

# Land Use Regulations

City of Pell City St. Clair County Alabama



# Pell City

## Zoning Ordinance

### Revisions

August 23, 1993  
August 26, 2002  
August 23, 2004  
July 24, 2006  
October 27, 2014  
August 24, 2015  
November 26, 2018  
February 25, 2019  
April 4, 2022



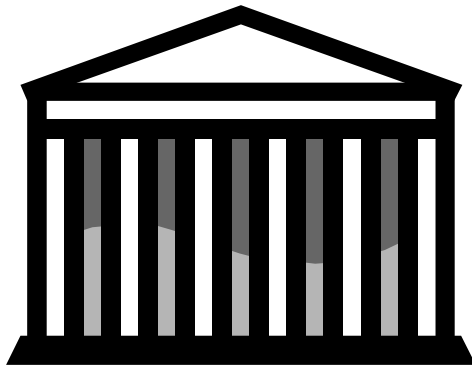
Last Revised – April 4, 2022

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SEPTEMBER 2002

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PELL CITY, ALABAMA**

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**ZONING ORDINANCE  
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# **ARTICLE I**

## **STATEMENT OF PURPOSE AND TITLE**

### **SECTION 101. PURPOSE.**

Pursuant to the authority established by the Code Of Alabama, 1975, Volume 10, Title 11, Chapter 52, this Ordinance is designed to promote the public health, safety, convenience, order, prosperity, and general welfare of the City of Pell City, Alabama. In furtherance of these aims this Ordinance is intended to serve the following purposes:

- 101.01.** To Provide for the establishment of districts within the corporate limits of the City of Pell City, Alabama.
- 101.02.** To regulate within such districts the type, height, number of stories and size of buildings and other structures.
- 101.03.** To regulate within such districts the percentage of lot that may be occupied, the size of yards and other open spaces, the density of population and the use of buildings, structures and land.
- 101.04.** To insure that these regulations have been made with reasonable considerations, among others, to the character of the districts, their peculiar suitability for particular uses, and in accordance with a Comprehensive Plan.
- 101.05.** To provide for off-street vehicle parking and off-street loading and unloading of trucks and other motor vehicles.
- 101.06.** To provide for methods of administration of this Ordinance, and the penalties for the violation thereof.
- 101.07.** To provide for the establishment of a Board of Adjustment to assist in certain phases of the administration of this Ordinance.

### **SECTION 102. TITLE.**

This Ordinance shall be known as the “Pell City Zoning Ordinance”, and includes maps of the City of Pell City, Alabama that depicts the boundaries of the Zoning Districts.

### **SECTION 103. JURISDICTION.**

This Ordinance shall apply to all areas within the corporate limits of the City of Pell City, Alabama.

## ARTICLE II

### DEFINITIONS

The purpose of this Article is to clarify the meaning of certain words as they are used in this Ordinance.

#### SECTION 201. INTERPRETATION OF CERTAIN TERMS AND WORDS.

Except as specified herein, all words used in this Ordinance have their customary dictionary definitions. For the purpose of this Ordinance, certain words or terms are to be interpreted as follows:

**201.01.** Words used in the present tense include future tense.

**201.02.** Words used in the singular include the plural, and words used in the plural include the singular.

**201.03.** The word "shall" is always mandatory.

**201.04.** The word "person" includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.

**201.05.** The word "lot" includes the word "plot", "property", or "parcel".

**201.06.** The word "building" includes the word "structure".

**201.07.** The word "used" or "occupied", as applied to any land or building, shall be construed to include the words "intended", "arranged" or "designed to be" used or occupied.

**201.08.** The words "zoning map" refer to the "Zoning Map, City of Pell City, Alabama".

#### SECTION 202. LIST OF DEFINITIONS.

For the purpose of this Ordinance certain terms or words used herein are defined as follows:

**202.01.     **Accessory Structure**** - A subordinate structure or portion of main structure or building the use of which is incidental to that of the main structure or building.

**202.02.     **Accessory Use**** - A use naturally and normally incidental to and subordinate to and devoted exclusively to the main use of the premises.

**202.03.     **Adult Entertainment**** - Any commercial establishment primarily engaged in the sale or rental of age-restrictive goods and services (other than alcoholic beverages and tobacco products); adult video gaming; or presentation of recorded or live adult entertainment of an age-restrictive, sexually explicit nature. This shall include, but not be limited to, the following: adult arcades; adult bookstores; adult video stores; adult theaters; and nightclubs, bars, and restaurants which feature performances by topless or exotic dancers or similar entertainers. This shall not include bookstores, video game arcades, video stores, or theaters which trade primarily in non-age-restrictive goods, services, or entertainment; nor shall it include liquor lounges, bars or similar businesses which do not sale or present sexually explicit, age-restrictive goods, services, or entertainment.

**202.04.     **Airport**** - St. Clair County Airport at Pell City, Alabama.

**202.05.     **Airport Elevation**** - The established elevation of the highest point on the usable landing area.

**202.06. Airport Hazard** - Any structure, tree, or use of land which obstructs the airspace required or is otherwise hazardous to the flight of aircraft in landing or taking off at the airport.

**202.07. Alley** - A public thoroughfare or way which affords only a secondary means of access to the abutting property.

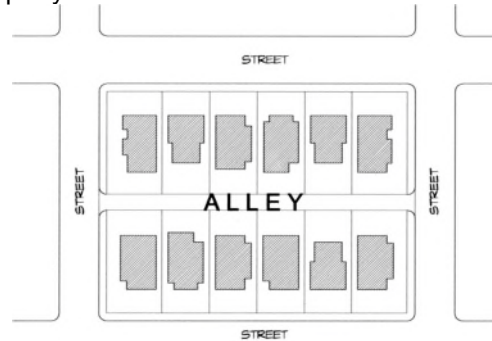


Figure 1 - Alley

**202.08. Alterations** - Any change, addition, or removal, of or affecting the structural or supporting members of a building such as bearing walls, columns, beams, girders, and joists. A building or structure shall be classified as altered when it is repaired, renovated, remodeled or rebuilt at a cost in excess of sixty percent (60%) of its fair value prior to the commencement of such repairs, renovation, remodeling or rebuilding.

**202.09. Antenna** – An electromagnetic device which conducts radio signals, through an attached cable or wave guide, to or from a radio transmitter or receiver. Typically, this includes “whips”, “panels” and parabolic “dishes”.

**202.10. Antenna Support Structure** - Any structure on which radio antennas and cabling can be attached. Typically, this includes steel towers with guy wires (guy towers); wooden, steel or concrete single poles (monopoles); self-supporting steel towers with three or four “legs”; rooftops of existing buildings or structures such as elevated water storage tanks.

**202.11. Apartment** - A building used or intended to be used as a dwelling by three or more families, or as an apartment house.

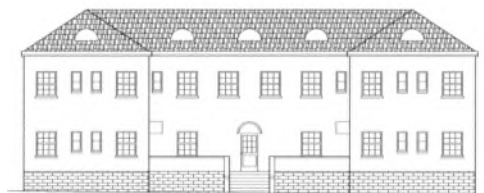


Figure 2 - Apartment

**202.12. Bank** - A business engaged in providing banking or financial services to business and the general public, such as a bank, savings and loan association, credit union, finance company, and similar businesses.

**202.13. Basement** - A story wholly or partly underground but having not more than one-half of its floor to ceiling height above the average ground level at the building.

**202.14. Bed and Breakfast Inn** - (See Tourist Home).

**202.15. Billboard** – A freestanding, off-premises sign located on a lot not containing a building.

- 202.16. Block** - All land fronting on one side of a street between the nearest intersecting streets, roads, railroad right-of-ways, and waterways, meeting or crossing the aforesaid street and bounding such land.
- 202.17. Boarding House** - A building other than a hotel or motel, where for compensation and by pre-arrangement for specific time periods meals or lodgings are provided for not less than three (3) persons.
- 202.18. Bufferyard / Buffer** - A unit of land, together with a specified type and amount of planting thereon, and any structures that may be required between land uses or zoning districts to eliminate or minimize conflicts between them.

