license shall automatically terminate. However, if a surviving spouse or adult child, residing at the same residence at the time of this event desires to continue the home occupation, the license would remain in effect, providing everything else is in full compliance with the requirements set forth in the Zoning Board of Adjustment approval and this Ordinance.

## **Section 12.0 Self-Service Storage Facilities**

- A. Self-service storage facilities shall be limited to the rental of storage units and the pick-up and deposit of goods or property in dead storage. Vehicle and trailer rental are permitted on the premises as an accessory use. Rental vehicles shall not be parked in required parking spaces, drives or parking lanes.
- B. Storage units shall not be used to manufacture, fabricate or process goods; conduct servicing or repair; conduct garage sales or retail sales of any kind; or conduct any other commercial or industrial activity.
- C. Hazardous materials, flammable and combustible liquids and explosives shall not be stored in any self-service storage unit.
- D. Except as provided herein, all property stored on the premises shall be entirely within an enclosed building. Open storage of recreation vehicles and boats is permitted, subject to the following:

1. Storage shall occur only in a designated area which is clearly delineated for open storage.
  2. Such areas shall not exceed 10 percent of the lot or parcel area.
  3. Such areas shall be screened from view from property zoned for detached dwellings and public property, including the public right-of-way.
  4. Storage shall not occur in required parking spaces, drives or parking lanes.
  5. Vehicle maintenance, washing or repair is prohibited.
- E. A caretaker or security guard dwelling is permitted on the premises.
- F. Required parking spaces shall be located adjacent to the building or use which they serve. Floor area within the rental or leasing office, which is devoted to uses other than the rental of storage units, shall be provided with additional parking spaces, at a ratio of one (1) space per two hundred (200) square feet of gross floor area.
- G. Self storage facilities which feature both multi-access and limited access storage facilities shall comply with all of the requirements pertaining to both types of storage units.
- H. Regulations Pertaining Only to Multi-Access Facilities
1. Minimum lot area shall be three acres.
  2. Access drives with direct access to storage units shall be at least twenty six (26) feet wide. Storage unit doors shall be screened from view from property zoned for detached dwellings. The building, including storage unit doors, shall be a color which blends with the surrounding built and natural environment and shall not be a color which attracts attention to the premises.
- I. Regulations Pertaining Only to Limited Access Facilities
- Each entry point to the building used to access hallways leading to the storage units shall have at least two (2) loading berths and related maneuvering areas. The loading and maneuvering areas shall not interfere with the traffic circulation system of the premises.

## **Section 13.0 Communications Towers**

The purpose of these regulations is to establish minimum standards for communications towers. These regulations are designed to ensure the compatibility of towers with the surrounding natural and built environments and to discourage the proliferation of towers in the city.

### **13.1 Applicability.**

All communication towers are subject to these regulations.

### **13.2 Standards.**

- A. The proposed tower shall comply with wind loading and other structural standards contained in applicable building and technical codes.
- B. The proposed facility shall be designed to minimize adverse visual impacts to surrounding properties and the public right-of-way.
- C. The proposed facility shall be compatible with the surrounding natural and built environments.
- E. The proposed tower shall comply with FCC and other applicable agency standards so as not to interfere with existing communications services.
- F. The proposed tower shall comply with all applicable federal, state, county and city health standards so as not to cause detrimental health effects to persons in the surrounding area.

### **13.3 Development Criteria.**

The following are minimum development criteria. The Zoning Board of Adjustment may require additional measures to ensure compatibility with the surrounding area.

- A. All communication towers shall be monopole design.
- B. The distance between the base of the tower and a dwelling shall be equal to or greater than the height of the tower. All towers shall be setback at least twenty (20) feet from any public street right-of-way.
- C. Towers shall maintain a galvanized steel or concrete finish so as to reduce the visibility of the structure, unless other standards are required by the Federal Aviation Administration (FAA). The design of the tower compound shall maximize use of building materials, colors, textures, and landscaping that effectively blend the tower facilities with the surrounding natural and built environments.

- D. Towers shall not be artificially lighted unless required by the FAA or other authority for safety purposes. When lighting is required by the appropriate authority, dual lighting (red at night/strobe during day) shall be used when permitted by said authority.
- E. A landscaped buffer shall be installed as required by this Ordinance. The compound shall be secured with dark vinyl coated steel security fencing. The Zoning Board of Adjustment may impose increased buffer standards to include a decay-resistant, solid wood fence, earth berms and brick or masonry walls in addition to the security fencing. All fencing and landscaping shall be maintained by the lessor/owner. In certain locations where the visual impact of the compound is minimal, such as remote areas or developed heavy industrial areas, the landscaping requirement may be reduced or waived by the Zoning Board of Adjustment.

#### 13.4 Co-Location

A new tower shall not be approved until the applicant demonstrates to the reasonable satisfaction of the Zoning Board of Adjustment, that no existing tower or structure can meet the service area needs. New towers shall be designed to accommodate at least four (4) telecommunications antennae.

#### 13.5 Stealth Towers

The Zoning Board of Adjustment may require mono-pine towers and other techniques to disguise, hide or screen the view of the tower and antennae from the surrounding area.

#### 13.6 Removal of Obsolete Towers

Any tower that is no longer in use for its original communications purpose shall be removed at the owners expense. The owner shall provide the Building Inspector with a copy of the notice of the FCC of intent to cease operations which shall be given ninety (90) days from the date of ceasing operations to remove the obsolete tower and accessory structures.

#### 13.7 Application.

Any application submitted to the Zoning Board of Adjustment shall contain the following information, as well as any other information necessary to show compliance with these standards:

- A. A brief written statement shall address conformance with the requirements of this section.

- B. A site plan at an appropriate scale that shows the location and dimensions of all improvements, including the tower, accessory cabinets and structures, setbacks, drives, parking, fencing, landscaping, and other information necessary to determine compliance with the development criteria of these regulations.
- C. A color rendering of the tower and compound
- D. Documentation that the proposed antennae cannot be accommodated on an existing tower or structure.
- E. Certification by a qualified engineer, registered in the State of Alabama, that the proposed tower can accommodate at least four (4) telecommunications antennae.

## **Section 14.0 General Site Design Standards**

The following standards shall apply to development in all zoning districts.

### **14.1 Exterior Light Fixtures**

- A. All exterior light fixtures shall be designed to cast light down upon the premises and to minimize light “spill over” on adjacent properties. The use of dark sky technology shall be employed on all exterior light fixtures which illuminate parking areas from all multi-family residential, institutional, commercial and industrial uses.
- B. All exterior light fixtures located in a Single Family Residential District or within one hundred (100) feet of a Single Family Residential District shall not exceed twenty four (24) feet in height.
- C. All exterior light fixtures and supporting poles shall be a neutral color and not used to attract attention to the premises.
- D. Except in the residential and Agriculture districts, all light fixtures located on the ceiling of a canopy shall be recessed into the canopy so that the fixture and lense do not extend below the ceiling.

### **14.2 Garbage and Trash Containers**

All garbage and trash containers, other than portable carts and garbage cans, shall be screened from view from off the premises, to the extend topography allows. All such containers shall be permanently stored within an enclosure that has four (4) sides and is of sufficient height and size to conceal the container from view. Such enclosures shall not be located in the front yard(s) of the premises and shall be constructed of wood or

masonry materials. These requirements shall not apply to lots and parcels in the I-2 Heavy Industrial District in locations that are not visible from the public right-of-way.

