



CITY OF OWENS CROSS ROADS ORDINANCE NO. 25-001

An Ordinance to Adopt New Zoning Regulations for the City of Owens Cross Roads, Alabama

WHEREAS, the City of Owens Cross Roads desires to establish comprehensive zoning regulations to promote the health, safety, morals, and general welfare of its citizens;

WHEREAS, the Planning Commission, City Engineer, and Building Department employees have reviewed and provided the updated zoning regulations to the City Council of the City of Owens Cross Roads to consider;

WHEREAS, the City Council of the City of Owens Cross Roads has reviewed and considered the need for updated zoning regulations to guide future development and ensure the orderly growth of the community;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF OWENS CROSS ROADS, ALABAMA, as follows:

Section 1. Title

This Ordinance shall hereafter be known, cited and referred to as the "Zoning Ordinance of the City of Owens Cross Roads, Alabama" and the map herein referred to as the "Official Zoning Map" is hereby adopted and made part of this Ordinance. This Ordinance may be referred to herein as zoning regulations, these zoning regulations or these regulations.

Section 2. Authority

This Ordinance establishes comprehensive zoning regulations for the City of Owens Cross Roads, Alabama and provides for the administration, enforcement and amendment thereof in accordance with the provisions of Title 11, Chapter 52 of the Code of Alabama.

Section 3. Purpose

It is the purpose of this Ordinance to:

- (1) Protect and provide for the public health, safety, and general welfare of the City;
- (2) Guide the future growth and development of the City in accordance with the Land Use Plan;
- (3) Provide for adequate light, air, and privacy; to secure safety from fire, flood, and other danger; and to prevent overcrowding of the land and undue congestion of population;
- (4) Protect the character and the social and economic stability of all parts of the City of Owens Cross Roads and to encourage the orderly and efficient development of all parts of the City;
- (5) Protect and conserve the value of land throughout the City and the value of buildings and improvements upon the land and to minimize conflicts among the uses of land and buildings;
- (6) Guide public and private policy and action in order to provide adequate and efficient transportation, water, sewerage, schools, parks, and other public facilities and services;
- (7) Provide the most beneficial relationship between the uses of land, buildings, and the circulation of traffic throughout the City;
- (8) Prevent the pollution of air, streams, and ponds; assure the adequacy of drainage facilities; safeguard the water table; and encourage the wise use and management of natural resources throughout the City in order to preserve the integrity, stability and beauty of the community and the value of the land; and

- (9) Preserve the natural beauty and topography of the City and insure appropriate development with regard to natural features.

Section 4. Interpretation

In interpreting and applying the provisions of this Ordinance, they shall be held to be the minimum requirements for the promotion of public health, safety, convenience, comfort, morals and the general welfare. Where this Ordinance imposes greater restrictions upon the use of a building or land or upon the open spaces, yard area or lot area, than are imposed or required by other ordinances, rules, regulations, or permits, or by easement, covenants or agreements, the provisions of this Ordinance shall govern. Where any other ordinances, rules, regulations or permits, or any easements, covenants or agreements impose greater restrictions upon the use of a building or upon the height, bulk, or size of a building or structure, or require larger open spaces, yard area or lot area than are required under the regulations of this Ordinance, such provisions shall govern.

Section 5. Abrogation

This Ordinance is not intended to repeal, abrogate or interfere with any existing easements, covenants, or deed restrictions duly recorded in the public records of Madison County.

Section 6. Severability

If any section or provision of this Ordinance, including any part of the Official Zoning Map, which is a part of this Ordinance, shall be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the ordinance as a whole or any part thereof other than the part so declared to be invalid.

Section 7. Prior Ordinances Repealed

Any and all prior zoning regulations for the City of Owens Cross Roads, Alabama are hereby repealed.

Section 8. Effective Date

Original Ordinance effective on June 26, 2008. Revisions made July 2023. Additional revisions completed in December 2024 and effective upon publication.

APPROVED AND ADOPTED THIS 21st DAY OF JANUARY 2025.

Approved By:



Tony Craig, Mayor

Attest By:



Christie D. Eason, City Clerk/Treasurer



City of Owens Cross Roads, Alabama, certificate of publication.

This is to certify that Ordinance No. 25-001, City of Owens Cross Roads, Alabama, was published by posting on the City website, and on at least four (4) bulletin boards within the City.

**OWENS CROSS ROADS CITY COUNCIL
ORDINANCE NO. 25-001
ADOPTING A NEW ZONING REGULATIONS ORDINANCE**

City of Owens Cross Roads Planning Commission



Zoning Regulations of Owens Cross Roads, Alabama

**Adopted
- January 21, 2025 -**

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- (7) Provide the most beneficial relationship between the uses of land, buildings, and the circulation of traffic throughout the City;
- (8) Prevent the pollution of air, streams, and ponds; assure the adequacy of drainage facilities; safeguard the water table; and encourage the wise use and management of natural resources throughout the City in order to preserve the integrity, stability and beauty of the community and the value of the land; and
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ARTICLE II. DEFINITIONS

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SECTION 3. DEFINITIONS OF COMMONLY USED TERMS5

Section 1. Purpose

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

Section 2. Interpretation of Commonly Used Terms

- (a) Words used in the present tense include the future tense.
- (b) Words used in the singular number include the plural, and words used in the plural include the singular, unless the natural construction of the wording indicates otherwise.
- (c) The word "person" includes a firm, association, corporation, trust, and company, as well as an individual.
- (d) The words "used for" shall include the meaning "designed for."
- (e) The word "structure" shall include the word "building."
- (f) The word "lot" shall include the words "plot", "parcel", or "tract."
- (g) The word "shall" is always mandatory and not merely directory.
- (h) The word "map" or "zoning map", shall mean the "Official Zoning Map of the City of Owens Cross Roads."

Section 3. Definitions of Commonly Used Terms

Access. A way of approaching or entering a property.

Accessory Building or Use. A building or use which: (1) is subordinate to and serves a principal building or principal use; (2) is subordinate in area, extent, or purpose to the principal building or principal use served; (3) contributes to the comfort, convenience, or necessity of the occupants of the principal building or principal use; and (4) is located on the same zoning lot as the principal building or principal use except as herein provided. Examples of accessory uses are private garages, storage sheds and swimming pools.

Adjoining. Having property or district lines in common. In the instance of notification of a public hearing, property located across the street from a lot in question shall be considered as adjoining.

Administrative Officer. Also referred to as "Administrator." The person appointed by the City Council to enforce all provisions of the Zoning Ordinance.

Alley. A public right-of-way, less than fifty (50) feet in width, designed to serve as a secondary access to the side or rear of those properties whose principal frontage is on some other street.

Alteration. Alteration may be:

- (1) Any addition to the height or depth of a building or structure;
- (2) Any change in the location of any of the exterior walls of a building or structure.
- (3) Any increase in the interior accommodations of a building or structure.

Apartment. (See Dwelling, Multiple-Family).

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

Buffer Strip. A strip of land established to protect one type of land use from another, with which it is incompatible.

Building. A structure, having a roof supported by columns or walls and intended to be used for sheltering people, animals, property or business activity.

Building Area. That portion of a lot remaining after required yard setbacks have been provided.

Building Height. The vertical distance measured from the grade to the highest point of the coping of a flat roof; to the deck line of a mansard roof; or to the mean height level between the eaves and ridge of a gable, hip, or gambrel roof.

Building Line. A line parallel to the property line indicating the nearest building distance to the street right-of-way line that is permissible by this Ordinance.

Building, Principal. A building in which is conducted the principal use of the lot on which it is situated. In any residential district, any dwelling shall be deemed to be the principal building on the lot which it is situated.

Certificate of Occupancy. Official certification that a premise conforms to the provisions of the Zoning Ordinance (and building code) and may be used or occupied.

Child Care Center. A child care center is an establishment designed to provide daytime care or instruction for two (2) or more children, other than members of the family. The term includes day nurseries, kindergartens, day care centers, nursery school or play school.

City. May also be referred to as "City." The City of Owens Cross Roads, Alabama.

Commercial, Light. Refers to smaller-scale non-industrial, non-warehouse businesses, which include specialty retail, banks, restaurants, churches, and small shopping centers.

Commercial, Heavy. Refers to an establishment or business that generally uses open sales yard, outside equipment storage, or outside activities that generate noise or other impacts considered incompatible with less-intense uses.

Condominium Ownership. Condominium is that form of ownership of condominium property under which units of improvements are subject to ownership by one or more owners, and there is appurtenant to each unit as part thereof an undivided share in the common element.

District. Any section of the City of Owens Cross Roads in which Zoning regulations are uniform.

Dog Kennel. A structure used for the harboring of more than three (3) dogs that are more than six (6) months old.

Dwelling. Any building or portion thereof which is designed for use for residential purposes.

Dwelling, Single-Family. A building arranged to be occupied by one (1) family, the structure having only one (1) dwelling unit.

Dwelling, Two-Family. A building arranged to be occupied by two (2) families living independently of each other, the structure having two (2) dwelling units.

Dwelling, Multiple-Family. A building arranged to be occupied by three (3) or more families living independently of each other.

Dwelling Unit. A building, or portion thereof, designed, arranged and/or used for living quarters for one (1) or more persons living as a single housekeeping unit with cooking facilities, but not including units in hotels or other structures designed for transient residence.

Family. An individual, or two or more persons related by blood, marriage, or legal action, or a group not exceeding five (5) persons living as a single housekeeping unit.

Family Care Facility. A facility which provides resident services to six (6) or fewer individuals of whom one (1) or more are unrelated. The individuals are handicapped, aged, disabled, mentally ill, or are undergoing rehabilitation and are provided services to meet their needs. This category involves uses licensed or certified by any Federal, State or County health/welfare agency.

Flood. An overflow of lands not normally covered by water which results in significant adverse effects in the vicinity.

Floor Area Ratio. The ratio of a building's gross floor area to the area of the lot on which the building is located.

Garage Apartment. A garage apartment is an accessory or subordinate building, not a part of or attached to the main building, where a portion thereof contains a dwelling unit for one (1) family only, and the enclosed space for at least one (1) automobile is attached to such dwelling unit.

Gross Floor Area. The sum of the gross horizontal areas of several floors of a building measured from the exterior faces of the exterior walls or from the centerline of walls separating two buildings. Gross floor area does not include basements when at least one-half the floor-to-ceiling height is below grade. Gross floor area does not include accessory parking, attic space having a floor-to-ceiling height less than seven feet, exterior balconies, uncovered steps, or inner courts.

Group Care Facility. A facility which provides resident services to seven (7) or more individuals, of whom, one (1) or more are unrelated. These individuals are handicapped, aged, disabled, mentally ill, or are undergoing rehabilitation and are provided services to meet their needs. This category involves uses licensed or certified by any Federal, State or County health/welfare agency.

Group Development. A tract of land under single, corporation, firm, partnership, or association ownership, planned and developed as an integral unit, in a single development operation or a definitely programmed series of development operations and according to an approved development plan. A group development may be residential, commercial, industrial, or institutional in nature.

Hardship. A condition existing when the conditions imposed by the Zoning Ordinance would deprive the property owner of certain development rights that are enjoyed by other property owners within the same zoning district. Upon examination of the hardship claimed, it should be determined that: (1) the property owner did not bring this hardship upon himself; (2) the physical site conditions are such that a hardship does exist; or (3) the property owner would be deprived of rights which are normally afforded under the same regulations for the zone in which his property is located. The term "hardship" should never be interpreted as meaning personal or economic hardship to the property owner.

Home Occupation. An occupation conducted in a dwelling unit provided that:

- (1) No person other than immediate members of the family residing on the premises shall be engaged in such occupation;
- (2) The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than twenty five percent (25%) of the floor area of the dwelling unit shall be used in the conduct of the home occupation;
- (3) There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation other than one (1) sign, not exceeding two (2) square feet in area, non-illuminated and mounted flat against the wall of the principal building;
- (4) No home occupation shall be conducted in any accessory building;
- (5) No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood and any need for parking generated by the conduct of such home occupation shall be met off the street and other than in a required front yard or side yard.

Hotel, Motel, Motor Hotel. Motor Lodge. Tourist Court. The words hotel, motel, motor hotel, motor lodge, tourist court, are to be considered synonymous terms and to mean a building or a group of buildings in which sleeping accommodations are offered to the public and intended primarily for rental to transients with daily charge, as distinguished from multiple family dwellings and rooming or boarding houses where rentals are for periods of a week or longer and occupancy is generally by residents rather than transients. Where more than one-half (1/2) of the units in a hotel, motel, motor hotel, motor lodge, or tourist court have cooking facilities, such an operation shall be deemed a multiple-family dwelling and shall be subject to this Zoning Ordinance as a multiple-family dwelling.

Junk Yard. The use of more than six hundred (600) square feet of any lot or tract for the outdoor storage and/or sale of waste paper, rags, scrap metal, or other junk, and including storage of motor vehicles or machinery.

Loading Space, Off street. Off street loading space is space logically and conveniently located for pickups and/or deliveries or for loading and/or unloading, scaled to delivery vehicles expected to be used, and accessible to such vehicles when required off-street parking spaces are filled, provided the minimum size of any required off street loading space shall have clear horizontal dimensions of twelve (12) feet by thirty (30) feet exclusive of platforms and piers and a clear vertical dimension of fourteen (14) feet.

Lot. A tract, plot, or portion of a subdivision or other parcel of land intended as a unit for the purpose, whether immediate or future, of transfer of ownership or for building development.

Lot, Corner. A lot which occupies the interior angle at the intersection of two (2) street lines. The street line forming the least frontage shall be deemed the front of the lot except where the two (2) street lines are equal, in which case, the owner shall be required to specify which is the front.

Lot Depth. The mean horizontal distance between the front and rear lot lines.

Lot of Record. A lot which is part of a subdivision, a plat of which has been recorded in the Office of the Probate Judge of Madison County, or a lot described by metes and bounds, the description of which has been so recorded.

Lot Width. The distance between side lot lines measured at the building setback line.

Mixed-use Building. A building that contains at least one floor devoted to allowed nonresidential uses and at least one devoted to allowed residential uses.

Mobile Home. See the "Manufactured Home Community Regulations" portion of this Ordinance for definitions regarding mobile homes and manufactured homes.

Mobile Home Subdivision. A subdivision which meets the requirements of the Owens Cross Roads Subdivision Regulations.

Nonconforming Uses. Any lawful use of land, building or structures existing at the time of adoption of the Zoning Ordinance which does not conform with the regulations of the district in which it is located.

Non-residential Use. A use which is not a residential use or accessory to a residential use.

Parking Space. A permanently surfaced area, enclosed or unenclosed, of not less than nine (9) feet wide by twenty (20) feet wide together with a permanently surfaced driveway connecting the parking space with a street or alley and permitting ingress and egress of an automobile. It shall be located outside the street right-of-way and required side yards.

Planning Commission. The Planning Commission of the City of Owens Cross Roads, Alabama.

Rooming House. Any building or portion thereof which contains not less than three (3) or more than nine (9) guest rooms which are designed or intended to be used, let, or hired out for occupancy by individuals for compensation whether paid directly or indirectly.

Setback. The open, unobstructed area required to be provided between the furthestmost projection of a building and the adjacent property line.

Sign. See the "Sign Regulations" portion of this Ordinance for definitions regarding signs.

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

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

Story. The term "story" shall mean that portion of a building or structure included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building or structure included between the upper surface of the topmost floor and the ceiling or roof above.

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

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

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

Structure. Anything constructed or installed or portable that requires for normal use a location on a parcel of land. This includes any movable structure located on land which can be used either temporarily or permanently for housing, business, commercial, agricultural, or office purposes. It also includes fences, billboards, poles, pipelines, transmission lines, and advertising signs.

City Houses or Row Houses. City houses or row houses are three (3) or more single family attached structures separated by fire party walls.

Variance. A variance is a relaxation of the terms of this Ordinance where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of this Ordinance would result in unnecessary and undue hardship on the land. As used in this Ordinance, a variance is authorized only for height, area, and size of structure or size of yards and open spaces. Establishment or expansion of a use otherwise prohibited or not permitted shall not be allowed by variance, nor shall a variance be granted because of the presence of nonconformities in the zoning classification or district or adjoining zoning classifications or districts.

Yard. An open space at grade between a building and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward. In measuring a yard for the purpose of determining the width of the side yard, the depth of a front yard or the depth of a rear yard, the least horizontal distance between the lot line and main building shall be used.

Yard, Front. A yard extending across the full width of a lot between the side lot lines and being the minimum horizontal distance between the street line and the main building or any projection thereof, other than steps.

Yard, Rear. A yard extending across the rear of a lot measured between side yard lines and being the minimum horizontal distance between the rear lot line and the rear of the main building or any projections other than steps, unenclosed balconies or unenclosed porches. On corner lots, the rear yard shall be considered as parallel to the street upon which the lot has its least dimension. On both corner lots and interior lots, the rear yard shall, in all cases, be at the opposite end of the lot from the front yard.

Yard, Side. A yard between the building and the side line of the lot and extending from the front yard to the rear lot line and being the minimum horizontal distance between a side lot line and the side of the main building or any projections other than steps.

ARTICLE III. DISTRICT DEVELOPMENT STANDARDS

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Section 1. General

1.1 Purpose and Intent

The purpose of this article is to describe the specific land uses and restrictions that apply to zoning districts.

1.2 Establishment of Districts

The City of Owens Cross Roads is hereby divided into districts as shown on the Official Zoning Map filed with the Administrator and adopted by the City Council. The map and all explanatory material thereon are hereby made a part of this Ordinance. Districts shall be designated as follows:

- (1) Rural Residential (RR);
- (2) Estate Residential (ER);
- (3) Single Family Residential "1" (RS-1);
- (4) Single Family Residential "2" (RS-2);
- (5) Multi-Family Residential (RM);
- (6) Town Center (TC);
- (7) Highway Corridor (HC); and
- (8) Special District (SD).

Section 2. Official Zoning Map

- (a) Certification. The Official Zoning Map shall be identified by the signature of the Mayor and attested by the City Clerk, under the following words "This is to certify that this is the Official Zoning Map of the City of Owens Cross Roads, Alabama" together with the date of the adoption of this Ordinance.
- (b) Changes in district boundaries. If, in accordance with the provisions of this Ordinance, changes are made in district boundaries or other matters portrayed on the Official Zoning Map such changes shall be entered on the Official Zoning Map promptly after the amendment has been approved by the City Council.
- (c) Unauthorized changes prohibited. No changes of any nature shall be made in the Official Zoning Map, or matter thereon, except in conformity with the procedures set forth in this Ordinance. Any unauthorized change of whatever kind by any person or persons, shall be considered a violation of this Ordinance.
- (d) Final authority to zoning. Regardless of the existence of purported copies of the Official Zoning Map. which may from time to time be made or published, the Official Zoning Map, which shall be located in the Office of the Administrator, shall be the final authority as to the current zoning status of land, buildings, and other structures in the City.
- (e) Replacement of Official Zoning Map. In the event that the Official Zoning Map becomes damaged, destroyed, lost, or difficult to interpret because of the nature or number of changes and additions, the City Council may adopt a new Official Zoning Map. The new Official Zoning Map may correct drafting or other errors or omissions in the prior Official Zoning Map, but no such correction shall have the effect of amending the original Official Zoning Map or any subsequent amendment hereto. Unless the prior Official Zoning Map has been lost or has been totally destroyed, the prior map or any significant parts thereof remaining shall be preserved together with all available records pertaining to its adoption or amendment.
- (f) Rules for interpretation of districts. Where uncertainty exists with respect to the boundaries of any district as shown on the Official Zoning Map, the following rules shall apply:
- (1) District regulations extend to all portions of districts surrounded by boundaries. Except as otherwise specifically provided, a district symbol or names shown within district boundaries of the Official Zoning Map indicates that district regulations pertaining to the district extend throughout the entire area surrounded by the boundary line.
 - (2) Boundaries indicated as approximately following the centerlines of streets or alleys shall be construed as following such centerlines as they exist on the ground, except where variation of actual location from mapped location would change the zoning status of a lot or parcel. In the case of a street closure, the boundary shall be construed as remaining in its location except where ownership of the vacated street is divided other than at the center, in which case, the boundary shall be construed as moving with the ownership.
 - (3) Boundaries indicated as approximately following lot lines, public property lines, and the like shall be construed as following such lines; provided. however, that where such boundaries are adjacent to a street or alley and the zoning status of the street or alley is not indicated,

the boundaries shall be construed as running to the middle of the street or alley. In the event of street or alley closure, interpretation shall be as provided in paragraph (2) above.