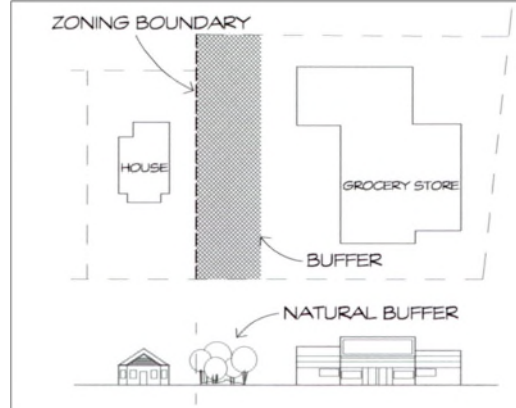


Figure 3 - Bufferyard / Buffer

- 202.19. Building** - A structure having a roof supported by columns or walls for the shelter, support or enclosure of persons, animals or chattels; and when supported by division walls from the ground up without ingress and egress provided between such divisions by suitable openings, each portion of such building so divided shall be deemed a separate building.
- 202.20. Building, Accessory** – A building which (1) is subordinate to and serves a principal structure or a principal use, (2) is subordinate in area, extent and purpose to the principal structure or use served, (3) is located on the same lot as the principal structure or use served except as otherwise expressly authorized by provisions of this Ordinance, and (4) is customarily incidental to the principal structure or use. Any portion of a principal structure devoted or intended to be devoted to an accessory use is not an accessory structure.
- 202.21. Building Area** - That portion of a lot occupied by the main building, including porches, carports, accessory buildings, and other structures.
- 202.22. Building Frontage** - That portion of the principal building of an establishment which faces a street. If the principal buildings are arranged on the lot in such a manner as to face a parking area, then the area facing said parking area may be considered the building frontage.
- 202.23. Building Height** - The vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof for flat roofs, to the deck line for mansard roofs, and to the mean height between eaves and ridges for gable, hip and gambrel roofs.



Figure 4 - Building Height

- 202.24. Building (Setback) Line** - The street-side line of the building or legally established line which determines the location of the building setback with respect to the street line.

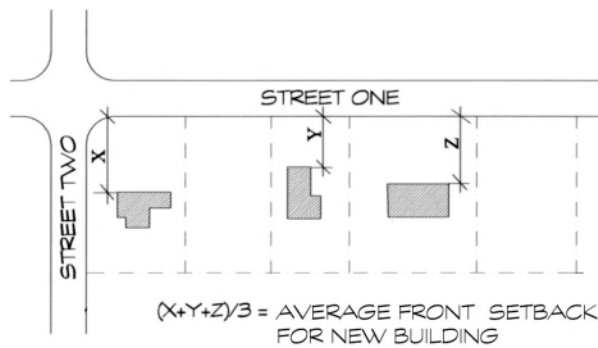


Figure 5 - Building Setbacks

- 202.25. Building, Main** - A building in which is conducted or intended to be conducted the main or principal use of the lot on which said building is located.
- 202.26. Business Office** – (See Professional Office).
- 202.27. Business Support Service** – A place of business, which supplies support services primarily to business or professional offices or services, such as photocopy, computer, and office equipment, supplies and services.
- 202.28. Caliper** – A measurement of the size of a tree equal to the diameter of the trunk as measured six inches (6") above the ground up to and including trees of four inch (4") caliper size; and twelve inches (12") above the ground for trees of greater than four inch (4") caliper; unless otherwise defined.
- 202.29. Campground** – A group of buildings or structures on a site of ten (10) or more acres planned as a whole for seasonal recreation or vacation uses, including tent campsites, travel trailer or recreational vehicle sites, vacation cottages, recreational facilities, eating facilities, bathrooms, and sale of personal care items and gifts.
- 202.30. Canopy** – A roof-like cover extending over a pedestrian way or right-of-way as a shelter or shield. This definition shall include the term "awning" and shall apply regardless of the materials used in its construction.
- 202.31. Carport** - An accessory structure attached to a principal building, having a roof with one or more open sides and intended for the sheltering of motor vehicles.

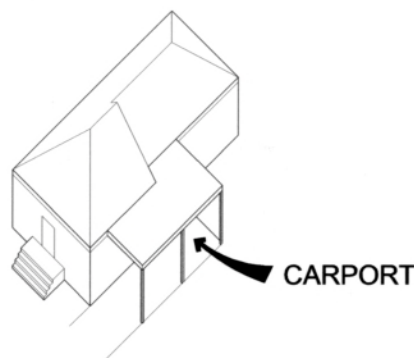


Figure 6 - Carport

- 202.32. Clinic** - A public or proprietary institution providing diagnostic, therapeutic or preventative treatment of ambulatory patients by one or a group of medical doctors acting individually or jointly and in the same building for the purposes aforesaid.
- 202.33. Clinic, Animal** - An institution providing diagnostic, therapeutic or preventative treatment of domestic animals by one or a group of veterinarians acting individually or jointly and in the same building for the purposes aforesaid.
- 202.34. Communication Site/ Cellular** – A parcel of land or building (leased or purchased) on which is located one or more transmitter/receiver stations for wireless communication systems, including accessory facilities for equipment storage and operations. In cases involving vacant land, or low lying existing structures, a support structure for transmitter/receiver antennas are usually required.
- 202.35. Communication Tower** – (See Transmission Tower).
- 202.36. Comprehensive Plan** - Any officially adopted part or element of the general comprehensive plan of the City of Pell City or its environs. This may include but is not limited to: the Land Use Plan, the Major Street Plan, the Community Facilities Plan, and the Capital Improvements Program.
- 202.37. Combination Dwelling** – A dwelling unit (other than a manufactured home) used in combination with a nonresidential use, such as the family residence of a manager, business owner, or security guard, within the same building or on the same lot of an institutional, commercial or industrial establishment.
- 202.38. Commercial School** – Private, gainful business providing instructional service in the arts, business, crafts, trades, and professions.
- 202.39. Community Center** – Buildings arranged for the community gathering for social, cultural, or community service purposes, including museums, galleries, community meeting rooms, community recreation centers, libraries, and similar uses.
- 202.40. Community Service Club** – Buildings arranged for the gathering of private club members and their guests, including social clubs, professional associations, fraternal clubs or lodges, union halls, civic associations, and similar uses.
- 202.41. Conditional Use** - A permitted use which possesses certain characteristics which require review by the Planning Commission for approval and any appropriate controls deemed necessary to insure compatibility with other uses in the district.
- 202.42. Condominium** – An ownership arrangement, not a land use. It is allowed in any district under the same restrictions as the land uses that it comprises. It is characterized by private ownership of individual units and undivided common ownership and maintenance of designated exterior and interior spaces by a condominium association of unit owners.
- 202.43. Construction Service** – A place of business engaged in construction activities and incidental storage as well as wholesaling of building materials (but not a home improvement center which also sells at retail), such as a building contractor, trade contractor or wholesale building supplies store.
- 202.44. Containment Reservoir** - A basin which is located and constructed in such a manner that it will catch and hold the contents of an above ground, liquid storage tank in the event of a leak or rupture in said tank.
- 202.45. Convalescent Home** – (See nursing home).

**202.46. Convenience Store** – A one story, retail store containing less than 2,000 square feet of gross floor area that is designed and stocked to sell primarily food, beverages, and other household supplies to customers who purchase only a relatively few items (in contrast to a supermarket). For stores including automotive fuel service islands, refer to definition **202.95, Gasoline Service Stations**.

**202.47. Cul-de-sac** - A dead end street terminated by a vehicle turnaround area having a minimum right-of-way radius of fifty feet (50').

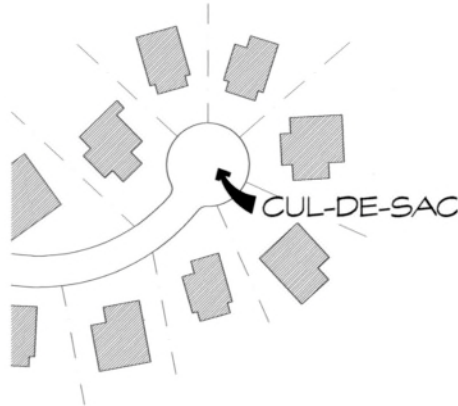


Figure 7 - Cul-de-sac

**202.48. Day Care Center** – A licensed and approved public or private operation; the purpose of which is to care for children in a group setting, where education may be involved and meals are served.

**202.49. Day Care Home** – A licensed service operated from a dwelling by the resident, providing day care on a regular basis to six or less children.

**202.50. Dedication** – The transfer of property interests from private to public ownership for a public purpose. The transfer may be a fee-simple interest or of a less than fee interest, including an easement.

**202.51. Density** – The quotient of the total number of dwelling units divided by the gross site area of the site.

**202.52. Development** – The division of a parcel of land into two (2) or more parcels (see Subdivision); the construction, reconstruction, conversion, alteration, relocation, or enlargement of a structure; any use or change in use of any building or land; any extension of any use of land or any clearing, grading or other movement of land, for which permission may be required pursuant to this Ordinance.

**202.53. Domiciliary Care Facility** – Licensed home for the aged, intermediate institutions, and related institutions (not otherwise defined by this Ordinance), whose primary purpose is to furnish room, board, laundry, personal care and other non-medical services, regardless of what it may be named or called, for not less than twenty-four (24) hours in any week, to individuals not related by blood or marriage to the owner or administrator. This kind of care implies sheltered protection and a supervised environment for persons, who because of age or disabilities, are incapable of living independently in their own homes or a commercial board and room situation, yet who do not require the medical and nursing services provided in a nursing home. In these facilities, there might be available temporarily and incidentally, the same type of limited medical attention as an individual would receive if living at home.



