

**ANNUAL  
MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4)  
REPORT**

**NPDES STORMWATER PERMIT  
NUMBER ALR040045  
Saraland, Alabama  
Volkert Job Number 660119.10**

*Prepared for:*

**The City of Saraland  
Mayor Howard Rubenstein  
716 Highway 43  
Saraland, Alabama 36571**

**March 2014**

*Prepared by:*

**VOLKERT, INC.  
3809 Moffett Road  
Mobile, Alabama 36618  
(251) 342-1070**

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## 1.0 CERTIFICATION AND INTRODUCTION

### 1.1 Certification

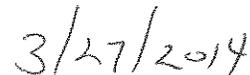
I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

The Honorable Howard Rubenstein

Mayor, City of Saraland



\_\_\_\_\_  
Signature



\_\_\_\_\_  
Date

## 1.2 List of Contacts

The following individuals may be contacted to address questions or concerns regarding this report:

**The Honorable Howard Rubenstein**  
Mayor, City of Saraland  
716 Highway 43  
Saraland, Alabama 36571  
(251) 675-5103

**Melissa O’Sullivan, P.E.**  
Volkert, Inc.  
3809 Moffett Road  
Mobile, Alabama 36618  
(251) 342-1070

### **1.3 General Introduction**

On November 16, 1990, the U.S. Environmental Protection Agency (EPA) promulgated regulations, under the Water Quality Act of 1987, setting forth application requirements for National Pollutant Discharge Elimination System (NPDES) storm water permits. The Alabama Department of Environmental Management (ADEM) administers the storm water program for the State of Alabama. The City of Saraland along with other smaller cities in Mobile and Baldwin Counties were originally included in a Phase I permit with the City of Mobile. In March 2012 the City of Saraland requested to be removed from the MS4 program or at a minimum be revised to a Phase II permittee. The request was based on the following factors: population, land use, receiving stream water quality, and documented history of water quality monitoring of the major outfall. On December 27, 2013, ADEM approved the City of Saraland's request to participate in the Phase II permit for smaller systems in lieu of the Phase I permit, as required for municipalities with a population of 100,000 or more. The City of Saraland is submitting this report as part of an annual requirement for the NPDES Permit Number ALR040045. Therefore, this report includes activities from the last Phase I permitting period of October 2012 to the current Phase II permitting period of March 31, 2014.

## 1.4 Overview

The Environmental Protection Agency (EPA) has ruled that municipalities and industry share the responsibility to improve water quality of the “Waters of the United States”. In accordance with this rule, which was enacted in 1990, the EPA created regulations for NPDES Storm Water Permits for municipalities and permits associated with industrial activity. These regulations are aimed at reducing the amount of non-point source pollution that is currently the leading cause of water pollution.

The Water Quality Act involves a two-phased municipal permitting program that requires municipalities of certain populations to establish discharge controls to the Maximum Extent Practicable (MEP), to effectively prohibit non-storm water discharges to the municipal separate storm sewer systems, and where necessary, to contain applicable water quality based controls. Compliance with the maximum extent practicable requirement can be attained by developing a storm water management plan that addresses the six minimum control measures described in the storm water regulations and detailed in fact sheets developed and provided by EPA.

The City utilizes current personnel to administer the storm water program elements. Additional assistance is provided by local engineering firms and Mobile County, as needed during crises or emergencies such as floods, spills, or hazardous waste incidents.

Storm water is managed by several City departments and by community activities which involve volunteer work. The City does not have the financial resources to dedicate personnel solely to storm water quality, however these responsibilities are shared by employees and considered part of the effort to protect our streams and waterways from degradation.

## **2.0 PROGRAM EVALUATION**

### **2.1 Objective of the Program**

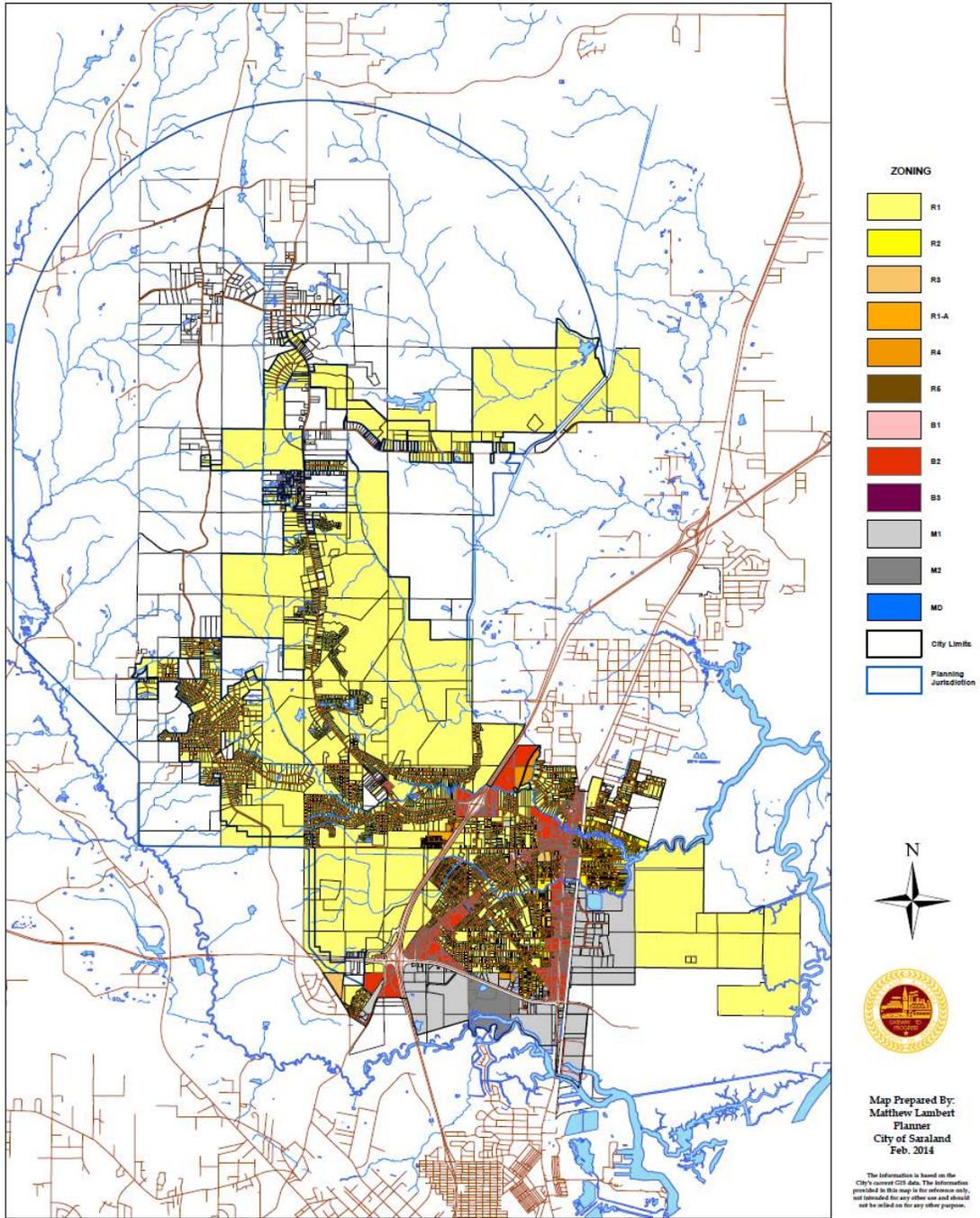
On December 27, 2013 the City of Saraland was granted coverage under the MS4 Phase II General Permit ALR040045 replacing the Phase I General Permit ALS00002. The intent of the National Pollutant Discharge Elimination System (NPDES) permit is to reduce and eliminate pollutants in storm water that are discharged from municipal separate storm sewer systems (MS4s). Due to the transfer of coverage from the Phase I to the Phase II permit, the reporting period for items contained in this report is October 2012 through March 2014.

The City of Saraland is dedicated to achieving the conditions of this permit, which will ultimately improve water quality by reducing pollutants in receiving waters. The City's goals are to educate the municipal employees and the general public on the storm water management program and focus on a unified approach to the identification and correction of problem areas. Additionally, the City has established the legal authority to manage and enforce the requirements of the program.

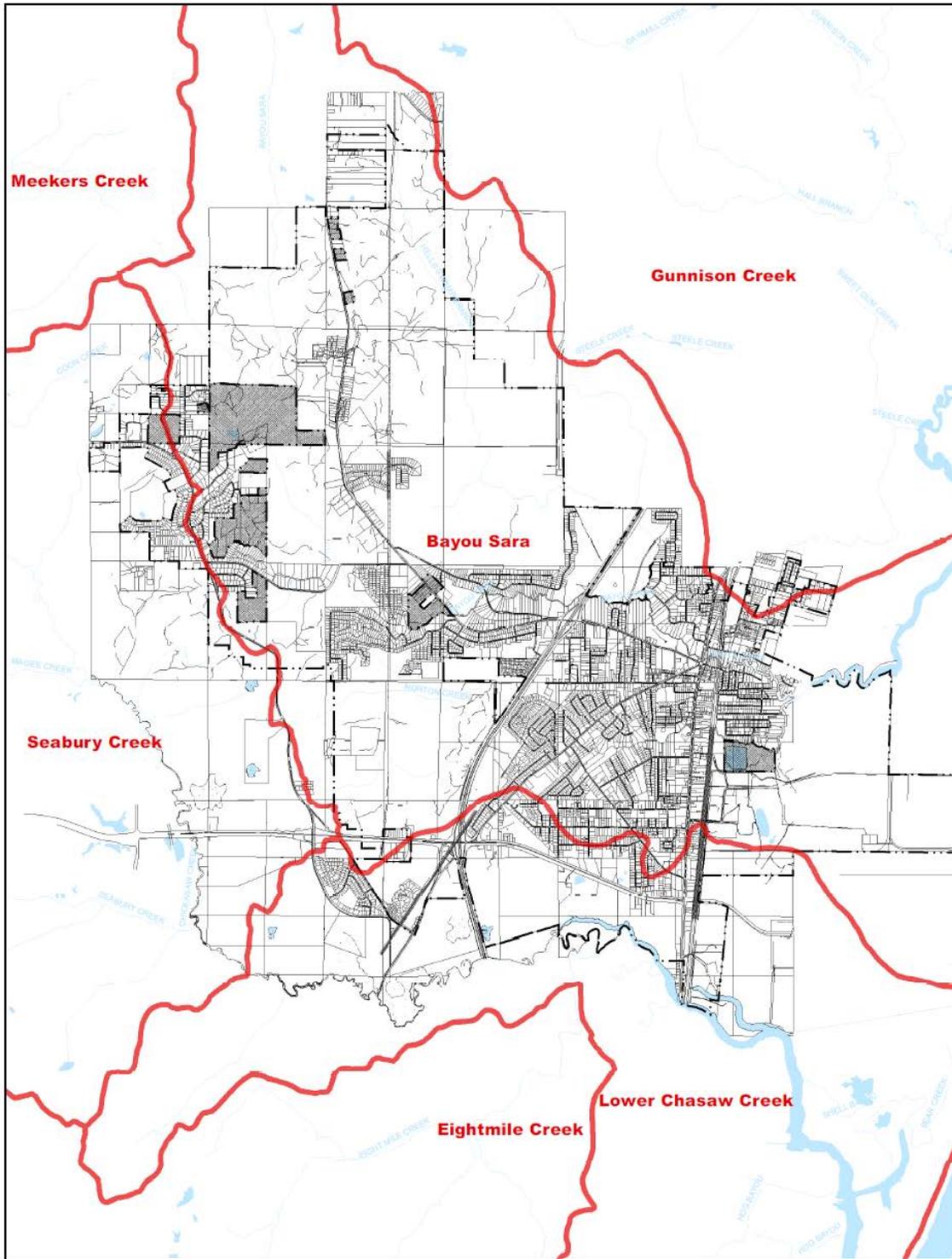
The City of Saraland with a population of 13,490, according to the 2012 Census Estimate, consists primarily of residential land use. See Map 2.1 for the City's Zoning designations.

The City of Saraland is primarily located within the Bayou Sara watershed as shown on Map 2.2.

# City of Saraland Zoning



**MAP 2.1: CITY OF SARALAND ZONING MAP**  
[www.saraland.org](http://www.saraland.org)



**MAP 2.2: WATERSHEDS WITHIN OR SURROUNDING THE CITY OF SARALAND**

## **2.2 Program Execution**

The City of Saraland has developed and implemented many programs to help minimize storm water related pollutant loads. City Ordinance 664, passed in 1998, establishes procedures to control discharges from commercial and industrial facilities and construction sites. Areas that would benefit from drainage improvements are established, prioritized and updated as needed.

The program elements are the responsibilities of multiple City Departments. The Department Supervisors include the Chief Building Official, Public Works Supervisor, Sewer Superintendent, Chief of Police, Fire Chief, and the Environmental Patrol Officer. Employees in all City departments have received instruction on the program objectives and are provided with opportunities to attend educational programs. A review of each department's role will be included in preparing the revised Storm Water Management Plan (SWMP) as required for the Phase II MS4 permit.

The prediction of the long-range financial requirements needed to support the storm water program is difficult. Funding for expanding the storm water management program is currently not available. The City officials address the financial needs and make budget allocations on a year-to-year basis that are prioritized based on the needs of the entire City operations.

### **2.3 Future Direction of the Program**

By June 2014, The City of Saraland will develop a Storm Water Management Plan (SWMP) designed to reduce the discharge of pollutants to the maximum extent practicable (MEP). The SWMP will include Best Management Practices (BMP's) that address the six minimum control measures as outlined in Section III.B of the Phase II NPDES Permit. The BMP's will consist of the City's current ordinances and programs while incorporating new and sustainable approaches to storm water management. Each BMP will include measurable goals and the personnel responsible for its overall management and implementation.

The six minimum control measures are:

1. Public Education and Outreach on Storm Water Impacts
2. Public Involvement/Participation
3. Illicit Discharge Detection and Elimination (IDDE)
4. Construction Site Storm Water Runoff Control
5. Post-Construction Storm Water Management in New Development and Redevelopment
6. Pollution Prevention/Good Housekeeping for Municipal Operations

### 3.0 SUMMARY TABLE

#### 3.1 Storm Water Management Plan Element Status/Compliance

#### CITY OF SARALAND

Program Element	Requirement	Activity Schedule			Comments
		Activities Required by SWMP	Complied With	Activities Accomplished During Calendar Year	
Structural Controls	Major Channels Inspections	6 Channels, once/month	Yes	6 Channels, once/month	Additionally, Before/After Heavy Rains
	Major Channels Maintenance	6 Channels, as needed	Yes	6 Channels, as needed	Additionally, Before/After Heavy Rains
	Storm Inlets Inspected	Approx. 5000 inlets, once/year	Yes	Approx. 5000 inlets, once/year	Additionally, Before/After Heavy Rains
	Detention Ponds	1 Pond, as needed	Yes	1 Pond, as needed	One pond maintained by City; Others maintained by Owner/Developer per City Ordinance
Monitoring	Representative	N/A	N/A	N/A	Not required.
	Wet Weather Screening	N/A	N/A	N/A	Not required.
	Dry Weather Screening	19 sites, once/year	Yes	19 sites, once/year	Summary, Section 7.0
Illicits	SSO's	Record/report occurrences	Yes	0 violations	No SSO's
	Investigations	Investigate reports/complaints	Yes	N/A	No problems noted
Construction	Site Inspections	14 visits per site during construction	Yes	76 res., 19 comm.	No citations issued
Industrial	Inspections	As Needed	N/A	All sites visited, as needed	No permitting RCRA facilities
Education	Litter Campaign	Maintain Program	Yes	-Keep Saraland Beautiful -Adopt a Spot	-Held several activities for encouraging litter pick up -12 Adopt a Spot locations
	Oil/Household Hazardous Wastes	Maintain City's website Pamphlets	Yes	-Maintain City's website -Provided Pamphlets	-Information available on storm water management - Pamphlet on Household Grease handling

## 4.0 NARRATIVE REPORT

### 4.1 Public Education and Outreach on Storm Water Impacts

*Permit Requirement: The Permittee must implement a public education and outreach program to distribute educational materials to the community or conduct equivalent outreach activities about the impacts of discharges on water bodies and the steps that public can take to reduce pollutants in storm water runoff to the maximum extent practicable.*

The City of Saraland has made a concerted effort to develop and implement Best Management Practices (BMP's) focused on educating the citizens of Saraland and city employees about activities that can reduce pollutants in storm water run-off to the maximum extent practicable. The persons primarily responsible for storm water public education and outreach are city employees from multiple departments.

