THE CITY OF SARALAND
LAND USE
AND
DEVELOPMENT ORDINANCE

The City of Saraland
716 Highway 43
Saraland, Alabama 36571

Recommended by the City of Saraland, Planning Commission
and
Board of Adjustment

April 10, 2007

Adopted by the City of Saraland, City Council:

December 27, 2007

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SECTION A
LEGAL AND GENERAL

ARTICLE I

PURPOSE, REPEALS, ENACTMENT AND SHORT TITLE

1-1 PURPOSE

The City of Saraland, Alabama, pursuant to the authority granted by Title 11, Subtitle 2, Chapter 52, Articles 1 through 4, Code of Alabama, 1975 and 1986 Cumulative Supplement, in order to promote the health, safety, convenience, order, prosperity, and general welfare of the residents; to lessen congestion in the street; to secure safety from fire, panic, and other dangers; to provide adequate light and air; to prevent the overcrowding of land, to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, and parks; to facilitate initiation of the Comprehensive Plan, and other public requirements, hereby ordains and enacts into law an official Land Use and Development Ordinance in accordance with the laws of Alabama. In their interpretation and application, the provisions of this Ordinance shall be:

(a) Considered as minimum requirements.

(b) Liberally construed in favor of the governing body.

(c) Deemed to neither limit nor repeal any other powers granted under state statutes.

1-2 REPEALS AND ENACTMENT

An Ordinance of the City of Saraland establishing rules and regulations for zoning, platting, and subdividing land which rules and regulations define the legal authority; classify land; establish zoning districts requirements; prescribe procedures for plat review; set standards and specifications for streets, utilities, and other public improvements in subdivisions; and, prescribe methods for enforcement, exceptions, and amendments.

1-3 SHORT TITLE

This Ordinance shall be known and may be cited as the "Land Use and Development Ordinance" for the City of Saraland.

ARTICLE II

LEGAL STATUS

2-1 AUTHORITY

The rules and regulations set forth herein are hereby adopted in accordance with Title 11, Subtitle 2, Chapter 52, Articles 1 through 4 of the Code of Alabama, 1975, (as amended), and 1986 Cumulative Supplement are as follows:

(a) Zoning:

Zoning authority is specifically contained in Title 11, Subtitle 2, Chapter 52, Articles 1 and 4 of the Code of Alabama, 1975, (as amended), and 1986 Cumulative Supplement.

(b) Subdivisions:

Subdivision authority is specifically contained in Title 11, Subtitle 2, Chapter 52, Articles 1, 2, and 3 of the Code of Alabama, 1975, (as amended), and 1986 Cumulative Supplement.

2-2 JURISDICTION

(a) Zoning:

This Ordinance shall be in force and effect for zoning purposes within the corporate limits of the City of Saraland as presently or hereinafter established.

(b) Subdivisions:

This Ordinance shall be in force and effect for the subdivision of all land which is situated inside the corporate limits of the City of Saraland, as well as, all land which lies in the extraterritorial planning jurisdiction of the City of Saraland, as presently or hereinafter established.

2-3 CONFLICT WITH OTHER LAWS

Whenever the requirements of this Ordinance conflict with the requirements of any other lawfully adopted statutes, rules, regulations, or ordinances the more restrictive or that which imposes the higher standard shall govern.

2-4 VALIDITY

Each phrase, sentence, paragraph, section, or other provision of this Ordinance is severable from all other such phrases, sentences, paragraphs, sections, and provisions. Should any phrase, sentence, paragraph, section, or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such declaration shall not affect any other section or provision of this Ordinance.

2-5 REPEAL OF REGULATIONS AND ORDINANCES

This is a comprehensive enactment of a Zoning Ordinance and Subdivision Regulations for the City of Saraland and all prior Zoning Ordinances and Subdivision Regulations are hereby superseded and repealed.

2-6 DISCLAIMER OF LIABILITY

These regulations shall not create liability on the part of the City of Saraland, Planning Commission, the Board of Adjustment, any officer, or employee thereof for any damages that may result from reliance on this Ordinance or any administrative decision lawfully made hereunder.

2-7 EFFECTIVE DATE

This Ordinance shall take effect and be in force upon and hereinafter the date of its adoption by the City Council.

2-8 PENALTIES AND REMEDIES

(a) Penalties:

Any person violating any provision of this Ordinance shall be fined upon conviction, not less than twenty-five dollars ($25.00) nor more than five hundred dollars ($500.00) and costs of court for each offense. Each day such violation continues it shall constitute a separate offense.

(b) Remedies:

In case any building or structure which exists or is proposed to be erected, constructed, reconstructed, altered, renovated, or maintained; or any building, structure, or land which is proposed to be used in violation of this Ordinance; or any adjacent or neighboring property owner would be specially damaged by such violation the Building Official, Code Enforcement Officer, or other appropriate authorized representative may, in addition to other remedies, institute injunction, mandamus, other appropriate action, proceeding to prevent such unlawful erection, construction, reconstruction, alteration, renovation, maintenance, use, correction or abatement of such violation, or to prevent the occupancy of said building, structure, or land.

Each and every day such unlawful erection, construction, reconstruction, alteration, conversion, maintenance or use continues, it shall be deemed a separate offense and shall be subject to the fines and penalties specified herein.

ARTICLE III

OFFICIAL PLANS AND MAPS

3-1 IMPLEMENTATION

This Ordinance shall be implemented in support of the Comprehensive Plan. A copy of the plan is filed in the office of the City Clerk.

3-2 FUTURE LAND USE MAP

The Future Land Use Map as contained in the Comprehensive Plan shall serve as a guide for the future development of Saraland. To the extent practical, it shall be followed in the administration of this Ordinance.

3-3 OFFICIAL ZONING DISTRICT MAP

The Zoning District Map, Exhibit A, the latest edition, is hereby adopted and made a part of this Ordinance. This map shall be signed by the Mayor and attested by the City Clerk. It shall be filed in the office of the City Clerk to show thereon the date of adoption of said Ordinance.

3-4 AMENDMENTS TO THE OFFICIAL ZONING DISTRICT MAP

If, in accordance with the provisions herein, revisions are made in the zoning district boundaries or any other information portrayed on the Zoning District Map, changes shall be made on the Map immediately following the amendment and upon approval of the City Council. Unauthorized alterations to Zoning District Map shall be considered a violation of this Ordinance and subject to penalties as prescribed herein.

3-5 FILE OF PROPERTIES REZONED, VARIANCE GRANTED, SUBDIVISIONS APPROVED

The City Clerk shall maintain a file or registry of properties rezoned, variances granted, and subdivisions approved under the authority of this Ordinance in conjunction with all pertinent requirements and/or conditions thereto.

ARTICLE IV

ADOPTION

4-1 This Ordinance was adopted by the City of Saraland, Alabama, on the 27th day of December, 2007.

_____
Council President

_____
Mayor

_____
City Clerk

I,_____, City Clerk of the City of Saraland, Alabama, certifies that the document described herein, identified as the "Land Use and Development Ordinance" , Alabama, is a true and correct copy of the Ordinance Number 757 adopted by the City of Saraland, Alabama this 27th day of December, 2007.

Seal of the City of Saraland.

ARTICLE V

DUTIES AND POWERS OF THE PLANNING COMMISSION

5-1 AUTHORITY

The composition, duties and powers of the Planning Commission shall include, but are not limited to the following:

(a) Shall be composed of nine (9) members, selected in accordance with *Ala. Code* § 11-52-3 (1993 Repl. Vol.)

(b) Shall be the function and duty of the Commission to make and adopt a master plan for the physical development of the municipality, including any areas outside of its boundaries which in the Commission's judgement, bear relation to the planning of such municipality.

(c) Shall be charged with the responsibility to review, apply, and monitor the enforcement of this Ordinance in accordance with the Comprehensive Plan or portions thereof which are adopted. It shall be part of the duties of the Commission to consult with and advise public officials, agencies, public utility companies, civic, educational, professional and other organizations, and citizens with relation to the protection and implementation of the plan.

(d) Shall hear and take action on all matters which require Planning Commission "approval" as specified herein.

(e) Shall render decisions on uses not provided for in the Table of Permitted Uses.

(f) Shall hear and recommend to the City Council on all matters of zoning, rezoning, and zoning of newly annexed properties when an R-1, Low Density Single Family Residential, district is determined by the Planning Commission not to be the proper zone.

(g) Shall, from time to time, recommend to the appropriate public officials programs for public structures and improvements, and for the financing thereof.

(h) Shall review and approve construction of a street, park, public way, open space, public building or structure, or public utility, whether publicly or privately owned, authorized in the municipality, planned section, or district for location, character, and extent thereof.

An application presented for review to the Planning Commission shall adhere to the requirements otherwise provided herein and as may be established by the Commission for the lawful rendering of its duty.

In general, the Planning Commission shall have such powers as may be necessary to enable it to fulfill its functions, promote municipal planning, or to carry out the purposes of this chapter.

ARTICLE VI

PROCEDURES FOR THE TRANSACTION OF BUSINESS

6-1 IMPLEMENTING AUTHORITY

The Planning Commission shall be the implementing authority for this Ordinance, except and only to the extent where required by law, action of the City Council is necessary. Appeals of any final judgment or decision of the Planning Commission shall be made within fifteen (15) days thereafter to the Circuit Court of Mobile County, Alabama, and shall be tried de novo. Upon the filing of such an appeal, the aggrieved party shall file a written notice with the Planning Commission specifying the judgment or decision from which such appeal is taken. When action of the City Council is required by law, such deliberative action of the City Council shall take place after due consideration of recommendations made to it by the Planning Commission.

6-2 PUBLIC HEARINGS

When the Planning Commission must hold a public hearing on any matter where its action is decisive, due notice shall be given as required by law. When the City Council must hold a public hearing on any matter recommended by the Planning Commission, the Planning Commission may dispense with a separate hearing and submit its recommendation to the appropriate body. The public notice of such hearing by the City Council shall be published or posted by the City Clerk immediately upon receipt of the recommendation from the Planning Department regarding the date, time, and place of said hearing.

6-3 RULES

"Robert's Rules of Order" shall normally govern the order of business and conduct of meetings of the Planning Commission or any committee of said Commission.

6-4 MEETINGS

The Planning Commission shall hold at least one (1) regular scheduled meeting per month. The date, time, and place of such meeting shall be determined by the Planning Commission.

Special meetings of the Planning Commission may be called by the Chairman upon giving a forty-eight (48) hour notice to the members.

6-5 AGENDA

An agenda shall be prepared by the secretary in concert with the Planning Commission Chairman for each meeting of the Planning Commission.

6-6 QUORUM

Unless otherwise provided by statute, a majority of the members shall constitute a quorum for the conduct of business. An affirmative vote of not less than six (6) members shall be required for approval of a subdivision, pursuant to Section 11-52-10, the Code of Alabama, 1975, (as amended). (Ord.804, 9-23-10)

6-7 APPLICATIONS

Applications for zoning amendments, annexation, vacation of easement and/or right-of-way, subdivision plats, site plans, or recommendations with regard to the development of land shall be filed and handled in accordance with the provisions outlined herein.

6-8 STUDY

The Planning Commission may defer action on any matter submitted to the Commission at a regular meeting until the next regular meeting so proper study of the matter may be made by the membership provided; however, the action taken on any matter submitted to the Commission shall be within thirty (30) days, as required by law.

6-9 SIGNATURES

The Chairman or in the event of his absence, the Vice-Chairman or the Secretary shall be the person(s) authorized to sign documents testifying to action taken by the Planning Commission.

*Note: Get applicant to agree if more than 30 days.

ARTICLE VII

BUILDING OFFICIAL

7-1 AUTHORITY

The Building Official shall be designated by the Mayor and the duties shall be as follows:

(a) Is authorized and empowered on behalf and in the name of the City Council to administer and enforce the provisions of this Ordinance to include receiving applications, inspecting premises, and issuing Certificates of Occupancy for uses and structures which are in conformance with the provisions as outlined herein.

(b) Does not have the authority to take final action on applications, matters involving variances, or other exceptions which this Ordinance has reserved for action by the Board of Zoning Adjustment, the Planning Commission, and/or the City Council.

(c) Shall keep records of all permits, the Certificates of Occupancy issued, maps, plats, and other documents with notations of all special conditions. He shall file and safely keep copies of all sketches and plans submitted. The same shall form a part of the records of his office and shall become public record.

7-2 PERMITS AND CERTIFICATES

(b) Approval of Plans and Issuance of Building Permits (Ord. 947, 3/27/14)

It shall be unlawful for the Building Official to approve any plans or issue a building permit for construction until he has reviewed the plans in detail and found them to be in conformity with this Ordinance.

To this end, the Building Official shall require every application for a building permit for construction, use of land, moving or alteration be accompanied by a plan or plat drawn to scale and showing sufficient detail to enable the Building Official to ascertain whether the proposed construction, use of land, moving, or alteration is in conformance with this Ordinance.

Such plan or plat shall include, as a minimum the following:

(1) The actual shape, proportion, and dimension of the lot to be built upon.
(2) The shape, size, location, and intended use of all buildings or other structures to be erected, altered, moved, or existing on the lot.
(3) The existing and intended use of all such buildings or other structures.

If the proposed excavation, construction, moving, or alterations as set forth in the application are in conformity with the provisions as provided herein, the Building Official of the Municipality shall issue a building permit accordingly. Unless an applicant agrees to an extension, the Building Official will rule on all applications for building permits within thirty (30) days of the submittal of a complete application to the Building Department. If the Building Official has not approved or denied a building permit application within that thirty (30) day time frame, the applicant is authorized to request the Saraland Board of Adjustments decide

whether to grant or deny the application. If an application for a building permit is not approved, the Building Official shall state in writing the cause for such disapproval. Issuance of a building permit shall in no case be construed as waiving any provision nor of any legal liability for noncompliance with the provisions of this Ordinance on the part of the building, owner, or applicant. If an application for building permit is denied based upon the expiration of the thirty (30) day time limit herein, the applicant will have thirty (30) days to request in writing from the Building Office the substantive reasons for the denial of the building permit. Upon receipt of said request from the applicant, the Building Official will have seven (7) calendar days to provide in writing the cause for denial.

(c) Certificate of Occupancy:

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

Within three (3) days after the owner or his agent have notified the Building Official that a building, premises, or part thereof is ready for occupancy or use, it shall be the duty of the Building Official to make a final inspection thereof, and to issue a Certificate of Occupancy if the building, premises, or part thereof is found to be in conformance with the provisions of this Ordinance, or if such certificate is refused to state the refusal in writing with the cause.

7-3 CONTINUANCE OF PREVIOUSLY ISSUED PERMITS

Permits previously issued shall not be affected by the provisions of this Ordinance, except as otherwise provided herein.

ARTICLE VIII

DEFINITION OF TERMS

8-1 USAGE

Except as otherwise provided herein, all words shall have the customary dictionary meaning. The present tense includes the future tense and the future tense includes the present tense. The singular number includes the plural and the plural includes the singular. The word "person" includes a firm, corporation, association, organization, trust, or partnership. The word "lot" includes "plot" or "parcel." The word "building" includes "structure." The word "shall" is always mandatory. The word "used" or "occupied" as applied to any land or buildings shall be construed to include the words "intended, arranged, or designed to be used or occupied. The words "zoning map" mean the Official Zoning District Map of the City of Saraland.

"The New Illustrated Book of Development Definitions" by Harvey S. Moskowitz and Carl G. Lindbloom shall be adopted as a reference and shall become a part of the Land Use and Development Ordinance as an expansion of the Definition of Terms not contained in this Article.

8-2 WORDS AND TERMS DEFINED

As used in this Ordinance, the following words and terms shall have the meaning defined:

(1) Abutting/Contiguous Property. Any property that is immediately adjacent to, touching, or immediately across any road or public right-of-way from the property in question.

(2) Accessory Structure. A detached subordinate structure, the use of which is customarily incidental to that of the principal structure and which is located on the same parcel or lot as the principal structure.

(3) Accessory Use. Any use may be established as an accessory use to any permitted principal use in any district provided:

(a) Is customarily incidental to and is maintained and operated as a part of the principal use.

(b) Is not hazardous to and does not impair the use or enjoyment of nearby property in greater degree than the principal use with which it is associated.

(c) Does not create levels of noise, odors, vibration and lighting, or degrees of traffic congestion, dust or pollutants, in a greater amount than customarily created by principal use.

(4) Agriculture. The use of land for farming, dairying, pasturage, agriculture, horticulture, floriculture, viticulture, and animal poultry husbandry and the necessary accessory uses for packing, treating, or storing the produce; provided, however, the operation of any such accessory uses shall be secondary to that of normal agricultural activities and provided further the above uses shall not include

the commercial feeding of garbage or offal to swine or other animals.

(5) Alley. A public street which affords only a secondary means of access to abutting property and not intended for general traffic circulation.

(6) Alteration, Altered. These terms shall include any changes in structural parts, stairways, type of construction, kind of class of occupancy, light or ventilation, means of ingress and egress, or other changes affecting or regulated by the Building Code or this Ordinance, including extension or expansion, except for minor changes or repairs not involving the aforesaid features.

(7) Arterial Street. A street designed or utilized primarily for high speed vehicular movements and heavy volumes of traffic.

(8) Atrium. An open area within a building surrounded on all four sides by the building walls and open and unobstructed from the first floor level to the roof or sky except as otherwise provided herein.

(9) Automobile Repair. The repair, rebuilding or reconditioning of motor vehicles or parts thereof, including collision service, painting, and steam cleaning of vehicles.

(10) Automobile Wrecking. The dismantling or wrecking of used motor vehicles, mobile homes, trailers, or the storage, sale or dumping of dismantled, partially dismantled, obsolete or wrecked vehicles or their parts.

(11) Awning. Detachable frame work covered by cloth or other light materials, supported from the walls of a building for protection from sun or weather.

(12) Basement. A story all or partly underground but having at least one-half of its height below the average level of the adjoining ground.

(13) Beach Shelter. An accessory structure, temporary or permanent, consisting of one or more columns and a roof, not including walls or permanent facilities of any type. Placement of a beach shelter shall be subject to the regulations of the Coastal Area Management Program.

(14) Best Management Practice (BMP). A structural or nonstructural management based practice used singularly on in combination to reduce non-point source inputs to receiving waters in order to achieve water quality protection goals.

(15) Block. A piece or parcel of land entirely surrounded by public highways or streets, other than alleys.

(16) Board. The Board of Zoning Adjustment; a review board authorized to perform certain duties.

(17) Boarding House. A building or part thereof, other than a hotel, motel, or restaurant, where meals and/or lodging are provided for compensation, where no cooking or dining facilities are provided in individual rooms.

(18) Boat Repair. Major overhauling or repair of small craft and pleasure boats that

requires open air, partially covered or enclosed dry dock facilities and such heavy equipment, yard space, and dock facilities as may be necessary.

(19) Body-piercing Studio. An establishment whose principal business activity, either in terms of operation or as held out to the public, is the practice of creating openings in the body of a person for the purpose of inserting jewelry or other decorations.

(20) Building. Any structure attached to the ground and intended for shelter, housing or enclosure for persons, animals, or chattels.

(21) Building, Accessory. A subordinate building, the use of which is incidental to that of the principal use of the main building.

(22) Building, Alterations. Any change in the supporting members of a building (such as bearing walls, beams, columns, and girders) except such change as may be required for its safety; any addition to a building; any changes in use resulting from moving a building from one location to another.

(23) Building Coverage. The percent of total lot area covered by buildings and structures but excluding roof overhangs, unenclosed balconies, and unenclosed walkways which do not project more than six (6) feet from the exterior walls of a building or from walls enclosing an atrium.

(24) Building Height. The vertical distance measured from the average on all four (4) sides of the buildings.

(25) Building Line. (See Setback Line.)

(26) Building Official. Individual appointed by the City of Saraland to carry out inspections required by the Building Code, latest edition.

(27) Building, Principal. A building in which is conducted the main or principal use of the lot or parcel for which said building is situated.

(28) Bulk. Height and percentage of land coverage of a building.

(29) Bulkhead. A structure separating land and water areas, primarily designed to resist earth pressures.

(30) Business/Commercial Center. A group of two or more owners, occupants or tenants with common customer and employee parking provided onsite, and/or connected together by common walls, interior aisles or malls.

(31) Business/Office Park. A planned development of one or more office(s) and/or business(es) in a park-like setting.

(32) Cabana. An accessory structure usually used in connection with outdoor bathing or recreation providing enclosed space for showering or changing clothes, with recreational cooking and/or bar facilities including storage facilities, but no sleeping rooms.

(33) Camp Site. A development for the accommodation of tourists or vacationers on a short-term basis, providing rental spaces for each individual trailer, camper, motor home, recreation, and service facilities for the use of the tenants.

(34) Canopy. A detachable, roof-like cover, supported from the ground, or deck or floor of a building, and from the walls of a building, for protection from sun or weather.

(35) Cemetery. Land used or intended to be used for the burial of the human and animal dead and dedicated for cemetery purposes, including crematories, mausoleums, and mortuaries if operated in connection with and within the boundaries of such cemetery.

(36) Central Sewer System. All equipment and property involved in the operation of a sanitary sewer utility, including waste water lines and appurtenances, pumping stations, treatment works, disposal facilities, and general property necessary for the operation of such utility, which shall be fully installed, operable, and providing service in compliance with applicable Alabama laws and regulations.

(37) Central Water System. All of the equipment and property involved in the operation of a water utility, including water lines and appurtenances, pumping stations, treatment works, disposal facilities, and general property necessary for the operation of such utility, which shall be fully installed, operable, and providing service in compliance with applicable Alabama laws and regulations.

(38) Certificate of Occupancy. Official certification that a premise conforms to provisions of the zoning ordinance and building code, and may be used or occupied. Such certificate is granted for new construction or for the substantial alteration or additions to existing structures. A structure may not be occupied unless such certificate is issued by the Building Official.

(39) Change of Occupancy. The term "change of occupancy" shall mean a discontinuance of an existing use and the substitution therefore of a use of a different kind or class. Change of occupancy is not intended to include a change of tenants or proprietors unless accompanied by a change in the type of use.

(40) Channel. A natural or artificial water course of perceptible extent, with bed and banks to confine and conduct continuously or periodically flowing water.

(41) City. The City of Saraland.

(42) City Council. The chief legislative body of the City of Saraland.

(43) City Engineer. The City of Saraland Engineer.

(44) Clinic. A place used for the care, diagnosis and treatment of sick, ailing, infirm, injured persons, and those who are in need of medical or surgical attention, but who are not provided with board.

(45) Club. A building or portion thereof or premises owned or operated for a social, literary, political, educational, or recreational purpose primarily for the exclusive use of members and their guests.

(46) Club, Private. Any association or organization of a fraternal or social character, not operated or maintained for profit. This does not include casinos, night clubs, or other institutions operated for a profit.

(47) Collector Street. A street which carries medium volumes of traffic collected primarily from minor streets and delivered to arterial streets.

(48) Commercial Vehicle. Any vehicle designed and used for transportation of people, goods, or things, other than private passenger vehicles and trailers for private nonprofit transport of goods and boats.

(49) Commission. The City of Saraland Planning Commission.

(50) Comprehensive Plan. The Community Development Plan including land use, housing, public facilities, and other planning elements currently in use by the City of Saraland.

(51) Condominium. An individually-owned, single family dwelling unit in a multi-family structure of any size and height permitted by local ordinance.

(52) Convalescent or Nursing Home. A building, or portion thereof, wherein for compensation, living accommodations and care are provided for persons suffering from illness, other than mental or contagious, which is not of sufficient severity to require hospitalization, or for persons requiring further institutional care after being discharged from a hospital other than a mental hospital; including extended care facilities.

(53) Convenience Store. Any retail store of the 7-11, Circle K, or Jr. Food Store variety providing self-service food, drink, tobacco, automobile fuel and other products for carry-out consumption, but not including bays, other than drive-through car washes, for automobile service or repair.

(54) Curb and Curb Line. The inside vertical faces of a masonry curb, the center line of a valley gutter, or the edge of the pavement where no curb or gutters exist.

(55) Day Care Center. A place for the day care and instruction of young or elderly persons not remaining overnight.

(56) Deck. A flat covered or uncovered area generally adjoining a house, building or pool, and which may be used as an outdoor sitting or recreation area.

(57) Dedication. The deliberate assignation of land by its owner(s) for any general or public use(s), reserving to himself no other rights than such as being compatible with the full exercise and enjoyment of the public use(s) to which the property has been devoted.

(58) Density. A unit of measurement; the number of dwelling units per acre of land.

(a) Gross Density - the number of dwelling units per acre of the total area of land to be developed.

(b) Maximum Density - the density allowable in a given zoning district not otherwise limited by other applicable requirements of this Ordinance.

(c) Net Density - the number of dwelling units per acre of land when the acreage involved includes only the land devoted to residential uses.

(59) District. A section of the area zoned, within which the zoning regulations are uniform.

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

(61) Dry Well. A cavity of sufficient size, filled to the surface with compacted rocks to allow water storage capacity.

(62) Dwelling or Dwelling Unit. Any building, portion thereof, or other enclosed space or area used as or intended for use as the home of one family, with separate cooking and housekeeping facilities, either permanently or temporarily.

(a) Single Family - a detached building designed for and occupied by one family as a home, with cooking and housekeeping facilities which meets or exceeds the following standards:

(1) The exterior siding materials shall consist of wood, masonry, concrete, stucco, masonite, metal, brick, or vinyl lap or other materials of like appearance.

(2) The electric meter must be attached to the structure.

(3) Taxed as real property.

(b) Two Family - a single building occupied by or designed for occupancy by two (2) families only, with separate cooking and housekeeping facilities for each, separated by a common wall and sharing a common roof and foundation.

(c) Multiple Family - a building designed for or occupied by three (3) or more families, with separate cooking and housekeeping facilities for each.

(63) Double Frontage or Through Lot. A lot or plot, but not a corner lot, that abuts upon two streets, the two frontages being noncontiguous.

(64) Easement. A grant by a property owner of the use of land for a specific purpose or purposes by the general public or a corporation or a certain person or persons.

(65) Erected. The word "erected" includes built, constructed, reconstructed, moved upon or any physical operations on the premises required for building. Excavations fill drainage, and the like shall be considered a part of erection.

(66) Essential Services. Public utility facilities related to water, storm water sewers, sanitary sewers, solid waste disposal, telephone, cable television, gas and electrical collection or distribution systems serving the City of Saraland; but not including buildings housing employees, or public safety facilities such as fire and/or police stations.

(67) Establishment. A commercial, industrial, institutional, educational, office, business, or financial entity.

(68) Expansion, Building or Use. The addition of enclosed or unenclosed rooms or storage spaces, porches, or parking area, to an existing building or use on a parcel of land.

(69) Family. One or more persons occupying a single dwelling unit and using common cooking facilities, provided that unless all members are related by blood, adoption or marriage, no such family shall contain over five persons. (Ord. 804, 9-23-10)

(70) Filling Station. (See Service Station).

(71) Final Plat. The completed PUD or subdivision plat with appropriate official signatures in form for approval and recording.

(72) Fixed Dwelling. A dwelling unit (or structure containing several units) attached to a permanent foundation.

(73) Flood. A temporary rise in stream or surface water level that results in inundation of areas not ordinarily covered by water.

(74) Flood Frequency. The average frequency statistically determined, for which it is expected that a specific flood level may be equaled or exceeded.

(75) Flood Plain. Those areas defined by the U.S. Geological Survey or the U.S. Army Corps of Engineers as subject to flooding once in one hundred (100) years, based on topography.

(76) Flood Prone Area. Any area subject to inundation by the regulatory flood.

(77) Floodway. That portion of the flood plain, including the channel, which is reasonably required to discharge the bulk of the regional flood waters. Floods of less frequent recurrence are usually contained completely within the floodway.

(78) Floor Area, Gross. The sum of the gross enclosed horizontal area of all the floors of a building, except a basement or area under the first habitable story, measured from the exterior faces of exterior walls and/or supporting columns.

(79) Food Processing. The preparation, storage, or processing of food products on a large scale. Examples of these activities include bakeries, dairies, canneries, and other similar activities or businesses.

(80) Frontage, Building. The outside wall surface of a building or of an enclosed porch on a building that is nearest to the front lot line, or, in the case of a wall surface not

parallel to the front lot lines, the average of the longest and shortest distance of the wall from the front lot line.

(a) Lot Line - shall mean the lot line which abuts a street or separates the lot from a street.

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

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

(82) Garage, Private. A building or part thereof designed and/or used for inside parking of self-propelled private passenger vehicles by the occupants of the house or other principal structure on the premises or by the occupants of or employees of a particular firm.

(83) Garage, Public. A building or part thereof designed or used for indoor or partially indoor (covered) parking of self-propelled private passenger vehicles, operated as a commercial enterprise, accessory to a commercial enterprise, or as a governmental service and providing only incidental services for such vehicles.

(84) Group Development. A development comprising two or more structures built on a single lot, tract or parcel of land and designed for occupancy by separate families, firms, businesses, or other enterprises.

(85) Habitable Rooms. All living spaces within a dwelling unit (house, apartment, townhouse, condominium, mobile home) arranged in such a fashion as to be commonly described as kitchen, dining room, living room, dinette, family room, den, music room, library, bedroom and/or any other partitioned area that is designed to be used, or that may be used, in the opinion of the governing body, as a room for the carrying on of general family activities.

(86) Hazardous Material or Substance. A substance is considered hazardous when it has one of the following characteristics: flammable, explosive, corrosive, toxic, radioactive, or if it readily decomposes into oxygen at elevated temperatures. (Ord. 906, 2-14-13; 989, 11-13-14)

(87) Height of Building. (See Building, Height).

(88) Home Association. An incorporated, nonprofit organization operating under recorded land agreements through which, (a) each lot and/or homeowner in a planned or other described land area is automatically a member, and (b) each lot is automatically subject to a charge for a proportionate share of the expenses for the organization's activities, such as maintaining a common property, and, (c) the charge if unpaid becomes a lien against the property.

(89) Home Occupation. Any occupation for gain or support customarily conducted entirely within a dwelling and carried on solely by the inhabitant thereof, and which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes, and does not change the character thereof.

(90) Homeowners' Association. A group of homeowners in a geographical area banded together for a specific purpose.

(91) Hotel. A transient commercial lodging establishment consisting of one or more buildings used for this purpose, including accessory uses such as eating and drinking facilities, recreation facilities and parking. This category includes motels and motor hotels. Lodgings may consist of sleeping rooms only or may include cooking facilities also, but are not intended for long-term occupancy.

(92) Institution or Institutional. A nonprofit organization building, or use, publicly or privately owned, for the benefit of the public (schools, churches, temples, hospitals, clubs, fire stations, police stations, sewerage lift pumps, libraries, museums, City offices, etc.).

(93) Junk Yard. Place, structure or lot where junk, waste, discarded, salvaged, or similar materials such as old metals, wood, slush, lumber, glass, paper, rags, cloth, bagging, cordage, barrels, containers, etc. are bought, sold, exchanged, baled, packed, disassembled, or handled, including auto wrecking yards, used lumber yards, house-wrecking yards, and yards or places for storage or handling of salvaged house wrecking and structural steel materials.

This definition shall not include pawn shops and establishments for the sale, purchase, or storage of usable secondhand cars, salvaged machinery, used furniture, radios, stoves, refrigerators or similar household goods and appliances. Nor shall it apply to the processing of used, discarded, or salvaged materials as part of manufacturing operations.

(94) Kennel. Any place or premises where four or more dogs over four months of age are kept.

(95) Licensee. Any person licensed to operate and maintain a mobile home park under the provisions of this Ordinance.

(96) Lot. A piece, parcel, or plot of land occupied or intended to be occupied by one main building, accessory buildings, uses customarily incidental to such main buildings and such open spaces as are provided in this Ordinance, or as are intended to be used with such piece, parcel, or plot of land and having its principal frontage upon an existing or proposed right-of-way conforming to the requirements of this Ordinance.

(97) Lot, Corner. A lot abutting upon two (2) or more streets at their intersection or upon two (2) parts of a street which form an interior angle of less than one hundred thirty-five (135) degrees. The point of intersection of the street lines is the corner.

(98) Lot, Interior. A lot other than a corner lot.

(99) Lot Depth. The mean (average) horizontal distance between the front and rear lot lines, measured at right angles to the street lines.

(100) Lot Width. The mean (average) horizontal distance between the side lot lines, measured at right angles to the lot depth, with the minimum to comply with this code to be measured at the front setback line.

(101) Lot Line, Front. The lot line contiguous to the street right-of-way line of the principal street on which the lot abuts. On corner lots the front yard shall be considered as parallel to the street upon which the lot has its least dimension.

(102) Lot Line, Rear. The lot line opposite to and most distant from the front lot line. On all corner lots the rear yard shall be at the opposite end of the lot from the front yard.

(103) Lot Line, Side. Any lot line other than a front or rear lot line. A side lot line of a corner lot separating a lot from a street is called a side street lot line. A side lot line separating a lot from another lot is called an interior lot line. On corner lots, the side yard shall be considered as parallel to the street upon which the lot has its greatest dimension.

(104) Lot of Record. A lot which is a part of a recorded plat or a plot described by metes and bounds, the map and/or description of which has been recorded according to Alabama law.

(105) Maintenance and Storage Facilities. Land, buildings, and structures devoted primarily to the maintenance and storage of construction equipment and material.

(106) Mall. Any concentration of two (2) or more retail stores and/or service establishments which share customer parking areas and is located within an enclosure having public walkways whereby a customer in one (1) store or establishment may walk to another store or establishment without leaving the enclosure.

(107) Maneuvering Space. The space entirely on private property required for maneuvering vehicles into and out of spaces in such a manner as to preclude the backing of any vehicle into any street right-of-way.

(108) Manufactured Home. A structure constructed in accordance with the National Manufactured Housing Construction and Safety Standards Act of 1974 as amended, U.S.C. 5401. Motor homes, house trailers, travel trailers, campers, mobile homes, mobile homes made to HUD standards and similar towed, transported, or self-propelled units are not manufactured homes.

(109) Manufacturing, Extractive. Any mining, quarrying, excavating, processing, storing, separating, cleaning, marketing, or any mineral natural resource.

(110) Manufacturing, General. Manufacturing, processing, assembling, storing, testing, and similar industrial uses which are generally major operations and extensive in character; require large sites, open storage and service areas, extensive services and facilities, ready access to regional transportation and normally generate some

nuisances such as smoke, noise, vibration, dust, glare, air pollution, and water pollution, but not beyond the zoning district boundary.

(111) Manufacturing, Light. Manufacturing or other industrial uses which are usually controlled operations; relatively clean, quiet, and free of objectionable or hazardous elements such as smoke, noise, odor, or dust; operating and storing within enclosed structures; and, generating little industrial traffic and no nuisances.

(112) Marine. A harbor or boat basin providing moorage, docking facilities, supplies and minor services for pleasure boats.

(113) Marina, Full Service. A place for docking pleasure boats or providing services to pleasure boats and the occupants thereof, including minor servicing and minor repair to boats while in the water, sale of fuel and supplies, water, electricity and sewer services, and the provision of lodging, food, beverages, and entertainment as accessory uses. Dry boat storage may also be provided, but not major boat repair. A yacht club shall be considered as a marina, but a hotel, or similar use, where docking of boats and provision of services thereto is incidental to other activities, shall not be considered a marina, nor shall boat docks accessory to a multi-family structure where no boat related services are rendered.

(114) Marquee. Any permanent roof-like structure projecting beyond a building or extending along and projecting beyond the wall of the building, designed and constructed to provide protection from the weather.

(115) Mini-warehouse. A building or group of buildings in a controlled access compound that contain varying sizes of individual, compartmentalized, and controlled-access stalls, cubicles and/or lockers used for storage only.

(116) Mobile Home. Any vehicle or similar portable structure having been constructed with wheels (whether or not such wheels have been removed) and capable of being towed on a public street and so constructed as to permit occupancy for dwelling or sleeping purposes.

(117) Mobile Home Park. A residential development on a parcel of land in one ownership providing rental spaces for two (2) or more mobile homes on a long-term basis, with recreation and service facilities for the tenants, whether or not a charge is made for such accommodation.

(118) Mobile Home Space. A plot of ground within a mobile home park designed for the accommodation of one (1) mobile home or travel trailer.