- (4) Boundaries indicated as approximately following City Limits shall be construed as following such City Limits.
- (5) Boundaries indicated as following centerlines of streams, creeks, or other bodies of water shall be construed as following such centerlines.
- (6) Boundaries indicated as following physical features other than those mentioned above shall be construed as following such physical features, except where variation of actual location from mapped location would change the zoning status of a lot or parcel and in such case, the boundary shall be interpreted in such manner as to avoid changing the zoning status of any lot or parcel.
- (7) Boundaries indicated as parallel to or extensions of features indicated in paragraphs (2) through (6) above shall be construed as being parallel to, or extensions of, such feature.
- (7) Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map.
- (8) In cases not covered by the above paragraphs, the Administrator shall interpret the Official Zoning Map in accordance with the intent and purpose of this Ordinance. Appeal from the interpretation of the Administrator shall be only to the Board of Adjustments in accordance with the procedures contained in this Ordinance.

1.4 Initial Zoning of Newly Annexed Land

All newly annexed land or property which shall be brought into the corporate limits of the City of Owens Cross Roads, Alabama shall be initially zoned as Rural Residential (RR), unless otherwise classified by the Planning Commission and City Council at the time of annexation and shall remain zoned such until such time that it is rezoned in accordance with the procedures contained in this Ordinance.

Section 3. Land Use Categories

3.1 Land Uses Categorized

This section defines and prescribes the categories of specific land uses to be allowed within each zoning district whether as permitted use or as a conditional use. This Ordinance recognizes the limitations of a finite list of land use categories. Therefore, the Administrator is empowered to make interpretations as to categorize any questioned use with a use category of most similar impact or characteristics. Appeals of such interpretations may be made to the Board of Adjustment in accordance with the procedures set forth in this Ordinance.

3.2 Categories of Land Use

- (a) **Residential, single family detached.** This category of land use includes single family dwellings that are not attached to any other structure other than a garage or similar accessory structure. It may

include modular homes. but specifically excludes mobile homes, manufactured homes and recreational vehicles.

(b) **Residential, single family attached.** This category of land use includes two and three family dwellings, duplexes, City houses and row houses.

(c) **Residential, multiple family.** This category of land use includes apartment buildings and condominiums as well as rooming and boarding houses. The use may include swimming pools, clubhouses and other recreational facilities for the exclusive use of the occupants and their guests.

(d) **Residential, manufactured homes.** This category of use includes manufactured homes and mobile homes as a. single use and as part of a manufactured home community. Specific definitions are contained elsewhere in this Ordinance and specifically exclude recreational vehicles, trailers and campers.

(e) **Institutional.** This category of land use includes public or private educational facilities, libraries and museums, public or private pre-school and day care facilities, churches, cemeteries without funeral homes, residential care facilities, nursing home facilities, and all other similar institutional facilities.

(f) **Outdoor recreation.** This category of land use includes areas for outdoor recreational activities such as picnicking, jogging, cycling, arboretums, hiking, golf courses, play grounds, ball fields, outdoor ball courts, stables, outdoor swimming pools, and water related or water-dependent uses such as boat ramps, fishing docks and piers, and all similar outdoor recreational uses, whether public or private. Specifically excluded from this group of uses are firing ranges, marinas, miniature golf courses, race tracks, and similar recreational activities inconsistent with the allowable outdoor recreational uses described.

(g) **Office and professional service.** This category of land use includes business and professional offices, medical offices or clinics, government offices, financial institutions without drive-up facilities, and personal service businesses where the service is performed on an individual-to-individual basis as opposed to services which are performed on objects or personal property. Examples of personal service businesses are barber shops, beauty shops, or photography studios. This category group of land use may include an office center for dispatching and/or communications for the distribution of goods, but specifically excludes the warehousing or actual distribution of goods.

(h) **Commercial, light.** This category of land use includes a wide variety of general commercial, commercial recreational, entertainment, and related activities. Characteristic of light commercial uses is that activities are carried on indoors with only slight, incidental outdoor activity and the absence of drive-up or drive-thru activities. Examples include office and professional services described in paragraph (e) above, as well as the following specific uses, and all substantially similar types of uses:

- (1) Arcades, billiards/pool parlors, bowling alleys, indoor recreation centers and gymnasiums/spas/ health clubs.
- (2) Community centers and fraternal lodges.
- (3) Commercial, business, or trade schools including dance, music and martial arts studios.

- (4) Department stores and other retail sales stores, such as shoe stores, clothing stores, pharmacies, florists, book stores and newsstands, music stores, appliance stores.
- (5) Farm and garden supply, hardware stores, and vehicle parts and accessories (but specifically excluding vehicle sales/service/repair) when sales and storage is conducted indoors.
- (6) Grocery stores, supermarkets (excluding convenience stores), and specialty food stores (such as meat markets, and bakeries).
- (7) Hospitals.
- (8) Hotels or motels.
- (9) Service businesses such as blueprint, printing, catering, tailoring, travel agencies, upholstery shops, laundries/dry cleaners, and light mechanical repair stores (such as camera, TV. or bicycle repair shops).
- (10) Restaurants (standard sit-down, and high turnover sit-down, but excluding all restaurants with drive-up facilities) including open air cafes.
- (11) Taverns, bars, lounges, night clubs, and dance halls. (12) Shopping centers (but not regional malls or centers).
- (12) Theaters and auditoriums.
- (13) Veterinary offices and animal hospitals provided the facility has no outside kennels.

(i) **Commercial, heavy.** This category of land use includes those activities which require outdoor sales, have higher trip generations than general commercial listed above, are auto-oriented in that they have drive-up or drive-thru or have the potential for greater nuisance to adjacent properties due to noise, light and glare, or typical hours of operation. This group of uses includes the following list of specific uses and all substantially similar activities based upon similarity of characteristics:

- (1) Vehicle sales, rental, service, and repair, including truck stops, body shops, road services, car wash facilities, and the sale, rental, repair and service of new or used automobiles, boats, buses, farm equipment, motorcycles, trucks, recreational vehicles, and mobile homes provided that mechanical or body repair must be conducted entirely within an enclosed structure
- (2) Gasoline sales and service, combination gasoline sale and food marts, and similar facilities.
- (3) Recreational vehicle and travel trailer parks.
- (4) Financial institutions with drive-up facilities.
- (5) Restaurants with drive-up facilities.
- (6) Roadside produce stands, temporary or permanent.

- (7) Open air business including retail sales of plant materials, lawn furniture, playground equipment and garden supplies.
- (8) Building and lumber supply establishments provided that the entire storage area is enclosed with in a solid fence at least seven (7) feet in height or greater if necessary to adequately screen such area and that any machine operations must be conducted entirely with in an enclosed structure.
- (9) Outdoor arenas, rodeo grounds, livestock auction facilities, race tracks (auto, go-kart, horse, motorcycle), shooting and firing ranges, and similar activities.
- (10) Miniature golf, golf driving ranges.
- (11) Veterinary offices and animal hospitals with outside kennels.
- (12) Flea markets or similar outdoor or indoor/outdoor sales complexes.
- (13) Funeral homes, cemeteries, mortuaries and crematoriums
- (14) Regional malls or regional shopping centers.

(j) **Industrial, light.** This category of land use includes manufacturing, processing, storing, or distributing goods when the activity involves indoor storage and the industrial activity itself is conducted indoors.

(k) **Industrial, heavy.** This category of land use includes manufacturing, processing, storing, or distributing goods when the activity requires primarily outdoor storage or the industrial activity itself is conducted outdoors. Such uses include, for example, storage yards for equipment, machinery, and supplies for building and trades contractors, LP gas storage and/or distribution exceeding 1000 gallons, junkyards or salvage yards, garbage haulers, recycling centers, landfills, hazardous waste collection and handling centers, and borrow pits (but not excavation which requires blasting).

(l) **Transportation, communication and utility.** This category of land use includes those which provide essential or important public services, and which may have characteristics of outdoor storage, or potential nuisance to adjacent properties due to noise, light and glare, or appearance. Government offices or government agency offices specifically are not included in this category. Uses include the following, and substantially similar activities, based upon similarity of characteristics:

- (1) Emergency service activities such as buildings, garages, parking, and/or dispatch centers for ambulances, fire, police and rescue;
- (2) Broadcasting stations, transmission towers;
- (3) Utility facilities, such as water plants, wastewater treatment plants, electricity substations;
- (4) Maintenance facilities and storage yards for schools, government agencies, and telephone and cable companies;

(5) LP gas storage and/or distribution facility for up to one thousand (1000) gallons. This shall not be construed to prevent retail sales of LP gas in canisters or similar pre-filled containers; and

(6) Truck or bus terminals.

(m) **Mining.** This category of land use includes surface mining, rock quarries, strip mining, and any extraction activities. Buildings and businesses for the refinement, processing, packaging, and transportation of extracted materials are included in this category of uses.

(n) **Agriculture, non-commercial.** This category includes the use of land for crops, residential gardens or landscaping but specifically excludes commercial poultry, animal farms and dog kennels.

(o) **Agriculture, commercial.** This category of use includes croplands, pastures, forestry, aquaculture, feed lots, poultry and other animal farms and buildings which are an accessory to these agricultural uses. This category of uses does not include processing or distribution plants for agricultural products and supplies.

Section 4. Rural Residential (RR)

4.1 Purpose

The purpose of the RR District is to provide a zoning classification for land which is not expected to experience urbanization in the immediate future, to encourage and protect agricultural uses and to provide low population density residential areas in locations not suitable for higher density due to environmental limitations to development including difficult topography, surface/ subsurface drainage, watershed protection, noise impact constraints, and/or the public good.

4.2 Permitted Uses

(a) Within the "RR" district, only the following uses and structures designed for such uses shall be permitted:

- (1) Residential, single family detached.
- (2) Outdoor recreation.
- (3) Agricultural, non-commercial.

4.3 Conditional Uses

(a) Within the "RR" district, only the following uses may be allowed as conditional uses:

- (1) Residential, manufactured homes.
- (2) Institutional.
- (3) Agricultural, commercial.
- (4) Commercial, heavy

4.4 Dimensional Standards

- (a) Minimum lot size. Three (3) acres.
- (b) Minimum lot width. One hundred fifty (150) feet.
- (c) Minimum lot frontage. One hundred (100) feet.
- (d) Minimum front yard setback. Forty (40) feet.
- (e) Minimum side yard setback. Twenty (20) feet.
- (f) Minimum rear yard setback. Fifty (50) feet.

(g) Maximum building height. Thirty-five (35) feet except for farm related structures not intended for human occupancy.

(h) Maximum building coverage. Twenty percent (20%) of the total lot area.

Section 5. Estate Residential (ER)

5.1 Purpose

The purpose of the ER District is to provide low population density residential areas in locations not suitable for higher density due to environmental limitations to development including difficult topography, surface/ subsurface drainage, watershed protection, noise impact constraints, and/or the public good. The ER District ordinarily will be served by the public water supply and underground utilities. Public sewer may not be available. The regulations for this district are designed to protect the single-family amenities of the district, to promote and encourage a suitable environment for family life and to prohibit all activities of a nonresidential nature that do not serve the residents of this district.

5.2 Permitted Uses

- (a) Within the "ER" district, only the following uses and structures designed for such uses shall be permitted:
 - (1) Residential, single family detached.
 - (2) Agricultural, non-commercial.

5.3 Conditional Uses

- (a) Within the "ER" district, only the following uses may be allowed as conditional uses:
 - (1) Outdoor recreation.

5.4 Dimensional Standards

- (a) Minimum lot size. Twenty thousand (20,000) square feet.
- (b) Minimum lot width. One hundred fifty (150) feet.
- (c) Minimum lot frontage. One hundred (100) feet.
- (d) Minimum front yard setback. Thirty-five (35) feet.
- (e) Minimum side yard setback. Twenty (20) feet.
- (f) Minimum rear yard setback. Fifty (50) feet.
- (g) Maximum building height. Thirty-five (35) feet.
- (h) Maximum building coverage. Twenty percent (20%) of the total lot area.

Section 6. Single Family Residential "1" (RS-1)

6.1 Purpose

The purpose of the RS-1 District is to provide for the protection of existing single-family residential areas and the development of new areas at densities that assure the continued stability of such areas. This district is established as a district in which the principal use of land is for medium density residential use with both public water and sanitary sewer service provided. These areas are intended to be defined and protected from the encroachment of uses not performing a function necessary to the residential environment.

6.2 Permitted Uses

(a) Within the "RS-1" district, only the following uses and structures designed for such uses shall be permitted:

- (1) Residential, single family detached.

6.3 Conditional Uses

(a) Within the "RS-1" district, only the following uses may be allowed as conditional uses:

- (1) Outdoor recreation.
- (2) Commercial, light

6.4 Dimensional Standards

- (a) Minimum lot-size. Ten thousand (10,000) square feet.
- (b) Minimum lot width. Seventy (70) feet.
- (c) Minimum front yard setback. Thirty-five (35) feet.
- (d) Minimum side yard setback. Ten (10) feet.
- (e) Minimum rear yard setback. Forty (40) feet.
- (f) Maximum building height. Thirty-five (35) feet.
- (g) Maximum building coverage. Twenty five percent (25%) of the total lot area.

Section 7. Single Family Residential "2" (RS-2)

7.1 Purpose

The purpose of the RS-2 District is to provide areas for the development of higher population density single family residences with public water, sanitary sewer, storm drainage and underground utility services. Housing shall be protected from the encroachment of uses not performing a function necessary to the residential environment and front yard parking shall be prohibited. Attached and unattached dwellings shall be designed to be in harmony with good land use planning practice.

7.2 Permitted Uses

(a) Within the "RS-2" district, only the following uses and structures designed for such uses shall be permitted:

- (1) Residential, single family detached.

7.3 Conditional Uses

(a) Within the "RS-2" district, only the following uses may be allowed as conditional uses:

- (1) Residential, single family attached.
- (2) Commercial, light
- (3) Institutional.
- (4) Outdoor recreation.

7.4 Dimensional Standards

(a) Minimum lot size.

- (1) Single family detached dwellings. Seven thousand five hundred (7,500) square feet.
- (2) Two or more attached dwellings. Nine thousand (9,000) square feet plus three thousand (3,000) square feet for each dwelling over two.

(b) Minimum lot width.

- (1) Single family detached dwellings. Sixty (60) feet.
- (2) Two or more attached dwellings. Sixty (60) feet plus twenty-five (25) feet for each dwelling more than two. Each dwelling shall be constructed on its own parcel.

(c) Minimum front yard setback. Thirty (30) feet.

- (d) Minimum side yard setback. Seven and one-half (7.5) feet. Side yards are only required at the unattached ends of dwelling units and contiguous dwelling complexes.
- (e) Minimum rear yard setback. Twenty-five (25) feet.
- (f) Minimum structural setback. No portion of any attached dwelling complex shall be closer than twenty-four (24) feet to any other dwelling complex or detached accessory structure.
- (g) Maximum building height. Thirty-five (35) feet.
- (h) Maximum building coverage. Thirty percent (30%) of the total lot area.
- (i) Maximum gross density. Eight (8) dwelling units per acre.

7.5 Supplemental Standards

- (a) Single family attached dwellings in the RS-2 District shall constitute groupings making efficient, compatible, and convenient use of land and open space. Designs shall serve the public purpose by providing alternative arrangements of buildings, yards, and common areas.
- (b) Each attached dwelling shall have not less than three hundred (300) square feet of yard space adjacent to the dwelling secluded at six (6) feet above ground level from view of neighboring properties or access roads. Said yard space shall be equal in width to the dwelling with a minimum dimension of not less than twelve (12) feet.
- (c) In the event common areas are provided which are not contained in lots or streets conveyed to individual owners, said common areas shall be maintained by and be the sole responsibility of the developer/owner of the development until such time as the developer/owner conveys such common area to a nonprofit corporate owner whose shareholders shall be all of the individual owners of dwellings in the development. Said land shall be conveyed to and be held by the nonprofit corporate owner solely for recreational and parking purposes of the owners of individual dwellings in the development. In the event of such conveyance by the developer/owner to a nonprofit corporate owner association, deed restrictions and covenants shall be provided in form and substance satisfactory to the attorney for the City of Owens Cross Roads.
- (d) A party wall shall separate each attached single-family dwelling unit and shall have a minimum solid wall thickness of six (6) inches, be constructed of noncombustible material and extend six (6) inches above the roof line.

Section 8. Multiple Family Residential (RM)

8.1 Purpose

The purpose of the RM District is to provide sites for multiple family dwellings which will: (1) serve as zones of transition between nonresidential districts and single-family districts and (2) provide areas for medium to high density multiple family dwellings which will be compatible with adjoining single-family development. It is further intended that the RM district will abut and take access from arterials, major thoroughfares and collector streets.

8.2 Permitted Uses

(a) Within the "RM" district, only the following uses and structures designed for such uses shall be permitted:

- (1) Residential, single family attached.
- (2) Residential, multiple family.
- (3) Institutional.
- (4) Outdoor recreation.

8.3 Conditional Uses

(a) Within the "RM" district, only the following uses may be allowed as conditional uses:

- (1) Residential, single family detached.
- (2) Commercial, light.

8.4 Dimensional Standards

(a) Minimum lot size.

- (1) Single family detached dwellings. Seven thousand five hundred (7,500) square feet.
- (2) Two or more attached dwellings, townhouses and multiple family dwellings. Nine thousand (9,000) square feet plus three thousand (3,000) square feet for each dwelling over two.

(b) Minimum lot width.

- (1) Single family detached dwellings. Sixty (60) feet.
- (2) Two or more attached dwellings. Sixty (60) feet plus ten (10) feet for each dwelling more than two.

- (c) Minimum front yard setback. Thirty (30) feet.
- (d) Minimum side yard setback. Eight (8) feet.
- (e) Minimum rear yard setback. Thirty (30) feet.
- (f) Minimum structural setback. No portion of any attached dwelling complex shall be closer than twenty-four (24) feet to any other dwelling complex or detached accessory structure.
- (g) Minimum setback from driveways and walkways. Fifteen (15) feet.
- (h) Maximum building height. Thirty-five (35) feet.
- (i) Maximum building coverage. Thirty five percent (35%) of the total lot area.
- (i) Maximum gross density.
 - (1) Single family detached dwellings. Eight (8) units per acre.
 - (2) Townhouse developments. Ten (10) dwelling units per acre.
 - (3) Multiple family developments. Twelve (12) dwelling units per acre.

8.5 Supplemental Standards

- (a) Single family attached dwellings in the RM District shall constitute groupings making efficient, compatible, and convenient use of land and open space. Designs shall serve the public purpose by providing alternative arrangements of buildings, yards, and common areas.
- (b) Each attached dwelling shall have not less than three hundred (300) square feet of yard space adjacent to the dwelling secluded at six (6) feet above ground level from view of neighboring properties or access roads. Said yard space shall be equal in width to the dwelling with a minimum dimension of not less than twelve (12) feet.
- (c) In the event common areas are provided which are not contained in lots or streets conveyed to individual owners, said common areas shall be maintained by and be the sole responsibility of the developer/owner of the development until such time as the developer/owner conveys such common area to a nonprofit corporate owner whose shareholders shall be all of the individual owners of dwellings in the development. Said land shall be conveyed to and be held by the nonprofit corporate owner solely for recreational and parking purposes of the owners of individual dwellings in the development. In the event of such conveyance by the developer/owner to a nonprofit corporate owner association, deed restrictions and covenants shall be provided in form and substance satisfactory to the attorney for the City of Owens Cross Roads.
- (d) A party wall shall separate each attached single-family dwelling unit and shall have a minimum solid wall thickness of six (6) inches, be constructed of noncombustible material and extend six (6) inches above the roof line.