The following BMP's regarding Public Education and Outreach were implemented during the reporting period of October 2012 to March 2014:

#### A. Education & Outreach through Web and Print Media

The City of Saraland's website includes a page dedicated to storm water. The web page provides information on the City's commitment to reducing storm water pollutants and explains the purpose of the City's Storm Water Management Plan. The web page also provides information on methods citizens can employ to prevent pollution from their household, including proper vehicle maintenance.

The Building Inspection Department has developed pamphlets on Grease Clean-Up and Disposal, Erosion and Sediment Control, Nuisance Control and Elimination, Annexation, and Sign Ordinance Compliance. These pamphlets are available online, in print at the Building Inspection Department and are distributed to contractors at construction pre-development and pre-bid meetings. Copies of the pamphlets are provided in the appendix.

#### B. Educational Opportunities for City Employees

Buildings officials attend monthly meetings of the Code Officials of Alabama Association when possible. Fire Department personnel attend classes as they become available. Hazardous materials refresher courses are conducted in-house annually by a certified instructor on staff with the Fire Department. The City has worked to certify all of its fire personnel and has furnished the necessary equipment to respond to spills. The City

Fire Department also provides an annual refresher course for the City Police Department on first response activities during a hazardous materials spill. Wastewater treatment employees attend seminars and classes on wastewater management, including emerging “green” technologies for wastewater systems.

## 4.2 Public Involvement/Participation

*Permit Requirement: The permittee shall implement ongoing activities for public involvement through mechanisms such as advisory councils, watershed associations, committees, participation on rate structures, stewardship programs, and environmental related activities. The permittee shall also implement a process to facilitate opportunities for direct action, education, and volunteer programs such as storm drain stenciling, urban stream cleanup, and volunteer monitoring.*

Public involvement and participation has been vital in controlling litter throughout Saraland. The City of Saraland utilizes local organizations to involve their citizens in improving the water through several organized activities. The persons primarily responsible for storm water public involvement/participation are the Chamber of Commerce and the Keep Saraland Beautiful organization.

The following BMP's regarding Public Involvement/Participation were implemented during the reporting period of October 2012 to March 2014:

### A. "Adopt-A-Spot" Beautification Program

Led by the Saraland Chamber of Commerce, the goal of the "Adopt-a-Spot" program is to improve the natural beauty of Saraland with landscaping and encourage civic pride in the Central Business District (CBD) of Saraland. This program gives businesses, clubs, and organizations the opportunity to keep a portion of the City's public area free of litter and properly maintained. There are currently thirteen (13) "Adopt-a-Spot" locations. The following is a list of some of the "Adopt-a-Spot" participants: Trustmark Bank, First Community Bank, S&M Trucking, Brett & Robinson, Lyons Club, China Doll, Shell Chemical, Sister Schubert, and the City of Saraland.



*A sign recognizing the Saraland Lions Club as an Adopt-a-Spot participant.*

B. “Keep Saraland Beautiful” (KSB) Program

The mission statement for “Keep Saraland Beautiful” is “To encourage people living and working in Saraland to personally contribute to the improvement of our community.”



Modeled after the “Keep America Beautiful” program, “Keep Saraland Beautiful” aims to improve the aesthetic and ecological value of the City through litter control/prevention, proper handling of solid waste, beautification, public education awareness, recruitment of volunteers, and promotion of voluntary recycling. KSB organizes several activities that involve citizens in cleaning up litter

throughout the City and from local waterways. Additionally, KSB involves Saraland’s schools through contests and recycling.

*Right: Workers prepare for the City-Wide Clean-Up held on March 22, 2014.*

*Below: Paint cans collected during the City-Wide Clean-Up.*



During this reporting period, KSB completed numerous activities. In 2013, Garden Workshops were held on

February 20<sup>th</sup> and September 11<sup>th</sup>. The annual Tea for Public Relations was held on September 26, 2013. City-Wide Cleanups were held in October 2012 and April 20, 2013; the next Clean-Up is scheduled for March 22, 2014. Thirty-five (35) trees were planted along Highway 43 in November 2012 and 30 trees were planted along Hwy 158 on February 7, 2014. Funky Junky Art Contests were held in 2013 on April 20<sup>th</sup> and

November 20<sup>th</sup> for elementary, middle, and high school students. On October 30<sup>th</sup>, 2013, men of the community mulched and trimmed one hundred (100) trees around the city. KSB also strives to keep community events litter free by handing out litter bags at annual events such as Pets in the Park and the Harvest Festival, both held in October 2012 and 2013.

“Keep Saraland Beautiful” membership and sponsorship applications are available on the City’s website. KSB also publishes a bi-monthly newsletter called “The Litter Getter”. The newsletter highlights previous events and accomplishments, announces the date of upcoming meetings and events, and lists volunteer opportunities available within the “Keep Saraland Beautiful” program. KSB’s concept of improving the community and increasing the community’s pride ultimately has a lasting positive effect on citizens’ behavior in relation to storm water pollution.



*Winners of the 2013 KSB Junky Funky Art Contest (Middle School)*

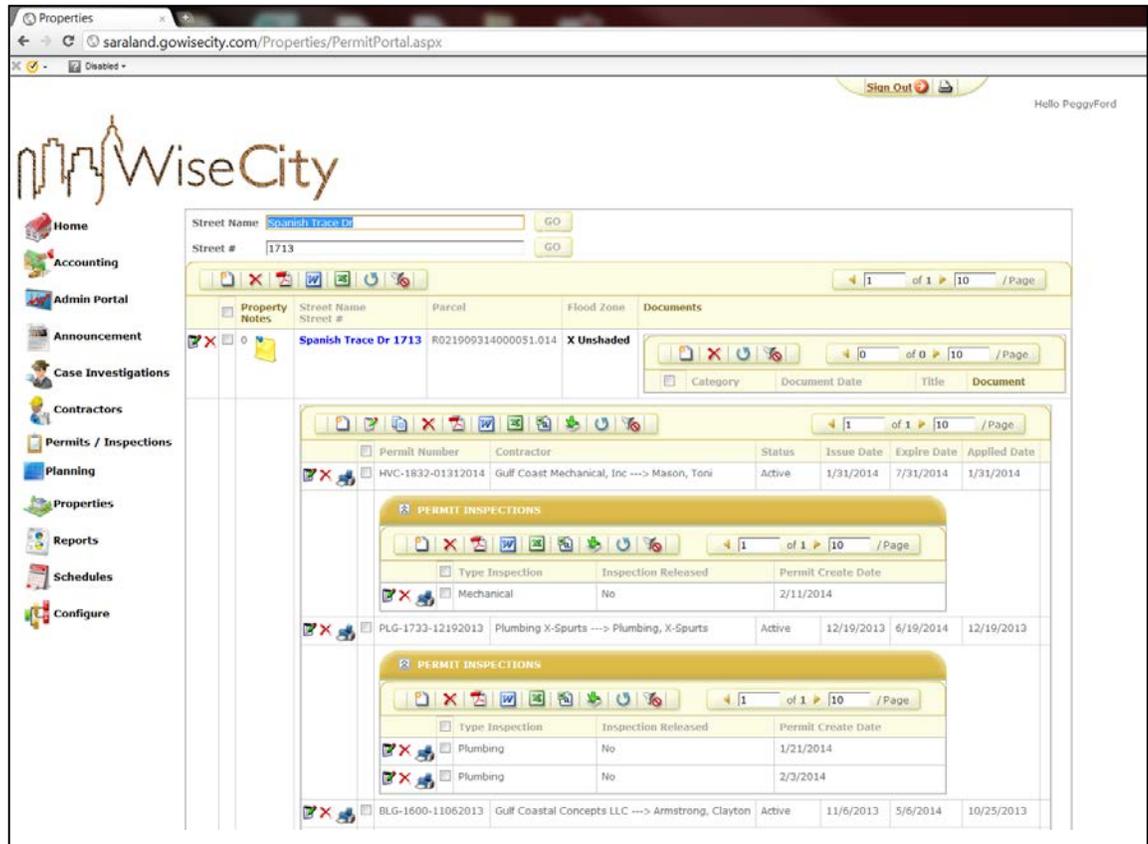
C. Alternative Sentencing

The municipal court system utilizes alternative sentencing to provide workers to remove litter from city streets as a form of community service. An average of 8 to 10 workers are utilized weekly on Saturdays along the most traveled roadways such as Celeste Road, Shelton Beach, Shell Street, Kali Oka Road, Lafitte Road, Baldwin Street, Cedar Street, Hwy 158, Ridge Road, Bayou Sara Avenue, and Spartan Drive. The workers are supervised by the Mayor and City employees.

D. Interactive Wise City Permitting Software

During the last reporting period, the City of Saraland installed computer equipment upgrades for the interactive Wise City permitting software.

The City is currently in Phase Two of implementation of the software, training, and upgrades. Some components that will be implemented this year are: online citizen interaction, permitting upgrades and credit card purchases, remote inspector access, a calendar, and a bulletin board.



*Screenshot of Wise City Permitting Software*

### 4.3 Illicit Discharge Detection and Elimination (IDDE)

*Permit Requirement: The Permittee must develop an SWMP that includes an ongoing program to detect and eliminate illicit discharges into the Permittee's small MS4, and improper disposal, including spills not under the purview of another responding authority, into the MS4 owned or operated by the Permittee, to the maximum extent possible.*

The City of Saraland responds to illicit discharges and continues to inspect, investigate, and enforce violations. There were no citations issued during this reporting period for illicit discharges.

The City has in place ordinances that provide enforcement measures to assure compliance with their SWMP. Article II of Ordinance 664 makes it unlawful for anyone to allow liquid or pollutant discharges to run into the City's storm drain system. Article II also provides City officials the right to enter and inspect facilities that are suspected of illicit discharge, in addition to being reimbursed by the discharging facility for the ceasing of a potentially harmful discharge. Article III makes it unlawful for any person to release or threaten release of hazardous materials into the environment. Article III also makes it unlawful to transport, convey, store, or offer to transport any hazardous materials unless such material is properly packaged, marked, labeled and accompanied by the proper documentation as required by Title 49 of the Code of Federal Regulation.

The City of Saraland implements the following BMP's to detect and eliminate illicit discharges:

#### A. Illicit Discharge Response

The Chief Building Official responds to illicit discharge complaints and keeps records of the complaints and the activities taken for response including issuing tickets if needed. No illicit discharge complaints were received during this reporting period.

#### B. Dry Weather Screening

The City performs routine dry weather screening of their MS4. Field screening locations were selected based upon their proximity to major stream systems, drainage basins, and urban development. Field screening stations were examined during dry conditions to verify that flow exists only during rainfall events. Major outfalls were located along water bodies that would receive runoff from overland flow and storm water outfalls. These stations were selected as representative of the regional

drainage conditions within the City’s boundaries. The major outfall and the nineteen field screening locations were reviewed for evidence of illicit discharges during the permit period. No illicit discharges were noted at time of inspection.

The City of Saraland’s Phase II permit does not require monitoring therefore no water sampling data was collected. The City’s one major outfall discharges into Bayou Sara which is not a 303(d) classified stream.

The following is a list of field screening locations and the major outfall site. These locations are also shown on the maps in Appendix C.

<b>Screening Sites</b>	<b>Location</b>	<b>GPS Coordinates</b>
MO-1	US 43 bridge crossing at Norton Creek	30° 48’ 58.275 N 88° 04’ 16.366 W
FS-1	End of Broker Ridge Court	30° 51’ 30.225 N 88° 08’ 54.439 W
FS-2	Lukoli Lane West south side of street	30° 51’ 14.411 N 88° 09’ 08.819 W
FS-3	Across the street from 4695 Pine Avenue	30° 50’ 28.901 N 88° 09’ 01.329 W
FS-4	Off Lafitte Road west from Celeste Rd at bridge crossing just before the second Traveler Dr Entrance	30° 50’ 00.837 N 88° 07’ 45.746 W
FS-5	1735 Chase Drive - across from Lift Station	30° 49’ 39.928 N 88° 06’ 52.058 W
FS-6	841 Deer Run Drive - South side of Lift Station/ Pump House	30° 50’ 01.728 N 88° 05’ 25.742 W
FS-7	900 Forest Ave - NW corner of Lift Station across from Circle K	30° 49’ 48.925 N 88° 05’ 33.780 W
FS-8	North end of Ideal Drive	30° 49’ 07.562 N 88° 05’ 22.695 W
FS-9	524 Scott Dr W - NW corner of bridge crossing	30° 48’ 54.0927 N 88° 05’ 45.0426 W

FS-10	886 Fernwood Drive - Rear parking area of AT&T Store in the triangle area adjacent to Shelton Beach Road across from Microtel Inn & Suites	30° 48' 13.612 N 88° 06' 04.800 W
FS-11	Second Avenue - Across from 906 Second Ave.	30° 48' 18.101 N 88° 05' 42.917 W
FS-12	South end of James Street	30° 48' 01.365 N 88° 05' 25.070 W
FS-13	North Side of Industrial Blvd. 100 Yd East of Dixie Drayage	30° 47' 53.715 N 88° 05' 08.493 W
FS-14	North of Celeste Rd and Hwy 43 below bill board @ bridge - storm drain in grass area of parking lot.	30° 49' 32.068 N 88° 04' 11.648 W
FS-15	East side of Bea's Ln - Adjacent to 130 Bayou Sara Ave.	30° 49' 32.581 N 88° 03' 53.210 W
FS-16	2 Dale Ave. - NW corner of Intersection at Clark and Dale Ave	30° 49' 10.278 N 88° 03' 40.675 W
FS-17	Intersection of Anderson & Railroad St - west of tracks	30° 49' 16.055 N 88° 04' 04.729 W
FS-18	Rufus Harbin Park on Norton Ave - Drainage structures on the east side of park	30° 49' 23.124 N 88° 04' 40.755 W
FS-19	Celeste Rd and Forest Avenue - in front of Forest Subdivision	30° 50' 19.641 N 88° 06' 51.075 W

### C. Handling of Spills

The Saraland Police Department developed and implemented a Procedural General Order (PGO) for the reporting and handling of hazardous and/or toxic materials spills and incidents. In addition, the Saraland Fire Department is home to Alabama HazMat 6, a statewide Hazardous Materials Response Team. The City's HazMat team is fully equipped to handle both large and small incidents. All spills are handled with life safety as the primary goal and environmental conservation as the second objective. Spills are contained with a variety of absorbent materials and booms. All spill control is coordinated with Mobile County Emergency Management, Alabama Department of Environmental Management, and the United States Coast Guard if a spill threatens a waterway. The

Saraland Fire Department is also equipped with a Rescue/HazMat truck with onboard computers, chemical identifiers and detectors, decontamination equipment and a full assortment of tools to deal with the highly specialized field of hazardous material containment. No spills were reported to the Saraland Fire Department HazMat team during this reporting period.



*2004 KME Rescue/HazMat Truck*

#### 4.4 Construction Site Storm Water Runoff Control

*Permit Requirement: Within 730 days from the effective date of coverage under this permit, all Permittees must develop, implement, and enforce a program to reduce, to the maximum extent practicable, pollutants in any storm water runoff to the regulated MS4 from qualifying construction sites.*

The Saraland Planning Commission was established in 1958 to advise the City Council on its Comprehensive Plan for current and future development within the City and Planning Jurisdiction of Saraland (an area of three miles beyond the city limits). The Code Administration section of the Building Department is responsible for protecting the health, safety, and welfare of the City of Saraland and its residents through enforcement of building, electrical, plumbing, mechanical, gas, fire standard, storm water management and other codes and ordinances adopted by the City of Saraland. The Land Use Administration is responsible for assuring that the regulations regarding land use are adhered to in order to facilitate the goals of the Comprehensive Plan. The City of Saraland also has a Long Range Planning Commission that consists of representatives from the Land Use Administration, the Building Department, the Planning Commission, the Code Administration, and other regulatory enforcement departments. Questions concerning any stages or procedures for developments are directed to the Saraland Building Department. The City's Ordinance 757 details all requirements for management of the storm water for proposed developments. The permit process details numerous inspections to verify that storm water measures are in place and properly managing the storm water.