(119) Mobile Home Subdivision. A residential development designed for the accommodation of mobile homes on individually-owned lots or in condominium or cooperative ownership, including recreation and open space areas held in common ownership, but not including developments serving tourist or vacation-oriented travel, motor homes, campers, etc.

(120) Motel, Motor Hotel. (See Hotel).

(121) Net Residential Acreage. Land used or proposed to be used for the placement of

dwelling units and their accessory uses, private open spaces, parking areas, etc. Does not include streets or public recreation or open spaces.

(122) Nightclub. A restaurant, dining room, bar, or other similar establishment providing food or refreshments wherein floor shows or other forms of entertainment by persons are provided for guests.

(123) Non-Chartered Financial Institution. (Ord. 938) Any business, other than a federally and state chartered bank, credit union, mortgage lender or savings and loan association that offers check cashing services, automobile title loans, and loans for payment of a percentage or graduated fee. Specifically included are check cashing and pawn shop businesses that charge a percentage or graduated fee for cashing a check or negotiable instrument and "payday loan" businesses that function as deferred presentment services. Also specifically included are businesses licensed by the State of Alabama as consumer loan businesses pursuant to the Alabama Small Loan Act and Consumer Credit businesses licensed by the State of Alabama to provide consumer loans and/or taking assignments of consumer credit contracts pursuant to the Alabama Consumer Credit Act as amended. However, this provision does not include retail businesses which as a part of their retail services provide financing and/or loans for purchases of retail goods sold, and which sale serves as the primary business being conducted at the location.

(124) Nonconforming Use. A use of land existing lawfully at the time of the enactment of this Ordinance, or at the time of a Zoning Amendment and which does not conform with the regulations of the district in which it is located.

(125) Nursing Home. A home for aged, chronically ill, or incurable persons in which three or more persons not of the immediate family are received, kept, or provided with food and shelter or care for compensation, but not including hospitals, clinics, or similar institutions devoted primarily to the diagnosis and treatment of the sick or injured.

(126) Nursery, Plant Materials. Land, building, structure, or combination thereof for the storage, cultivation, transplanting of live trees, shrubs, or plants offered for wholesale or retail sale on the premises including products used for gardening or landscaping.

(127) Nursery School. A place for the day care and instruction of children not remaining overnight; includes day care centers.

(128) Offices. Space or rooms used for professional, administrative, clerical, and similar uses.

(129) Open House. A house in which a selling agent is present and the house is offered for sale to the general public.

(130) Open Space. An area open to the sky which may be on the same lot with a building. The area may include, along with the natural environmental features, swimming pools, tennis courts or any other recreational facilities. Streets, structures for habitation, and the like shall not be included.

(a) Open Space, Permanent Usable, in Planned Unit Development:

(1) Privately-owned and occupied area of a separate lot, outside of any buildings on the lot.

(2) Privately-occupied open space assigned to an individual dwelling unit in a project and not occupied by the dwelling.

(3) Public open space. Any spaces not occupied by buildings or privately-owned lots or privately-occupied space. This public open space may consist of access driveways, off-street parking spaces, pedestrian walkways, play areas, landscaped areas and any other areas suitable for the common enjoyment of the residents of the project.

(131) Parking Space, Off-Street. For the purpose of this Ordinance, an off-street parking space shall consist of an area adequate for parking an automobile with room for opening doors on both sides, together with properly related access to a public street or alley and maneuvering room, but shall be totally outside of any street or alley right-of-way.

(132) Pawn Shop. An establishment that lends money on the security of goods pledged by the owner of such goods on the condition that the goods may be redeemed or repurchased by the owner for a fixed price within a fixed period of time. This definition includes car title pawn companies which provide the borrower with cash in exchange for the borrower's vehicle title as collateral.

(133) Permit. Any written authorization by a duly appointed City of Saraland representative for an individual, firm, trust, partnership, association or corporation to undertake activities related to subdivisions, zoning, PUD's, land use, building or other actions permitted in this Ordinance or by other City of Saraland authorization.

(134) Permittee. Any individual, firm, trust, partnership, association or corporation to whom a permit is granted, including any person to whom a temporary permit is issued, such as that to maintain and operate a mobile home park under the provisions of this Ordinance.

(135) Person. Any individual, firm, trust, partnership, association or corporation.

(136) Planned Unit Development. A planned unit development is as follows:

(a) Is land under single ownership or unified control, planned and developed as a whole in a single development operation or approved programmed series of development operations, and which generally includes clustered buildings, common open spaces, and a mix of building types and land uses.

(b) Includes principal and accessory uses and structures substantially related to the character of the development itself and the surrounding area of which it is a part.

(c) Is developed according to comprehensive and detailed plans which include

not only streets, utilities, lots, or building sites and the like, but also site plans, floor plans, and elevations for all buildings as intended to be located, constructed, used, and related to each other, and detailed plans for other uses and improvements, facilities, and services as will be common use by some or all of the occupants of the planned unit developments, but will not be provided, operated, or maintained at public expense.

(137) Planning Commission. The City of Saraland Planning Commission.

(138) Plat. A map, plan, or layout of a county, city, town, section, or subdivision indicating the location and boundaries of properties.

(139) Porch. A roofed-over space attached to the outside of an exterior wall of a building, which has no enclosure other than the exterior walls of such building. Open mesh screening shall not be considered an enclosure.

(140) Preliminary Plat. The plat of a proposed subdivision for presentation to the Planning Commission for its consideration and public hearing.

(141) Principal Use or Building. A use or building in which is conducted the predominant or primary function or activity of the lot upon which it is located.

(142) Public Land Uses. Any land use operated by or through a unit or level of government, either through lease or ownership, such as municipal administration and operation, county buildings and activities, state highway offices and similar land uses; and federal uses such as post offices, bureau of public roads, internal revenue offices, military installations, etc.

(143) Recreational Vehicle. A self-propelled vehicle used for temporary housing of individuals and families during travel. This category, in this Ordinance is assumed to include also campers, camping trailers, motor homes and smaller mobile homes (up to a length of twenty-eight (28) feet exclusive of hitch) capable of being towed by a passenger motor car.

(144) Regulatory Flood. The flood which is representative of large floods known to have occurred generally in the area and reasonably characteristic of what can be expected to occur. The regulatory flood generally has a flood frequency of approximately one hundred (100) years as determined from an analysis of floods at a particular site and other sites in the same general region.

(145) Residential Dock or Pier. A dock or pier constructed adjacent to a residential lot for gratis recreational purposes and/or mooring of private boats.

(146) Restrictive Covenants. Private regulations recorded with the Final Plat, which limit or otherwise govern the use, intensity and development patterns of the land within a subdivision or parcel of land for a specified time.

(147) Retaining Wall. A wall of wood, brick, concrete or other suitable material designed to prevent erosion of soil from sharply sloping land or from around pools, decks, foundations and other similar structures.

(148) Revetment. A facing of stone, concrete, etc., built to protect a scarp, embankment, or shore structure against erosion by wave action or current.

(149) Regulatory Flood Protection Elevation. The elevation of the regulatory flood plus one (1) foot of freeboard to provide a safety factor.

(150) Right-of-Way. A strip of land taken or dedicated for use as a public way. In addition to the roadway, it normally incorporates the curbs, lawn strips, sidewalks, lighting, and drainage facilities, and may include special features (required by the topography or treatment) such as grade separation, landscaped areas, viaducts, and bridges.

(151) Roadside Stand. A temporary structure designed or used for the display or sale of agricultural and related products.

(152) Roadway. That portion of a street between the regularly established curb lines or that part of a street devoted to vehicular traffic.

(153) Rooming House. Any building or portion thereof, other than a hotel or motel, 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, more or less transiently, by individuals for compensation whether paid directly or indirectly, and without provisions for cooking by guests or meals for guests.

(154) Satellite Receiving Dishes. A dish-shaped antenna designed to receive television broadcasts relayed by microwave signals from earth-orbiting communications satellites. This definition also includes satellite earth stations, or television dish antennas.

(155) Seat. For purposes of determining the number of off-street parking spaces for certain uses, the number of seats is the number of seating units installed or indicated, or each twenty-four (24) linear inches of benches, pews, or space for loose chairs.

(156) Semi-Public Land Uses. Philanthropic and charitable land uses including: YMCA's, YWCA's, Salvation Army, churches and church institutions, orphanages, humane societies, private welfare organizations, nonprofit lodges and fraternal orders, hospitals, Red Cross, and other general charitable institutions.

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

(158) Setback Line. A line established by the subdivision regulations and/or zoning ordinance, generally parallel with and measured from the lot line, defining the limits of a yard in which no building, other than accessory building, or structure, may be located above ground, except as may be provided in said Ordinance.

(159) Sewers, Public or Community. An approved sewage disposal system which provides a collection network and disposal system and central sewage and treatment

facility for a single community, development, or region.

(160) Sewers, On-Site. A septic tank or similar installation on an individual lot which utilizes an aerobic bacteriological process or equally satisfactory process for the elimination of sewage and provides for the proper and safe disposal of the effluent, subject to the approval of health and sanitation officials having jurisdiction.

(161) Schedule of Fees. The schedule of fees assessed by the City of Saraland Council with regard to the administration of the Land Use and Development Ordinance as specifically enumerated in Article XXXIV.

(162) Shelter, Fall-Out. A structure or portion of a structure intended to provide protection of human life during periods of danger from nuclear fall-out, air raids, storms, or other emergencies.

(163) Shopping Center. Two or more retail stores, commercial establishments, service establishments, and/or a combination of the above. Sharing: customer parking, common walls, and/or common walkways.

(164) Sidewalk Area. That portion of a street not included in the roadway, and devoted in whole or in part to pedestrian traffic.

(165) Sign. Any words, lettering, parts of letters, figures, numerals, phrases, sentences, emblems, devices, designs, trade names or marks or combinations thereof, by which anything is made known, such as the designation of an individual, a firm, an association, a profession, a business, a commodity, or product which are visible from any public way and used as an outdoor display.

(a) Banner. Any sign of lightweight fabric or similar material that is mounted to a pole or a building at one or more edges.

(b) Billboard. A large elevated off-premises or off-site sign intended for view by the general public while traveling byway of motor vehicles, advertising an establishment, merchandise, product, service or entertainment which is not sold, provided, manufactured, or furnished on the property on which said sign is located. (Ord. 804, 9-23-10)

(c) Changeable Copy Sign/Reader Board. A sign or portion thereof with characters, letters or illustrations that can be changed or rearranged without altering the face of the surface of the sign. A sign on which the message changes more than eight (8) times per day shall be considered an animated sign and not a changeable copy sign for purposes of this Ordinance.

A sign on which the only copy that changes is an electronic or mechanical indication of time or temperature shall be considered a "time and temperature" portion of a sign and not a changeable copy sign for purposes of this Ordinance.

(d) Construction Sign. Any sign giving the name or names of principal contractors, architects, and lending institutions responsible for construction on the premises during the time actual construction work is in progress.

(e) Flashing, Electronic and/or Intermittent Illuminating Signs. Signs which contain intermittent illumination and the change occurs more than twelve (12) times per hour.

(f) Legal Nonconforming Sign. (See Article XXXIII, Section 33-4 for Definition).

(g) Marquee Sign. Any sign mounted to extend vertically below a marquee or canopy.

(h) Nonconforming Sign. (See Article XXXIII for Definition).

(i) Off-Premise Sign. A billboard or other sign relating its subject matter or any portion thereof to a premise other than the premises on which said sign is located.

(j) On-Premise Sign. A sign relating its subject matter to the premises on which said sign is located.

(k) Permanent Sign. A sign permanently affixed to a building or the ground.

(l) Political Sign. A sign identifying and urging voter support for or in opposition to a particular issue, political party, or candidate for public office.

(m) Portable Sign. Any sign whether on its own trailer, wheels, or otherwise, which is designed to be transported from one place to another.

(n) Premises. An area of land with its appurtenances and buildings which, because of its unity of use, may be regarded as the smallest conveyable unit of real estate.

(o) Real Estate Sign. A sign which advertises the sale, rental or development of the premises upon which it is located.

(p) Sandwich Sign. Any sign, double or single faced, which is portable and may readily be moved from place to place.

(q) Temporary Sign. A sign or advertising display intended to be displayed for a short period of time, not to exceed thirty (30) calendar days (See temporary use).

(r) Wall Sign. A sign attached to or erected against the wall of a building with the face parallel to the plane of the building wall.

(s) Window Sign. Any sign placed inside or upon a window facing the outside and which is intended to be seen from the exterior.

(166) Sign Height. The vertical distance from the finished grade at the base of the supporting structure to the top of the sign, its frame, or supporting structure,

whichever is higher. Such grade shall not be altered from the natural ground elevation.

(167) Sign Surface Area. The surface area of a sign shall be computed for the area within the periphery of regular geometric forms, comprising all of the display area of the sign and including all the elements of the matter displayed, but not including structural elements of the sign bearing no advertising matter.

(168) Special Exception. A land use which may be permitted that is not similar in nature to the uses permitted in a district, but that is desired in the community and for which a suitable district is not available. Such use may be permitted in the most nearly appropriate district where a location is available, upon appeal to and approval by the Board of Zoning Adjustment, which may set forth special conditions under which the use may be allowed.

(169) Spot Zoning. The zoning of a "spot" or small area (individual lot or several contiguous lots) within the limits of an existing zoning district, and in which are permitted uses other than those permitted in the larger existing zoning district surrounding the "spot." "Spot zoning" is not authorized by law.

(170) Story. That portion of a building included between the surface of any floor and the surface of the next floor above it, or if there is no floor above it, then the space between such floor and the ceiling next above it.

(171) Story, Habitable. A story having its floor elevated at or above base flood elevation, as established by the City of Saraland, regardless of the intended use of the story or its floor area and complying with applicable building codes.

(172) Street. Any public or private way set aside for common travel more than thirty (30) feet in width if such existed at the time of enactment of this Ordinance, or such right-of-way fifty (50) feet or more in width if established thereafter.

(a) Collector Street. A street used to carry traffic from minor streets to the system of major streets.

(b) Cul-de-sac or Dead End Street. A street having one end open to traffic and one terminating in a vehicular turnaround.

(c) Major Street, Arterial Street or Highway. A street or highway or exceptional continuity designed to carry high volume traffic considerable distances.

(d) Minor Street or Local Street. A street used primarily for access to abutting properties.

(173) Structural Alteration. Any change, except for repair or replacement, in supporting members of a building or structure, such as bearing walls, columns, beams or girders, and which complies with applicable building codes.

(174) Structure. Anything constructed or erected, the use of which requires a location on the ground, or attached to something having a location on the ground.

(175) Structure, Existing. Any structure the construction of which was initiated and all required state, local and federal authorizations were obtained prior to the effective date of this Ordinance.

(176) Structure, New. Any structure which is not an existing structure.

(177) Subdivider. Any individual, firm, association, syndicate co-partnership, corporation, trust, or any other legal entity commencing proceedings to effect a subdivision of land hereunder.

(178) Subdivision. The division of a lot, tract, or parcel of land into two (2) or more lots, plats, sites, or other division of land for the purpose, whether immediate or future, of sales or of building development. It concludes resubdivision and, when appropriate to the context, relates to the process of subdividing or to the land or territory being subdivided. It shall include all divisions of land involving the dedication of a new street or a change in existing streets. However, the following shall not be included within this definition or be subject to the requirements thereof:

(a) Property that is divided by probated family estates;

(b) The public acquisition by gift or purchase of strips or parcels of land for the widening or opening of streets or for other public uses.

(179) Subdivision - Extraterritorial Planning Jurisdiction. The division of a lot, tract, or parcel of land into two (2) or more lots, plats, sites, or other division of land for the purpose, whether immediate or future, that is divided by an individual and given and/or sold to parents, spouses, sisters, brothers, children, or grandchildren, either adopted or natural, where no streets or roadway access to the lots is involved and where lots are less than the minimum lot size as herein required.

(180) Tattoo Parlor. An establishment whose principal business activity, either in terms of operation or as held out to the public, is the practice of placing designs, letters, figures, symbols, or other marks upon or under the skin of any person, using ink or other substances that result in the permanent coloration of skin by means of the use of needles or other instruments designed to contact or puncture the skin. This definition excludes permanent cosmetic establishments.

(181) Temporary Use. A short period of time; not to exceed thirty (30) calendar days.

(182) Tourist Home. A building, or part thereof, other than a motel or hotel, where sleeping accommodations are provided for transient guests, with or without meals, and which also serves as the residence of the operator.

(183) Townhouse. An individually-owned, single family attached dwelling unit having a separate ground floor entrance and separate private yard space, with common side walls on one or both sides of the dwelling unit, and not exceeding two and one-half (2-1/2) stories or thirty-five (35) feet in height.

(184) Travel Trailer Park. A development for the accommodation of tourists or vacationers on a short-term basis, providing rental spaces for each individual trailer, camper, motor home, and recreation and service facilities for the use of the tenants,

whether publicly or privately owned and whether operated for or without compensation.

(185) Use. The specific purpose for which land or a building is designated, arranged, intended, or for which it is or may be occupied or maintained.

(186) Variance. A modification of the strict terms of the relevant regulations in a district with regard to placement of structures, developmental criteria or provision of facilities.

Examples would be:

(a) Allowing smaller yard dimensions because an existing lot of record is of substandard size.

(b) Waiving a portion of required parking and/or loading space due to some unusual circumstances.

(c) Allowing fencing and/or plant material buffering different from that required, due to some unusual circumstances. Available only on appeal to the Board of Zoning Adjustment.

(187) Waterway. Any body of water, including any creek, canal, river, lagoon, lake, bay or gulf, natural or artificial except a swimming pool or ornamental pool located on a single lot.

(188) Wholesale Establishment. Business establishments that generally sell commodities in large quantities or by the place to retailers, jobbers, other wholesale establishments, or manufacturing establishments. These commodities are basically for further resale, for use in the fabrication of a product, or for use by a business service.

(189) Yard. A space on the same lot with a main building, such space being open, unoccupied and unobstructed by buildings or structures from ground to sky, except where encroachments and accessory buildings are expressly permitted.

(a) Yard, Front. An open, unoccupied space on the same lot with the main building, extending the full width of the lot and situated between the right-of-way line and the front line of the building projected to the side lines of the lot. The depth of the front yard shall be measured between the front lines of the building and the right-of-way line.

Covered porches, whether enclosed or unenclosed, shall be considered as a part of the main building and shall not project into a required front yard.

(b) Yard, Rear. An open space on the same lot with the main building, such space being unoccupied except possibly by an accessory building and extending the full width of the lot and the rear line of the main building projected to the side lines of the lot.

(c) Yard, Side. An open, unoccupied space on the same lot with a main

building, situated between the side line of the building and the adjacent side line of the lot extending from the rear line of the front yard to the front line of the rear yard. If no front yard is required, the rear boundary of the side yard shall be the rear line of the lot.

(d) Yard, Minimum. That yard space remaining if the property is developed to the fullest extent allowable under applicable ordinances.

(190) Zero Lot Line. A developmental approach in which a dwelling unit is sited along one or more lot lines.

(191) Zoning Administrator. The administrative officer designated to administer the zoning ordinance and issue land use certificates.

(192) Zoning District. A section of the City of Saraland designated in this Ordinance text and delineated on the zoning map wherein all requirements for use of land and building and development standards must be uniform.

(193) Zoning District Map. The map or maps, which are a part of this Zoning Ordinance, and which delineate the boundaries of zoning districts.

ARTICLE IX

DISTRICT PROVISIONS

Except as hereinafter provided, the following shall generally apply:

9-1 RULES FOR DETERMINING BOUNDARIES

Where uncertainty exists with respect to the boundaries of any of the districts as shown on the official Zoning District Map, the following rules shall apply:

(a) Unless otherwise indicated, the zoning district boundary lines shall be construed to follow property lines, land lot lines, center lines of streets, highways, alleys, shorelines of streams, reservoirs, other bodies of water, or civil boundaries.

(b) Where zoning district boundaries are approximately parallel to the center lines of streets, highways, railroads, streams, reservoirs, bodies of water, or lines extended such zoning district boundaries shall be construed as being parallel thereto and at such distance there from as indicated on the official Zoning District Map. If no distance is given, such dimensions shall be determined by the use of the scale shown on the official Zoning District Map.

(c) Where zoning district boundary lines appear on the official Zoning District Map and it divides a lot which is in single ownership at the time of this enactment of this Ordinance, the use classification of the larger(est) portion may be extended to the remainder by the Planning Commission without recourse to amendment procedure.

(d) Where a public road, right-of-way, street, or alley is officially vacated or abandoned, the regulations applicable to the property to which it is reverted shall apply to such vacated or abandoned public road, right-of-way, street, or alley.

(e) In case the exact location of a zoning district boundary line cannot be determined by the foregoing methods, the Board of Zoning Adjustment shall upon application determine the location of the line.

9-2 NONCONFORMANCE

It is the intent of this section to recognize the elimination of existing buildings and structures or uses that are not in conformance with the provisions of this Ordinance in as much as it is a subject of health, safety, and general welfare and for the prevention of the establishment of new uses which would violate said provisions. It is also the intent of this Ordinance to administer the elimination of nonconforming uses, buildings, and structures so as to avoid any unreasonable invasion of established private property rights.

Any structure or use of land existing at the time of the enactment of this Ordinance and amendments thereto and not in conformance with its use regulations and provisions, may be continued subject to the following provisions:

(a) <u>Unsafe Structures</u>:

Any structure or portion thereof declared unsafe by any authority may be restored to a safe condition provided the restoration is in compliance with requirements of this Section.

(b) Alterations:

Any change in a nonconforming building site or yard area is subject to the following:

(1) No nonconforming building can be structurally altered, except for repairs on or the installation of plumbing fixtures required by law; the changing of interior partitions; interior remodeling, cannot be substantially added to, moved, or extended in any manner unless such building is changed so as to conform with the provisions of this Ordinance.

(2) Should a nonconforming building be moved, all nonconforming yard areas shall be eliminated.

(3) A nonconforming use of land shall be restricted to the lot occupied by such use as of the effective date of this Ordinance. A nonconforming use of a building or buildings shall not be extended to include either additional buildings or land subsequent to the enactment of this Ordinance.

(4) A nonconforming building, structure, or improvement which is hereafter damaged or destroyed to an extent exceeding fifty percent (50%) of its fair market value immediately prior to the damage or destruction may not be reconstructed or restored to the same nonconforming use, except upon the approval of the Board of Zoning Adjustment. Such damaged or destroyed structures that are no longer in use shall be removed and the site cleared at the owner's expense.

(c) Change to Conforming Use:

A nonconforming use which is changed to a conforming use shall not be permitted to revert to the original or a less restrictive use.

(d) Change in Nonconforming Use:

No nonconforming structure or use may be altered or changed to another type of nonconforming structure or use without conformance to the provisions of this Ordinance, except upon the approval of the Board of Zoning Adjustment.

(e) Discontinuance:

A nonconforming use which became such upon the adoption of this Ordinance and which has been discontinued for a continuous period of one (1) year shall not be reestablished and any future use shall be in conformity with the provisions of this Ordinance.

(f) Adjacent Land:

The presence of a nonconforming use in a zoning district shall not be legal grounds for the granting of variances for other surrounding properties by the Board of Zoning Adjustment.

9-3 BLOCKS

Blocks shall be arranged to assure maximum use of the topographic features of the land and shall not be less than four hundred (400) feet nor more than twelve hundred (1200) feet in length, except as the Planning Commission considers necessary to secure efficient use of land or desired features of a street pattern. In blocks more than eight hundred (800) feet in length, the Planning Commission may require one or more public crosswalks of not less than ten (10) feet in width to extend entirely across the block at locations deemed necessary.

Blocks shall be wide enough to allow two tiers of lots of minimum depth, except where fronting on major streets, limited access highways, railroads, or where prevented by topographical conditions or size of the property, in which case the Planning Commission will approve a single tier of lots of minimum depth.

9-4 LOTS

(Ord. 997, 6-11-15)

The size, shape, and orientation of lots shall be such as the Planning Commission deems appropriate for the type of development, use contemplated, and shall be properly related to the topography of the land and character of the surrounding development. Insofar as practical, side lot lines shall be at a right angle to straight street lines or radial to curved street lines. All setback and lot requirements contained in Section 13-4 shall be applied.

9-5 FLAG LOTS

A residential subdivision shall not consist of more than two (2) flag lots and shall comply with the following criteria:

(a) Shall have access to a public street or right-of-way by means of an ingress/egress easement thirty (30) feet in width.

(b) The minimum lot area shall be compatible with the minimum square footage as required by the zoning district in which the development is to occur. The staff shall not be a part of the required lot or parcel area and shall provide frontage on a public street or right-of-way.

(c) The setbacks shall be compatible with the minimum setback requirements of the zoning district in which the development is to occur.

(d) The front setback shall be measured from the projected lot line of the principle lot parallel to the thirty (30) foot an ingress/egress easement.

(e) The rear and side setbacks shall be measured from the property line.

(f) Any further subdivision of the property shall require the thirty (30) foot ingress/egress easements to become a dedicated right-of-way for the purpose of the

developer, subdivider, or owner to construct a street in accordance with the specifications and requirements provided herein.

9-6 LOTS OF RECORD

Where the owner of a lot of record or his successor to the title thereto does not own sufficient land to enable him to conform to the dimensional requirements of this Ordinance, the following exceptions may be allowed:

(a) Where a lot, tract, or parcel of land has an area or width which does not conform to the requirements of the district in which it is located, said lot may be used for a single family dwelling in any residential district, provided the lot to be used has a minimum area of four thousand (4,000) square feet and a minimum lot width at the building line of forty (40) feet and is connected to public sewer. In Commercial/Industrial Districts, uses compatible with the district may be allowed by the Planning Commission.

(b) When two or more adjoining lots with a continuous frontage are in a single ownership at the time of the application, and such lots have a frontage or lot area less than is required by the zoning district in which they are located, such lots shall be platted or reparcelled to create one or more lots which conform to the minimum frontage and area requirements of the zoning district.

No lot or parcel, even though it may consist of one or more adjacent lots of record, shall be reduced in size so the lot width, depth, front, side, rear yard, inner or outer courts, or lot area or other requirements of this Ordinance are not maintained. This section shall not apply when a portion of a lot is acquired for public use.

(c) Buildings or structures located on substandard lots of record may be improved only when the addition of adequate plumbing is required by the laws and ordinances of the City of Saraland.

9-7 SUBSTANDARD LOTS OF RECORD

Yard requirements shall be modified subject to the following conditions:

(a) On double frontage lots, the required front yard shall be provided on each public street or right-of-way.

(b) An unroofed porch shall not project into a required front yard for a distance exceeding five (5) feet.

(c) The side yard requirements for substandard lots of record may be reduced for each side yard at the rate of one (1) foot for each four (4) feet by which the lot width lacks fifty (50) feet, provided in no event shall such side yard be reduced to less than five (5) feet on each side.

(d) The setback requirements for side yards and/or front yards on corner lots or lots of record where setbacks have not be established shall not apply to any lot where the average setback on residentially developed lots located, wholly, or in part one hundred (100) feet on each side of the such lot and within the same block, zoning

district, and fronting on the same streets if such lot is less than the minimum required setback. In such cases, the setback on such lot may be less than the required setback, but not less than the average of the setbacks of the existing developed lots.

9-8 FARM LAND

Other provisions of this Ordinance not withstanding, any tracts of farm land under cultivation, pasture land, or timberland presently being used for such purposes, consisting of at five (5) acres or more in size, may continue to be used for such purposes regardless of the zoning district in which it lies.

9-9 YARDS

No part of a yard or other open space required for any building for the purpose of complying with the provisions of this Ordinance shall be included as part of a yard or open space similarly required for another building. Every part of a required yard or court shall be open from its lowest point to the sky unobstructed, except for the ordinary projection of sills, cornices, buttresses, ornamental features, chimneys, flues, and eaves, provided such projections shall not extend more than two (2) feet beyond the yard area requirements.

9-10 ONE PRINCIPAL BUILDING PER LOT

Every residential building, hotels, motels, condominiums, single family and multi-family dwellings, and duplexes hereafter erected or moved shall be located on a lot and in no case shall there be more than one (1) principal residential building on a lot except as follows:

(a) In any district where multi-family structures, motels, hotels, or two (2) or more residential structures may be permitted on a lot provided no building shall be located closer to another building on the same lot than a distance equal to half the sum of the heights of both buildings.

(b) In Flood Hazard areas identified on the National Flood Insurance Rate Maps, the height of a building shall be measured from the floor level of the first habitable story for purposes of this section. In addition, the front or rear of any building may be no closer to the front or rear of any other building than forty (40) feet. The side of any building shall be no closer to the side, front, or rear of any other building than thirty (30) feet.

9-11 ACCESSORY USES

(a) <u>Satellite Receiving Dishes:</u>

Satellite receiving dishes are permitted accessory uses in any district, provided they comply with the setback, height, and other standards provided herein. In any district, the dish shall be located to the rear of the front building line and must be set back ten (10) feet from any interior or rear lot line.

Special setbacks indicated herein apply on corner lots. The dish together with the principal and accessory building may not exceed the maximum lot coverage permitted in the district in which it is located. In residential districts where the antenna is detached from the main building, its maximum height may not exceed

fifteen (15) feet. When roof mounted, it must conform to the zoning district's height requirements and its installation must be checked for safety by the Building Official. Installation and construction must also comply with the building code. No form of advertising or identification is allowed on the dish or framework other than manufacturers' small identification plates.

(b) Radio and TV Antennas**:**

Private radio and TV antennas for individual homes or for amateur uses are permitted as accessory structures in any district and may be placed on roofs or in rear or side yards so they do not occupy more than fifty percent (50%) of said yard, nor come closer than five (5) feet to any right-of-way or property line. Antennas in excess of the normal height limitations for the zoning district in which they are located are subject to approval and permitting by the Building Official.

Said permit shall include a clause which shall indemnify, hold harmless, and protect the City of Saraland against any and all liabilities which may result from the erection and use of such radio and TV antennas.

Antennas must be properly constructed in compliance with the requirements of the Federal Communications Commission (FCC), the American Radio Relay League, Inc. (ARRL), or equivalent standards and good engineering practices as determined by the Building Official.

(c) Fall-Out Shelters:

Fall-out shelters are permissible as principal or accessory structures in any zoning district, subject to the following conditions:

(1) If any portion of the structure extends above the ground, the portion above the ground must comply with the yard and lot coverage requirements of the zoning district in which it is located. The plot plan for such shelter shall be approved by the Building Official.

(2) If the structure is completely underground, it need not comply with yard requirements or percentage of lot coverage requirements.

(3) A fall-out shelter, underground or above ground, shall be confined to a side or rear yard and shall not be located in the front yard between the main building and the street on which it fronts.

(4) Fall-out shelters may contain or be contained in other structures or may be constructed separately.

9-12 ACCESSORY STRUCTURE

(Ord. 996, 5-14-15)

Where an accessory structure is attached to the main building, a substantial part of one wall of the accessory structure shall be an integral part of the main building or such accessory structure shall be attached to the main building in a substantial manner by a roof, and

therefore, such requirements applicable to the main building shall apply. The lot shall be large enough to accommodate the principal building and the accessory building or building(s) and meet the yard and other district requirements as otherwise provided herein. The principal building and accessory structure must comply with the requirements applicable to the maximum building coverage specified in this Ordinance.

In residential districts, a detached accessory structure shall conform to the following requirements:

(a) Shall not be located on a lot by itself, nor be located or extend into the front yard.

(b) Shall not be constructed to exceed more than one (1) story or fifteen (15) in height, nor may not exceed more than thirty (30) percent of the rear yard.

(c) Shall not be closer than ten (10) feet to the main building, except within an R-4, High Density Single and Multi-Family Residential, district in which it shall not be closer than five (5) feet to the main building.

(d) Shall maintain a side yard setback of not less than five (5) feet.

(e) Shall maintain a rear yard setback of not less than five (5) feet.

9-13 ACCESS TO PUBLIC STREETS

Access to public streets shall be maintained in accordance with the following requirements:

(a) Each principal use shall be placed on a lot or parcel which provides frontage on a public street having a right-of-way of not less than fifty (50) feet, except where existing public right-of-way is less than fifty (50) feet.

9-14 GRANDFATHER CLAUSE

Any use of buildings or land existing prior to the enactment of the Land Use and Development Ordinance,757, December 27, 2008, which does not conform to the provisions set forth by the Ordinance shall be allowed to continue as a nonconforming use. Any land development projects within the territorial and legal authority of this Ordinance that have been initiated since December 27, 2008, and is not located in a district designated for the intended use, may be permitted to continue provided that:

(a) Written, dated, and verifiable documents other than deeds for the purchase of land, e.g., plans, permits, applications to appropriate permitting agencies, etc., can be produced in support of the proposed project.

(b) The City of Saraland reserves the right to require compliance with the requirements of this Ordinance for districts in which similar uses are permitted.

(c) Other conditions may be required by the City due to the unique circumstances of the land.

ARTICLE X

GENERAL PROVISIONS

Except as hereinafter provided the following shall generally apply:

10-1 SCREENING, LIGHTING, AND SPACE

(a) Protection Buffer:

In any Business or Commercial/Industrial district, an operation not conducted within a building such as drive-in business, outdoor recreation, outdoor storage of materials, and outdoor servicing activities occurs shall be enclosed by a wall or fence as a protection buffer or adequate screening. In any district where reference is made requiring a protection buffer for a specified operation, said screening shall be a wall or fence of a solid appearance, shall be at least six (6) feet in height, and of a construction and design approved by the Planning Commission and/or a staggered double row of Evergreen plantings at least ten (10) feet in width which shall grow to at least ten (10) feet in height and spaced in a manner which after three (3) years will provide an impervious visual barrier. Said protection buffer shall be maintained by the owner of the property in order to conceal such areas or facilities from a residential district adjoining, facing, across a street, in the rear, or on the side of the principal building or use.

Every use in any district shall be conducted entirely within a completely enclosed structure, unless expressly exempted from the enclosure requirements of this Ordinance.

(b) Lighting:

Outdoor lighting, of all types, shall be directed as to reflect away from all residential dwellings and public rights-of-way.

(c) Administration and Enforcement:

The Code Enforcement Officer may cause the removal, replacement, repair, and/or correction at the owner's expense, any screening, lighting, and space improperly maintained.

10-2 USE

No building or land shall hereafter be used or occupied, no building or a part thereof be erected, constructed, moved, or altered, except in conformity with the regulations for the zoning district in which the development is to occur, except as otherwise provided herein.

It shall be the responsibility of the owner/developer to show proof of compliance with the requirements of this Ordinance.

10-3 BUILDING HEIGHT

No building shall hereafter be erected, constructed, or altered so as to exceed the height requirement specified in the regulations for the zoning district in which the development is to occur, except as otherwise provided herein.

10-4 HEIGHT EXCEPTIONS

The height requirement for the various districts shall not apply to church spires, belfries, cupolas, penthouses, or domes not used for human habitation, to chimneys, ventilators, skylights, water tanks, parapet walls, cornices, radio and television antennas, or necessary mechanical appurtenances usually carried above thereof level, provided such features are limited to the height necessary for their proper functioning.

10-5 FIRE HAZARDS

(Ord. 906, 2-14-13; 989, 11-13-14)

Outside above ground tanks for the storage of materials that present potential fire hazards including gasoline, diesel fuel, liquefied petroleum gas, oil, flammable liquids or gases shall be restricted to the requirements set forth in this Ordinance and State regulations. The Fire Code Official shall be notified and attend any special exceptions submitted to the Board of Zoning Adjustment.

Above ground tanks shall be located in a non-residential zoning district and shall be approved by the Fire Official. Above ground tanks must be equipped with overspill protection and leak detectors. In addition, the following setbacks per the International Fire Code (IFC) apply:

Tank Capacity	Distance from Lot line	Distance from Building
275 gallons or less	5 feet	5 feet
276-750 gallons	10 feet	5 feet
751-12,000 gallons	15 feet	5 feet

Setbacks: New petroleum tanks over 6,000 gallons shall not be located within 1,500 feet of a residential district, schools, government buildings which serve as occupied office space or public recreational space, to include both enclosed and open air recreational space.

The storage, utilization, manufacture of materials, or products ranging from incombustible to moderate burning is permitted. The National Fire Protection Association (NFPA) gives these materials a Flammability Ratings of 1 and 2. These products include lubricating and cooking oils and diesel fuel. Oils and diesel fuel must be stored in double-walled (UL Listed) tanks and are subject to the above mentioned setbacks.