- 202.54. Drainage** – The removal of surface water or ground water from land by drains, grading or other means. Drainage includes the control of runoff to minimize erosion and sedimentation during and after development and includes the means necessary for water supply preservation or prevention or alleviation of flooding.
- 202.55. Drive-in Restaurant** - A restaurant or public eating establishment so conducted that food, meals, or refreshments are brought to a vehicle for consumption therein or on the premises, by the customer or patron.
- 202.56. Drive-in Theater** - A theater so arranged that the customer or patron may view the performance while being seated in a vehicle.
- 202.57. Duplex (Two-Family Dwelling)** – A building designed for or occupied exclusively by two families living independently of each other.



Figure 8 - Duplex

- 202.58. Dwelling** - Any building or portion thereof which is designed or used exclusively for residential occupancy.
- 202.59. Dwelling, Attached** – Two (2) or more dwelling units adjoining one another by a common roof, wall or floor, such as a duplex, townhouse, or apartment.
- 202.60. Dwelling, Detached** – A dwelling designed for and occupied by not more than one (1) family and having no roof, wall, or floor in common with any other dwelling unit, such as a single-family residence or manufactured home.
- 202.61. Dwelling, One Family** - See "Single Family Dwelling".



Figure 9 - One / Single Family Dwelling

- 202.62. Dwelling, Two Family** - A building so designed and arranged to provide sleeping, cooking and kitchen accommodations and toilet facilities for occupancy of two families only, together with such domestic help as is deemed necessary to service and maintain the premises and their occupants.
- 202.63. Dwelling, Multiple** - A building used or intended to be used as a dwelling by three or more families, or as an apartment house. Also referred to as "multi-family dwelling".



Figure 10 - Multiple Dwelling

- 202.64. Dwelling, Semi-detached** – Two (2) dwelling units, attached side to side, each unit sharing no more than one (1) common wall with the other; also referred to as a "duplex".

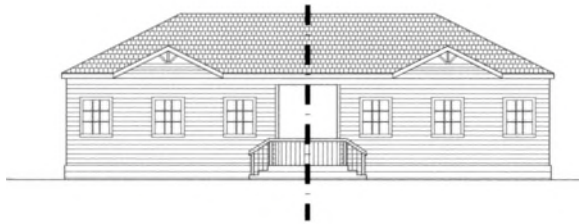


Figure 11 - Semi-detached Dwelling

- 202.65. Dwelling Unit** - Any portion of a building used as a separate abode for a family having its own cooking and kitchen facilities.

- 202.66. Easement** – Authorization by a property owner of the use by another and for a specified purpose of a designated part of his property.

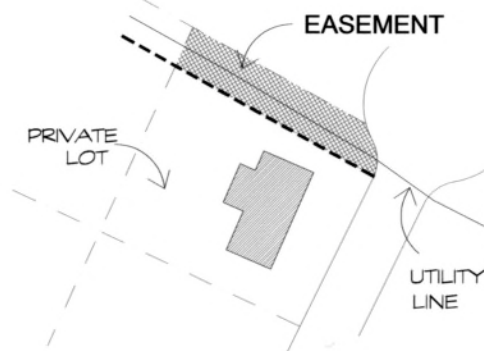


Figure 12 - Easement

- 202.67. Emergency Care Facility** – A group care home, serving up to ten (10) individuals, unrelated by blood or marriage, living together as a single housekeeping unit under the supervision of one (1) or two (2) resident managers, whose purpose is to provide a protective sanctuary and emergency housing to victims of crime or abuse.
- 202.68. Entertainment, Indoor** – A commercial establishment providing spectator entertainment within an enclosed building, including movie theaters, playhouses, and similar indoor facilities.
- 202.69. Entertainment, Outdoor** – A commercial establishment providing spectator entertainment in open or partially enclosed or screened facilities, including sports arenas, racing facilities, drive-in movie theaters, and amusement parks.
- 202.70. Erosion** – The detachment and movement of soil or rock fragments by water, wind, ice and/or gravity.
- 202.71. Erect** - Construct, build, reconstruct, move upon or any physical operations on the premises required for the building, principal structure, or accessory use. Excavation, earthwork, fill,

drainage work, utilities installations and other work as it relates to the construction or use of a building, principal structure or accessory use shall be considered within the meaning of erect.

- 202.72. Essential Services** - Erection, construction, alteration or maintenance by public utilities or municipal departments or commissions of underground or overhead gas, electrical, steam, or water transmission or distribution systems; or other transmission, collection, communication, supply or disposal systems, including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants and other similar equipment and accessories used in connection therewith but not including buildings, reasonably necessary for the furnishing of adequate service by such public utilities or municipal departments or commissions for the general public health, safety and welfare.
- 202.73. Exterior Storage** – Outdoor storage of fuel, raw materials, products and equipment. In the case of lumberyards, exterior storage includes all impervious materials stored outdoors. In the case of truck terminals, exterior storage includes all trucks, truck beds and truck trailers stored outdoors.
- 202.74. Family** – One person or a group of two or more persons living together and interrelated by bonds of consanguinity, marriage or legal adoption, occupying the whole or a part of a dwelling as a separate housekeeping unit with a common and single set of culinary facilities. The persons thus constituting a family may also include two (2) additional guests who occupy rooms for which compensation may or may not be paid. Any group of persons not so related, but inhabiting a single housekeeping unit, shall be considered to constitute one family for each five persons, exclusive of domestic employees, contained in each group.
- 202.75. Family Care Home** – A group care home, serving up to ten (10) individuals, unrelated by blood or marriage, living together as a single housekeeping unit under the supervision of one (1) or two (2) resident managers, whose purpose is to serve socially, physically, mentally or developmentally impaired children in a family-type living arrangement, and which meet or exceed to minimum requirements of Section 11-52-75.1 *Regulation as to housing of mentally retarded or mentally ill persons in multi-family zone*, Code of Alabama, 1975, as amended.
- 202.76. Farm** - A farm is all of the platted or unplanted continuous or neighboring land which is directly farmed by one farmer and his own labor or with the assistance of members of his household or hired employees provided, however, land to be considered a farm hereafter shall include a contiguous platted or unplanted parcel of not less than five (5) acres in extent, provided further, farms may be considered as including establishments operated as commercial green houses, nurseries, orchards and other horticulture activities; dairy, livestock (horses and cattle only) and poultry raising/ chicken hatcheries; apiaries; but establishments keeping or operating other fur bearing animals, game fish hatcheries, stock yards, recreational parks, stone quarries, or gravel or sand pits shall not be considered farms hereunder unless combined with bona fide farm operations on the same continuous tract of land.
- 202.77. Farm Support Business** – A commercial establishment engaged in the sale of farm support goods and services.
- 202.78. Fence** - A structure intended for a barrier or enclosure.



Figure 13 - Fence

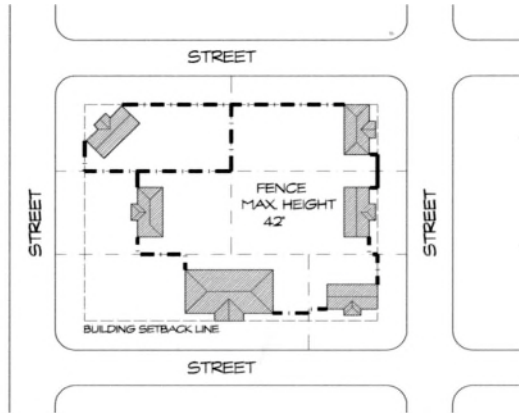


Figure 14 - Typical fence/wall configurations

- 202.79. Filling** – The depositing on land, whether submerged or not, of sand, gravel, earth or other materials of any composition whatsoever.
- 202.80. Financial Service** – See bank.
- 202.81. First Floor** - The lowest floor surface of that portion of a structure defined as a story.
- 202.82. Flea Market** – (See also Open-Air Market). An occasional or periodic sales activity held within a building, structure, or open area where groups of individual sellers offer goods, new and used, for sale to the public not to include private garage sales.
- 202.83. Floor Area, Gross** – The sum of the gross floor area for each story of a building measured from the exterior limits of the faces of the structure. The floor area of a building includes basement floor area and includes attic floor area only if the attic area meets the current building code standards of the City of Pell City for habitable floor area. It does not include cellars and unenclosed porches or any floor space in an accessory building or in the principal building, which is designed for the parking of motor vehicles in order to meet the parking requirements of this Ordinance.