#### 14.3 Detention Ponds, Retention Ponds and Storm Water Channels

Detention ponds located in the front yard(s) of a lot or parcel shall be landscaped around the perimeter in order to screen the pond from view. The landscaping shall be comprised of plant materials listed in the Tree Selection Guide and include shrubs and trees. Retention ponds shall be designed and constructed to be site amenities which enhance the appearance of the premises. Open ditches and the use of rip-rap and other crushed rock are prohibited in front yard(s), side yard(s) and in the public right-of-way. Storm water channels in these areas shall be swales, buried pipes or bio-swales.

#### 14.4 Mechanical Equipment

Except in the residential and Agriculture districts, HVAC, refrigeration units and other mechanical equipment shall be screened from view from the public right-of-way, to the extent topography allows, by the use of parapet walls in the case of roof mounted equipment and privacy fencing or landscaping in the case of ground mounted equipment. Privacy fencing shall be constructed of wood or masonry materials.

#### 14.5 Fences and Walls

Except in the residential and Agriculture districts, a four (4) foot wide landscaped area shall be installed along the entire length of a fence, wall or retaining wall located in the front yard(s) of a lot or parcel, between the fence and the public right-of-way. The landscaped area shall be irrigated as stipulated in irrigation specifications of this Ordinance and shall be comprised of a double staggered row of evergreen shrubs and trees equivalent in number to one tree per thirty (30) linear feet of fence.

#### 14.6 Cut and Fill Slopes

All cut and fill slopes capable of retaining soil shall be planted with grass suitable for the location. Cut and fill slopes more than twenty (20) feet in height shall also be planted with a fifty (50) percent mix of pine and hardwood seedlings, planted on four (4) foot centers.

### **Section 15.0 Access Management**

- A. All proposed access drives to a public street shall be reviewed by the Building Inspector, Street Department and City Engineer. The proposed location, width, storm drainage and site distances shall be addressed in the request for approval.

B. Access drives shall be located at points affording maximum sight distances, minimum grades and maximum separation. Shared driveways and entrances and marginal access streets may be required.

C. The maximum number of access drives shall be as follows:

Street Frontage	Access Drives
Less than 125 Feet	One
125 to 300 Feet	Two
300 to 500 Feet	Three
500 to 1,000 Feet	Four
More than 1,000 Feet	Five

D. The property with frontage on two (2) or more streets may have entrances on each street in accordance with the above criteria.

E. The distance between openings shall be at least one hundred and twenty-five (125) feet, except for detached dwellings.

F. The access drives shall be located so that the curb openings are a minimum of five (5) feet from the nearest edge of a street drainage inlet and fifty (50) feet from the corner radius.

G. Turn lanes and other street improvements may be required by the City Engineer.

### **Section 16.0 Abandoned and Inoperable Vehicles**

Abandoned vehicles are prohibited throughout the City in all zoning districts. The storage of inoperable vehicles for more than one hundred and eighty (180) days is prohibited in all zoning districts, except for specific uses in the I-2 District. All inoperable vehicle storage areas shall be screened from view from off the premises by an opaque buffer or fence.

### **Section 17.0 Farms**

A. The minimum land area for a farm shall be five (5) acres.

B. The following farming activities shall be permitted:

1. Forage and sod crops.
2. Grain and seed crops.
3. Dairy animals and products.
4. Livestock, such as: beef cattle, swine, sheep, goats, or any similar livestock; including the breeding and raising of such animals but excluding commercial meat processing operations.
5. Poultry, including egg production, but excluding commercial poultry processing operations.
6. Nursery operations involving the raising of: plants, shrubs and trees for sale and transportation, including: greenhouses and the incidental sale of items associated with a nursery operation.
7. Bees and apiary products.
8. Fisheries, excluding commercial fish processing operations.
9. Fruit and vegetables of all kinds, including the growing and harvesting of such fruit and vegetables, but excluding commercial food processing operations.
10. Blacksmith operations
11. Non-commercial kennels for private use only
12. In the A-I Agriculture District, the minimum setback of livestock barns, commercial chicken houses, (fowl) houses, from adjoining property lines shall be one hundred feet (100'); from highway right-of-way lines, it shall be three hundred feet (300') provided however, that no livestock barn or chicken houses shall be built closer than three hundred feet (300') to the nearest then existing residence other than that of the owner. Swine (hogs) shall be housed, fed and watered not nearer than one hundred (100) feet to any adjoining property line or within three hundred feet (300') of any street or road right-of-way. (unless otherwise stipulated elsewhere in this Ordinance); provided however, no livestock barn or chicken houses shall be built closer than one hundred and fifty (150) feet to the nearest then existing residence other than the owner.
13. Non-farm related single-family residences and subdivisions are permitted, provided that the recording of lots in this district contains a minimum of

three (3) acres and is in compliance with the City of Leeds Subdivision Regulations.

- C. All incidental structures and activities commonly associated with a farm may include: barns, silos, animal pens, loading and unloading platforms, chutes, or other accessory uses.

### **Section 18.0 Hobby Farms**

- A. The minimum lot area shall be three (3) acres.
- B. Unless otherwise provided for in this Ordinance, the keeping of farm animals and fowl (livestock and fowl) shall be limited to the following types:
  - 1. Poultry
  - 2. Horses, donkeys, ponies. (The keeping of goats, sheep and swine are prohibited as a part of a hobby farm).
- C. The use shall be subject to the following setback and area requirements:
  - 1. Farm animals shall be housed not less than two hundred feet (200') from any adjacent lot not zoned A-I.
  - 2. Offensive animal odors shall not be detectable at the property line.
  - 3. At least one (1) acre of lot area shall be required for each horse, donkey, or pony. A maximum of forty (40) poultry for every acre of lot area shall be permitted.

### **Section 19.0 Cemeteries**

Where permitted, Cemeteries shall comply with the following requirements and submit a site development plan which depicts the boundaries of the cemetery, existing zoning, adjacent land uses, topography, drainage, and buffers.

- A. No part of a cemetery shall be located closer than two hundred feet (200') from any residential district in the City, nor closer than five hundred feet from any hospital or nursing care facility.
- B. A six-foot high protective wall or fence shall be constructed on all property lines, except at points of ingress and egress. A cemetery shall be exempt from any required buffering or screening along public rights-of-way. The facility shall have installed gates with locks at points of ingress and egress.

- C. No grave site shall be located closer than one hundred and fifty feet (150') from a water line or underground water supply.
- D. Mausoleums, crematoriums or any other buildings or structures accessory/incidental to a cemetery shall not be closer than two hundred feet (200') from any property line.

### **Section 20.0 Exterior Building Wall Finishes**

The following building facade requirements shall apply to all Special Exception Uses, all public buildings, all buildings in the NB, B-1 and B-2 business districts, all buildings in the I-1 Light Industrial District and all Conditional Uses in the residential districts:

In order to ensure the permanency of buildings, reduce the need for periodic maintenance and maintain a character which is commensurate with the public interest, the following materials shall be used as primary exterior building wall finishes on portions of all buildings which are visible from the public right-of-way: brick, stone, glass, wood, stucco, imitation stucco, pre-cast concrete, poured concrete and split-face concrete block.