NFPA Flammability Ratings 3 and 4 which include gasoline, natural gas and propane may be allowed provided the following conditions are met:

(a) Said materials or products shall be stored, utilized or manufactured within completely enclosed buildings or vaults having incombustible exterior walls and protected throughout by an automatic fire extinguishing system. The storage, utilization or manufacture of flammable liquids or gases which produce flammable

or explosive vapors shall be permitted in accordance with table 10-6 for the exclusive storage of finished products in original sealed containers.

(b) The Fire Official must approve aboveground tanks used for outside aboveground storage of products classified as 3 and 4 rated materials. All shall be in accordance with the currently adopted International Fire Code (IFC).

10-6 TOTAL CAPACITY OF FLAMMABLE MATERIALS PERMITTED–GALLONS*
(Ord. 906, 2-14-13; 989, 11-13-14)

	Industries Engaged in Storage and Distribution of Such Materials	Above Ground	Below Ground
(a)	Rated 1 materials having a flash point above 200 degrees Fahrenheit (Example: Lube and Cooking Oils)	Prohibited	100,000
(b)	Rated 2 materials having a flash point From 100 degrees Fahrenheit to and Including 200 degrees F (Example: Diesel)	Prohibited	40,000
(c)	Rated 3 & 4 materials having a flash point Below 100 degrees F (Example: gasoline, propane, natural gas)	Prohibited	20,000
	Industries Engaged in Utilization and Manufacture of Such Materials		
(d)	Rated 1 materials having a flash point above 200 degrees Fahrenheit (Example: Lube and Cooking Oils)	12,000 (Ord. 778, 5-14-09)	50,000
(e)	Rated 2 materials having a flash point From 100 degrees F to 200 degrees F (Ex: Diesel)	12,000 (Ord. 989, 11-13-14)	20,000
(f)	Rated 3 & 4 materials having a flash point Below 100 degrees F (Ex: gasoline, propane, natural gas)	6,000	10,000

* When flammable gases are stored, utilized or manufactured and measured in cubic feet, the quantity in cubic feet, at (S.T.P.), permitted shall not exceed three hundred (300) times the quantities listed above.

10-7 ABOVE GROUND STORAGE TANK OVERLAY DISTRICT TOTAL CAPACITY OF FLAMMABLE MATERIALS PERMITTED–GALLONS*
(Ord. 1038, 3-24-16)

Industries Engaged in Storage and Distribution of Such Materials	Above Ground
(1) Rated 1 materials having a flash point above 200 degrees Fahrenheit (Example: Lube and Cooking Oils)	150,000
(2) Rated 2 materials having a flash point From 100 degrees Fahrenheit to and Including 200 degrees F (Example: Diesel)	150,000
(3) Rated 3 & 4 materials having a flash point Below 100 degrees F (Example: gasoline, propane, natural gas)	150,000

10-8 WATER POLLUTION

No operation shall discharge, cause to be discharged liquid, or solid waste into public waters unless it is in conformance with the provisions of the Alabama Department of Environmental Management, the Alabama State Board of Health Statutes, and any regulations promulgated thereunder.

Plans and specifications for proposed sewage, industrial waste treatment, and disposal facilities shall be submitted to and approval obtained from the Mobile County Health Department and appropriate the permitting agency.

The user shall be responsible for meeting the above standards and shall on reasonable request supply the City, County, State, Federal, or other permitting authority with the information necessary to determine compliance with the standards.

10-9 COMPLIANCE

The review of oil and gas exploration and production activities under the requirements of this Ordinance shall not duplicate the regulatory activities of the Alabama Department of Environmental Management, the U.S. Army Corps of Engineers, or the Alabama State Oil and Gas Board.

The Planning Commission shall permit oil or gas exploration and production in any zoning district following administrative review and assurance that all required federal and state permits have been obtained and that adequate environmental safeguards and guarantees required under the permits have been addressed.

ARTICLE XI

MINIMUM STANDARDS AND REQUIRED IMPROVEMENTS

11-1 SUITABILITY OF LAND

The Planning Commission shall not approve the subdivision of land if, from adequate investigations conducted by all public agencies concerned, it has been determined that it is not in the best interest of the public or the proposed development is not suitable for platting or subdividing purposes. The design and improvements of all subdivisions and developments shall meet all State and Mobile County Health Department requirements and proof thereof shall be submitted.

11-2 LAND SUBJECT TO FLOODING

Land subject to flooding or inadequately served by drainage facilities shall not be acceptable for subdivision unless the sub-divider agrees to make such improvements as will render the land fit for occupancy in conformity with the National Flood Insurance Program. Fill may not be used to raise land in areas subject to flood and/or excessive erosion, unless the fill proposed does not restrict the natural flow of water, advance erosion, and unduly increase flood heights.

To ensure proper development in flood prone areas, the Planning Commission shall require the sub-divider to provide elevation and flood profiles sufficient to demonstrate the sites will be free from the danger of flooding.

If a stream flows through or adjacent to the proposed subdivision, the plat shall provide for an easement or right-of-way along the stream for a floodway. For the smaller streams, the plat shall also provide for channel improvement to enable them to carry all reasonable floods within banks. The floor elevations of houses shall be high enough to be above the regulatory flood. The flood way easement shall be wide enough to provide for future enlargement of the stream channel as adjacent areas become more highly developed and runoff rates are increased.

Approval will not be given for streets within a subdivision which would be subject to excessive inundation or flooding.

11-3 CONFORMANCE WITH EXISTING PLANS

Proposed improvements in all subdivision developments within the extraterritorial planning jurisdiction shall be in conformance with existing approved plans, maps, ordinances, and design standards of the City of Saraland and/or the Planning Commission.

Any subdivision recorded prior to the enactment of this Ordinance shall remain a legal subdivision unless a replat of said subdivision is submitted and approved.

11-4 PENALTIES

The developer, owner, or agent of the owner of any land to be subdivided in the corporate limits extraterritorial planning jurisdiction who transfers, sells, agrees to sell, or negotiates

to sell such land by reference to, an exhibition of, or by other use of a plat to subdivide such land before such plat has been approved by the Planning Commission and recorded in the Office of the Probate Judge of Mobile County shall forfeit and pay a penalty of one hundred dollars ($100.00) for each lot or parcel so transferred or sold, and the description by metes and bounds in the instrument of transfer, or other document used in the process of selling or transfer shall not exempt the transaction from such penalties.

The City of Saraland, through its attorney or other designated representative, may enjoin such transfer, sale, or agreement by appropriate action.

No plat of a subdivision in the corporate limits or its extraterritorial planning jurisdiction shall be filed by a subdivider in the Office of the Probate Judge until it shall have been submitted to and approved by the Planning Commission and such approval entered in writing on the plat by the Chairman, Vice-Chairman, or Secretary of the Commission. The Probate Judge shall not file or record a plat of a subdivision which does not have the approval of the Planning Commission.

Any building or structure erected or to be erected in violation of subdivision regulations shall be deemed an unlawful building or structure, and the Building Official may bring action to enjoin such erection or cause it to be vacated or removed.

11-5 EXCEPTIONS

Whenever the strict compliance with these regulations would result in an extraordinary hardship or injustice to the sub-divider because of topography, unusual size or shape of the property, or unusual conditions in surrounding property of development, the Planning Commission may modify, vary, or waive such regulations so the sub-divider may subdivide his property in a reasonable manner provided that such modification, variation, or waiver shall not nullify the intent or purpose of the subdivision regulations, the public welfare, and interest of the City of Saraland shall be protected. Any such variation together with reasons therefore shall be so noted in the minutes of the Planning Commission.

In granting modifications, variations or waivers, the Planning Commission may impose such other reasonable conditions as will, in its judgment, justify such modification, variation, or waiver and still substantially maintain the objectives of these regulations. Each modification, variation or waiver of the regulations sought by a sub-divider shall be applied for and acted upon individually by the Planning Commission.

The sale or exchange of lots or parcels of land between adjoining property owners may be exempt from these regulations by the Planning Commission, provided no additional lots are created, none of the lots affected by the sale or exchange are reduced below the minimum size requirements of the zoning district in which the division is to occur.

No existing easement shall be vacated or moved without the recommendation of the Planning Commission and the acceptance by resolution of the City Council.

11-6 AMENDMENTS

Any section or provision of this Ordinance pertinent to subdivision regulations may be amended, supplemented, or changed in accordance with the same procedure specified in zoning amendments.

11-7 MINIMUM STREET REQUIREMENTS

	Major Street	Collector Street	Local Street	Cul-de-Sac (Turnaround)	Alley
Minimum Right-of-Way:					
	100'	60'	50'	50' (100' diam.)	30'
Minimum Pavement[2]:					
	As Req'd	36'	27'	28' (80' diam.)	20'
Minimum Angle of Intersection:					
	80°	60°	60°	60°	60°
Minimum Intersection Offset:					
	150'	150'	150'	150'	150'
Minimum Curb Radius at Intersection:					
	40'	30'	15'	15'	15'
Minimum Horizontal Curve Radius:					
	300'	250'	100'	100'	100'
Minimum Reverse Curve Tangent:					
	100'	100'	100'	100'	100'

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[1] Cul-de-sacs shall not be longer than 600 feet measured from the intersecting street to the center of the turnaround.

[2] With curb and gutter.

[3] May vary with topography subject to Planning Commission approval.

11-8 IMPROVEMENT STANDARDS

Any proposed streets in a subdivision, planned unit development, mobile home park,

apartments, townhouses, condominiums, patio homes, business, commercial, or industrial developments whether such streets are to be private or dedicated for public use shall be paved and adequately drained.

This requirement is not subject to modification by the Planning Commission. The developer/owner shall construct such streets in accordance with good engineering practices and the standards prescribed herein in these regulations, as required by the **City Engineer** or his duly authorized representative, State, County Highway Department, and the department of the respective utility.

The full width of the right-of-way shall be graded including the subgrade of the areas to be paved. This requirement may be modified for the purpose of preserving the natural beauty of the area. A base course consisting of at least eight (8) inches of a sand-clay mixture with one hundred percent (100%) standard compaction shall be laid on a soundly prepared subgrade. A prime coat shall be sprayed uniformly over the base course. An approved type wearing surface in conformance with State Highway Standard 416-A one-and-one-half (1-1/2) inches thick compacted shall be laid over the prime coat. If curbs and gutters are required, they must be in conformance with approved State and County Highway Department standards.

All grading in the subdivision shall be related to the topography and environmental features of the surrounding area. Unpaved areas within a dedicated street right-of-way shall be graded and seeded in a manner that will enhance the appearance of the environment.

All water mains, sanitary sewers and laterals, and storm sewers shall be installed as necessary to prevent the future cutting of the pavement of any street, sidewalk, or other required pavement.

11-9 ISSUANCE OF SITE DISTURBANCE PERMIT

Each person, firm, corporation, utility, entity, or agent thereof engaged in any site preparation and/or construction activities shall acquire a Site Disturbance Permit from the Building Department prior to commencement of such activities as established pursuant to the provisions of this Article and no such activity shall commence prior to the approval of a preliminary plat by the Planning Commission. Fees for said permit shall be as more specifically enumerated in Article XXXIV, entitled the Schedule of Fees.

11-10 INSPECTION OF IMPROVEMENTS

When all required improvements are installed, the developer/owner shall call for a final inspection. The City Engineers or his duly authorized representative shall inspect the site to determine if the required improvements are satisfactorily installed according to the plans and specifications.

To determine if the streets are installed to minimum design standards, the City of Saraland shall select an independent testing laboratory to make the necessary tests. These tests shall be conducted at the expense of the developer/owner.

11-11 SIDEWALKS

(Ord. 990, 11-13-14)

It is the intent of this section to require sidewalks be installed on both sides as part of the improvement of all streets prior to the issuance of a Certificate of Occupancy in all districts except M-2, General Industrial Districts. Sidewalks are not required in an M-2, General Industrial District, but the developer and/or owner may provide for sidewalks in all or a portion of a development. If the owner and/or developer of a project within an M-2 General Industrial District provides for sidewalks, they may be installed on one (1) or both sides of a street.

If sidewalks are required or provided in a development plan, construction of sidewalks, shall comply with the following standards:

Type of Subdivision	Sidewalk Width
Low Density Residential	4 feet
High Density Residential	5 feet
Commercial	6 feet
Industrial	6 feet

11-12 WATER AND SEWER CONNECTIONS

(a) Connection to Public or Private Water and Sanitary Sewer System:

Developments, individual lots, or parcels shall be properly connected to a public or private community water and sanitary sewer system where such systems borders the development, lot line, or is reasonably available and the appropriate utility has the capacity to provide the service. Otherwise, lots must meet all applicable requirements of the Mobile County Health Department for onsite wells and/or individual septic systems. The lines for both domestic use and fire protection shall be approved by a public or private water supply and constructed in such a manner as to adequately serve all of the lots located within the subdivision. Water wells for purposes other than human consumption may continue to be used. If a well is required for each lot, the location, construction, and use of such well shall also meet the Mobile County Health Department requirements. If a well is to serve more than one lot, a public community water system shall be required.

It is the intent of this Ordinance to eliminate by attrition, all existing private wells, and individual septic systems in areas where public or private community water and sanitary sewer systems are available. Therefore, at such time as any private well or individual septic system fails to function properly or must be replaced, the owner must connect to the public or private community water and sanitary sewer system where such systems borders any development, lot line, or are reasonably available and the appropriate utility has the capacity to provide the service.

Local ordinances and sewer regulations as adopted by the City are applicable.

11-13 SPECIAL PROVISIONS

(a) Utility Placement:

Water, sewer, gas, electric power, telephone, cable tv, and other utility lines shall be installed underground by the developer and/or owner in all new residential, commercial, or industrial developments, expansions and/or renovations of existing said developments shall be connected to a central distribution system, unless for good reasons other than cost, the Planning Commission approves a modification or waiver of this requirement in part or in whole, or if a special condition requires otherwise.

(b) Drainage and Utility Easements:

Easements having a minimum width of ten (10) feet and located along the side or rear lot lines shall be provided as is necessary to utility lines, underground mains, and cables. Where a subdivision is traversed by a water course, drainage way, channel or stream, there shall be provided a storm water or drainage right-of-way of adequate width to accommodate normal runoff.

(c) Location of Fire Hydrants:

Roadway fire hydrants shall be installed along each street at the center of each block and at one corner of each roadway intersection, provided, however, that in no event shall fire hydrants be spaced so that any fire hydrant is located more than six hundred (600) feet from another fire hydrant. The water supply and pressure shall be sufficient to provide adequate fire protection and the future needs of the intended land use. Additional fire hydrant placement may be required on the interior of developed lots pursuant to local ordinance and fire regulations as adopted by the City.

(d) Location of Street Lighting:

Lighting shall be installed at all intersections, curves, and cul-de-sacs. If additional lighting is consistent with safety and other community needs are deemed necessary, the Building Department shall require the sub-divider to present a street lighting plan developed in conjunction with the appropriate utility company having jurisdiction within the area.

(e) Placement of Street Signs:

Appropriate permanent type street name signs shall be placed at all intersections within the subdivision. The developer may select signs which will be in keeping with the theme of the development, subject to approval of the City Engineer.

(f) Location of Concrete Monuments and Pins:

Right-of-way and property line monuments shall be placed in each subdivision. Concrete monuments three-and-one-half (3-1/2) inches square and two (2) feet long shall be driven flush with the grade at the intersection of all street rights-of-way and radius points.

Iron pins one-half (½) inch in diameter and two (2) feet long shall be driven flush with the grade at each lot corner and at each point where the property line changes

direction.

(g) Annexation Provision for Extraterritorial Planning Jurisdiction Subdivisions:

Proposed residential and/or commercial subdivisions located in the extraterritorial planning jurisdiction which are contiguous to the corporate limits, shall be required to annex into the City of Saraland prior to approval of said subdivision, if it is deemed by the Planning Commission to be in the best interest of the City.

SECTION B
ZONING DISTRICTS

ARTICLE XII

ESTABLISHMENT OF DISTRICTS

12-1 GENERAL PROVISIONS

The City of Saraland is hereby divided into zoning districts as described below and as shown on the official Zoning District Map, for the purpose of:

(a) Providing a residential environment free of incompatible uses and safe from natural and manmade hazards.

(b) Promoting, where possible, planned residential, commercial, and industrial areas in appropriate locations with appropriate standards and minimum service cost to local government.

(c) Providing a compact convenient urban pattern for urban areas.

(d) Providing a level of flexibility of control sufficient to promote innovation and creativity in community development and to encourage maximum living comfort and convenience at the lowest cost.

(e) Promoting the Comprehensive Plan for the City of Saraland.

12-2 RESIDENTIAL DISTRICTS

(a) R-l, Low Density Single Family Residential District:

This district is provided to afford opportunity for choice of low density, suburban residential environment consisting of single family residences on large parcels of land.

(b) R-1A, Patio:

This district is provided as a medium density, single family

(c) R-2, Medium Density Single Family Residential District:

This district is intended as a medium density single family, urban residential environment consisting of single family residences on lots of a moderate size.

(d) R-3, Limited Multi-Family Residential District:

The purpose of this district is to provide a medium high density single family structure or two to four family units to a building structure.

(e) R-4, High Density Single and Multi-Family Residential District:

The intent of this district is to provide opportunity for high density residential development in specified areas.

Within this district it is also considered suitable to include other uses of a type deemed to be compatible with a good, high density living environment by providing for needed community services.

(f) R-5, Mobile Home Residential District:

The intent of this district is to provide space at appropriate locations consistent with community objectives for the establishment of mobile home parks and subdivisions which provide for the establishment of permanent mobile homes and for the amenities conducive to an adequate living environment. Public or private community water and sewer facilities are required except where lots are equal to Mobile County Health Department requirements for private wells and individual septic systems.

12-3 BUSINESS DISTRICTS

(a) B-1, Local Business District:

This district is intended to provide for limited retail convenience goods and personal service establishments in residential neighborhoods and to encourage the concentration of these uses in one location for each residential neighborhood rather than in scattered sites occupied by individual shops throughout a neighborhood.

(b) B-2, General Business District:

This district is intended to provide opportunity for activities causing noise and heavy traffic, not considered compatible in the more restrictive business district. These uses also serve as a regional, as well as, a local market and require location in proximity to major transportation routes.

(c) B-3, Professional Business District:

This district is established to provide opportunity for business establishments of a professional nature and is restricted to offices and businesses which provide specific corporate functions or professional services to the general public, but not the sale of goods or services at retail or wholesale.

12-4 INDUSTRIAL DISTRICTS

(a) M-1 Light Industrial District:

The purpose of this Light Industrial District is to provide a suitable protected environment for manufacturing, research and wholesale establishments which are clean, quiet and free of hazardous or objectionable emissions, and generate little industrial traffic. Industrial parks should be encouraged. Locations should be in accordance with comprehensive plans.

(b) M-2 General Industrial District:

It is the intent of this district to provide opportunity for the location of industrial, manufacturing, processing, warehousing, or research and testing operations that, due to employment of heavy equipment or machinery or to the nature of the materials and processes employed, may require extensive sites for storage, parking, and major transportation facilities. It is further the intent of this section to protect appropriate sites from encroachment by incompatible uses through the establishment of regulations that would permit manufacturing and heavy industry to function in proximity to dissimilar uses. The M-2 General Industrial District regulations are intended to promote the health, safety, welfare, comfort and convenience of the users of this district as well as the inhabitants of the surrounding districts.
(Ord. 779, 5-14-09, Ord. 990, 11-13-14)

12-5 MEDICAL DISTRICT

(Ord. 937, 11-25-13)

Intent: This district is intended to provide, to assist, and encourage the development of medical institutions and complementary land uses and professional services in a campus setting based on a long range master plan with companion systems of parking, traffic flows, service and material deliveries, landscaping, building heights, pedestrian connections, and building form. The allowances and regulations in this Medical District supersede any and all conflicting City regulations.

Size: The minimum size of a medical district shall be 50 acres. A Medical District can be comprised of multiple parcels owned by different entities.

Permitted Uses: The MD shall specifically allow by right the following uses:

1. Full service hospital and all supporting activities
2. Medically related professional offices, clinics, and laboratories
3. Cancer treatment center
4. Professional offices
5. Nursing homes and convalescent centers
6. Heliport
7. Parking structures
8. Medically related out-patient services including surgery and diagnostic services
9. Independent living and assisted living facilities
10. Places of Worship
11. Retail business
12. Food services integrated into a hospital setting
13. Restaurants
14. Hotels and places of lodging
15. Fitness center
16. Drugstore and pharmacy
17. Banks and financial institutions

Prohibited Uses: Any industrial use, tattoo and body piercing, non-chartered financial institutions, sexually orientated businesses, pawn shops, automotive parts, and automotive repair.

Uses on Appeal: In the event that a proposed use is not allowed by right in the MD, the Board of Zoning Adjustment shall hear requests and render a decision of approval or denial. The basis of the decision shall be in general conformance with the use characteristics that are expressly permitted by right in the MD.

Master Plan Required: Due to the size and specialized nature of Medical Districts, any Medical District in the City of Saraland will be considered a major geographical section or division of the city, as the term is utilized in Alabama Code 11-52-10, and the approval of any Medical District shall serve as an amendment to the Comprehensive Plan. Any application for MD zoning shall be accompanied by a master plan. The master plan shall show the location of all proposed structures, building heights, setbacks, proposed parking lots and structures, location of stormwater management, ingress/ egress and proposed signage for the District (excluding individual buildings). The master plan shall be accompanied by a narrative providing, in general terms: a development schedule, a discussion regarding proposed uses, and generalized utility plans. The approved master plan shall govern the development and build out of the subject property. The master plan can be amended independently of a zoning change application, as conditions warrant, after the approval of the initial MD. Amendment requests shall require a public hearing by the Planning Commission in conformance with Alabama Code 11-52-10, and the Planning Commission shall render the final decision on the master plan amendments. All building permit requests shall be in substantial conformance with the approved master plan.

Site Plan Review: The Building Official is authorized to administratively issue building permits upon finding that the site plan submitted with the building permit request substantially conforms to the approved master plan.

MD Regulations: The following maximum standards apply to development in the MD.

1. Building Heights: The following maximum heights shall apply:

    1. Hospital Tower(s): 150 feet, excluding mechanical equipment, elevator towers, and uninhabited architectural features such as clock towers and parapet walls.
    2. Parking Garage(s): 150 feet.
    3. Medical Office Building(s): 150 feet.
    4. All Other Buildings: 65 feet.

2. Setbacks: Setbacks for the MD apply only to vertical structures and are as follows:

    1. Front Setback: 25’ for the first 65 feet of building height; 50 feet for all buildings taller than 65 feet.
    2. Side Setbacks: 10 feet.
    3. Rear Setbacks: 20 feet.
    4. Corner Side Setback: 15 feet.

3. Lot Coverage: The maximum lot coverage for all lots within the MD shall be 90%.

Minimum Lot Area: The minimum individual lot in the overall MD shall be 15,000 square feet.

Parking Requirements: The required parking for the MD shall be as follows:

1. A hospital, which includes all ancillary uses within the hospital building, shall provide 2 parking spaces for every bed. Non-contributing floor area such as hallways, restrooms, and similar shall not count towards the required parking.

2. All uses not located in a unified hospital building shall adhere to the City's general parking requirements.

Landscaping: A minimum of 10% of the site shall be landscaped. Landscaping materials shall adhere to the City's ordinance. Stormwater retention facilities shall count towards the landscaping requirement provided that the retention facility has a fountain and are visible from public right-of-ways.

Pedestrian Connections: All sites in the MD shall make accommodations for pedestrians with dedicated sidewalks at least 6 feet wide meeting ADA standards.

Lighting: Parking lot lights in the MD shall be no greater than 35' in height and shall be of "shoe box" and sharp cut-off angle design.

Signage: In general the sign ordinance of the City of Saraland shall govern signage in the MD, except as provided below:

1. Digital or Electronic Signage: The use of electronic or digital technology in on-premise signage is permitted and allowed and is calculated as part of the allowable sign area, subject to the following limitations and restrictions which are in addition to and intended to supplement all other applicable requirements:

    1. All electronic or digital signs shall be programmed so that the message or image on the sign changes no more often than once every eight (8) seconds.

    2. All electronic or digital signs shall be programmed so that there are no effects of movement, blinking, animation, scrolling, flashing, or similar effects in the individual images. A change of message shall occur simultaneously on the entire sign.

    3. All electronic or digital signs shall be equipped with automatic level controls to reduce light levels at night and under cloudy and other darkened conditions, in accordance with the following:

    4. The maximum brightness levels for such signs shall notexceed seven thousand six hundred and eighty (7,680) nits when measured from the sign's face at its maximum brightness, during daylight hours.

    5. The maximum brightness levels for such signs shall not exceed one thousand nine hundred and twenty (1,920) nits when measured from the sign's face at its

maximum brightness, between sunset and sunrise, as those times are determined by the National Weather Service.

6. Any electronic or digital sign that malfunctions, fails, or ceases to operate in its usual or normal programmed manner, causing motion, movement, flashing or any similar effects, shall be restored to its normal operation.

7. Any electronic or digital sign shall apply towards the total allowable signage for the subject site and/ or building.

8. There shall be allowed one (1) electronic or digital sign for entire proposed MD district.

9. The electronic or digital sign allowed shall be a maximum of 100 feet in height and an area of 400 square feet.

2. Monument Sign Allowances:

    1. Minimum setbacks. All signs and sign structures must be located at least eighteen (18) inches from right-of-way or ten (10) feet from any side property line.

    2. Permitted number: Maximum of two (2) signs per public road intersection for a MD district signage.

    3. Maximum size and height: The maximum area for each MD District sign at public road intersections shall be 250 square feet. The maximum height shall be 20 feet. Individual lot monument signage shall adhere to the City of Saraland's sign ordinance.

3. Wall Signs:

    1. For a hospital tower or a mixed use hospital tower/medical office building exceeding eighty-five (85) feet in height in designated habitable space, the maximum square footage for a wall sign shall be one thousand four hundred (1,400) square feet. All other proposed wall signs shall adhere to the City of Saraland's sign ordinance.

4. Directional Signs:

    1. All hospital related directional signage in the MD shall have a maximum height of 36 inches and shall have a maximum area of three (3) square feet. There shall be no maximum number of hospital related directional signs. All other directional signs shall adhere to the City of Saraland's sign ordinance.

12-6 RESERVED

12-7 ABOVE GROUND STORAGE TANK OVERLAY DISTRICT

(Ord. 1038, 3-24-16)

Purpose: These regulations shall provide procedures applicable to the location and construction of new above ground oil storage tanks on and after the effective date of the amendment adopting these regulations, in addition to the requirements otherwise applicable under other provisions of this ordinance to such tanks. In the event of any conflict or inconsistency between the requirements of the section and the other requirements of the provisions of the Saraland Land Use & Development Ordinance, the requirements of this section shall be controlling and shall govern.

Regulations: If the proposed Tank is subject to federal or state best management practices regulations with respect to vapor, emissions, and/or odor control, the application for Planning Approval shall include a statement as to the relevant regulatory authority or authorities and a summary of any equipment and technology being implemented to comply with such regulatory requirements.

Change in Oil Product Classification: Applicant may only store an Oil product with a different NFPA 30 classification than the NFPA Classification listed in the application for planning approval for the Tank after providing written notice to the City of Saraland Building Department of the change and engineering verification that the Tank complies with the NFPA 30 requirements for the new product Classification.

If any section, subsection, clause, or phrase of this ordinance is for any reason held to be unconstitutional or otherwise invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

The ordinance shall be in full force and effect from and after its adoption and publication as required by law.

Location: The overlay district will be located on the North side of Radcliff Road bordered by the existing Railroad and to a point three-hundred (300) feet from the Water Canal, as shown by zoning map.

ARTICLE XIII

DISTRICT REQUIREMENTS

The following limitations and requirements are hereby placed on uses in each district established by this Article in accordance with the intent of this Ordinance.

13-1 GENERAL

The following provisions apply, unless otherwise provided herein, to all residential districts:

(a) Uses Permitted:

Customary accessory structures; satellite receiving dishes, gardens, playgrounds, parks; public buildings including schools and libraries; agriculture or farming, including horticulture. Plant nurseries, market gardening, field crops and orchards. (See Home Occupations as defined in Article XXXI, Section 31-1).

(b) Uses Permitted by Special Exception:

Certain public and semi-public uses are essential and desirable for the general convenience and welfare but may not fit compatibly within residential neighborhoods. The following public and semi-public uses may be permitted within residential districts by special exception when it is established through site plan review that the location, design, and proposed activities will not adversely affect the public health, safety, morals, and general welfare of the surrounding neighborhood. Uses permitted by special exception in residential districts are:

(1) Church schools, private or parochial elementary, high schools having a curriculum approximately the same as ordinarily given in public elementary and high schools and meeting all standards of the State Board of Education for instruction and site size.

(2) Churches, synagogues, and other places of worship including parish houses, rectories, and other facilities normally incidental to places of worship but excluding funeral homes.

(3) Cultural activities not carried on as a gainful business, including art galleries, libraries, and museums.

(4) Convalescent and nursing homes for the aged.

(5) Recreation facilities, country clubs, community centers, and clubs drawing substantial numbers of users from the immediate neighborhood in which they are located, excluding residential accommodations and any activity carried on as a gainful business other than incidental concessions.

(6) Day care centers, whether public or private, kindergartens, or play schools, upon approval of the State and the Department of Human Resources.

(c) Uses Prohibited:

Any use not permitted or permitted by special exception, except as otherwise determined under Section 13-3. Commercial and Industrial uses such as garages, repair, storage yards, warehouses, buildings used as correctional institutions, and industrial type operations of any kind.

13-2 TABLE OF PERMITTED USES (DEFINED)

The uses permitted in each of the zoning districts are listed in the Table of Permitted Uses, Article XXXV, in three categories, as follows:

(a) Uses by Right:

Uses in the Table identified by (R) are permitted by right, subject to the conditions specified in the Table or otherwise provided herein.

(b) Uses Requiring Planning Approval:

Uses in the Table identified by (P) are permitted upon approval by the Planning Commission of the location and the site plan appropriate with regard to transportation, access, water supply, waste disposal, fire, police protection, and other public facilities; as not causing undue traffic congestion or creating a traffic hazard; and in harmony with the orderly and appropriate development of the district in which the development is to occur.

(c) Special Exceptions:

Uses in the Table identified by (S) are subject to the same approval of location and site plan as uses requiring planning approval; in addition, these uses are subject to approval of the Board of Zoning Adjustment in accordance with the provisions provided herein.

13-3 COMPLIANCE WITH DISTRICT REQUIREMENTS

Any use permitted in any district whether by Right, Planning Approval, Administrative Approval, or as a Special Exception, must comply with the requirements of the district in which it is located, unless a variance from such requirements is specifically requested and granted by the Board of Zoning Adjustment or unless approved under the Planned Unit Development with modifications as required by the Planning Commission provisions of this Ordinance.

(a) Planning Approval:

Any use requiring planning approval is subject to review and approval of the Planning Commission. Each application to the Planning Commission for approval must be accompanied by a site plan prepared by the applicant or his agent. The Planning Commission shall review the application at its next meeting and take into consideration all existing regulations and ordinances of the City of Saraland, as well

as, recommendations from the Code Enforcement Officer, the Mobile County Health Department, and any other such local officials. The Planning Commission may approve the use request as is, it may approve it with conditions, or it may deny it.

In any case where a requested use is not specifically referred to in the Table of Permitted Uses, its status shall be determined by the Planning Commission by reference to the most clearly analogous use or uses that are specifically referred to in the Table of Permitted Uses.

When the status of a use has been so determined by the Planning Commission, such determination shall thereafter have general application to all uses of the same type and shall be added to the Table of Permitted Uses.

(b) Special Exception:

Any use permitted by special exception is subject to review and approval of the Board of Zoning Adjustment. Each application shall be accompanied by a site plan which if approved shall then be submitted to the Planning Commission for review and consideration. The Board of Zoning Adjustment shall consider the recommendations of the Code Enforcement Officer and make them a part of the record of any public hearing held on an application for a special exception, prior to making a decision on the application. If the decision of the Board of Zoning Adjustment is not consistent with such recommendations, the minutes of the meeting at which such decision is made shall set forth the particular reasons for deviating from such recommendations.

(c) Appeals:

Appeals of any final decision or judgment of the Planning Commission or Board Zoning Adjustment shall be made within fifteen (15) days thereafter to the Circuit Court of Mobile County, Alabama and shall be tried de novo. Upon the filing of such an appeal the aggrieved party shall file a written notice with the Planning Commission or the Board of Zoning Adjustment, from which such an appeal is taken, specifying the judgment or decision from which such appeal is taken.

13-4 REQUIREMENTS FOR LOT AREA, WIDTH, COVERAGE, DENSITY, AND OTHER FACTORS

The following shall apply in districts as listed:

	Minimum Lot Area (Sq Ft)	Minimum Lot Width At Setback Line	Maximum Lot Coverage (%)*	Maximum Density**
R-l, Low Density Residential:				
Single Family:				
With public water & sewer	15,000	100	30	2.5
With septic tank & well	43,560	150	30	1.0
With septic tank & Public water supply	20,000	100	30	2.0
With public sewer & well	20,000	100	30	2.0
R-1A, Patio Residential:				
Single Family	5,000	50	38	8.0
R-2, Medium Density Residential:				
Single Family	10,500	75	35	3.0
R-3, High Density Residential:				
Single Family	7,500	60	35	3.5
R-4, High Density Single and Multi-Family Residential:				
Single Family	7,500	50	30	4.6
Two-Family	10,000	80	45	8.0
Multiple Family	7,500***	85	45	14.0
(Ord. 774. 11-25-08)				
Extraterritorial Planning Jurisdiction:				
Single Family	12,000****	80	30	3.5

* Does not apply to lots of record smaller than required in the district in which they are located.

** Dwelling units per gross acre to be developed.

*** For one (1) unit plus two thousand five hundred (2,500) square feet for each additional unit.

**** Applies to lots contained within an extraterritorial planning jurisdiction subdivision in which the size of the development exceeds ten (10) acres.

13-5 REQUIREMENTS FOR LOT AREA, WIDTH, COVERAGE AND OTHER

FACTORS FOR PUBLIC AND SEMI-PUBLIC BUILDINGS:

(a) Minimum Lot Area and Lot Width:

None specified. Only that the lot be large enough to provide the yards specified herein.

(b) Yard Regulations:

(1) Front Yard:

Each lot shall provide a front yard with a minimum depth of forty (40) feet.

(2) Side Yard:

Each lot shall have a side yard of a minimum of thirty-five (35) feet on each side.

(3) Rear Yard:

Each lot shall have a rear yard with a minimum depth of thirty-five (35) feet.

(c) Maximum Building Height:

No structure shall exceed a height of thirty-five (35) feet, except a church may have a maximum height of fifty (50) feet, provided one (1) foot shall be added to all minimum yard requirements for each additional foot of height in excess of thirty-five (35) feet (does not apply to a church sanctuary).

(d) Maximum Building Coverage:

The maximum land covered by a building shall be fifty (50) percent of the total lot area; a minimum of twenty (20) percent of the lot area shall be maintained as a landscaped common area.

13-6 SETBACKS

MINIMUM DISTRICT REQUIREMENTS

The following front, rear, and side yard setbacks shall apply in districts as outlined, except an R-5, Mobile Home Residential District, Planned Unit Developments:

	Front Yard		Rear Yard	Side Yard	Corner Lot Side Yard	
	Arterial and Collector Streets	Local Streets and Service Roads			Arterial and Collector Streets	Local Streets and Service Roads
R-1	35	35	35	10	40	25
R1-A	25	25	25	10	30	20
R-2	30	30	25	10	35	20
R-3	25	25	25	10	30	20
R-4(Single)	30	30	30	a	30	20
R-4(Two)	25	25	25	6	25	20
R-4(Multi)	25	25	25	a	25	20
B-1	30	20	20	b	20	10
B-2	30	20	b	b	30	25
B-3	30	20	b	b	20	10
M-1	50	30	c	c	50	30
M-2	50	30	c	c	50	30
FH	*	*	*	*	*	*

(Ord. 774, 11-25-08)

Extraterritorial Planning Jurisdiction

Single-family	30	30	30	10	30	20

***** Same as use district which it overlays.

(a) Ten (10) feet plus two (2) additional feet for each floor above two stories, but not exceeding twenty (20) feet; when the dwelling unit faces the side yard, the dwelling unit shall not be less than twenty-five (25) feet from the side lot line.