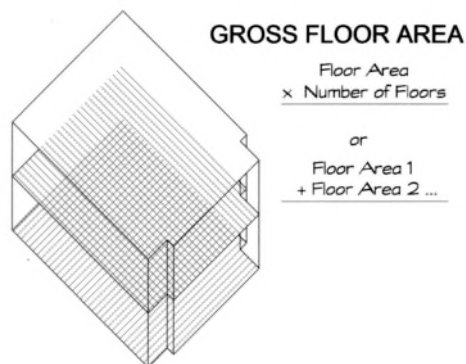


Figure 15 - Gross Floor Area

- 202.84. Floor Area, Livable** - The livable floor area shall be the fully-enclosed area of the first floor plus the area of the floors above, and the area under a sloping roof having a minimum height of five feet (5') when one-half or more of the floor area has a ceiling height of seven feet-six inches (7'-6"). Garage floor area, basements, decks, porches, patios, terraces, and carport floor area are not included as livable floor area.
- 202.85. Flood** - An overflow of water into lands not normally covered by water which results in significant adverse effects in the vicinity.
- 202.86. Flood Hazard Area** - All land encompassed by the floodway and the floodway fringe area.

- 202.87. Floodplain** – Areas in which there is a one percent (1%) chance of flooding during any given year, as identified by the Federal Emergency Management Agency (FEMA). Floodplains serve three major purposes: natural water storage and conveyance; water quality maintenance; and ground water recharge.
- 202.88. Floodway** - The natural channel and the portion of the floodplain along the channel which must be retained solely for the passage of floodwaters to prevent an undue increase in flood heights upstream.
- 202.89. Floodway Fringe Areas** - Areas lying outside the floodway but within the area subject to inundation by the 100 year flood, which in the flood defined as having an average frequency of occurrence in the order of once in 100 years, although the flood may actually occur in any year.
- 202.90. Frontage Roadway** - A local road which is adjacent to and parallel with an expressway or major street, the purpose of which is to avoid interference with through traffic and from which ingress and egress to abutting property is gained.
- 202.91. Garage, Private** - A private garage is a garage for which the principal use is storage of privately owned vehicles and constituting an accessory use on the lot.
- 202.92. Garage, Public** - A public garage is a business enterprise in which the principal operation involves a garage used for the storage, repair, or servicing of vehicles for profit.
- 202.93. Garden Center** – A place of business where retail and wholesale products and produce are sold to the retail consumer. These centers, which may include a nursery, and/or greenhouse, import most of the items sold. These items may include plants, nursery products and stock, fertilizers, potting soil, hardware, power equipment and machinery, hoes, rakes, shovels and other garden and farm tools and utensils.
- 202.94. Gasoline Service Stations** - Any building, structure or land used primarily for the dispensing, sale, or offering for sale at retail of automotive fuels, oils, accessories or minor maintenance and repair services, but not including major repair work, such as motor or transmission overhaul, body repairs or painting.
- 202.95. General Retail (Business), Enclosed** – Retail sales of goods and services, not otherwise defined by this section, conducted within an enclosed building, including, but not limited to, food sales, bakery, department stores, clothing stores, home furnishings sales, appliance stores, auto supplies stores, bicycle shops, video rental stores, gift shops, florist shops, specialty stores, jewelry stores, cosmetics sales, tobacco stores, drug stores, variety stores, catalogue stores, small nurseries and garden centers, and similar retail businesses.
- 202.96. General Retail (Business), Unenclosed** – Retail sales of goods and services, not otherwise defined by this section, conducted partially or fully outside of a building, including, but not limited to, sidewalk sales, outdoor food service, nursery and garden centers, lumberyards, outdoor tire sales, and outdoor display or sales.
- 202.97. Grade Level** - The mean established centerline elevation or grade of the street or road fronting on the property in question as determined by the public authorities having supervision. If no grade level has been established by public authority, the determination and certification thereto of the existing grade level by a registered professional engineer in the State of Alabama is required.

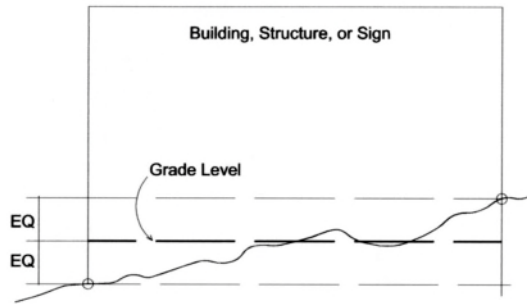


Figure 16 - Grade Level

- 202.98. Greenbelt** - A natural area which is maintained in a healthy, growing condition by the property owner.
- 202.99. Greenhouse** - A shop devoted to the cultivation of plants and shrubs for retail use.
- 202.100. Hazardous Uses** - All uses which involve the storage, sale, manufacture, processing or handling of materials which are easily ignited and likely to burn with moderate rapidity or cause smoke, including materials which are highly flammable, explosive, noxious, toxic, or inherently dangerous to humans, animals, land, crops, or property.
- 202.101. Heavy Industry** - Meat or poultry processing and slaughterhouses or the storage or manufacturing involving flammable or explosive materials or involving potentially hazardous or commonly recognized offensive conditions.
- 202.102. Hobby Farm** - A five (5) acre tract or larger tract of land used for the production, keeping, or maintenance of farm animals including horses personally useful to the occupants of a dwelling on the same tract, but excluding large swine, cattle, and other livestock.
- 202.103. Home Improvement Center** - A place of business providing building, appliance, yard and garden materials, tools, and supplies at retail and wholesale.
- 202.104. Home Instruction** - Instruction in the arts, music, or academic subjects given from a dwelling by the resident to up to four (4) students at a time, except in the case of musical instruction which shall be limited to up to two (2) students at a time.
- 202.105. Home Occupation** - A business, profession, occupation, or trade, specifically excluding beauty parlors, barbershops and medical offices for the treatment of patients, conducted for gain or support and located entirely within the living area of a dwelling as an incidental activity of the resident and without other employees.
- 202.106. Hospital** - A public or proprietary institution providing medical diagnosis, treatment, or other care of human ailments, operating under license by the Alabama State Health Department, and which, unless otherwise specified, shall be deemed to include institutions primarily for treatment of contagious diseases and the insane or feeble minded but not including clinics as herein defined.
- 202.107. Hotel** - A building or part thereof occupied as the more or less temporary abiding place for individuals in which the rooms are usually occupied singularly for hire and in which rooms no provision for cooking is made and in which building there is usually a kitchen and public dining room for the accommodation of the occupants and guests.
- 202.108. House Trailer** - A mobile home or trailer coach refers to any vehicle used or so constructed as to permit its being used as a conveyance upon the public streets or highways and duly licensable as such and shall include self-propelled and non-self-propelled vehicles so

designed, constructed, or re-constructed in such a manner as will permit the occupancy thereof as a dwelling or sleeping place for one (1) or more persons and having no foundation other than wheels, jacks, or similar structural supporting members.

- 202.109. Impervious Surface** – A surface that does not absorb water. Buildings, parking areas, driveways, roads, sidewalks, and any areas of concrete or asphalt are impervious surfaces. In the case of lumberyards, areas of stored lumber constitute impervious surfaces.
- 202.110. Industrial Park** – A planned, coordinated development of a tract of land with two or more separate industrial buildings. Such development is planned, designed, constructed, and managed on an integrated and coordinated basis with special attention given to on-site vehicular circulation, parking, utility needs, building design and orientation and open space.
- 202.111. Institution** - A building or activity operated by a non-profit corporation or non-profit establishment for public use.
- 202.112. Junk Yard** - A place, structure, or lot where discarded or salvaged junk, waste, or similar materials such as old 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 places or yards for use of salvaged house wrecking and structural steel materials and equipment, and excluding pawn shops and establishments for the sale, purchase or storage of used cars, salvaged machinery, used furniture, radios, stoves, refrigerators or similar household goods, and the processing of used, discarded or salvaged materials as part of manufacturing operations.
- 202.113. Kennel** – An establishment licensed to operate a facility housing six (6) or more dogs, cats or other domestic animals and where grooming, breeding, boarding, training or selling of animals is conducted as a business.
- 202.114. Kennel, Private** – Any building or buildings or land designed or arranged for the care of six (6) or more dogs, cats or other domestic animals belonging to the owner of the principal use, kept for purposes of show, hunting or as pets.
- 202.115. Landing Area** - The area of the airport used for the landing, take-off or taxiing of aircraft.
- 202.116. Laundry Service** - A commercial establishment providing laundering, dry cleaning, or dyeing services, other than a laundry or dry cleaning pick-up station defined under personal service, such as a laundry and dry cleaning plant, diaper or linen service.
- 202.117. Livestock Sales** – The sale of animal livestock within an enclosed yard or structure, including livestock markets, horse auctions, and similar activities.
- 202.118. Lounge** - A licensed commercial establishment engaged in the preparation, sale or serving of alcohol and/or liquor for consumption on the premises. This shall include, but not be limited to, the following: taverns, bars, cocktail lounges, nightclubs, and similar uses where alcohol and/or liquor consumption is a primary activity on the premises of the establishment. This shall not include restaurants where alcohol and/or liquor consumption is a secondary activity of the establishment; nor shall it include establishments that sell alcoholic beverages for off-premises consumption only; such as a package store, State Alcoholic Beverage Store, supermarkets, convenience stores, etc. Such establishment shall not include Adult Entertainment as defined in this ordinance.
- 202.119. Location** - A lot, premise, building, or any place whatsoever upon which a building, structure, or sign is located.