The City of Saraland Building Inspection Department and consulting engineers review all new prospective construction project plans for storm water compliance and drainage. Construction is checked and monitored for compliance with the adopted flood management plan. Elevation certificates and records are retained on file. The Building Inspection Department is also responsible for approving land disturbance permits, confirming NPDES permits have been obtained, and performing construction inspections to ensure that all City codes are followed. When a permit is obtained, the builder must request inspections during all stages of construction. Inspectors will visit each construction site fourteen (14) to twenty (20) times during the building process. These multiple inspections allow the city inspector to ensure compliance with the city codes. The City requires BMP's for all construction projects per ADEM regulations.

The City of Saraland has in place ordinances that provide enforcement measures that assure compliance with their SWMP. Article 4 of the City's Ordinance 664 provides guidelines for storm water management compliance.

The Code explains the conditions under which a storm water management plan is required to be submitted, whether a simplified or extensive SWMP is required, and also provides a detailed list of the required components of the SWMP, in addition to examples of structural and nonstructural storm water management facilities. Storm water management plans can be rejected by the city building inspector if they incorporate structures and facilities that will demand considerable maintenance, will be difficult to maintain, or utilize numerous small structures if other alternatives are physically possible.

The City approved 76 new residential and 19 new commercial sites during this reporting period. No citations for improper storm water management were issued for any of the sites.

#### **4.5 Post-Construction Storm Water Management in New Development and Redevelopment**

*Permit Requirement: Post-Construction Storm Water Management refers to activities that take place after construction occurs, and includes structural and non-structural controls to obtain permanent storm water management over the life of the property's use. All Permittees must implement the requirements of Part III.B.5 within 730 days from the effective date of coverage.*

The City of Saraland has in place ordinances governing post-construction storm water management. Appendix A of the City's Ordinance 664 includes a very extensive list of requirements for storm water management plans that are to be submitted to the City Building Inspector for land-disturbing activities disturbing more than two (2) acres. This is in addition to ADEM's NPDES requirements for land disturbance activities over one (1) acre. The following are some of the requirements related to post-construction storm water management:

- a. The location of temporary and permanent vegetative and structural storm water management control measures.
- b. Storm water management plans shall include designation of all easements needed for inspection and maintenance of the drainage system and storm water management facilities
- c. To improve the water quality aspects of the drainage system, the storm water management plan shall include best management practices to control the water quality of the runoff during the land-disturbing activities and during the life of the development.
- d. Construction and design details for structural controls.
- e. When the project has been completed, a letter shall be submitted by the design engineer to the City of Saraland certifying that all drainage facilities have been installed in accordance with approved plans. Inspection of facilities shall be conducted by the design engineer.
- f. Responsibility for maintenance: The person engaged in or conducting the land-disturbing activity shall be responsible for maintaining all temporary and permanent erosion and sediment control measures and facilities during the development of the 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.

The City of Saraland will review these requirements as part of the Storm Water Management Plan (SWMP) submittal and develop the necessary procedures to meet the new Phase II permit requirements.

#### **4.6 Pollution Prevention/Good Housekeeping for Municipal Operations**

*Permit Requirement: The Permittee must develop and implement a program for pollution prevention/good housekeeping for municipal operations.*

The City of Saraland's Public Works Department is primarily responsible for the City's operation and maintenance program. The City employs the following BMP's in regards to Pollution Prevention/Good Housekeeping to prevent or reduce pollutant runoff from municipal operations:

##### **A. Structural Controls Maintenance**

The Public Works Department cleans and removes debris from all drains as necessary to assist with maintaining flow through existing infrastructure. The Department maintains a regular inspection and maintenance schedule of the City's drainage system. Major channels are inspected at least once per month and cut or cleaned when needed as allowed by regulatory agencies having jurisdiction. Storm inlets are inspected annually and necessary maintenance is performed. Also, several crews from the Public Works Department are sent out to inspect elements of the drainage system before and after rains to ensure proper drainage of the storm water. Minor repairs are performed as necessary. The Department also maintains one detention pond located in the Highland Subdivision on Dawson Drive. The City's drainage needs are addressed during a bi-monthly meeting with the Mayor and all City department heads to discuss improvements and upcoming projects.

##### **B. Municipal Operations and Maintenance**

The City utilizes a collection tank located in the City's garage to collect oil, diesel fuel, antifreeze, and transmission fluids when working on City vehicles and equipment. Additionally, the City washes the vehicles with an environmental safe car wash.

Round Up - Trimec was applied to the City's rights-of-way during this reporting period by the Public Works Department. One-on-one training was provided to the employee and instructions provided with the product were thoroughly read and reviewed before spraying.

The City of Saraland contracts with Advance Disposal for residential garbage service. The City is working with Advanced Disposal to develop a curbside service for recycling. Currently, the City of Saraland has recycling bins for paper and aluminum can recycling located at the Public Works Department.



*Paper and aluminum can recycling bins*

### C. Sanitary Sewer Overflow Prevention

Planning for properly maintaining and operating a sanitary sewer collection and treatment system is imperative to ensure economic growth and quality of life experienced by the citizens of Saraland. The City of Saraland has several tools to assist them in these efforts with the wastewater collection system, including a capacity analysis of their system to identify deficiencies in the collection system. Also, the lift stations are continuously monitored through a Supervisory Control and Data Acquisition (SCADA) system. The SCADA system will send pager alarms to City staff when a critical condition arises at a lift station such as high water level or power outage. The Sewer Department staff also performs a minimum of twice weekly site visits to all lift stations to visibly confirm operational conditions. The Sewer Department also has two portable generators that are stationed at critical lift stations in the case of long term power outages.

No Sanitary Sewer Overflows (SSO's) were reported during this reporting period.

## **5.0 SUMMARY**

This report includes a history and overview of the City of Saraland's MS4 Program, screening results and locations, and a review of the programs elements and activities. The City has implemented and performs the EPA recommended program elements as part of their ADEM MS4 Permit. The intent of the program is to reduce pollutants in storm water that is discharged from the storm water system and to prevent the degradation of receiving streams. The receiving streams for the City of Saraland are Bayou Sara and Norton Creek which are not listed on the 2012 Alabama §303(d) List for impaired waterways. There is no indication that the City is negatively affect these streams.

The City of Saraland will continue to focus on storm water management and look for ways to enhance their current program. By June 2014, the City will submit a Storm Water Management Plan (SWMP) as required by the new Phase II permit.

# Appendix A

CITY OF SARALAND

ORDINANCE 664

ARTICLE I

General Provisions

**Section A** The purpose of this ordinance is to provide for the protection of human health and the environment through the establishment of procedures to control discharges from commercial and industrial facilities and construction sites. This ordinance provides measures that will preserve water quality, and the application of this ordinance shall not be deemed a limitation or repeal of any State statute.

**Section B** Definitions

For the purpose of this ordinance, the following terms shall have the meaning given herein:

Agricultural structure or facility shall mean a building or a defined uncovered area which supports activities associated with agricultural product production.

**Best management practices** shall mean a wide range of management procedures, schedules of activities, prohibitions on practices and other management practices which have been demonstrated to effectively control the quality and/or quantity of storm water runoff and which are compatible with the planned land use.

**Development** shall generally mean any of the following actions undertaken by a public or private individual or entity:

- the division of a lot, tract or parcel of land into two or more lots, plots, sites, tracts, parcels or other divisions by plat or deed, any land change, including, without limitation, clearing, tree removal, grubbing, stripping, dredging, grading, excavating, transporting and filling of land.

**Develop land** shall mean to change the runoff characteristics of a parcel of land in conjunction with residential, commercial, industrial, or institutional construction or alteration.

**Hazardous substance or material** shall mean any substance or material defined as hazardous by the US Department of Transportation, the US Environmental Protection Agency, the Alabama Public Service Commission, the Alabama Department of Environmental Management or any other federal or state agency, including but not limited to the definitions and illustrations given in the Code of Federal Regulations, Title 40, Section 171.8, as may be amended from time to time.

**Person** shall mean an individual, partnership, association, syndicate, company, firm, trust, corporation, business, government entity, or any entity recognized by law.

**Illicit discharge** shall mean any discharge to a municipal separate storm sewer that is not composed entirely of storm water except discharges pursuant to a NPDES permit (other than the NPDES permit for discharges for the municipal separate storm sewer) and discharges resulting from fire fighting activities.

**Pollutant** shall mean those pollutants specified in Code of Alabama 1975, Section 22-22-1(b)(3) and any other effluent characteristics specified in a NPDES permit.

**Storm water management** shall mean the collection, conveyance, storage, treatment and disposal of storm water runoff in a manner to minimize accelerated channel erosion, increased flood damage, and/or degradation of water quality and in a manner to enhance and ensure the public health, safety, and general welfare.

**Storm drain or storm sewer** shall mean a drain or sewer for conveying precipitation from a storm event.

**Storm water runoff** shall mean the direct response of a watershed to precipitation and includes the surface and subsurface runoff that enters a ditch, stream, storm drain or other concentrated flow during and following precipitation.

**Ten-year storm** shall mean a storm that is capable of producing rainfall expected to be equaled or exceeded on the average of one in 10 years. It may also be expressed as an exceedance probability with a 10 percent chance of being equaled or exceeded in any given year.

**Twenty-five year storm** shall mean a storm that is capable of producing rainfall expected to be equaled or exceeded on the average of one in 25 years. It may also be expressed as an exceedance probability with a 4 percent chance of being equaled or exceeded in any given year.

**Two-year storm** shall mean a storm that is capable of producing rainfall expected to be equaled or exceeded on the average of one in 2 years. It may also be expressed as an exceedance probability with a 50 percent chance of being equaled or exceeded in any given year.

**Water quality** shall mean those characteristics of storm water runoff that relate to the physical, chemical, biological, or radiological integrity of the water.

**Watershed** shall mean the drainage area contributing storm water runoff to a single point.

## ARTICLE II

### Illicit Discharges

**Section A** It shall be unlawful for any person, firm, or corporation to allow water or any other liquid to run or flow continuously from a private premises in the City of Saraland, Alabama, into, on, or upon the streets or into the storm drain system, excepting however, rain, sleet or snow falling on said private premise by an Act of God.

**Section B** It shall be unlawful for any person, firm, or corporation to discharge a pollutant to the City's storm water system that will have a deleterious impact

on the environment. Any pollutant, associated with an industrial or commercial activity that is covered by the National Pollutant Discharge Elimination System as dictated by 40 CFR 122.26, can be discharged to the City storm water system only if the discharge is covered by an NPDES permit for storm water and the conditions of the permit are not violated.

**Section C** Where an illicit discharge is suspected by the City of originating from a facility, it shall be the right of the City to designate employees, bearing proper credentials and identification, to enter facility grounds for the purpose of inspection, observation, measurement, sampling and testing in accordance with this ordinance.

**Section D** As part of ADEM NPDES Permit No. ALS000002, the City of Saraland is required to develop a program to detect and eliminate illicit discharges and improper disposal in the storm sewer. Part II, Paragraph A(6)(c and d) provides the City of Saraland with the authority to halt any discharge from a facility that is suspected by the City of being illicit. This paragraph provides for the inspection of facilities.

**Section E** All costs incurred by the City in associated with the ceasing of a potentially harmful discharge will be reimbursed by the discharging facility.

### ARTICLE III

#### Releases from Hazardous Materials Transportation Vehicles

**Section A** The release or threatened release of hazardous materials into the environment in violation of this ordinance shall be considered a nuisance. It shall be unlawful for any person to permit, cause, or maintain any such nuisance within the City.

**Section B** All persons, companies, other legal entities and all motor vehicles engaged in transportation operations for commercial purposes shall comply with all federal and state laws and regulations. These regulations shall include but are not limited to regulations enacted by the US Department of Transportation, Federal Highway Administration, the US Environmental Protection Agency, the Alabama Department of Environmental Management and the Alabama Public Service Commission, as fully set out and incorporated herein. Any violation of the above laws or regulations shall be a violation of this ordinance. The City police department is hereby authorized to stop and inspect any vehicles suspected of engaging in improper transportation operations which can potentially lead to a release in order to ensure compliance with this ordinance.

**Section C** It shall be unlawful for any person or other legal entity to transport, convey, store or offer for transportation any hazardous material as defined herein, unless such material is properly packaged, marked, labeled and accompanied by the proper documentation as required by Title 49 of the Code of Federal Regulation.

**Section D** Any person responsible for a release or threatened release of hazardous materials in the environment which results in an emergency action shall be liable to the City for the City's recoverable expenses resulting from such action.

The staffs of each City department involved in an emergency action to stabilize a release shall keep a detailed record of its recoverable expenses resulting from the emergency action. Promptly after completion of the emergency action, the staff shall certify those expenses with the City Clerk. The recoverable expenses resulting from an emergency response to any spill or release of a hazardous substance, as defined herein, which poses a significant present threat or potential hazard to human life, property or environment, shall be a charge against the person or entity whose conduct or conduct of its employees, agents or contractors, caused or permitted the incident resulting in the emergency response. The City Clerk shall mail an invoice to the person responsible for the emergency action. The invoice shall be payable within thirty days and if payment is not received within thirty days the City may

initiate a civil action for the collection of the claim. This civil action shall be in addition to and not in lieu of any criminal prosecution or penalty.

## ARTICLE IV

### Control of Runoff from Construction Sites.

**Section A** No person shall develop any land without having provided for appropriate storm water management measures that control or manage runoff, in compliance with this ordinance. Exceptions include the following:

Land disturbing activities on agricultural land for production of plants and animals useful to man, excluding the construction of an agricultural structure or facility on one or more acres that require a building permit;

Land disturbing activities undertaken on forest land for the production and harvesting of timber and timber products;

Construction or improvement of single family residences or their accessory buildings which are separately built and not part of multiple construction of a subdivision development.

**Section B** (1). In developing plans for residential subdivisions, individual lots in a residential subdivision development shall not be considered to be separate land disturbing activities and shall not require development of a storm water management plan. Instead the residential subdivision development, as a whole, shall be considered to be a single land disturbing activity. Hydrologic parameters that reflect the ultimate subdivision development shall be used in all engineering calculations.

If individual lots or sections in a residential subdivision are being developed by different property owners, all land disturbing activities related to the residential subdivision shall be covered by the approved storm water management plan for the residential subdivision. Individual lot owners or developers shall comply with the plan as approved by the Saraland Planning Commission.

Residential subdivisions which were approved prior to the effective date of these regulation are exempt from these requirements. Development of new phases of existing subdivisions which were not previously approved shall comply with the provisions of these regulations.

(2). For land disturbing activities involving two acres or less for a residential development and all acreage for a commercial development which are not part of a larger common plan of development or sale, the person responsible for

the land disturbing activity may be required by the Building Inspector to submit a simplified storm water management plan. This plan will require approval of the City Building Inspector but not professional certification. This plan will require, unless dictated differently by the City Building Inspector, the following:

- A narrative description of the storm water management facilities to be used;
- A general description of topographic and soil conditions of the development site;
- A general description of adjacent property and a description of existing structures, buildings, and other fixed improvements located on surrounding properties;
- A sketch plan to accompany the narrative which shall contain:
  - A site location drawing of the proposed project, indicating the location of the proposed project in relation to roadways, jurisdictional boundaries, streams and rivers;
  - The boundary lines of the site on which the work is to be performed;
  - All areas within the site which will be included in the land disturbing activities shall be identified and the total disturbed area calculated;
- A topographic map of site;

- Anticipated starting and completion dates of the various stages of land disturbing activities and the expected date the final stabilization will be complete.
- The location of temporary and permanent vegetative and structural storm water management control measures.
- Storm water management plans shall contain certification by the persons responsible for the land disturbing activity that the land disturbing activity will be accomplished pursuant to the plan.
- Storm water management plans shall contain certification by the person responsible for the land disturbing activity that the City Building Inspector has the right to conduct on-site inspections.