Section 9. Town Center (TC)

9.1 Purpose

The purposes of a TC, Town Center district, are to:

- (a) Promote development of a compact, pedestrian-oriented town center consisting of a high-intensity employment center, vibrant and dynamic mixed-use areas, and residential living environments that provide a broad range of housing types for an array of housing needs:
- (b) Promote a diverse mix of residential, business, commercial, office, institutional, educational, and cultural and entertainment activities for workers, visitors, and residents;
- (c) Encourage pedestrian-oriented development within walking distance of town center businesses;
- (d) Promote the health and well-being of residents by encouraging physical activity and greater social interaction;
- (e) Create a place that represents a unique, attractive, and memorable destination for visitors and residents; and
- (f) Enhance the community's character through the promotion of high-quality urban design.

9.2 Permitted Uses

- (a) Within the "TC" district, only the following uses and structures designed for such uses shall be permitted:
 - (1) Institutional.
 - (2) Outdoor recreation.
 - (3) Office and professional service.
 - (4) Commercial, light.

9.3 Conditional Uses

- (a) Within the "TC" district, only the following uses may be allowed as conditional uses:
 - (1) Residential, single-family detached.
 - (2) Residential, single-family attached.
 - (3) Residential, multiple-family.
 - (4) Commercial, heavy.

9.4 Dimensional Standards

- (a) Minimum front yard setback. Ten (10) feet.
- (b) Maximum front yard and street side setback. The maximum front and street side building setback may not exceed the average front yard depth of the nearest two lots on either side of the subject and facing the same street, or 12 feet, whichever is less. For the purposes of calculating the average front yard depth, vacant lots shall be counted as having a zero (0) setback. Exceptions to the maximum front yard and street side setback are as follows.
 - (1) A portion of the building may be set back from the maximum setback line in order to provide an articulated facade or accommodate a building entrance feature, provided that the total area of the space created must not exceed one square foot for every linear foot of building frontage.
 - (2) A building may be set back farther than the maximum setback in order to accommodate an outdoor eating area, provided that at least 40 percent of the building facade must be located at the maximum setback line. The total area of an outdoor eating area that is located between a public sidewalk and the building facade may not exceed 12 times the building's street frontage in linear feet.
- (c) Minimum side yard setback. None.
- (d) Minimum rear yard setback. None.
- (e) Maximum floor area ratio. Three (3).
- (f) Maximum building height. Sixty-five (65) feet.

9.5 Supplemental Standards

- (a) Parking. All off street parking must be located to the side or rear of the principal building. Sidewalks, not less than four (4) ft wide, shall be provided so as to connect each principal building to associated parking areas. Where located within fifty (50) ft of a public roadway, principal buildings shall be connected to such roadway by sidewalks. If not already present, sidewalks, not less than five (5) ft wide, shall be provided along abutting roadways.
- (b) Indoor/outdoor operation. All permitted uses in the TC district must be conducted within buildings unless otherwise expressly authorized. This requirement does not apply to off-street parking or loading areas, automated teller machines, or outdoor seating areas, alone or in connection with restaurants.
- (c) Ground floor space in mixed use buildings.
 - (1) All nonresidential floor space provided on the ground floor of a mixed-use building must have a minimum floor-to-ceiling height of 11 feet.

- (2) All nonresidential floor space provided on the ground floor of a mixed-use building must contain the following minimum floor area:
- (i) At least 800 square feet or 25 percent of the lot area (whichever is greater) on lots with street frontage of less than 50 feet: or
 - (ii) At least 20 percent of the lot area on lots with 50 feet of street frontage or more.
- (d) Transparency.
- (1) A minimum of sixty percent of the street facing building facade between two feet and eight feet in height must be comprised of clear windows that allow views of indoor nonresidential space or product display areas.
 - (2) The bottom edge of any window or product display window used to satisfy the transparency standard of paragraph (1) above may not be more than four feet above the adjacent sidewalk.
 - (3) Product display windows used to satisfy these requirements must have a minimum height of four feet and be internally lighted.
- (e) Doors and entrances.
- (1) Buildings must have a primary entrance door facing a public sidewalk. Entrances at building corners may be used to satisfy this requirement.
 - (2) Building entrances may include doors to individual shops or businesses, lobby entrances, entrances to pedestrian oriented plazas or courtyard entrances to a cluster of shops or businesses.
- (f) Vehicle and driveway access. No curb cuts are allowed for lots that abut alleys.
- (g) Drive-through facilities. Drive-through facilities for vehicles are prohibited in the TC district.

Section 10. Highway Corridor (HC)

10.1 Purpose

The purpose of the HC District is to provide for the retailing of goods and the furnishing of major services, selected trade shops, automotive repairs and other highway-oriented land uses. This district is intended to be-utilized primarily by those commercial uses which cater to the traveling public, tourists, trucks, and heavy automobile traffic. To this extent, this district is usually located on a major arterial highway at or near the intersection with one or more other major arterial highways so that it is accessible from all directions. It is not the intent of this district to encourage the extension of existing strip commercial areas. To that end, it is intended to be used in conjunction with other districts, the landscaping regulations, and other provisions of this Ordinance.

10.2 Permitted Uses

(a) Within the "HC" district, only the following uses and structures designed for such uses shall be permitted:

- (1) Institutional.
- (2) Outdoor recreation.
- (3) Office and professional service.
- (4) Commercial, light.
- (5) Commercial, heavy.
- (6) Agricultural, non-commercial.

10.3 Conditional Uses

(a) Within the "HC" district, only the following uses may be allowed as conditional uses:

- (1) Residential, single-family detached.
- (2) Residential, single-family attached.
- (3) Residential, multiple-family.
- (4) Industrial, light.
- (5) Agricultural, commercial.

10.4 Dimensional Standards

(a) Minimum front yard setback. Fifty (50) feet.

- (b) Minimum side yard setback. Twenty (20) feet.
- (c) Minimum rear yard setback. Twenty feet, except where the rear lot line abuts a residential district there shall be provided a rear yard of not less than thirty-five (35) feet.
- (d) Maximum building height. Fifty-five (55) feet.

10.5 Supplemental Standards

- (a) Off street parking spaces are not permitted in the first 20 feet of the required front yard as measured from the street right-of-way and said area shall be landscaped and maintained in a manner as to be neat in appearance when viewed from any street.
- (b) Exterior storage of materials shall be in the side and rear yards only and shall be contained by fencing in such a manner as to be neat in appearance when viewed from any street. No exterior storage or display of materials or products, whether for sale or not, is permitted in the required front yard except farm equipment sales, new and used car sales, trailer sales, recreational vehicle sales and mobile home sales, and these uses shall not be permitted in the first 20 feet of the required front yard.
- (c) A 7-foot-high screen shall be provided along the perimeter of the rear and side yards of the tract to be developed and/or used for commercial purposes when the tract abuts either on the rear or side lot line of a residential district. Such screening shall not extend closer than 50 feet to any street right-of-way. If planting is to be used as a screen, it shall be provided as set forth in the landscaping regulations of this Ordinance.

Section 11. Special District (SD)

11.1 Purpose

The purpose of the "SD" is to provide for those land uses that may be necessary to the local economy or are essential to the functioning of the community, but, by their nature, are likely to be incompatible with most other land uses and must be approved on a case by case basis.

11.2 Permitted Uses

(a) Within the "SD" area, only the following uses and structures designed for such uses shall be permitted:

- (1) None.

11.3 Conditional Uses

(a) Within the "SD" area, only the following uses may be allowed as conditional uses:

- (1) Industrial, light.
- (2) Industrial, heavy.
- (3) Transportation, communication and utility.
- (4) Agricultural, commercial.
- (5) Mining.
- (6) Other land uses that, due to the nature of their impact on surrounding properties or on the community in general, are not susceptible to being categorized with any of the above land use categories.

11.4 Dimensional Standards

- (a) Minimum lot size. One (1) acre.
- (b) Minimum front yard setback. Thirty-five (35) feet.
- (c) Minimum side yard setback. Twenty (20) feet.
- (d) Minimum rear yard setback. Twenty (20) feet except where it is necessary to set back for the purpose of rail service in which case, the rear yard setback shall be no less than five (5) feet.
- (e) Maximum building height. Forty-five (45) feet.
- (f) Maximum building coverage.

- (1) Main and accessory buildings. Fifty percent (50%) of the total lot area.
- (2) The coverage of main and accessory buildings plus the area used or designed for use by parking and loading facilities shall not exceed eighty (80) percent of the lot area. Not less than twenty (20) percent of the lot area shall be maintained as an open landscaped yard.

11.5 Supplemental Standards

- (a) Manufactured homes shall be developed in accordance with the regulations for manufactured homes and manufactured home communities contained in this Ordinance.
- (b) No outside storage shall be permitted which is visible from any residential district.
- (c) All yards adjacent to a street which are created by the setback requirements contained herein shall be maintained as open landscaped yards bisected only by access drives, and their use for any other purpose including off street parking, is specifically prohibited.
- (d) Any part of a lot not used for buildings or other structures, or off-street parking, loading and maneuvering areas, drives and pedestrian walks, shall be planted with appropriate ground cover, trees, flowers, shrubs, and grass lawns, all of which shall be properly maintained in a healthy condition at all times.
- (e) Any lighting including any permitted illuminated sign, shall be arranged so that there will be no annoying glare directed or reflected toward residential buildings in a residential district.

ARTICLE IV. GENERAL DEVELOPMENT STANDARDS

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Section 1. Purpose

The purpose of this article is to describe those regulations and standards that apply generally to all zoning districts. (Refer to Article III)

Section 2. Generally Applicable Regulations

2.1 Lot Size

No lot, even though it may consist of one or more adjacent lots of record in single ownership, shall be reduced in size so that the lot width or depth, front, side or rear yards, lot area per dwelling unit or other requirements of this Ordinance are not maintained. This prohibition shall not be construed to prevent the purchase or condemnation of narrow strips of land for public utilities or street right-of-way purposes.

2.2 One Principal Building on a Lot

Every building hereafter erected, moved or structurally altered shall be located on a lot, and in no case shall there be more than one (1) principal building and its customary accessory buildings on the lot, except in the case of a specially designed complex of institutional, residential, commercial, or industrial buildings in an appropriate zoning district.

2.3 Yards

(a) Projecting architectural features. The space in any required yard shall be open and unobstructed except for the ordinary projections of window sills, cornices, eaves, and other architectural features provided that such features shall not project more than two (2) feet into any required yard. Apparatus needed for the operation of active and passive solar energy systems including, but not limited to, overhangs, movable insulating walls and roofs, detached solar collectors, reflectors and piping shall not project more than four (4) feet into any required yard.

(b) Porches and Carports. Any porch or carport having a roof shall be considered a part of the building for the determination of the size of the yard or lot coverage.

(c) Terraces. A paved terrace shall not be considered in the determination of yard sizes or lot coverage provided that such terrace is unroofed and without walls or parapets or other forms of enclosure.

(d) Front Yards. Where the developed lots within one hundred (100) feet on the same side of the street of any undeveloped lot have a greater or less front yard than required herein, the front yard of such undeveloped lot shall be within five (5) feet of the average front yard; provided no front yard shall be less than thirty (30) feet.

(e) Front yards on corner lots. Corner lots shall provide a front yard on each street side. No accessory building shall project into the front yard on either street.

(f) Rear yards. Accessory buildings and structures may be built in a rear yard, or in a side yard if behind a fence, but such accessory buildings and structures shall not occupy more than thirty percent (30%) of the required rear yard and shall not be nearer than three (3) feet to any side or rear lot line or utility easement line, except that when a garage is entered from an alley, it shall not be located closer than seven (7) feet to the alley line.

2.4 Yard Use Limitations

No part of a yard or other open space required about any building or use for the purpose of complying with the provisions of this Ordinance shall be included as a part of a yard or other open space similarly required for another building or use.

2.5 Fences, Walls and Hedges

Notwithstanding other provisions of this Ordinance, fences, walls, and hedges may be permitted in any side or rear yard, or along the edge of any front yard; provided that no solid fence, solid wall, or hedge along the side edge of any required front yard or along the front edge of any required side yard shall constitute any obstruction to visibility between two and one-half (2½) and six (6) feet canopy above ground level. Fences must not block drainage paths. Hedges shall be permitted in required front yards, provided they do not extend into the street right-of-way.

2.6 Visibility at Intersections in Residential Districts

On a corner lot in all residential zoning districts, no fence, wall, hedge, or other planting or structure that will obstruct vision that is no higher than two and one-half (2 ½) feet and that the canopy of trees may not be below six (6) feet above the centerline grades of the intersecting streets shall be erected, placed, or maintained within the triangular area formed by the right-of-way centerlines at such corner lots and a straight line joining said right of way centerlines at points which are thirty (30) feet distance from the intersection of the right-of-way centerlines and measured along said right-of-way lines.

2.7 Exclusion from Height Limits

The height limitations contained in this Ordinance do not apply to spires, belfries, cupolas, antennas, communication transmission towers, television and radio towers, water tanks, ventilators, chimneys, elevator shaft enclosures, solar energy collectors and equipment used for the mounting or operation of such collectors and equipment or other appurtenances usually required to be placed above the roof level and not intended for human occupancy; however, the heights of these structures or appurtenances thereto shall not exceed any height limitations prescribed by the Federal Aviation Administration or airport zoning regulations within the flight approach zone of airports. Further, although exempted from

structural height limitations, the above structures shall not significantly impair solar access of buildings or solar collector locations.

2.8 Accessory Uses and Structures

(a) Location and extent. In residential districts, accessory uses and structures with a roof impervious to weather shall only be located in the rear yard. Accessory structures, if not attached to a principal structure, shall be separated by at least eight (8) feet from the principal structure. The area designed or used for such accessory use or structure shall not exceed twenty five percent (25%) of the floor area of the dwelling unit.

(b) Temporary structures. Temporary structures incidental to construction of buildings or structures are permitted provided such structures shall be removed following completion or abandonment of such construction.

(c) Swimming pools. Private swimming pools constructed in a residential district as an accessory use to a residence shall be located in the rear yard and shall maintain a minimum yard of ten (10) feet on all sides. Such swimming pools or the rear yard in which they are located shall be surrounded by a fence of at least four (4) feet in height. If fencing is placed in the U & D easement, it will be at the expense of the property owner if such fence is required to be moved at any time.

2.9 Essential Services

(a) Essential services are permissible by Special Exception or Permitted Use in any zoning district. Essential services are hereby defined to include and be limited to water, sewer, gas, telephone, and electrical systems, including substations, lift stations, and similar sub-installations necessary for the performance of these services; provided, however, that this Section shall not be deemed to permit the location in a district of such establishments as electric or gas generating plants, sewage treatment plants, or water pumping or water aeration facilities from which they would otherwise be prohibited.

(b) Where permanent structures are involved in providing such services, such structures shall conform insofar as possible to the character of the district in which the property is located as to architecture and landscaping characteristics of adjoining properties.

2.10 Alternative Energy Fixtures

The use of solar energy collectors, storage facilities, distribution components, windmills, etc., for the purpose of providing energy for heating and/or cooling is a permitted use within all zoning districts whether as part of a structure or incidental to a group of structures. When not part of a structure, they are permitted in rear yards only.

2.11 Access to a Public Street

Every building hereafter erected or moved shall be on a lot adjacent to a public street or with access to an approved private street, and all structures shall be so located on lots as to provide safe and convenient access for servicing, fire protection, and required off street parking. No dwelling shall be erected on a lot or portion of a lot which does not abut on at least one public street or approved private street for at least twenty (20) feet.

2.12 Parking and Storage of Certain Vehicles

Automotive vehicles or trailers of any type without current license plates shall not be parked or stored other than in completely enclosed buildings on any residentially zoned property.

Section 3. Off-Street Parking

3.1 Purpose

It is the intent of this Ordinance that the public interest, welfare, and safety requires that every building and use erected or instituted after the effective date of this Ordinance shall be provided with adequate off-street parking facilities for the use of occupants, employees, visitors, customers, or patrons.

3.2 Minimum Space Requirement

Each and every separate individual store, office, residence, manufacturing establishment, or other business shall be provided with off street parking facilities as specified below unless this Ordinance makes specific provision to the contrary.

Use	Spaces Required
Dwellings & Lodging	
Single & Two Family Dwellings	2 Per Dwelling Unit
Apartments (1 Bedroom)	2 Per Dwelling Unit
Apartments (2+ Bedrooms)	2.5 Per Dwelling Unit
Boarding or Room Houses	2 + 0.75 Per Accommodation
Hotels & Motels	1.2 Per Room
Manufactured Homes	2 Per Dwelling Unit
Retail Trade	
Uses in Shopping Centers	1 Per 250 SF of GFA
General Retail (Department Stores, Variety Stores, etc.)	1 Per 250 SF of GFA
Food, Drug and Beverage Stores	3 + 1 Per 250 SF of GFA over 500 SF
Furniture Stores	1 Per 500 SF of GFA
Motor Vehicle Sales	1 Per 500 SF of GFA
Restaurants	1 Per 75 SF of GFA up to 6,000 SF + 1 Per 55 SF of GFA over 6,000 SF
Services	
Amusement Establishments	1 Per Each 4 Patrons at Capacity
Auto Service Stations	3 Per Service Bay Plus 2 Per Employee Plus 1 Per Service Vehicle
Banks, Savings & Loan	1 Per 250 SF of GFA
Barber & Beauty Shops	2 Per Chair/Station Plus 1 Per 2 Employees
Bowling Alleys	5 Per Lane + 1 Per 2 Employees
Churches	1 Per 4 Seats
Clubs or Lodges (Private)	1 Per 50 SF of Assembly Area

Use	Spaces Required
Services Con't	
Funeral Parlors or Mortuaries	5 + 1 Per 5 Seats in the Largest Chapel
Hospitals & Sanitariums	1 Per 2 Beds + 1 Per Doctor + 1 Per 2 Employees at Maximum Shift
Medical or Dental Clinics or Offices	3 Per Treatment Room + 1 Per Doctor/Dentist
Nursing, Convalescent, or Rest Homes	1 Per 4 Beds + 1 Per 2 Employees
Offices, Businesses or Professional	1 Per 300 SF of GFA
Nursery Schools or Day Care	1 Per Employee + Adequate Off-Street Area for Pickup/Drop Off
Elementary, Middle or Junior High School	2 Per Classroom
Senior High School	1 Per Employee + 1 Per 8 Students
Self-Service Laundries and Dry Cleaning	0.5 Per Machine
Theatres, Public Auditoriums, and Other Places of Public Assembly	1 Per 4 Seats
Manufacturing & Wholesale	
Manufacturing	2 + 1 Per Company Vehicle + 1 Per 2 Employees at Maximum Shift
Warehousing (General)	1 Per 1,000 SF of GFA Up To 20,000 SF + 1 Per 2,000 SF Over 20,000 SF Up To 40,000 SF + 1 Per 4,000 SF of GFA Over 40,000 SF
Wholesale Establishments	2 + 1 Per Company Vehicle + 1 Per 3 Employees at Maximum Shift
Other Uses Not Covered Above	
Retail and Service	1 Per 250 SF of GFA
Other Commercial & Industrial	.75 Per Employee at Maximum Shift

3.3 Other Factors Determining Off-Street Parking Space Requirements

(a) Fractional spaces. When determination of the number of spaces required by this Ordinance results in a requirement of a fractional space, any fraction less than one-half (1/2) shall be disregarded and any fraction of one-half (1/2) or more shall require one (1) space.

(b) Enlarged/changed use. From the effective date of this Ordinance, if such land, structures, or uses are enlarged, expanded, or changed, there shall be provided for the increment only of such land, structures and uses enlarged, expanded or changed and maintained as herein required, at least the amount of off- street parking space that would be required hereunder if the increment were a separate land, structure or use. However, where a lot with an existing structure is cleared and a new structure is erected thereon, there shall be provided and maintained off street parking space as required herein.

(c) Joint use. When off street parking space is used jointly by two or more uses with different requirements, or two or more uses having the same requirement, an area shall be provided equal to the total of requirements of all the uses.