- 202.120. Lot** - A plot or parcel of land devoted to common use or occupied by a building and its accessory buildings, or by a dwelling or group of dwellings and their accessory buildings, together with such open spaces as are required under the provisions of the Ordinance and having not less than the minimum area required by this Ordinance for a lot in the district in which it is located and having its principal frontage upon a public street or private way.



Figure 17 - Lot Types

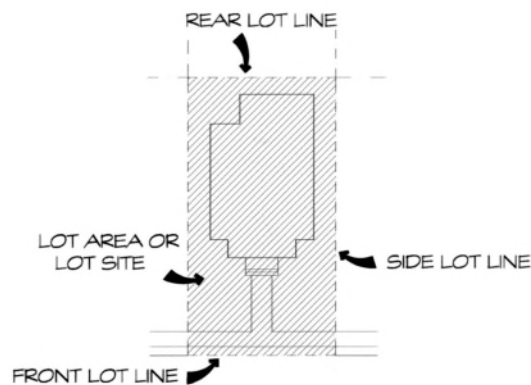


Figure 18 - Lot Lines

- 202.121. Lot, Corner** - A lot abutting upon two or more streets at their intersection.
- 202.122. Lot, Interior** - A lot other than a corner lot.
- 202.123. Lot Line** - The lines bounding a lot as defined herein.
- 202.124. Lot Line, Front** - The front lot line is that opposite the rear line. In case of a lot terminating at a point at the rear of the lot, or having a rear lot line less than ten feet (10') long, the rear lot line shall be considered a line parallel to the front lot line having a length not less than ten feet (10').
- 202.125. Lot Line, Rear** - The rear lot line is that opposite the front line. In case of a lot terminating at a point at the rear of the lot, or having a rear lot line less than ten feet (10') long, the rear lot line shall be considered a line parallel to the front lot line having a length not less than ten feet (10').

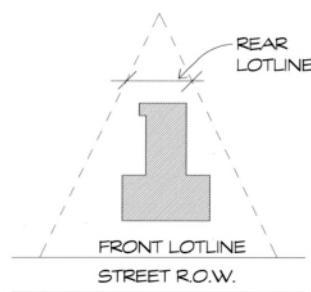


Figure 19 - Adjusted Rear Lot Line

- 202.126. Lot Line, Side** - Any lot lines other than front lot line or rear lot line.
- 202.127. Lot-of-Record** - A lot-of-record is a lot shown on the records in the office of the Judge of Probate and which actually exists as so shown.
- 202.128. Lot, Through** - A through lot or double frontage lot is an interior lot extending from one street to another and abutting a street on two ends.
- 202.129. Lot Width** - The width of the lot measured at the building setback line.



- 202.130. Maintenance Service** – An establishment providing building and yard maintenance services, such as janitorial services, exterminating services, landscape services, and window cleaning services.
- 202.131. Manufactured Building** – A structure, similar in construction to a manufactured home, used for other purposes than a dwelling unit and which complies with the standards established under the National Manufactured Housing Construction and Safety Standards Act of 1974. See definitions of Manufactured Home, Mobile, and Modular Home for further definition. (Also referred to as Mobile or Modular Building).
- 202.132. Manufactured Home** – A structure, transportable in one or more sections which, in the traveling mode, is eight feet (8') or more in width and thirty-six feet (36') or more in length, or when erected on site, is 320 or more square feet, and which is built on a permanent chassis designed to be used as a dwelling with or without a permanent foundation, when connected to the required utilities, including the plumbing, heating, air conditioning and electrical systems contained therein. Such term shall include any structure meeting all the requirements of this definition except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary of the Department of Housing and Urban Development and complies with the standards established under the National Manufactured Housing Construction and Safety Standards Act of 1974. (See also Mobile Home and Modular Home).
- 202.133. Manufactured Home Park** - Any parcel of land within the City of Pell City, on which four (4) or more manufactured homes, occupied for dwelling or sleeping purposes, are located.
- 202.134. Manufactured Home Repair Service** - A commercial establishment engaged exclusively in the repair, maintenance, or refurbishing of manufactured homes, all of which shall be within an enclosed structure or within a portion of the premises which is properly screened from view from adjacent properties. No such building or premises shall be used for the storage of any manufactured home offered for sale, nor shall any manufactured home be stored on the premises for longer than sixty (60) days.
- 202.135. Manufactured Home Space** - A parcel of land within a Manufactured Home Park designated for the accommodation of one (1) manufactured home.
- 202.136. Manufactured Home Subdivision** - A planned unit development specifically designated for manufactured home occupancy, in which individuals have interest in the development or hold title to manufactured home lots through a cooperative or condominium arrangement.
- 202.137. Manufacturing, General** – The basic processing and manufacturing of materials or products predominately from extracted or raw materials and the incidental storage, sales, and distribution of such products.
- 202.138. Manufacturing, Light** – The manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assemble, treatment, and packaging of such products, and incidental storage, sales, and distribution of such products.
- 202.139. Medical Clinic** – A facility providing medical, dental, psychiatric or surgical services for sick or injured persons exclusively on an outpatient basis.
- 202.140. Medical Support Service** – A place of business which supplies medical support services to individuals, medical practitioners, clinics, and hospitals, such as a pharmacy (where the business activity is limited to the filling of medical prescriptions and the sale of drugs and medical supplies), medical and surgical supply store, an optician, and the like.

- 202.141. Mini-Cellular Site** – To accommodate the use of existing structures such as buildings, billboards and water towers, a mini-cellular site is defined as: a parcel of land or building (leased or purchased) on which is located one or more transmitter/receiver stations for wireless communication systems, such that towers and/or antennae do not exceed twenty feet (20') in height above the existing structure, and “whips”, “panels” and parabolic “dishes” do not exceed 100 square feet.
- 202.142. Mini-Warehouse** – A building or group of buildings containing separate storage spaces which are leased on an individual basis for the exclusive purpose of storing non-hazardous household goods, but not including the storage of materials for a commercial or industrial enterprise or for any activity other than dead storage.
- 202.143. Mobile Home** - A detached one-family dwelling unit, manufactured prior to adoption of or otherwise not in conformance with the U.S. Department of Housing and Urban Development (HUD) Code, 1976, with the following characteristics:
- Designed for a long-term occupancy, and containing sleeping accommodations, a flush toilet, a tub or shower bath, and kitchen facilities, with plumbing and electrical connections provided for attachment to outside systems.
  - Designed to be transported after fabrication on its own wheels, or on flatbed or other trailers or detachable wheels.
  - Arriving at the site where it is to be occupied as a complete dwelling ready for occupancy except for assembly operations, location on foundation supports, connection to utilities and the like.
- 202.144. Modular Home** – A factory fabricated transportable building consisting of units designed to be incorporated at a building site on a permanent foundation into a permanent structure to be used for residential purposes and which bears a seal of compliance with regulations of the Alabama Manufacturing Housing Commission.
- 202.145. Motel or Motor Court** - A motel or motor court is a business composed of a group of dwelling units so arranged as to furnish over-night accommodations for transient guests.
- 202.146. Multiplex** – A dwelling unit contained in a building comprising four (4) dwelling units, each of which has an entrance to a hallway, balcony, a stoop, or a parking lot in common with at least one (1) other dwelling unit.



Figure 20 - Multiplex

- 202.147. Nonconforming Lot** - A lot which does not meet the area requirements of the District in which it is located.
- 202.148. Nonconforming Use** - The use of any building, structure or land which was lawful at the time of the passage of this Ordinance, or amendment thereto but which use does not conform, after the passage of this Ordinance or amendment thereto, with the use regulations of the district in which it is suitable.
- 202.149. Nursery** – (See also Garden Center). A site devoted to the cultivation of plants or shrubs for retail use.