Land disturbing activities disturbing more than two acres shall meet the requirements of Sections C-F.

**Section C** A storm water management plan shall be submitted to the City Building Inspector for review and approval.

Should any plan involve any storm water management facilities or land dedicated to public use, the same information shall also be submitted for review and approval to the department having jurisdiction over the land or other appropriate departments or agencies identified by the City Building

Inspector for review and approval. This storm water management plan shall serve as the basis for all subsequent construction.

The City Building Inspector shall review the plan within ten working days from the receipt of the plan. Within fifteen working days from the receipt of the storm water management plan, the City Building Inspector shall issue a decision approving, rejecting or conditionally approving the plan with modification.

Storm water management plan requirements are found in Appendix A.

**Section D** A list of fees for plan review and other fees associated with this ordinance can be obtained from the City Building Inspector.

**Section E** Storm water management facilities may include both structural and nonstructural elements. Natural swales and other natural runoff conduits shall be retained where practicable.

Where additional storm water management facilities are required to satisfy the minimum control requirements, the following measures are examples of what may be used:

- Storm water detention structures (dry basins);
- Storm water retention structures (wet ponds);

- Facilities designed to encourage overland flow, slow velocities of flow, and flow through buffer zones; and
- Infiltration practices.

Where detention and retention structures are used, consolidation of these facilities into a limited number of large structures will be preferred over designs which utilize a large number of small structures.

Storm water management plans can be rejected by the City Building Inspector if they incorporate structures and facilities that will demand considerable maintenance, will be difficult to maintain, or utilize numerous small structures if other alternatives are physically possible.

The drainage system and all storm water management structures within the City will be designed in accordance with the technical criteria and standards established by the City Engineer.

**Section F** Storm water management plans shall be prepared, certified, and stamped/sealed by a qualified registered Professional Engineer, Land Surveyor or Landscape Architect, using acceptable engineering standards and practices.

## Article IV

### Miscellaneous Provisions

**Section A** Exceptions: The City Building Inspector may grant an exception from the requirements of this ordinance if there are exceptional circumstances applicable to the site such that strict adherence to the provisions of the ordinance will result in unnecessary hardship and not fulfill the intent of the ordinance.

A written request for an exception shall be required and shall state the specific exception sought and the reasons, with supporting data, for their granting. The request shall include descriptions, drawings, calculations and any other information that is necessary to evaluate the proposed variance.

The City Building Inspector will conduct a review of the request for an exception within ten working days. Failure of the City Building Inspector to act by the end of the tenth working day will result in the automatic approval of the exception.

**Section B** Any person aggrieved by a decision of the City Building Inspector (including any decision with reference to the granting or denial of an exception from the terms of this ordinance) may appeal by filing a written notice of appeal with

the City Building Inspector within thirty calendar days of the issuance of the decision by the City Building Inspector. The City Building Inspector may reverse his/her decision or send this notice to the City Council. A notice of appeal shall state the specific reasons why the decision of the City Building Inspector is alleged to be in error and the City Building Inspector shall prepare and send to the City Council and the Appellant, within 15 days of receipt of the notice of appeal, a written response to said notice of appeal.

All such appeals shall be heard by the City Council at a regularly scheduled meeting, not to exceed thirty days after receipt of the notice of appeal or at such other time as may be mutually agreed upon in writing by the Appellant and the City Council. The City Council will then render a decision within fifteen days after the appeal has been heard.

**Section C Penalties.** Upon determination that a violation of this ordinance has occurred the City shall provide the violator written notice of the violation and the time in which to correct the deficiencies.

Any person violating this ordinance or any part thereof shall be, upon conviction, fined not more than 500 hundred dollars or imprisoned not more than thirty days for each offense. Each separate interval of 24 hours, or every day, that such violations continue, are committed or exist, shall constitute a

new and separate offense and shall be punished, as aforesaid, for each separate period of violation.

The City may institute injunctive, mandamus or other appropriate action or proceedings at law or equity for the enforcement of this ordinance or to correct violations of the ordinance, and any court of competent jurisdiction shall have the right to issue restraining orders, temporary or permanent injunctions, mandamus or other appropriate forms of remedy or relief.

**Section D** Whenever the provision of this ordinance imposes more restrictive standards than are required in or under any other ordinance, the regulations herein contained shall prevail. Whenever the provisions of any other ordinance require more strict standards than are required herein, the requirement of such shall prevail.

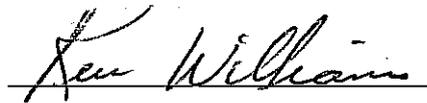
**Section E** If any section, sentence, clause, or phrase of this ordinance is for any reason held to be invalid or unconstitutional by declaration of any court of competent jurisdiction, such declaration shall have no affect on the validity of remaining portions of this ordinance. The City Council hereby declares that it would have adopted this ordinance and each section, sentence, clause, or phrase thereof irrespective of the fact that one or more articles, sections, sentences, clauses, or phrases be declared invalid or unconstitutional.

**Section F** This ordinance may be amended in the manner as prescribed by City procedure for ordinance amendment.

**Section G** Neither the approval of a plan under the provisions of this ordinance nor the compliance with the provisions of this ordinance shall relieve any person from the responsibility for damage to any person or property otherwise imposed by law nor shall it impose any liability upon the City for damage to any person or property.

Adopted this 24<sup>th</sup> day of November 1998

Approved:



Ken Williams, Mayor

Attested:



Betty Donald  
Asst.  
City Clerk

**APPENDIX A**  
**PLAN REQUIREMENTS**

## APPENDIX A

### PLAN REQUIREMENTS

Storm water management plans shall include as a minimum the following:

1. A vicinity map indicating a north arrow, scale, boundary lines of the site, and other information necessary to locate the development site.
2. The existing and proposed topography (usually 2 feet if not over five percent) of the development site except for individual lot grading plans in single family subdivisions.
3. Physical improvements on the site, including present development and proposed development.
4. Location, dimensions, elevations, and characteristics of all storm water management facilities.
  - a. The responsible Design Engineer shall not present 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 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 600 feet in the gutter. When calculations indicate that curb capacities are exceeded at a point, catch basins shall be used to intercept flow at that point.
  - b. Any spring or surface water that may exist either previously to or as a result of the subdivision will be required to carry away such water by pipe or open concrete paved ditch. 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.
  - c. Where a public storm sewer is accessible, the applicant will not be required to install storm sewer facilities, or, if no outlets are within a reasonable distance, adequate provision 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.

Provision for such connection shall be incorporated by inclusion in the performance surety required for the subdivision plat.

5. All areas within the site which will be included in the land disturbing activities shall be identified and the total disturbed area calculated.
6. The location of temporary and permanent vegetative and structural storm water management control measures.
7. An anticipated starting and completion date of the various stages of land disturbing activities and the expected date the final stabilization will be completed.
8. A determination that no occupied first floor elevation of any structure is below the 100-year plus one foot flood elevation.
9. At the discretion of the City Building Inspector, for all portions of the drainage system which are expected to carry between 50 and 150 cfs for the 100-year storm, the 100-year plus two foot flood elevation analysis shall be required. To require the 100-year plus two foot flood elevation analysis, the City Building Inspector should determine that one of the following conditions may exist:
  - a. The estimated runoff would create a hazard for adjacent property or residents; or
  - b. The flood limits would be of such magnitude that adjacent residents should be informed of these limits.
10. For all portions of the drainage system which are expected to carry 150 cfs or more for the 100-year storm, the 100-year plus two foot flood elevation analysis shall be done and flood limits shall be shown on the storm water management plans.
11. Storm water management plans shall include designation of all easements needed for inspection and maintenance of the drainage system and storm water management facilities. As a minimum, easements shall have the following characteristics:
  - a. Provide adequate access to all portions of the drainage system and structures.
  - b. Provide sufficient land area, as determined by the City Building Inspector, for maintenance equipment and personnel to adequately and efficiently maintain the system with a minimum of ten (10) feet along both sides of all drainage ways, streams, channels, etc., and twenty-five (25) feet around the

perimeter of all detention and retention facilities, or sufficient land area for equipment access for maintenance of all storm water management facilities. This distance shall be measured from the top of the bank or toe of the facility, whichever is applicable.

- c. Restriction on easements shall include prohibiting all fences and structures which would interfere with access to the easement areas and/or the maintenance function of the drainage system.
- d. Where a subdivision or development of land is traversed by a 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 will 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 floodway 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.
- e. 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 or by drainage or 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 as may be deemed necessary by the Design Engineer.

- 12. To improve the aesthetic aspects of the drainage system, a landscape plan for all portions of the drainage system shall be part of the storm water management plan. This landscape plan shall address the following:
  - a. Tree saving and planting plan;

- b. Types of vegetation that will be used for stream bank stabilization, erosion control, sediment control, aesthetics and water quality improvement; and
  - c. Any special requirements related to the landscaping of the drainage system and efforts necessary to preserve the natural aspects of the drainage system.
13. To improve the water quality aspects of the drainage system, the storm water management plan shall include best management practices to control the water quality of the runoff during the land disturbing activities and during the life of the development. This includes erosion and sediment control procedures described in the Erosion and Sedimentation Control section of this Appendix.
  14. The storm water management plan shall include all engineering calculations needed to design the system and associated structures including pre- and post-development velocities, peak rates or discharge, and inflow and outflow hydrographs of storm water runoff at all existing and proposed points of discharge from the site.
  15. Description of site conditions around points of all surface water discharge including vegetation and method of flow conveyance from the land disturbing activity.
  16. Construction and design details for structural controls.
  17. The expected timing of flood peaks through the downstream drainage system shall be assessed when planning the use of detention facilities.
  18. In determining downstream effects from storm water management and the development, hydrologic-hydraulic engineering studies shall extend downstream to a point where the proposed development represents less than ten (10) percent of the total watershed.
  19. All storm water management facilities and all major portions of the conveyance system through the proposed development (i.e., channels, culverts) shall be analyzed, using the design and 100-year storms, for design conditions and operating conditions which can reasonably be expected during the life of the facility. The results of the analysis shall be included in the hydrologic-hydraulic study.
  20. A culvert, pipe or other drainage facility shall, in each case, be large enough to accommodate potential developed property runoff from its entire upstream drainage area, whether inside or outside the subdivision. The Design Engineer will

review the necessary size of the facility, based on the provisions of the construction standards and specifications.

21. If the storm water management plan and/or design report indicates that there may be a drainage or flooding problem at the exit of the proposed development or at any location between the exit point and the 10 percent downstream point, the City Building Inspector may require:
  - a. Water surface profiles plotted for the conditions of pre- and post-development for the 10-year design storm;
  - b. Water surface profiles plotted for the conditions of pre- and post-development for the 100-year design storm;
  - c. Elevations of all structures potentially damaged by 10- and/or 100-year flows.

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 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.

22. 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.
23. All storm water management plans submitted for approval shall contain certification by the person responsible for the land disturbing activity that the land disturbing activity will be accomplished pursuant to the approved plan and that responsible personnel will be assigned to the project.
  - a. 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.
  - b. All existing drainage structures shall also be shown.

- c. All off project drainage, draining onto the subdivision, shall be shown on contour maps and/or construction plans showing the areas in acres that the subdivision will have to accommodate.
  - d. On any single drainage structure requiring 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 18 inches. Only pipe that meets specifications equaling Alabama State Highway Department Specifications will be acceptable.
  - e. No unacceptable pipe shall be used.
  - f. Where the subdivider has open ditches, a maximum of 3 to 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.
  - g. This provision applies to all developers or subdividers.
24. All storm water management plans shall contain certification, by the person responsible for the land disturbing activity, of the right of the City Building Inspector to conduct on-site inspections.
25. The storm water management plan shall not be considered approved without the inclusion of a signature and date on the plans by the City Building Inspector. The signature on the plans is solely an acknowledgment of satisfactory compliance with the requirements of these regulations. The signature does not constitute a representation or warranty to the applicant or any other person concerning the safety, appropriateness or effectiveness of any provision, or omission from the storm water management plan.
26. Approved storm water management plans remain valid for five (5) years from the date of an approval. Extensions or renewals of the plan approval may be granted by the City Building Inspector upon written request by the person responsible for the land disturbing activity.
27. When the project has been completed, a letter shall be submitted by the Design Engineer to the City of Saraland certifying that all drainage facilities have been installed in accordance with approved plans. Inspection of facilities shall be conducted by the Design Engineer.
28. 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.

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

#### **PLAN HYDROLOGIC CRITERIA**

The hydrologic criteria to be used for the storm water management plans shall be as follows:

1. 25-year design storm for all cross-drain culverts and drainage designs.
2. 10-year design storm for all interior culverts and drainage designs.
3. 2- and 10-year design storms for all detention and retention basins using procedures approved by the City Building Inspector.
4. All drainage designs shall be checked using the 100-year storm for analysis of local flooding, and possible flood hazards to adjacent structures and/or property.
5. All hydrologic analysis will be based on land use conditions.
6. For the design of storage facilities, a secondary outlet device or emergency spillway shall be provided to discharge the excess runoff in such a way that no danger of loss of lift or facility failure is created. The size of the outlet device or emergency spillway shall be designed to pass the 100-year storm as a minimum requirement.

## PLAN WATER QUALITY CRITERIA

Following are the criteria related to using storm water management facilities for water quality purposes.

### Ponds, Lakes and Reservoirs

1. When the land disturbing activity consists of the construction of a pond, lake or reservoir which is singly built and not part of a permitted land disturbing activity, the following procedures will apply:
  - a. A storm water management plan will not be required if the pond, lake or reservoir has received prior State approval. Best management practices should be used to minimize the impact of erosion and sediment.
  - b. A storm water management plan will be required for the construction of all ponds, lakes or reservoirs not meeting the conditions in (a) above that otherwise meet the size requirements for storm water management plan approval.
2. When ponds are used for water quality protection, the ponds shall be designed as both quantity and quality control structures. Sediment storage volume shall be calculated considering the clean out and maintenance schedules specified by the designer during the land disturbing activity. Sediment storage volumes may be predicted by the Universal Soil Loss Equation or methods acceptable to the City Engineer.
3. Storm water runoff and drainage to a single outlet from land disturbing activities which disturb ten (10) acres or more shall be controlled during the land disturbing activity by the sediment basin where sufficient space and other factors allow these controls to be used until the final inspection. The sediment basin shall be designed and constructed to accommodate the anticipated sediment load from the land disturbing activity and meet a removal efficiency of 80 percent suspended solids or 0.5 ML/L peak settleable solids concentration, whichever is less. The outfall device or system design shall take into account the total drainage area flowing through the disturbed area draining to the basin.
4. Other practices may be acceptable to the City Building Inspector if they achieve an equivalent removal efficiency of 80 percent for suspended solids or 0.5 ML/L peak settleable solids concentration, which ever is less. The efficiency shall be calculated for disturbed conditions for the 10-year, 24-hour design storm event.
5. Permanent water quality ponds having a permanent pool shall be designed to store and release the first 1/2-inch of runoff from the site over a 24-hour period. The

storage volume shall be designed to accommodate, at least, 1/2-inch of runoff from the entire site.

6. Permanent water quality ponds, not having a permanent pool, shall be designed to release the first inch of runoff from the site over a 24-hour period.
7. The use of measures other than ponds to achieve water quality improvement are recommended on sites containing less than ten (10) disturbed areas.