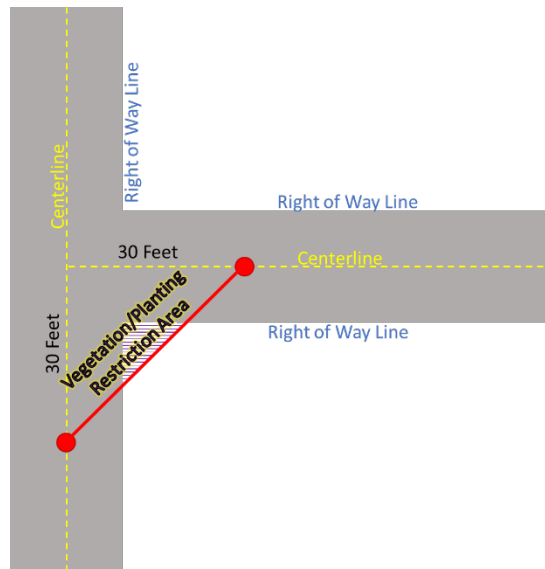
3.4 Location of Off-Street Parking

The required off street parking facilities shall be located on the same lot or parcel of land they are intended to serve, provided however, that for other than residential uses, the Board may allow the establishment of such off-street parking facilities within three hundred (300) feet of the premises they are intended to serve when:

- (1) practical difficulties prevent the placing of the facilities on the same lot as the premises they are designed to serve;
- (2) the owner of the said parking area shall enter into a written agreement with the City with enforcement running to the City providing that the land comprising the parking area shall never be disposed of except in conjunction with the sale of the building which the parking area serves so long as the facilities are required; and
- (3) the owner agrees to bear the expense of drafting and recording the agreement and agrees that the agreement shall bind his heirs, successors, and assigns. The written agreement shall be voided by the City if other off-street facilities are provided in accord with this Ordinance.

3.5 Clearance at Intersections.

No fence, wall, hedge, or other planting or structure that will obstruct vision that is no higher than two and one-half (2 ½) feet and that the canopy of trees may not be below six (6) feet above the centerline grades of the intersecting streets shall be erected, placed, or maintained within the triangular area formed by the right-of-way centerlines at such corner lots and a straight line joining said right of way centerlines at points which are thirty (30) feet distance from the intersection of the right-of-way centerlines and measured along said right-of-way lines.



3.6 Development and Maintenance of Off-Street Parking Facilities

- (a) **Plans.** An applicant for a building permit must submit plans showing the off-street parking required by this Ordinance. These plans must show location, arrangement, and dimensions of the off-street parking, turning spaces, drives, aisles, and ingress and egress in a manner satisfactory for the safety and convenience of pedestrian, as well as vehicular, traffic.
- (b) **Size.** Each space shall be at least nine (9) feet wide and twenty (20) feet long.
- (c) **Access.** Adequate access drives shall be provided for all parking spaces not abutting a public street or alley. Ingress and egress driveways shall be no wider than thirty-six (36) feet, exclusive of curb returns.
- (d) **Screening.** All sides of parking provided for commercial or industrial uses and all open off-street parking areas with more than fifteen (15) spaces shall be screened from any adjoining residentially zoned lot by a solid and opaque ornamental fence, wall, landscaped buffer, or effective equivalent, having a height of not less than six (6) feet. Such fence, wall, hedge, or effective equivalent, shall be maintained in good condition.
- (e) **Landscaping.** Off-street parking facilities shall be landscaped in accordance with the landscaping regulations contained in this Ordinance.
- (f) **Surfacing, marking, and drainage.** All off street parking spaces and their access roads shall be paved with an all-weather surface of asphalt, concrete, or an approved equivalent material acceptable to the Administrator, and maintained such that no dust will result from continued use. Spaces shall be arranged and marked so as to provide for orderly and safe parking. Drainage shall be provided to dispose of all surface water without crossing sidewalks.
- (g) **Barriers/bumpers.** Except for parking areas provided for single family and two-family units, suitable barriers or curbs shall be provided to protect sidewalks. Wheel or bumper guards shall be located so that no part of any vehicle shall extend beyond the parking area, intrude on pedestrian ways, or come in contact with walls, fences or plantings.
- (h) **Lighting.** Lighting for off street parking shall be adequate and so arranged as to direct the light away from any adjoining property in a residential district. Minimum and maximum light levels at ground level shall be in accordance with the table below.

Type of PVA	Required Minimum Light Level	Max/Min Uniformity Ratio
Surface PVA without LED Lighting	1 foot candle	10:1
Surface PVA w/ LED Lighting	0.4 foot candles	8:1
Parking Garages and Underground Parking without LED Lighting	5 foot candles	4:1
Parking Garages and Underground Parking w/ LED Lighting	3 foot candles	4:1
Garage Stairwells	10 foot candles	N/A
Garage Rooftop Surfaces	1 foot candle	10:1

(i) ADA accessibility. Off-street parking facilities, public sidewalks and pedestrian walkways must comply with the Americans for Disabilities Act (ADA) standards for accessible design.

Section 4. Off Street Loading

4.1 Purpose

Off street loading facilities are required by this Ordinance so that vehicles engaged in unloading will not encroach on, or interfere with, the public use of streets and alleys and so that adequate space is available for the unloading and loading of goods, and materials.

4.2 Minimum Space Requirement

(a) Each retail store, storage warehouse, wholesale establishment, industrial plant, factory, freight terminal, market, restaurant, mortuary, laundry, dry cleaning establishment, or similar use shall provide off street loading spaces in accordance with the following table.

If Aggregate Floor Area in Square Feet Is:		The Required Number of Off-Street Loading Spaces Is:
Over	But Not Over	
5,000	25,000	1
25,000	60,000	2
60,000	120,000	3
120,000	200,000	4
200,000	290,000	5
290,000	5 + 1 Additional Space for Each 90,000 SF or Major Fraction Thereof	

(b) Each multiple family dwelling having at least twenty dwelling units shall provide one identified off-street space marked as a loading zone.

(c) Each auditorium, convention hall, exhibition hall, museum, motel, hotel, office building, sports arena, stadium, hospital, sanitarium, welfare institution, or similar use which has an aggregate floor area of over 10,000 square feet but not over 40,000 square feet shall provide one off street loading space. Each such use having an aggregate floor area over 40,000 square feet shall provide one off street loading space plus one additional space for each additional 60,000 square feet of floor area over 40,000 square feet.

4.3 Other Factors Determining Off-Street Loading Requirements

(a) Fractional spaces. When determination of the number of spaces required by this Ordinance results in a requirement of a fractional space, any fraction less than one half (½) or more shall require one space.

(b) Enlarged/changed use. From the effective date of this Ordinance, if such land, structures, or uses are enlarged, expanded, or changed, there shall be provided for the increment only of such land,

structure. and uses enlarged, expanded or changed and maintained as herein required, at least the amount of off- street loading space that would be required hereunder if the increment were a separate land, structure, or use. However, where a lot with an existing structure is cleared and a new structure constructed thereon, there shall be provided and maintained off street loading space as required herein.

(c) Joint use. When an off-street loading space is used jointly by two or more uses with different requirements, or two or more uses having the same requirement, an area shall be provided equal to the total of requirements of all the uses.

4.4 Development of Off-Street Loading Facilities

(a) Plans. An applicant for a building permit must submit plans showing the off-street loading required by this Ordinance, for any use or structure required to provide off street loading facilities. The plan shall accurately designate the required off street loading spaces, access thereto, dimensions and clearance.

(b) Size. Each space shall have clear horizontal dimensions of twelve (12) feet by thirty (30) feet exclusive of platforms and piers and a clear vertical dimension of fourteen (14) feet.

Section 5. Landscaping Regulations

5.1 Purpose

The purpose of this Section is to protect and improve the safely, health and welfare of the citizens of this jurisdiction by providing for the use of buffer yards and landscaping to reduce the negative impacts of development on neighboring properties and increase the aesthetic appeal, attractiveness and viability of individual properties and the community in general.

5.2 Exemption

Lots or parcels of land on which one single family home is used as a residence shall be exempt from all provisions of these landscaping regulations. This shall not be construed to exempt residential developments or subdivisions that require approval of a site plan or plat by the Planning Commission.

5.3 Required Landscaping

(a) Vehicle use areas.

(1) A vehicle use area is any portion of a development site used for circulation, parking, and/or display of motorized vehicles, except junk or automobile salvage yards.

(2) All vehicle use areas containing more than five thousand (5,000) square feet shall be landscaped in accordance with the following standards:

(i) For every twenty (20) parking spaces or 5,000 square feet of paved area, whichever is greater, within a vehicle use area, 1,600 square feet of landscaped area shall be provided.

(ii) The landscaped area may include islands within the vehicle use area or areas on the perimeter of the vehicle use area, however, all portions of the additional 1,600 square feet of landscaped area shall be within five (5) feet of the vehicle use area and no area will be counted which is narrower than five (5) feet.

(iii) Every 1,600 square feet of landscaped area shall contain five (5) canopy trees, one (1) under story tree and twenty-four (24) shrubs.

(3) Proportional amounts of landscaping shall be provided for fractional areas.

(b) Buffer yards.

(1) A buffer yard is a landscaped strip along parcel boundaries that serves as a buffer between incompatible uses and zoning districts, as an attractive boundary of the parcel or use, or as both a buffer and attractive boundary. This shall not be interpreted to mean that parcels within a planned mixed-use development must meet these requirements.

(2) The width and degree of vegetation required depends on the nature of the adjoining thoroughfares and uses. The standards of paragraphs (3) and (4) below prescribe the required width and landscaping of all buffer zones.

(3) The standards for buffer zones are set out in the following table which specifies the number of plants required per one hundred (100) linear feet. To determine the total number of plants required, the length of each side of the property requiring a buffer shall be divided by one hundred (100) and multiplied by the number of plants specified in the following table. The plants shall be spread reasonably evenly along the length of the buffer.

Buffer Standards	Canopy	Understory	Shrub
(a) Standard "A" with 20' width with 15' width with 10' width	1.2 1.8 2.4	0.4 0.6 0.8	4.0 6.0 8.0
(b) Standard "B" with 25' width with 20' width with 15' width with 10' width	3.5 4.0 4.5 5.0	1.4 1.6 1.8 2.0	14.0 16.0 18.0 20.0
(c) Standard "C" with 35' width with 30' width with 25' width with 20' width	4.8 5.4 6.0 6.6	2.4 2.7 3.0 3.3	19.0 22.0 24.0 28.0
(d) Standard "D" with 60' width with 50' width with 40' width with 30' width	8.0 9.0 10.0 12.0	4.0 4.5 5.0 6.0	24.0 27.0 30.0 36.0

(4) The foregoing standards shall be required between a proposed land use and abutting developed parcels as follows:

Required Buffer: Adjacent Land Use

Proposed Use:	Abutting or Adjacent Use				
	Agriculture	Single Family Residential	Multi - Family Residential	Commercial Development	Industrial Development
(a) Agricultural	N	N	N	N	N
(b) Single Family Residential	A	A	B	C	D
(c) Multi-Family Residential	A	B	A	C	D
(d) Commercial Development	A	C	C	A	B
(e) Industrial Development	A	D	D	B	A

"N" indicates that no standard is required.

(5) When an abutting parcel is undeveloped, the table in paragraph (4) shall also be used, however, the undeveloped parcel shall be designated according its zoning district such that the RR district shall be construed as Agricultural, the ER, RS-1, and RS-2 districts shall be construed as Single Family Residential, the RM district shall be construed as Multi Family Residential, the TC and HC districts shall be construed as Commercially Developed Parcels, and the SD district shall be construed as Industrial.

(6) The foregoing standards shall be applied between a proposed use and abutting roads, streets and railroads as follows, however, in no case shall the required buffer yard be greater than buffer "A" within 1,000 feet of the intersection of an arterial or collector road with another arterial or collector road.

Required Buffer: Adjacent Thoroughfare

Proposed Use:	Abutting Thoroughfare			
	Local	Collector	Arterial	Railroad
(a) Agricultural	N	N	N	N
(b) Single Family Residential	A	B	C	D
(c) Multi-Family Residential	A	B	C	D
(d) Commercial Development	A	B	C	D
(e) Industrial Development	D	D	D	N

(7) Wherever the principal structure on a site abuts a vehicle use area on the same site, a buffer zone between the vehicle use area and the principle structure shall be provided as follows:

(i) No buffer shall be required for proposed Agriculture and Single-Family Residential development.

(ii) Buffer standard "A" shall be required for proposed Multi Family Residential, Commercially Developed Parcels and Industrial development.

(8) Buffering for mixed used developments shall be based on the more intense use in the building or cluster of buildings.

(9) The use of existing native vegetation in buffer yards is preferred. If a developer proposes to landscape a buffer yard with existing native vegetation, the Planning Commission may allow a variation from the strict planting requirements of this section if:

(i) The variation is necessary to prevent harm to the existing native vegetation; and

(ii) The buffering and/or aesthetic purposes of the buffer yard are substantially fulfilled despite the variation.

(10) Responsibility for buffer yards.

(i) The desired width of a buffer yard between two parcels is the sum of the required buffer zones of the parcels. Where a new use is proposed next to an existing use that has less than the required buffer zone for that use, an inadequate buffer zone will be tolerated, except as provided below, until the nonconforming parcel is redeveloped and brought into conformity with the buffer yard requirements of this Ordinance. The developer of the new adjoining use is encouraged, however, to consider the inadequacy of the adjoining buffer yard in designing the site layout of the new development.

(ii) Where a residential use is proposed next to an existing non-residential use, or a non-residential use is proposed next to an existing residential use, and the existing use does not have a conforming buffer yard abutting the property proposed for development, the proposed use shall provide eighty (80) percent of the combined required buffer yards of the two uses. Where the existing use has a buffer yard, but it does not meet the requirements of this Ordinance, the proposed use may provide less than eighty (80) percent of the combined required buffer yards if the provision of such lesser amount will create a buffer yard meeting one hundred (100) percent of the combined required buffer yard of the two uses. The Planning Commission shall determine which areas may be counted as buffer yard of the existing use based on the buffering qualities of the areas.

(c) Use of required areas. No accessory structures, garbage or trash collection points or receptacles, parking, or any other functional use contrary to the intent and purpose of this Ordinance shall be

permitted in a required landscape area. This does not prohibit the combining of compatible functions such as landscaping with drainage facilities or pedestrian and bicycle pathways and the like.

5.4 Landscape Design and Materials

(a) Design principles. All landscaped areas required by this Ordinance should conform to the following general design principles. No development plan shall be denied solely on the basis of the design principles in this subsection.

- (1) Landscaping should integrate the proposed development into existing site features through consideration of existing topography, hydrology, soils and vegetation.
- (2) The functional elements of the development plan, particularly the drainage systems and internal circulation systems for vehicles and pedestrians, should be integrated into the landscaping plan.
- (3) Landscaping should be used to minimize potential erosion through the use of ground covers or any other type of landscape material that aids in soil stabilization.
- (4) Existing native vegetation should be preserved and used to meet landscaping requirements.
- (5) Landscaping should enhance the visual environment through the use of materials that achieve variety with respect to seasonal changes, species of living material selected, textures, colors and size at maturity.
- (6) Landscaping design should consider the aesthetic and functional aspects of vegetation, both when initially installed and when the vegetation has reached maturity. Newly installed plants should be placed at intervals appropriate to the size of the plant at maturity, and the design should use short- term and long-term elements to satisfy the general design principles of this section over time.
- (7) Landscaping should enhance public safety and minimize nuisances.
- (8) Landscaping should be used to provide windbreaks, channel wind and increase ventilation.
- (9) Landscaping should maximize the shading of streets and vehicle use areas.
- (10) The selection and placement of landscaping materials should consider the effect on existing or future solar access, of enhancing the use of solar radiation, and of conserving the maximum amount of energy.

(b) Installation of plants.

- (1) All plants shall be healthy and free of diseases and pests, and shall be selected from an online list of approved species for North Alabama or the list at the local nursery.

(2) Plants shall be installed during the period of the year most appropriate for planting the particular species. If compliance with this requires that some or all of the landscaping be planted at a time after the issuance of a certificate of occupancy, the developer shall post a performance bond sufficient to pay the costs of the required, but not yet installed, landscaping before the certificate shall be issued.

(3) Landscaping shall be protected from vehicular and pedestrian encroachment by means of raised planting surfaces, depressed walks, curbs, edges, and the like.

(4) The landscaping shall not interfere, at or before maturity, with power, cable television, or telephone lines, sewer or water pipes, or any other existing or proposed overhead or underground utility service.

(5) The developer shall provide sufficient soil and water to sustain healthy growth of all plants. All landscape planting beds/areas shall be equipped with an irrigation system.

(c) Use of native plants. Forty (40) percent of the total number of individual plants selected from each of the categories of approved species (canopy, under story, shrub, ground cover) and used to satisfy the requirements of this Ordinance shall be selected from an online list of native species for North Alabama or the list at the local nursery.

(d) Irrigation. All landscaped areas shall be provided with an appropriate irrigation system. If a landscaped area contains primarily species native to the immediate region, or plants acceptable for xeric landscaping, the Administrator or Planning Commission, as applicable, may waive the requirement for installation of an irrigation system. Consideration of a waiver of the irrigation requirement shall include, in addition to the area covered by native vegetation, such local conditions as sun or shade, use of fill soil, and depth to water table.

(e) Non-living materials. Mulches shall be a minimum depth of four (4) inches and plastic surface covers shall not be used.

(f) Maintenance and replacement of plants.

(1) All required plants shall be maintained in a healthy, pest-free condition.

(2) Within six (6) months of a determination by the Administrator that a plant is dead or severely damaged or diseased, the plant shall be replaced by the developer in accordance with the standards specified in this Ordinance. The developer is responsible for one (1) year from completion of development for plants in common areas and for one (1) year from completion of phases for plants on private property.

Section 6. Portable Buildings

(a) Purpose. It is the purpose of this section to establish the procedure and guidelines for the location and use of portable buildings for non-residential use.

(b) Approval required. Approval by the Administrator shall be required for the location, placement, installation, movement or use of any portable building. The approval shall specify the approved use of the portable building and the temporary period for which the permit is to remain valid.

(1) Eligibility. Approval shall be issued:

- i. Only for uses specifically provided for in the zoning district assigned to the property on which the portable building is to be located.
- ii. Only for uses and locations, which are, either specifically provided for under this section per paragraph (c) or approved as a conditional use by the Planning Commission per paragraph (d).
- iii. Only for placements of portable buildings which meet the dimensional requirements of this Ordinance for non-portable buildings.
- iv. Only upon approval of the Building Official with regard to fire safety, building safety, structural safety and location on the property.

(2) Duration of approval. Any site approved for one or more portable buildings as a permitted use shall remain valid for a time period as indicated in paragraph (c) below after which all portable buildings on the site must be removed. Requests for extension of the time period of approval shall be made to the Planning Commission under the provisions of paragraph (d) below. Approval for a portable building approved as a conditional use shall remain valid for a time period as determined by the Planning Commission under the provisions of paragraph (d) below.

(c) Portable buildings as a permitted use. Portable buildings may be placed and used for the following purposes upon approval by the Administrator:

- (1) In conjunction with and reasonably necessary for construction work taking place at a construction site and only during the period of actual construction.
- (2) For security service, including living quarters for a security guard, at a construction site and only during the period of actual construction.
- (3) For, or in conjunction with, education activity of public or private schools, or in conjunction with a public library for a period not to exceed ten years.
- (4) For religious purposes for a period not to exceed ten years.
- (5) For public recreation, public health, or other public purposes for a period not to exceed two years.
- (6) For emergency housing as deemed necessary in the public interest for a period not to exceed two years.

(7) For residential development sales offices or land sales offices on properties for which there is an approved site plan or subdivision plat for a period not to exceed two years or until seventy five percent (75%) of the land involved is sold, whichever occurs first.

(d) Portable buildings as a conditional use. Any portable building proposed to be located on public or private property, the use and location of which is consistent with paragraph (b) above but not specifically provided for under paragraph (c) above, shall require conditional use approval by the Planning Commission prior to procuring approval from the Administrator.

(e) Revocation of approval. Any approval issued for a portable building authorized by this section may be revoked where the Administrator or his designee finds that the holder of the approval is violating or is permitting employees, agents, partners, or representatives to violate these or any other regulations of the City, which violation affects the public health, safety and welfare, and which violation occurred as a result of the specific activity or use for which the approval was issued and not merely incidental thereto.