(b) None, except it will be five (5) feet if abutting an alley, and when abutting a residential district it shall be not less than thirty (30) feet.

(c) None, except it will be five (5) feet if abutting on alley, and when abutting a residential district it shall be not less than fifty (50) feet,

13-7 MAXIMUM BUILDING HEIGHT

Except as otherwise provided herein, no structure shall exceed two and a half (2 1/2) stories or thirty-five (35) feet in height in an R-1, Low Density Single Family, R-2, Medium Density Single Family, or R-3, High Density Single Family Residential, district or more than four (4) stories or fifty (50) feet in height in any R-4, High Density Single and Multi-Family Residential, Business, or Commercial/Industrial, district. Structures of more than four (4) stories or fifty (50) feet may be permitted subject to the approval of the City Council upon recommendation of the Planning Commission. (See Definition of Height, Building, Article

VIII, Definition of Terms).

13-8 PERFORMANCE STANDARDS FOR NONRESIDENTIAL DISTRICTS

In all nonresidential districts where facilities are permitted shall comply with the following minimum standards:

(a) Lots shall be of sufficient size to be used for the purpose intended, provide adequate parking and loading facilities in addition to space required for conduct of other operation of the business, and otherwise comply with the provisions provided herein.

(b) The minimum lot size for marinas shall be one (1) acre and shall be constructed above mean sea level.

(c) No entrances or exits shall direct traffic into adjacent residential districts.

(d) Noise, air pollutants including dust emissions, and surface runoff shall not exceed background levels by more than ten percent (10%).

(e) Uses in all business districts must comply with all applicable health and safety standards, including sanitary facilities, paved and landscaped parking areas, and other requirements of this Ordinance, as well as, State and Federal regulations.

(f) Nonpermanent structures such as trailers, sheds, and other such buildings used for business purposes may be permitted in business districts on a temporary basis pending construction of a permanent building and shall be removed immediately upon completion of construction. Such structures may be permitted for a three (3) month period, renewable upon written request from the business owner, up to a maximum of one (1) year.

(g) All business structures shall be so designed as to present an aesthetically pleasing appearance and is generally compatible with existing buildings in the district, except those less desirable in appearance that have been grandfathered under Article IX, Section 9-14 of this Ordinance.

13-9 PERFORMANCE STANDARDS FOR M-2 GENERAL INDUSTRIAL DISTRICTS

(Ord. 990, 11-13-14)

In all property zoned M-2, General Industrial District, the following provisions shall apply:

(a) In determining compliance with Article XI, Minimum Standards and Required Improvements, Section 11-7, curb and gutter installation is not required for any development whose use or contemplated use is a traditional industrial use (see 12-4), as long as the proposed development is compliant with Article XVIII, Drainage and Storm Sewers Erosion and Sediment Control Storm Water Detention provisions.

(b) The provisions of Article XI, Section 11-13(a), shall not apply in M-2 General Industrial Districts, except that water and sewer utility placement will be required to comply with the provisions of 11-13(a).

(c) The provisions of Article XIX, Sections 19-4(f)(3), 19-4(f)(9), 19-5, 19-7(b), 19-8, and 19-12 shall not apply in M-2 General Industrial Districts.

(d) All off-street parking areas in an M-2 General Industrial District, unless compliant with Section 19-11(b) – (e), shall be screened from view from public streets, as well as practicable, by the use of earthen berms or natural forested areas or a combination thereof, provided that approved driveways enabling access to public roads may extend through such buffer zones. If earthen berms are utilized, in order to prevent berm erosion, the berm will either be sodded, appropriately landscaped or contain sufficient natural vegetation to ensure against erosion.

SECTION C
SITE PLAN REQUIREMENTS

ARTICLE XV

PROCEDURES FOR SITE PLAN REVIEW

15-1 USE AND APPLICABILITY

The provisions of this Article shall be required for all residential developments involving the construction of two (2) or more dwelling units, apartments, town homes, condominiums; business, commercial, and industrial structures; all existing structures which increases the gross floor area by thirty (30) percent or more, construction of a park, public way, open space, public building or structure, or public utility, whether publicly or privately owned, and other uses as required by the Planning Commission.

15-2 SPECIAL PROVISIONS

The following shall apply:

(a) Water, sewer, gas, electric power, telephone, cable tv, and other utility lines shall be installed underground by the developer and/or owner in all new residential, commercial, and industrial developments, expansions, and/or renovations of existing said developments shall be connected to a central distribution system, unless for good reasons other than cost, the Planning Commission approves a modification or waiver of this requirement in part or in whole, or if a special condition requires otherwise.

(b) Size of properties reserved or laid out for business, commercial, or industrial purposes shall be adequate to provide for the off-street service and parking facilities required by the type of use and development contemplated.

(c) A site plan review shall be accomplished by the recommendation of the Building Inspector and approval of the Planning Commission to assure compliance with the provisions of Land Use and Development Ordinance in conformity with its purpose as stated in Article I, as well as, applicable Building and Fire Codes, latest edition, and sewer regulation.

(d) Requirements for commercial buildings:

Architectural interest in the main structure shall be accomplished by the use of a repeating pattern of change in color, texture, and material modules. At least one of these items shall repeat horizontally. All elements shall repeat at intervals of no more than 30’, either horizontally or vertically. Colors shall be harmonious with development in the impacted area, and bright or brilliant colors used only for accent. Predominant exterior building materials shall be of high quality. These include, but are not limited to, brick, wood, sandstone or stucco, other native stone and tinted/textured concrete masonry units. Unpainted, smooth faced concrete block, non-architectural grade, tilt-up concrete panels or prefabricated steel panels are prohibited as the predominant exterior building materials on front façade.

Façade colors shall be of low reflectance, subtle, or colors consistent with the surrounding impacted area or natural environment. Building trim may feature brighter colors but neon tubing is not allowed as an accent material. Neon lighting

shall not be used to accent eaves, edges, roof tops, or add unnecessary elaborateness to a structure.

(e) Said approval shall be authorization to begin work, subject to the issuance of a Site Disturbance Permit. Such approval shall become void upon one (1) year from the date of approval if no such permit has been acquired and/or any building or construction activities have occurred.

(f) When all required improvements are installed, the developer/owner shall call for a final inspection. The Building Inspector/Sewer/Fire/Water/Engineer Officials or their duly authorized representative shall inspect the site to determine if the required improvements are satisfactorily installed according to the plans and specifications.

15-3 PLAN CONTENT

The plan shall contain all information as reflected on the current departmental check list for a site plan which may be modified at the discretion of the Building Inspector when applicable.

15-4 WAIVER

The Building Inspector may waive certain requirements contained in this Article if, in his opinion, the requirements are not essential to a proper decision on the project; or, he may supplement the list with other requirements deemed necessary to clarify the nature of the proposed development.

15-5 FEES

An application for site plan review shall be accompanied by the appropriate fee as more specifically enumerated in Article XXXIV, entitled the Schedule of Fees.

15-6 ISSUANCE OF SITE DISTURBANCE PERMIT

Each person, firm, corporation, utility, entity or agent thereof engaged in any site preparation and/or construction activities shall acquire a Site Disturbance Permit from the Building Department prior to commencement of such activities as established pursuant to the provisions of this Article and no such activity shall commence prior to the approval of a site plan by the Planning Commission. Fees for said permit shall be as more specifically enumerated in Article XXXIV, entitled the Schedule of Fees.

15-7 REQUIREMENT OF BOND

Whenever a person, firm, corporation, developer or other entity proposes to develop a commercial site that, in the opinion of the Building Department constitutes a land disturbing activity which may pose a risk of drainage and/or siltation damage outside the boundaries of the project, such person, firm, corporation, developer or other entity conducting the land disturbing activity shall be required to submit a performance bond to the City prior to the issuance of a site disturbance permit.

At the time of approval of the site plan by the Planning Commission, the bond shall become

effective and shall extend for a period of at least two (2) years following the issuance of the certificate of occupancy by the City. The bond shall be in the amount of twenty-five percent (25%) of the total cost for the performance of all site work on said the location with bond to cover such drainage, erosion and siltation damage, if any.

The Building Inspector or other administrative official as designated by the City Council shall determine the prescribed bond, as well as, the adequacy and the security thereon.

15-8 RELEASE OF BOND

At the expiration of two (2) years from the issuance of the Certificate of Occupancy, the Building Inspector shall determine if the drainage design implementation of the project has:

(a) Been performed in accordance and functions within the parameters of the design standards as set forth by the project engineer.

(b) Had any impact on any streams, waterways, or third parties that have been minimized.

(c) Received from the project engineer a certificate of performance which states the drainage functions have been constructed in accordance with the plans, specifications, and engineering guidelines.

Upon the Building Inspector's receipt and evaluation thereof of the criteria as enumerated in Section 15-7 and upon recommendation of the Planning Commission, the City shall release the developer and/or the bond holder from further obligations under said bond.

If it is determined that the requirements of this section have not been met then the bond may be extended for one six (6) month interval to allow the developer and/or bond holder additional time to correct the deficiencies which prohibited the release of bond. If a site contractor is unable and/or unwilling to satisfy the deficiencies as enumerated by the Building Inspector, the bond shall be forfeited with the bond being payable to the City of Saraland for the direction of such work and/or activities necessary for the completion of the improvements. The developer and/or bond holder of the property thereof shall be liable for any additional cost incurred.

15-9 ISSUANCE OF BUILDING PERMIT

Upon approval of the site plan, either as submitted or with changes and/or special conditions required by the Planning Commission, the Building Official may issue a building permit for a portion or all of the proposed development provided the application is in compliance with all applicable City, County, as well as, State and Federal requirements.

SECTION D
PARKING REQUIREMENTS

ARTICLE XVI

PARKING REQUIREMENTS FOR ALL DISTRICTS

16-1 GENERAL

Off-street automobile storage or parking space shall be provided with vehicular access to a street or alley and shall be equal to the minimum requirements for the specific land use set forth as otherwise provided herein.

The required number of parking spaces for any number of separate uses may be combined in one lot, but the required space assigned to one use may not be assigned to another use at the same time, except that portion of the parking space required for an existing church whose peak attendance will be at night or on Sunday, may be assigned to a use which will be closed at night or on Sunday.

Areas reserved for off-street parking in accordance with the requirements of this Ordinance shall not be reduced in area or changed to any other use unless the permitted use which it serves is discontinued or modified, except where equivalent parking space is provided to the satisfaction of the Planning Commission.

Off-street parking in existence prior to the enactment of this Ordinance in connection with the operation of an existing building or use shall not be reduced to an amount less than hereinafter required for a similar new building or use.

For existing commercial uses in any business district and other similar areas desiring to expand, but unable for good and sufficient reason to provide parking at the standard required in the following schedule, the Board of Zoning Adjustment may grant relaxation of the strict application of these requirements on appeal, subject to the regulations governing appeals and variances.

Where business and multi-family unit developments require large numbers of parking spaces, such spaces may be accommodated in parking decks provided that no such parking deck shall exceed three (3) levels above ground or twenty-five (25%) percent of the height of the principal structure, whichever is greater.

A parking deck design shall be compatible with the design of the principal structure and shall be submitted as a part of the overall site plan. The parking deck shall comply with the minimum requirements of this Ordinance.

16-2 PARKING SCHEDULE

(a) Dwellings:

Land Use:	Parking Requirements:
(1) One and two families:	Two (2) spaces for each dwelling unit
(2) Multiple:	One-and-one-half (1.5) space for each unit
(3) Hotels:	
(Without restaurants, lounges, and banquet facilities):	One (1) space for each bedroom
(With in-house restaurants, banquet facilities, or convention/meeting capabilities):	One-and one-half (1.5)space for each guest bedroom
(4) Motels, Tourist Courts, and Tourist Homes:	One-and-a half (1.5)space for each guest bedroom
(5) Mobile Home Courts and Parks:	Two (2) spaces per unit
(6) Boarding, Rooming Houses and Dormitories:	One (1) space for each guest bedroom

(b) Public Assembly:

	Parking Requirements:
(1) Churches or Other Places of Worship:	One (1) space for each four (4) seats in the main auditorium or sanctuary.
(2) Private Clubs, Lodges and Fraternal Buildings, (not providing overnight accommodations):	One (1) space for each 100 square feet of building under roof
(3) Theaters, Auditoriums, Coliseums, Stadiums, and Similar Places of Assembly:	One (1) space for each four (4) seats
(4) Libraries, Museums:	One (1) space for each 500 square feet of gross floor area

(5)	Schools, including Kindergartens, Play-schools, and Day Care Centers:	One (1) space for each four (4) seats in assembly hall, or one (1) space for each employee, including teachers and administrators, whichever is greater, plus five (5) spaces per classroom for high school and colleges
(6)	Skating Rinks, Dance Halls, Pool Rooms and Other Places of Amusement or Assembly without Fixed Seating Arrangements:	One (1) space for each 200 square feet of floor area
(7)	Bowling Alleys:	Four (4) spaces for each alley
(c)	<u>Health Facilities</u>:	<u>Parking Requirements:</u>
(1)	Hospitals, Sanitariums Nursing Homes, Homes for the Aged and Similar Institutional Use:	One (1) space for each four (4) beds, plus one (1) space for each employee on the maximum shift
(2)	Kennels and Animal Hospitals:	A parking area equal to thirty (30) percent of the total enclosed or covered area
(3)	Medical, Dental and Health Offices and Clinics:	One (1) space for each two hundred (200) square feet of floor area used for offices and similar purposes
(4)	Mortuaries and Funeral Parlors:	Ten (10) spaces per parlor chapel unit, or one (1) space per two (2) seats, whichever is greater
(d)	<u>Business:</u>	<u>Parking Requirements:</u>
(1)	Commercial Establishments and Office (including but not limited to the following): Food Stores, Furniture Stores, General Business, (commercial or personal service establishments catering to the retail trade, but excluding food stores):	Four (4) parking spaces for up to 400 limited to the square feet of gross floor area, plus one (1) parking space for each additional 400 square feet of of gross floor area, up to five thousand (5,000) square feet, plus one (1) parking space for each additional two hundred (200) square foot of gross floor area over five thousand (5,000)

		square foot
	Governmental Offices, Office Buildings, (including banks, businesses, commercial and professional offices and buildings but excluding medical, dental and health offices and clinics):	
	Public Utilities, (such as telephone exchanges and substations, radio and TV stations):	
	Restaurants, (including bars grills, diners, cafes, taverns night-clubs, lunch counters, and all similar dining and/or drinking establishments):	One and one-fourth (1.25) spaces for each each (four) 4 seats
(e)	<u>Shopping Centers</u>:	One (1) space per two hundred (200) square foot of gross floor area
(f)	<u>Marinas</u>:	Two (2) spaces per berth, (also applies to dry storage)
(g)	<u>Industries</u>:	
(1)	Commercial, Manufacturing and Industrial establishments, (not catering to the maximum retail trade):	One (1) space for each employee on the working shift, plus one (1) space for each vehicle operating from the premises
(2)	Wholesale establishments:	One (1) space for every fifty (50) square foot of customer service area, plus two (2) spaces for each three (3) employees on the maximum working shift, plus one (1) space for each company vehicle operating from the premises
(3)	Electric Power and Gas Substations:	Twenty-five (25) percent of the parcel on which located or four (4) spaces, whichever is smaller

(h) Any use not specified by these regulations shall require one (1) parking space for

each three hundred (300) square feet of gross floor area in the building. Where the use is mixed, total requirements for off-street parking shall be the sum of the requirements for the various uses computed separately.

16-3 DESIGN STANDARDS

(a) Definition:

An off-street parking space is an all-weather surfaced area not in a street or alley and having an area of not less than one hundred seventy-one (171) square feet and minimum dimensions of nine (9) feet by nineteen (19) feet, exclusive of driveways, permanently reserved for the temporary storage of one automobile and connected with a street or alley by an all-weather surfaced driveway which afford unobstructed ingress and egress to each space.

(b) Permit:

A site disturbance permit shall be required for any parking area with a design capacity for six (6) or more vehicles. Each person, firm, corporation, utility, entity or agent thereof engaged in any site preparation and/or construction activities shall acquire a Site Disturbance Permit from the Building Department prior to commencement of such activities as established pursuant to the provisions of this Article. Fees for said permit shall be as more specifically enumerated in Article XXXIV, entitled the Schedule of Fees.

(c) Parking Area Dimensions:

The design and dimensions of the parking area shall be in accordance with the following dimension table and provide for handicapped parking spaces and sidewalk accessibility in accordance with the Americans with Disabilities Act.

Curb Angle of Parking	Length Per Car	Stall Depth	Access Driveway Width
0	23'0"	9'0"	12'0"
20	20'4"	15'0"	11'0"
30	18'0"	17'4"	11'0"
40	14'0"	19'2"	12'0"
45	12'9"	19'10"	13'0"
50	11'9"	20'5"	14'0"
55	11'1"	20'3"	15'6"
60	10'5"	21'0"	18'0"
70	9'8"	21'0"	19'0"
80	9'8"	20'4"	24'0"
90	9'0"	19'0"	24'0"

(d) Width of Two-Way Access Driveways:
The minimum width of two-way access driveways within parking areas shall be twenty-four (24) feet.

(e) Paving Standards:

Parking spaces and driveways shall be paved to the standards established by the City of Saraland.

(f) Drainage:

Off-street parking facilities shall be drained to prevent damage to abutting property and streets to prevent pollutants from draining onto the adjacent lots. Landscaped and perimeter areas shall be so graded as to receive a reasonable portion of the rainfall from the surrounding pavement. Protective curbing placed around landscaped areas shall leave openings for water to flow onto unpaved areas.

(g) Off-street Loading and Unloading Space:

Off-street loading/unloading spaces shall be provided as hereinafter required by this Ordinance.

(1) Size of Spaces:

Each off-street loading/unloading space shall have minimum dimensions of fourteen (14) feet in height, twelve (12) feet in width, and fifty-five (55) feet in length.

However, upon sufficient demonstration a particular loading space will be used exclusively by shorter trucks, the Planning Commission may reduce the minimum length accordingly to as much as thirty-five (35) feet.

(2) Connection to Street or Alley:

Each required off-street loading and unloading space shall have direct access to a street or alley or have a driveway which offers satisfactory ingress and egress for trucks.

(3) Floor Area More Than Ten Thousand (10,000) Square Feet:

There shall be provided for each hospital, institution, hotel, commercial or industrial building, or similar use requiring the receipt of distribution of materials or merchandise and having a floor area of more than ten thousand (10,000) square feet, at least one (1) off-street loading and unloading space for each ten thousand (10,000) square feet of floor space or fraction thereof. Such space shall be so located as not to hinder the free movement of pedestrians and vehicles over a sidewalk, street, or alley.

(4) Floor Area Less than Ten Thousand (10,000) Square Feet:

There shall be provided for each commercial or industrial building requiring the receipt or distribution of materials or merchandise and having a floor area of less than ten thousand (10,000) square feet, sufficient off-street loading

and unloading space, not necessarily a full space if shared by an adjacent establishment, so located as not to hinder the free movement of pedestrians and vehicles over a sidewalk, street, or alley.

(5) Location:

All required off-street loading and unloading spaces shall be located on the same lot as the building which they are intended to serve or on an adjacent lot when shared with the use occupying said adjacent lot.

(6) Permanent Reservation:

Areas reserved for off-street loading and unloading in accordance with the requirements of this Ordinance shall not be reduced in area or changed to any other use unless the permitted use which is served in discontinued or modified, except where equivalent loading and unloading space is provided and approved by the Planning Commission.

(h) Off-Street Parking, Loading/Unloading Spaces for Mini Warehouses:

(1) All one-way driveways shall provide for one ten (10) foot travel lane.

Traffic direction and parking shall be designated by signing or painting.

(2) All two-way driveways shall provide for one ten (10) foot parking lane and two twelve (12) foot travel lanes.

(3) Whenever applicable, two (2) parking spaces shall be provided for the manager's quarters plus one (1) additional space for every twenty-five (25) storage cubicles to be located at the project office for use of clients.

(j) Storage and Parking of Trailers and Vehicles:

(1) NO MORE THAN ONE COMMERCIAL VEHICLE PER DWELLING SHALL BE PERMITTED. In no case shall a commercial vehicle be used for hauling explosives, gasoline, or liquefied petroleum products.

(2) Travel trailers or motor homes, hauling trailers, or boat trailers shall be permitted if parked or stored behind the front building setback line.

(3) A travel trailer shall not be occupied either temporarily or permanently while it is parked or stored in any area, except in a park as authorized herein.

(4) A wrecked or disabled vehicle which cannot be moved under its own power shall not be permitted on or near lots with dwelling units. The vehicles shall be classified as junked vehicles and shall be removed to a junk yard at the owner’s expense.

SECTION E
SUBDIVISION REGULATIONS

ARTICLE XVII

PROCEDURES FOR SUBDIVISION REVIEW

17-1 PRE-APPLICATION CONFERENCE

Whenever the subdivision of a tract of land within the extraterritorial planning jurisdiction of the Planning Commission is proposed, the subdivider should consult informally, prior to submittal with the Planning Commission and Mobile County Planning Department to ensure compliance with the required regulations. No fee shall be charged for the review and no formal application shall be required.

Any subdivision or development which is to be developed in phases or units shall require a Master Plan of the proposed subdivision or development. The Master Plan shall be of sufficient detail to show the proposed street and lot layout, drainage, utilities, detention, common, recreational, and landscaped areas and shall be submitted to the Planning Commission for approval prior to submitting a preliminary plat for consideration.

17-2 PRELIMINARY PLAT APPLICATION

Prior to making any improvements, the subdivider shall submit to the Planning Commission a preliminary plat of the proposed subdivision for review in accordance with the following procedure:

(a) Subdivider's Responsibility - Preliminary Plat:

The Subdivider shall:

(1) File the required application on the prescribed forms.

(2) Submit a copy of a warranty deed of the subject property (as proof of ownership).

(3) Submit three (3) copies of the preliminary plat.

(4) Pay a filing fee as specifically enumerated in Article XXXIV, entitled the Schedule of Fees. These three (3) items shall be received in the Building Department not less than thirty (30) days prior to a regularly scheduled meeting of the Planning Commission at which meeting the subdivision plat is to be formally submitted for review.

(b) Plat Content:

The preliminary plat shall contain all information as reflected on the current departmental check list for a preliminary plat which may be modified at the discretion of the Planning Commission when applicable.

(c) Fees:

An application for preliminary plat review shall be accompanied by the appropriate

fee as more specifically enumerated in Article XXXIV, entitled the Schedule of Fees.

(d) Building Department Review:

The Planning Department shall proceed with the preliminary plat review as follows:

(1) Plat Study:

During the thirty (30) days prior to the next regularly scheduled meeting, the Building Department shall transmit one copy of the preliminary plat to the Utilities Board of the City of Saraland and the Fire Department. These shall submit recommendations to the Building Department prior to the initial hearing on the preliminary plat.

(2) Notice of Hearing:

The Planning Secretary shall see that notice of the time and place of the hearing on said plat is sent by certified mail to the owner of record, the subdivider, and the owners of record of abutting land at least five (5) days prior to said hearing.

(3) Commission Action:

The preliminary plat is considered to be formally and officially submitted at the regularly scheduled meeting of the Planning Commission at which meeting said plat is to be considered. At this meeting, the Commission may:

(a) Approve the preliminary plat.

(b) Conditionally approve the preliminary plat. In this case, the conditions shall be stated in writing. If necessary, the Commission may require the subdivider to submit a revised preliminary plat.

(c) Disapproval of the preliminary plat:

If disapproved, the reasons for such action shall be stated in writing, and if possible, recommendations made as to the basis on which the plat will be approved. The subdivider may resubmit the plat at any subsequent regularly scheduled meeting of the Commission in accordance with these regulations.

(d) Delayed action on the preliminary plat

The Commission may delay action on the plat up to thirty (30) days; however, the commission shall act to approve or disapprove a subdivision plat within thirty (30) days after its formal submission at a regularly scheduled Planning Commission meeting, otherwise, said plat shall be deemed to have been approved and correspondence to that effect shall be issued by the Commission on demand; provided however, the applicant for the Commission's approval may waive this

requirements and consent to an extension of such period.

In any case, the Commission shall notify the subdivider either verbally or in writing of the action taken at the hearing. If any of the requirements of these regulations are modified or waived, they shall be specified and the reasons therefore given.

(e) Appeal of Commission Action

Appeals of any final decision or judgment of the Commission shall be made within fifteen (15) days thereafter to the Circuit Court of Mobile County, Alabama and shall be tried de novo. Upon the filing of such an appeal the aggrieved party shall file a written notice with the Commission specifying the decision or judgment from which such an appeal is taken.

(e) Effect of Preliminary Plat Approval:

Approval shall be authorization for the subdivider to proceed with the construction of any improvements, grading of streets, and staking of lots. Said approval shall be authorization to begin work, subject to the acquiring a site disturbance permit prior to commencing any site preparation and/or construction activities, as established pursuant to the provisions in Ordinance 757. Such approval of the final plat shall be valid for a period of one (1) year following the date of such approval.

The subdivider shall be responsible for the full installation of the required minimum improvements in the proposed subdivision prior to the submission of the final to the Planning Commission.

Preliminary plat approval does not constitute final plat approval nor does it authorize official recording of the plat nor does it constitute or effect an acceptance by the City of Saraland of any street or other open space shown on the plat.

17-3 FINAL PLAT APPLICATION

(a) Plat Content:

The final plat shall conform to the conditions of the approved preliminary plat.

It shall show sufficient detailed data to readily determine and to accurately reproduce on the ground the location, bearing and length of every street line, lot line, boundary line, block line, and building line.

The plat shall be clearly drawn on any acceptable polyester or cloth tracing sheet 24 x 36 inches in size, at a scale of not less than one hundred (100) feet to the inch, and shall contain all information shown on the current departmental check list for a final plat which may be modified at the discretion of the Building Inspector when applicable.

(b) Fees:

An application for final plat review shall be accompanied by the appropriate fee as more specifically enumerated in Article XXXIV, entitled the Schedule of Fees.

Building Department Review:

The Building Department shall proceed with the final plat review as follows:

(1) Plat Study:

During the thirty (30) days prior to the next regularly scheduled meeting, the Building Department shall review the final plat for compliance with the subdivision regulations and submit any recommendations to the Planning Commission at its meeting.

(2) Commission Action:

The final plat is considered to be formally and officially submitted at the regularly scheduled meeting of the Planning Commission at which meeting said plat is to be considered. At this meeting, the Commission may:

(a) Approve the final plat.

(b) Disapproval of the final plat:

Such action may result if the final plat is found to be in conflict with the approved preliminary plat or with the subdivision regulations.

A statement of the reasons for disapproval shall be forwarded by letter to the subdivider and one copy being filed in the records of the City Clerk. No certificate of approval shall be given. The subdivider may resubmit the final plat for hearing after the corrections noted by the Planning Commission have been made.

(c) Delayed action on the final plat. The Planning Commission may delay action on the plat up to thirty (30) days.

However, the Commission shall act to approve or disapprove the final Plat within thirty (30) days after its formal submission at a regularly scheduled Planning Commission meeting; otherwise, such plat shall be deemed to have been approved, and a certificate to that effect shall be issued by the Planning Commission on demand; provided, however, that the applicant for the Commission's approval may waive this requirement and consent to an extension of such period.

(d) In any case, the Planning Commission shall retain one (1) copy of the final plat in its files and shall return one (1) copy of the final plat to the subdivider with indication in writing of the action taken at the hearing. If any of the requirements of these regulations are modified or waived, they shall be specified and the reasons therefore given.

(d) Effect of Final Plat Approval:

Approval of the final plat by the Planning Commission shall authorize the owner, or his agent, to have said Plat recorded in the Office of the Judge of Probate.

The plat shall be filed prior to the sale of any lot in the subdivision. Copies of all private covenants, deed restrictions, and certifications shall be filed with the final plat. Once approval has been given and endorsed in writing on the plat by the Planning Commission, no changes, erasures, modifications or revisions shall be made on said plat.

In the event that any subdivision plat, when recorded, contains any changes, said plat shall be considered null and void, and the Planning Commission shall then file the corrected plat as approved, noting the reason for such filing. Any erasures made on a plat prior to its signing shall be initialed and dated by the Planning Commission Chairman or other authorized agent at the time of the signing.

The approval of the final plat shall be valid for a period of one (1) year following the date of such approval.

The owner or developer shall be required to furnish to the City of Saraland Building Department a copy of said plat upon recording.

(e) Streets - Legal Status:

The City of Saraland shall not accept, open, improve, grade, light any street; authorize water mains, sanitary sewer, or connections to be made to any street, unless such street has been accepted or otherwise granted the legal status of a public street or right-of-way correspond with a street shown on the Comprehensive Plan or is a part of a subdivision plat approved by the Planning Commission.

To be given the legal status as a public street, said street or right-of-way, shall upon recommendation by the Planning Commission be officially accepted as a street by resolution of the City Council.

(f) Streets - Maintenance Bond:

The developer/owner shall submit to the City of Saraland a maintenance bond for a period of two (2) years. The bond shall be in an amount equal to twenty-five percent (**25**%) of the total street, utility, and drainage improvements in the subdivision. Said bond shall be required by the City of Saraland as a condition to acceptance of any new streets within the corporate limits. The City Engineer or other administrative official as designated by the City Council shall determine the adequacy of said bond and security thereon.

The maintenance bond period shall begin upon the acceptance of the street and drainage improvements by resolution of the City Council. Thirty (30) days prior to the expiration of said maintenance bond, an inspection shall be conducted to ensure that the improvements are in satisfactory condition prior to acceptance.

SECTION F
DRAINAGE AND EROSION CONTROL REQUIREMENTS

ARTICLE XVIII

DRAINAGE AND STORM SEWERS
EROSION AND SEDIMENTATION CONTROL
STORM WATER DETENTION

18-1 GENERAL POLICY

The main objective of drainage design shall be the safety of the traveling public with the protection of City of Saraland and private property consistent with good engineering practice.

18-2 GENERAL REQUIREMENTS

The responsible Design Engineer shall not submit for approval any plat of a subdivision or site plan which does not make adequate provision for storm or flood water runoff channels or basins. The storm water drainage system shall be separate and independent of any sanitary sewer system. A copy of the design computations sealed by a registered engineer shall be submitted along with plans. Inlets shall be provided so that surface water is not carried across any intersection, nor for a distance of more than six hundred (600) feet in the gutter. When calculations indicate curb capacities are exceeded at a point, catch basins shall be used to intercept flow at that point.

Storm sewers and drainage structures shall be designed and installed as required in accordance with good engineering practice. The minimum pipe diameter of storm drains shall be fifteen (15) inches. In no case shall storm water empty into the sanitary sewer system.

18-3 LOCATION

The applicant/developer will be required to carry away by pipe or open concrete paved ditch any spring or surface water that may exist either previously to or as a result of the subdivision. Such drainage facilities may be located in the road right-of-way where feasible, or in perpetual unobstructed easements of appropriate width and shall be constructed in accordance with the Alabama Department of Transportation Standard Specifications.

18-4 ACCESSIBILITY TO PUBLIC STORM SEWERS

Where a public storm sewer is accessible, the applicant will be required to install storm sewer facilities or if no outlets are within a reasonable distance, adequate provisions shall be made for the disposal of storm waters, subject to the specifications and calculations submitted by the Design Engineer.

If a connection to a public storm sewer will be provided eventually, as a result of phased construction, the developer shall make arrangements for future storm water disposal by a storm sewer system at the time the plat receives final approval. Provisions for such connection shall be incorporated by inclusion in the performance bond required for the subdivision plat. Where a storm drainage system is not accessible, the subdivider shall install all drainage structures necessary to convey the water to a location acceptable to the City. All open drainage ditches shall be paved with an acceptable material.

18-5 ACCOMMODATION OF UPSTREAM DRAINAGE AREAS

A culvert, pipe, or other drainage facility shall, in each case, be of sufficient size to accommodate potential developed property storm water runoff from its upstream drainage area, whether inside or outside the subdivision. The Design Engineer shall review the necessary size of the facility based on the provisions of the construction standards and specifications.

18-6 EFFECT ON DOWNSTREAM DRAINAGE AREAS

The Design Engineer shall also review the effect of each development on existing downstream drainage facilities outside the area of the development. These drainage studies, together with such other studies as shall be appropriate, shall serve as a guide to needed improvements. Where it is anticipated that the additional runoff incident to the development will overload an existing downstream drainage facility, approval of the development may be withheld until provision has been made for the improvement of said potential condition in such sum as the Design Engineer shall determine. No development shall be approved unless adequate drainage will be provided to the natural drainage watercourse or an existing facility.

18-7 GENERAL PROVISIONS

All developments shall be provided with adequate storm drainage facilities.

Any areas subject to periodic flooding caused by poor drainage facilities will not be accepted unless the developer or subdivider makes necessary provisions to eliminate such flooding in conformity with the National Flood Insurance Program.

Fill may not be used to raise land in areas subject to flood and/or excessive erosion, unless the fill proposed does not restrict the natural flow of water, advance erosion, and unduly increase flood heights.

A complete drainage plan and contour map showing the pipe sizes, their locations and the areas to be drained, shall be submitted along with the profile grades and typical roadway section for approval.

All existing drainage structures shall also be shown.

All off project drainage, draining onto the subdivision, shall be shown on contour maps and/or construction plans showing the areas in acres the subdivision will have to accommodate.

On any single drainage structure requiring twenty (20) square feet or more of end area, a special design drawing will be required for approval. All roadway cross drain pipes shall be reinforced concrete and have a minimum size of eighteen (18) inches.

Only pipe that meets specifications equaling Alabama State Highway Department Specifications will be acceptable.

No unacceptable pipe shall be used.

Where the subdivider has open ditches, a maximum of three to one (3:1) front slopes and flat bottom ditch is required; the width of the ditch shall be determined by the required flows and the existing conditions and as determined by the Design Engineer. V-bottom ditches or other special designs may be permitted in special cases if they are concrete slope paved.

The provisions of this Article shall apply to all developers and/or subdividers.

18-8 EASEMENTS

Where topography or other conditions are such as to make impractical the inclusion of drainage facilities within road rights-of-way, perpetual unobstructed easements at least twenty (20) feet in width for such drainage facilities shall be provided across property outside the road lines and with satisfactory access to the road. Easements shall be indicated on the record plat. Drainage easements shall be carried from the road to the natural watercourse or to other drainage facilities.

The applicant may be required to dedicate either in fee, drainage, or by conservation easement land on both sides of existing watercourses to a distance that is adequate to discharge flood waters without cumulatively increasing the water surface elevation more than one foot.

Low-lying lands along watercourses subject to flooding or overflowing during storm periods, whether or not included in areas for dedication shall be preserved and retained in their natural state as drainage ways, except where improvements are warranted and may be deemed necessary by the Design Engineer.

18-9 DEDICATION OF EASEMENTS

Where a subdivision or development of land is traversed by watercourse, drainage way, channel, or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially to the lines of such water course, and of such width and construction or both as shall be adequate for the purpose. For the smaller streams, the plat shall also provide for channel improvement to enable them to carry all reasonable floods within banks. The floor elevations of houses or buildings shall be high enough to be above the regulatory flood. The flood way easement shall be wide enough to provide for future enlargement of the stream channel as adjacent areas become more highly developed and runoff rates are increased.

18-10 ENGINEERING PLANS

The developer or contractor shall submit detailed drainage plans and drainage calculations to the City for review and approval for all developments affecting City right-of-way.

Said plans shall be prepared by a Professional Engineer registered in the State of Alabama and shall contain the following information:

(a) Topography map of proposed developed areas.

(b) Existing and proposed contours at sufficient intervals, usually 2 feet if not over 5%.

(c) Existing drainage system.

(d) Proposed drainage system, including onsite and offsite drainage areas.

(e) Structure location, type and size, and slope, cfs, inlet el., outlet el., velocity, headwater el., tail water el.

(f) Discharge quantities, pre runoff cfs, and post runoff cfs.

(g) Other pertinent information necessary for review of the drainage plans as may be required by the City.

(h) Erosion and sediment control plan.