### **Section 21.0 Parking of Commercial/Large Vehicles and Trailers**

Commercial vehicles, construction equipment, 18 wheelers, trailers and similar large or commercial vehicles shall not be parked in the front or side yards of any dwelling in a residential zoning district. Non-commercial, dual rear wheel pickup trucks are exempt from this requirement.

## **ARTICLE VIII OFF-STREET PARKING AND LOADING REQUIREMENTS**

### **Section 1.0 Purpose**

The purpose of this Article is to reduce traffic congestion on public streets by establishing minimum standards for off-street parking and loading areas for each type of use.

### **Section 2.0 Required Off-Street Parking Spaces**

Unless otherwise stipulated, all uses shall conform to the minimum parking requirements outlined herein.

Residential Uses		
	Residential Uses	Required Parking Spaces
1.	Detached dwelling	2 per Dwelling
3.	Attached Dwelling (Townhouses)	2 per Dwelling
4.	Manufactured Homes	2 per Manufactured Home
6.	Multiple Dwellings	1.5 per Dwelling
7.	Boarding House	2 plus one per rental room
8.	Senior Housing	1 per Dwelling
Industrial Uses		
	Industrial Uses	Required Parking Spaces
1.	Distribution Services	1 per employee on the largest shift and 1 per company vehicle
2.	General Manufacturing, Industries and Research Facilities and similar uses	2 per every 3 employees on the largest shift, 1 per company vehicle, but not less than 1 per 1,000 sf of GLA
3.	Warehouses and Wholesale Business	1 per employee on the largest shift and 1 per company vehicle
Institutional Uses		
	Institutional Uses	Required Parking Spaces
1.	Clubs	1 per 100 sf meeting space
2.	Community Centers, Gymnasiums and Auditoriums	1 per 300 sf of public area and 1 per 3 seats in public assembly rooms
3.	Country Clubs	1 per 3 persons (maximum capacity)
4.	Day Care Centers	1 per employee and 1 per 8 occupants (maximum occupancy)
5.	Hospitals	1 for every 2 beds, 1.5 for every emergency bed, plus 1 per employee
6.	Nursing and Domiciliary Care	1 per 5 beds and 1 per employee on the largest shift

7.	Group Care Facilities and Rehabilitation Facilities	1 per 2 persons (maximum occupancy) and 1 per employee
8.	Places of Worship	1 per 3 persons (maximum occupancy)
9.	Post Offices	1 per 300sf of GLA and 1 per employee
10.	Public Assembly Areas	1 per 3 persons (maximum occupancy)
11.	Public Facilities	1 per 300 sf public floor area
12.	Colleges and Universities	1 per 3 students (maximum enrollment) and 2 per 3 employees
13.	Elementary and Junior High Schools	1 per 8 students (maximum enrollment) and 1 per employee
14.	Vocational and High Schools	1 per 3 students (maximum enrollment) and 1 per employee
Commercial Uses		
	Commercial Uses	Required Parking Spaces
1.	Appliance Stores and Other Large Item Showrooms	1 per 500 sf of GLA
2.	Banks	1 per 150 sf of GLA and 4 stacking spaces per drive-in window
3.	Bed and Breakfast Inns	1 per guest bedroom and 1 per employee
4.	Billiard rooms/pool hall	2 per table
5.	Barber/beauty shops	1 per 100 sf of GLA
6.	Bowling Alleys	4 per alley
7.	Farm Support Business	2 per 3 employees and 1 per company vehicle
8.	Home Improvement Centers	1 per 400 sf of GLA
9.	Car Washes	2 per 3 employees and 4 stacking spaces per bay
10.	Clinics	6 per practitioner
11.	Commercial Schools	1 per 3 students (maximum occupancy) and 2 per 3 employees

12.	Convenience Stores	1 per 125 sf of GLA
13.	Funeral Homes	1 per 3 occupants (maximum capacity)
14.	Gasoline Service Stations	2 per service bay, 1 per company vehicle, 2 per 3 employees and 2 stacking spaces per fuel island
15.	General Retail Business	1 per 200 sf of GLA
16.	Hotels and Motels	1 per room and 2 per 3 employees plus required parking for restaurants and lounges
17.	Laudromat	1 per machine
18.	Self Service Storage, Limited Access	1 per 50 units, plus 1 space per 200 sf of office and retail sales area
19.	Self Service Storage, Multi Access	1 space per 200 square feet of retail sales area
20.	Motor Vehicle Sales	1 per 500 sf of sales area, 1 per service bay, 1 per 5,000 sf of outdoor display area
21.	Office	1 per 250 sf of GLA
22.	Outdoor Recreation: Golf Course Carpet Golf Golf Driving Range Other	3 per hole 2 per hole 1 per driving booth 1 for every 3 persons of capacity
23.	Open Air Markets	1 per 100 sf of display area
24.	Restaurants	1 per 100 sf of GLA, 1 per delivery vehicle and 4 stacking spaces per drive-in window
25.	Theaters	1 per 3 seats

### Section 3.0 General Parking Requirements

- A. The parking space requirement for a use not specifically mentioned herein shall be the same as required for a similar use.
- B. In the case of joint or mixed uses, the parking spaces required shall equal the sum of the requirements of the various uses computed separately.

- C. These requirements shall apply to all additions, expansions, enlargements or reconstructions on the basis of the addition, expansion, enlargement or reconstruction only.
- D. Off-street parking areas and spaces serving publicly owned, outdoor recreation facilities may have a surface other than asphalt or concrete, subject to approval by the City Engineer.
- E. In residential districts, parking shall be provided on the same lot as the use it serves. In other districts, parking may be provided on an adjacent lot if the subject use is a permitted use on the adjacent lot. Where the required parking spaces are not located on the same lot as the building or use served, a written agreement shall be executed between the affected property owners which dedicates the off-site parking area and spaces for such purposes. The agreement shall run with the land, be approved as to form by the city attorney, filed with the application for a building permit, and be in full force and effect until released by resolution of the City Council.
- F. No off-street parking spaces, except for detached dwellings, shall be entered or exited directly from a public street or alley.
- G. The use of any required parking space for the storage of any motor vehicle for sale, repair or any other purpose other than the parking of motor vehicles is prohibited.
- H. Parking of an inoperative motor vehicle in a residential district shall be within a fully enclosed building or structure or be completely screened or shielded from public view. Inoperative motor vehicles shall not be parked on any public street or alley.
- I. No vehicle exceeding 10,000 pounds gross weight and no boats, trailers, recreational vehicles, campers and similar vehicles or equipment, regardless of weight, shall be parked within a residential district, unless such vehicle is parked behind the front building line.
- J. Off-street parking shall not be required in the B-1 Central Business District, except for dwellings which shall provide at least one and one half (1 ½) off-street parking spaces per unit in the rear or side yards.
- K. Parking spaces and drive aisles in excess of the minimum number of spaces required by this Article, and parking spaces for public parks, may have permeable surfaces such as crushed stone, grass pavers and other materials approved by the City Engineer.

- L. The minimum number of parking spaces for shopping centers of one hundred thousand (100,000) square feet or more shall be four and one half (4.5) spaces per one thousand (1,000) square feet of floor area. The minimum number of parking spaces for shopping centers of five hundred thousand (500,000) square feet or more shall be four (4.0) spaces per one thousand (1,000) square feet of floor area.