(1) Termination of use and removal. All portable buildings shall be removed within seven days after the date that the approval, which authorized the use, becomes invalid.

Section 7. Multiple Dwellings

Plans for multiple family projects containing two or more buildings which are located on the same parcel of land shall be presented to the Planning Commission for review. The Planning Commission shall make certain the proposed development meets the following requirements.

(1) The proposed development shall be compatible with requirements and intent of the Subdivision Regulations relative to access, drainage, utilities and major streets.

(2) Sidewalks not less than four (4) feet wide are required in the project area leading from all front and rear doors to streets. Sidewalks are also required along all property of the project abutting streets.

(3) The minimum lot size is 6,000 square feet of land area for the first two dwelling units plus 2,000 square feet of land area for each additional dwelling unit provided however, such required land area must be exclusive of vehicular access ways, but may include parking spaces.

(4) The closest permitted distance between any two apartment buildings shall be 10 feet for one story buildings and 14 feet for two story buildings.

(5) The minimum distance from an apartment building to a parking space shall be 8 feet.

(6) The minimum distance from front or side of an apartment building to any street right-of-way shall be 30 feet.

(7) The minimum distance from the side of an apartment building to the side property line shall be 7 feet for one story buildings and 8 feet for two story buildings.

- (8) The minimum distance from the rear of apartment building to the side property line shall be 30 feet.
- (9) The minimum distance from either rear or side of apartment building to rear lot line shall be 25 feet.
- (10) The minimum distance from the front of one apartment building to the front of another apartment building shall be 30 feet.
- (11) Windows in all apartment buildings shall have not less than a 20-foot view (measured perpendicular from the window) unobstructed by other buildings located on the same parcel of land.
- (12) The minimum distance from the front edge of vehicle access driveways or off-street parking areas to any street right-of-way shall be 20 feet.

ARTICLE V. SIGN STANDARDS

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Section 1. General Provisions

1.1 Purpose

The purpose of this article is to provide the minimum control of signs that ensures the protection of the public safety and general welfare. These provisions are intended to lessen the hazards to pedestrian and vehicular traffic, prevent unsightly and detrimental development which has a blighting influence upon the community, prevent signs from reaching such excessive size or numbers that they obscure one another to the detriment of all concerned, preserve the general character and aesthetic quality of the various areas within the jurisdiction, and promote a positive community image reflecting order, harmony and pride.

1.2 Definitions

Words and phrases used in this article shall have the meanings as set forth in this section. Words and phrases not defined in this section but defined elsewhere in the zoning regulations shall be given the meanings as set forth in such regulations. All other words and phrases shall be given their common, ordinary meaning unless the context clearly requires otherwise.

Advertising. Sign copy intended to directly or indirectly promote the sale or use of a product, service, commodity, entertainment, or real or personal property.

Animated Sign. Any sign that uses movement or change of lighting to depict action or create a special effect or scene.

Banner. Any sign of lightweight fabric or similar material that is permanently mounted to a pole or building by a permanent frame at one or more edges. National flags, state or municipal flags or the official flag of any institution or business shall not be considered banners.

Building Marker. Any sign indicating the name of a building, date of construction and incidental information, which is cut into a masonry surface or made of bronze or other permanent material.

Building Sign. A sign displayed upon or attached to any part of the exterior of a building, including walls, windows, doors, parapets, marquees and roof slopes of forty-five (45) degrees or steeper.

Canopy Sign. Any sign that is part of or attached to an awning, canopy or other fabric, plastic, or structural protective cover over a door, entrance, window, or outdoor service area. A marquee is not a canopy.

Changeable Copy Sign. A sign or portion thereof with characters, letters, or illustrations that can be changed or rearranged without altering the face or surface of the sign. A sign on which the message changes more than eight (8) times a day shall be considered an animated sign and not a changeable copy sign. A sign on which the only copy that changes is an electronic or mechanical indication of the time and temperature shall be considered a "time and temperature" portion of the sign and not a changeable copy sign.

Commercially Developed Parcel. A parcel of property on which there is at least one walled and roofed structure used, or designed to be used, for other than residential or agricultural purposes.

Commercial Occupant. A commercial use. i.e., any use other than residential or agricultural.

Copy. The linguistic or graphic content of a sign.

Electric Sign. Any sign containing electric wiring.

Erect a Sign. To construct, reconstruct, build, relocate, raise, assemble, place, affix, attach, create, paint, draw, or in any other way bring into being or establish a sign. It shall not include any of the foregoing activities when performed as an incident to the change of message, or routine maintenance.

Freestanding Sign. Any sign supported by structures or supports that are placed on, or anchored in the ground and that are independent from any building or other structure.

Frontage. The length of the property line of any one parcel along a street on which it borders.

Illuminated Sign. A sign which contains a source of light or which is designed to reflect light from an artificial source including indirect lighting, neon, incandescent lights, back-lighting, and shall also include signs with reflectors that depend upon automobile headlights for an image.

Marquee. A structure projecting from and supported by a building which extends beyond the building line or property line and fully or partially covers a sidewalk, public entrance or other pedestrian way.

Monument sign. A monument sign is a freestanding sign, a wall with a sign permanently attached, or a decorative wall that incorporates a sign. Monument signs are typically constructed low to the ground from natural materials such as stone, brick, or wood and surrounded with additional landscape plantings. A monument sign shall be no more than ten (10) feet in height except where further restricted and shall have the lowest portion of its sign face no more than three (3) feet above the ground.

Multiple Occupancy Complex. A parcel of property, or parcels of contiguous properties, existing as a unified or coordinated project, with a building or buildings housing more than one occupant.

Parcel. A unit of land within legally established property lines. If, however, the property lines are such as to defeat the purposes of these sign regulations or lead to absurd results, a "parcel" may be as designated for a particular site by the Director.

Pennant. Any lightweight plastic, fabric, or other material, whether containing a message or not, suspended from a rope, wire, string, or other similar device, designed to move in the wind.

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

Projecting Sign. A sign affixed to a building or wall in such a manner that its leading edge extends more than six (6) inches beyond the surface of the building or wall.

Roof Line. A horizontal line intersecting the highest point or points of a roof.

Sign. Any writing, pictorial presentation, number, illustration, decoration, flag, banner, pennant, or other device which is used to announce, direct attention to, identify, advertise or otherwise make anything known. The term sign shall not be deemed to include the terms "building" or "landscaping" or any architectural embellishment of a building not intended to communicate information.

Sign Face Area. The area of any regular geometric shape, which contains the entire surface area of a sign upon which copy may be placed.

Sign Structure. Any construction used or designed to support a sign.

Street. A public or private right of way for vehicular traffic, including highways, thoroughfares, lanes, roads, ways, and boulevards.

Unit. That part of a multiple occupancy complex housing one occupant.

Vehicle Sign. Any sign affixed to a vehicle.

Window Sign. Any sign, picture, symbol, or combination thereof designed to communicate information about a business, commodity, event, sale, or service that is placed inside or upon a window and is visible from the exterior of the window.

1.3 Measurement Determinations

(a) Number of Signs. In general, the number of signs shall be the number of non-contiguous sign faces. Multiple non-contiguous sign faces may be counted as a single sign if all the sign faces are included in the geometric figure used for determining the sign area.

(b) Sign Face Area.

(1) Individual Signs. The sign face area of individual signs shall be computed by means of the smallest square, circle, rectangle, triangle or combination thereof that will encompass the extreme limits of the writing representation, emblem, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed. This does not

include the supporting framework, bracing, or decorative fence or wall when such fence or wall otherwise meets applicable regulations and is incidental to the display itself.

(2) Multi-faced Signs. The sign face area of a sign with more than one face shall be computed by adding together the area of all sign faces visible from any one point. When two sign faces are placed back to back so that both faces cannot be viewed from any point at the same time and when the sign faces are part of the same sign structure and are no more than 36 inches apart, the sign face area shall be computed by the measurement of one of the faces.

(c) Sign Height. The height of a sign shall be computed as the distance from the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade shall be construed to be the lower of existing grade prior to construction or the newly established grade after construction, exclusive of any filling, berming, mounding, or excavating solely for the purpose of locating the sign. In cases in which the normal grade cannot reasonably be determined, sign height shall be computed on the assumption that the elevation of the normal grade at the base of the sign is equal to the elevation of the nearest point of the crown of a public street or the grade of the land at the principal entrance to the principal structure on the parcel, whichever is lower.

(d) Distance Between Signs. The minimum required distance between signs shall be measured along street rights-of-way from the closest parts of any two signs.

(e) Facade Area. The facade area shall be measured by determining the area within a two-dimensional geometric figure coinciding with the edges of the walls, windows, doors, parapets, marquees, and roof slopes of greater than forty-five (45) degrees that form a side of a building or unit.

Section 2. Exempt Signs.

The following signs are exempt from the requirements restricting the number and area/size of signs permitted on a parcel provided they conform to the standards enumerated in this section and provided they are not placed or constructed so as to create a hazard of any kind.

(1) Signs that are not designed or located so as to be legible from any street or adjoining property.

(2) Signs of two (2) square feet or less and signs that include no letters, symbols, logos or designs in excess of two (2) inches in vertical or horizontal dimension, provided that such sign, or combination of such signs, does not constitute a sign prohibited by this Ordinance.

(3) Signs necessary to promote health, safety and welfare, and other regulatory, statutory, traffic control or directional signs erected on public property with permission as appropriate from the City, the State, or the United States.

(4) Legal notices and official instruments.

(5) Decorative flags and bunting for a celebration, convention, or commemoration of significance to the entire community when authorized by the City for a prescribed period of time.

- (6) Holiday lights and decorations.
- (7) Merchandise displayed behind storefront windows so long as no part of the display moves or contains flashing lights.
- (8) Memorial signs or tablets, historical markers, name of a building and dates of erection when cut into any masonry surface or when constructed of bronze or other incombustible materials and attached to the surface of a building.
- (9) Signs incorporated into machinery or equipment by a manufacturer or distributor, which identify or advertise only the product or service dispensed by the machine or equipment, such as signs customarily affixed to vending machines, newspaper racks, telephone booths and gasoline pumps.
- (10) Advertising and identifying signs located on taxicabs, buses, trailers, trucks or vehicle bumpers.
- (11) Public warning signs to indicate the dangers of trespassing, swimming, animals or similar hazards.
- (12) Works of art that do not constitute advertising.
- (13) Signs carried by a person.

Section 3. Prohibited Signs

It shall be unlawful to erect, cause to be erected, maintain or cause to be maintained, any sign not expressly authorized by, or exempted from, this Ordinance. The following signs are expressly prohibited unless otherwise exempted or expressly authorized by this article.

- (1) Any sign with a sign face area greater than 200 square feet.
- (2) Signs that are in violation of the building code or electrical code adopted by the City.
- (3) Any sign that, in the opinion of the Administrator, does or will constitute a safety hazard.
- (4) Portable signs, other than those used by public officials for the temporary control or traffic or posting of information critical to public safety.
- (5) Signs with visible moving, revolving, or rotating parts or visible mechanical movement of any description or other apparent visible movement achieved by electrical, electronic, or mechanical means, except for traditional barber poles.
- (6) Signs with lights or illuminations that flash, move, rotate, scintillate, blink, flicker or vary in - intensity or color except for "time and temperature" signs.
- (7) Strings of light bulbs used on commercially developed parcels for commercial purposes, other than traditional holiday decorations.

- (8) Wind signs consisting of one or more banners, flags, pennants, ribbons, spinners, streamers or captive balloons, or other objects or material fastened in such a manner as to move freely upon being subjected to pressure by wind.
- (9) Signs that incorporate projected images, emit any sound that is intended to attract attention, or involve the use of live animals.
- (10) Signs that emit audible sound, odor, or visible matter such as smoke or steam.
- (11) Signs or sign structures that interfere in any way with free use of any fire escape, emergency exit, or standpipe, or that obstruct any window to such an extent that light or ventilation is reduced to a point below that required by any provision of this Ordinance or any other regulation of the City.
- (12) Signs that resemble any official sign or marker erected by any governmental agency, or that by reason of position, shape or color, would conflict with the proper functioning of any traffic sign or signal, or be of a size, location, movement, content, color or illumination that may be reasonably confused with or construed as, or conceal, a traffic-control device.
- (13) Signs that obstruct the vision of pedestrians, cyclists, or motorist traveling on or entering public streets.
- (14) Non-governmental signs that use the words "stop," "look," "danger" or any similar word, phrase or symbol.
- (15) Signs, within ten (10) feet of public right of way or one hundred (100) feet of traffic-control lights or signals that contain red or green lights that might be confused with traffic control lights.
- (16) Signs that are of such intensity or brilliance as to cause glare or impair the vision of any motorist, cyclist or pedestrian using or entering a public way, or that are a hazard or a nuisance to occupants of any property because of glare or other characteristics.
- (17) Signs that contain any lighting or control mechanism that causes unreasonable interference with radio, television or other communication signals.
- (18) Signs that are painted, pasted, or printed on any curbstone, flagstone, pavement, or any portion of any sidewalk or street, except house numbers and traffic control signs.
- (19) Signs placed upon benches, bus shelters or waste receptacles, except as may be authorized in writing.
- (20) Signs erected on public property or on private property located on public property (such as private utility poles) other than signs erected by a public authority for public purposes or as otherwise permitted by this Ordinance.

(21) Signs erected over or across any public street except as may otherwise be expressly authorized by this Ordinance and except governmental signs erected by or on the order of a public officer.

(22) Roof signs placed above the roofline of a building or on or against a roof slope of less than forty- five (45) degrees.

(23) Vehicle signs with a total sign area in excess often (10) square feet when the vehicle is parked for more than sixty consecutive minutes within one hundred (100) feet of any street right-of-way; is visible from the street right-of-way that the vehicle is within one hundred (100) feet of; and is not regularly used in the conduct of the business advertised on the vehicle. A vehicle used primarily for advertising shall not be considered a vehicle used in the conduct of the business.

Section 4. Permitted Signs

4.1 Generally

The signs enumerated in this section shall be subject to all the terms of this article including the requirement that a sign permit be obtained prior to erection of any sign in excess of one (1) sign on a parcel or a total sign face area of six (6) square feet on a parcel. Exemption from the requirement to obtain a sign permit does not necessarily indicate exemption from any other requirement or permit that may be required by this or any other agency. Please see City Ordinance 20-010 for information on fees and the schedule of fees for sign permits.

4.2 All Parcels

(a) Directional Signs. Directional signs limited in area to four (4) square feet, giving directions to motorists regarding the location of parking areas and access drives shall be permitted on all parcels and shall not be counted as part of an occupant's allowable sign area.

(b) Flags. Not more than three flags or insignias of governmental, religious, charitable, fraternal or other organizations may be displayed on any one parcel of land. Such flags shall not exceed sixty (60) square feet in area and shall not be flown from a pole the top of which is more than forty (40) feet in height. All flags must be flown in accordance with protocol established by the Congress of the United States for the Stars and Stripes. Any flag not meeting the above requirements shall be considered a banner and shall be subject to the appropriate regulations.

(c) Utility Signs. Public utility signs that identify the location of underground utility lines and facilities, high voltage lines and facilities, and other utility facilities and appurtenances are permitted so long as they do not exceed three (3) feet in height, and so long as the sign face does not exceed two (2) square feet.

4.3 Undeveloped Parcels

Undeveloped parcels may display one (1) square foot of signage per ten (10) feet of frontage up to a total maximum of ninety-six (96) square feet of signage. No individual sign shall exceed sixty-four (64)

square feet nor exceed ten (10) feet in height. If multiple signs are erected on a single parcel, signs must be spaced at least one hundred (100) feet apart.

4.4 One-Family and Two-Family Residences

A parcel on which is located a single one-family or two-family residence may display not more than two signs with an aggregate sign area of not more than ten (10) square feet. No individual sign shall exceed six (6) square feet nor exceed four (4) feet in height.

4.5 Three-Family and Four-Family Residences

A parcel on which is located a single three-family or four-family residence may display not more than four (4) signs with an aggregate sign area of not more than sixteen (16) square feet. No individual sign shall exceed six (6) square feet nor exceed four (4) feet in height.

4.6 Residential Developments, Farms and Ranches

(a) A sign may be displayed at the entrance to a residential development, farm or ranch subject to the following restrictions. One (1) sign is permitted at only one entrance from each abutting street. The sign may be a single sign with two (2) faces of equal size or may be two (2) single-faced structures of equal size located on each side of the entrance. No face of the sign shall exceed thirty-two (32) square feet in size, and may be illuminated in a steady light only.

(b) All such signs shall be maintained perpetually by the developer, the owner of the sign, a pertinent homeowners association or some other person who is legally accountable. Such accountability is required before a permit shall be issued. If, following the issuance of a permit and subsequent erection of such signs, no accountable person accepts legal responsibility to maintain the signs and no other provision has been made for maintenance, the signs shall be removed by the developer or owner.

4.7 Commercially Developed Parcels and Billboards

(a) Freestanding Signs. Signs may be placed in a freestanding location on a commercially developed parcel subject to the following limitations.

(1) The permissible number, area, spacing and height of freestanding signs for each multiple occupancy complex and each commercial occupant not located in a multiple occupancy complex shall be determined according to the following table.

	If the frontage on a public right-of-way is:				
	<=100'	>100' & <=200'	>200' & <=300'	>300' & <=400'	>400'
Max # of signs	1	1	1	2	3
Max total sign area	32	48	64	80	96
Max sign area for an individual sign	32	48	64	80	96
Min setback from side property line	15	20	50	50	50
Minimum distance from any other free-standing sign on the same site	N/A	N/A	N/A	100	100
Maximum height	15	20	20	20	20

(2) Multiple Frontages. For a parcel having frontage on two (2) or more public streets, each frontage shall be considered separately for the purposes of determining compliance with the above provisions for freestanding signs, but the permitted sign area for one (1) frontage may not be combined with that permitted on another frontage to increase the permitted sign area on one frontage. However, no freestanding sign on one right-of-way may be closer than one hundred (100) feet to a sign on another right-of-way.

(b) Building Signs. Signs not expressly prohibited by this article may be attached to the wall of a building on a commercially developed parcel subject to the following limitations:

(1) Building signs shall be limited to a maximum height of thirty (30) feet above grade, except that on a building of more than thirty (30) feet in height, a single sign is allowed above thirty (30) feet on each side of the building, but shall not exceed the height of the building.

(2) Each multiple occupancy complex may display one (1) building sign on each side of the principal building or buildings in the complex, not to exceed a sign face area of two hundred (200) square feet or five (5) percent of the facade area of the building side, whichever is smaller.

(3) Each occupant of a multiple occupancy complex may display three (3) building signs on any exterior portion of the complex. that is part of the occupant's unit, not including common or jointly owned portions, not to exceed a sign face area of two hundred (200) square feet each or a total combined sign face area of ten (10) percent of the facade area of such exterior portion, whichever is smaller.

(4) Each occupant not located in a multiple occupancy complex may display three (3) building signs on each side of the building in which the occupant is located, not to exceed a sign face area of two hundred (200) square feet each or a total combined sign face area of ten (10) percent of the facade area of the building side, whichever is smaller.

(c) Time and Temperature Signs. Time and temperature signs are permitted on commercially developed parcels notwithstanding a general prohibition on changing or animated signs. These signs may only display numerical information and must be kept accurate. They may be freestanding or attached to

a building and are subject to the regulations applicable to such signs. They shall be counted as part of the occupant's allowable sign area.

Section 5. Design, Construction, Location and Maintenance Standards

5.1 Compliance with Building and Electrical Codes Required

All permanent signs, and the illumination thereof, shall be designed, constructed and maintained in conformity with applicable provisions of the building and electrical codes adopted by the City. Wherever there is inconsistency between these sign regulations and the building or electrical code, the more stringent requirement shall apply.

5.2 Illumination Standards

- (a) Sign lighting may not be designed or located to cause confusion with traffic lights.
- (b) Illumination by floodlights or spotlights is permissible so long as none of the light emitted shines directly onto an adjoining property or into the eyes of motorists or pedestrians using or entering public streets.
- (c) Illuminated signs shall not have lighting mechanisms that project more than eighteen (18) inches perpendicularly from any surface of the sign over public space.