Upon completion of the project, correspondence shall be submitted to the City of Saraland from the Design Engineer certifying all drainage facilities have been installed in accordance with approved plans. Inspection of the facilities shall be conducted by the Design Engineer.

18-11 CULVERTS

Culverts under arterial roadways shall normally accommodate a minimum of twenty-five (25) year frequency design storm. Conditions may dictate that one hundred (100) year design storms must be accommodated.

Design storm criteria will be used by the Design Engineer based on the site specific conditions that warrant life and property protection.

All types of culverts within the rights-of-way of public roads must be approved and shall conform to Alabama Department of Transportation standards.

18-12 BRIDGES

Bridges shall accommodate a minimum of a fifty (50) year frequency design storm. Conditions may dictate that of a one hundred (100) year frequency design storm.

18-13 OPEN CHANNELS AND DITCHES

Open channels and ditches shall be designed so as not to create a traffic hazard or create hazardous erosion.

The minimum flow line slope for paved ditches shall be 0.3% and shall be a maximum of one (1%) percent for unpaved ditches.

The recommended maximum flow velocities shall be in accordance with the ranges recommended in the latest edition of the Alabama Department of Transportation Hydraulics Manual.

Clean out accesses shall be provided at least every three hundred (300) feet for continuous pipes of twenty-four (24) inches in diameter or less and at least every four hundred (400)

feet for larger continuous pipes if required. Clean out accesses are also required at each angle point and at each change in grade.

18-14 STORM RUNOFF ESTIMATES

Basic design data and calculations shall be prepared, sealed and submitted by a professional engineer registered in the State of Alabama for the developer, owner, or contractor.

The method of determining storm runoff shall be based on acceptable engineering practice and standards.

18-15 SPECIAL CONSTRUCTION - CONCRETE BOX CULVERTS

Concrete box culverts shall be designed and constructed according to the latest edition of the Standards and Specifications for Road and Bridge construction, Alabama Department of Transportation.

18-16 HEAD WALLS AND RIPRAP

Culvert head walls shall be required on pipe culverts and shall be reinforced concrete.

Special types of head walls may be required by the City when deemed necessary for erosion control.

Riprap may be required at the upstream and downstream end of culverts and shall be placed at these locations based on the velocities at that location.

18-17 EROSION AND SEDIMENTATION CONTROL

The following provisions impose requirements on persons engaged in land disturbing activities which require planning and implementation of effective sedimentation controls for subdivision development and all other land disturbing projects.

18-18 CONSTRUCTION REQUIREMENTS -EROSION AND SEDIMENT CONTROL PLAN REQUIREMENT

An erosion and sediment control plan shall be required in all areas within the corporate limits or extraterritorial planning jurisdiction of the City of Saraland where appropriate.
Said plan shall be approved by the Building Department and/or Planning Commission and a Site Disturbance Permit shall be obtained prior to the commencement of any land-disturbing activity.

18-19 SUBMISSION AND REVIEW

Whenever there is an area to be disturbed, a copy of the plan shall be filed with the Building Department a minimum of thirty (30) days prior to beginning any land-disturbing activity. A copy of the plans shall also be on file at the job site.

If the City determines, either upon review of such plan or on inspection of the job site, that a significant risk of off-site sedimentation or erosion exists, a revised plan shall be prepared.

Pending the preparation of the revised plan, the work shall be suspended or continued under conditions outlined by the Building Department.

18-20 PLAN CONTENT

Erosion and sediment control plans shall contain architectural and engineering drawings, maps, assumptions, calculations, and narrative statements as needed to describe accurately the proposed development of the site and the measures planned to meet the Basic Control Objectives. Plan content may vary to meet the needs of the specific site conditions.

18-21 PROTECTION OF PROPERTY

Persons engaged in land-disturbing activities shall take all reasonable measures to protect all public and private property, including roadways, from damage by such activities.

18-22 BASIC CONTROL OBJECTIVES

The basic control objectives which should be considered in developing and implementing an erosion and sediment control plan are to:

(a) Identify Critical Areas:

On-site areas which are subject to severe erosion, and off-site areas which are especially vulnerable to damage from erosion and/or sedimentation, are to be identified and receive special attention.

(b) Limit Exposed Areas:

All land-disturbing activities should be planned and conducted to minimize the size of the area to be exposed at any one time.

(c) Limit Time of Exposure:

All land-disturbing activities should be planned and conducted to limit exposure to the shortest time.

(d) Surface Water Control:

Surface water runoff originating upgrade of exposed areas should be controlled to reduce erosion and sediment loss during the period of exposure.

(e) Sedimentation Control:

All land-disturbing activities should be planned and conducted so as to minimize off-site sediment damage.

(f) Manage Storm Water Runoff:

When the increase in the peak rates and velocity of storm water runoff resulting from a land-disturbing activity is sufficient to cause damaging accelerated erosion of the

receiving ditch or channel stream, plans are to include measures to control both the velocity and rate of an increase so as to minimize accelerated erosion and increased sediment deposition in the ditch or stream channel.

18-23 MANDATORY STANDARDS

No land-disturbing activity subject to these provisions and guidelines shall be undertaken except in accordance with the following requirements:

(a) No activity shall be permitted in proximity to a lake, natural watercourse, or adjacent property where applicable unless a buffer zone is provided along the boundary of sufficient width to confine visible siltation and/or prevent erosion, provided that the land-disturbing activity is not in connection with the construction of facilities to be located on, over, or under a lake, natural watercourse, or the adjacent property.

(b) The angle for graded slopes and fills shall be no greater than the angle which can be retained by vegetative cover or other adequate erosion control devices or structures.

(c) In any event, slopes left exposed shall within thirty (30) working days of completion of final grading be planted or otherwise provided with ground cover, devices, or structures sufficient to restrain erosion.

(d) Whenever land-disturbing activity is undertaken on a tract comprising more than one (1) acre, if more than one (1) contiguous acre is uncovered, a ground cover sufficient to restrain erosion must be planted or otherwise provided within thirty (30) working days on the portion of the tract upon which further active construction is not being undertaken, provided this activity shall not apply to cleared land forming the basin of a reservoir later to be inundated.

18-24 DESIGN AND PERFORMANCE STANDARDS

Erosion and sediment control measures, structures, and devices shall be planned, designed, and constructed as to provide control from the calculated peak rates of runoff from a ten-year frequency storm.
Runoff rates may be calculated using the procedures in the USDA, Soil Conservation Services "National Engineering Field Manual for Conservation Practices," or other acceptable calculation procedures. Runoff computations shall be based on rainfall data published by the National Weather Service for the area.

18-25 OTHER REQUIREMENTS

(a) <u>Permanent Downstream Protection of Stream Banks and Channels:</u>

Provision shall be made for the permanent protection of off-site stream banks and channels from the erosive effects of increased velocity and volume of storm water runoff resulting from certain land-disturbing activities.

A combination of storage and controlled release of storm water runoff shall be required for all highway construction, business, commercial, industrial, educational, institutional developments of one (1) acre or more, and all residential developments.

Detention, storage, and controlled release will not be required in those instances where the person planning to conduct the activity can demonstrate that the storm water release will not cause an increase in accelerated erosion or sedimentation of the receiving ditch, stream channel, overload downstream drainage ways, or other drainage facility, taking into consideration any anticipated development of the watershed in question.

(b) Borrow and Waste Areas:

When the person conducting the land-disturbing activity is also the person conducting the borrow or waste disposal activity, areas from which borrow is obtained shall be considered as part of the land-disturbing activity where the borrow material is being used or from which the waste material originated.

When the person conducting the land-disturbing activity is not the person obtaining the borrow and/or disposing of the waste, these areas shall be considered a separate land-disturbing activity.

(c) Access and Haul Roads:

Temporary access and haul roads, other than public roads, constructed or used in connection with any land-disturbing activity shall be considered a part of such activity.

(d) Operations in Lakes or Natural Watercourses:

Land-disturbing activity in connection with construction, in, on, over, under a lake, or natural watercourse shall be planned and conducted in such a manner as to minimize the extent and duration of disturbance of the stream channel.

The relocation of a stream, where relocation is an essential part of the proposed activity, shall be planned and executed so as to minimize changes in the stream flow characteristics, except when justification for significant alteration to flow characteristic is provided.

(e) Responsibility for Maintenance:

The person engaged in or conducting the land-disturbing activity shall be responsible for maintaining all temporary or permanent erosion and sediment control measures and facilities during the development of a site.

The responsibility for maintaining all permanent erosion and sediment control measures and facilities, after site development is completed, shall lie with the landowner, except for public drainage facilities.

18-26 GUIDELINES FOR EROSION AND SEDIMENT CONTROL PRACTICES

Persons engaged in planning, designing, installing and maintaining erosion and sediment control measures may use generally accepted references on the subject following standard

engineering and/or agricultural practices. All plans will be subject to review by the Building Inspector.

18-27 ADDITIONAL MEASURES

Whenever the Building Inspector determines that significant erosion or sedimentation is occurring as a result of a land-disturbing activity, despite application and maintenance of protective practices, the person conducting the land-disturbing activity, or the person responsible for maintenance will be required to take additional protective action.

18-28 STORM WATER DETENTION - GENERAL

Developments which produce an increase in the amount of storm water runoff will be required to construct storm water detention ponds or other approved types of detention devices.

The developer shall submit, detailed engineering plans to the City including historical runoff, developed runoff, detention pond details, method of discharge, and other information as required for review. The developer shall also include the method of maintenance for the detention pond after the development is complete.

18-29 MINIMUM REQUIREMENTS FOR STORM WATER DETENTION AND DESIGN CRITERIA

Among the consequences of growth and development, two are of great relevance to storm water management. Increased runoff created by the change of the nature and properties of the surface of the ground and velocity of discharge of this increased runoff.

The natural condition of the land before development is in relative balance with the natural capacity of the receiving streams. The undeveloped conditions provide greater permeability and longer time of concentration. By modification of the surface from the irregular, pervious, areas are changed to a more impervious and more effectively drained and in most cases denuded of vegetation.

It is the intent of this section to alert the developers to possible harmful effects from any land development project on properties downstream and provide a guideline for evaluation and control of the elements related to storm water which affects the welfare and safety of citizens of the City of Saraland.

In order to provide some control of these possible harmful elements of development and to reduce economic losses due to erosion and flooding, the criteria of differential runoff and storm water detention are hereby established. Post-development release rates shall not exceed pre-development rates. When feasible, the differential runoff should be less.

The terms of these design criteria shall become effective for all projects in the extraterritorial planning jurisdiction of the City of Saraland.

18-30 JURISDICTION

All projects which fall under the inspection, permitting, or extraterritorial planning

jurisdiction of the City, on items related to storm water management and site development within the corporate limits of the City, as well as, the incorporated areas and unincorporated areas of Mobile County.

18-31 LIABILITY

The design criteria establish minimum elements of design which must be implemented with good engineering and good workmanship.

Use of the information contained herein for placement of any structure or use of land, shall not constitute a representation, guarantee, or warranty of any kind by the City, its offices or employees, of the practicability, adequacy or safety and shall not create liability upon or cause action against any such public body, office, or employee for any damage that may result pursuant thereto.

18-32 ENGINEER'S SEAL

All plans and specifications submitted for review and/or approval shall be prepared by, or under the direct supervision of a registered professional engineer, licensed in the State of Alabama, and shall meet the minimum standards and requirements of the City and other applicable authorities.

Each of the plan, profile and special drawing sheets for a project shall bear a legible stamp of the Professional Engineer in charge.

If the name or license number is not clear, the signature and number shall be added. It is imperative that the professional design engineer be qualified in the area of drainage per the State of Alabama registration laws.

18-33 PRE-DESIGN CONFERENCE

The developer and the consulting engineer are encouraged to contact the City for a pre-design conference at the conceptual stage of the project. Such conference would be mutually beneficial to outline the complexity and scope of design, applicability of criteria and elimination of possible items of conflict during the review process. Subsequent conferences, during the preparation of plans may be arranged by the consulting engineer or the developer to obtain preliminary, informal decisions on items in need of clarification.

18-34 LETTER TRANSMITTAL

In order to facilitate review of plans, all projects shall be submitted with a letter of transmittal which shall include the name of the project, name and address of the owner and/or developer, telephone number of the engineer, and clarification as to the purpose of submittal.

18-35 DIFFERENTIAL RUNOFF

The difference in rate and volume of storm water runoff from a parcel or project in its undeveloped natural condition and its developed condition is known as the differential runoff.

18-36 DEVELOPMENTS AFFECTED

Detention requirements are directly related to permitted land use where it exists. The permitted densities and minimum lot areas are important factors in the anticipated runoff.

Projects of small acreage may be required to provide detention if conditions in the receiving system are inadequate or harmful effects can be anticipated if detention is not implemented.

18-37 PHASING AND PLATTING

The effective acreage for a project is not limited to a fractional part of the total concept, rather if a project is developed in phases of small plats, the total acreage of the conceptual project shall be considered.

18-38 METHOD OF EVALUATION

Differential runoff evaluation consists of the determination of the rate of runoff before and after development, determination of required volume of detention and verification of adequacy of discharge and control structures.

Design should be based on a minimum of a twenty-five (25) year storm or a twenty-four (24) hour event. This shall be based on sound engineering criteria and computations shall be submitted to the City for review.

18-39 METHOD OF DETENTION:

The following conditions and limitations should be observed in selection and use of method of detention:

(a) General Location:

(1) Detention facilities shall be located within the parcel limits of the project under consideration.

(2) No detention or ponding will be permitted within public road rights-of-way.

(3) Location of detention facilities immediately upstream or downstream of the project will be considered by special request if proper documentation is submitted with reference to practicality, feasibility and proof of ownership or right-of-use of the area proposed.

18-40 COMMON GROUND PROJECTS

It is preferred that detention facilities be always located in common ground.

Projects developed under these procedures shall establish, in the recorded plat, maintenance and access easements for the detention facilities and include provisions for maintenance in the Trust Indentures.

The entire reservoir area of the open channel shall be seeded, fertilized, mulched, sodded,

paved, or lined prior to final plat approval by the City.

The hydraulic elevations resulting from channel detention shall not adversely affect adjoining properties.

18-41 PERMANENT LAKES

Permanent lakes with fluctuating volume controls may be used as detention areas provided that the limits of maximum ponding elevations are no closer than thirty (30) feet horizontally from any building and less than two (2) feet below the lowest sill elevation of any building.

Maximum side slopes for the fluctuating area of permanent lakes shall be one (1) foot vertical to three (3) feet horizontal (3:1) unless proper provisions are included for safety, stability and ease of maintenance.

Maximum fluctuation from permanent pool elevation to maximum ponding elevation shall be three (3) feet, with a greater depth subject to approval.

Special consideration is suggested to safety and accessibility for small children in design of permanent lakes in residential areas and fencing may be required.

Viability of the permanent impoundment pool no greater than one-tenth the size of the tributary drainage area. It is suggested that the maximum depth of twenty-five percent (25%) of the permanent pool area be no greater than six (6) feet. Allowances for silting under denuded soil conditions, during construction, for a period not less than one (1) year is also recommended.

The entire fluctuating area of the permanent reservoir shall be seeded, fertilized and mulched, sodded or paved prior to release of surety if required by the City. Any area susceptible to or designed as overflow by higher design intensity rainfall, as indicated previously, shall be sodded or paved.

18-42 PARKING LOTS

Detention is permitted in parking lots to maximum depth of eight (8) inches. In no case should the maximum limits of ponding be designed closer than ten (10) feet from a building unless water proof of the building and pedestrian accessibility is properly documented.

The minimum freeboard from the maximum ponding elevation to the lowest sill elevation shall be one (1) foot.

18-43 OTHER METHODS

Other methods of detention such as seepage pits, french drains, etc. are discouraged. If other methods are proposed, proper documentation of soils data, percolation, geological features, will be needed for review and consideration.

18-44 VERIFICATION OF ADEQUACY

Analysis of all elements of design is always performed by the registered professional

engineer. The following outline is provided to ascertain that certain critical elements of design are in workable compliance with the aims of design:

(a) Volume of retention for the total project
(b) Tributary (Q) peak runoff to basin
(c) Balanced maximum outflow rate from the low-flow structure
(d) Ratios of inflow to outflow
(e) Sizing of the overflow facilities
(f) Stability of dikes
(g) Safety features
(h) Maintenance features

For projects up to two hundred (200) acres, routing calculations shall be submitted in legible tabulated form with documented verification of adequacy according to scope and complexity of design. Proof of adequacy of volume of retention and sizing computations for low-flow structures shall also be submitted. Features of stability and safety may also need to be documented if the scope of the project requires special attention in this area of design.

18-45 CONTROL STRUCTURES

Detention facilities shall be provided with obvious and effective control structures. Plan view and sections of the structure with adequate detail shall be included in plans.

Sizing the low-flow pipe shall be by inlet control or hydraulic gradient requirements.

Low-flow pipes shall not be smaller than eight (8) inches in diameter to minimize maintenance and operating problems, except in parking lot and roof retention where minimum size of opening shall be designed specifically for each condition.

The overflow opening or spillway shall be designed to accept the total peak runoff of the improved tributary area.

Proper engineering judgment shall be exercised in analysis of secondary routing of discharge of greater intensity than the basic design storm in order to avoid economic losses or damage downstream. Review with twenty-five (25) and fifty (50) year frequency or greater is recommended.

18-46 DISCHARGE SYSTEMS

Sizing of the system below the control structure shall be for the total improved peak runoff tributary to the structure with no allowance for detention.

When existing downstream pipe sizing, outside the developers control jurisdiction, is inadequate, an evaluation for under sizing of pipes may be undertaken by the City upon receipt of written request from the engineer specifying the run or runs desired to be undersized.

Requests for under sizing shall be accompanied by plans and profiles of the entire undersized system downstream if less than five hundred (500) feet in length or a minimum of five

hundred (500) feet.

When hydraulic gradients of the proposed undersize system affect the performance or capacity of structures maintained by the City, no under sizing will be allowed.

18-47 EASEMENTS

Two (2) types of easements shall be provided in plans for detention facilities.

18-48 MAINTENANCE EASEMENT

All detention reservoirs with the exception of parking lot and roof detention shall be enclosed by a maintenance easement. The limits of the easement shall extend ten (10) feet beyond the top elevation of the reservoir.

When a detention reservoir is adjacent to a public right-of-way, the limits of the easement shall extend twenty-five (25) feet beyond the elevation of the reservoir on the public right-of-way side.

18-49 DRAINAGE EASEMENTS

A minimum fifteen (15) feet wide drainage easement shall be provided within the reservoir area connecting the tributary pipes and the discharge system along the best possible routing of a piping system for possible future elimination of detention.

18-50 MAINTENANCE OF DETENTION FACILITIES

Detention facilities are to be built in conjunction with the storm sewer installation and/or grading. Since these facilities are intended to control increased runoff, they must be partially or fully operational soon after the clearing of the vegetation.

Silt and debris connected with early construction shall be removed periodically from the detention area and control structure in order to maintain full storage capacity.

The responsibility for maintenance of the detention facilities in subdivision projects shall remain with the developer until such time the maintenance responsibility is vested in the Trustees of the subdivision. These maintenance requirements do not imply that any drainage structures or systems are or will become the maintenance responsibility of the City. A letter from the owner/developer indicating responsibility for maintenance of all drainage structures or systems shall be submitted and shall become part of the official record which shall run with the land.

When storm water detention storage is included in subdivision plans owner must provide the City of Saraland with a plan for the maintenance of the detention facility. Said plan shall set forth the maintenance requirements of the facility and the party responsible for performing the maintenance. No responsibility for repairs or maintenance is assumed by the City of Saraland.

SECTION G
LANDSCAPE PROVISIONS

ARTICLE XIX

LANDSCAPE AND TREE PROTECTION

19-1 PURPOSE

The intent of this Article is to establish minimum standards for the provision, installation, and maintenance of landscape plantings and tree preservation in order to achieve a healthy, beautiful, and safe community by the following means:

- Aesthetics:

  Improve the appearance of all areas through the incorporation of open space into development in ways that harmonize, enhance, and build the natural environment.

- Environmental Quality:

  Improve environmental quality by recognizing the numerous beneficial effects of landscaping and tree preservation upon the environment.

- Land Values:

  Maintain and increase the value of land by requiring landscaping and tree preservation to be incorporated into development thus becoming itself a valuable capital asset.

- Human Values:

  Provide direct and important physical and psychological benefits to human being through the use of landscaping and tree preservation to reduce noise and glare, to break up the monotony, and soften the harsher aspects of urban development.

- Preservation of Vegetation:

  Preserve existing natural vegetation and the incorporation of native plants, plant communities and ecosystems into landscape design, where possible.

- Improved Design:

  Promote innovative and cost conscious approaches to the design, installation, and maintenance of landscaping, encouraging existing tree preservation, and water and energy conservation.

- Improved Administration and Enforcement:

  Establish procedures and standards for the administration and enforcement of this Article.

19-2 DEFINITIONS

- Caliper — Diameter of a tree trunk. Caliper determines the minimum size of trees planted to fulfill this ordinance. For trees less than four (4) inches in diameter to be measured six (6) inches above the ground. For trees from four (4) to twelve (12) inches in diameter to be measured twelve (12) inches above the ground.

- D.B.H. — Diameter at Breast Height. Used to measure all existing trees four and a half (4 ½) feet above the grade with a diameter greater than twelve (12) inches.

- Landscape Plan — A component of a development plan on which is shown: proposed landscape species, such as number, spacing, size at time of planting, and planting details; proposals for protection of existing vegetation during and after construction; proposed treatment of hard and soft surfaces; proposed decorative features; grade changes; buffers and screening devices; and any other information that can reasonably be required in order for an informed decision to be made by the approving authority.

- Overstory Tree — Trees which, at maturity, comprise the canopy of a natural forest. Generally greater than fifty (50) feet at mature height.

  Overstory trees shall not be allowed to be located under or within forty (40) feet of an overhead power line. (See Understory Tree).

- Public/City Tree — Any tree located on City or public property including City right-of-way.

- Significant Tree — Any tree that has aged and grown to an impressive stature, for its species, to be considered an integral part of the City's natural heritage.

- Site Plan — The development plan for one or more lots on which is shown the existing and proposed conditions of the lot including topography, vegetation, drainage, flood plains, wetlands, and waterways; landscaping and open spaces; irrigation; walkways; means of ingress and egress; circulation; utility services; structures and buildings; signs and lighting; berms, buffers and screening devices; surrounding development; and any other information that reasonably may be required in order that an informed decision can be made by the approving authority.

- Understory Tree — Trees which, at maturity, comprise the sub-canopy of a natural forest. These are generally under fifty (50) feet at a mature

height.

A suggested list of understory trees is as follows:

Japanese Maple, Redbud, Fringe Tree, Crape Myrtle, Oriental Magnolia, Vitex, Sweet Bay Magnolia, American Holly, Loquat, Cherry Laurel, Japanese Evergreen Oak, East Palatka Holly, or Savannah Holly.

19-3 APPLICABILITY AND USE

(a) Applicability:

The provisions of this Article shall be required for all residential projects involving the construction of two (2) or more dwelling units including apartments, town homes, condominiums, planned unit developments, subdivisions, business, commercial, and industrial structures, all existing structures which increases the gross floor area by thirty (30) percent or more, and other uses as required by the Planning Commission. A golf course which was in existence prior to the enactment of this Ordinance is hereby exempt from the provisions of this Article.

(b) Use or Ownership Provision:

Where a change in: (a) use of property, (b)occupancy, or (c) ownership regardless of name change to any business, commercial, or industrial development, it shall be the responsibility of the owner to comply with the provisions of this Article within one hundred and eighty (180) days from the date in which the change occurs.

19-4 LANDSCAPE STANDARDS

(a) Site Plan Review:

A site plan shall not be approved by the Planning Commission without an acceptable landscape and irrigation plan, as the same is defined pursuant to the provisions of this Article.

(b) Subdivision Review:
(Ord. 990, 11-13-14)

A subdivision shall not be approved by the Planning Commission without an acceptable landscape and irrigation plan, as the same is defined pursuant to the provisions of this Article.

All subdivisions shall require a landscape plan for the common areas of the subdivision: the entrance, common use areas, detention pond, and other areas which are deemed appropriate by the Planning Commission.

A tree survey shall not be required for a development located within an M-2 General Industrial District.

(c) Revisions to Landscape Plan:

If proposed construction shall cause changes in the landscape or irrigation plan, a revised plan shall be submitted to the Building Inspector for re-evaluation.

(d) Issuance of Site Disturbance Permit:

A landscape and irrigation plan shall be submitted with the recommendation of the Building Inspector and approved by the Planning Commission prior to the issuance of a Site Disturbance Permit.

(e) Compliance with Landscape Provisions:

All subject properties, as well as, those owned by the City of Saraland shall comply with the provisions of this Article.

(f) Certification and Plan Requirements:

Landscape plans shall be drawn and stamped by a licensed landscape architect. The landscape plan shall be of professional quality and include the following:

(1) Date, scale, north arrow, title, and names and contact information for property owner(s), developer, and the landscape architect.

(2) Location of existing boundary line dimensions of the building site, existing water sources, significant drainage features, existing and proposed streets or alleys, existing or proposed utility easements on or adjacent to the building site, rights-of-way, setbacks, locations of proposed parking spaces, and location of existing and/or proposed sidewalks.

(3) The locations, species, and D.B.H., diameter at breast height, of existing significant trees indicating those to be retained and those to be removed along with written justification for the removal of any significant trees.

(4) The location(s) and dimension(s) of the proposed landscaped areas within the parking area(s) including a description of new trees and plant materials to be placed within landscaped area(s). Both common and botanical names shall be included.

(5) An indication, using written or graphic information, of how the applicant plans to provide protection from damage, during construction, any existing trees and other vegetation which are proposed to be retained.

(6) An indication, using written or graphic information, of how the applicant intends to protect tree roots by controlling erosion or sediment loss during construction.

(7) Locations, type, and design of the proposed irrigation system.

(8) Location and species of buffer zone vegetation.

(9) A tree survey shall be made of the subject property and show all understory tree with an eight (8) inch or greater caliper or an overstory with a twelve (12) inch or greater caliper. This information shall be plotted on a 24" x 36" vellum drawing at the same scale as the plan. The drawing is to be used as an overlay to determine which trees will be retained and/or removed.

The landscape plan shall clearly show what existing trees, shrubbery, and other vegetation will be retained, as well as, what trees, shrubbery, and other vegetation shall be added to complete the final landscaping of the property.

19-5 PROTECTION OF SIGNIFICANT TREES

An overstory tree species is considered protected as a significant heritage tree if it has a twelve (12) inch or greater caliper. Likewise, an understory tree species is considered protected if it has an eight (8) inch or greater caliper.

Significant trees are hereby protected under this Article and cannot be cut or intentionally harmed without the expressed written permission of the City of Saraland Building Inspector.

19-6 TREE PROTECTION ZONE --- RESERVED

19-7 TREE REMOVAL AND PERMIT PROCEDURES

(a) Tree Removal:

Tree removal will be at the property owner's expense except for:

1) Trees in the City right-of-way which are diseased, injured, in danger of falling close to existing structures, create unsafe vision clearance, the removal of which shall be funded by the City; or 2) trees beneath utility lines which threaten to damage utility lines, of which the removal is the responsibility of the utility company.

(b) Tree Removal Permit:

Any person wishing to remove or relocate a significant tree, a tree located within the tree protection zone, any under story tree with an eight (8) inch or greater caliper, or an over story with a twelve (12) inch or greater caliper shall submit a written application on the prescribed documents of the City of Saraland Building Inspector accompanied by a site plan. The following criteria must be established in order for the permit to be issued:

(1) The tree shall be located in an area where a structure or improvement is to be placed in accordance with the proposed plan.

(2) The tree shall be diseased, injured, in danger of falling too close to an existing or proposed structure, interferes with existing utility service, creates an unsafe vision clearance, or conflicts with other Ordinances, Articles, or Regulations.

(3) The tree shall be prior to or after construction in violation of federal, state, local laws, or regulations including but not limited to laws and regulations pertaining to government programs for the financing of the construction.

(4) No under story trees greater than eight (8) inches in diameter or greater caliper or an over story with a twelve (12) inch or greater caliper shall be removed unless it can be shown that the tree is a safety hazard to pedestrians, property or vehicular traffic, is diseased or weakened by age, storm, fire or other injury, or it is absolutely necessary to construct the proposed improvements without incurring significant additional construction costs, or it is necessary for the installation of solar energy equipment.

(5) A permit may be denied if the tree is considered to have aged or grown to an impressive stature for its species or it is considered an integral part of the natural heritage the City of Saraland Building Inspector determines there is a reasonable alternative other than the removal of the tree.

19-8 REPLACEMENT TREES

In such case as outlined in Section 19-7 of this Article, the developer shall be required to plant two (2) replacement trees for each tree removed. The trees shall be shade or flowering trees and shall be at least two and one half (2 ½) inches or greater in caliper and ten (10) feet in height at planting. The landscape plan shall show the placement and species of the proper number of required new trees. The plan shall include complete, concise and clear renderings, and any other documentation as required by the Building Inspector and/or the Planning Commission.

(a) Planting Requirements:

Trees planted in accordance with this Article shall meet the following criteria:

(1) A minimum of four (4) different species shall be planted on each site. Three (3) species shall be over story (large) trees and one (1) species shall be an under story (medium) tree in order to promote species richness.

(2) Large (over story) trees must have at least two and one half (2 ½) inches or greater in caliper and ten (10) feet in height at planting.

(3) Medium (under story) trees must have at least two (2) inches in caliper and eight (8) feet in height at planting.

(4) Multi-stemmed under story trees must be a minimum of eight (8) feet in height and must have at least three (3) stems; each with a minimum caliper of three-fourths (3/4) inches.

(5) Shrubs pruned into tree form variations shall not be credited toward tree planting requirements. These include, but are not limited to the following: Ligustrum, Indian Hawthorn, Tree Yaupon, and Camellia.

(6) On site relocated trees may be credited toward these requirements.

(7) It is recommended that trees be obtained from a licensed source.

19-9 GREEN BELT ZONE

All developments along U.S. Highway **43** shall maintain a minimum of ten (10) feet of the required fifty (50) foot setback as a landscaped green belt along the entire front width of the property, except where curb cuts provide ingress and egress.

If any of the fifty (50) foot front setback is used for parking, said green belt shall be in addition to the landscape requirements for parking areas as more specifically defined in Section 19-11 of this Article. Said green belt shall be planted with trees, shrubs, grass, or other ground cover so as to create an attractive appearance representative of the developer's approved landscape plan.

The trees shall be shade or flowering trees and shall be at least two and one half (2 ½) inches or greater in caliper and ten (10) feet in height at planting. There shall be a minimum of one (1) tree planted for every twenty-five (25) feet or fraction thereof of lot frontage, fifty (50%) percent of which shall be shade trees having a maximum crown of seventy (70) feet, except under or within forty (40) feet of an overhead power line. (See Definitions, Section 19-2, under story Tree).

19-10 BUFFER ZONE REQUIREMENTS

Where a business district abuts any part of a residential district, a buffer zone ten (10) feet wide shall be required; where an industrial district abuts any part of a residential or business zone, a buffer zone of twenty (20) feet shall be required.

The buffer shall run the entire length of the abutting lot line(s). Under no circumstances shall this buffer impair vehicular flow and shall be part of the yard requirements. Said protection buffer shall be maintained in such a manner to accomplish its purpose continuously. Zoning districts shall comply with the following minimum standards and said buffer zone shall be constructed of at least one of the following three (3) designs or a combination thereof as determined by the Building Inspector and approved by the Planning Commission:

(a) <u>Wall or Fence:</u>

If a wall or fence of solid appearance is provided as a protection buffer, it shall be at least six (6) feet in height and of a construction and a design approved by the Planning Commission.

(b) <u>Screen Planting Strip:</u>

A staggered double row of Evergreen plantings at least ten (10) feet in width which will grow to at least ten (10) feet in height and spaced in a manner in which after three years it will provide an impervious visual barrier.

(c) <u>Natural Forest:</u>

Natural, undisturbed forest which provides a nearly impervious visual barrier due to the dense nature of the plants and/or trees. If this option is chosen, the width of the buffer zone shall be twenty-five (25) feet and shall be shown on the landscape plan. The Building Inspector shall determine whether the barrier is satisfactory via site inspection prior to approval.

19-11 OFF-STREET PARKING FACILITIES

The design and appearance of parking areas are intended to be compatible with the character of the community. Toward this objective, the following landscaping standards shall be observed in the construction of off-street parking areas which accommodate six (6) or more parking spaces:

(a) Landscaped areas and perimeter areas shall be so graded as to receive a reasonable portion of the rainfall from the surrounding pavement. Protective curbing around landscaped areas will leave openings for the flow of water onto unpaved areas.

(b) At least fifteen percent (15%) of the total interior area intended for off-street parking shall be suitably landscaped.

(c) Interior portions of the parking area at intervals of twelve (12) parking spaces shall be broken by provision of landscaped islands. Such landscape islands shall include the placement of shade or flowering trees at least two and one half (2 ½) inches or greater in caliper and ten (10) feet in height at planting.

(d) Each separate landscaped area must be a minimum of ninety (90) square feet if it is to be counted toward the minimum landscaped area requirements.

(e) Landscaped areas shall be protected from vehicular encroachment by the use of curbing or wheel stops.

(f) The owner, tenant and/or agent, if any, shall be jointly and severally responsible for watering and maintaining all landscaping in a healthy, neat and orderly condition, replacing it when necessary, and keeping it free of refuse and debris.

(g) A minimum of five (5) feet side and rear landscaping may be required in the landscape plan depending on the topography and arrangement of parking facilities.

If required, such areas shall be planted with a combination of trees, shrubs, and grass or other ground cover adequate to break the expanse of contiguous parking areas and to present an attractive appearance as determined by the Building inspector.

(h) Adjacent property owners may jointly agree on the establishment of a common landscaped area between their properties that meets the requirements of this Article; provided that such agreement and the planting and maintenance of the common area shall be binding upon both parties, his successors in interest, heirs, and assigns.

(i) Innovative landscape designs using “natural cluster of trees” rather than the required one (1) tree at intervals of twelve (12) parking spaces may be approved by the

Planning Commission if it is determined that the design is compatible with the character of the community and is shown not to be a safety hazard.

19-12 SPECIAL DESIGNS

More stringent design and landscape standards may be required in any district if it is determined the design would be more compatible with the development and more beneficial to the aesthetics of the City.

19-13 SUPERVISION

The landscape architect shall be responsible for the supervision of all plantings. Upon completion, the landscape architect shall certify in writing to the City that the submitted, approved landscape plan has been implemented and is in compliance with the provisions of this Article.

19-14 CERTIFICATE OF OCCUPANCY

A certificate of occupancy shall not be issued until the submitted, approved landscape plan has been implemented or a bond has been posted. Said bond shall be in an amount equal to one hundred and fifty percent (150%) of the total of the landscape cost which shall be certified by a professional landscape architect.

19-15 MAINTENANCE

Maintenance of new plantings is the responsibility of the property owner. Any vegetation or trees planted or retained to fulfill this which dies, becomes damaged, or diseased must be replaced by the property owner by the beginning of the optimum planting season of the following year. The property owner must notify the City of Saraland Horticulturist in writing when the replacement tree(s) and vegetation has been planted.

19-16 PENALTIES

The Code Enforcement Officer of the City of Saraland shall serve the owner of said property, each person, firm or corporation engaged in the activities regulated hereunder in which the activities are being conducted in violation of any provision of this Article. The person(s) shall be fined upon conviction, not less than twenty-five dollars ($25.00) nor more than five hundred dollars ($500.00) and costs of the court for each offense.

SECTION H
RESERVED

SECTION I
ZONING PROVISIONS

ARTICLE XXI

ESTABLISHMENT OF THE BOARD OF ZONING ADJUSTMENT

21-1 AUTHORITY

The Board of Zoning Adjustment is hereby established and the following rules are set forth to govern its operation:

(a) Membership:

The Board shall consist of five (5) members and two (2) alternates appointed by the City Council for overlapping terms of three (3) years.

(b) Initial Appointment:

The initial appointment shall be as follows: two (2) members for one (1) year; two (2) members for two (2) years; and, one (1) member for three (3) years.

(c) Vacancies:

Any vacancy in the membership shall be filled for the unexpired term in the same manner as the initial appointment. Members shall be removed for cause by the City Council upon written charges and after public hearing thereon.