#### **Section 4.0 Design of Off-Street Parking Areas**

- A. Each parking space shall measure nine feet (9') in width and nineteen feet (19') in length.
- B. Parking space access aisles shall be at least twenty-two feet (22') in width.
- C. All parking areas shall be paved with asphalt or concrete.
- D. All parking spaces, except those serving detached dwellings, shall be demarcated with painted lines, except those spaces with a permeable surface.

#### **Section 5.0 Off-Street Loading Spaces**

- A. Off-street loading spaces for trucks shall be provided for each business, in order to avoid interference with use of off-street parking areas, streets and alleys.
- B. Each loading space and maneuvering area shall be of sufficient size to accommodate delivery vehicles.
- C. No loading space shall be used to meet the off-street parking space requirement, interfere with on-site circulation of traffic or allow a truck to extend into any right-of-way or over any property line.
- D. All required loading spaces shall be located on the same lot as the use served.

### **ARTICLE IX SIGN REGULATIONS**

#### **Section 1.0 Purpose and Intent**

The purpose of these sign regulations is to encourage the effective use of signs as a means of communication, to maintain and enhance the aesthetic environment and the City's ability to attract economic development and growth, to improve pedestrian and traffic safety, to minimize the possible adverse effects of signs on nearby public and private property, and to enable the fair and consistent enforcement of these regulations.

## **Section 2.0 Definitions**

The following definitions are applicable to the Sign Section of this Ordinance:

Animated Sign. Any sign that uses movement or change in lighting to depict a special effect.

Banner. Any sign of light-weight fabric or similar material that is temporarily mounted to a building wall.

Bench Sign. Any sign located on any part of the surface of a bench or seat placed on or adjacent to a public right-of-way.

Billboard. A sign which directs attention to a business, commodity, service or activity sold or offered for sale at a location other than the premises upon which the said billboard is located.

Erect. To build, construct, attach, hang, place, mount, suspend or affix a sign, including the painting of wall signs upon the exterior wall surface of buildings or other structure.

Flag. A piece of fabric or other flexible material attached to a pole, and displayed perpendicular to the ground, that solely contains distinctive colors, patterns, standards, words, or emblems used for ornamentation or as a symbol of an organization or entity and does not meet the definition of sign .

Free-Standing Sign. Any sign supported by structures or supports that are anchored in the ground and independent from any building or other structure.

Ground Sign. A free-standing sign less than six (6) feet in height, that is permanently affixed to the ground for the entire width of the sign face or cabinet.

Illumination, Indirect. An external light source that is directed towards the sign.

Illumination, Direct. An internal light source located behind the sign face.

Intermittent Light. Any flashing or traveling lights.

Marquee Sign. A sign which is integral to a permanent roof-like structure projecting beyond a building, generally designed and constructed to provide protection from the weather.

Mural. Artwork painted directly on the wall of a building which does not advertise an object, product, place, activity, facility, service, event, attraction, person, institution, organization or business.

Non-Conforming Sign. Any sign that does not conform to the requirements of this Ordinance.

Off-Premise Sign. A sign that directs attention to a business, commodity, service, entertainment or activity conducted, sold or offered for sale at a location other than the premises upon which the sign is located.

On-Premise Sign. A sign that directs attention to a business, commodity, service, entertainment or activity conducted, sold or offered for sale on the premises where the sign is located.

Permanent Sign. A sign which is designed and constructed to be permanently affixed to a building, structure or to the ground.

Portable Sign. Any sign which is not permanently fixed to the ground or other permanent structure or a sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels, signs converted to "A" or "T" frames, menu and sandwich board signs and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless said vehicle is used in the day to day operation of a business.

Projecting Sign. A sign affixed to and perpendicular to a building wall in such a manner that it extends more than fourteen (14) inches beyond the surface of the building or wall.

Reader Board or Message Sign, Electronic. A sign that is designed so that the characters, letters or illustrations can be electronically changed or arranged.

Reader Board. A sign that is designed so that the characters, letters or illustrations can be manually changed or arranged.

Roof Sign. A sign that is mounted on the roof of a building or that is wholly dependent upon a building for support and projects above the highest point of a building with a flat roof, the eave line of a building with a gambrel, gable or hip roof, or the deck line of a building with a mansard roof.

Sign. A name, identification, image, description, display or illustration which is affixed to, painted on or represented directly or indirectly upon a building, structure or piece of land and which directs attention to an object, product, place, activity, facility, service, event, attraction, person, institution, organization or business and which is visible from off the premises.

Sign Area. The area of the sign cabinet for cabinet signs; or the smallest geometric shape that encompasses the extreme limits of the writing, representation, emblem or other display which constitutes the sign, together with any material or color forming the background of the sign or used to differentiate the sign from the backdrop against which

it is placed. The sign area for a sign with more than one sign face shall be computed by adding the area of all sign faces visible from any one point. When two (2) sign faces are placed back to back, so that both faces cannot be viewed from any one point, and when such sign faces are not more than forty-two (42) inches apart, with a horizontal angle no greater than thirty (30) degrees, the sign area shall be computed by the measurement of one (1) of the sign faces.

Sign Face. The surface or surfaces used for the display of a sign message as seen from only one direction.

Temporary Sign. Any sign not originally designed, constructed or intended to be permanently affixed to any building, structure or the ground.

Wall Sign. Any sign painted on or attached and parallel to the face of the outside wall of a building and supported by such wall or building and which contains only one sign face.

Window Sign. Any sign which advertises a business, commodity, product, service, event or sale within the building to which is attached, that is placed inside a window and is visible from the exterior of the building.

### **Section 3.0 Prohibited Signs**

- A. Any sign erected or maintained at any location where by reason of its position, illumination, shape, symbol, color, form or character may obstruct, impair, obscure, interfere with the view of, or may be confused with any authorized traffic sign, signal or device.
- B. Any sign which emits noise smoke or steam.
- C. Any sign or supports, other than a projecting sign, that extends or projects over a public right-of-way or property line, unless expressly authorized.
- D. Electronic reader boards; any intermittent light, illuminated tubing, or strings of lights; revolving, moving, reflecting or animated signs; and beacons, streamers, pennants, banners and propellers.
- E. Any sign with illegal, obscene, or prurient words, scenes, or graphics.
- F. Any sign painted on or attached to a utility pole, rock, tree, bench, or similar sign.
- G. Any sign that blocks a fire escape, door, window, parking or loading aisle or space.
- H. Any unsafe or illegal sign

- I. Portable signs, searchlights, balloons, umbrellas used for advertising and similar signs.
- J. A sign displayed on a vehicle parked primarily for the purpose of advertising a business, product or service.
- K. Off-premise signs, except as expressly permitted in this Article.
- L. Roof Signs
- M. Signs which no longer advertise a bona fide business, institution, event, location, product or service.
- N. Signs located in a public street right-of-way.

**Section 4.0 General Regulations Applying to All Signs.**

The following regulations shall apply all zoning districts:

- A. No person shall park any vehicle or trailer on a public street or public parking area for the sole purpose of advertising.
- B. No sign shall occupy any portion of a parking space or aisle.
- C. All signs shall conform with the Building Code adopted by the City.
- D. If a sign requires an ALDOT permit, said permit shall be issued before a permit is issued by the City.
- E. The owner of the sign shall be responsible for maintenance of the sign and removal of the sign.
- F. Free-standing signs may include manual changeable copy.
- G. Signs placed in the window of a business shall not cover more that twenty five (25) percent of the window surface area.
- H. No person may, for the purpose of increasing or enhancing the visibility of any sign; damage, trim, destroy or remove any trees, shrubs or other vegetation within any right-of-way or landscaped area required by this Ordinance, unless express written authorization is obtained from the entity having jurisdiction over said right(s)-of-way or landscaped areas.