5.3 Placement and Clearance Standards

- (a) Signs shall be located such that there is at every intersection or driveway, a clear view between heights of 3 and 10 feet in a triangle formed by the corner and points on the curb 70 feet from the intersection or entranceway.
- (b) Supports for signs or sign structures shall not be placed in or upon a public right of way or public easement, except under the terms of a lease between the owner of the easement or right of way and the owner of the sign.
- (c) No freestanding sign shall project over a public right of way.
- (d) No sign or sign structure shall be erected that impedes use of any fire escape, emergency exit, or standpipe:
- (e) All signs that project over pedestrian ways shall provide a minimum of seven (7) feet six (6) inches of clearance from ground level to the lowest portion of the sign element or structural support.
- (f) All signs over vehicular ways shall provide a minimum of thirteen (13) feet six (6) inches of clearance.

5.4 Relationship to Building Features

- (a) A building sign shall not extend beyond any edge of the surface to which it is attached, nor disrupt a major architectural feature of the building.

(b) A building sign may project no more than four (4) feet perpendicularly from the surface to which it is attached.

(c) The combined area of permanent and temporary signs placed on or behind windows shall not exceed twenty-five (25) percent of the total window area at the same floor level on the side of the building or unit upon which the signs are displayed.

5.5 Maintenance

All signs, including their supports, braces, guys and anchors, electrical parts and lighting fixtures, and all painted and display areas, shall be maintained in accordance with the building and electrical codes adopted by the City and shall present a neat and clean appearance. The vegetation around, in front of, behind, and underneath the base of freestanding signs for a distance of ten (10) feet shall be neatly trimmed and free of unsightly weeds. No rubbish or debris that would constitute a fire or health hazard shall be permitted under or near the sign. The owner of the sign is responsible for maintenance.

Section 6. Administration

6.1 Permits

(a) Applicability. No person shall erect a sign without first obtaining a sign permit therefore, except for the following actions which shall not require a permit.

- (1) Changing the copy, announcement or message on a sign;
- (2) Cleaning, painting, electrical or comparable maintenance or repair of a sign that does not alter any regulated feature of such sign;
- (3) Erecting a sign for which a permit is not required in accordance with "Section 19.2 Exempt Signs" or "Section 19.4.I Permitted Signs-Generally."

(b) Procedure. All sign permits shall be procured in accordance with the following procedure:

- (1) A written application shall be submitted to the Administrator for review and processing. The application will be accepted by the Administrator only upon determination that all requisite documentation and fees accompany the application form. The application shall include such supplementary information as may be specifically requested by the Administrator to determine compliance with this Ordinance.
- (2) The Administrator shall review the application and plans and specifications to determine whether the proposed sign conforms to all applicable requirements of this Ordinance and Ordinance 20-010.
- (3) Following review and determination as to conformance with this Ordinance, the Administrator shall, in a reasonably expeditious manner, either approve or deny the application for the sign permit. In case of denial, the Administrator shall specify the section or sections of this Ordinance with which

the proposed sign is not in conformance.

(4) If an approved sign requires a permit from the Building Official, the Administrator shall forward a copy of the completed application form and associated plans and specifications to the building official who shall determine whether the proposed sign conforms to all applicable requirements of the building regulations and who shall, in a reasonably expeditious manner, either approve or deny an application for a permit to construct the sign.

(c) Submission Requirements. No request for a sign permit shall be considered complete until all of the following has been submitted to the Administrator:

(1) Application form. The application shall be submitted to the department on forms made available by the department.

(2) Statement of authorization. Any application form which is signed by an individual other than the property owner shall be accompanied by a notarized statement of authorization consenting to the sign placement or, if the property or building upon which the sign is to be located is leased, evidence of the executed lease shall accompany the application form. In the event the building or property is leased and the application form is signed by an individual other than the lessor, the application shall be accompanied by a notarized statement of authorization signed by the lessor consenting to the sign placement and evidence of the executed lease.

(3) Plans and specifications. Plans and specifications for any proposed sign shall be submitted in duplicate, drawn to scale and include the following:

- i. lot frontage on all street rights-of-way;
- ii. facade area of any wall on which a sign is proposed to be placed;
- iii. dimensions and elevations (including the message) of the sign;
- iv. dimensions of the signs supporting members;
- v. maximum and minimum height of sign, as measured from finished grade;
- vi. location of the sign in relation to property lines, public rights-of-way, easements, buildings, and other signs on the property;
- vii. for illuminated signs, the type, placement, intensity and hours of illumination;
- viii. construction and electrical specifications, for the purpose of enabling determination that the sign meets all applicable structural and electrical requirements of the building code;
- ix. value of the proposed sign;

x. number, type, location and surface area of all existing signs on the same property and/or building on which the sign is to be located.

(4) Application fee. The applicant shall be required to pay an application fee according to the current schedule of fees established by the City of Owens Cross Roads. This fee shall be nonrefundable irrespective of the final disposition of the application.

(d) Permit Expiration. Sign permits shall be valid for a maximum of one hundred eighty (180) days after issuance. Failure to place the sign within the allotted time period shall void the permit and necessitate reapplication.

6.2 Variances

Any request for variance from the standards set forth in this article shall be processed according to the procedures and criteria for variances as set forth in this Ordinance and directed to the Board of Adjustments.

6.3 Inspections

The Administrator or the Building Official shall, as each may determine necessary, inspect the property to ascertain that the sign is in accord with all provisions of this Ordinance and the building regulations, respectively, and in accord with all terms upon which the sign permit may have been conditioned.

6.4 Nonconforming Signs

(a) A nonconforming sign is any sign within the jurisdiction of the Zoning Regulations of the City on the effective date of this article or any sign existing within any area added to such jurisdiction after the effective date of this article, which is prohibited by, or does not conform to the requirements of, this Ordinance.

(b) Subject to the limitations imposed by subsection § 6.6 below, a nonconforming sign may be continued and shall be maintained in good condition as required by this Ordinance, but it shall not be:

(1) Structurally changed to another nonconforming sign, but its pictorial content may be changed.

(2) Structurally altered to prolong the life of the sign, except to meet safety requirements.

(3) Expanded or altered in any manner that increases the degree of nonconformity.

(4) Re-established after damage or destruction.

(5) Continued in use when a conforming sign or sign structure shall be erected on the same parcel or unit.

(6) Continued in use when the structure housing the occupancy is demolished or requires renovations the cost of which exceeds fifty percent (50%) of the assessed value of the structure.

6.5 Abandoned Signs

(a) Except as otherwise provided in this article, any sign that is located on property which becomes vacant and unoccupied, pertains to a business which does not maintain a current business license, or pertains to a time, event or purpose which no longer applies, shall be deemed to have been abandoned. Any abandoned sign shall be prohibited and shall be removed by the owner of the sign or the owner of the property. The frame of an abandoned sign shall not be required to be removed if it conforms to all applicable terms contained in this Ordinance (including the sign face area for sign replacement yielded by such frame).

(b) Any sign structure which supported an abandoned sign and which structure conforms to all applicable terms contained in this Ordinance shall be allowed to remain in place. However, in the event a sign structure which supported or supports an abandoned sign is inconsistent with any term contained in this Ordinance (including the sign face area for sign replacement yielded by the frame), then the sign structure and frame shall be either altered to comply with the terms contained herein or removed by the owner of such structure or property.

6.6 Illegal Signs

(a) The following signs shall be considered to be illegal and a violation of the terms of this article:

(1) A sign erected or maintained after the effective date of this article inconsistent with the terms contained herein;

(2) A nonconforming sign which was erected inconsistent with the terms governing location, height, surface area or other regulatory measure applicable at the time of its erection;

(3) An abandoned sign.

(b) Upon determination by the Administrator that a certain sign is illegal, the director shall act to remedy the violation, which may include:

(1) The issuance of a notice of violation to the individual who owns, is responsible for or benefits from the display of such sign prescribing the action necessary to make the sign legal and conforming to the terms contained herein or ordering the removal of the illegal sign and also prescribing the time which the individual is afforded to accomplish such action;

(2) The removal of any illegal sign located on public property or on private property located on public property, including any such sign located within a street right-of-way in which case the City shall have the right to recover from the individual erecting such a sign the full costs of removal and disposal.

(c) Failure to bring any illegal sign into conformance with the terms contained in this article or any other violation of the terms contained in this article shall be considered a violation of the Zoning Regulations and shall be subject to the remedies and penalties provided by such regulations and by state law.

ARTICLE VI. MANUFACTURED HOME STANDARDS

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Section 1. General

1.1 Purpose

The purpose of this Ordinance is to provide standards and procedures specifically relevant to the location of manufactured homes on individual lots and the development of manufactured home communities. The standards contained in this section rectify the design standards contained elsewhere in the Zoning and/or Subdivision Regulations to make them more compatible with the particular needs of manufactured home communities.

1.2 Definitions

Manufactured home. A home transportable in one or more sections which in the traveling mode is eight (8) body feet or more in width or forty (40) body feet or more in length, or when erected on site is three hundred twenty (320) or more square feet and which is built on a permanent chassis, and designed to be used as a dwelling with or without permanent foundation when connected to the required utilities and includes the plumbing, heating, air-conditioning and electrical systems. The home is built to the National Manufactured Housing Construction and Safety Standards Act.

Manufactured home lot/site. A parcel of land for the placement of a single manufactured home unit and for the exclusive use of its occupants.

Manufactured home community. A contiguous parcel of land under single or same ownership which has been planned, improved and used for the placement of two (2) or more manufactured homes for residential occupancy. The placement of manufactured homes on the property shall be by leasehold only, and no individual lots may be sold within the community without proper subdivision approval.

Manufactured home stand. That part of an individual lot/site which has been reserved or designed for the placement of one manufactured home unit.

Mobile home. A manufactured home built prior to June 15, 1976 and prior to the National Manufactured Housing Standards and Safety Act. It is designed and fabricated to be transported on its own wheels and axles arriving at the site where it is to be occupied as a dwelling. complete and ready for occupancy. Travel trailers, campers, recreational vehicles and motor homes are not manufactured homes or mobile homes.

Manufactured home community street. A street which affords principle means of access to manufactured home lots/sites or auxiliary buildings from any adjacent public street.

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

1.3 Procedures for manufactured homes on individual lots

- (a) Application. Application for approval of placement of a manufactured home on an individual lot shall be made on forms made available by the Administrator. The form shall be submitted to the Administrator for review and approval and shall be accompanied by a fee in accordance with a schedule of fees established by the City Council for the particular category of application. The fee shall be nonrefundable regardless of the final disposition of the application.
- (b) Supporting materials. The application shall be accompanied by all information necessary to make determinations as to conformity with the standards contained in this article and this Ordinance. The Administrator may request photographs or renderings of the manufactured home or such other information as deemed necessary to make the determination.
- (c) Decision. The Administrator shall approve or deny the application within five (5) working days after receipt of the completed application, fee and supporting materials. The decision shall be based on compliance with all standards for manufactured homes on individual lots and other applicable provisions of this Ordinance. The applicant shall be notified in writing of the decision.

1.4 Procedures for manufactured home communities

- (a) Community Plan. A manufactured home community plan shall be developed and drawn to a scale of one (1) inch to one hundred (100) feet and shall include the following:
- (1) The name of the rental community, the names and addresses of the owners and the names and addresses of the designer, engineer and/or surveyor.
 - (2) The date, scale and approximate north arrow.
 - (3) The boundaries of the rental community.
 - (4) The site plan of the community showing streets, street centerlines, direction and radius, driveways, open area, parking spaces, service buildings, water courses, easements, manufactured home spaces and other items as may be required by the City/f own to assure compliance with the standards contained in this Ordinance.
 - (5) Names of adjoining property owners.
 - (6) The identification of all gas, water and sewage lines that will service the community. Street lights and solid waste containers shall also be included.
 - (7) Surface water drainage plans.
 - (8) Topographic survey.
 - (9) Street profiles.
 - (10) Typical road section.

(11) Certification (seal) of registered surveyor and/or professional engineer.

(b) Review and Approval. Before a permit is issued for construction of a manufactured home community, the community plan must be submitted to the City to be reviewed and approved according to the procedures for site plan approval and conditional use approval if applicable.

(c) Should the community streets not be completed within two years of approval of the community plan, no further building or electrical permits for manufactured home units shall be released within the manufactured home community until such time as improvements are completed.

Section 2. Standards for Manufactured Homes on Individual Lots.

Manufactured homes shall be compatible to site-built and other housing in the immediate general area within the same zoning or residential district. The manufactured home shall be substantially similar in size, siding material, roof material: foundation and general aesthetic appearance to: (1) site-built or other forms of housing which may be allowed in the same general area under this Ordinance; or (2) proposed development in the same zoning district. Items subject to compatibility comparison include, but are not limited to, the following.

(1) Exterior finish. Any material may be used for exterior finish that is generally used in areas near the location where the manufactured home is sited.

(2) Manufactured homes shall be installed in accordance with the manufacturer's installation instructions or the regulations promulgated by the Alabama Manufactured Housing Commission. Additionally, manufactured homes on individual lots shall be sited upon a foundation approved in accordance with the standard building code adopted and in current use by the City of Owens Cross Roads.

(3) The general appearance and square footage of the home shall conform to housing in adjacent or nearby locations to insure compatibility of site-built homes and manufactured housing.

(4) Site-orientation. Manufactured homes shall be placed on lots in a manner compatible with and reasonably similar in orientation to other structures in the area.

(5) Towing device. All towing devices, wheels, axles and hitches will be removed.

(6) The home must be connected to water and sewerage systems including well and septic tank, if applicable) approved by the Alabama Department of Public Health or the Alabama Department of Environmental Management.

(7) Underpinning. The type of material and method used for underpinning shall be consistent with and compatible to site-built homes in adjacent locations.

Section 3. Standards for Manufactured Home Communities

3.1 Required Setbacks, Lot Area and Storage Buildings

- (a) Along public streets. There shall be a 50-foot minimum building setback from the property line along all exterior park boundaries which abut a public street.
- (b) Along rear and side property lines. All community exterior boundaries not adjacent to a public street shall be provided with a 15-foot minimum building setback.
- (c) Along community streets. There shall be a minimum distance of ten (10) feet between the manufactured home and the edge of any abutting community streets.
- (d) Minimum lot/site size. Manufactured home lots/sites served by community or public water and sewer systems shall have a minimum lot width of fifty (50) feet and a minimum lot area of 5,000 square feet. Lots/sites not served by community or public water and sewer systems may have a larger minimum area requirement as otherwise provided in this Ordinance or as established by the County Health Department.
- (e) Community frontage and area requirements. A manufactured home community shall front on a paved public street/road and shall have a minimum frontage of 50 feet and a minimum area of one acre.
- (f) Paving, soil and ground cover requirements. Exposed ground surfaces in all parts of every manufactured home community shall be paved, covered with crushed stone, or other solid material, or protected with grass or other vegetative cover that is capable of preventing soil erosion and of eliminating objectionable dust.
- (g) Lot/site drainage requirements. The ground surface in all parts of every manufactured home community shall be graded and equipped to drain all surface or storm water in a safe, efficient manner.
- (h) Separation between manufactured homes. Manufactured homes shall be separated from each other and from other buildings and structures by at least 20 feet. Porches and decks without tops or roof coverings may be excluded from this requirement, but such shall be suitably sized and constructed to allow proper emergency access if such are used as a main entrance.
- (i) Separation between manufactured homes and off-site buildings. The location of any manufactured home within a manufactured home community must be at least thirty (30) feet from any permanent residential building located outside the community unless separated therefrom by a natural or artificial barrier.
- (j) Maximum height. No building or structure erected or stationed in a manufactured home community shall have a height greater than 2 1/2 stories or thirty-five (35) feet.
- (k) Recreation area. There shall be provided a park and recreation area having a minimum of one hundred fifty (150) square feet for each manufactured home space. Areas shall be consolidated into usable recreation areas.

3.2 Manufactured Home Community Street System and Car Parking

- (a) The entrance and exit street or streets shall be designed to provide safe and convenient access between the public street and the community interior street system.

(b) Community street system. Community street systems shall meet the City of Owens Cross Roads Engineering Design Standards and the following standards:

- (1) Community streets shall be platted with a space not less than 30 feet wide to accommodate streets, drainage structures and utilities, etc.
- (2) Community streets shall be paved with plant mix asphalt or a more durable material to a width of not less than 22 feet.
- (3) Each manufactured home site shall be accessible from abutting streets for all essential and emergency uses by vehicular equipment, including equipment used by public protective agencies (fire, police and ambulance services).
- (4) The street layout shall be designed to provide for the continuous flow of traffic, with cul-de-sacs (minimum radius of 50 feet) being permissible. Streets shall be designed with a horizontal and vertical alignment which meets at least a twenty (20) mile-per-hour design speed.
- (5) Traffic control signs (stop, yield, and speed) shall be placed and maintained in good condition throughout the community where necessary.
- (6) Each street shall have a permanent sign installed with a designated name identifying each street.
- (7) Paving of community streets shall be completed within two years of approval of the final plan. Streets and parking areas shall be maintained by the owner, operator, and/or manager of the manufactured home community at all times.

(c) Parking. Off-street parking areas or on-street parking lanes shall be provided for the use of park occupants and guests.

- (1) A minimum of 400 square feet of parking is required for each lot/site for two (2) automobiles.
- (2) Driveways shall have a minimum width of 10 feet.
- (3) All off-street parking areas or spaces shall have direct access to a community street. No direct driveway access shall be permitted from manufactured home lots to any exterior street.

3.3 Manufactured Home Stands and Required Improvement

(a) Tie-Downs. Each manufactured home shall have tie-downs or other devices securing the stability of the manufactured home based on the requirements of the manufacturer or the installation standards of the Alabama Manufactured Housing Commission.

(b) Foundations. Foundations shall be installed in accordance with the standards set forth in the manufacturers' set-up requirements, or the installation standards of the Alabama Manufactured Housing Commission.

(c) Skirting. Installation of skirting on all manufactured homes shall be required. Installation shall be in accordance with the manufacturers' installation instructions. Acceptable materials may include masonry, stone, metal, vinyl, or other materials manufactured for the purpose of skirting.

3.4 Water Supply, Sewage and Refuse Disposal, and Electrical Equipment

(a) Water Supply. An adequate and safe supply of potable water shall be provided for the manufactured home community. The source of the water supply shall either be through a public water system with the community connecting to the water lines, or when such a system is not available, the manufactured home community must be serviced by a supply approved by the Alabama Department of Environmental Management or the Alabama Department of Public Health.

(b) Sewage disposal. An adequate and safe sewage disposal system shall be provided in the manufactured home community. Collection systems, sewage treatment facilities or individual septic tank systems or other on-site systems shall be approved by the City of Owens Cross Roads and the Alabama Department of Public Health or the Alabama Department of Environmental Management.

(c) Refuse disposal. The storage, collection, and disposal of refuse in the manufactured home community shall be so conducted as to prevent health hazards, rodent harborage, or insect breeding areas and shall comply with all local, state and federal laws, rules and regulations.

(d) Electrical equipment and installation. Lot/sites and communities shall have all equipment and installations designed, constructed and maintained in compliance with the requirements of all local, state and federal laws, rules and regulations.

(e) Storm water drainage. No manufactured home community or part thereof shall shed storm water runoff water, either as surface runoff or an outfall from storm sewerage structures, onto any adjoining land unless such runoff is contained within an existing drainage easement, ditch, structure or right-of-way.

Section 4. General Regulations

4.1 Nonconformities.

The lawful use of land as a manufactured home community existing at the time of the adoption of this Ordinance, although such use does not conform to the provisions herein, may be continued and shall not be subject to the requirements of this Ordinance, but if the manufactured home community is discontinued for a period of one year, it shall not then be reestablished except in conformity with this Ordinance. Any expansion or addition to an existing nonconforming manufactured home community shall be in conformity with this Ordinance.

4.2 Supervision.

The owner or a duly authorized attendant or caretaker shall be in charge at all times to keep the manufactured home community, its facilities and equipment in a clean, orderly and sanitary condition.