(d) Public Offices Held:

No members shall hold any other public office or position; with the exception that one (1) of the Board members may also be a member of the Planning Commission.

(e) Rules of Procedure:

The Board shall observe the following procedures:

(1) Shall adopt rules in accordance with the provisions of this Ordinance for the conduct of its affairs.

(2) Shall elect one of its members, other than a member of the Planning Commission, as Chairman, who shall serve for one (1) year or until he is re-elected or his successor is elected. Said Board will appoint a Recording Secretary.

(3) Said meetings of said Board shall be held at the call of the Chairman and at such other times as said Board may determine.

The Chairman, or in his absence, the acting Chairman, may administer oaths and compel the attendance of witnesses by subpoena.

(4) All meetings shall be open to the public.

(5) Said Board shall keep minutes of its proceedings, show the vote of each member upon questions, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the Office of the City Clerk and shall become public record.

(f) Duties and Powers:

The Board shall have the following duties and powers:

(1) Administrative Appeal:

To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the Zoning Enforcement Officer**,** Building Official or other administrative official, involved in the enforcement of this Ordinance.

(2) Special Exceptions:

To hear and decide special exceptions to the terms upon which said Board is required to pass under this Ordinance.

(3) Variances:

To authorize upon appeal in specific cases such variance from the terms of this Ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this Ordinance will, in an individual case, result in unnecessary hardship, so that the spirit of this Ordinance shall be observed, public safety and welfare secured, and substantial justice served. Such variance may be granted in such individual case of unnecessary hardship upon a finding by the Board that:

(a) There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography.

(b) The application of this Ordinance to this particular piece of property would create an unnecessary hardship.

(c) Such conditions are peculiar to the particular piece of property involved.

(d) Relief, if granted, would not cause substantial detriment to the public good or impair the purpose and intent of this Ordinance; provided, however, that no variance may be granted for a use of land or building or structure that is prohibited by this Ordinance.

(e) Relief, if granted, would not work an unreasonable hardship, hazard or inconvenience to adjacent property owners.

(g) Use Variance Not Permitted:

The Board shall not be authorized to approve a use not permitted in a zoning district for which the provision is not otherwise provided herein.

21-2 PROCEDURE

Persons requesting a hearing before the Board of Zoning Adjustment for an administrative review, special exception, or a variance shall observe the following procedures:

(a) An application on the prescribed form shall be filed with the Planning Department by said owner of the subject property by the first Tuesday of the month for presentation at the next regular meeting, held on the first Tuesday of the subsequent month. The application shall include all the specified pertinent data including an explanation of the grounds on which the appeal is being made. (Ord. 804, 9-23-10)

(b) An application shall be accompanied by an acceptable site plan.

(c) The Board shall hear the appeal within thirty (30) days after its receipt. Public notice of the hearing shall be published in full for one (1) insertion and an additional insertion of a synopsis of the proposed hearing request one (1)week after the first insertion in a newspaper of general circulation published in the municipality, the first insertion shall be at least fifteen (15) days prior to the said public hearing; or, if no newspaper is published in the municipality, then said notice shall be posted in four (4) conspicuous places within the municipality at least fifteen (15) days prior to the said public hearing. Due notice shall be given to the parties in interest of the date, time, and place of said hearing.

(d) The Board shall render a decision on any appeal or other matters before it within forty-five (45) days from the date of the public hearing.

(e) An appeal stays all legal proceedings in furtherance of the action appealed from, unless the Building Inspector certifies to the Board after the notice of appeal shall have been filed with him, by reason of facts stated in the certificate a stay would, in his opinion, cause an 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 said Board or a court of record on application, on notice to the official from whom the appeal is taken and on due cause shown.

(f) In exercising the powers granted the Board of Zoning Adjustment, said Board may, in conformity with the provisions of this Ordinance, reverse or affirm, wholly or in part, or may modify the order, requirements, decisions, or determination of the Building Inspector.

21-3 LIMITATION, WITHDRAWAL, CITIZEN APPEALS

(a) A property owner, or his appointed agent, shall not initiate action for a hearing before the Board relating to the same parcel of land more often than once every twelve (12) months on the same variance.

(b) Any petition for a hearing before the Board may be withdrawn prior to action thereon by the Board at the discretion of the person initiating such a request upon written notice to the Recording Secretary of the Board.

(c) Any person or persons severally or jointly aggrieved by any decision of the Board may make, within fifteen (15) days thereafter, appeal to the circuit court or the like jurisdiction, by filing with such Board a written notice of appeal specifying the judgment or decision from which appeal is taken.

21-4 FEES

An appeal to the Board of Zoning Adjustment for administrative review, special exception, variance. In addition, the actual costs for legal advertisements of the request and notifications to parties in interest shall be accompanied by the appropriate fee as more specifically enumerated in Article XXXIV, entitled the Schedule of Fees.

Fees paid for appeals to the Board of Zoning Adjustment Section 21-1, Subsection (f), (1), Administrative Review, after the Board has acted on an appeal may be returned to the appellant by resolution of the City Council, if the Board has ruled in favor of the appellant, and it is deemed appropriate to do so.

ARTICLE XXII

ZONING AMENDMENT

22-1 PROCEDURE

The City Council may, from time to time, after examination, review and public hearing thereon, amend, supplement or change the regulations and zoning districts herein or subsequently established, proposals for zoning amendments, whether initiated by the City Council, the Planning Commission, or any person, firm, or a corporation, shall be treated in accordance with the following procedure:

(a) An application on the prescribed form shall be submitted in writing to the Building Inspector thirty (30) days prior to the regularly scheduled meeting and must be accompanied by a complete site plan of the proposed use, an adjacent property owners list, warranty deed (proof of ownership), legal description of subject property, current survey, and a map of the subject property. Such site plan shall include the existing land use and zoning of the adjacent and surrounding properties.

(b) The application shall be reviewed by the Planning Commission at its next regular meeting and said Commission shall have thirty (30) days from said regular meeting within which to submit a recommendation to the City Council. If the Commission fails to submit a recommendation to the City Council within the thirty (30) day period, it shall be deemed to have approved the proposed amendment.

(c) Before the enactment of any amendment to this Ordinance, a public hearing thereon shall be held by the City Council with proper notice as required by law.

(d) Said notice shall be published in full for one (1) insertion and an additional insertion Of a synopsis of the proposed amendment one (1) week after the first insertion in a newspaper of general circulation published in the municipality, both insertions shall be at least fifteen (15) days prior to the said public hearing; or, if no newspaper is published in the municipality, then said notice shall be posted in four (4) conspicuous places within the municipality at least fifteen (15) days prior to the said public hearing. Due notice shall also be given to the parties in interest of the date, time and place of said hearing.

(e) Said public hearing shall be held at the earliest possible time to consider the proposed zoning amendment, and the City Council shall take action on said proposed zoning amendment within forty-five (45) days from the date of the public hearing, except in the case where the action of the City Council is not in accordance with the Planning Commission's certified recommendation.

(f) In such case, the City Council shall not make any change or departure from the text or maps, as recommended and certified by the Planning Commission, unless such change or departure is first resubmitted to the Commission for an additional review and further recommendation.

The Planning Commission shall have thirty (30) days to resubmit its recommendation to the City Council.

(g) Any petition for zoning amendment may be withdrawn prior to action thereon by the Planning Commission or City Council at the discretion of the owner, authorized representative, firm, or corporation initiating such a request upon written notice to the City Clerk.

(h) A property owner, or his authorized representative, shall not initiate action for a zoning amendment affecting the same parcel of land more often than once every twelve (12) months from the date of the action taken by the City Council. The initiation date shall be at such time consideration is given by the Planning Commission.

22-2 REVERSIONARY CLAUSE

Any parcel or parcels of land rezoned to another zoning classification under the amendment authority of this Ordinance shall revert back to the prior zoning classification after one (1) year from the date of approval if said land is not being used for the permitted use for which it was rezoned. An extension of such time may be granted by the City Council upon written request by the applicant and recommendation of the Planning Commission.

22-3 FEES

An application submitted to the Planning Commission for a zoning amendment shall be accompanied by the appropriate fee as more specifically enumerated in Article XXXIV, entitled the Schedule of Fees.

ARTICLE XXIII

ANNEXATION

23-1 PROCEDURE

The City Council may, from time to time, after examination, review and public hearing thereon, amend, supplement or change the regulations and zoning districts herein or subsequently established, proposals for annexation, whether initiated by the City Council, the Planning Commission, or any person, firm, or a corporation, shall be treated in accordance with the following procedure:

(a) An application on the prescribed form shall be submitted in writing to the City Clerk thirty (30) days prior to the regularly scheduled meeting of the Planning Commission and must be accompanied by an adjacent property owners list, warranty deed (proof of ownership), legal description of subject property, current survey, and a map of the subject property.

(b) The application shall be reviewed by the Planning Commission at its next regular meeting and said Commission shall have thirty (30) days from said regular meeting within which to submit a recommendation to the City Council. If the Commission fails to submit a recommendation to the City Council within the thirty (30) day period, it shall be deemed to have approved the proposed amendment.

(c) Before enacting any amendment to this Ordinance, a public hearing thereon shall be held by the City Council with proper notice as required by law.

(d) Said notice shall be published in full for one (1) insertion and an additional insertion of a synopsis of the proposed amendment one (1) week after the first insertion in a newspaper of general circulation published in the municipality, both insertions shall be at least fifteen (15) days prior to the said public hearing; or, if no newspaper is published in the municipality, then said notice shall be posted in four (4) conspicuous places within the municipality at least fifteen (15) days prior to the said public hearing. Due notice shall also be given to the parties in interest of the date, time, and place of said hearing.

(e) Said public hearing shall be held at the earliest possible time to consider the proposed annexation, and the Council shall take action on said proposed annexation within forty-five (45) days from the date of the public hearing except in the case where the tentative action is not in accordance with the Planning Commission's certified recommendation.

(f) In such case, the Council shall not make any change in or departure from the text or maps, as recommended and certified by the Planning Commission, unless such change or departure can be first resubmitted to the Commission for an additional review and recommendation. The Commission shall have thirty (30) days to resubmit its recommendation.

(g) Any petition for annexation may be withdrawn prior to action thereon by the Planning Commission or City Council at the discretion of the owner, authorized

representative, firm, or corporation initiating such a request upon written notice to the City Clerk.

23-2 PROCEDURE FOR ZONING NEWLY ANNEXED LAND

Any unzoned land annexed to the City of Saraland hereafter shall automatically be classified as an R-1, Low Density Single Family Residential, district. The City Council may consider, after due process of publication and hearing as required by law, specific applications to zone newly annexed land into one or more existing or proposed new zoning classifications recommended by the Planning Commission.

23-3 FEES

An application to the Planning Commission for annexation shall be accompanied by the appropriate fee as more specifically enumerated in Article XXXIV titled the Schedule of Fees.

ARTICLE XXIV

VACATION OF EASEMENT AND/OR RIGHT-OF-WAY

24-1 PROCEDURE

(Ord. 985, 10-23-14)

The City Council may, from time to time, after examination and review thereon, amend, supplement, or change the subdivision requirements in regard to easements and right-of-ways provided herein or subsequently established, whether initiated by the City, or any person, firm, or a corporation. Said amendment, supplementation or change shall be treated in accordance with the following procedure:

(a) A full and complete application on the prescribed form shall be submitted in writing to the Planning Department prior to the agenda being finalized for any scheduled meeting of the Planning Commission and must be accompanied an adjacent property owners list, warranty deed (proof of ownership), legal description of subject property, current survey, and a map of the subject property. If the vacation is initiated by the City or its representative, no warranty deed will be required. However, the City or its representative shall provide copies of the plat or survey dedicating said easement or right-of-way to the City.

(b) The application shall be reviewed by the Planning Commission at its next meeting. At said meeting the Planning Commission shall make a positive or negative recommendation concerning whether said easement or right-of-way shall be vacated and/or relocated. The applicant shall be notified of the date, time and location of when the Planning Commission shall review said application. Notice of the Planning Commission action shall be forwarded to the City Council.

(c) The City Council, before enacting any amendment to this Ordinance, shall hold a public hearing thereon, and shall provide proper notice as required by law. Due notice shall also be given to the applicant and adjoining landowners of the date, time, and place of said hearing.

Said notice of a vacation of right-of-way shall be published as required by Ala. Code §23-4-2 by the City Council.

(d) Said easement or right-of-way shall be vacated and/or relocated upon the adoption by resolution of the City Council.

(e) Any petition for vacation of easement and/or right-of-way may be withdrawn prior to action thereon by the Planning Commission or City Council at the discretion of the owner, authorized representative, firm, or corporation initiating such a request upon written notice to the City Clerk.

24-2 FEES

An application to the Planning Commission for vacation of easement and/or right-of-way shall be accompanied by the appropriate fee as more specifically enumerated in Article XXXIV, entitled the Schedule of Fees.

SECTION J
MOBILE HOME, MANUFACTURED HOME, AND RECREATIONAL VEHICLE PROVISIONS

ARTICLE XXV

MOBILE HOME PARK PROVISIONS

25-1 GENERAL

No new Mobile Home Park. Existing Mobile Home Parks only.

ARTICLE XXVI

MANUFACTURED HOMES PROVISIONS

26-1 GENERAL

Manufactured homes not meeting HUD standards (U.S.C. 5401) and not having the HUD Stamp Certification permanently attached shall not be installed, erected, or permitted. A manufactured home which otherwise qualifies as a single family dwelling unit under Article VIII, Section 8-2 hereof, shall be allowed to be placed or erected in certain residential zones upon compliance with the following requirements:

(a) A manufactured home may be located within any residential zone other than R-1, Low Density Single Family Residential, and R-2, Medium Density Single Family Residential, districts.

(b) A manufactured home shall not be placed within a Planned Unit Development unless placement of manufactured homes within the Planned Unit Development are expressly provided in the Planning Unit Development documents.

(c) The manufactured home shall be reviewed, approved, or disapproved by the Planning Commission as to the compatibility standards set forth in this Article.

26-2 LICENSE

Contractors doing any and all work required in the setting of a manufactured home shall be licensed by the State prior to receiving a license from the City of Saraland as is the same for erecting other types of structures, prior to the issuance of a Building Permit and a subsequent Certificate of Occupancy as defined in Article VII, Section 7-2, entitled the Building Official.

26-3 COMPLIANCE

(a) Manufactured homes shall be installed according to the standards established either by the Alabama Manufactured Housing Commission Statutory Law, Title 24, Housing Code of Alabama as amended from time to time, the Building Code, and the National Manufacturing Housing Construction and Safety Standards Act of 1974 as amended, U.S.C. 5401.

(b) It is intended that manufactured homes be designed and erected to be similar in appearance to permanent houses - not mobile units - generally with pitched roofs, eaves overhanging six (6) inches or more, and typical to an on-site conventionally built single family permanent dwelling as built in accordance with the Standard Housing Code.

Manufactured homes shall be erected on permanent foundations meeting HUD standards (U.S.C. 5401) or Building Code standards and conforming to Title 24, Housing Code of Alabama, Chapter 535-X-13 and are deemed to be real property and taxed as such.

(c) Manufactured homes placed in residential zoning districts shall meet the minimum compatibility standards set forth in this Article, are subject to the requirements of the zoning district in which it is placed, except as otherwise provided herein.

26-4 COMPATIBILITY

(a) Placement of a manufactured home may be permitted after it has been reviewed and determined that the manufactured home is compatible with the general appearance of homes in the surrounding area if recommended by the Building Inspector and approved by the Planning Commission. Manufactured homes shall be compatible to site-built and other homes in the immediate general areas within the same zoning or residential district and/or area. Approval shall be granted upon finding that the manufactured home is substantially similar in size, siding material, roof material, foundation enclosure, and general aesthetic appearance to existing or proposed development in the same zoning district or residential area.

26-5 MINIMUM REQUIREMENTS

The following shall apply:

(a) Minimum width:

The general shape, width, and appearance of the manufactured home shall conform to housing in adjacent or nearby locations to ensure compatibility of site-built houses and manufactured housing.

(b) Roof pitch, overhang, and materials:

The general shape, appearance, and roofing material of the manufactured home shall be compatible with the exterior appearance of the housing in adjacent or nearby locations.

(c) Exterior finish:

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

(d) Site orientation:

Manufactured homes shall be placed on the lot in such a manner as to be compatible with and reasonably similar in orientation to the other structures in the area.

(e) Garages, carports, etc:

Garages and/or carports, landings, stairs, porches, entrance platforms, ramps, or other means of entrance for manufactured homes shall be compatible with the manufactured home and site-built garages and/or carports of site-built houses in adjacent or nearby locations and constructed in accordance with the Building Code at the time the manufactured home is sited.

(f) Towing devices:

All towing devices, including but not limited to wheels, axles, hitches, and transportation lights must be removed.

(g) Foundation enclosure:

The manufactured home's foundation forms an enclosure under exterior walls, unpierced except for ventilation and access, and conforms to Title 24, Housing Code of Alabama, Chapter 535-X-13. The type of material and method used for underpinning shall be consistent with that for site-built houses in adjacent or nearby locations.

ARTICLE XXVII

RECREATIONAL VEHICLE PARK PROVISIONS

27-1 GENERAL

The following regulations apply to all developments provided for the accommodation of transient recreational vehicles including travel trailers, campers, small mobile homes used for vacation purposes, motor homes, and similar transient residential vehicles.

Recreation vehicle parks are uses permitted in B-2, General Business Distr**ict** subject to the approval of the Planning Commission and compliance with the requirements of the following provisions.

27-2 MINIMUM REQUIREMENTS

The following shall apply:

(a) No recreational vehicle park shall be located without direct access to a City, County, State, or Federal Highway with a minimum width of not less than fifty (50) feet and shall not direct traffic into adjacent residential districts.

(b) The minimum lot area per park shall be two (2) acres.

(c) Use of spaces in recreation vehicles parks shall be limited to travel trailers, mobile homes, motor homes, and campers.

(d) Users of the spaces shall meet all other applicable laws. Spaces shall be rented by the day or week only and an account of such space shall remain in the same trailer park for a period of not less than ninety (90) days.

(e) Management headquarters, recreational facilities, toilets, showers, laundry facilities and other uses and structures customarily incidental to operation of a recreational vehicle park are permitted as accessory uses in any district which recreation vehicle parks are allowed provided:

(1) Such establishments and the parking area primarily related to their operations shall not occupy more than ten (10) percent of the park area.

(2) Such establishments shall be restricted in their use to occupants of the park.

(3) Such establishments shall present no visible evidence of their commercial character which would attract customers other than occupants of the park.

(4) No space shall be so located that any part intended for occupancy for sleeping purposes shall be within thirty (30) feet of the right-of-way line of any major, collector, or minor street.

(5) Recreational vehicle parks designed for temporary use by mobile homes for recreational or other purposes shall conform to applicable the Mobile County Health Department regulations, provided that the plan for a proposed camp

site, extension, or replan of an existing camp site shall be submitted to the Planning Commission for approval prior to construction.

SECTION K
MULTI-FAMILY
PLANNED UNIT DEVELOPMENT PROVISIONS

ARTICLE XXVIII

FIXED DWELLING PROVISIONS
APARTMENTS, TOWNHOUSES AND CONDOMINIUMS

28-1 MINIMUM REQUIREMENTS

Apartments, townhouses, and condominiums are permitted in an R-4, High Density Single and Multi-Family Residential, district subject to the approval of the Planning Commission and compliance with the following requirements:

(a) There shall be no more than eight (8) continuous dwelling units built in a row with the same front line.

(b) No side yard is required, except on corner and interior lots. The end of the building in any grouping shall conform to the side yard requirements of the district.

(c) No more than thirty (30) percent of the lot area shall be occupied by buildings.

(d) Insofar as practicable, off-street parking facilities shall be located under habitable floors of the buildings or grouped in bays either adjacent to streets or in the interior of blocks. No off-street parking shall be more than one hundred (100) feet by the most direct pedestrian route from a door of the dwelling unit it intends to serve.

(e) All complexes shall be required to connect to a public or private water and sanitary sewer system operating under the conditions of an NPDES permit from ADEM. No other means of waste disposal shall be permitted.

(f) All other requirements within the district in which the apartments, townhouses, or condominiums are located shall prevail.

(g) The total area which may be covered by buildings shall be compatible with the total area requirements of the zoning district in which the development is to occur.

(h) The maximum height of buildings shall be compatible with the maximum building height requirements of the zoning district for which the development is to occur.

(i) The minimum dimensions of open spaces in a Fixed Dwelling Development shall be as follows:

(1) Major open space opposite front or rear of building:

(a) Apartment, townhouse, or condominium structures

Minimum Feet - forty (40)

(b) One and two-family detached dwellings.

Minimum Feet - thirty (30)

(2) Secondary open spaces opposite side or other walls:

(a) Apartment, townhouse, or condominium structures

Minimum Feet - fifteen (15)

(b) One-and two-family detached dwellings.

Minimum Feet - twenty (20)

ARTICLE XXIX

RESERVED

ARTICLE XXX

PLANNED UNIT DEVELOPMENT PROVISIONS

30-1 PURPOSE

The intent of this Article is to provide an opportunity for the best use of land, protection of valuable natural features in the community, provision of larger areas of recreational open space, more economical public services, and to encourage the unified development of tracts of land by permitting within the confines of an overall density limitation, much more creative, and flexible concepts in planning.

30-2 TYPES OF DEVELOPMENTS

(a) Fixed Dwelling Planned Unit Developments:

A group of two (2) or more fixed dwelling structures, together with other permitted uses, on a parcel of property of adequate size that is suitable for the intended use and in single ownership, with not less than sixty (60) feet of frontage on a public street which frontage shall serve as the principal means of access to the property.

(b) Ownership:

A person, partnership or corporation. A property owners' association, legally bound to one another, to carry out the provisions of this Article for the development and operation of a Planned Unit Development, likewise legally bound to execute the agreements as provided hereinafter.

The property owners' association of a condominium project, established under the provisions of Alabama law which has the power to execute the agreements as provided for hereinafter.

30-3 GENERAL REGULATIONS

The following regulations shall apply to all Planned Unit Developments and require that such developments:

(a) Shall be in conformity with the Comprehensive Plan or portion thereof as it may apply.

(b) Shall be consistent in all respects with the purposes and intent of this Ordinance.

(c) Shall advance the general welfare of the City and immediate vicinity.

(d) Shall provide, through desirable arrangement and design, benefits which justify the deviations from development standards which would otherwise apply.

(e) Shall also be reviewed and approved according to the criteria as set forth in Article XVII, Subdivision Review, if it is determined that the development is a subdivision according to the laws of Alabama.

30-4 DEVELOPMENT REGULATIONS

The following development regulations shall apply to all Planned Unit Developments:

(a) Provisions of residential districts as applicable shall generally be adhered to in all Planned Unit Developments.

(b) All land proposed in the project for residential use, including outdoor use, off-street parking, interior drives, and other circulation ways may be counted in complying with the density requirements.

(c) For any single family, two-family dwelling, any dwelling unit in a townhouse, or condominium building there shall be a private common area. Such common area shall include the space occupied by such dwelling or dwelling unit, with adjoining common area assigned exclusively to such dwelling unit of not less than six hundred (600) square feet in addition to private parking area.

(d) All common areas not assigned to private occupancy as set forth above shall be assigned to the common use of all residents of the development, with such use assured in perpetuity as provided for above. Assignment and development of such common area shall be as follows:

(1) Access driveways.

(2) Landscaped areas, comprising not less than ten (10) percent of all common area required by this Article, may include the following:

(a) Pedestrian access walkways.

(b) Children play areas.

(c) General landscaped areas, flower gardens, and areas for passive recreation.

(d) Swimming pools, including accompanying accessory structures, and areas for organized sports.

(e) Any other areas suitable for the common area enjoyment of the residents.

(e) Every residential structure in a development shall be within two hundred (200) feet of a hard-surfaced access drive no less than twenty (20) feet wide or a parking lot connected with such a drive. In addition, every dwelling or ground floor dwelling unit shall be directly accessible to service and emergency vehicles.

(f) Private streets on common easements may be used to provide vehicular access to not more than thirty (30) dwelling units on any one such drive. In all other respects, the system of vehicular circulation for a development shall be provided by dedicated streets complying in all respects with the standards of the subdivision regulations;

the easement therefore may be counted as a part of the net area in complying with density limits, but may not be counted as a part of required landscape or recreation area.

(g) Private streets shall be constructed in accordance with the subdivision regulations. No part of the streets may be used for the parking of vehicles.

(h) Off-street parking spaces for dwelling units may be provided in group garages or parking lots within one hundred fifty (150) feet of the dwelling units to be served. Curb indented parking bays or courts may be permitted within the easement or street right-of-way, but not within the required street or sidewalk. Such parking shall be landscaped and shall be permitted only along easements or streets internal to the project and not along a street or major thoroughfare serving other uses. Such off-street parking spaces may be counted as part of the net area in calculating density, but shall not be counted as part of the required recreation area.

30-5 USES PERMITTED

(a) Principal Uses:

(1) Dwelling units of a permanent nature, for ownership or rental, including non-transient mobile homes.

(2) Public parks and specialized recreation centers.

(b) Accessory Uses:

(1) Home occupations. (See Home Occupation, as defined in Article XXXI).

(2) Facilities for use of residents of the development:

(a) Recreation, children's nursery, kindergarten, laundry or similar services, any similar facility.

(b) Off-street parking lots or garages.

(c) Stores of the "local family shopping" or "convenience" nature provided for the use, primarily, of the residents, in any development comprising three hundred (300) or more dwelling units, with such commercial facilities subject to requirements in the B-1, Local Business, district. Maximum area devoted to such commercial uses shall be one (1) acre or five (5) percent of total acreage in the project, whichever is greater.

30-6 OTHER REQUIREMENTS

(a) Locational Requirements:

Each Planned Unit Development shall comply with the following:

(1) Shall be free of objectionable environmental characteristics, such as poor drainage, air pollution, undue noise, unsightliness, and similar problems.

(2) Shall be so located as to assure a maximum of compatibility with other types of development.

(3) Shall be connected to public or private community water and sanitary sewer facilities. No Planned Unit Development shall be approved without written certification from the appropriate utilities that adequate water and sewer services are available.

(b) Open Space, Site Size, and Density:

Around every principal building, there shall be a minimum required open space, unobstructed by any other building; there shall be a minimum size for projects; there shall be a maximum density. The following rules apply:

(1) Minimum site size:

Adequate for the intended use as determined by the Planning Commission.

(2) Maximum density:

Fourteen (14) units per acre.

(3) Property line setback:

The minimum setbacks shall be compatible with the minimum setbacks as required in an R-4, High Density Single and Multi-Family Residential, district.

(4) Minimum usable open space:

Twenty-five percent (25%).

30-7 REVIEW PROCEDURE

The following shall apply:

(1) The developer should schedule an initial meeting with the Planning Commission.

(2) For the initial meeting, a sketch plan of the proposed project should be furnished by the developer. If, during the initial meeting, it is determined that the project is a subdivision as defined by Alabama law, the developer shall comply with all requirements of the Subdivision Regulations.

(3) If all land in the project is to remain in one ownership, as defined herein, the following points should be discussed with the developer:

(a) The present uses and character of the area.

(b) The road and street system, especially peripheral streets and proposed internal circulation patterns as related to requirements by Planned Unit Developments.

(c) Public and private open areas and parks and trails.

(d) Public utilities and services or their counterpart such as water, sewer, fire protection, surface drainage, school facilities, if any.

(e) Types of structures to be built.

(f) Proposed uses to be developed.

30-8 APPLICATION PROCEDURE

(a) The Sketch Plan:

Upon completion of initial discussions, the developer proposing a planned development should complete an application form requesting initial general review and approval of the project by the Planning Commission.

This stage of review is often called sketch plan stage, although, if he wishes, the developer may submit items from the preliminary plan stage.

All sketches for planned development projects shall be submitted to the Planning Commission for review to ascertain the plan for any project complies with the conditions set forth in this Article and other applicable Sections of this Ordinance. The following items shall be submitted with the initial application:

(1) A letter of transmittal officially submitting the proposal for development, signed by the developer or his authorized representative. If submitted by someone other than the current owner of the property, the letter should include or be accompanied by satisfactory evidence of the existence of a purchase or lease agreement or other instrument, to ensure the current owner is in agreement with the proposed development.

(2) Three (3) copies of a scaled general site development plan of the proposal showing the following information:

(a) Boundary lines of the property, including dimensions.

(b) Location and names of all public streets adjoining or traversing the site. In the event no public street now adjoins the site, sufficient description by metes and bounds to identify the location of the site.

(c) Identification of the name, plat book, and page number of any recorded subdivision comprising all or part of the site.

(d) Identification and location of any existing easements, water courses,

lakes, or other significant natural features upon the site.

(b) The Preliminary Plan:

The developer, after review and discussion of the sketch plan, shall prepare and submit a preliminary plan for review by the Planning Commission.

The purpose of a preliminary plan is to provide an opportunity for somewhat detailed showing of the intent of the developer with regard to compliance with the requirements as outlined in this Article and to provide an initial hearing on the proposal.

The following items shall be submitted with the preliminary plan application:

(1) The preliminary plan shall be received by the Planning Commission and if a rezoning of land will be necessary to accommodate any project, this plat can be used for the public hearing to be held in accordance with Alabama law.

(2) Maps and written statement setting forth the details of the proposed development shall be included in the preliminary plan. The maps must show enough of the area surrounding the proposed development to demonstrate the relationship of the Planned Unit Development to the adjoining uses, both existing and those proposed by the developer.

The facilities are to be identified as public or private. The maps shall be in a general schematic form and contain the following information:

(a) Maps should include the following information:

(1) The approximate topography at two (2) foot intervals.

(2) Proposed land uses and the approximate location of existing and proposed buildings and other structures and uses adjacent to the site.

(3) The character and approximate density of the dwellings.

(4) The approximate location of all streets and rights-of-way, and walkways, and parking facilities.

(5) Public uses including schools, parks, playgrounds and other open spaces.

(6) Number of parking spaces.

(7) Amount of impervious surface.

(8) Generalized drainage plan.

(9) Development staging, if appropriate.

(b) The written statements shall contain an explanation of:

(1) The character of the proposed development and the manner in which it has been designed to take advantage of the Planned Unit Development concept.

(2) The proposed sewage disposal facilities.

(3) Water supply and surface drainage provisions.

(4) Evidence of adequate financial stability to complete the proposed project.

(5) The present ownership of all of the land included within the Planned Unit Development project.

(6) The method proposed to maintain private common open areas, buildings or other facilities, including copies of all legal documents necessary to accomplish this.

(7) The general indication of the expected schedule of development.

(c) If, after a public hearing, the Planned Unit Development project is approved, any rezoning needed shall be instituted subject to revocation and reversion to the original zoning designation of the land, if the final plan is not approved.

(d) In the event approval has been conditioned on modification to the plan, then such preliminary plan approval shall not be effective until the developer has filed written consent to the modifications as required.

e) If the developer wishes to develop the Planned Unit Development project in stages, the final plat submitted for review and approval may cover only the first stage to be developed, but succeeding stages of the final plan must be in substantial conformance to the approved preliminary plan.

(f) If a final plan covering at least a portion of the area in the approved preliminary plat has not been filed within one (1) year, the preliminary plan approval shall expire.

(c) <u>The Final Plan</u>:

The plan provides a specific and particular plan by which development and construction will take place. The final plan serves as the plan on which the Planning Commission and local government base a decision.

(1) In addition to those items specified for the preliminary plan, the final plan must include:

A map showing:

(a) Street location and nature of improvement.

(b) Lot lines and lot designs.

(c) The landscaping and tree planting plan.

(d) Surface drainage system.

(e) Peripheral setback forty (40) feet.

(f) All easements.

(g) Areas proposed to be conveyed, dedicated, or reserved for parks, parkways, playgrounds, school sites, public buildings and similar public and semi-public uses.

(h) A plot plan for each building site, except single family residential lots and the common area, shall show the approximate location of all buildings, structures, improvements, and indicate the common area surrounding the buildings and structures.

(i) Elevations or perspective drawings of all typical proposed structures and improvements, except single family residences and their accessory buildings. The drawings need not be in construction detail.

(j) A development schedule indicating:

(1) The approximate date when construction of the project can be expected to begin.

(2) The stages in which the project will be built and the approximate date when construction of each stage can be expected to begin.

(3) The approximate dates when the development of each of the stages in the development will be completed.

(4) The location of common area that will be provided for each phase.

(k) The following plans and diagrams will be provided when the Planning Commission finds that the Planned Unit Development creates special problems of traffic or parking:

(1) An off-street parking and loading area plan.

(2) A circulation diagram indicating the proposed movement of vehicles, goods and pedestrians within the Planned Unit Development and to and from existing thoroughfares.

(3) Any special engineering features and traffic regulation devices needed to facilitate or ensure the safety of this circulation pattern must be shown.

(l) The plat shall be accompanied by written legal documents on behalf of the owner, his heirs, successors, and assigns shall include:

(1) Provisions of the proposed development, as shown on the plans and as set forth in specifications, shall be completed in detail within such time frame as agreed upon by the Planning Commission.

(2) Provisions of all land improvements intended for the common use of all residents, including drives, walks, parking areas, recreation facilities, equipment, all landscaped or other common areas shall be maintained in perpetuity including such servicing as may be required for the use of such land improvements.

(3) Provisions of no future changes in the development shall be made which would encroach upon the land used to comply with the provisions of this Article as to density, common area, yards, courts, vehicular access, automobile parking, building coverage, or other outdoor requirements.

(4) Provisions of all easements for private drives, utility lines, and similar purposes shall be open at all times for access by publicly employed personnel and equipment for police and fire protection, for inspection of utility systems, and for any other public purpose.

(5) Articles of Incorporation and By-Laws for the formation of a Property Owners' Association for the Planned Unit Development.

(6) A Declaration of Restrictions and Covenants which shall include agreements and provisions to govern the use, maintenance and continued protection of the Planned Unit Development, and all of its common areas. Such declarations shall be consistent with Fannie Mae, Freddie Mac, or other similar Federal or State requirements.

(7) A written legal opinion from the Applicant/Owner's Attorney stating the above legal documents comply with applicable Federal and State Laws.

(d) Final Plan Approval:

The following shall govern approval of a final plan:

(1) The Planning Commission shall compare the final plan with the preliminary plan and with the standards set forth in this Article to assure that the final plan conforms to said standards. The Planning Commission may place conditions upon the granting of approval which, in its judgment, will ensure conformance to the plan as approved.

(2) The approval of the final plan or any stage of it shall be valid for a period of one (1) year following the date of such approval.

(3) Factors to be considered by the administrative staff and the Planning Commission in reviewing any Planned Unit Development are that the development is in harmony with the Comprehensive Plan and with the character of the neighborhood and will provide an overall density and standard of open space as required by this Ordinance.

(4) The final plan or any stage of the Planned Unit Development shall not be approved if the average of the allowable dwelling units per acre, up to and including the stage which is to be approved, exceeds by more than ten percent (10%) of the average number of dwelling units per acre which is allowable for the development.

(5) A report of its findings and recommendations on a proposed Planned Unit Development shall be prepared for and acted on by the Planning Commission. Such report shall constitute a recommendation to the City Council for action should rezoning be necessary.

(6) Upon final approval and after all conditions have been met, the Planning Commission shall approve the recording of the Final Plan in the deed records of the County. When no parcels are to be sold, the developer will process and have recorded the subdivision plat in the manner designated by the Commission.

(e) Substantial Conformance:

The determination of substantial conformance between the preliminary plan and the final plan shall be at the discretion of the Planning Commission.

Variation in conformance is intended solely to facilitate the minor adjustments which may be necessary as the plans approach a final construction stage. The Commission may refuse to grant approval of substantial conformance if, in their opinion, the adjustments are being used to significantly modify the approved plan.

(f) Site Improvements:

The developer, at his option, may place street improvements, sidewalks, utilities, and other permanent site improvements after preliminary plan approval or stake the

location of the buildings and make application for building permits. Under no circumstances, however, will any building permit be issued until final approval has been granted and the necessary portions of the final plan recorded. The placing of improvements will not obligate the local government to approve such improvements on the final plan if not in conformance with the terms of this Article.

(g) Public Record:

The final plan is the permanent public record of the Planned Unit Development and will be the manner in which the development is constructed as provided herein.