#### Infiltration Practices

1. Permanent infiltration practices, when used, shall be designed to accept, at a minimum, the first inch of runoff from all impervious areas.
2. Areas draining to infiltration practices must be established and vegetative filters established prior to runoff entering the system. Infiltration practices shall not be used if a suspended solids filter system does not accompany the practice. If vegetation is the intended filter, there shall be a least a 20-foot width of vegetative filter prior to storm water runoff entering the infiltration practice.
3. The bottom of the infiltration practice shall be at least 2.0 feet above the seasonal high water table, whether perched or regional, determined by direct piezometer measurements which can be demonstrated to be representative of the maximum height of the water table on an annual basis during years of normal precipitation, or by the depth in the soil at which mottling first occurs.
4. The infiltration practice shall be designed to completely drain water within 72 hours.
5. Soils must have adequate permeability to allow water to infiltrate. Infiltration practices are limited to soils having an infiltration rate of at least 0.30 inches per hour. Initial consideration will be based on a review of the appropriate soil survey, and the survey may serve as a basis for rejection. On-site soil borings and textural classifications must be accomplished to verify the actual site and seasonal high water table conditions when infiltration is to be utilized.
6. Infiltration practices greater than three feet deep shall be located at least 10 feet from subsurface walls.
7. Infiltration practices designed to handle runoff from impervious parking areas shall be a minimum of 150 feet from any public or private water supply well.
8. The design of infiltration practice shall incorporate an overflow system with measures to provide a non-erosive velocity of flow along its length and at the outfall.

9. The slope of the bottom of the infiltration practice shall not exceed five percent. Also, the practice shall not be installed in fill material, as piping along the fill/natural ground interface may cause slope failure.
10. An infiltration practice shall not be installed on or atop a slope whose natural angle of incline exceeds 20 percent.
11. Clean outs will be provided, at a minimum, every 100 feet along the infiltration practice to allow for access and maintenance.

### **TRANSPORTATION CONSIDERATIONS**

1. Culverts under arterial roadways shall normally accommodate a minimum of 25-year frequency design storm. Conditions may dictate that 100-year design storms must be accommodated.

Culverts under all other roadways shall normally accommodate a minimum of a 25-year storm.

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.

2. Bridges shall accommodate a minimum of a 50-year frequency design storm. Conditions may dictate that of a 100-year frequency design storm.
3. 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 1% for unpaved ditches.

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

Clean out accesses shall be provided at least every 300 feet for continuous pipes of 24 inches in diameter or less and at least every 400 feet for larger continuous pipes, if required. Clean out accesses are also required at each angle point and at each change in grade.

## 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.

1. Plan Requirement. An erosion and sediment control plan shall be required in all areas of Saraland corporate limits and planning jurisdiction where appropriate. The approval of such plan shall be required and approved by the City Building Inspections department prior to the commencement of any land disturbing activity.
2. Plan Submission and Review. Whenever there is an area to be disturbed a copy of the plan shall be filed with the City Building Inspections department a minimum of 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 will be prepared. Pending the preparation of the revised plan, the work shall be suspended or continued under conditions outlined by the City Building Inspections department.

3. Plan Content. Erosion and sediment control plans shall contain architectural and engineering drawings, amps, 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.
4. 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.
5. 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.
6. 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.
7. Limit Time of Exposure. All land-disturbing activities should be planned and conducted to limit exposure to the shortest time.
8. Control Surface Water. Surface water runoff originating upgrate of exposed areas should be controlled to reduce erosion and sediment loss during the period of exposure.

9. Control Sedimentation. All land-disturbing activities should be planned and conducted so as to minimize off-site sediment damage.
10. 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 increase so as to minimize accelerated erosion and increased sediment deposition in the ditch or stream channel.

## STANDARDS

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

No land-disturbing 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 adjacent property.

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

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

2. Design and Performance Standards. Erosion and sediment control measures, structures and devices shall be so 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 Practices," or other acceptable calculation procedures. Runoff computations shall be based on rainfall data published by the National Weather Service for the area.

3. Other Requirements. 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; commercial, industrial, educational, institutional developments of one acre or more; and for all residential developments unless exempted by the City.

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 in the receiving ditch, stream channel, overload downstream drainage ways, or other drainage facility, taking into consideration any anticipated development of the watershed in question.

4. 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.
5. 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.
6. Operations in Lakes or Natural Watercourses. Land-disturbing activity in connection with construction, in, on, over, or 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.
7. Responsibility for Maintenance. The person engaged in or conducting the land-disturbing activity shall be responsible for maintaining all temporary and 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.

8. 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.
9. 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.

## **DETENTION FACILITIES**

1. Detention facilities. 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.
2. Method of Evaluation. Differential runoff evaluation consists of determination of rates 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 25-year storm, or a 24-hour event. This shall be based on sound engineering criteria, and computations shall be submitted to the City for review.

**Method of Detention-** The following conditions and limitations should be observed in the selection and use of method of detention.

3. General Location. Detention facilities shall be located within the parcel limits of the project under consideration.

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

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.

4. Common Ground Projects. It is preferred that detention facilities be 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 and mulched, sodded, paved, or lined prior to final plat approval by the City of Saraland.

The hydraulic elevations resulting from channel detention shall not adversely affect adjoining properties.

5. 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. 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 no less than one 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.

6. 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 proofing 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.

7. 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, etc., will be needed for review and consideration.

8. 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 200 acres, routing calculations shall be submitted in legible tabulated form. 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.

Projects over 200 acres in area shall provide documented verification of adequacy according to scope and complexity of design.

9. 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.

10. 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, and 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 the 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 undersizing will be allowed.

11. Easements. Two types of easements shall be provided in plans for detention facilities.
12. 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.
13. Drainage Easement. A minimum fifteen (15)-foot 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.
14. Maintenance. 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 close to 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 of Saraland. A letter from the owner/developer indicating responsibility for maintenance of all drainage structures or systems shall be submitted and will become part of the official record that will run with the land.

## **SPECIAL CONSIDERATIONS**

1. Concrete box culverts used as 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.
2. 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 ends of culverts and shall be placed at these locations based on the velocities at these locations.

**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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Documents provided herein are to be used for reference only. Original documents shall be obtained from the Planning Department prior to submittal.

**APPENDIX H: ZONING DISTRICT MAP**

Exhibit A (Separate from this document)

**APPENDIX I: RESERVED**

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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

ADOPTED AND APPROVED the 27<sup>th</sup> day of Jan, 2007.

Howard Rubenstein  
Howard Rubenstein, Council President

Attest:

Denise Jernigan  
Denise Jernigan, City Clerk

APPROVED this 8<sup>th</sup> day of January, 2008.

Ken Williams  
Ken Williams  
Mayor

I, the undersigned qualified and acting Clerk of the City of Saraland, Alabama, do hereby certify that the above and foregoing is a true copy of an Ordinance lawfully passed and adopted by the City Council of the City named therein, at a regular meeting of such Council held on the 27<sup>th</sup> day of December 2007, and that such Ordinance is of record in the Minute Book of the City.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City on this 8<sup>th</sup> day of January, 2008.

Denise Jernigan  
Denise Jernigan, City Clerk

## 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 zoning amendment, annexation, and subdivisions, pursuant to Section 11-52-10, the Code of Alabama, 1975, (as amended).

## **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

Permits and certificates shall be issued in accordance with the following provisions:

- (a) Building Permits:

It shall be unlawful to commence the excavation for or the construction of any building or other structure, including accessory structures, to store building materials or erect temporary field offices, to commence the moving, alteration, or repair of any structure, including accessory structures, until the Building Official has issued a building permit including a statement that the plans, specifications, and intended use of such structure in all respects conform with the provision of this Ordinance. Application for the building permit shall be made to the Building Official on the prescribed forms provided for that purpose. No permits shall be issued until all licenses and bonds are secured and sufficiently proven.

- (b) Approval of Plans and Issuance of Building Permits:

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. 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.

(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 or 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) Building. Any structure attached to the ground and intended for shelter, housing or enclosure for persons, animals, or chattels.
- (20) Building, Accessory. A subordinate building, the use of which is incidental to that of the principal use of the main building.
- (21) 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.
- (22) 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.
- (23) Building Height. The vertical distance measured from the average on all four (4) sides of the buildings.
- (24) Building Line. (See Setback Line.)
- (25) Building Official. Individual appointed by the City of Saraland to carry out inspections required by the Building Code, latest edition.
- (26) Building, Principal. A building in which is conducted the main or principal use of the lot or parcel for which said building is situated.
- (27) Bulk. Height and percentage of land coverage of a building.
- (28) Bulkhead. A structure separating land and water areas, primarily designed to resist earth pressures.
- (29) 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.
- (30) Business/Office Park. A planned development of one or more office(s) and/or business(es) in a park-like setting.
- (31) 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.
- (32) 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.

- (33) 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.
- (34) 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.
- (35) 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.
- (36) 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.
- (37) 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.
- (38) 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.
- (39) Channel. A natural or artificial water course of perceptible extent, with bed and banks to confine and conduct continuously or periodically flowing water.
- (40) City. The City of Saraland.
- (41) City Council. The chief legislative body of the City of Saraland.
- (42) City Engineer. The City of Saraland Engineer.
- (43) 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.
- (44) 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.
- (45) 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.

- (46) Collector Street. A street which carries medium volumes of traffic collected primarily from minor streets and delivered to arterial streets.
- (47) 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.
- (48) Commission. The City of Saraland Planning Commission.
- (49) Comprehensive Plan. The Community Development Plan including land use, housing, public facilities, and other planning elements currently in use by the City of Saraland.
- (50) Condominium. An individually-owned, single family dwelling unit in a multi-family structure of any size and height permitted by local ordinance.
- (51) 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.
- (52) 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.
- (53) 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.
- (54) Day Care Center. A place for the day care and instruction of young or elderly persons not remaining overnight.
- (55) 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.
- (56) 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.
- (57) 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.
- (58) District. A section of the area zoned, within which the zoning regulations are uniform.
- (59) 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.
- (60) Dry Well. A cavity of sufficient size, filled to the surface with compacted rocks to allow water storage capacity.
- (61) 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.
- (62) Double Frontage or Through Lot. A lot or plot, but not a corner lot, that abuts upon two streets, the two frontages being noncontiguous.
- (63) 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.
- (64) 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.
- (65) 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.

- (66) Establishment. A commercial, industrial, institutional, educational, office, business, or financial entity.
- (67) 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.
- (68) Family. One or more persons related by blood, adoption or marriage occupying a single dwelling unit and using common cooking facilities.
- (69) Filling Station. (See Service Station).
- (70) Final Plat. The completed PUD or subdivision plat with appropriate official signatures in form for approval and recording.
- (71) Fixed Dwelling. A dwelling unit (or structure containing several units) attached to a permanent foundation.
- (72) Flood. A temporary rise in stream or surface water level that results in inundation of areas not ordinarily covered by water.
- (73) Flood Frequency. The average frequency statistically determined, for which it is expected that a specific flood level may be equaled or exceeded.
- (74) 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.
- (75) Flood Prone Area. Any area subject to inundation by the regulatory flood.
- (76) 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.
- (77) 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.
- (78) 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.
- (79) 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.
- (80) 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.
- (81) 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.
- (82) 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.
- (83) 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.
- (84) 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.
- (85) Height of Building. (See Building, Height).
- (86) 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.
- (87) 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.
- (88) Homeowners' Association. A group of homeowners in a geographical area banded together for a specific purpose.
- (89) 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.

- (90) 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.).
- (91) 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.

- (92) Kennel. Any place or premises where four or more dogs over four months of age are kept.
- (93) Licensee. Any person licensed to operate and maintain a mobile home park under the provisions of this Ordinance.
- (94) 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.
- (95) 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.
- (96) Lot, Interior. A lot other than a corner lot.
- (97) Lot Depth. The mean (average) horizontal distance between the front and rear lot lines, measured at right angles to the street lines.
- (98) 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.
- (99) 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.

- (100) 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.
- (101) 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.
- (102) 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.
- (103) Maintenance and Storage Facilities. Land, buildings, and structures devoted primarily to the maintenance and storage of construction equipment and material.
- (104) 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.
- (105) 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.
- (106) 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.
- (107) Manufacturing, Extractive. Any mining, quarrying, excavating, processing, storing, separating, cleaning, marketing, or any mineral natural resource.
- (108) 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.
- (109) 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.
- (110) Marine. A harbor or boat basin providing moorage, docking facilities, supplies and minor services for pleasure boats.

- (111) 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.
- (112) 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.
- (113) 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.
- (114) 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.
- (115) 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.
- (116) Mobile Home Space. A plot of ground within a mobile home park designed for the accommodation of one (1) mobile home or travel trailer.
- (117) 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.
- (118) Motel, Motor Hotel. (See Hotel).
- (119) 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.
- (120) 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.
- (121) 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.

- (122) 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.
- (123) 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.
- (124) Nursery School. A place for the day care and instruction of children not remaining overnight; includes day care centers.
- (125) Offices. Space or rooms used for professional, administrative, clerical, and similar uses.
- (126) Open House. A house in which a selling agent is present and the house is offered for sale to the general public.
- (127) 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.
- (128) 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.
- (129) 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.

- (130) 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.
- (131) Person. Any individual, firm, trust, partnership, association or corporation.
- (132) 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.
- (133) Planning Commission. The City of Saraland Planning Commission.
- (134) Plat. A map, plan, or layout of a county, city, town, section, or subdivision indicating the location and boundaries of properties.
- (135) 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.
- (136) Preliminary Plat. The plat of a proposed subdivision for presentation to the Planning Commission for its consideration and public hearing.
- (137) 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.
- (138) 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.
- (139) 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.

- (140) 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.
- (141) Residential Dock or Pier. A dock or pier constructed adjacent to a residential lot for gratis recreational purposes and/or mooring of private boats.
- (142) 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.
- (143) 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.
- (144) Revetment. A facing of stone, concrete, etc., built to protect a scarp, embankment, or shore structure against erosion by wave action or current.
- (145) Regulatory Flood Protection Elevation. The elevation of the regulatory flood plus one (1) foot of freeboard to provide a safety factor.
- (146) 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.
- (147) Roadside Stand. A temporary structure designed or used for the display or sale of agricultural and related products.
- (148) Roadway. That portion of a street between the regularly established curb lines or that part of a street devoted to vehicular traffic.
- (149) 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.
- (150) 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.
- (151) 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.

- (152) 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.
- (153) 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.
- (154) 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.
- (155) 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.
- (156) 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.
- (157) 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.
- (158) 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.
- (159) 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.
- (160) Sidewalk Area. That portion of a street not included in the roadway, and devoted in whole or in part to pedestrian traffic.
- (161) 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. An off-premises or off-site sign 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.

- (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.
- (162) 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.
- (163) 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.
- (164) 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.
- (165) 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.
- (166) 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.
- (167) 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.
- (168) 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.
- (169) 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.
- (170) 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.
- (171) 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.
- (172) Structure, New. Any structure which is not an existing structure.
- (173) Subdivider. Any individual, firm, association, syndicate co-partnership, corporation, trust, or any other legal entity commencing proceedings to effect a subdivision of land hereunder.
- (174) 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.
- (175) 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.
- (176) Temporary Use. A short period of time; not to exceed thirty (30) calendar days.
- (177) 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.

- (178) 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.
- (179) 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.
- (180) 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.
- (181) 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.
- (182) 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.
- (183) 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.
- (184) 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.
- (185) Zero Lot Line. A developmental approach in which a dwelling unit is sited along one or more lot lines.
- (186) Zoning Administrator. The administrative officer designated to administer the zoning ordinance and issue land use certificates.
- (187) 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.
- (188) 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) Unsafe Structures:

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**

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.

Residential lots served by central water and sewerage systems shall not be less than fifty (50) feet wide at the building setback line nor less than five thousand (5,000) square feet in area, provided they comply with the requirements of the zoning district in which the development is to occur.

Residential lots with central water supply, but not served by a central sewerage system shall not be less than ninety (90) feet wide at the building setback line nor less than fifteen thousand (15,000) square feet in area; provided, however, greater area may be required by the Planning Commission if it is indicated by data from percolation tests or determined by the Mobile County Health Department.

Residential lots served by an individual source of water supply and an individual sewage disposal system shall be not less than one hundred (100) feet wide at the building setback line nor less than twenty thousand (20,000) square feet in area as required by the Mobile County Health Department after investigation of soil conditions, proposed sewerage system, and depth of ground water.

### **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 notwithstanding, 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) Satellite Receiving Dishes:

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**

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 twenty (20) 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**

Outside above ground tanks for the storage of gasoline, liquefied petroleum gas, oil, flammable liquids, or gases shall be restricted to the requirements set forth in this Ordinance and state regulations.