- I. Signs which no longer advertise a bona fide business, institution, event, location, product or service are prohibited and shall be removed by the owner within thirty (30) days after notification by the City that the sign must be removed.

**Section 5.0 Exempt Signs, Permit Exemptions.**

- A. Permanent or temporary signs required to be posted by law.
- B. Permanent or temporary WARNING and NO TRESPASSING signs.
- C. Permanent or temporary signs required by any government agency.
- D. Flags, that do not meet the definition of sign.
- E. Temporary holiday decorations.
- F. Signs not exceeding three (3) square feet in area and bearing only property numbers and/or names of the occupants of a residential premises.
- G. On-premise window signs located in business districts, which cover twenty (20) percent or less of the window glass surface area.
- H. Temporary, non-illuminated signs which are used to offer the sale, lease or rent of property

**Section 6.0 Temporary Signs**

- A. A temporary sign permit shall be obtained by the responsible party, to post any political campaign signs, provided that they do not create traffic hazards. The responsible party shall remove all such signs within seventy-two (72) hours of the end of the election to which they pertain. Such signs shall not be illuminated.
- B. Yard Sales:
  - (1) Permit-holders may place one sign in the front yard of the residence where the sale is to be conducted which sign shall not be erected more than two (2) days prior to sale and must be removed on the final day of such sale;
  - (2) Permit-holders may place up to two (2) directional signs in permitted locations (see Section 3.0 of this Article), which signs shall contain the address and date of the sale, and which signs shall not be erected more than one (1) day prior to sale and must be removed on the final day of such sale;

- (3) Any sign erected under subsections (1) or (2) of this section must not exceed a size of six (6) square feet in area and may not be illuminated or animated;
  - (4) Any Person who violates subsections (1), (2) or (3) of this section shall be guilty of a misdemeanor and, upon conviction, shall be fined not more than twenty-five dollars (\$25.00) per sign;
  - (5) Any non-conforming sign(s) may be confiscated and destroyed.
- C. A temporary sign permit shall be required in order to post signs located in the agricultural district which advertise agricultural products sold on the premises. Such signs shall not exceed four (4) square feet in sign area, shall not be illuminated and shall only be permitted for a continuous period of four months or less during any calendar year.
- D. One (1) free-standing construction sign per street frontage is permitted in all districts except detached and attached dwelling districts, where construction is in progress under a current building permit. The sign shall not exceed eight (8) feet in height or thirty-two (32) square feet in area, shall not be non-illuminated and may include the name of the project and names of firms associated with the project. Such sign must be removed before a Certificate of Occupancy is issued.
- E. One (1) free-standing construction sign per subdivision entrance street is permitted in the detached and attached dwelling districts, where construction is in progress under a current building permit. The sign shall not exceed eight (8) feet in height or thirty-two (32) square feet in area, shall not be non-illuminated and may include the name of the subdivision and names of firms associated with the project. Such sign shall be removed prior to such time as the City has issued permits for 90 percent of the dwellings in the subdivision or upon erection of the permanent subdivision identification sign, whichever occurs first.
- F. Each business may display one (1) banner on not more than two (2) occasions each calendar year for a period not to exceed fourteen (14) days for each occasion. A temporary sign permit shall be required prior to display of the banner. The banner shall not exceed thirty (30) square feet of sign area and shall be attached to a building wall which defines the premises of the subject business.
- G. Real estate signs:
- 1. On-premise real estate “for sale” or rental signs (residential): Two for sale or rental signs for residential property, provided such sign is located entirely within the property, does not exceed four (4) square feet in copy area and is removed within three (3) days after the sale or rental of the property.

2. Off-premise real estate or rental signs (residential): Three (3) off-premise signs advertising the selling or rental of such property not to exceed two (2) square feet of copy area. No such sign shall be permitted for a period longer than ninety (90) days or three (3) days after closing of the sale or rental of the property, whichever comes first.
3. On-premise real estate for sale or for rent signs (commercial): One real estate for sale or for rent sign for commercially zoned properties, provided such sign is located entirely within the property and does not exceed thirty-two (32) square feet of copy area. Such sign shall be removed within three (3) days of closing of sale or rental.
4. Off-premise real estate for sale or for rent signs (commercial): One (1) off-premise sign advertising the selling or rental of such property, not to exceed two (2) square feet of copy area. No such sign shall be permitted for a period longer than ninety (90) days or three (3) days after closing of the sale or rental of the property, whichever comes first.

**Section 7.0 Signs Permitted in the Agriculture and Residential Districts.**

- A. One (1) ground sign which identifies the name of a subdivision is permitted at each public street entrance in all Single Family and Townhouse Residential Districts. The sign shall not exceed thirty-two (32) square feet in area and may be indirectly illuminated.
- B. One (1) ground sign which identifies the name of a multiple dwelling is permitted at each public street entrance. The sign shall not exceed thirty-two (32) square feet in area and may be indirectly illuminated.
- C. Permitted and Conditional Uses which are not conducted within a dwelling may have one (1) ground sign per public street entrance. The sign shall not exceed thirty two (32) square feet in sign area and shall not be directly illuminated.

**Section 8.0 Signs Permitted in the NB and B-2 Districts**

- 8.01 Non-retail buildings may have one (1) ground sign per public street entrance. The sign shall not exceed forty eight (48) square feet in sign area. Non-retail tenants in a shopping center may have signs permitted for a retail business.
- 8.02 Each campus development such as a university, office park, business park or sports park may have one (1) ground sign at each public street entrance, that does not exceed forty-eight (48) square feet of sign area and is indirectly illuminated.

## 8.03 Retail Establishments

### A. Establishments Which Sell Gasoline

Establishments which sell gasoline at retail may increase the permitted free standing sign area by thirty six (36) square feet to advertise the price of gasoline. Car washes located at such establishments may have a wall sign which does not exceed twenty four (24) square feet.

### B. Free-Standing Signs

1. Each lot or parcel may have a maximum of one (1) free-standing sign per six hundred (600) feet of street frontage, regardless of the number of businesses or other entities located on the lot or parcel. Lots and parcels with less than six hundred (600) feet of street frontage may have one free-standing sign. Free-standing signs shall not exceed twenty (20) feet in height. Ground signs shall not exceed six (6) feet in height. The permitted sign area for free-standing signs is depicted in the sign area table. The permitted sign area depicted in the table may be increased by twenty five (25) percent for ground signs.
2. Multi-story buildings are only permitted ground sign(s).
3. Individual tenants in a multi-tenant building shall not be permitted a free-standing sign.

### C. Wall Signs

1. Each business may have wall sign(s), the total sign area of which does not exceed the amount permitted in the sign area table.
2. Businesses or other entities located above the first story of a building (except a shopping center building) shall not be permitted a wall sign.
3. Shopping centers shall not be permitted a building wall sign, other than those permitted for the individual tenants.
4. The permitted wall sign area depicted in the sign area table may be doubled:
  - (a) For single occupant buildings situated on a separate lot or parcel that abuts more than one public street

(b) For corner tenant spaces that face more than one public street.