(h) Contents:

The final plat shall contain, in final form, the information required above. In addition, the following will apply:

If parcels of land are to be sold, a subdivision plat on the forms prescribed by according to the criteria as set forth in Article XVII, Subdivision Review, and shall be filed for approval in the appropriate manner.

ARTICLE XXXI

HOME OCCUPATIONS, AUTOMOBILE SERVICE STATIONS, AND CEMETERIES

31-1 HOME OCCUPATIONS

Home occupations shall be incidental to the residential use of the dwelling and shall not change the essential residential character of the dwelling or adversely affect the uses permitted in the district of which the home occupation is to occur. No home occupation shall be permitted which might interfere with the general welfare of the surrounding residential area due to potential noise, increased pedestrian and vehicular traffic, or any other condition which would constitute an objectionable use of residentially zoned property. Applications for home occupations shall be submitted for approval by the Board of Zoning Adjustment and shall be in accordance with the Table of Uses. Any home occupation not covered in the Table of Uses shall come within the category most analogous to the non-covered home occupation in question. Limitations on the type of home occupations are as follows:

(a) Area used shall not exceed twenty percent (20%) of the gross floor area in the principal building.

(b) It shall be confined entirely to the principal building, accessory building, or outside storage building for which twenty percent (20%) of gross floor area would apply.

(c) Employment shall be limited to members of the family residing in the dwelling. There shall be no employment of employees other than members of the resident family. In no case shall more than two (2) persons be engaged in the home occupation.

(d) No internal or external addition, alteration, or remodeling of the dwelling is permitted in connection with the home occupation.

(e) Chemical, mechanical, or electrical equipment that creates odors, light, glare, noises, or interference in radio or television reception detectable outside of the dwelling shall be prohibited.

(f) No display of products shall be visible from the street and only articles made on the premises may be sold; except non-durable articles, consumable products, which are incidental to a service or which service shall be the principal use in the home occupation may be sold on the premises.

(g) Instruction in music, dancing, and similar subjects shall be limited to two (2) students at a time.

(h) The activity carried on as a home occupation shall be limited to the hours between 7:00 a.m. and 10:00 p.m.

(i) One professional or announcement sign may be used to identify the customary home

occupation. Such sign shall not exceed one and one-half (1-1/2) square feet in area exposed to view and must be mounted flat to the main wall of the principal building. No such sign shall be directly illuminated.

(j) Customary home occupations shall not include the following:

(1) Uses which do not meet the provision listed above.

(2) Automobile body and/or fender repairing.

(3) Barber shops and beauty parlors.

(4) Food handling on a large-scale basis, processing, or packing.

(5) Repair, manufacturing and processing uses; however, this shall not exclude the home occupation of a dressmaker where goods are not manufactured for stock, sale, or distribution.

(6) Restaurants.

(7) Uses which entail the harboring, training, raising or treatment of dogs, cats, birds, or other animals.

31-2 AUTOMOBILE SERVICE STATIONS

Within the districts permitting automobile service stations, the following requirements shall apply:

(a) Location:

The property on which an automobile service station is located shall not be within one hundred (100) feet of any residential district or any property containing a school, public playground, church, hospital, public library, or an institution for children, elderly, or dependents.

(b) Site Requirements:

An automobile service station shall have a minimum frontage on the primary street of one hundred twenty (120) feet and a minimum lot area of twelve thousand (12,000) square feet. All buildings shall be set back forty (40) feet from all street right-of-way lines, fifty (50) feet for U.S. Highway 43, and all canopies shall be set back fifteen (15) feet from all street right-of-way lines.

(c) Access to Site:

Vehicular entrances or exits at an automobile service station:

(1) Shall not be provided with more than two (2) curb cuts for the first one hundred twenty (120) feet of street frontage or a fraction thereof.

(2) Shall contain an access width along the curb line of the street of not more than forty (40) feet as measured parallel to the street at its narrowest point and shall not be located closer than ten (10) feet to the adjoining property.

(3) Shall not have any two (2) driveways, or curb cuts, any closer than twenty (20) feet at both the right-of-way line and the curb or edge of the pavement along a single street.

(d) Gasoline Pump Islands:

All gasoline pump islands shall be set back at least fifteen (15) feet from the right-of-way line, or where a future widening line has been established, the setback line shall be measured from such line, and where pump islands are constructed perpendicular to the right-of-way line, they shall also be at least fifteen (15) feet from the right-of-way, however, the pumps shall be at least sixty (60) feet from the center line of an arterial street, fifty-five (55) feet from the center line of a collector street and forty-five (45) feet from the center line of other streets.

(e) Off-Street Parking:

A minimum of two (2) off-street parking spaces are required with an additional off-street parking space for each lubrication or wash bay.

(f) Other Site Improvements:

In addition to the above referenced requirements, the following site improvements shall be adhered to:

(1) A raised curb of at least six (6) inches in height shall be erected along the street property lines, except for driveway openings.

(2) A wall or fence of a solid appearance shall be at least six (6) feet in height and of a construction and design approved by the Planning Commission and/or a staggered double row of Evergreen plantings at least ten (10) feet in width which shall grow to at least ten (10) feet in height at planting and spaced in a manner which after three (3) years will provide an impervious visual barrier. Said protection buffer shall be maintained by the owner of the property in order to conceal such areas or facilities from a residential district adjoining, facing, across a street, in the rear, or on the side of the principal building or use.

(3) Outdoor lighting of all types shall be directed so as to reflect away from all residential dwellings and shall be so situated as not to reflect directly onto a public right-of-way.

(4) Signs, whether permanent or temporary, shall not be placed within the public right-of-way and shall be arranged so they do not obstruct visibility for drivers or pedestrians.

(5) All driving, parking, storage, and service areas shall be paved and curbed and

a good stand of grass shall be maintained on the remainder of the lot.

31-3 CEMETERIES

Within districts permitting cemeteries, the following requirements shall apply:

(a) The site proposed for a cemetery shall not interfere with the development of a system of collector or larger streets in the vicinity of such site. In addition, such site shall have direct access to a thoroughfare.

(b) Any new cemetery shall not be located on a site containing less than twenty (20) acres.

(c) All structures shall be set back no less than twenty-five (25) feet from any property line or minor street right-of-way.

(d) All graves or burial lots shall be set back not less than twenty-five (25) feet from any property line or minor street right-of-way line and not less than fifty (50) feet from any collector or arterial street.

(e) The entire cemetery property shall be landscaped and maintained.

(f) An application must be made to the Board of Zoning Adjustment for any extension of an existing cemetery.

SECTION L
TELECOMMUNICATIONS TOWER AND FACILITIES PROVISIONS

ARTICLE XXXII

TELECOMMUNICATION TOWERS AND FACILITIES PROVISIONS

32-1 PURPOSE

The intent of this Article is to establish minimum standards for wireless telecommunications facilities. The underlying principals of these standards are to:

- Achieve a balance among the number, height, and density of wireless telecommunications facilities that are appropriate for our communities; and,

- Encourage and maximize the use of existing and approved towers, buildings, and other structures to accommodate new wireless telecommunications facilities; and,

- Ensure the compatibility of towers with, and avoid adverse impacts to, nearby properties; and,

- Discourage the proliferation of towers throughout the City.

32-2 DEFINITIONS

- Accessory structure compound: A fenced, secured enclosure in which a wireless telecommunications facility and its equipment, buildings, access roads, parking area and other accessory devices/auxiliary structures are located.

- Alternative support structure: Any structure other than a wireless telecommunications tower, which may include, but is not limited to, buildings, water towers, light poles, power poles, telephone poles, and other essential public utility structures.

- Antenna: An electromagnetic device which conducts radio signals, through an attached cable or waveguide, to or from a radio transmitter or receiver. Typically this includes "whips," "cornucopia horns," "panels," and parabolic "dishes."

- Antenna support structure: Any structure on which telecommunications antennas and cabling can be attached. Typically this includes steel towers with guy-wires (guyed towers); wooden, steel or concrete single poles (monopoles); self-supporting steel towers with three or four "legs" (self-supporting/lattice towers); rooftops of existing buildings or structures (such as elevated water storage tanks). (See Also Tower).

- Co-location: The placement of more than one wireless communications antenna by one or more telecommunications service providers on a single existing or new antenna support structure.

  Concealment techniques: Design techniques used to blend a wireless telecommunications facility, including any antennas thereon, unobtrusively into the existing surroundings so as to not have the appearance of a wireless telecommunications facility. Such structures shall be considered wireless

telecommunications facilities and not spires, belfries, cupolas, or other appurtenances usually required to be placed above the roof level for purposes of applying height such as building bulk, massing, and architectural treatment of both the wireless telecommunications facility and surrounding development. Concealed towers on developed property must be disguised to appear as either a part of the structure housing, a principal use, or an accessory structure which is normally associated with the principal use occupying the property. Concealed towers developed on unimproved property must be disguised to blend in with the existing vegetation. Example: a tower of such design and treated with architectural material so camouflaged to resemble a woody tree with a single trunk and branches on its upper part, also known as a "monopine".

- FAA: Federal Aviation Administration.

- FCC: Federal Communications Commission.

- Height: When referring to a tower or other structure, the distance measured from the ground level at the base of the tower to the highest point on the tower or structure, including if said highest point is an antenna placed on a structure or tower.

- Tower: Any structure that is designed and constructed primarily for the purpose of supporting one or more antenna, including self-supporting lattice towers, guyed towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common carrier towers, cellular telephone towers, and the like (See Also Antenna Support Structure).

32-3 PROCEDURES AND STANDARDS

(a) Permitted Zones:

Wireless telecommunications facilities shall be permitted by special exception in a B-2, General Business, district and by right in a C/I, Commercial/Industrial, district. Antennas located on existing towers (co-location antennas) and antennas located on alternative support structures shall be permitted by right.

(b) Height:

Antennas located on alternative support structures shall not exceed fifteen (15) feet in height above the existing structure on which they are placed.

Tower height shall be limited to one hundred and eighty (180) feet.

(c) Setbacks:

Where a tower is permitted in a zoning district adjacent to any residential district, the required setback from all residentially zoned property lines shall be a distance equal to the height of the tower.

(d) Co-location:

To minimize adverse visual impact associated with the proliferation and clustering of telecommunication towers, co-location of facilities on existing or new towers shall be encouraged by:

(1) Only issuing permits to Qualified Shared Facilities at locations where it appears there may be more demand for towers than the property can reasonably accommodate; or,

(2) Giving preference to Qualified Shared Facilities over other facilities and authorizing use at particular locations;

(3) For a facility to become a Qualified Shared Facility. The facility owner shall show the following:

(a) The facility is appropriately designed for sharing; and,

(b) The facility owner is prepared to offer adequate space on the facility so others share fair and reasonable nondiscriminatory terms.

(c) Co-location of communications antennas by more than one provider on existing or new telecommunications towers shall take precedence over the construction of a new single-use telecommunications tower.

(d) For any telecommunications tower approved for shared use, the owner of the tower shall provide notice of the location of the telecommunication tower.

(e) No new antenna support structure shall be permitted unless the applicant demonstrates that no existing antenna support structure can accommodate the applicant's needs.

(f) No signage, symbols, or advertisements may be attached to the pole, tower or antenna.

(g) Monopole structures shall have the ability to accommodate at least one (1) additional set of antennas.

Guyed structures and self-supporting towers shall have the ability to accommodate at least two (2) additional sets of antennas.

(e) Aesthetics:

The aesthetic properties of each individual wireless telecommunications facility shall be approved as part of the site plan review process.

(f) Appearance:

The design of the tower shall be of a type that has the least visual impact on the surrounding area.

(1) Towers and antennas shall be painted a neutral or blending color so as to reduce visual obtrusiveness, unless subject to any applicable FAA standards. If an antenna is installed on a structure other than a tower, the antenna and supporting telecommunications facilities must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure.

(2) No signage, symbols, or advertisements may be attached to the pole, tower, or antenna.

(3) Towers camouflaged to resemble trees or indigenous vegetation in order to blend in with the native landscape shall be subject to administrative review as are types of concealment techniques. (See Concealment Techniques).

(g) Accessory structures:

(1) The design of the compound and its accessory structures shall, to the extent possible, maximize use of building materials, colors, textures, screening, and landscaping that effectively blend the tower facilities within the surrounding natural setting and built environment.

(2) In or adjacent to developed properties, accessory structures must be aesthetically and architecturally compatible with the surrounding environment. Materials such as wood, brick, and stucco should be appropriate. The use of metal or metallic looking materials shall be prohibited.

(h) Non vegetative screening:

(1) Non vegetative screening shall be required unless it is necessary to reduce the visual impact of a wireless telecommunication compound on adjacent public ways, properties, or the neighborhood in which it is located.

In or adjacent to developed properties, non vegetative screening shall be provided in a manner compatible with the surrounding character of development, buildings, natural vegetation, and landscaping.

Such screening, as required and subject to site plan review, shall have a minimum height of eight (8) feet, and may consist of one of the following: brick masonry walls, a fence of a solid appearance, berms, or opaque barriers. All non-vegetative screening shall be properly maintained by the property owner or lessor.

(2) In certain locations where the visual impact of the tower would be minimal, such as remote, agricultural, or rural or heavily developed industrial areas, the non-vegetative screening requirement may be reduced.

(3) Wireless telecommunications facilities utilizing underground vaults rather

than above ground equipment buildings may be exempted from screening requirements.

(i) Landscaping:

(1) Landscaping will be required to reduce the visual impact of the compound and its accessory structures on adjacent public ways, properties, or the neighborhood in which it is located. In or adjacent to developed properties, landscaping shall be provided in a manner that is compatible with the surrounding character of development, buildings, and natural vegetation.

(2) The perimeter of the compound shall be landscaped with a buffer of plant materials which effectively screen the view of the compound from adjacent property and public ways. The standard buffer shall consist of a landscape strip of at least five (5) feet in width outside the perimeter of the compound. In locations where the visual impact of the tower would be minimal, the landscaping requirement may be reduced.

(3) A row of trees a minimum of eight (8) feet in height and a maximum of ten (10) feet apart shall be planted around the perimeter of the compound fence. A continuous hedge at least thirty (30) inches in height at planting capable of growing to at least thirty-six (36) inches in height within eighteen (18) months shall be planted in front of the tree line.

(4) All landscaping shall be of the evergreen variety. All landscaping shall be xeriscape tolerant or irrigated and properly maintained by the property owner or lessor to ensure good health and variety.

(j) Lighting:

(1) Towers shall not be artificially lighted unless required by the FAA or other authority for safety purposes. If lighting is required, "dual lighting," red at night/strobe during day, shall be preferred unless restricted by the FAA.

Lighting must be shielded or directed upward to the greatest extent possible so as to minimize the amount of light that falls onto nearby properties or residential districts.

(2) Basic security lighting for the compound may be permitted, but shall be focused only on the compound itself, and shall be directed away from any adjacent residential districts.

(k) Environmental impact:

All wireless telecommunications facilities shall comply with the National Environmental Policy Act. If an environmental assessment is required by the federal Communications Commission (FCC), a copy of the assessment, as well as documentation of the FCC's subsequent approval thereof, must be submitted at the time of application.

(l) Safety:

(1) Radio frequency:

The applicant shall be required to submit documentation that the proposed wireless telecommunications facility complies with the FCC standards for radio frequency emissions, as adopted by the FCC on August 1, 1996.

(2) Structural:

A Professional Engineer shall certify that all antenna support structures and wireless telecommunications equipment are erected and/or installed so as to comply with the co-locations requirements of this Ordinance, wind loading and other structural standards contained in the Building Code as adopted by the City of Saraland and the applicable technical codes established by the Electronic Industries Association (EIA/TIA 22-E "Structural Standards for Steel Antenna Towers and Antenna Supporting Structures) or the Telecommunications Industry Association. This shall apply to new and modified structures and facilities.

(3) Security of the site:

Fencing shall be required to ensure that antenna support structures and their accessory buildings are fully secured. Sufficient anti-climbing measures must be incorporated into each facility, as needed, to reduce potential for trespass and injury.

(4) Obsolete towers:

In the event the use of any wireless telecommunications facility has been discontinued for the period of one hundred and eighty (180) days, the wireless telecommunications facility shall be deemed to be abandoned.

The determination of the date of the abandonment shall be made by the Building Official.

Upon such abandonment, the owner/operator of the wireless telecommunications facility shall have an additional one hundred and eighty (180) days within which to reactivate the use of the wireless telecommunications facility to another owner/operator who makes actual use of the wireless telecommunications facility, dismantle, or remove the wireless telecommunications facility.

SECTION M
SIGN PROVISIONS

ARTICLE XXXIII

SIGN PROVISIONS

Originally Adopted December 27, 2007
Revised April 11, 2013

33-1 PURPOSE

The intent of this Article is to further the purpose stated in Article I and is designed to govern the effective use of signs as a means of communications; to protect and promote the public health, safety and welfare by governing the type, number, location, physical dimensions, setback and other standards to signs in each of the use districts established in this Ordinance; to prevent the disruptions, obstructions and hazards to vehicular and pedestrian traffic that signs may cause; to minimize the possible adverse effect of signs on nearby public and private property; and to encourage a positive visual environment in harmony with the natural beauty of the City of Saraland.

33-2 GENERAL PROVISIONS

The following apply:

(a) General:

(1) Permit Requirements:

No sign, unless herein excepted, shall be erected, constructed, posted, painted, altered, maintained, or relocated, until a permit has been issued by the Building Official, or his designee. Before any permit shall be issued, an application on prescribed forms, which shall indemnify and hold harmless the City of Saraland for all damages, demands, or expenses of every character which may in any manner be caused by the erection and use of said sign or sign structure, shall be filed together with such drawings and specifications as may be necessary to fully advise and acquaint the Building Official, or his designee, with the location, size, type of structure, construction materials, manner of illuminating, manner of securing or fastening, number of signs applied for, and the wording of the sign or advertisement to be carried on the sign in order to show compliance with the sign ordinance.

(2) Size Restrictions Applicable:

Any permitted sign shall be subject to the size and height limitations imposed by this Ordinance for the zoning district in which said sign is located, except as otherwise provided herein.

(b) Location:

(1) Right-of-Way Placement Prohibited:

No outdoor advertising sign or sign structure shall be placed upon any street or highway right-of-way, except as otherwise provided herein.

(2) All signs shall maintain a five (5) feet setback from side property lines.

(3) View Obstruction Prohibited:

No outdoor advertising sign or sign structure shall be located in such a manner as to materially impede the line of sight or the view of any street or highway intersection.

(4) Ingress/ Egress Impediment Prohibited:

No outdoor advertising sign or sign structure shall be erected, relocated or maintained so as to prevent free ingress/egress from any door, window, or fire escape.

(c) Illumination:

(1) Direction and Intensity:

Devices that illuminate a sign or signs shall be placed and shielded so that direct light shall not be cast at any portion of the traveled way of any roadway. Lights which are of such intensity or brilliance as to cause glare or to impair the vision of the driver of any motor vehicle or which otherwise interfere with any driver's operation of a motor vehicle are prohibited.

(2) Interference:

No sign may be illuminated as to interfere with the effectiveness of or obscure an official traffic sign, device, or signal.

33-3 DEFINITIONS

Refer to the *Saraland Sign Reference* for definitions and picture examples of sign types.

- Address Numbers: Numbers used for the purposes of identifying the E-911 address of any residential or non-residential property.

- Banner: Any sign of lightweight fabric or similar material that is mounted to a pole or a building at one or more edges.

- Bench Sign: A sign of any size permanently or temporarily affixed in any manner to a bench.

- Billboard: A large elevated off-premises or off-site sign intended for view by the general public, advertising an establishment, merchandise, product, service or entertainment which is not sold, provided, manufactured, or furnished on the property on which said sign is located.

- Bunting: a lightweight loosely woven fabric used typically for flags and festive decorations.

- Changeable Copy Sign/Reader Board: A sign or portion thereof with characters, letters or illustrations that can be changed or rearranged without altering the face of the surface of the sign. A sign on which the message changes more than eight (8) times per day shall be considered an animated sign and not a changeable copy sign for purposes of this Ordinance.

  A sign on which the only copy that changes is an electronic or mechanical indication of time or temperature shall be considered a "time and temperature" portion of a sign and not a changeable copy sign for purposes of this Ordinance.

- Commercial Complex: Two (2) or more businesses that share an address number and street name, but that have separate suites with individual suite numbers and/or letters

- Construction Sign: Any sign giving the name or names of principal contractors, designers, architects, and lending institutions responsible for construction on the premises during the time actual construction work is in progress.

- Flashing, Electronic and/or Intermittent Illuminating Signs: Signs which are illuminated and contain intermittent illumination or other animated lighting component.

- Feather Flag: A portable vertical type banner attached to a flexible pole. These flags are available in various shapes and sizes.

- Hanging Sign: Any sign mounted to extend vertically below a marquee or canopy.

- Legal Nonconforming Sign: (See Article XXXIII, Section 33-7 for Definition).

- Marquee: A permanent roof like structure extending from part of the wall of a building but not supported by the ground; possibly designed to allow changeable copy, either manually or electronically, which may overhang the public way.

- Menu Type Sign: A permanent sign, which is not designed or located so as to be legible from any public right-of-way, depicting products that can be purchased on site, and is part of a drive-through service (i.e. fast food restaurants).

- Nonconforming Sign: Any sign not in compliance with the Sign Ordinance.

- Off-Premise Sign: A billboard or other sign relating its subject matter or any portion thereof to a premise other than the premises on which said sign is located.

- On-Premise Sign: A sign relating its subject matter to the premises on which said sign is located.

- Pennant: Triangular shaped flag. May also refer to a streamer with multiple pennants adjoined one to another.

- Permanent Sign: A sign permanently affixed to a building or the ground.

- Pole/Pylon Sign: A freestanding sign that is erected or affixed to one or more poles or posts.

- Political Sign: A sign identifying and urging voter support for or in opposition to a particular issue, political party, or candidate for public office.

- Portable Sign: Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported.

- Premises: An area of land with its appurtenances and buildings which, because of its unity of use, may be regarded as the smallest conveyable unit of real estate (see Article VIII, 8-2 (161)(n)).

- Projecting Sign: Any sign which is perpendicularly affixed to a wall or building and is supported only by the wall on which the sign is mounted.

- Real Estate Sign: A sign which advertises the sale, rental or development of the premises upon which it is located, or directs people to a property that is for sale, rent, or subject to development.

- Sandwich Sign: Any sign, double or single faced, which is portable and may readily be moved from place to place.

- Shopping Center: a group of two (2) or more commercial businesses usually within close proximity to one another and that may share parking.

- Shopping Center Sign: A freestanding sign that displays signage for two (2) or more commercial businesses.

- Sign: Any words, lettering, parts of letters, figures, numerals, phrases, sentences, emblems, devices, designs, pictures, trade names or marks or combinations thereof, by which anything is made known, such as the designation of an individual, a firm, an association, a profession, a business, a commodity, or product which are visible from any public way and used as an outdoor display. This also includes the structure, poles, foundation, etc. supporting the sign.

- Sign Height: The vertical distance from the finished grade at the base of the supporting structure to the top of the sign, its frame, or supporting structure, whichever is higher. Such grade shall not be altered from the natural ground elevation.

- Sign Surface Area: The surface area of a sign shall be computed for the area within the periphery of regular geometric forms, comprising all of the display area of the sign and including all the elements of the matter displayed, but not including structural elements of the sign bearing no advertising matter.

- Snipe Sign: A sign that is tacked, nailed, tied, posted, pasted, glued or otherwise attached to trees, poles, stakes, fences or other objects not approved for the displaying of signage. Typically, but not always, they are off premise signs.

- Streamer: any long narrow wavy strip allowed to float or wave in the wind. Typically bright or metallic in color in order to attract attention.

- Temporary Sign: A sign or advertising display intended to be displayed for a short period of time, not to exceed thirty (30) calendar days.

- Traffic Signs: Official government signs used for the purpose of safely directing vehicular and pedestrian traffic

- Vehicle Signs: Any sign affixed to, wrapped around, or painted on a vehicle.

- Wall Sign: A sign attached to or erected against the wall of a building with the face parallel to the plane of the building wall.

- Window Sign: Any sign placed inside or upon a window.

- Yard Sign: Non-permanent type signs usually used for advertisement and informational purposes. They are lightweight, yet strong enough to withstand most weather conditions.

33-4 SIGNS FOR WHICH NO PERMIT IS REQUIRED

The following signs may be erected or constructed without a permit but shall comply with the structural and safety requirements of the current building codes and all other applicable provisions of this Ordinance.

(a) Traffic Signs:

Official traffic signs or sign structures, or municipal information signs and provisional warning signs or sign structures, when erected or required to be erected by a governmental agency. All traffic signs placed by private developers or private property owners shall be in accordance with the most current edition of the Alabama Manual on Uniform Traffic Control Devices (MUTCD), and any revisions thereof.

(b) Vehicle Signs:

Any sign on a truck, bus, or other vehicle that is used in the normal course of a business for transportation and not for the sole purpose of advertising.

(c) Address Numbers:

General:

No new sign permits shall be issued for any property unless the street address of the property is displayed in an easily identifiable location.

Except where the address is also the name of the business or institution owning or occupying the premises, address numbers will not be included in the signage area of a sign.

(d) Real Estate Signs:

(1) General Provisions:

Real estate signs, temporary in nature, non-illuminated, not exceeding six-and-one-half (6.5) square feet in area for residential and thirty-two (32) square feet for non-residential, advertising real estate for sale or lease or rent, or announcing contemplated improvements of real estate; one (1) sign for each street frontage will be allowed on the site and shall be removed within ten (10) days, upon closing, rental, or completion of improvements.

(2) Real Estate Directional Signs:

Real Estate directional signs will not be allowed, except as provided below:

"Open House" signs, which identify homes/houses when a selling agent is on the site that is open for the general public to view. Said sign(s) size shall not exceed six (6) square feet in area.

Such signs may be placed at intersections for a period of one (1) day before the open house and removed the day of the open house, after the completion of the open house. Signs shall be placed in a manner such that they do not constitute a traffic hazard.

No more than four (4) directional open house signs may be placed in the corporate limits for any one open house and only one (1) route designated by signs to a particular open house and only one (1) sign per company at any one intersection.

(3) Violations:

Any person who fails to remove the sign(s) within the prescribed time period outlined above shall be fined upon conviction, not less than fifty dollars ($50) per sign remaining. Chronic violations may result in the enforcement of Article II, Section 2-8, entitled Penalties and Remedies.

(e) Temporary Promotional Sign Allowance for Commercial and Retail Establishments:

The following signage shall be allowed. That which is not specifically provided herein shall be requested by permit application.

Promotional Weekend and Nationally Recognized Holidays:

On the last Friday of each month and any State recognized holiday, retail and commercial establishments duly licensed to do business within the corporate limits shall be permitted to display three (3) each of any three (3) types of the following items, for a total of nine (9) items. However, all such items shall be removed from the premises at the close of the final business day of the weekend.

Temporary decorative signs, pennants, streamers, bunting, balloons, and flags. (Reference: Section 33-4, Subsection (g), for provisions governing use of flags).

Each commercial or retail establishment shall be permitted to choose any three (3) types of signage from the foregoing list on each weekend specified and shall be limited to the use of only those three (3) types of items chosen during any given promotional weekend.

(f) Political Signs:

Political signs may be displayed for the duration of a campaign and shall be removed within five (5) days following the election. A candidate shall not place signs prior to qualifying to run for office with the qualifying entity administering the election. Signs shall not be placed within the right-of-way and shall not impede the line of sight or the view of any street, highway, or intersection.

(g) Flags:

National flags and flags of political subdivision of the United States and flags of bona fide civic, charitable, religious, academic, corporate, fraternal, and welfare organizations when displayed from a maximum of three (3) flag staffs per premises in accordance with United States Public Law 623 (Flag Display Practice). There shall be no more than three (3) flags allowed per premise.

(h) On-Premise Directional Signs and Symbols:

(1) Non-advertising directional signs or symbols (e.g., arrows, entrance, exit, caution, slow, no trespassing) located on and pertaining to a parcel of private property, not to exceed two (2) square feet with a maximum height of three and one half (3.5) feet from the ground. Such directional signs may have the name or symbol of the business, but may not contain advertisements for sales, specials, and the like.

(2) Property Owners Associations (i.e., POAs) will be allowed to place interior directional signs along city right-of-ways in neighborhoods. Said signs shall be no greater than two (2) square feet with a maximum height of three and one half (3.5) feet from the ground, constructed of wood material, and sand blasted, carved or other similar lettering, aesthetically designed to harmoniously blend with the surrounding neighborhood.

(i) Memorial Signs and Historical Markers:

Memorial signs and historical markers constructed of bronze, stone or other incombustible material after historical authentication and location is approved by the City Council.

(j) Professional, Announcement or Occupational Signs:

One (1) each professional, announcement or occupational sign non-directly illuminated and flat wall mounted, and/or one (1) each outdoor advertising sign for privately-owned premises or business location, provided the area of the sign or the combined areas of both signs, if two (2) signs are erected, does not exceed six (6) square feet, and provided the premises or business location is without a permitted sign. (See Home Occupations, as defined in Article XXXI, Section 31-1, Subsection (i).

(k) Non-Commercial Yard Sale or Garage Sale Temporary Signs:

Noncommercial yard sale or garage sale temporary signs not exceeding four (4) square feet, which display the date(s), time, and the address of the sale. No more than four (4) directional signs may be placed per yard sale. Said signs shall be removed as soon as the sale is concluded.

(l) Signs Incorporated on Machinery or Equipment:

Signs incorporated on machinery or equipment which advertise only the product or service dispensed by the machine or equipment, such as signs customarily affixed to vending machines, newspaper racks, and gasoline pumps, provided the combined area of such signs does not exceed two (2) square feet. This shall include signs commonly referred to as "Pump Toppers" on top of gasoline pumps and shall be limited to two and one-half (2.5) square feet in dimension. In recognition that parent oil companies often provide said signs to the subsidiary stations, minor deviations in size shall be allowed, subject to the approval of the Building Official, or his designee.

(m) Indoor Signage or Window Signs:

Indoor signage or window signs which identify the name of the business, drawings or pictures on the glass surface, or advertise activities, services, goods, or products available within the building, and which collectively cover no more than twenty (20) percent of the window glass surface area.

(n) Hanging, Projecting, or Canopy Signs:

One (1) each business or professional identification sign mounted to extend either vertically below a ceiling, marquee or canopy or mounted to extend perpendicular to a wall or building, provided its area does not exceed six (6) square feet, nor exceed the width of the marquee or canopy, nor provide less than nine (9) feet of clearance above the sidewalk or pedestrian thoroughfare. A projecting sign shall protrude from the wall a distance no greater than three (3) feet.

33-5 SIGNS REQUIRING PERMITS

Unless otherwise specified herein, the Schedule in Section 33-11 contains requirements for signs permitted in each use district.

(a) Property Owners Association:

Signs conveying information regarding association activities and/or the use of common areas and other amenities of an incorporated Property Owners Association may be permitted subject to approval of the Planning Commission.

Such signs shall be of a material and design approved by the Planning Commission and shall not exceed thirty-five (35) square feet in area nor be greater than six (6) feet in height with changeable copy on no more than two (2) faces. Signs so permitted may be placed at a maximum of four (4) locations only within the subdivision on common property owned by the Property Owners Association.

(b) Name Indication Signs:

Signs indicating the name of any fixed dwelling or mobile home subdivision; mobile home park; apartment, townhouse, condominium or planned unit development; office park, shopping center, industrial park or other residential or business complex permitted in any district; and signs for any use permitted by Right, with Planning Commission Approval, or Special Exception in any residential district, as indicated in Article XXXV, are allowed. See Section 33-11 for Permitted Sign Requirements.

Any fixed dwelling or mobile home subdivision or mobile home park may have no more than two (2) name indication signs at each entrance.

(1) Seasonal Signage:

For seasonal businesses open for four (4) months of the year or less, temporary signage may be allowed in-lieu of permanent signage. Temporary signage must be permitted and approved by the Building Official, or his designee.

(c) Wall-Mounted Signs:

Each establishment in a shopping center and each business premises in B-1, Local Business, B-2, General Business, B-3, Professional, and M/I, Manufacturing/Industrial, districts may acquire a permit for a wall-mounted sign(s) of a total surface area not to exceed the lesser of three hundred (300) square feet or twenty (20) percent of the surface frontal area of its building or portion of building. The surface area of the side(s) of the building shall not be considered. A sign(s) may be mounted on the side of the building if a main entrance is located on the side. Signs mounted on mansards, marquees, and awnings are deemed to be wall signs.

(d) Menu Type Signs:

Two (2) menu type signs per drive-thru lane not to exceed sixty-four (64) square feet for the combined area of both signs, and a maximum of eight (8) feet in height.

(e) Yard Type Signs:

Two (2) yard type signs shall be allowed per parcel per street frontage, or one (1) per street frontage for each establishment in a shopping center. Such signs shall not

exceed four (4) square feet in area and shall be permitted for no more than thirty (30) days. Permits for yard signs may be issued twice within a six (6) month period.

(f) Automobile Dealerships:

Automobile dealerships in the sale of new vehicles shall be subject to the following:

(1) Numerical Limitation:

In addition to the allowed one (1) sign per street frontage, one (1) secondary ground sign per street frontage shall be permitted only if two (2) or more automotive product lines (automotive makers) are offered for sale on the premises.

(2) Area Limitation:

The maximum area of the face for a secondary ground sign shall not exceed twenty-four (24) square feet and the maximum height shall not exceed ten (10) feet above ground level.

(g) Gasoline and Fuel Signs:

Motor vehicle fuel pricing signs, in addition to permitted name or identification signs, are allowed in any business district or manufacturing/industrial district. . Motor vehicle fuel pricing signs shall not be counted toward the signage area for the property, provided that no more than one such sign, up to twenty (20) square feet in area, shall be allowed per street frontage and must comply with the other sign requirements for the district in which they are located. Motor vehicle fuel pricing signs, up to ten (10) square feet, may be allowed on the side of the canopy that covers the fuel pumps.

(h) New Construction Signs:

(1) General Provision:

A temporary non-illuminated sign will be permitted for the development of each individual business premises, shopping center premises, manufacturing/industrial business, subdivision, planned unit development, or other development that obtains site plan approval by the Planning Commission. One (1) such sign may be erected in connection with new construction work and displayed on the premises during such time as the actual construction work is in progress. One (1) sign shall be allowed for each street frontage. Each sign shall not exceed ten (10) feet in total height and no more than thirty-two (32) square feet in area. Such signs shall be removed upon completion of the project.

(2) Temporary Sign:

A temporary sign for new construction will be permitted on each premises for a new business or a business starting in a new location where the premises is without a permitted permanent sign for a period of not more than sixty (60) days or until mounting of a permanently permitted sign, whichever occurs first, provided the temporary sign does not exceed thirty-two (32) square feet, is non-illuminated, and is mounted from the ground to a height not to exceed ten (10) feet. Said sign may be single or double faced. The temporary sign will be removed when a permanent permitted sign is erected.

(i) Conventions and Grand Openings:

Temporary signs and banners not exceeding fifty (50) square feet in total area and temporary decorative flags, bunting, pennants and streamers for recognizing conventions and grand openings may be allowed upon approval by the Building Official, or his designee. Said temporary decorations and signs shall be kept in good condition and shall be permitted for no more than thirty (30) days.

(j) Temporary Promotional Banner:

One temporary promotional banner no greater than thirty (30) square feet may be attached to and parallel to the face of the building wall for a period not to exceed thirty (30) calendar days. (See Article VIII, Section 8-2, as defined in Definition of Terms, Temporary Use). Any other manner of banner attachment shall be approved by the Building Official, or his designee. Permits for banners may be issued twice within a six (6) month period.

(k) Electronic Signs:

(1) General Prohibition:

Electronic signs are prohibited within the corporate limits with the following exception(s):

Public entities, limited to the Saraland Civic Center, Recreation, Municipal Buildings, and Library Complex and Schools of the Saraland Public School System shall be allowed to maintain electronic signs on the premises of such entities for the sole purpose of providing (1) Information regarding onsite activities or (2) community information of general public interest (i.e.: City Council meetings, Public Service Announcements).

(a) Commercial Advertising Prohibition:

In no case, however, is commercial advertising permissible within the electronic display area of any electronic sign or on or around the supporting structure of a sign belonging to a public entity (e.g. the Saraland Civic Center, Recreation, and Library Complex and Schools of the Saraland Public School System).