- 202.150. Nursery School or Kindergarten** - Any premises or portion thereof used for educational work or care of children of less than the age required for enrollment in the public school system.
- 202.151. Nursing Home** - A home for the aged or infirm in which three or more persons not of the same immediate family are received, kept or provided with food and shelter or care for compensation; but not including hospitals, clinics or similar establishments devoted to the diagnosis and treatment of the sick or injured.
- 202.152. Occupancy Load** – the maximum number of persons, which may be accommodated by the use as determined by its design or by fire code standards.
- 202.153. Office** - Space or rooms for professional, administrative, clerical or similar use.
- 202.154. On-Site.** Located on the lot in question, except in the context of on-site detention of stormwater, when the term means within the boundaries of the development site as a whole.
- 202.155. Opaque Structural Buffer** – A man-made buffer that is constructed to be impervious to the passage of light.
- 202.156. Open Air Market** – Retail sales of arts, crafts, produce, discount or used goods partially or fully outside of an enclosed building, such as a flea market, produce market, craft market, or farmers' market.
- 202.157. Open Space, Common** – Land area within a development that is held in common ownership and maintained by a homeowners' association of all of the residents for recreation, protection of natural land features, amenities or buffers; is freely accessible to all residents of the development; and is protected by the provisions of this Ordinance to ensure that it remains in such uses. Common open space does not include surface water bodies (i.e., rivers, streams, lakes or ponds) nor land occupied by common driveways or parking areas, or street rights-of-way; nor does it include lots for single family or multi-family dwellings. Common open space shall be left in a natural state or landscaped, except in the case of recreational structures.



Figure 21 - Open Space

- 202.158. Outdoor Advertising Sign** - An attached or freestanding structure conveying some information, knowledge, or idea to the public.
- 202.159. Outdoor Storage** – The keeping, in an unenclosed area, of any goods, materials, merchandise, or vehicles in the same place for more than twenty-four (24) hours.
- 202.160. Parcel** – A part or portion of land; a contiguous quantity of land in the possession of an owner. The words lot, parcel, property, and tract can be used interchangeably.

- 202.161. Parking Area** - An open, unoccupied space used or intended to be used for the parking of vehicles without charge exclusively, and in connection with which no gasoline or vehicular accessories are sold and no other business is conducted.
- 202.162. Parking Lot** - An open area used exclusively for the temporary storage of motor vehicles. No sales, repair, or rental activity is permitted. {2018-5044}
- 202.163. Parking Space** – That portion of the parking area set aside for the parking of one (1) vehicle.
- 202.164. Patio/ Garden Home** – A detached, single family dwelling constructed on-site in accordance with the adopted building code of the City that occupies a small lot, has an enclosed rear/side yard area, and which may be developed with a "zero-lot line setback". See also "Zero-Lot Line."

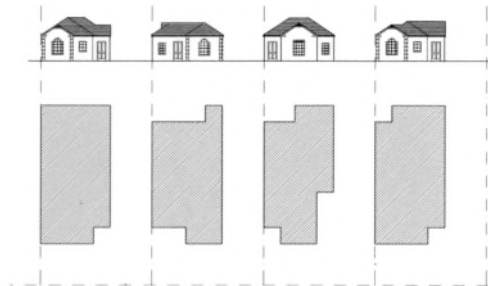


Figure 22 - Patio Homes with "zero-lot line setback"

- 202.165. Personal Service** – A retail establishment engaged in providing services involving the care of a person, such as a barber or beauty shop, cosmetic studio, dry cleaning and laundry service, indoor exercise and fitness center, tanning salon, seamstress, tailor, shoe repair shop, key repair shop, travel agency, interior decorator, formal wear rental and similar uses.
- 202.166. Place of Worship** – Buildings arranged for religious service purposes, such as churches and synagogues, including related facilities for instruction, meeting, recreation, lodging, eating and other integrally related activities.
- 202.167. Planned Unit Development (PUD)** – Land under unified control to be planned and developed as a whole in a single development operation or a definitely programmed series of development operations or phases. A planned development includes principal and accessory structures and uses substantially related to the character and purposes of the planned development. A planned development is built according to general and detailed plans that include not only streets, utilities, lots and building locations, and the like, but also site plans for all buildings as area intended to be located, constructed, used, and related to each other, and plans for other uses and improvements on the land as related to the buildings. A planned development includes a program for the provision, operations and maintenance of such areas, facilities and improvements as will be for common use by some or all of the occupants of the planned development district, but which will not be provided, operated or maintained at general public expense.
- 202.168. Porch** – A roofed open area, which may be windowed or screened, attached to and with direct access to or from a building. A porch becomes a room within the building when heated or air conditioned, or when the walled area is less than fifty percent (50%) windowed or screened.
- 202.169. Professional Office** – A place where the administrative affairs of business or profession in conducted such as the office of a law firm, real estate agency, insurance agency, architect, secretarial service, the administrative staff of business or industry, and the like.

- 202.170. Public Assembly Center** – Buildings arranged for the general assembly of the public at-large for community events, including coliseums, stadiums, civic centers, and similar uses.
- 202.171. Public Facility** – Buildings arranged for the purpose of providing public services, not otherwise listed in this section, including government offices, post offices, transit station, police stations, fire and emergency service stations, civil defense operations, and similar uses.
- 202.172. Public Improvement** – Any improvement, facility or service, together with customary improvements and appurtenances thereto, necessary to provide for public needs as: vehicular and pedestrian circulation systems, storm sewers, flood control improvements, water supply and distribution facilities, sanitary sewage disposal and treatment, public utility and energy services.
- 202.173. Public Utility Facility** – Facility that provides public utility services to the public at-large, including water and sewerage facilities, gas distribution facilities, electric transmission and distribution facilities, cable and telephone transmission and distribution facilities.
- 202.174. Public Utility Service** – Essential utility services which are necessary to support development and which involve only minor structures such as lines and poles.
- 202.175. Ravine** – An area constituting a “young valley” which adjoins a perennial or intermittent watercourse. It includes the bottom lands of the ravine and the ravine side walls to a point where the slope is less than fifteen percent (15%).
- 202.176. Ravine Buffer** – The area extending one hundred fifty feet (150') beyond the top of the ravine wall.
- 202.177. Recreation, Indoor** – A commercial establishment providing recreational or sports activities to participants within an enclosed building, including bowling alleys, billiard parlors, video game centers, ice an droller skating rinks, and other commercial indoor recreational and sports activities.
- 202.178. Recreation, Outdoor** – A commercial establishment providing recreational or sports activities to participants in open or partially enclosed or screened facilities, including driving ranges, miniature golf courses, golf courses, swimming pools, tennis courts and other commercial outdoor recreational and sports activities.
- 202.179. Recreation, Public Facility** – A building, structure or use of land for recreational or sports activities owned, operated and used by the public.
- 202.180. Recreational Vehicle** – A vehicle or a unit that is mounted on or drawn by another vehicle, primarily designed for temporary living. Recreational vehicles include travel trailers, camping trailers, truck campers and motor homes.
- 202.181. Recreational Vehicle Park** – A lot on which campsites are established for occupancy by recreational vehicles of the general public as temporary living quarters for purposes of recreation or vacation.
- 202.182. Rehabilitation Facility** – An institutional facility providing residential and custodial care for the rehabilitation of socially-impaired individuals who are indigent, recovering form addiction to drugs or alcohol, or recently released from a penal institution.
- 202.183. Resource Extraction** – The removal of soil, sand, clay, gravel, minerals, or similar materials for commercial purposes, including quarries, borrow pits, sand and gravel operations, gas extraction and mining.

- 202.184. Restaurant, Fast Food** – An establishment whose principal business is the sale of food and/or beverages in a ready-to-consume state: (1) for consumption within the restaurant building, or within a motor vehicle parked on the premises or off the premises as a carry-out order; or (2) to be served through a drive-up window, and whose principal method of operation includes the following characteristics: food and/or beverages are usually served in edible containers or in paper, plastic, or other disposable containers.
- 202.185. Restaurant, Standard** – An establishment whose principal business is the sale of food and/or beverages in a ready-to-consume state, and whose principal method of operation includes one or both of the following characteristics: (1) customers, normally provided with an individual menu, are served their foods and beverages by a restaurant employee at the same table or counter at which food and beverages are consumed; (2) a cafeteria-type operation where food and beverages generally are consumed within the restaurant building.
- 202.186. Restaurant, Take-Out Only** – An establishment where food and beverages are prepared and purchased for consumption off premises only.
- 202.187. Retail** – The provision of services or the sale of goods and merchandise to the public at large for personal or household use or consumption.
- 202.188. Roof Line** - That part of the roof or parapet which covers the major area of the building.
- 202.189. Rooming House** – A dwelling where lodging is provided, for compensation for from six (6) to ten (10) persons, who are not members of a family occupying that dwelling unit, who do not occupy the dwelling as a single housekeeping unit, and who do not take their meals on the premises.
- 202.190. Salvage Yard** – A place of business engaged in the storage, sale, dismantling or other processing of used or waste materials, such as a junk or automotive salvage yard.
- 202.191. Satellite Dish Antenna** – An accessory structure designed to receive television broadcasts relayed by microwave signals from earth-orbiting communications satellites.
- 202.192. Screen** – to visually shield or obscure one abutting or nearby structure or use from another by opaque fencing, walls, berms, or densely-planted vegetation.