5. All wall signs shall be attached to a building wall that encloses the subject building or tenant space.

D. Canopy Signs

1. Each building or establishment which is permitted a wall sign, may have a canopy sign in lieu of a wall sign. No building or establishment may have both canopy and wall signs.
2. Canopies shall be limited to the front wall of the building, shall not extend more than three (3) feet from the building and shall not extend more than sixty (60) percent of the length of the building wall on which it is located.
3. Canopy signs shall not cover more than seventy five (75) percent of the canopy surface area or the maximum wall sign area for the building or establishment, whichever area is less. Canopy signs shall not be illuminated.

**Section 9.0 Signs Permitted in the B-1 District**

9.01 Free Standing Signs

Free-standing signs are prohibited in the B-1 District

9.02 Wall Signs

- A. Each business or other entity may have wall sign(s), the total sign area of which does not exceed the amount permitted in the sign area table.
- B. Business or other entities located above the first story of a building shall not be permitted a wall sign.
- C. All wall signs shall be attached to a building wall that encloses the subject building or tenant space.

9.03 Projecting Signs

One (1) projecting sign which shall be attached to the wall of the establishment it serves, provided no other signs for such establishment are located on the same building wall. Such sign shall not project outward more than forty-eight (48) inches from the face of the

building. It shall not exceed twenty (20) square feet in sign area and shall have a minimum clearance of ten feet (10') from the lowest point of the sign to the ground.

#### 9.04 Murals

Murals are permitted, subject to approval by the Leeds Historical Commission and City Council.

### **Section 10.0 Signs Permitted in the I-1 and I-2 Districts**

#### 10.01 Ground Signs

Each lot or parcel may have a maximum of one (1) ground sign per public street entrance. The permitted copy area for ground signs is depicted in the sign area table. Each industrial park may have one (1) ground sign at each public street entrance, that does not exceed forty-eight (48) square feet of sign area and is indirectly illuminated.

#### 10.02 Wall Signs

Each business or other entity may have wall sign(s), the total sign area of which does not exceed the amount permitted in the sign area table.

### **Section 11.0 Non Conforming Signs**

All signs constructed after the effective date of this Ordinance shall conform in all respects to the requirements of this Ordinance. Non-conforming signs which are structurally altered for any reason, shall, upon completion of the alteration, conform to the requirements of this Ordinance. A non-conforming sign that is removed or destroyed to the extent of more than fifty percent (50%) of its current replacement value at the time of such damage, may only be rebuilt in conformity with the provisions of this Article.

### **Section 12.0 Construction And Maintenance of Signs**

- A. All signs shall comply with the building codes adopted by the City.
- B. All signs and structural supports shall be maintained in compliance with the building codes adopted by the City.
- C. The areas surrounding the base of all free-standing signs shall be kept clean of trash, debris and undergrowth.

**Section 13.0 Required Permits, Fees and Inspections.**

- A. Except for exempt signs, the erection or repair of a sign shall require a sign permit issued by the City.
- B. Erection of illuminated signs, including exempt signs, shall require an electrical permit issued by the City.

**Section 14.0 Sign Permit Application.**

Each application for a sign permit shall include the following:

- A. A non-refundable application fee in the amount of one hundred (100) dollars.
- B. A completed sign permit on forms provided by the City.
- C. A site plan which shows:
  - 1. Lot dimensions, zoning district, building floor area and principal use(s) on the lot where the sign is to be erected.
  - 2. A complete description of the sign(s) to be erected, including, but not limited to: the number, type, size, height and method of illumination.
  - 3. A scaled building elevation showing the proposed signs and a plot plan showing the location of proposed free-standing signs.
- D. Any other information sufficient for the Building Inspector to determine compliance with the requirements of this Article as deemed necessary by the City.

**Section 15.0 Review of Sign Permit Application**

In the event that the application for permit submitted by the applicant includes all information necessary to assure compliance with all appropriate laws and regulations, the building inspector shall notify the applicant in writing within thirty (30) days of the date of the application whether or not the application will be issued or denied. In the event the building inspector fails to provide written notification to the applicant as to the disposition of said building permit application within the prescribed thirty (30) day period, said application shall be deemed to be approved and the building inspector shall issue a sign permit described in said application.

### **Section 16.0 Denial of Sign Permit**

When a sign permit is denied by the building inspector, the building inspector shall give written notice to the applicant of the denial with a written statement of the reason or reasons for the denial. Said denial and statement shall be made as an attachment to the permit application.

An appeal of the denial for a sign permit may be taken to the Zoning Board of Adjustment. At such time as the applicant receives notice of the denial by the building inspector of the applicant's permit, he shall have the right to notify the Board of Zoning Adjustment of his intent to appeal. The applicant shall submit an appeal for administrative review before the Board, on forms provided by the City Clerk, within fifteen (15) days after the date the applicant received notice of the denial of the permit application or he is deemed to have waived his right to appeal to the Zoning Board of Adjustment. An appeal of the denial of a sign permit shall be heard at the next regularly scheduled meeting of the Zoning Board of Adjustment, after compliance with the application and notification procedures for said appeal.

### **Section 17.0 Expiration of Sign Permit**

Any permit, under which no construction work has been performed within six (6) months or which has not been completed within one (1) year from the original date of issuance, shall expire by limitation, but shall, upon re-application, be renewable, subject to the requirements of all Ordinances in effect at the time of said application for renewal.

### **Section 18.0 Temporary Sign Permit**

A temporary sign permit shall be issued by the City, on forms provided by the City, for all temporary signs permitted in Section 6.0 of this Article.

**Section 19.0  
SIGN AREA TABLE  
FOR RETAIL BUSINESS IN A SINGLE OCCUPANT BUILDING**

**Permitted Wall Sign Area in Square Feet  
for Each Single Occupant Building**

Gross Floor Area in Square Feet	NB District	B-1 District	B-2 District	I-1 District	I-2 District
Less than 2,800	50	50	50	40	40
2,800 - 14,999	50	50	50	40	40
15,000 - 29,999	60	60	100	100	100
30,000 - 44,999	60	60	180	180	180
45,000 or more	60	60	320	320	320

**Permitted Free-Standing Sign Area in Square Feet  
for Each Single Occupant Building\***

Less than 2,800	20		60	60	60
2,800 - 14,999	25		80	80	80
15,000 - 29,999	30		100	100	100
30,000 - 44,999	35		120	120	120
45,000 or more	40		140	140	140

**Section 19.0  
SIGN AREA TABLE  
FOR SHOPPING CENTERS**

<b>Permitted Wall Sign Area in Square Feet for each Tenant Space in a Shopping Center</b>					
Gross Floor Area in Square Feet	NB District	B-1 District	B-2 District	I-1 District	I-2 District
Less than 3,000	30	30	30	30	30
3,000 - 9,999	40	40	60	60	60
10,000 - 29,999	50	50	140	140	140
30,000 - 44,999	50	50	200	200	200
45,000 or more	50	50	300	300	300
<b>Permitted Free-Standing Sign Area in Square Feet for Each Shopping Center*</b>					
Less than 10,000	40		75	75	75
10,000 - 29,999	50		100	100	100
30,000 or more	60		200	200	200

\*Copy area may be increased twenty five (25) percent if the free-standing sign is a ground sign.

**ARTICLE X  
LANDSCAPING AND BUFFERS**

The purpose of this article is to enhance the quality of life in the City by requiring shade trees in new residential subdivisions, buffers between incompatible land uses and landscaping and shade trees within and around parking and other vehicle maneuvering areas.