The storage, utilization, manufacture of solid materials, or products ranging from incombustible to moderate burning is permitted. The storage, utilization or manufacture of solid materials of products ranging from free or active burning to intense burning is permitted, provided the following condition is met:

- (a) Said materials or products shall be stored, utilized, or manufactured within completely enclosed buildings 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 the following table for the exclusive of storage of finished products in original sealed containers.

## 10-6 TOTAL CAPACITY OF FLAMMABLE MATERIALS PERMITTED - GALLONS\*

	<u>Industries Engaged in Storage and Distribution of Such Materials</u>	<u>Above Ground</u>	<u>Below Ground</u>
(a)	Materials having a flash point above 190 degrees Fahrenheit (87.7878 Centigrade)	Prohibited	100,000
(b)	Materials having a flash point from and including 105 degrees Fahrenheit (40.5556 Centigrade) to and including 190 degrees Fahrenheit (87.7878 Centigrade)	Prohibited	40,000
(c)	Materials having a flash point below 105 degrees Fahrenheit (40.5556 Centigrade)	Prohibited	20,000

### Industries Engaged in Utilization and Manufacture of Such Materials

(d)	Materials having a flash point above 190 degrees Fahrenheit (87.7878 Centigrade)	10,000	50,000
(e)	Materials having a flash point from and including 105 degrees Fahrenheit (40.5556 Centigrade) to and including 190 degrees Fahrenheit (87.7878 Centigrade)	1,000	20,000
(f)	Materials having a flash point below 105 degrees Fahrenheit (40.5556 Centigrade)	500	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 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.

#### **10-8 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

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

<sup>1</sup> Cul-de-sacs shall not be longer than 600 feet measured from the intersecting street to the center of the turnaround.

<sup>2</sup> With curb and gutter.

<sup>3</sup> 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**

It is the intent of this section to require sidewalks be installed on both sides as a part of the improvement of all streets prior to the issuance of Certificate of Occupancy.

Construction of sidewalks, shall comply with the following standards:

<u>Type of Subdivision</u>	<u>Sidewalk Width</u>
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 (1/2) 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-1, 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 COMMERCIAL/INDUSTRIAL DISTRICTS**

(a) C/I, Commercial/Industrial District:

This district is intended to provide locations for heavy commercial and light industrial activities which will not detract from the general character of the community because of hazardous operations, unsightly appearance of buildings and surroundings, objectionable emissions, or other factors that may be detrimental to the community environment.

## 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**
<u>R-1, Low Density Residential:</u>				
Single Family	20,000	100	25	2.0
<u>R-1A, Patio Residential:</u>				
Single Family	5,000	50	38	8.0
<u>R-2, Medium Density Residential:</u>				
Single Family	15,000	90	25	2.5
<u>R-3, High Density Residential:</u>				
Single Family	12,000	80	30	3.5
<u>R-4, High Density Single and Multi-Family Residential:</u>				
Single Family	7,500	50	30	4.6
Two-Family	10,000	80	35	8.0
Multiple Family	7,500***	85	35	14.0
<u>Extraterritorial Planning Jurisdiction:</u>				
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:

	<u>Front Yard</u>		<u>Rear Yard</u>	<u>Side Yard</u>	<u>Corner Lot Side Yard</u>	
R-1	40	40	40	15	40	25
R1-A	25	25	25	10	30	20
R-2	35	35	35	10	35	20
R-3	30	30	30	10	30	20
R-4	30	30	30	a	30	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	*	*	*	*	*	*

### Extraterritorial Planning Jurisdiction

Single-family	30	30	30	10	30	20
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\* 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 (20) 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.

**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) spaces for each unit          |
| (3) Hotels:<br><br>(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) spaces for each guest bedroom |
| (4) Motels, Tourist Courts, and Tourist Homes:                                       | One and a half (1.5) spaces 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   | One (1) space for each four (4)  |

Kindergartens, Play-schools, and Day Care Centers:	seats in assembly hall, or one (1) space for each employee, including teachers and admini- strators, 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 Uses:	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) Shopping Centers:

One (1) space per two hundred  
(200) square foot of gross  
floor area

(f) Marinas:

Two (2) spaces per berth,  
(also applies to dry storage)

(h) Industries:

(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

- (i) 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.

<u>Curb Angle of Parking</u>	<u>Length Per Car</u>	<u>Stall Depth</u>	<u>Access Driveway Width</u>
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 is 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 upgrate 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) Permanent Downstream Protection of Stream Banks and Channels:

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:

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, detention pond, and other areas which are deemed appropriate by the Planning Commission.

A tree survey shall not be required for a subdivision of fifty (50) lots or more; however, a developer/owner shall comply with the protection of significant trees as otherwise provided herein.

(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) Wall or Fence:

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) Screen Planting Strip:

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) Natural Forest:

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 day of the month for presentation at the next regular meeting, held on the first Thursday 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.
- (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

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 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 Planning Department 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.
- (c) Said Commission before enacting any amendment to this Ordinance, a public hearing thereon shall be held by the Planning Commission with proper notice as required by law. Due notice shall also be given to the parties in interest of the date, time, and place of said hearing.

Said notice of a vacation of right-of-way shall be published in full for one (1) insertion in a newspaper of general circulation published in the municipality prior to the said public hearing by the City Council.

- (d) Said easement or right-of-way shall be vacated and/or relocated upon the recommendation of the Planning Commission and the acceptance 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 District 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) The Final Plan:

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 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.

such

- (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:

- (1) 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.

(1) 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

#### 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 Prohibition:

(1) Signs Prohibited:

No sign, unless herein excepted, shall be erected, constructed, posted, painted, altered, maintained, or relocated, until a permit has been issued by the Code Enforcement Officer. 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 Code Enforcement Officer with the location, size, construction materials, manner of illuminating, and securing or fastening, and number of signs applied for and the wording of the sign or advertisement to be carried on the sign.

(2) Electrical Permit Requirement:

All signs which are electrically illuminated by neon or by any other means shall require a separate electrical permit and inspection. Each sign requiring a permit shall be clearly marked with the permit number and the name of the person or firm placing the sign on the premises. The absence of a proper ID tag shall be prima facie evidence that the sign or advertising structure is being operated in violation of this Ordinance.

(3) Size Restrictions Applicable:

Any permitted sign shall be subject to the size and height limitations imposed by this Ordinance for the district in which said sign is located, except as

otherwise provided herein.

(4) 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.

(5) View Obstruction Prohibited:

No outdoor advertising sign or sign structure shall be located in such a manner as to materially impede the view of any street or highway intersection.

(6) Ingress/ Egress Impediment Prohibited:

No outdoor advertising sign shall be erected, relocated or maintained so as to prevent free ingress/egress from any door, window, or fire escape.

### **33-3 SPECIAL PROVISIONS**

The following apply:

(a) 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.

(b) Aesthetic Standard:

Signs shall be harmonious with the environment and with the nature of our special local characteristics of site, aesthetic tradition, and development potential. Signs made of natural woods and materials, featuring earth tones and indirect external lighting are encouraged to reflect the natural beauty of our mostly residential and recreational area.

(c) Time Requirements:

A sign permit shall be null and void if the sign for which the permit was issued has not been completed and erected within a period of six (6) months from the date of issuance of the permit.

### **33-4 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 inexistence 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 the replacement sign or billboard, if any, shall be in conformance with the provisions of this Ordinance. No new off-premise signs or billboards will be permitted in any zone. A permit shall not be issued for any on-premise sign for any premises on which there exists a grandfathered off-premise sign or billboard until the off-premise sign or billboard is permanently removed.

(2) Legal Nonconforming Sign Status:

Any sign located within the corporate limits prior to the enactment of the Land Use and Development Ordinance, January 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 permitted, provided there is only one (1) ground-mounted, on-premise sign, and all other signage is in conformance with these regulations. A permit for a legal nonconforming sign shall be obtained prior to the date when the next business license is due.

(b) Loss of Legal Nonconforming Status:

A legal nonconforming sign shall immediately lose its legal nonconforming status and must come into conformance upon the following:

(1) Amortization Schedule:

Legally nonconforming signs shall be either removed, 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.

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.

(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 nonconforming sign is removed or destroyed or becomes fifty percent (50%) or more structurally deteriorated as determined by the Code Enforcement Officer, then the replacement sign 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, and 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.

### **33-5 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.

(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, except where a vehicle is offered for sale.

(c) Weather Flags:

Weather flags for providing information on weather conditions: one (1) set for each premise.

(d) Residential Real Estate Signs:

(1) General Provisions:

Real estate signs, temporary in nature, non-illuminated, not exceeding six-and-one-half (6-1/2) square feet in area, 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.

(2) Directional Signs:

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 are open for the general public to view. Said sign(s) size shall not exceed one-and-one-half (1-1/2) feet in width and three (3) feet in height.

Such signs may be placed at intersections in a manner such that they do not constitute a traffic hazard for a period of one (1) day before the open house and removed the day of the open house, upon closing.

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 permitted. That which is not specifically provided herein is expressly prohibited:

(1) Council Authorization Required:

Temporary signs and banners not exceeding fifty (50) square feet in area, temporary decorative flags, tethered inflatable items, bunting, pennants and streamers for recognizing holidays and other occasions authorized by the City Council.

2) Promotional Weekend and Nationally Recognized Holidays:

On the last Friday of each month, commencing no earlier than six (6) a.m., the following Saturday and Sunday, as well as Monday, if such Monday should coincide with a National holiday (Labor Day, Memorial Day, or the Fourth of July) and any other State recognized holiday, retail and commercial establishments duly licensed to do business within the corporate limits shall be permitted to display a reasonable number of three (3) of the following items provided; however, all such items shall be removed from the premises at the close of the final business day of the weekend or at the close of the business day on Monday, should Monday fall on a holiday the requirements outlined above shall apply.

Temporary decorative signs, pennants, banners (not to exceed two (2), twenty (20) square feet each), streamers, bunting, balloons, and flags. (Reference: Section 33-5, 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 shall 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. Such signage shall be subject to the requirements of Ordinance 1989-04, Establishing Sign Control during Political Campaigns. Signs located within residential districts shall not exceed four (4) square feet in area.

(g) Flags:

National flags and flags of political subdivision of the United States and flags of

bona fide civic, charitable, fraternal, and welfare organizations when displayed from one (1) flag staff per premises in accord with United States Public Law 623 (Flag Display Practice).

(h) Directional Signs and Symbols:

- (1) Non-advertising directional signs or symbols (e.g., entrance, exit, caution, slow, no trespassing) located on and pertaining to a parcel of private property, not to exceed two (2) square feet and forty-two (42) inches in height. Such directional signs may have the name 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 and not to exceed forty-two (42) inches in height, 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 five (5) 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 or Garage Sale Temporary Signs:

Noncommercial yard or garage sale temporary signs not exceeding one-and-one-half (1-1/2) square feet, which display the date(s) and the address of the sale. No more than four (4) directional yard sale signs may be placed. 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 advertises only the product or service dispensed by the machine or equipment, such as signs customarily affixed to vending machines, newspaper racks, telephone booths, and gasoline pumps, 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 (2-1/2) <sup>square</sup> feet in dimensions. 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 Code Enforcement Officer.

(m) Indoor Signage or Window Signs:

Indoor signage or window signs which identify 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) Marquee or Canopy Signs:

One (1) each business or professional identification sign mounted to extend vertically below a marquee or canopy, 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.

(o) Temporary Promotional Banner:

One temporary promotional banner in compliance with Section 33-5 no greater than twenty (20) 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).

### **33-6 SIGNS PROHIBITED IN ALL DISTRICTS**

The following signs are prohibited in all districts:

(a) Prohibited Placement:

Any sign erected or painted upon a sloped roof, fence, tree, stand pipe, fire escape, or utility pole, except the manufacturer's or installer's ID plate shall not exceed 5 x 8 inches in size.

(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 time, date, temperature, and other customary public information.
- (c) Signs which contain intermittent illuminations provided the change is less than twelve (12) times per hour.
- (d) Prohibited Sign Types:

Portable signs, bench signs, snipe signs, sandwich signs, except as allowed in Section 33-5, Subsection (d) (e) or ladder-type signs.
- (e) Prohibited Sign Effects:

Signs which produce sound, noise, cause interference with radio, telephone, television or other communication transmission, produce or reflect motion pictures; emit visible smoke, vapor, particles, odor, are animated, or produce any rotation, motion, or movement.
- (f) Billboards and Off-Premises Signs:

Billboards and off-premise signs as defined in this Ordinance.
- (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 dedicated for public use for the principal purpose of advertising.
- (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 and community 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 33-4, Subsection (a), and shall be subject to the restrictions and provisions for loss of legal nonconforming status as set forth in Section 33-4, Subsection (b). Any existing sign, portable or otherwise, will be grandfathered for a period of seven (7) years. No new flashing signs. Address has to be on new signs.

### **33-7 MAINTENANCE AND REMOVAL OF SIGNS**

(a) General Maintenance Requirement:

All signs shall be maintained in good condition and appearance.

The Code Enforcement Officer, after due notice in writing to the owner, may remove, at the owner's expense, any sign which shows neglect or which appears abandoned, dilapidated, or dysfunctional, or an area of a distance 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.

(b) Vacation of Premises:

Any sign associated with premises that have been vacated shall be either removed from the premises by the owner or lessee with 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.

(c) Public Right-of-Way:

The Code Enforcement Officer shall remove or cause to be removed any sign erected or maintained on any public right-of-way within the City, or which is in violation of any of the provisions of this Ordinance.

(d) 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.

### **33-8 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.

### **33-9 MUNICIPAL IDENTIFICATION OR DIRECTIONAL SIGNAGE**

(a) Criteria:

That in any business park, office park, commercial park, and/or municipal facility (ices), as distinguished from retail shopping centers for which such shall be specifically prohibited information/directional signs may be permitted subject to the following:

- (1) That information/directional signs shall be permitted at locations as more specifically referenced herein, subject to prior licensing approval by the Code Enforcement Officer;
- (2) That information/directional signs may be placed at a primary entrance to such business park, office park, commercial park, and/or municipal facility (ices);
- (3) That information/directional signs may be placed on public right-of-ways, on public places, and/or private property which private property may be common area servicing the business park, office park, or commercial park located within the park;
- (4) That each information/directional sign may be single or double faced, and shall not exceed fifteen (15) feet in total height from ground level, which height shall include the City's identification logo with color to match to the existing logo at the top of the sign.

Such information/directional sign shall not have a total area in excess of fifty (50) square feet, excluding the City logo and shall not contain more than twelve (12) eight (8) inch panels, with each panel to be six (6) feet long. Each individual directional sign panel shall not include the City's identification logo. Each information/directional sign shall be appropriately landscaped with circumference of not less than three (3) feet around the base of the sign with bedding and appropriate seasonal planting.

- (5) That each individual information/directional sign panel shall list only those users located within such business park, office park, commercial park, and/or municipal facility and shall be designed to provide directional assistance to travelers or otherwise only to identify users located within such business park, office park, and/or commercial park.
- (6) That the City shall have final approval for the location, material, content, color, and design of the signs and individual panels, whether the information/directional sign is located on public or private property.
- (7) That when the informational/direction sign is to be located on public property, the City shall be responsible for the erection, operation, content,

and maintenance of each sign. The City may impose fees and enter into such written agreements for one (1) year intervals with interested businesses for the construction, installation and maintenance of such information/directional sign.

- (8) That when the informational/direction sign is to be located on private property, all costs for construction, installation, design, and maintenance shall be incurred by the applicant.
- (9) That information/directional signs shall not be considered a sign of any user, including users who own the land upon which the information/directional sign is located for purposes of determining the maximum number of signs, as otherwise permitted under Section 33-11 of this Ordinance.
- (10) That such information/directional signs shall not be located in such a manner as to materially impede the view of any street or highway intersection, nor shall such sign be located so as to prevent free ingress or egress from any door or window for a fire escape route.