ARTICLE VII. ADMINISTRATIVE PROVISIONS

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Section 1. Purpose

This purpose of this article is to establish procedures for the orderly and expeditious processing of development approvals and amendments to this Ordinance and the Official Zoning Map.

Section 2. Administrator Authorized to Enforce

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

Section 3. Building Permits

3.1 Building Permits Required

It shall be unlawful to commence the excavation for the construction of any building or other structure, including accessory structures or to store building materials or erect temporary field offices, or to commence the moving, alteration, or repair (except repairs not changing the character of the structure and not involving International Code Council (ICC) inspection) of any structure without a building permit issued by the Administrator. Applications for a building permit shall be made to the Administrator on forms provided for that purpose and shall be accompanied by a fee according to the current schedule of fees established by the City Council for the particular category of application.

3.2 Building Plans to Conform

(a) It shall be unlawful for the Administrator to approve any plans or issue a building permit for any excavation or construction until he has inspected such plans in detail and found them in conformity with this Ordinance. To this end, the Administrator shall require that every application for a building permit for excavation, construction, use of land, moving, or alteration be accompanied by a plan or plat drawn to scale and showing the following in sufficient detail to enable the Administrator to ascertain whether or not the proposed excavation, construction, use of land, moving or alteration is in conformance with this Ordinance.

- (1) The actual shape, proportion, and dimensions of the lot to be built upon;

- (2) The shape, size, and locations of all buildings or other structures to be erected, altered, or moved, and of any buildings or other structures already on the lot;
- (3) The existing and intended use of all buildings or other structures;
- (4) The location and number of required off-street parking and off-street loading spaces;
- (5) The proposed number of dwelling units, occupants, employees, or other similar uses;
- (6) The setbacks, side yards, open spaces, required buffers, signs and other requirements of the applicable zoning district;
- (7) Any other information deemed necessary by the Administrator to determine and provide for the enforcement of this Ordinance.

(b) If the proposed excavation, construction, moving, or alteration as set forth in the application is in conformity with the provisions of this Ordinance, the Administrator shall issue a building permit accordingly. If an application for a building permit is not approved, the Administrator shall state in writing on the application the cause for such disapproval. Issuance of a building permit shall, in no case, be construed as waiving any provision of this Ordinance.

3.3 Inspection

(a) The construction or usage affected by any building permit shall be subject to four (4) inspections: the first, when the foundation has been excavated; the second, when all electrical, plumbing, and mechanical elements are in place; the third, TVI of the sewer, as applicable (if septic, a letter of approval from the Madison County Health Department is required); and the fourth, when the building or structures have been completed. An additional (5th) inspection, a Temp 30, may be added should the owner request temporary power prior to the final.

(b) It shall be the duty of the holder of the permit to properly notify the Administrator as to the time when the construction will be ready for inspection. Failure to make proper notification of the time for such inspection shall automatically cancel the permit, requiring the issuance of a new permit before construction may proceed or occupancy may be permitted. The proper location of buildings and the verification of setback lines are the responsibility of the owner and not the Administrator. Improper location of buildings is a violation of this Ordinance and may result in the revocation of the Building Permit and/or the Certificate of Occupancy.

3.4 Certificate of Occupancy

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

(b) Within three (3) days after the owner, or his agent, has notified the Administrator that a building or premises, or part thereof, is ready for occupancy or use, it shall be the duty of the Administrator to make a final inspection thereof, and to issue a Certificate of Occupancy if the building and premises are

found to conform with the provisions of this Ordinance; or, if such certificate is refused, to state the refusal in writing with the cause.

Section 4. Conditional Use Review and Approval

4.1 Purpose

It is the purpose of this section to establish a process that enables and facilitates review of those uses identified as conditional uses in this Ordinance in order to determine the appropriateness of a particular conditional use in a given location.

4.2 Authorization

The Planning Commission may, under the prescribed standards and procedures contained herein, authorize the construction or initiation of any conditional use that is expressly permitted as a conditional use in a particular zoning district; however, the City reserves full authority to deny any request for a conditional use, to impose conditions on the use, or to revoke approval at any time, upon a finding that the conditional use will or has become unsuitable and incompatible in its location as a result of any nuisance or activity generated by the use.

4.3 Procedures

(a) The Administrator shall, upon determination that the application complies with all applicable submission requirements, receive the application and schedule it for public hearing by the Planning Commission.

(b) The Administrator shall, two weeks before the scheduled public hearing by the Planning Commission, provide notice of such hearing by regular mail to the owners of property adjacent to the proposed conditional use as their names appear in the county tax records.

(c) The Planning Commission shall consider the application and render a decision at the conclusion of the public hearing unless it is determined that action must be deferred to allow for additional input and review.

4.4 Submission Requirements

No request for conditional use approval shall be considered complete until all of the following has been submitted to the Administrator:

(1) Application form. The application shall be submitted on forms to be provided by the Administrator. The application shall be signed and, if not signed by the property owner, shall be accompanied by a notarized affidavit that the applicant is authorized to act in the owner's behalf.

(2) Plans and specifications. Each application shall be accompanied by an accurate site plan, drawn to scale, identifying: the current off-street parking available on the site; any new proposed parking layout; ingress to and egress from the site; area of the site; existing uses on

the site including the location and floor area of all buildings; and such other information as the Administrator may reasonably require. Any supplementary information, exhibits, plans or maps which are to accompany and constitute part of the application shall be submitted to the Administrator at the time of filing the application. Four (4) copies of all such documents shall be required for distributional purposes.

(3) Application fee. The applicant shall be required to pay an application fee according to the current schedule of fees established by the City Council for the particular category of application. This fee shall be nonrefundable irrespective of the final disposition of the application.

4.5 Standards for Approval

A conditional use may be approved by the Planning Commission only upon determination that the application and evidence presented clearly indicate that all of the following standards have been met:

- (1) The proposed use shall be in harmony with the general purpose, goals, objectives and standards of the City Comprehensive Plan, this Ordinance, or any other official plan, program, map or regulation;
- (2) The proposed use shall be consistent with the community welfare and not detract from the public's convenience at the specific location;
- (3) The proposed use shall not unduly decrease the value of neighboring property; and
- (4) The use shall be compatible with the surrounding area and not impose an excessive burden or have a substantial negative impact on surrounding or adjacent uses or on community facilities or services.

4.6 Conditions and Restrictions on Approval

In approving a conditional use, the Planning Commission may impose conditions and restrictions upon the property benefited by the conditional use as may be necessary to comply with the standards set out above, to reduce or minimize any potentially injurious effect of such conditional use upon other property in the neighborhood, and to carry out the general purpose and intent of this Ordinance. In approving any conditional use, the Planning Commission may specify the period of time for which such approval is valid for the commencement of the proposed conditional use. The Planning Commission may, upon written request, grant extensions to such time allotments not exceeding six (6) months each without notice or hearing. Failure to comply with any such condition or restriction imposed by the Planning Commission shall constitute a violation of this Ordinance. Those conditional uses which the Planning Commission approves subject to conditions, shall have specified by the Planning Commission the time allotted to satisfy such conditions.

Section 5. Site Plan Review and Approval

5.1 Purpose

It is the purpose of this section to encourage a high standard of land development through careful review of the nature and composition of proposed development projects as well as to provide full consideration of the potential impacts of proposed developments upon surrounding uses and land. Furthermore, it is the purpose of the site plan review process to provide a mechanism to ensure that the individual components of the development process are carefully integrated in order that a project meets not only those minimum regulatory requirements and individual design standards, but also addresses, in its totality, the design guidelines set forth in this section.

5.2 Approval required.

(a) Site plan approval as hereinafter set forth is required prior to the issuance of any building permit for all land uses subject to this Ordinance where any of the following exists:

- (1) A parcel of land proposed for a nonresidential use.
- (2) A parcel of land proposed for multi-family residential, condominium, townhouse, or hotel/motel use.
- (3) A parcel of land devoted to a nonresidential use or a parcel of land devoted to multi-family, condominium, townhouse or hotel/motel units which use of land or building is proposed to be expanded by twenty-five (25) percent or more of lot area or building floor area.
- (4) A parcel of land, which is to be developed utilizing a "Special District (SD)" zoning classification.
- (5) A parcel of land where, due to the unique characteristics of the land, surrounding use(s), proposed use or other features of the development, the Administrator determines it to be in the interest of the public health, safety or welfare that such project be subject to the site plan review process.

(b) The Administrator shall have the authority to waive the site plan approval requirement for public, City-sponsored projects as is determined appropriate based on the nature, location, size and impact of such project(s).

5.3 Procedures

(a) Review and approval. Developments subject to site plan review shall be processed in the following manner.

- (1) The Administrator shall, upon determination that an application complies with all applicable submission requirements, receive the application and schedule it for consideration and approval by the Planning Commission.
- (2) The Planning Commission shall review the site plan with specific regard to the design guidelines contained in this section. The Planning Commission shall evaluate and make a finding with respect to the satisfactory application of the design guidelines, both individually and in combination, to the subject plan. The Planning Commission shall approve, approve with conditions, or deny the site plan. In the alternative, the Planning Commission may, for the

purpose of allowing the applicant an opportunity to address unresolved issues, continue consideration of the site plan. Any action to approve, conditionally or unconditionally, shall require a majority vote of the Planning Commission members present and shall be based upon a finding that the site plan comports with the design guidelines set forth in this section. Any site plan, which does not receive a majority vote for approval, shall be denied and the reason(s) for such denial shall be noted. Under no circumstance shall any site plan be approved which is inconsistent with any term contained in this Ordinance unless a variance has been authorized in accordance with the provisions contained in this Ordinance.

(3) A minimum of four (4) copies, and any additional copies as may be supplied by the applicant, of a site plan approved or approved conditionally shall be submitted to the Administrator within sixty (60) days of such action. Site plans approved contingent upon any changes to be made on the plan shall be so changed prior to certification. The Administrator shall verify that all such changes have been made and certify that the site plan complies with this Ordinance and the requirements of the Planning Commission. The Administrator shall retain and file one copy of the certified site plan to constitute a permanent record and forward one copy to the Building Official. A minimum of two copies of the certified site plan shall be reserved for the applicant, one of which shall accompany the application for building permit and one copy to be available for inspection at the job site.

(b) Amendment of a certified plan. Any amendment, variation or adjustment of a certified site plan shall require approval of a site plan amendment according to the following:

(1) Major amendment. Submission to the Administrator and action by the Planning Commission consistent with the process of approval of the original site plan.

(2) Minor amendment. Submission to and action by the Administrator.

(3) The Administrator shall determine, based on the magnitude and type of change and its ramifications, whether a proposed plan amendment is a major or minor amendment. The Administrator may, at his discretion, forward any application for site plan amendment to the Planning Commission or to one or more individual departments for review and recommendation both as to its classification as a major or minor amendment and as to whether it should be approved, approved with conditions or denied.

(c) Effect of site plan approval. Those site plans approved or approved conditionally shall remain valid if a building permit is obtained subject thereto, and the project completed in accordance with such permit, within the respective allotted time periods to be specified by the Administrator or Planning Commission. Extensions to the time limits imposed as a condition of site plan approval may be granted only upon written request to the Administrator with subsequent determination to be made by the Planning Commission, based upon and consistent with the process for determining whether such request for extension of time is a major or minor amendment. Upon approval of the site plan, the applicant may proceed to submit detailed construction drawings to the appropriate departments for approval and permitting. Nothing herein, however, shall preclude the building official from accepting for review and processing building construction plans related to the structural, mechanical, electrical and plumbing systems prior to the certification of a site plan, subject to such conditions as may be established by the building official relative to such pre-certification processing. In such instances, no building permit will be issued until the site plan has been certified and is on file with the building official.

All building and construction permits issued for any project requiring site plan review shall be consistent with the certified site plan. The approval and certification of a site plan shall not, under any circumstance, be construed to waive or otherwise diminish the applicable requirements for construction or installation of structures or materials. Whenever a conflict between the site plan and such construction details occurs, the more restrictive or that requiring the higher standard shall prevail.

(d) Integration of other review procedures. Any development involving the following related provisions of this Ordinance shall be coordinated as set forth below.

(1) Rezoning. Those developments requiring an action to rezone the property shall have the rezoning approved by the City Council prior to consideration of a site plan by the Planning Commission.

(2) Special District (SD) development plans. Properties which are proposed to be assigned a "Special District (SD)" zoning classification shall have available for review at the public hearing held in consideration of such zoning a copy of a preliminary site plan of the proposed development. Following approval by the City Council, a final site plan taking into consideration matters of concern to the City Council shall be prepared and submitted to the Administrator for review by the Planning Commission in accordance with the above paragraphs.

(3) Conditional Uses. Those developments requiring conditional use approval shall have the conditional use approved by the Planning Commission prior to, or concurrent with, consideration of a site plan.

(4) Variances. Those developments requiring a variance from any applicable regulation shall have the variance acted upon by the Board of Adjustment prior to consideration of a site plan by the Planning Commission.

(a) Noncompliance. Failure to comply with a certified site plan or any of the conditions upon which such approval was contingent, including time limits for performance, shall be cause to deny issuance of a building permit or, where a permit has been issued pursuant to a certified site plan, to render such building permit invalid. Any action, construction, development or use of property undertaken in violation of the provisions of this section shall constitute a violation of these zoning regulations.

5.4 Submission requirements.

(a) Application form. No request for site plan approval shall be considered complete until the site plan, along with an application form and fees, has been submitted to the Administrator. The application shall be submitted on forms to be provided by the Administrator. The application shall be signed and, if not signed by the property owner, shall be accompanied by a notarized affidavit that the applicant is authorized to act in the owner's behalf.

(b) Plans and specifications. Each application shall be accompanied by four (4) copies of a site plan drawn to a minimum scale of one-inch equals fifty (50) feet on an overall sheet size not to exceed twenty-four (24) by thirty-six (36) inches. When more than one sheet is required, an index sheet of the same size shall be included showing the entire parcel with individual sheet numbers referenced thereon. The following information is required on or in acceptable form so as to accompany the site plan:

- (1) Site plan name.
- (2) North arrow, scale and date prepared.
- (3) Legal description.
- (4) Location map.
- (5) Zoning district assigned to the property, which is the subject of the site plan and zoning district assigned to adjacent properties.
- (6) Identification of watercourses, wetlands, identified floodplain and flood prone areas, tree masses and specimen trees, including description and location of under story, ground cover vegetation and wildlife habitats or other environmentally unique areas.
- (7) Gross and net site area expressed in square feet and acres.
- (8) Number of units proposed, if any.
- (9) Floor area devoted to each category of use.
- (10) Delineation in mapped form and computation of the area of the site devoted to building coverage and other impervious surfaces expressed in square feet and as a percentage of the overall site.
- (11) Number of parking spaces required (stated in relationship to the applicable formula) and proposed.
- (12) Location of all driveways, parking areas and curb cuts and the total paved vehicular use area (including but not limited to all paved parking spaces and driveways), expressed in square feet and as a percentage of the area of the overall site.
- (13) Location of all public and private easements and streets within and adjacent to the site.
- (14) The location, size and height of all existing and proposed buildings and structures on the site.
- (15) Location of all refuse collection facilities, including screening and access thereto.
- (16) Provisions for both on-and off-site stormwater drainage and detention related to the proposed development.
- (17) Existing and proposed utilities, including size and location of all water lines, fire hydrants, sewer lines, manholes, and lift stations.
- (18) Existing one-foot contours or key spot elevations on the site, and such off-site elevations as may be specifically required and not otherwise available which may affect the drainage or retention on the site.

(19) The proposed general use and development of internal spaces, including all recreational and open space areas, plazas and major landscape areas by function, and the general location and description of all proposed outdoor furniture (such as seating, lighting, and telephones).

(20) The location of all earth or water retaining walls, earth berms, and public and private sidewalks.

(21) Existing and proposed landscape plantings identified by genus/species and size as applicable for verification of compliance with the prescribed requirements herein.

(22) Phase lines, if development is to be constructed in phases.

(23) Dimensions of lot lines, streets, drives, building lines, building setbacks, building height, structural overhangs, and building separations.

(c) Application fee. The applicant shall be required to pay an application fee according to the current schedule of fees established by the City Council for the particular category of application. This fee shall be nonrefundable irrespective of the final disposition of the application.

5.5 Standards for Approval

In reviewing the site plan, the Planning Commission shall ascertain whether the proposed site plan is consistent with all requirements of this Ordinance. In consideration of each site plan, the Planning Commission shall find that provisions of this section of this Ordinance as well as the provisions of the zoning district in which said buildings, structures and uses are proposed to be located have been satisfactorily met by the applicant.

Section 6. Provisions for Nonconformities

6.1 Purpose

(a) Intent. Within the districts established by this Ordinance or amendments that may later be adopted there may exist lots, structures, or uses of land and structures 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 nonconformities to continue until they are voluntarily removed, or removed as required by this Ordinance, but not to encourage their continuance. It is further the intent of this Ordinance that nonconformities shall not be enlarged upon, expanded, intensified, or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

(b) Incompatibility with Permitted Uses. Nonconforming uses are declared by this Ordinance to be incompatible with Permitted Uses in the districts involved. A nonconforming use of a structure, a nonconforming use of land, or a nonconforming use of a structure and land in combination shall not be extended or enlarged after the effective date of this Ordinance or its amendment by attachment on structures or premises of additional signs intended to be seen from off the premises, or by the addition of other uses of a nature which would be prohibited generally in the district involved.

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

6.2 Nonconforming Lots of Record

(a) In any district in which single family dwellings are permitted, a single-family dwelling and customary accessory building may be erected on any single lot of record at the effective date of adoption or amendment of this Ordinance, notwithstanding limitations imposed by other provisions of this Ordinance. Said lot must be in separate ownership and not in continuous frontage with other lots in the same ownership. This provision shall apply even though a lot fails to meet the requirements for area or width or both that are applicable in the district, provided that yard dimensions (front, rear, and side) and requirements other than those applying to area or width or both of the lot shall conform to the regulations for the district in which such lot is located. Variance of yard requirements shall be obtained only through action of the Board of Adjustment.

(b) If two or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record at the effective date of adoption or amendment of this Ordinance, and if all or part of the lots do not meet the requirements established for lot width and for area, the lands involved shall be considered to be an undivided parcel for the purposes of this Ordinance and no portion or said parcel shall be used in a manner which diminishes compliance with lot width and area requirements established by this Ordinance, nor shall any division of any parcel be made which creates a lot with width or area below the requirements stated in this Ordinance.

6.3 Nonconforming Use of Land

Where, at the effective date of adoption or amendment of this Ordinance, a lawful use of land exists which would not be permitted by the regulations imposed by this Ordinance, and where such use involves no individual, permanently fixed structure with a replacement cost exceeding one thousand four hundred dollars (\$1,400) and no combination of permanently fixed structures with a replacement cost as high as five thousand six hundred dollars (\$5,600), the use may be continued for the period provided in paragraph (4) below so long as it remains otherwise lawful, subject to the following provisions.

- (1) Enlargement, Increase, Intensification. Alteration. No nonconforming use shall be enlarged, increased, intensified or extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Ordinance;
- (2) Discontinuance. If any nonconforming use ceases for any reason (except when governmental action impedes access to the premises) for a period of more than twelve (12) consecutive months, any subsequent use of such land shall conform to the regulations specified by this Ordinance for the district in which such land is located.

(3) Subdivision or structural additions. No land in nonconforming use shall be subdivided, nor shall any structures be added on such land, except for the purposes and in manner conforming to the regulations for the district in which such land is located, provided, however, that subdivision may be made which does not increase the degree of nonconformity of the use.

(4) Cessation of nonconforming use of land (or land with minor structures only) in certain districts. In implementing the intent of this subsection, if the nonconforming use of land or use of land with minor structures only, as defined in this subsection, is hereby declared to be a public nuisance, it shall be discontinued not later than three (3) years from the effective date of this Ordinance.

6.4 Nonconforming Structures

Where a structure exists lawfully under this Ordinance at the effective date of its adoption or amendment that could not be built under this Ordinance by reason of restrictions on area, residential densities, lot coverage, height, yards, location on the lot, or requirements other than use concerning the structure, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions.