**Section 1.0 Residential Tree Planting.**

Each detached dwelling constructed after the effective date of this ordinance shall have at least one (1) large deciduous tree in each front yard of lots that are less than seventy

(70) feet in width, two (2) such trees in each front yard of lots between seventy (70) and one hundred (100) feet in width and three such trees in each front yard of lots that are more than one hundred (100) feet in width. The required trees may be preserved during the development process or planted. All such trees must meet the minimum standards for deciduous trees as stipulated in the Tree Selection and Cover Guide.

## **Section 2.0 Landscape Plan Required**

Landscape plans shall be prepared for all parking and vehicle maneuvering areas and buffers constructed after the effective date of this ordinance. All landscape plans shall be prepared by a registered landscape architect or a licensed landscape designer, and shall bear the architect's/designer's seal, signature, and State of Alabama registration number. The plan shall be accompanied by written data which certifies compliance with the minimum standards of this article.

The landscape plan shall be drawn to scale and depict the following:

- A. Boundary of the property and all adjoining streets and roads
- B. All dimensions, distances, easements and rights-of-way
- C. Existing and proposed buildings and structures on the property, including signs, garbage and trash containers, light and power poles, utility and drainage structures
- D. Environmentally sensitive areas, steep slopes, wetlands and bodies of water, including water detention and retention areas
- E. Driveways, parking areas, existing and proposed parking spaces, access aisles and other vehicle maneuvering areas.
- F. The location, dimensions and size of all landscaped and buffer areas
- G. The location, species, size, description and spacing of all required shrubs and trees to be planted
- H. Sufficient information and detail to clearly demonstrate that all applicable requirements and standards of this article are fully satisfied

### **Section 3.0 Landscaping for Off-Street Parking and Other Vehicle Maneuvering Areas**

- A. Only large deciduous trees may be planted to comply with the requirements of this article, except when sight visibility at intersections or when overhead utilities prevent the use of large trees, in which case medium or small deciduous trees may be used. All such trees must meet the minimum standards for deciduous trees as stipulated in the Tree Selection and Cover Guide.
- B. This section shall apply to all off-street parking areas, which are open to the general public or visible from public property, and used for off-street parking and loading, vehicular storage, display, maneuvering, vehicle washing, and the dispensing of motor fuels.
- C. Multi-level parking structures are exempt from the interior planting requirements but shall comply with the perimeter planting requirements.
- D. This section shall apply to new parking areas or enlargement of existing parking areas that increase the total number of parking spaces by ten (10) percent or more. The enlargement of any existing parking area by ten (10) percent or more shall require that both the existing and new parking areas conform to the requirements of this Article.
- E. Nothing in this Section is intended to preclude the installation of bio-swales in parking islands and perimeter areas. Bio-swales are encouraged as a way to increase storm water infiltration.
- F. Perimeter Planting Areas
  - (1) Parking areas, including multi-level parking structures, shall be separated from public street rights-of-way by a perimeter planting area that is at least fifteen (15) feet wide. The perimeter planting area shall be located on the subject property and contain a double staggered row of evergreen shrubs which are at least eighteen (18) inches in height at the time of planting and which shall be maintained at a height of thirty-six (36) inches at maturity, and deciduous trees equal in number to one tree per thirty (30) feet of frontage. Large trees shall be planted on thirty-five-foot centers and small and medium size trees shall be planted on twenty-five-foot centers.
  - (2) Parking areas, including multi-level parking structures, shall be separated from other private property by an eight-foot wide perimeter planting area. The perimeter planting area shall contain a double staggered row of evergreen shrubs which are at least eighteen (18) inches in height at the time of planting and which shall be maintained at a height of thirty-six (36)

inches at maturity, and deciduous trees equal in number to one (1) tree per fifty (50) feet of abutting property line. Large trees shall be planted on thirty-five (35) foot centers and small and medium size trees shall be planted on twenty-five-foot centers.

- (3) The width of required perimeter planting areas, which are located within required buffer areas, may be included as part of the minimum buffer width, provided that the plant materials meet the minimum standards for a buffer.

#### G. Interior Planting Areas

Whenever the impervious surface of a parking area exceeds eight thousand (8,000) square feet, an area equal to ten (10) percent of the impervious surface area shall be provided for landscaping islands in the interior of the parking area. Said islands shall be planted with either large or medium deciduous trees with tree cover area of equal or greater area than the landscaped island. The interior parking area planting requirement is in addition to the required perimeter planting.

### **Section 4.0 Buffers**

- A. The minimum width of all buffers required by this Ordinance are stipulated in each of the Zoning District Regulations of Article VI. All buffers shall be comprised of evergreen plant material which provides a visually impervious barrier, uniformly dense at all heights from the ground, and a minimum of four (4) feet above grade throughout the entire length and width of the buffer. Within one year after installation, the buffer shall be at least six (6) feet above grade throughout the entire length and width of the buffer.
- B. Where topography provides a more effective buffer than the above described buffer, or where topography renders the above described buffer ineffective, the City may:
  - (1) Reduce the width of the required buffer by not more than fifty (50) percent; and or
  - (2) Allow reforestation with native vegetation in lieu of all or a portion of the required planted buffer.
- C. Buffers which are approved as undisturbed buffers shall not require irrigation. All planted buffers shall be irrigated in compliance with the requirements of this Article.

- D. Privacy walls or fences, if incorporated in the buffer area, shall compliment the purpose of the required buffer. Placement of a privacy wall or fence in the buffer shall not replace, or reduce, the minimum width or landscape requirements for buffers as set forth in this Article. Chain link, plastic, or wire fencing shall not be used as a privacy fence. The location of the fence or wall within the buffer shall be approved by the Building Inspector. All walls and fences located within buffer areas shall be finished on the exterior viewed from adjacent properties.

### **Section 5.0 Maintenance**

The owner shall be responsible for the maintenance, repair and replacement of all landscaping materials, walls, fences and irrigation systems. All plant material shall be tended and maintained in a healthy growing condition, replaced when dead and kept free of weeds, refuse, and debris.

### **Section 6.0 Irrigation**

- A. All required landscaping and buffers shall be irrigated with a fully automatic irrigation system in compliance with the requirements of this section, except existing parking areas without an irrigation system that are being landscaped to comply with the requirements of this section.
- B. Complete irrigation plans that comply with the plumbing code of the City shall be submitted as part of a landscape plan. Irrigation plans shall be drawn at the same scale as the landscape plan and shall cover the entire area where irrigation is required.
- C. Automatic controllers shall be screened from view, locked and not easily accessible to pedestrian traffic.
- D. Required back flow prevention devices connected to the public water system shall be painted green and screened from view, and shall not be set in lawn areas.
- E. Shrub and lawn sprinkler heads adjacent to pedestrian walks, parking spaces, driveways and structures shall be high pop-ups installed one-half inch from the edge of curbs and walks and six (6) inches from architectural structures.
- F. The irrigation system shall not spray over or onto impervious surfaces such as roads, parking areas or sidewalks, to the extent practicable.
- G. The owner shall keep the irrigation system in proper working condition as part of a regular maintenance program.