(b) Issuance of Permits and Approval:

- (1) That the City Clerk's Office and/or Code Enforcement Officer shall establish suitable forms and documentation to authenticate the issuance of such permit as approved by the City from time-to-time. Such permit for the placement of such sign shall be for a one (1) year interval subject to renewal annually from the initial issuance with the permitting to be re-approved by the City Council.

The City may deny the re-issuance of the information/directional sign permit should the sign and surrounding landscaping not be maintained in a satisfactory fashion during the preceding year.

- (2) That should a private owner of such sign allow the sign or landscaping to become in disrepair or to otherwise be unkept, the Code Enforcement Officer shall provide the permitted owner thirty (30) calendar days written notice to correct the deficiency to the satisfaction of the Code Enforcement Officer. Should the permitted owner not complete the remedial work within thirty (30) calendar days, the City may upon thirty (30) day notice thereafter revoke the permit of the owner and order the removal of the sign. Should the owner fail and/or refuse to remove the sign after the thirty (30) day time period, the City may enter upon the real property where the sign is situated for the limited purposes to effectuate the removal of the sign, and the cost incurred by the City for removal shall be taxed against applicant.

(b) Sign Construction:

All signage utilized in accord with the provisions of this Ordinance, shall be constructed in accordance with the following:

That all upright posts shall be 8" x 8" treated wood, embedded in the ground a

minimum of four (4) feet, surrounded by a minimum circumference of six (6) inches of three thousand (3,000) psi concrete.

- (1) That all 2" x 12" treated wooded cross supports shall be pinned together and routed into the 8" x 8" wooden posts, then lag bolted into each post from the outside.
- (2) That the City logo panel shall be constructed of sand blasted sign foam and painted pursuant to the standard color scheme of the logo.
- (3) That all wooden posts and cross supports shall be painted black in color.
- (4) That each individual sign panel shall be white plastic with appropriate colored lettering selected by the user.

### **33-10 PERMITTED SIGNS**

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 up to 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 Approval, or Special Exception in any residential district, are permitted.

Such signs shall not exceed fifty (50) square feet in area per face, two (2) faces, and a maximum of twenty-one (21) feet in height. One (1) such sign may be placed perpendicular to each City street frontage to be served.

Premises classified as "General Business (Shopping Center)" in Section 33-11 Schedule of Permitted Sign Requirements, shall be permitted one (1) sign, the area of which shall be determined according to the following formula: one (1) foot of signage per thousand (1,000) feet of square footage of the building; however, such sign shall not exceed one hundred fifty (150) square feet in area per face, two (2)

faces, fifteen (15) feet in width, and a maximum of twelve (12) feet in height. Additionally, those so classified shall be permitted one sign not to exceed fifty (50) square feet in area per face, two (2) faces, maximum of twelve (12) feet in height. One (1) such sign may be placed perpendicular to each City street frontage to be served, of which is not supporting the larger sign.

Signs permitted under Section 33-10 shall require a permit, except as otherwise provided herein.

(c) Wall-Mounted Signs:

Each establishment in a shopping center or each business premises in B-1, Local Business, B-2, General Business, B-3, Professional, and C/I, Commercial/Industrial, districts may acquire an additional permit for a wall-mounted sign of a size 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. Signs mounted on mansards, marquees, and awnings are deemed to be wall signs.

(d) Menu Type Signs:

One menu type sign per drive-thru window service not to exceed forty (40) square feet in area or eight (8) feet in height.

(e) Automobile Dealerships:

Automobile dealerships in the sale of the 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 not higher than ten (10) feet above ground level.

(f) Gasoline and Fuel Signs:

Gasoline or other motor vehicle fuel pricing signs, in addition, to permitted name or identification signs, are permitted in any business or industrial district. Such signs shall not exceed twelve (12) square feet in area and must comply with the other sign requirements for the district in which they are located.

(g) New Construction Signs:

(1) General Provision:

Temporary non-illuminated signs not more than thirty-two (32) square feet in area, 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) such sign, which shall not exceed ten (10) feet in height, is allowed for each street frontage. Such signs shall be removed upon completion of the project.

(2) Temporary Advertising Sign:

A temporary advertising sign will be permitted to the owner for the development for each individual business premises, shopping center premises, commercial/industrial business, subdivision, planned unit development, mobile home park and mobile home subdivision, provided the area of each sign shall not exceed thirty-two (32) square feet, is non-illuminated, and is within the confines of the development. A temporary sign advertising property for sale in a commercial/industrial (C/I) and all business (B-1, B-2 and B-3) zones, provided the area of each sign shall not exceed sixteen (16) square feet, is non-illuminated and is within the confines of the development.

These signs shall be the height no greater than ten (10) feet mounted from the ground, for no more than one (1) sign, either single or double faced, per street frontage.

Permits shall be issued for a period of one (1) year. An additional one (1) year permit may be issued if the Code Enforcement Officer has determined the promotion of the development is active and the temporary sign meets the maintenance requirements in Section 33-7. The temporary sign will be removed when a permitted permanent sign is erected.

(3) Time Limitations and Size Requirements:

A temporary sign 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, mounted from a ground to a height not to exceed ten (10) feet. Said sign may be single or double faced.

(h) Conventions and Grand Openings:

Temporary signs and banners not exceeding fifty (50) square feet in area and temporary decorative flags, bunting, pennants and streamers for recognizing conventions and grand openings. Said temporary decorations and signs shall be kept in good condition and shall be permitted no more than fourteen (14) days.

(i) Public Interest Directional Signs:

A permanent or temporary sign, erected on private or public property, not exceeding six (6) square feet to denote the route to any city, town, village, historic or religious place, shrine, public building or facility, school, hospital, health care facility, public meeting, or public event when authorized by the City Council.

(j) 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, and Library Complex and Schools of the Mobile County 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, P.S.A.'s), provided, however that such signs comply with the following requirements:

(2) Commercial Advertising:

(a) Prohibition:

In no case, however, is commercial advertising permissible within the electronic display area of any electronic sign facing a public road, in front of a school or public building, or on or around the supporting structure of the sign.

(k) Interstate Corridor Signs:

One "Name Indication" sign shall be allowed for any lot or parcel of property having a minimum of two hundred (200) feet of frontage space parallel, abutting to or otherwise sharing a common boundary line with Interstate 158 and/or interstate right-of-way, when a right-of-way that has no property other than a city, county, or state right-of-way between the subject real property and the interstate right-of-way. No sign shall be erected on any lot or parcel containing less than two hundred (200) feet of said frontage space. The sign shall be located at or very near the interstate right-of-way of the parcel, and shall contain no more than two hundred and fifty (250) square feet of signage.

Said sign shall be no greater than forty (40) feet in height, measured from the finished grade of the property and shall be no greater than twenty (20) feet in width. Any proposed sign to be erected shall be subject to the approval of the Planning Commission.

(1) Commercial/Retail Development Interior Street Signs:

Inasmuch as commercial developments continue to arise within the city limits which contain private interior streets with retail and/or business space being located on both sides of said private interior streets, advertising signs shall be allowed to be placed at each end of the private interior street. Said sign shall be either a monument, street lamp, or hanging sign style. Said signs shall be limited to thirty (30) square feet on each side of the sign, regardless of the number of businesses located on said private interior street.

Monument style signs shall be no higher than five (5) feet, and street lamp style signs shall be no higher than twelve (12) feet, both to be measured from the finished grade. Any proposed sign to be erected shall be subject to the approval of the Planning Commission.

**33-11 SCHEDULE OF PERMITTED SIGN REQUIREMENTS**

<b><u>Zoning District</u></b>	<b><u>Type of Use</u></b>	<b><u>Max. Area/Face</u></b>	<b><u>No.of Faces</u></b>	<b><u>Max. Height</u></b>	<b><u>Max No. Of Signs Permitted</u></b>
R-1	SF Residential	6 sq ft	1	6 ft	1 per premises
R-2	SF Residential	6 sq ft	1	6 ft	1 per premises
R-3	SF Residential	6 sq ft	1	6 ft	1 per premises
R-4	MF Residential	6 sq ft	1	6 ft	1 per premises
R-5	MH Residential	6 sq ft	1	6 ft	1 per premises
B-1	Local Business	50 sq ft	1 per premises	6 ft	1 per street frontage
B-2	General Business	50 sq ft	2 per premises	6 ft	1 per street frontage; 2 if the premises frontage is greater one thousand (1,000) linear ft.
B-2	General Business (Shopping Center)		2 per premises	12 ft	1 square foot of signage per thousand square foot of floor space for facilities or commercial buildings over fifty thousand (50,000) square feet of floor space. Maximum signage of one hundred fifty (150) square feet and maximum width of sign, fifteen (15) feet.
		50 sq ft	2 per premises	12 ft	One (1) per street frontage, which is not supporting the larger sign.
B-3	Professional Business	30 sq ft	2 per premises	6 ft	One (1) per street frontage
C/I	Commercial/Industrial	50 sq ft	2 per premises	12 ft	1 per street frontage
C/I	Commercial/Industrial (Interstate Corridor)		1 per premises	21 ft	200 feet of per frontage street not to exceed two hundred and fifty (250) square feet of signage

**33-12 FEES**

Fees for each permitted sign under Sections 33-10 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:

<u>DESCRIPTION:</u>	<u>FEE:</u>
<u>PLANNING COMMISSION:</u>	
Site Plan	\$200.00
Preliminary and Preliminary /Final Plat	\$150.00
File Per Lot	\$10.00
Amendments	\$50.00
Final Plat	\$100.00
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
<u>BOARD OF ZONING ADJUSTMENT:</u>	
Administrative Review	\$150.00
Special Exception	\$150.00
Variance	\$150.00
Advertisement fee	cost per letter
<u>SIGN PROVISIONS:</u>	
Sign Permit	\$1.00 per square foot Minimum \$25.00

**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.

<b>TABLE OF PERMITTED USES AND CONDITIONS</b>	<b>R1</b>	<b>R2</b>	<b>R3</b>	<b>R4</b>	<b>R5</b>	<b>B1</b>	<b>B2</b>	<b>B3</b>	<b>M1</b>	<b>M2</b>	<b>FH</b>
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		

<b>TABLE OF PERMITTED USES AND CONDITIONS</b>	<b>R1</b>	<b>R2</b>	<b>R3</b>	<b>R4</b>	<b>R5</b>	<b>B1</b>	<b>B2</b>	<b>B3</b>	<b>M1</b>	<b>M2</b>	<b>FH</b>
Skating rink							R		R		
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							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											

<b>TABLE OF PERMITTED USES AND CONDITIONS</b>	<b>R1</b>	<b>R2</b>	<b>R3</b>	<b>R4</b>	<b>R5</b>	<b>B1</b>	<b>B2</b>	<b>B3</b>	<b>M1</b>	<b>M2</b>	<b>FH</b>
sufficiently high to obstruct noise and 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											

<b>TABLE OF PERMITTED USES AND CONDITIONS</b>	<b>R1</b>	<b>R2</b>	<b>R3</b>	<b>R4</b>	<b>R5</b>	<b>B1</b>	<b>B2</b>	<b>B3</b>	<b>M1</b>	<b>M2</b>	<b>FH</b>
body work; fuel pumps need not be enclosed within a structure						P	P		P	P	
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
Book store						R	R				
Bottling works							R		R		
Building materials supply, provided that major storage areas are screened from view and that any machine											

<b>TABLE OF PERMITTED USES AND CONDITIONS</b>	<b>R1</b>	<b>R2</b>	<b>R3</b>	<b>R4</b>	<b>R5</b>	<b>B1</b>	<b>B2</b>	<b>B3</b>	<b>M1</b>	<b>M2</b>	<b>FH</b>
operations are conducted entirely 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											

<b>TABLE OF PERMITTED USES AND CONDITIONS</b>	<b>R1</b>	<b>R2</b>	<b>R3</b>	<b>R4</b>	<b>R5</b>	<b>B1</b>	<b>B2</b>	<b>B3</b>	<b>M1</b>	<b>M2</b>	<b>FH</b>
charitable or similar organization, 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				

<b>TABLE OF PERMITTED USES AND CONDITIONS</b>	<b>R1</b>	<b>R2</b>	<b>R3</b>	<b>R4</b>	<b>R5</b>	<b>B1</b>	<b>B2</b>	<b>B3</b>	<b>M1</b>	<b>M2</b>	<b>FH</b>
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		

<b>TABLE OF PERMITTED USES AND CONDITIONS</b>	<b>R1</b>	<b>R2</b>	<b>R3</b>	<b>R4</b>	<b>R5</b>	<b>B1</b>	<b>B2</b>	<b>B3</b>	<b>M1</b>	<b>M2</b>	<b>FH</b>
Floral shop						R	R				
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		
Heating and plumbing equipment, supplies and service							R		R	R	
Hobby shop and supply store						R	R		R		
Home occupation	R	R	R	R	R	R	R	R			
Hospital, clinic, convalescent or nursing											

<b>TABLE OF PERMITTED USES AND CONDITIONS</b>	<b>R1</b>	<b>R2</b>	<b>R3</b>	<b>R4</b>	<b>R5</b>	<b>B1</b>	<b>B2</b>	<b>B3</b>	<b>M1</b>	<b>M2</b>	<b>FH</b>
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			
Liquor, wine and beer sales not to be											

<b>TABLE OF PERMITTED USES AND CONDITIONS</b>	<b>R1</b>	<b>R2</b>	<b>R3</b>	<b>R4</b>	<b>R5</b>	<b>B1</b>	<b>B2</b>	<b>B3</b>	<b>M1</b>	<b>M2</b>	<b>FH</b>
consumed on premises and meeting local and state requirements						R	R		R		
Local Shopping Centers						P	P		P		
Loan office						R	R				
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		
Souvenirs and novelties manufacturing									R	R	
Surgical and dental supplies											

<b>TABLE OF PERMITTED USES AND CONDITIONS</b>	<b>R1</b>	<b>R2</b>	<b>R3</b>	<b>R4</b>	<b>R5</b>	<b>B1</b>	<b>B2</b>	<b>B3</b>	<b>M1</b>	<b>M2</b>	<b>FH</b>
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				
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		
Park or playground including recreation centers; need not be enclosed within a structure	P	P	P	P	P	P	P				

<b>TABLE OF PERMITTED USES AND CONDITIONS</b>	<b>R1</b>	<b>R2</b>	<b>R3</b>	<b>R4</b>	<b>R5</b>	<b>B1</b>	<b>B2</b>	<b>B3</b>	<b>M1</b>	<b>M2</b>	<b>FH</b>
Pawn Shop						S	R				
Pet Shop							R		R		
Photographic studio and/or processing							R	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.

# Appendix B

# Do I Need to Use Erosion Control?

~ Yes ~

You've seen the dirt:

- All over the road from trucks leaving a construction site.
- Running down the streets and into the storm inlets.
- On the neighbor's yard from the house being built next door.
- Running into the creek from the nearby construction.

All these need erosion control.



To report erosion, contact us.



## City of Saraland

Building Inspection Department

933 Saraland Blvd. South  
Saraland, AL 36571  
Phone: 251-679-5502  
Fax: 251-679-3106  
[www.saraland.org](http://www.saraland.org)

City of Saraland

# EROSION & SEDIMENT CONTROL

*Building Inspection Department  
933 Saraland Blvd. South  
Saraland, AL 36571*



Tel: 251-679-5502  
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## *What is Erosion and Sediment Control?*

It is the planning and use of devices that effectively control erosion during land disturbing activities.

- For construction within the City or Planning Jurisdiction, an Erosion and Sediment Control Plan must be submitted to the Building Department.
- A Site Disturbance Permit must be obtained from the Building Department before any land disturbing activity begins.
- If 1 acre of land or more will be disturbed, a permit must be obtained from ADEM.
- Any disturbed site left exposed for 30 days shall be planted or provided with ground cover.
- Failure to control erosion can lead to polluted waterways.



## *Erosion Control Objectives:*

- Identify areas subject to erosion (slopes, near waterways, etc.)
- Minimize the area exposed at one time.
- Minimize the time of exposure.
- Control the surface water running over the exposed area.
- Minimize the amount of sediment leaving the project area.