Figure 23 - "Berm" used as a Screen

- 202.193. Seasonal Sales** – Temporary seasonal sales of produce, ornamental plants, fire wood, Christmas trees, and other temporary sales that are unlike the usual activities on the lot where the sales occur.
- 202.194. Sedimentation** – The deposition of soil that has been transported from its site of origin by water, ice, wind, gravity or other natural means as a result of erosion.
- 202.195. Self-Storage Facility** - A development of one or more enclosed structures providing individually accessible compartments each of which is leased to the general public for the purpose of storing non-hazardous personal property and not used for residential occupancy, commercial or industrial enterprise, or any activity other than dead storage in conformance with the applicable Special Use Regulations.

- 202.196. Self-Storage Facility, Climate-Controlled** – A style of self-storage use that provided climate controlled storage space in conformance with the applicable Special Use Regulations. No outdoor storage is permitted. {Ord. 2018-5044}
- 202.197. Self-Storage Facility, Open-Air** – A style of self-storage use that provides covered or partially enclosed bays in conformance with the applicable Special Use Regulations. {Ord. 2018-5044}
- 202.198. Setback** – The required minimum horizontal distance between the building line and the related front, side, or rear lot line.

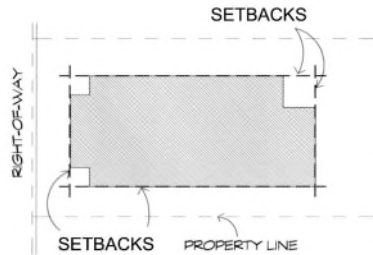


Figure 24 - Setbacks

- 202.199. Shopping Center** - A group of commercial establishments (as permitted in the district) located on a common lot, planned and developed in a unified design with shared parking and driveway facilities, and under common management authority.
- 202.200. Shopping Center, Community** - (See Shopping Center, Minor).
- 202.201. Shopping Center, Major** – A Shopping Center located on a lot of twenty-five (25) or more acres. These establishments are designed to furnish, in addition to the retail goods and services found in Minor Shopping Centers, such less frequently needed goods and services as clothing and automobiles, banking and theaters, and the wider range of retail goods and services to satisfy the needs of the residents of a community of neighborhoods.
- 202.202. Shopping Center, Minor** – A Shopping Center located on a lot of three (3) to less than twenty-five (25) acres. These establishments are to furnish the retail goods, such as groceries and drugs, and the services, barbering and shoe repairing, to satisfy the daily household needs for the surrounding community. Also referred to as a Community Shopping Center.
- 202.203. Shopping Center, Neighborhood** - A Shopping Center located on a lot of three (3) acres or less. These establishments are to furnish retail goods, such as groceries and drugs, and services, barbering and shoe repairing, to satisfy daily household needs for the surrounding residential neighborhood.
- 202.204. Shopping Center, Regional** - A Shopping Center located on a lot comprising a minimum of fifty (50) acres designed to furnish, in addition to the retail goods and services found in Major Shopping Centers, the wider range of retail goods and services required by residents of the Pell City area and of the trade area.
- 202.205. Sidewalk** - The paved portion of a public thoroughfare or right-of-way intended for use by pedestrians.
- 202.206. Sight Triangle** – A triangular-shaped portion of land established at street or driveway intersections in which nothing is erected, placed, planted, or allowed to grow in such a manner as to limit or obstruct the sight distance of motorists entering or leaving the intersection. See Figure 25 following.

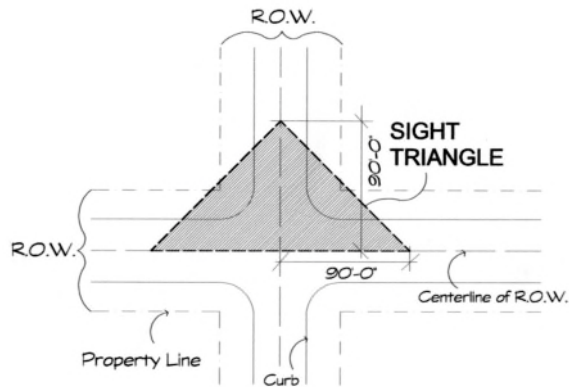


Figure 25 - Sight Triangle

- 202.207. Sign** – Any name, identification, description, display, illustration, or structure, which is affixed directly or indirectly upon a building, structure, or the ground, which is intended to communicate with the public or directs attention to an object, product, place, activity, service, person, institution, organization, or business; specifically excepting all public signs designed, constructed and placed in accord with the most recent edition of the Alabama Manual on Uniform Traffic Control Devices.
- 202.208. Single Family Dwelling** – A building so designed and arranged to provide sleeping, cooking and kitchen accommodations and toilet facilities for occupancy by one family only, together with such domestic help as are necessary to service and maintain the premises and their occupants. Also referred to as "single family dwelling".
- 202.209. Site** – A parcel or parcels of land intended to have one (1) or more buildings or intended to be subdivided into one (1) or more lots.
- 202.210. Site Area** – A minimum land area as required to qualify for a particular use or development. Site area is taken from an actual site survey and excludes:
- ☐ Land within an existing or future street right-of-way, or utility right-of-way or easement;
  - ☐ Land which is not contiguous or is cut off by a major barrier;
  - ☐ Land which is part of a previously approved development; and
  - ☐ Land which is zoned for another use.
- 202.211. Special Event** – Circuses, fairs, carnivals, festivals, benefits, religious events, or similar types of temporary outdoor events that run longer than one (1) day but no longer than thirty (30) days, are likely to attract large crowds, and are unlike the usual activities on the lot where the event occurs.
- 202.212. Stable, Private** – a building, incidental to an existing residential, principal use, that shelters animals for the exclusive use of the occupants of the premises.
- 202.213. Stable, Public** – A commercial establishment engaged in the raising, keeping, boarding or training of horses, ponies, and similar animals, including riding academies and incidental sales of riding accessories and animals raised or regularly kept on the premises.
- 202.214. Steep Slopes** – Land area where the inclination of the land's surface from the horizontal is twenty-five percent (25%) or greater. Slope is determined from on-site topographic surveys prepared with two-foot contour intervals.
- 202.215. Story** - That portion of a building included between the surface of any floor and the surface of the next floor above ft, or if there is no floor and the ceiling next above it. A mezzanine floor



shall be counted as a story if it covers over one-third ( $\frac{1}{3}$ ) of the area of the floor next above it, or if the vertical distance from the floor next below it to the floor next above it is twenty-four feet (24') or more. A basement or cellar shall be counted as a story if its ceiling is over five feet (5') above the level from which the height of the building is measured or is it is used for business purposes or if it is used for business purposes or if it is used for dwelling purposes by other than a janitor or domestic servants employed in the same building, including the family of the same.

- 202.216. Story, Half** - A story situated within a sloping roof, the floor area at which, at a height of five feet (5') above the floor, does not exceed two-thirds ( $\frac{2}{3}$ ) of the floor area in the story directly below it and the height above at least two hundred (200) square feet of floor space is seven feet-six inches (7'-6").
- 202.217. Street** - A thoroughfare which affords a principal means of access to abutting property and which has been accepted by the City as a public street.
- 202.218. Street Frontage** - That portion of a lot which has access rights to a street abutting said lot.
- 202.219. Structure** - A structure is any construction or production of a piece of work artificially built of or composed of parts adjoined together in some definite manner.
- 202.220. Structure, Accessory** - A subordinate structure, detached from but on the same lot as the principal structure, the use of which is incidental and accessory to that of the principal structure, and which requires a City building permit.
- 202.221. Studio** - A place of work by an artist, photographer, or craftsman, including instruction, display, production and retail sales of material produced on the premises.
- 202.222. Subdivision** - Any subdivision or re-division of a tract, parcel, or lot of land into two (2) or more parts by means of mapping, platting, conveyance, change or rearrangement of boundaries. Subdivision may also generally refer to a residential development created through the division of a property or properties.
- 202.223. Tourist Home** - A new or converted structure, of architecturally-historic and residential character, used for providing lodging to guests and with a maximum of six (6) guest rooms.
- 202.224. Townhouse** - An attached single family dwelling unit with the living unit going from ground to roof and with individual outside access, placed whether on an individual lot or in a group development.



Figure 26 - Townhouses

- 202.225. Transmission Tower** - A tower used for the transmission of wireless communication signals to the general public or private receivers, other than amateur radio towers and towers used by a public facility. (Sometimes referred to as communication tower or antennae).
- 202.226. Travel Trailer** - A travel trailer, pick-up camper, converted bus, tent-trailer, tent or similar device used for temporary, portable housing or any unit identified by the manufacturer as a travel trailer.