H. A comprehensive plan for water conservation shall be submitted as part of the irrigation plan. It shall include plans, specifications, data, and a narrative necessary to demonstrate that the planting and irrigation design fulfills the principles of Xeriscape and does not diminish the goals of the Ordinance. Any comprehensive plan for water conservation shall consider the use of the following items:

1. Soil amendment
2. Native or naturalized plant materials
3. Drought tolerant plant material
4. Water conservation irrigation design
5. Water conservation irrigation equipment
6. Temporary irrigation during grow-in period
7. Watering schedule

### **Section 7.0 Enforcement**

No building permits or landscape plan for a premises shall be approved by the Building Official until a financial guarantee of performance is submitted, in an amount determined by the Building Official to be not less than one hundred ten (110) percent of the cost of installing the plant material depicted on the landscape plan. The guarantee shall be in the form of a certificate of deposit made payable to the City.

Prior to release of the financial guarantee and prior to issuance of a Certificate of Occupancy for the premises, the Building Inspector shall determine that the plant material depicted on the approved landscape plan has been properly installed.

## Section 8.0 Evergreen Tree Selection and Cover Guide

SMALL EVERGREEN TREES & TALL SHRUBS (Mature growth potential of less than 25' in height)		Tree Cover Area in Square Feet and Height at Planting	
No.	Botanical / Common Name	(6 – 8)'	(8 – 10)'
1	<i>Ilex x attenuate</i> / Foster's Hybrid Hollies # //	25	35
2	<i>Ilex c. burfordi</i> / Burford Holly # //	25	35
3	<i>Ilex cassine</i> / Dahoon Holly # //	25	35
3	<i>Ilex cornuta</i> / Chinese Holly (large cultivars) # //	25	35
4	<i>Ilex crenata</i> / Japanese Holly (large cultivars) # //	25	35
3	<i>Ilex latifolia</i> / Lusterleaf Holly # //	25	35
4	<i>Ilex x 'Nellie R. Stevens'</i> Holly # //	25	35
5	<i>Ilex vomitoria</i> / Yaupon Holly # //	25	35
6	<i>Magnolia grandiflora x 'Little Gem'</i> Magnolia # //	25	35
7	<i>Myrica cerifera</i> / Southern Wax Myrtle # //	35	50
8	<i>Prunus caroliniana</i> / Carolina Cherry laurel # //	35	50
MEDIUM EVERGREEN TREES Mature growth potential of 25' to 50' in height)		Tree Cover Area in Square Feet and Caliper at Planting (measure 6" above grade)	
No.	Botanical Name / Common Name	(2 – 3)"	
9	<i>Cryptomeria japonica</i> / Japanese Cedar #	75	
10	<i>Ilex opaca</i> / American Holly (large cultivars) #	75	
11	<i>Magnolia grandiflora x</i> (medium cultivars) #	100	
12	<i>Magnolia virginiana</i> / Sweetbay Magnolia #	75	
LARGE EVERGREEN TREES (Mature growth potential of at least 50' in height)		Tree Cover area in Square Feet and Caliper at Planting (measure 6" above grade)	
No.	Botanical Name / Common Name	(2 – 3)"	
13	<i>Cedrus atlantica</i> / Atlas Cedar #	75	
13	<i>Cedrus deodara</i> / Deodar Cedar #	100	
14	<i>Juniperus virginiana</i> / Eastern Red Cedar #	75	
15	<i>Magnolia grandiflora</i> / Southern Magnolia #	125	
16	<i>Quercus virginiana</i> / Live Oak #	200	

#Qualifies for landscaped buffers // Suitable under power lines

## Deciduous Tree Selection and Cover Guide

SMALL DECIDUOUS TREES (up to 40' in height)		Tree Cover Area in Square Feet and Caliper at Planting (measure 6" above grade)
No.	Botanical Name / Common Name	2"– 3"
1	<i>Acer barbatum</i> / Florida Maple # *	100
2	<i>Acer leucoderme</i> / Chalkbark Maple #	75
3	<i>Acer palmatum</i> / Japanese Maple # *	75
4	<i>Carpinus caroliniana</i> / American hornbeam #	75
5	<i>Cercis canadensis</i> / Eastern Redbud # *	75
6	<i>Chionanthus virginicus</i> /American Fringetree #	75
7	<i>Cladastris kentuckea</i> / Kentucky Yellowwood # *	75
8	<i>Cornus florida</i> / Florida Dogwood #	75
9	<i>Cornus kousa</i> / Kousa Dogwood # *	75
10	<i>Halesia tetraptera</i> / Carolina Silverbell #	75
11	<i>Koelreuteria paniculata</i> / Goldenraintree # *	75
12	<i>Lagerstroemia indica</i> / Common Crapemyrtle mature height (0 – 10') # *	25
	mature height (10' - 20') # *	50
	mature height (20' +) # *	75
13	<i>Magnolia x soulangiana</i> / Saucer Magnolia # *	75
14	<i>Ostrya virginiana</i> / American Hophornbeam #	75
15	<i>Oxydendrum arboreum</i> / Sourwood # *	100
16	<i>Pistacia chinensis</i> / Chinese Pistache # *	100
17	<i>Prunus</i> L. various flowering cherries & plums # *	75
18	<i>Rhus copallina</i> / Shining Sumac #	75

MEDIUM DECIDUOUS TREES (from 40' – 60' in height)		Tree Cover Area in Square Feet and Caliper at Planting (measure 6" above grade)
No.	Botanical Name / Common Name	2" – 3"
19	<i>Acer rubrum</i> / Red Maple # *	200
20	<i>Acer saccharum</i> / Sugar Maple # *	200
21	<i>Betula nigra</i> / River Birch # *	200
22	<i>Diospyros virginiana</i> / Common Persimmon # *	200
23	<i>Fagus grandifolia</i> / American Beech # *	200
24	<i>Fraxinus pennsylvanica</i> / Green Ash # *	250
25	<i>Nyssa sylvatica</i> / Black Gum # *	250
26	<i>Quercus acutissima</i> / Sawtooth Oak # *	300
27	<i>Quercus lyrata</i> / Overcup Oak # *	300
28	<i>Quercus nuttallii</i> / Nuttall Oak # *	300
29	<i>Quercus phellos</i> / Willow Oak # *	300
30	<i>Quercus stellata</i> / Post Oak # *	300
31	<i>Quercus shumardii</i> / Shumard Oak # *	300
32	<i>Taxodium distichum</i> /Common Bald cypress # *	250
33	<i>Ulmus parvifolia</i> / Chinese elm # *	250

LARGE DECIDUOUS TREES (60' and above)		Tree Cover Area in Square Feet and Caliper at Planting (measure 6" above grade)
No.	Botanical Name / Common Name	2" – 3"
34	Fraxinus americana / American ash #	250
35	Ginkgo biloba / Ginkgo #	200
36	Liriodendron tulipifera / Tulip poplar #	250
37	Liquidambar styraciflua / Sweetgum # *	300
38	Metasequoia glyptostroboides/Dawn Redwood# *	300
39	Platanus occidentalis / Sycamore planetree # *	300
40	Quercus alba / White Oak # *	300
41	Quercus macrocarpa / Bur oak # *	250
42	Quercus palustris / Pin Oak # *	250
43	Quercus prinus / Chestnut Oak # *	250
44	Ulmus americana / American elm # * Dutch Elm Disease resistant cultivars	250
45	Zelkova serrata / Japanese zelkova # *	250

# Permitted in landscaped buffers

\* Permitted in parking areas