## *Erosion Control Devices:*

- Silt Fence
- Hay Bales
- Seeding/Sodding
- Rip Rap
- Check Dams
- Storm Drain Inlet Protection
- Geotextiles
- Gravel Construction Entrance



### **Building Inspection Department**

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## Do I Need to Clean up My Yard?

~ Yes ~

If you can answer Yes to Any of the following:

- Do you have trash in the yard?
- Are there electrical appliances (refrigerators, etc.) on the porch?
- Are there abandoned vehicles in the yard?
- Does the grass need cutting?
- Do the shrubs need pruning?
- Is the fence falling down?



Let's Build a Strong Community-  
Offer to Help your Neighbor.

To report a nuisance, contact us.

## 5 Easy Ways to Improve Your Home's Curb Appeal

- Clean Up: One of the least expensive things you can do is to put away the clutter and throw away the trash.
- Green up your lawn: Since the front lawn is one of the first things seen from the street, keep it mowed, raked, edged, weeded, and watered. Also consider fertilizing it if necessary.
- Landscape: Start by pruning trees and adding a few new shrubs or flowers.
- Wash the siding: A clean house can make a world of difference.
- Paint: If cleaning doesn't revive your house, try a new paint job.



**City of Saraland**

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City of Saraland

**NUISANCE  
CONTROL &  
ELIMINATION**

*Building Inspection Department  
933 Saraland Blvd. South  
Saraland, AL 36571*



Tel: 251-679-5502

Fax: 251-679-3106

[www.saraland.org](http://www.saraland.org)

## What is Nuisance Control & Elimination?

It is the process of removing items that are unsightly or that may pose as a safety hazard to the general public. There are various nuisances that are unlawful according to the Saraland Code of Ordinances.

- Any growth of weeds, bushes or grass exceeding 12 inches in height may present a fire hazard, a safety hazard or otherwise endanger surrounding areas.
- It is unlawful to make unreasonable noise or vibration within the city limits that can be heard 25 feet or more away.
- It is unlawful to occupy or to lease any recreational vehicle or mobile home at any location other than a duly licensed and zoned mobile home park or sales lot.



### Building Inspection Department

933 Saraland Blvd. South  
Saraland, AL 36571  
Phone: 251-679-5502  
Fax: 251-679-3106

## Am I a Nuisance?

~ YES ~

IF you have ANY of the following:

- Abandoned vehicles



- Debris/trash on porch or in yard
- Junk on porch or in yard
- Overgrown grass or bushes



- Someone living in a camper or RV
- Fences falling down
- Illegal signs
- Unreasonable noise or vibration

## Is it Illegal?

~ YES ~

You may receive one of the following:

- A notice to clean up on the first contact.
- A citation for up to \$500.
- You may be issued a citation for a court appearance.



## How much trash or limbs will the city pick up?

- Three cubic yards per week (3'x 3'x 9').
- No construction debris.
- Place trash on your property (on or near the curb). Do not put it in the street or cover water meters, fire hydrants, etc.

## Can I pay if I have more than 3 cubic yards of trash to pick up?

- You may choose to have it removed privately, or you can contact the city contractor (Advanced Disposal, 443-8555) to remove excess trash for a fee.

## *How Can I Help?*

- Scrape all food scraps and grease solids into the garbage, not down the sink, drain or toilet.
- Never pour solvents/gasoline down the drains, sewers or onto the ground outside.
- Clean up grease spills using an absorbent material (e.g. cat litter, paper towels) and place it in the dry trash bin.
- Train your family members in good environmental practices.



*It's Sleazy To Be Greasy*

To report a problem, contact us.



**City of Saraland**

**Building Inspection Department**

933 Saraland Blvd. South  
Saraland, AL 36571  
Phone: 251-679-5502  
Fax: 251-679-3106  
[www.saraland.org](http://www.saraland.org)

**City of Saraland**

**GREASE  
CLEAN-UP &  
DISPOSAL**

*Building Inspection Department  
933 Saraland Blvd. South  
Saraland, AL 36571*



**Tel: 251-679-5502  
Fax: 251-679-3106  
[www.saraland.org](http://www.saraland.org)**

## *What is the Grease Clean-Up and Disposal Effort?*

It is the process of relaying information to the community about the harmful affects grease has on the environment and the City's infrastructure and how these damages can be avoided.

- Nearly 50 percent of all sewage overflows nationwide are caused by homeowners who improperly dispose of everyday fats, oils and grease.
- Local governments in the U.S. spend more than \$25 billion a year to keep sewers running, and most of the blockages are caused from improperly disposed grease from fried food.



## *Where Does Grease Come From?*

- Meat Fats
- Cooking Oil
- Lard and Shortening
- Butter and Margarine



## *What Happens?*

When grease is washed down the drain, it sticks to the inside of sewer pipes (both on your property and in the streets.) Over time, it builds up and can block an entire pipe . Garbage disposals do not keep grease out of the pipes. They only shred it into smaller pieces.

## *What Affect can Grease have on the Sewer System?*

- Grease build-up clogs pipes and traps other debris.
- The Sewer System can overflow and potentially harm the public or the environment.
- If the overflow is into your home , the cleanup could cost thousands of dollars.
- An overflow could provide contact with disease-causing organisms.
- An increase in maintenance could result in higher operating costs.



### **Building Inspection Department**

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## Illegal Signs

### Illegal Signs, Sign Abatement

You've seen the signs:

- On a utility pole announcing weight loss services or legal aid.
- On sidewalks advertising easy credit card memberships.
- On the shoulder of the road or on bike paths announcing a new business around the corner.
- Signs giving directions to an apartment complex or new housing development.

**All these signs are illegal.**

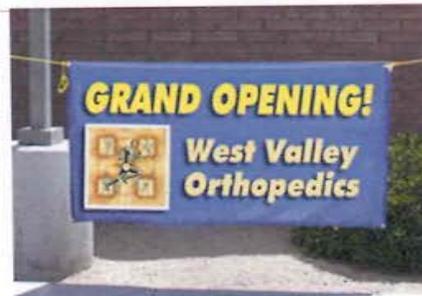
The Illegal Sign Removal Program removes illegal signs from public rights-of-way.

To report illegal signs or learn how to obtain a permit contact us.



## Temporary Promotional Banners & Flags

- No Permit Needed.
- Can stay up for a **MAXIMUM** of 30 days.
- Can be attached to and parallel to the face of a building.
- Can be No Greater than 20 square feet.
- If the banner/flag is deteriorated, it is **Illegal**.



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City of Saraland

**SIGN  
ORDINANCE**

*Building Inspection Department  
933 Saraland Blvd. South  
Saraland, AL 36571*



**Tel: 251-679-5502  
Fax: 251-679-3106  
[www.saraland.org](http://www.saraland.org)**

## What is the Sign Ordinance?

The Sign Ordinance is part of The City of Saraland Land Use and Development Ordinance. Its purpose is to protect and promote public safety and welfare by governing the types of signs used, their sizes, locations, etc. Through this process, we will encourage a positive visual environment, minimize adverse effects on public and private property, and prevent hazardous disruptions to traffic.

- One existing on-premise sign per property will be Grandfathered in to be considered "Legally Nonconforming".
- If an existing off-premise sign or billboard is updated or replaced, it shall be in conformance with the sign ordinance. No new off-premise signs or billboards will be permitted.
- If a sign is 50% or more deteriorated, the replacement sign must meet the requirements of the sign ordinance.



## Do I Need a Sign Permit?

~ YES ~

ALL signs require a permit **EXCEPT** for the following:

- Real Estate signs for sale, rent, open house, or signs for real estate improvements
- Temporary Promotional Signs and Banners
- Holiday Signs
- Political Signs
- Directional Signs
- Memorial & Historical Markers after City Council Approval
- Professional/Occupational Signs
- Temporary Yard Sale Signs
- Signs Incorporated on Machinery
- Indoor window signage



Even these types of signs have restrictions. Please call us or reference The City of Saraland Land Use and Development Ordinance for specific guidelines.

## Is My Sign Illegal?

~ YES ~

If it meets the following:

- Any structure within the street right-of-way.
- Any sign on a sloped roof, fence, tree, etc.



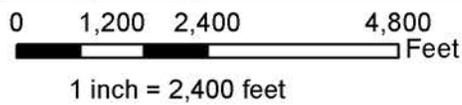
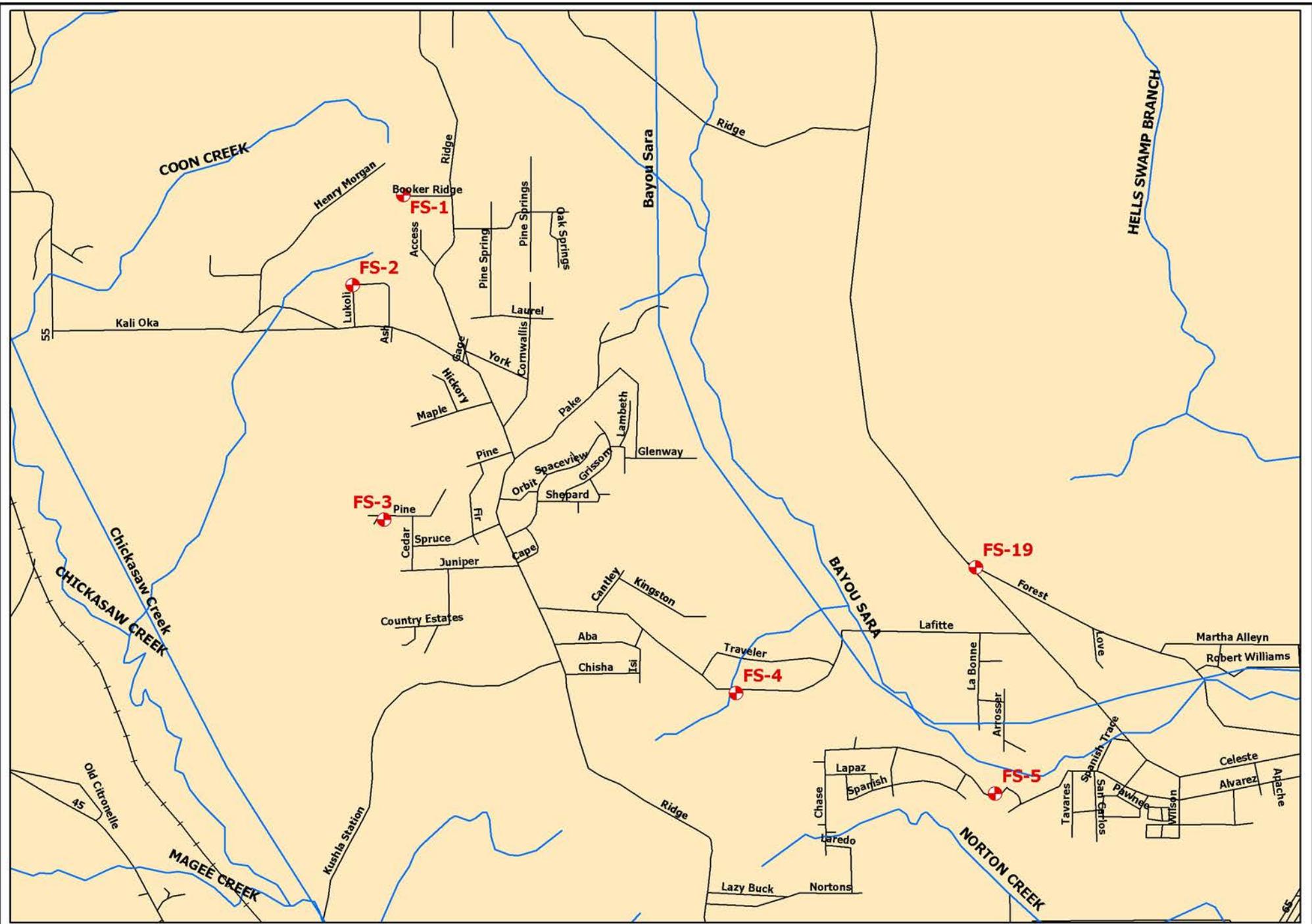
- Any sign using the words "Stop" or "Danger".
- Flashing signs unless illuminations change only once every 5 minutes or which display time, date, and temperature.
- Billboards and off-premise signs.
- Portable, sandwich, and ladder type signs.



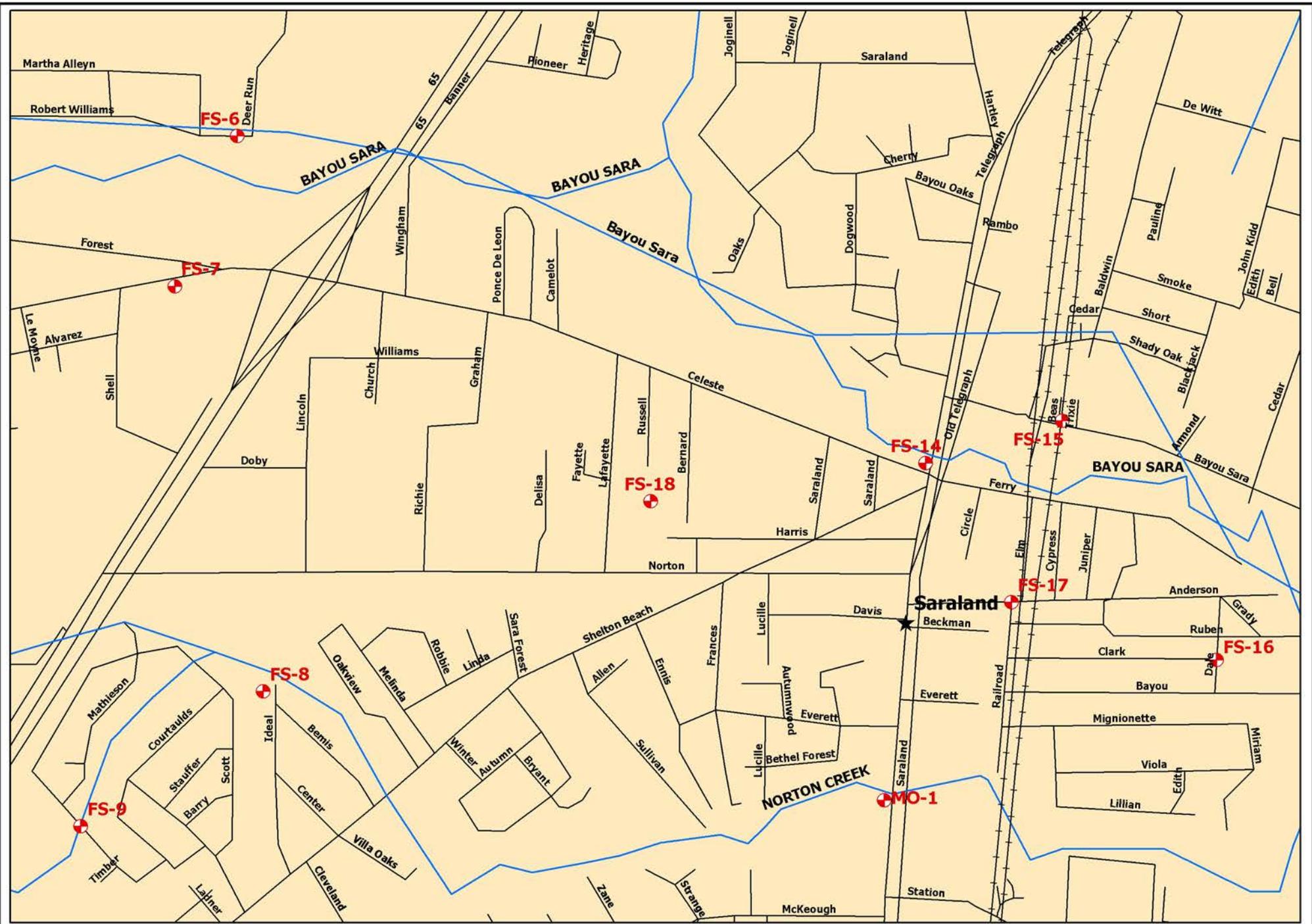
### Building Inspection Department

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# Appendix C



Note: This map is for presentation use only and not to be used for construction purposes.



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