(1) Enlargement. No nonconforming structure may be enlarged or altered in a way which increases its nonconformity, but any structure or portion thereof may be altered to decrease its nonconformity.

(2) Reconstruction. Should such nonconforming structure or nonconforming portion of a structure be destroyed by any means to an extent of more than fifty one percent (51%) of its replacement value at the time of destruction, it shall not be reconstructed except in conformity with the provisions of this Ordinance.

(3) Relocation. Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

6.5 Nonconforming Use of Major Structures or of Major Structures and Premises in Combination

Where, at the effective date of adoption or amendment of this Ordinance, a lawful use of structures or of structures and premises in combination exists involving an individual, permanently fixed structure with a replacement cost at or exceeding one thousand four hundred dollars (\$1,400) or a combination of permanently fixed structures with a replacement cost at or exceeding five thousand six hundred dollars (\$5,600), such use may be continued so long as it remains otherwise lawful, subject to the following provisions.

(1) Enlargement, extension, alteration, etc. of structures. No existing structure devoted to a use not permitted by this Ordinance in the district which such use is located shall be enlarged, extended, constructed, reconstructed, moved to another location on the property, or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.

(2) Change in tenancy or ownership. There may be a change in tenancy, ownership, or management of a nonconforming use provided there is no change in the nature or character of such nonconforming use.

(3) Discontinuance. If any nonconforming use of a structure, or structure and premises in combination, ceases for any reason (except where governmental action impedes access to the premises) for a period of more than twelve (12) consecutive months, any subsequent use shall conform to the regulations for the district in which the use is located.

(4) Destruction of major structure or structures. Where nonconforming use status applies to a major structure or structures or to a major structure or structures and premises in combination, removal or destruction of the structures shall eliminate the nonconforming status of land. "Destruction" of the structure for purposes of this subsection is hereby defined as damage to an extent of more than fifty one percent (51%) of the replacement cost at the time of destruction. Upon removal or destruction, as set out in this subsection, the use of land and structures shall thereafter conform to the regulations for the district in which such land is located.

(5) Notwithstanding the provisions of the above paragraph, any dwelling being used as a residence and meeting all requirements and regulations set forth by the City of Owens Cross Roads, Madison County, the State of Alabama, or any Federal agencies at the time of approval may continue to be used as a residence. In the event of a natural disaster, the present owner may rebuild the dwelling meeting all requirements and regulations in force at the time of rebuilding and may use the dwelling as a residence until ownership changes beyond family members. Rental dwellings being used for residential purposes and meeting all requirements and regulations set forth by the City of Owens Cross Roads, Madison County, the State of Alabama, or any Federal agencies at the time of approval may continue to be used for residential purposes. In the event of a natural disaster or demolition, the present owner must comply with the land use provisions of this Ordinance as well as any and all requirements and regulations in force at the time.

6.6 Nonconforming Structures Unsafe Because of a Lack of Maintenance

If a nonconforming structure or portion of a structure or any structure containing a nonconforming use becomes physically unsafe or unlawful due to a lack of repairs or maintenance, and is declared by the Administrator to be unsafe or unlawful by reason of physical condition, it shall not thereafter be restored, repaired, or rebuilt except in conformity with the regulations of the district in which it is located.

6.7 Special Exceptions are not Nonconforming Uses

Any use which is permitted as a special exception in a district under the terms of this Ordinance shall not be deemed a nonconforming use in such district, but shall without further action be deemed a conforming use in such district.

Section 7. Violation and Enforcement

(a) If the Administrator shall find that any of the provisions of this Ordinance are being violated, he shall take any action authorized to insure compliance with or to prevent violation of its provisions.

(b) In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted or maintained, or any building, structure or land is used in violation of this Ordinance or of any ordinance or other regulation made under authority conferred hereby, the proper local authorities of the City, in addition to other remedies, may institute any appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use, to restrain, correct, or abate such violation, to prevent the occupancy of such building, structure or use in or about such premises.

(c) Any person, firm, or corporation who violates any provision of this Ordinance or any order promulgated by an officer of the City charged with its enforcement or administration shall, upon conviction, be guilty of a misdemeanor and shall be punished by a fine not exceeding five hundred dollars (\$500.00) or by imprisonment or hard labor not exceeding six (6) months or both, provided that no penalty shall consist of the fine or sentence or imprisonment exceeding the maximum fine and sentence established under State law for the commission of a substantially similar offense. Each day any violation of this Ordinance shall continue shall constitute a separate offense.

ARTICLE VIII. APPELATE PROVISIONS

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Section 1. Establishment of Zoning Board of Adjustment

(a) Establishment and term. A Zoning Board of Adjustment, hereafter referred to as "Board." is hereby established. The Board shall consist of five (5) members, each to be appointed for a term of three (3) years by the City Council, except that in the first instance, one member shall be appointed for a term of three years, two for a term of two years, and two for a term of one year. Thereafter, each member appointed shall serve for a term of three years or until his successor is duly appointed. In addition to the five regular members provided for in this Section, two (2) supernumerary members shall be appointed to serve on such Board at the call of the Chairman only in the absence of regular members and while so serving, shall have and exercise the power and authority of regular members. Such supernumerary members shall be appointed to serve for three (3) year terms and shall be eligible for reappointment. Each member may be removed for cause by the appointing authority upon written charges and after a public hearing. The members of the Board serving on the effective date of this Ordinance under an Ordinance effective prior hereto shall be considered as the members to be appointed by the City Council and each of these members shall serve the balance of the term to which such member was appointed.

(b) Qualifications. Members of the Board shall not hold any other public position or office in the government of the City of Owens Cross Roads. All members of the Board shall be electors of the City of Owens Cross Roads.

(c) Officers. The Board shall select a chairman and vice-chairman from among its members and may create such other offices as it may determine.

(d) Vacancies. Vacancies in Board membership shall be filled by appointment by the City Council for the unexpired portion of the term of the member affected.

(e) Removal. Members of the Board may be removed from office for cause by the appointing authority upon written charges and after a public hearing.

Section 2. Proceedings

(a) Rules of Procedure. The Board shall adopt rules of procedure necessary to its governance and the conduct of its affairs, in keeping with the applicable provisions of the Code of Alabama and this Ordinance. Such rules of procedure shall be in written form available to persons appearing before the Board and to the public.

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

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

(d) Quorum A quorum for the transaction of business shall consist of four (4) members; provided that no action that reverses the decision of the Administrator shall be taken without the concurring votes of four (4) members.

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

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

Section 3. Relative Duties of the Administrator, Board of Adjustment, City Council and Courts

(a) It is the intent of this Ordinance that all questions of interpretation and enforcement shall be first presented to the Administrator, and that such questions shall be presented to the Board only on appeal from the decision of the Administrator and that recourse from the decision of the Board shall be by appeal to the appropriate court as herein provided.

(b) It is the further intent of this Ordinance that the duties of the City Council in connection with this Ordinance shall not include hearing and deciding questions of interpretation and enforcement that may arise. The procedure for deciding such questions shall be stated in this Article. Under this Ordinance, the City Council shall have only the duties of:

- (1) considering, adopting, or rejecting proposed amendments, or repealing this Ordinance, as provided by law; and
- (2) establishing a schedule of fees for permits and other expenses connected with the enforcement of this Ordinance.

Section 4. Powers and Duties of the Board of Adjustment

The Board shall have the following powers and duties:

(a) Appeals. Upon proper application, to hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the Administrator in the enforcement of this Ordinance or any other ordinance adopted pursuant thereto.

(b) Variances. Upon proper application, to hear and authorize in specific cases such variances from the terms of this Ordinance as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of this Ordinance will result in unnecessary hardship and so that the spirit of the Ordinance shall be observed and substantial justice done.

Section 5. Procedure for Appeals

(a) Appeals to the Board concerning interpretation or administration of this Ordinance may be taken by any person aggrieved or by any officer, agency, or bureau of the City of Owens Cross Roads affected by any decision of the Administrator. Such appeals shall be taken within a reasonable time, not to exceed thirty (30) days. The Administrator shall forthwith transmit to the Board all papers constituting the record upon which the action appealed from was taken.

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

(c) An appeal stays all proceedings in furtherance of the action appealed from, unless the Administrator certifies to the Board after the notice of appeal shall have been 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 case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board or by a court of record on application, on notice to the Administrator and on due cause shown.

Section 6. Procedure for Variances

(a) The Board shall have the power to authorize, in specific cases, such variances from the terms of this Ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions would result in an unnecessary hardship. A Variance from the terms of this Ordinance shall not be granted by the Board unless and until the following requirements are satisfied.

(b) Application. An applicant shall submit to the Board a written application indicating:

(1) That special conditions and circumstances exist that are peculiar to the involved land, structure, or building and are not applicable to other lands, structures, or buildings in the same district;

(2) That the literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance;

(3) That the special conditions and circumstances do not result from the actions of the applicant;

(4) That granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, structures, or buildings in the same district;

(5) No nonconforming use of neighboring lands, structures, or buildings in the same district and no permitted use of lands, structures, or buildings in other districts shall be considered grounds for the issuance of a variance.

(c) Application fee. The applicant shall be required to pay an application fee according to the current schedule of fees established by the City Council for the particular category of application. This fee shall be nonrefundable irrespective of the final disposition of the application.

(d) Adjoining property owners. The applicant shall submit with each application a list of names and addresses of all recorded property owners adjoining the exterior boundary of the subject property. Said list shall be current and certified by a professional engineer, an attorney, a registered surveyor, or a bonded abstractor.

(e) Notice. Upon receipt of said written application, fee, and list, a notice of public hearing before the Zoning Board of Adjustment shall be given by publication in a newspaper of general circulation in the City of Owens Cross Roads at least once a week for two (2) consecutive weeks and not less than fifteen (15) days before the meeting of the Board, in addition, notice of public hearing shall be given by mailing written notice by the Chairman of said Board to all owners of adjoining property. A copy of the published notice may be mailed in lieu of written notice. Said notice shall contain:

(1) Legal description of the Property and the street address or approximate location in the City of Owens Cross Roads;

(2) Present zoning classification of the property and the nature of the variance requested;

(3) Date, time, and place of public hearing.

(f) Public hearing. A Public Hearing shall be held by the Board. Any party may appear by agent or attorney.

(g) Finding. The Board shall make a finding that the requirements set out above have been met by the applicant for a variance. In addition, the Board shall further make a finding that:

(1) the reason set forth in the application justifies the granting of the variance and that the variance is the minimum variance that will make possible the reasonable use of the land, structure, or building; and

(2) the granting of the variance will be in harmony with the purpose and intent of this Ordinance, will not be injurious to the neighborhood, or will not be otherwise detrimental to the public welfare.

(h) Conditions and safeguards. The Board, in granting any variance, shall prescribe appropriate conditions and safeguards in conformity with this Ordinance. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this Ordinance and shall be punishable under the penalty section of this Ordinance.

(i) Limitations. The Board shall not grant a variance to allow a use not permissible under the applicable terms of this Ordinance or other general ordinance of the City of Owens Cross Roads with respect to the use district concerned, nor shall the Board hear or decide upon any matters that could be determined by regular zoning procedures before the Planning Commission and City Council of the City of Owens Cross Roads; nor grant any variance by reason of the existence of nonconforming uses in the district concerned or in an adjoining district.

Section 7. Procedure for Abatement

The Board may require the conduct of any use which results in unreasonable noise, smoke, gas, vibration, fumes, dust, fire, radio interference or explosion hazard or nuisance to surrounding property to be modified or changed to abate such hazard to health, comfort and convenience. The Board may direct the Administrator to issue an abatement order but such order may be directed only after a public hearing by said Board, notice of which shall be sent by registered mail to the owners and/or operators of the

property on which the use is conducted in addition to due notice of advertisement in a newspaper of general circulation. A hearing to consider issuance of an abatement order shall be held by the Board either upon petition signed by any person affected by the hazard or nuisance or upon the initiative of the Board. An abatement order shall be directed by the Board only upon reasonable evidence of hazard or nuisance and such order shall specify the date by which the hazard or nuisance shall be abated.

Section 8. Decisions of the Board of Adjustment

(a) In exercising the above-mentioned powers, the Board of Adjustment shall reverse or affirm, wholly or in part, the order, requirement, decision, or determination appealed from; shall make such order, requirement, decision, or determination as ought to be made, so long as such action is in conformity with the terms of this Ordinance, and to that end, shall have the powers of the Administrator from whom the appeal is taken.

(b) The concurring vote of four (4) members of the Board shall be necessary to reverse any order, requirement, decision, or determination of the Administrator, to decide in favor of the applicant on any matter upon which it is required to pass under this Ordinance, or to affect any variation in the application of this Ordinance.

Section 9. Appeals from Decisions of Board of Adjustment

Any person or persons, aggrieved by any decision of the Board of Adjustment, may within fifteen (15) days thereafter appeal the decision to the appropriate court of law by filing with the Board of Adjustment a written notice of appeal specifying the judgment or decision from which the appeal is taken. In case of such appeal, the Board shall cause a transcript of the proceedings in the action to be certified to the court to which the appeal is taken, and the action in such court shall be tried de novo.

ARTICLE IX. AMENDMENT

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Section 1. Initiation of Amendment

The regulations, restrictions, procedures, Official Zoning Map, district regulations, and other material set out in this Ordinance may from time to time be amended, supplemented, change or repealed. Proposed changes or amendments may be initiated by:

- (1) the City Council;
- (2) the Planning Commission; or
- (3) any person other than those listed in (a) or (b) above; provided, however, that no such person shall propose an amendment for the rezoning of property which he does not own except, as agent or attorney for an owner.

Section 2. Application and Fee

- (a) All amendments to these zoning regulations, whether to the text or the official zoning map shall be considered in the manner herein set out.
- (b) Application. All petitions for zoning change or amendment shall be made on forms available at the Office of the City Clerk and shall be accompanied by a map indicating the location of the proposed change. The application shall be filed with the City Clerk not later than twenty (20) days prior to the Planning Commission's meeting at which the application is to be considered.
- (c) Application fee. The applicant shall be required to pay an application fee according to the current schedule of fees established by the City Council for the particular category of application. This fee shall be nonrefundable irrespective of the final disposition- of the application.

Section 3. Planning Commission Procedure

- (a) The Planning Commission shall review and make recommendations to the City Council on all proposed amendments to this Ordinance as set forth below.
- (b) Public Hearing. The Planning Commission may, at its discretion, hold a public hearing on any proposed zoning amendment. When a public hearing is deemed necessary by the Planning Commission, notice of said hearing shall be published in a newspaper of general circulation in the City of Owens Cross Roads at least once a week for two (2) consecutive weeks prior to the hearing, provided further that the first notice shall appear fifteen (15) days in advance of said hearing. The notice shall state the time and

place of the hearing, and stating further, at such time and place all persons who desire shall have an opportunity to be heard in opposition to, or in favor of, such amendment. In addition to the published hearing notice, a notice of such public hearing shall be sent to all adjoining landowners by registered mail as their names appear upon the plats in the Madison County Tax Assessor's Office. It shall be the responsibility of the applicant to provide the list of names and addresses of adjoining property owners to the City Clerk.

(c) Planning Commission Report. Within sixty (60) days from the date a proposed zoning amendment is officially received by the Planning Commission, unless a longer time is mutually agreed upon between the City Council and the Planning Commission in the particular matter, the Planning Commission shall submit its report and recommendation to the City Council. If the Planning Commission does not submit its report and recommendations within the prescribed time, the City Council may proceed to action on the proposed amendment without further awaiting the report or recommendations of the Planning Commission.

(d) Nature and Requirements of Planning Commission Report When Pertaining to the Rezoning of Land. When pertaining to the rezoning of land, the report and recommendations of the Planning commission shall show that the Planning Commission has studied and considered the proposed change in relation to the following where applicable:

- (1) Whether the proposed change would be contrary to the Land Use Plan;
- (2) The existing land use pattern;
- (3) Possible creation of an isolated district unrelated to adjacent and nearby districts;
- (4) The population density pattern and possible increase or overtaxing of the load on public facilities such as schools, utilities, streets, etc.;
- (5) Whether existing district boundaries are illogically drawn in relation to existing conditions on the property proposed for change;
- (6) Whether changed or changing conditions make the passage of the proposed amendment necessary;
- (7) Whether the proposed change will adversely influence living conditions in the neighborhood;
- (8) Whether the proposed change will create or excessively increase traffic congestion or otherwise affect public safety;
- (9) Whether the proposed change will create a drainage problem;
- (10) Whether the proposed change will seriously reduce light and air to adjacent areas;
- (11) Whether the proposed change will adversely affect property values in the adjacent area;

(12) Whether the proposed change will be a deterrent to the improvement or development of adjacent property in accord with existing regulations;

(13) Whether the proposed change will constitute a grant of special privilege to an individual owner as contrasted with the public welfare;

(14) Whether there are substantial reasons why the property cannot be used in accord with existing zoning

(15) Whether the change suggested is out of scale with the needs of the neighborhood or the City;

(16) Whether it is impossible to find other adequate sites in the City for the proposed use in districts already permitting such use.

(e) Nature and Requirements of Planning Commission Report When Pertaining to Other Proposed Amendments. When pertaining to other proposed amendments of this Ordinance, the Planning Commission shall consider and study:

(1) The need and justification for the change;

(2) The relationship of the proposed amendment to the purposes and objectives of the City's comprehensive planning program and to the Comprehensive Plan, with appropriate consideration as to whether the proposed change will further the purposes of this Ordinance and other City ordinances, regulations and actions designed to implement the Comprehensive Plan.

(f) Status of Planning Commission Report and Recommendations. The report and recommendations of the Planning Commission required above shall be advisory only and shall not be binding upon the City Council.

Section 4. City Council Procedure

(a) The following procedure shall be followed by the City Council in its consideration of all proposed amendments to this Ordinance.

(b) Public Hearing. Upon receipt of the Planning Commission's report and recommendations, or in the event that the Planning Commission has not made its report and recommendations within the prescribed time limit specified above, the City Council shall hold a public hearing with notice to be given by publication in a newspaper of general circulation published within the City of Owens Cross Roads, Alabama, of the proposed Ordinance in its full text for one (1) insertion and an additional insertion of a synopsis of the proposed Ordinance one (1) week after the first insertion which synopsis shall refer to the date and name of the newspaper in which the proposed Ordinance was first published. Both such insertions shall be at least fifteen (15) days in advance of the final passage of said proposed Ordinance as required by Section 11-52-77 and 11-52-78 of the Code of Alabama, 1975, as supplemented and amended.

(c) Failure of City Council to Act. If a Planning Commission recommendation for a change is not acted upon within sixty (60) days of the date of the Planning Commission's report to the City Council, the petition upon which the report and recommendation is based shall be deemed to have been denied.

(d) Limitations on the Rezoning of Property. No amendment to rezone property shall contain conditions, limitations, or requirements not applicable to all other property in the district to which the particular property is rezoned.

(e) Records and publication. Any change in the provisions of this Ordinance or the zoning classification of property shall become effective upon adoption by the City Council.

(1) Upon enactment of an amendment to this Ordinance, a notice of such shall be published in a newspaper of general circulation published in the City of Owens Cross Roads announcing the new zoning classification of property affected or change in the provisions of the Ordinance.

(2) Upon enactment of an amendment to the Official Zoning Map which is part of this Ordinance, the Administrator shall cause such amendment to be placed upon the Official Zoning Map noting thereon the Ordinance number and effective date of such amendatory ordinance.

Section 5. Time Limits on Reconsideration

(a) Time limits upon approval. Whenever the City Council has, by amendment, changed the zoning classification of property, the Planning Commission shall not then consider any petition for rezoning of any part or all of the same property for a period of twelve (12) months from the effective date of the amendatory ordinance.

(b) Time limits upon denial. Whenever the City Council has denied an application for the rezoning of property, the Planning Commission shall not thereafter:

(1) Consider any further application for the same rezoning of any part or all of the same property for a period of twelve (12) months from the date of such action;

(2) Consider an application for any kind of rezoning of any part or all of the same property for a period of six (6) months from the date of such action.

(c) Waiver of time limits. The time limits of this section may be waived by two (2) affirmative votes of the City Council when such action is deemed necessary to prevent injustice or to facilitate the proper development of the City of Owens Cross Roads.