(l) Reader Board Signs:

The reader board portion of any sign, excluding marquees, menu signs, and wall signs, shall not exceed seventy-five percent (75%) of the total overall signage area.

(m) Interstate Corridor Signs:

One "Name Indication" sign shall be allowed for any premise zoned business or manufacturing that is either located within 2500 feet from the intersection of Interstate 65 with Hwy 158 or located within 2500 feet from the intersection of Interstate 65 with Celeste Road. Distance shall be measured in a linear fashion from the I-65 intersection to the property line. The premise must have a minimum of 200 feet of road frontage or a minimum building size of 15,000 square feet. The sign shall contain no more than four hundred and eighty (480) square feet of signage and shall be no greater than one hundred and twenty-five (125) feet in height.

(n) Off-premise Signs:

(1) General:

Off-premise signs, as defined in this Ordinance, shall not be permitted except as described below.

Off-premise signs, other than those allowed under Section 33-5 (o), shall only be allowed for directional purposes and shall only be allowed to display the name of the facility, distance to the facility, and an arrow pointing in the direction of the facility. No advertising shall be allowed on off-premise signs.

Any proposed sign to be erected on private property shall have the written approval of the property owner. Any parcel shall contain no more than one (1) off-premise sign.

Any entity utilizing an off premise sign shall deduct the signage area of the off-premise sign from the allowable signage area of their on-premise sign.

Sign height for any off-premise sign shall not exceed four (4) feet.

(2) Commercial/Retail Signs:

Inasmuch as commercial developments continue to arise within the city limits which contain private interior streets and/or drives across private property with retail and/or business space being located on said private interior streets/property, an advertising sign shall be allowed to be placed at one end of the private interior street. For a Commercial Complex that shares a street name and address number, but has one or more suites with no roadway frontage, a shopping center type sign shall be required.

Said signs shall be in accordance with the schedule of permitted signage

requirements.

(o) Billboards:

New billboards shall only be allowed on parcels immediately adjacent to the I-65 right-of-way. New Billboards located along I-65 shall be electronic. For each new electronic billboard or billboard structure erected, four (4) existing billboard structures within the city shall be completely removed. All holes and/or voids resulting from the removal of the billboard structure, foundation, etc. shall be backfilled to be level with the adjacent ground surface. Billboards shall be located a distance of 600 feet from any residential zoning district; 200 feet from any freestanding general business sign; 1,000 feet from an intersection; and 1,500 feet from a park, playground, or school. Also, there must be at least 1000 feet between sign structures located on the same side of the highway.

Existing billboards may remain in place as nonconforming if they are in compliance with Section 33-7 (a).

(1) Electronic Requirements:

Electronic billboard signage area allowed shall be a maximum of six hundred seventy-two (672) square feet. Maximum height shall be fifty (50) feet. Digital billboard construction is allowed, as a monopole design with underground utility service, provided the following requirements are met.

(a) The sign does not display any illumination by flashing; intermittent or moving lights; does not contain or display animated, moving, projecting, video or scrolling elements;

(b) Each message shall be displayed for at least eight seconds and a change of message shall be accomplished within two seconds or less;

(c) A change of message must occur simultaneously on the entire sign;

(d) A sign face is only visible from one direction of traffic;

(e) It will automatically adjust the intensity of its display brightness according to natural ambient light conditions;

(f) It contains a default design mechanism that freezes the sign in one position if a malfunction occurs;

(g) The sign owner shall provide contact information for a person who is available to adjust the intensity of the sign should a malfunction occur.

(2) Billboard Permitting:

(a) Permit applications shall be submitted to the Building Official, or his designee. If the applicant satisfies the requirements of this Section,

the Building Official, or his designee, will issue a provisional permit granting permission for the digital sign, subject to the issuing of a permit by the Alabama Department of Transportation.

(b) The applicant shall obtain a permit from the Alabama Department of Transportation allowing the requested construction and shall provide a copy of that permit to the Building Official, or his designee, no later than 12 months following the issuance of the provisional permit.

(c) If the applicant satisfies the requirements of The Saraland Land Use and Development Ordinance and obtains a permit from the Alabama Department of Transportation, the Building Official, or his designee, shall issue a sign permit for the billboard.

(d) The provisional permit shall expire 12 months after its issuance if no sign permit has been issued in that time.

(e) All billboards shall obtain annual electrical and structural inspections. A copy of these inspections, along with the annual fee, shall be submitted to the Building Official, or his designee, due on December 31st.

(p) Residentially Zoned Areas:

Commercial uses permitted by right in a residentially zoned area, not including home occupations, may follow the requirements in Section 33-11 for zoning district B2, General Business.

(q) Public Interest Directional Signs:

A permanent or temporary sign, erected on private or public property, to denote the route to any public building or facility, public meeting, or public event when authorized by the City Council.

33-6 SIGNS PROHIBITED IN ALL DISTRICTS

The following signs are prohibited in all districts:

(a) Prohibited Placement:

Signs shall not be erected or painted upon any sloped roof, fence, tree, stand pipe, fire escape, or utility pole, except the manufacturer's or installer's ID plate.

(b) Prohibited Wording:

Any sign which uses the word "Stop" or "Danger" prominently displayed and/or which is a copy or imitation of official traffic control signs.

(c) Flashing Signs Prohibited:

(1) General Prohibition:

Signs which contain intermittent illuminations are prohibited.

(2) Exceptions:

This subsection does not prohibit the following:

(a) Signs required for traffic control.

(b) Signs which exhibit only time, date, temperature, weather, and/or emergency news. Commercial advertising is prohibited.

(c) Signs as allowed per Section 33-5(k) and billboards per Section 33-5(o).

(d) Prohibited Sign Types:

Portable signs, feather flags, streamers, bench signs, snipe signs, and sandwich signs, except as allowed in Section 33-4, Subsection (d) and (e) and in Section 33-5, Subsection (i).

(e) Prohibited Sign Effects:

Signs which produce sound or noise; cause interference with radio, telephone, television or other communication transmission; produce or reflect motion pictures; emit visible smoke, vapor, particles, or odor; are animated; or produce any rotation, motion, or movement. Spinning signs shall not be allowed except for permitted traditional barber poles.

(f) Billboards and Off-Premises Signs:

Billboards and off-premise signs as defined in this Ordinance with the exception of those permitted pursuant to Sections 33-5 (n) and 33-5 (o).

(g) Vehicle Advertisement:

Any sign attached to or painted on a vehicle parked adjacent to or on a public right-of-way, thoroughfare, or public parking lot for the principal purpose of advertising is prohibited. Any sign attached to a vehicle or trailer that is used in the normal day to day operation of the advertised business is allowed. The primary use of any vehicle or trailer, which contains a vehicle sign, must be to serve a useful function in the transportation or conveyance of persons or commodities from one place to another, including transportation to and from work.

(h) Illuminated Tubing:

(1) General Prohibition:

Illuminated tubing or strings of lights that outline property lines, sales area, roof lines, doors, windows, wall edges, similar areas or other architectural features of a building.

(2) Exception:

This prohibition shall not apply to temporary displays erected in connection with holiday decorations.

(3) Grandfather Clause:

Any illuminated tubing located within the corporate limits prior to the enactment of this Ordinance is hereby grandfathered, provided however, that a permit for which no charge will be made is obtained for the illuminated tubing prior to the date upon which the next City of Saraland business license is due. Upon obtaining such permit, the business shall be granted "legal nonconforming" status as described in Section 33-7, Subsection (a), and shall be subject to the restrictions and provisions for loss of legal nonconforming status as set forth in Section 33-7, Subsection (b).

33-7 NONCONFORMING SIGNS

Any sign in existence on the date of adoption of this Ordinance that is not in conformance shall be considered a legal nonconforming sign and shall be permitted to continue to exist subject to the following conditions. The prohibited signs set forth in Section 33-6 which are in existence prior to the adoption of this ordinance shall also be considered legal nonconforming signs and shall be permitted to continue to exist subject to the following conditions:

(a) Grandfather Clause; Legal Nonconforming Signs:

(1) Existing Off-Premises Signs and Billboards:

At such time as any existing off-premise sign or billboard is removed or destroyed, no new off-premise signs or billboards will be allowed except as set forth in Sections 33-5(n) and (o). Any replacement sign or billboard shall be in conformance with the provisions of this Ordinance. A permit shall not be issued for any on-premise sign for any premise on which there exists a nonconforming off-premise sign or billboard until the off-premise sign or billboard is either permanently removed or becomes conforming in accordance with this Ordinance.

Any addition of illuminations, LEDs, or solar power lights to a non-conforming sign is prohibited.

(2) Legal Nonconforming On-Premise Sign Status:

Any on-premise sign located within the corporate limits prior to the enactment of the Land Use and Development Ordinance in January of 2008,

or located on property prior to its annexation, which does not conform to the provisions as set forth by this ordinance, is eligible for characterization as a "legal nonconforming" sign and is allowed, provided there is only one (1) ground-mounted, on-premise sign, and all other signage is in conformance with these regulations

(b) Loss of Legal Nonconforming Status:

An on-premise legal nonconforming sign shall immediately lose its legal nonconforming status and must come into conformance upon the following:

(1) Amortization Schedule:

Legally nonconforming on-premise signs shall be either removed or replaced with a conforming sign by January 1, 2014, or a date seven (7) years from the date in which the property is annexed into the corporate limits. All holes and/or voids resulting from the removal of the billboard structure, foundation, etc. shall be backfilled to be level with the adjacent ground surface.

It is intended that this provision shall ensure that those who hold legally nonconforming status will recoup initial investment costs and remaining useful life of such signs. It is further intended that this provision shall not deprive any owners of property rights without just compensation so as to avoid the occurrence of a taking.

It is envisioned that the time period allotted herein shall allow for amortization and depreciation of such signs based upon the following factors:

Initial investment costs, remaining useful life, length of time of ownership of the premises, the sign thereon, maintenance expenditures, cost of removal, and replacement.

Any nonprofit entity protected by Amendment 622 of the Alabama Constitution is exempted from the provisions of Section 33-7(b)(1).

(2) Structural Alteration, Abandonment, Discontinuation, Relocation or Replacement:

If such sign is, after the date of adoption of this ordinance, structurally altered, abandoned, discontinued, relocated or replaced, including the result of an act of God.

(c) Additional Permits Prohibited:

No permits for additional signs shall be issued for any premises on which there are nonconforming signs.

(d) Building Permit Provision:

Wherever a building permit is required for any kind of improvement to a building,

structure or land attached to which or on which there exists any nonconforming sign(s), then all signs attached to the building or structure or on the land, shall be replaced with a sign or signs that conform to the requirements of this Ordinance.

(e) Destruction/Structural Deterioration:

If any sign is destroyed by any means or becomes fifty percent (50%) or more structurally deteriorated as determined by the Building Official, or his designee, then the sign shall be removed. Any replacement sign, if allowed, shall conform to the requirements of this Ordinance.

(f) Mandatory Compliance:

Any nonconforming sign which is neither grandfathered nor permitted as a "legally nonconforming sign" according to Subsection (a) of this Section and which is prohibited under Section 33-6 of this Ordinance shall be removed or made to conform to this Ordinance within ninety (90) days of the date of adoption of this Ordinance.

(g) Variance:

The Board of Zoning Adjustment may, in extraordinary cases and for good reason, and where owing to conditions peculiar to the property and not the result of the actions of the applicant, permit the erection of a sign not in conformance with the requirements of this Article.

The Board, at its discretion, may require the posting of a bond in sufficient amount to protect the City of Saraland against all liabilities that may result from the erection and use of such sign.

33-8 PERMITTING

(a) Applicability:

No person shall erect, alter, relocate, repair, replace the face of, or change a sign (except for billboards, which are governed by Section 33-5(o)(2)) in any way without first obtaining a permit, except for the following actions which shall not require a permit:

(1) Cleaning, painting, or comparable maintenance of a sign that does not alter the size, image or message of the sign;

(2) Erecting a sign for which a permit is not required in accordance with Section 33-4 of this ordinance.

(b) Procedure:

All sign permits shall be issued in accordance with the following procedure:

(1) An application, signed by the property owner or owner's representative, shall be submitted to the Building Official, or his designee, for review and

processing. The application shall include supplementary information as may be specifically requested by the Building Official, or his designee, to determine compliance with these regulations.

(2) The Building Official, or his designee, shall review the application, plans, and specifications to determine whether the proposed sign conforms to all applicable requirements.

(3) Following review and determination as to conformance with these regulations, the Building Official, or his designee, shall either approve or deny the application for the sign permit. Upon approval, the permit fee shall be paid before the permit may be issued.

(4) An application may be amended within 30 days of the application date to include additional signage not to exceed the allowable maximum. Additional fees shall be charged for additional signage added. After 30 days, a new sign permit shall be required and all fees shall be reassessed based on the revised application.

(5) Electrical Permit Requirement:

All signs which are electrically illuminated shall require a separate electrical permit and inspection.

(c) <u>Submission requirements:</u>

No request for a sign permit shall be considered complete until all the following has been submitted to the Building Official, or his designee.

(1) The application form shall be submitted with all required information completed by the applicant. The application form is available from the Building Official, or his designee.

(2) Plans for the proposed sign shall be professionally designed and shall provide a graphic illustration or photograph. Drawings shall be submitted, drawn to scale, and include the following:

(a) Site plan showing the location of any easements, public rights-of-way, utilities, property lines, buildings, freestanding sign(s) and other signs existing on the property or proposed on the property;

(b) A listing of the number, type, location, and display area of all existing signs on the same property and/or building on which the sign is to be located.

(c) Main entrance and/or front facade including linear dimension;

(d) Dimensions, elevations, and messages of all signs on order to show

compliance with the sign ordinance;

(e) Dimensions of any supporting structures, including engineered structural drawings;

(f) Maximum and minimum height of proposed sign, as measured from finished grade;

(g) For illuminated signs, indicate type and placement of illumination;

(3) The applicant shall be required to pay a permit fee according to the current schedule of fees.

(4) A sign permit shall be valid for a period of 6 months from the date of issuance of the permit. Failure to completely construct and erect the sign within the permitted time period shall void the permit and necessitate reapplication. If construction of the sign is not in conformity with the ordinances of the City and with the submitted sign plans as determined by the Building Official, or his designee, the sign permit shall become void.

33-9 CONSTRUCTION, MAINTENANCE, AND REMOVAL OF SIGNS

(a) General Construction Requirements:

(1) Minimum Height Requirements:

No portion of any outdoor advertising sign shall be less than nine (9) feet above the level of a sidewalk or other pedestrian thoroughfare, nor shall be less than fifteen (15) feet above the level of a public driveway, alley or street.

(2) Aesthetic Standard:

Signs other than traffic signs shall be harmonious with the environment and with the nature of our special local characteristics of site, aesthetic tradition, and development potential. Plans for the proposed sign shall be professionally designed by a graphic designer and shall provide a graphic illustration or photograph.

(b) General Maintenance Requirement:

All signs shall be maintained in good condition and appearance.

The Building Official, or his designee, after due notice in writing to the owner, may remove, at the owner's expense, any sign which shows neglect, which appears abandoned, dilapidated, or which has an area of a distance of ten (10) feet around such sign that is not kept free of weeds, rubbish, debris, or uncut grass, and maintained in compliance with City standards.

(c) Vacation of Premises:

Any sign associated with premises that have been vacated shall be either removed from the premises by the owner or lessee within three (3) months of the time of vacation, or said sign shall be altered or resurfaced by the owner or lessee within the same time period so that it does not display letters, numerals, symbols, figures, designs, or any other device for visual communication that would pertain to the activity formerly associated with the vacated premises. Signs shall not remain void of face plates. If face plates are removed, the property owner shall ensure that solid color blank face plates shall be immediately installed as temporary replacements until a new owner/lessee occupies the signage area.

(d) Public Right-of-Way:

The Building Official, or his designee, may remove or cause to be removed any sign erected or maintained on any public right-of-way within the City corporate limits, or which is in violation of any of the provisions of this Ordinance.

(e) Penalty for Violation:

The erection or maintenance of any sign in violation of this Ordinance is a misdemeanor and shall be subject to the penalties set forth in Article II, Section 2-8, entitled Penalties and Remedies.

Notices and citations may be mailed to violators of this Ordinance.

A double fee shall be charged as a penalty for any sign installed prior to the issuance of a sign permit by the City.

33-10 TRAFFIC CONTROL DEVICES ON PRIVATE PROPERTY

When the owner of real property allows it to be used by the public for the purpose of vehicular traffic and/or as a public or quasi-public parking lot for the use of customers, tenants or employees of said property, the owner shall erect and maintain all traffic control signs and other devices in accordance with the Alabama Manual on Uniform Traffic Control Devices, and any revisions thereof. In addition, the owner shall meet the requirements of Section 32-5-31(a) of the Code of Alabama, 1975, (as amended), with respect to local authorities in their respective jurisdictions.

33-11 SCHEDULE OF PERMITTED SIGN REQUIREMENTS

Zoning District	Type of Use	Max Area per Face	No. of Faces per Sign	Max. Height*	Max No. Of Signs Permitted
R-(1,2,3,4,5)	Residential	6 sq ft	1	6 ft	1 per premises
B-1	Local Business	50 sq ft	2	10ft	1 per street frontage
B-2	General Business	50 sq ft	2	10 ft	1 per street frontage; 2 if the premises frontage is greater than one thousand (1,000) linear ft.
B-2	General Business (Shopping Center)**	50	2	12 ft	One (1) per street frontage for Centers with less than 10,000 SF of gross building area.
		100	2	12 ft	One (1) per street frontage for Centers with 10,000 SF to 20,000 SF of gross building area.
		200	2	21 ft	One (1) per street frontage for Centers with 20,000 SF to 65,000 SF of gross building area.
		250	2	30 ft	One (1) per street frontage for Centers with 65,000 SF to 250,000 SF of gross building area.

For Shopping Centers with greater than 250,000 of gross building area, signs must be approved by the Building Official, or his designee.

B-3	Professional Business	30 sq ft	2	10 ft	One (1) per street frontage
M-(1,2)	Manufacturing/ Industrial	50 sq ft	2	10 ft	One (1) per street frontage

*Maximum Height may be considered to be the sign height beginning at the elevation of the edge of the adjacent roadway.

** Maximum sign width shall be 15 feet.

33-12 FEES

Fees for each permitted sign under Sections 33-5 and 33-11 shall be as specifically enumerated in Article XXXIV, entitled the Schedule of Fees.

SECTION N
SCHEDULE OF FEES

ARTICLE XXXIV
THE SCHEDULE OF FEES

34-1 FEES

The schedule of fees assessed by the Planning Department with regard to the administration of the Land Use and Development Ordinance:

DESCRIPTION:	**FEE:**
PLANNING COMMISSION:	
Site Plan	$200.00
Preliminary and Preliminary /Final Plat	$150.00
File Per Lot	$10.00
Amendments	$50.00
Final Plat	$150.00
File Per Lot	$10.00
Request to Rezone	$300.00
Advertisement fee	cost per letter
Easement and/or Right of Way	$100.00
Advertisement fee	cost per letter
Mobile Home Park License	$150.00
License transfer	$50.00
Site Disturbance Permit (Fee based on site cost, excluding construction of building)	$20.00 Administrative Review cost per application, $5.00 per each thousand or a fraction thereof
Annexation	No fee
PUD	$200.00
BOARD OF ZONING ADJUSTMENT:	
Administrative Review	$150.00
Special Exception	$150.00
Variance	$150.00
Advertisement fee	cost per letter

SIGN PROVISIONS:

Note: A double fee shall be charged for any sign installed prior to the issuance of a permit.

Sign Permit	$1.00 per square foot ($25.00 Min.)
Yard Signs	$1.00 each
Billboard Annual Fee	$200.00
Temporary Banner	$10.00

SECTION O
TABLE OF PERMITTED USES

ARTICLE XXXV

TABLE OF PERMITTED USES (DEFINED)

TABLE OF PERMITTED USES: The following Table contains a list of land uses permitted in each district. Opposite each land use, in the appropriate district column or columns, the letter "R" identifies those districts in which a particular land use is permitted by right, subject only to Planning Commission site plan approval, and the letter "S" identifies those districts in which a particular land use is permitted only by Special Exception granted by the Board of Zoning Adjustment, and thereafter with site plan approval by the Planning Commission. The letter "P" identifies those uses that must be reviewed and approved by the Planning Commission as to location and site plan with regard to transportation, access, water supply, waste disposal, fire, police protection, and other public facilities.

USES NOT SPECIFIED: In any case where a use is not specifically referred to by the Table or elsewhere in this Ordinance, its status shall be determined by the Building Inspector by reference to the most clearly analogous use or uses that are specifically referred to in the Table of Permitted Uses. When the status of a use has been so determined by the Building Inspector, such determination shall thereafter have general application to all uses of the same type.

TABLE OF PERMITTED USES AND CONDITIONS	R1	R2	R3	R4	R5	B1	B2	B3	M1	M2	FH
Accessory buildings and uses, when located on the same lot or parcel as the principal structure or use and customarily incidental thereto, provided the requirements in all pertinent sections of this Ordinance are met	R	R	R	R	R	R	R	R	R	R	R
Agriculture and related farming operations, including horticulture, plant nurseries market gardening, field crops, orchards, and home gardens	P	P	P	P	P	R	R	R	R	R	R
Air Conditioning sales and service						R	R		R		
Ambulance/EMS service						R	R	P	R		
Amusement and recreation services: must be so arranged that noise, vibration, lights, and all other possible disturbing aspects are enclosed, screened or otherwise controlled so that operation of the establishment will not unduly interfere with the use and enjoyment of properties in the surrounding area:											
Amusement Park							S		P		
Amusement arcade, kiddie land							S		P		
Archery range							R				
Baseball batting range							R				
Billiard or pool hall							R		R		
Bowling alley							R		R		
Fairgrounds, circus or carnival							R		R		
Golf Course						R	R	R	R		
Golf Course, miniature							R		R		
Golf, driving range	P	P	P	P	P	P	R				
Racquetball or tennis courts, indoor				S	S	P	R	P	R		
Skating rink							R		R		

TABLE OF PERMITTED USES AND CONDITIONS	R1	R2	R3	R4	R5	B1	B2	B3	M1	M2	FH
Tennis Courts, outdoor; need not be enclosed within a structure	P	P	P	P	P	P	P		P		
Theater, indoor							R		R	R	
Theater, outdoor/drive-in; need not be enclosed within a structure							P				
Animal clinic/kennels for small animals; need not be enclosed within a structure							R		R		
Antique store, including repairing, restoration and refinishing (Ord. 1021, 12-17-15)						R	R		R		
Apparel and accessory store						R	R				
Appliance store						R	R				
Armory				S	S	R	R		P		
Art sculptures, statues, monuments	S	S	S	S	S	P	P	P	P	P	
Art supplies						R	R				
Auditoriums, stadiums, coliseums, and other such places of public assembly						P	P		P		
Automobile Air Conditioning Sales and Service							R		R		
Automobile Glass and Upholstery Installation							R		R		
Automobile laundry, where the primary function is washing automobiles, but not including trucks or trailers; operations shall be conducted only within a completely enclosed structure, and all wastes shall be discharged directly into the sewer							R		R		
Automobile parts sales, except used parts							R		R	R	
Automobile wrecking and salvage; need not be enclosed within a structure, but must be enclosed with a solid fence sufficiently high to obstruct noise and											

TABLE OF PERMITTED USES AND CONDITIONS	R1	R2	R3	R4	R5	B1	B2	B3	M1	M2	FH
view; chain link or similar open fence may be permitted if a screen planting adequate to obstruct view is provided							P		P		
Automobile, travel trailer, camper, farm equipment and implements and mobile home sales (new and used); need not be enclosed within a structure, but any mechanical or body repair must be done entirely within a structure which shall not have any opening, other than a stationary window, within 100 feet of a residential district							R		P	R	
Automobile and truck laundry, including steam cleaning									R		
Automobile and truck repair garage, mechanical and body; must be conducted in a structure which shall not have any openings other than a stationary, within 100 feet of a residential district and which shall not store or otherwise maintain any parts or waste materials outside such structures							R		R	R	
Automobile and truck sales and service; but not including commercial wrecking, dismantling, or auto salvage yard; need not be enclosed within a structure provided the unenclosed part shall comply with the requirements for maintenance of off-street parking facilities							R		R		
Automobile and truck service station including minor repair, subject to the requirements listed under Special Provisions, where the primary function is retail sale of gasoline, oil, grease, tires, batteries and accessories and where services are limited to installation of the items sold, washing, polishing, tire changing, greasing and minor repairs, but not including commercial wrecking, dismantling or auto salvage yard, major mechanical overhauling or body work; fuel pumps need not be enclosed within a structure						P	P		P	P	

TABLE OF PERMITTED USES AND CONDITIONS	R1	R2	R3	R4	R5	B1	B2	B3	M1	M2	FH
Bakery, retail						R	R				
Bakery, wholesale							R		R		
Bank, including drive-in bank						R	R	R	R		
Barber shop or beauty parlor						R	R				
Barber and beauty supplies and equipment sales							R		R		
Bicycle, lawnmower sales, service and repair							R		R	R	
Boat construction, storage, service and repair, wet and dry, major; need not be enclosed within a structure							R		R	R	S
Boat docking only of pleasure boats as an accessory use to a permitted principal use; maximum of three (3) slips per unit. Boat service is prohibited	R	R	R	R	R	R	R	R	R	R	R
Boat dry storage; pleasure boats having lengths not greater than 31 feet							R		R	R	R
Boat sales, accessories and service							R		R		
Boat storage, service and repair, minor; a marina for docking pleasure boats and providing services thereto and to the occupants thereof, including minor servicing and minor repair to boats while in the water, sale of fuel and supplies, and provision of lodging, food, beverages and entertainment as accessory uses, may include dry storage in an enclosed structure							R	R	R	R	S
Body-Piercing Studio							R				
Book store						R	R				
Bottling works							R		R		
Building materials supply, provided that major storage areas are screened from view and that any machine operations are conducted entirely											

TABLE OF PERMITTED USES AND CONDITIONS	R1	R2	R3	R4	R5	B1	B2	B3	M1	M2	FH
within an enclosed structure with no opening other than a stationary window within 100 feet of a residential district							R		R	R	
Bus and railroad terminal facilities								P	P	P	
Business machines sales and service						P	R		R		
Business school or college						P	P	P			
Butane and other liquefied petroleum gas products storage and sales; need not be enclosed within a structure							S		S		
Cabinet or carpenter shop							R		R		
Café, grill, lunch counter and restaurant but not including night club, bar, tavern and drive-in restaurant						R	R		R	R	
Camera and photographic supply store						R	R				
Candy, nut and confectionary store						R	R				
Canvas products manufacture							P		R		
Carting express, crating, hauling storage							R		R		
Catering shop or service						R	R				
Cemetery, subject to requirements of the Special Provisions	S	S	S	S	S	S	S	S	S		
Churches and related accessory buildings	S	S	S	S	S	P	P	P	P	P	
City Hall, police station, fire station, courthouse, federal office building and similar public building	R	R	R	R	R	R	R	R	R	R	
Clay and clay products manufacture; need not be enclosed within a structure							P		R		
Clinic, dental, medical or psychiatric for humans	S	S	S	S	S	R	R	R	S		
Club or lodge, fraternal, civic charitable or similar organization,											

TABLE OF PERMITTED USES AND CONDITIONS	R1	R2	R3	R4	R5	B1	B2	B3	M1	M2	FH
public or private, but not including any such club, lodge or organization, the chief activity of which is a service or product customarily carried on as a business	S	S	S	S	S	R	R		P		
Club, country club, golf, swimming or tennis club or the like, privately owned and operated community club or association, athletic field, park, recreation area, and similar uses of a recreational nature provided that no building for such purposes is located within 100 feet of any property line	S	S	S	S	S	P	P	P	P	P	P
College or university, provided that they are located on a lot fronting on an arterial street or road and that no building is located within 100 feet of any property line	S	S	S	S	S	P	P	P	P		
College sorority or fraternity house	S	S	S	S	S	P	P	P			
Communications Towers							S		P		
Concrete and concrete products manufacture; need not be enclosed within a structure									R		
Contractor's storage yard for vehicles, equipment, materials and supplies; need not be enclosed within a structure, but must be enclosed within a solid fence to screen view; chain link or similar open fence may be permitted if a screen planting adequate to obstruct the view is provided							R		R	R	
Convenience Store						R	R		R	R	
Correctional, detention or penal institution							S		S		
Dairy equipment sales							R		R		
Dairy products sales						R	R				
Delicatessen						R	R				

TABLE OF PERMITTED USES AND CONDITIONS	R1	R2	R3	R4	R5	B1	B2	B3	M1	M2	FH
Department store							R		R		
Dog pound; need not be enclosed within a structure							P		R		
Drive-in restaurant					P		P		P		
Drug Store						R	R				
Dry cleaning shop, including self-service						R	R				
Dry goods or fabric store						R	R				
Dwelling, one-family	R	R	R	R	S	S	S	S	S		
Dwelling, two-family			R	R	S	S	S	S	S		
Dwelling, multi-family			P	P	S	P	P	S	S		
Electric power generating plant							S		S		
Electric power substation; need not be enclosed within a structure, but must be secured by a chain link or similar fence, or raised above ground so as to be inaccessible to unauthorized persons; requires visual screen in most districts	P	P	P	P	P	P	P	P	P		
Electric repair shop							R		R		
Electric Supply Store							R		R		
Elevator maintenance service							R		R		
Employee credit union office						R	R	R			
Exterminator service office						P	R		R		
Farm and garden equipment and supply store							R		R	R	
Farmers' markets							P		R		P
Fix-it shop, including small appliance repair						R	R		R		
Floor covering sales and service						R	R		R		
Floral shop						R	R				

TABLE OF PERMITTED USES AND CONDITIONS	R1	R2	R3	R4	R5	B1	B2	B3	M1	M2	FH
Food locker plant including rental of lockers for the storage of food; cutting and packaging of meats and game, but not the slaughtering of animals or fowl.							R		R		
Food products processing plant							R		R		
Food products, wholesale storage and sales							R		R		
Freight; depot, railway or truck							P		R		
Fruit and produce, retail						R	R				
Fund Raising	S	S	S	S	S						
Funeral home, mortuary or undertaking establishment						R	R				
Furniture and home furnishing store, including office furniture and equipment							R		R		
Furniture repair, including upholstering and refinishing							R		R		
Gas regulator station	P	P	P	P	P	P	P	P	P		
Gift shop						R	R				
Grocery store, retail						R	R				
Gymnasium, commercial						R	R				
Hardware store, retail, wholesale, storage and sales						R	R				
Hatchery, poultry, or fish									R		
Hazardous materials storage: see Definition, section 8-2, (Ord. 906, 2-14-13; 989 11-13-14)							P		P	P	
Heating and plumbing equipment, supplies and service							R		R	R	
Hobby shop and supply store						R	R		R		
Home occupation (Ord. 1029, 01-28-16)	S	S	S	S	S	R	R	R			

TABLE OF PERMITTED USES AND CONDITIONS	R1	R2	R3	R4	R5	B1	B2	B3	M1	M2	FH
Hospital, clinic, convalescent or nursing home, extended care facility or sanitarium for humans	S	S	S	S	S	P	P	P	P		
Hotel and motel					S	P	P		P		
Ice Cream parlor						R	R				
Ice Plant							R		R		
Industrial park									P	P	
Institution for children or the aged, day care	S	S	S	S	S	S	S				
Interior decorating shop						R	R				
Junk yard including storage, baling or sale of rags, paper, iron or junk; need not be enclosed within a structure but must be enclosed within a fence or sufficient height to obstruct view and noise; chain link or similar fence may be permitted if screen planting is provided.										P	
Kindergarten, play school or day care center, public or private, provided that all activities are carried on in an enclosed building or fenced yard and that all applicable federal, state and local requirements are met.	S	S	S	S	S	R	R		P		
Laboratory, scientific							S		R		
Laboratory, medical or dental						R	R		R		
Landscape garden sales; need not be enclosed within a structure						R	R		R		
Laundry, self-service				P		R	R				
Laundry and dry-cleaning plant							R		R		
Laundry, linen supply or diaper service							R		R		
Leather goods or luggage goods store						R	R				
Library	S	S	S	S	S	R	R	R			

TABLE OF PERMITTED USES AND CONDITIONS	R1	R2	R3	R4	R5	B1	B2	B3	M1	M2	FH
Liquor, wine and beer sales not to be consumed on premises and meeting local and state requirements						R	R		R		
Local Shopping Centers						P	P		P		
Loan office											
Locksmith						R	R				
Lodging, boarding or rooming houses, and tourist homes				P	P	P	P				
Lumber yards and building materials; need not be enclosed within a structure							R		R		
Machine Shop							P		R		
Machinery, tools and construction equipment, sales and service							S		R		
Mail order house							R		R		
Manufacturing, repair, assembly or processing establishments of a light industrial nature, including, but not limited to the following:											
Automobile assembly									R		
Clothing and garment manufacturing									R	R	
Food product processing and packaging									R		
Glass products manufacturing									R		
Laboratories for testing materials, chemical analysis, photographic processing.									R	R	
Metal products manufacturing									R		
Millwork and similar wood products manufacturing									R		
Musical instruments and parts manufacturing									R	R	
Paper products manufacturing									R		
Plastics manufacturing									R		
Scientific, optical and electronic equipment assembly and manufacturing									R	R	
Shipbuilding and repair yard; need not be enclosed within a structure									R		

TABLE OF PERMITTED USES AND CONDITIONS	R1	R2	R3	R4	R5	B1	B2	B3	M1	M2	FH
Souvenirs and novelties manufacturing									R	R	
Surgical and dental supplies											
manufacturing									R		
Toy, sporting goods and athletic											
goods manufacturing									R	R	
Marina, minor; see boat storage, service											
and repair minor							R		R		
Marina, major; see boat construction,											
storage, service and repair, wet and dry,											
major; may also include boat sales,											
accessories and service							P		R		
Marine stores and supplies							R		R		
Mobile Home Park					R						
Motorcycle sales, service, and repair							R		R		
Music store						R	R				
Natural preservation areas including											
bird and wildlife sanctuaries, nature											
and hiking trails	P	P	P	P	P	P	P				
News Stand						R	R				
Night club, bar, tavern and cocktail											
lounge when separate from a restaurant						R	R				
Non-Chartered Financial Institution							R				
Office buildings, general							R		R		
Office buildings, professional						R	R	R	R		
Office equipment and supplies, retail						R	R				
Oil and gas exploration and production											
activities	S	S	S	S	S	S	S	S	S		
Optician						R	R	R			
Paint and wallpaper store						R	R		R		
Painting and decorating contractor							R		R		
Paper supplies, wholesale							R		R		

TABLE OF PERMITTED USES AND CONDITIONS	R1	R2	R3	R4	R5	B1	B2	B3	M1	M2	FH
Park or playground including recreation centers; need not be enclosed within a structure	P	P	P	P	P	P	P				
Pawn Shop							R				
Pet Shop							R		R		
Photographic studio and/or processing							R	R			
Tattoo Parlor							R				
Transit vehicle storage and servicing; need not be enclosed within a structure							P		P		
Variety Store						R	R				
Veterinary service							R		R		
Warehouse and storage facilities, minor; mini-type do-it-yourself storage facilities							R		R	R	
Water storage; need not be enclosed within a structure	P	P	P	P	P	P	P	P	P		
Water or sewage pumping station	P	P	P	P	P	P	P	P	P		
Welding shop							P		P		
Well drilling company							R		R		
YMCA, YWCA and similar institutions	S	S	S	S	S	S	S				
Zoo							S		S		

** Residential use of mobile home(s) other than in mobile home parks is prohibited in all use districts.

** Office space or other non-residential use in mobile home(s) is prohibited in all use districts.

ARTICLE XXXVI

LOCATION RESTRICTIONS

36-1 LOCATION RESTRICTIONS

(a) Body-Piercing studios, non-chartered financial institutions, pawn shops and tattoo parlors shall not be located within 500 linear feet of R-1, R-1A, R-2, R-3, R-4 or R-5 zoned areas, school buildings, church buildings and public parks.

(b) The minimum distance between similar uses of body-piercing studios, non-chartered financial institutions, pawn shops and tattoo parlors shall be 5,000 linear feet.