- 202.227. Travel Trailer Park** - A parcel of land within the City of Pell City designated for accommodation of travel trailers, which will be occupied for camping or for short term housing.
- 202.228. Upper Story Apartment** – A dwelling located in the upper story of a building where the ground floor is devoted to commercial or institutional uses.
- 202.229. Use** - A use is the purpose for which land or buildings and structures thereon are designed; arranged; or intended to be used, occupied, or maintained.
- 202.230. Variance** - A modification of the strict terms of this Ordinance granted by the Board of Adjustment where such modification will not be contrary to the public interest, and where owing to conditions peculiar to the property and not as a result in unnecessary and undue hardship, and where such modification will not authorize a principal or accessory use of the property which is not permitted within the Zoning District in which the property is located.
- 202.231. Vehicle and Equipment Repair** -- A place of business engaged in the repair and maintenance of heavy trucks (over one ton), construction equipment, tractors and implements or engaged in painting, body repair, upholstery repair, fabrication of parts, or rebuilding of engines for said vehicles and equipment.
- 202.232. Vehicle and Equipment Sales** – A place of business engaged in the sale or rental of heavy trucks (over one ton), construction equipment, tractors and farm implements, manufactured homes, and similar heavy equipment, including incidental storage, maintenance and servicing.
- 202.233. Vehicle Repair Service, Major** - A commercial establishment engaged in the repair and maintenance of automobiles, including painting, window-tinting and/or repair, body work, rebuilding of engines or transmissions, upholstery work, fabrication of parts and similar activities, all of which shall be entirely within an enclosed building. No such building or premises shall be used for the parking of vehicles which are offered for sale, nor shall any abandoned or inoperative motor vehicles be stored on the premises for longer than thirty (30) days.
- 202.234. Vehicle Repair Service, Minor** - A commercial establishment engaged in sales, installation and servicing of automobile-mechanical equipment and parts, including audio equipment and electrical work, lubrication, tune-ups, wheel alignment, tire balancing, brake and muffler work, battery charging and/or replacement and similar activities. No such building or premises shall be used for the parking of vehicles which are offered for sale, nor shall any abandoned or inoperative motor vehicles be stored on the premises for longer than ten (10) days.
- 202.235. Vehicle Sales or Rental** – A commercial establishment engaged in the sale or rental of automobiles, light trucks, travel trailers, recreational vehicles, boats, motorcycles, including incidental parking, storage, maintenance and servicing.
- 202.236. Vehicle Service Station** – A commercial establishment providing fuel, lubricants, parts, and accessories, and incidental repair and maintenance service to motor vehicles, including gas stations and express oil change businesses.
- 202.237. Warehousing, Wholesaling, and Distribution, Enclosed** – A place of business engaged in warehousing, wholesaling, or distribution services within a building.
- 202.238. Warehousing, Wholesaling, and Distribution, Open** – A place of business engaged in open air warehousing, wholesaling, or distribution services.
- 202.239. Wetland** – An area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that, under normal circumstances, does support a prevalence of vegetation typically adapted for life in saturated soil condition,

commonly known as hydrophytic vegetation. Wetlands generally include swamps, marshes, bogs and similar areas.

**202.240. Woodland** – An area of planted material covering one (1) acre or more and consisting of thirty percent (30%) or more canopy trees having an eight inch (8”) or greater caliper, or any grove consisting of eight (8) or more trees having a ten inch (10”) or greater caliper.

**202.241. Yard** – The open area between a lot line and building line or setback line.

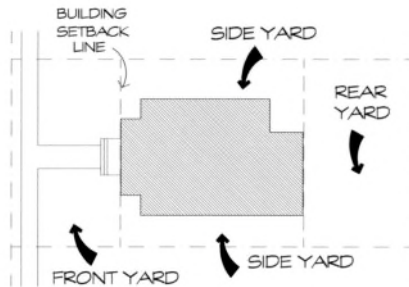


Figure 27 - Yard Configuration

**202.242. Yard, Front** – A yard extending across the front of a lot between the side lot lines. On corner lots the front yard shall be considered as parallel to the street upon which the lot has its least dimension.

**202.243. Yard, Rear** – A yard extending across the rear of a lot between the side lot lines. On all lots the rear yard shall be in the rear of the front yard.

**202.244. Yard, Side** – A yard between the main building and the side lot line and extending from the required front yard to the required rear yard.

**202.245. Zero Lot Line** – A term used to describe development with no required setback from a prescribed lot line or lines, as often seen in historic downtown commercial areas, townhouses, and garden homes. In the case of zero lot line developments in downtown areas, the walls separating buildings are specially constructed to prevent the spread of fire from one building to another.



Figure 28 - Zero Lot Line Development Types

## **ARTICLE III**

### **ENFORCEMENT AND ADMINISTRATION**

The regulations set forth in this article are intended to provide for the administration and enforcement of the provisions of this Ordinance; to designate the enforcing officer, to outline procedures for issuance of building permits and certificates of occupancy; and to set forth penalties for violations of the provisions of this Ordinance.

#### **SECTION 301. ADMINISTRATION.**

The provisions of this Ordinance shall be administered by the Planning Commission in accordance with the authority granted by Title 37, Chapter 16, Article 3, Subdivision I, Section 796, Code of Alabama 1940, as same may be amended.

##### **301.01. Enforcing Officer.**

The provisions of this Ordinance shall be administered and enforced by an Administrative Official (Building Inspector). This official shall have the right to enter upon any premises at reasonable time prior to the issuance of a Certificate of Occupancy for the purpose of making inspections of buildings or premises necessary in carrying out his duties in the enforcement of this Ordinance.

##### **301.02. Enforcement Assistance.**

In order to assure compliance with this Ordinance, it shall be the responsibility of the Electrical and Plumbing Inspectors to withhold the issuance of final electrical and plumbing permits for structures which do not conform to the Zoning Ordinance, and to report such noncompliance to the Administrative Official (Building Inspector).

It shall also be the duty of all officers and employees of the City of Pell City and especially of all members of the Police and Fire Departments to assist the Administrative Official by reporting to him new construction, reconstruction, or new land uses and apparent violations of this article.

##### **301.03. Building Permit Required.**

1. It shall be unlawful to commence the excavation for or the construction of any building or other structure, including accessory structures, or to store building materials or erect temporary field offices, or to commence the moving, alteration, or repair (except painting, wallpapering, necessary repairs not affecting the external or party walls, chimneys, stairways, or heights of buildings and not exceeding \$1,000.00 in cost) of any structure, including accessory structures, until the Administrative Official (Building Inspector) of the municipality has issued for such work a building permit including a statement that the plans, specifications, and intended use of such structure in all respects conform with the provisions of this Ordinance.
2. Application for a building permit shall be made to the Administrative Official (Building Inspector) of the municipality on forms provided for that purpose. A building permit is required for grading or filling of a lot or lots where no excavation is made for construction.
3. If the proposed excavation, construction, moving, or alteration as set forth in the application, are in conformity with the provisions of this Ordinance, a building permit may be issued. If an application for a building permit is not approved for zoning, the cause for such disapproval shall be stated in writing on the application. Issuance of a building permit shall in no case be construed as waiving any provision of this Ordinance.

4. Any permit under which no construction work has been done above the foundation walls or other foundation support within ninety days from the date of issuance shall expire by limitation, but shall upon reapplication be renewable, subject, however, to the provisions of City's codes in force at the time of said renewal.
5. Before issuing a building permit, the Building Inspector shall examine the site and proposed development plans for compliance with this Ordinance.

#### **301.04. Approval of Plans and Issuance of Building Permit.**

It shall be unlawful for the Administrative Official (Building Inspector) to approve any plans or issue a building permit for any excavation or construction until he has inspected such plans in detail and found them in conformity with this Ordinance. To this end, the Administrative Official (Building Inspector) shall require that every application for a building permit for excavation, construction, use of land, moving or alteration be accompanied by a map or plat drawn to scale and showing the following in sufficient detail to enable the Administrative Official (Building Inspector) to ascertain whether the proposed excavation, construction, use of land, moving or alteration is in conformance with this Ordinance.

1. The actual dimensions and location of the lot to be built upon;
2. The shape, height, use, size, and location on the lot of the building to be erected or altered;
3. The sizes and locations of the existing buildings or structures on the lot;
4. The number of dwelling units the building, if residential, is designed to accommodate;
5. The setback and side lines of buildings on adjoining lots;
6. The layout of off-street parking and unloading spaces;
7. Sewage and Utility plans;
8. Certification by the St. Clair County Health Department approving the proposed locations of the septic tank and field lines, provided public sewage is not available;
9. Such other information as may be necessary for determining whether the provisions of this Ordinance are being observed.

If the proposed excavation, construction, moving, or alteration as set forth in the application, are in conformity with the provisions of this Ordinance, and other city codes, the Administrative official of the municipality shall issue a building permit accordingly. If an application for a building permit is not approved, the Administrative Official of the municipality shall state in writing on the application the cause of such disapproval. Issuance of a building permit shall, in no case, be construed as waiving any provisions of this Ordinance.

#### **SECTION 302. SITE PLAN REVIEW.**

New construction and substantial site development expansion of all multiplexes, patio homes, planned unit developments, townhouses, apartments, manufactured home parks and subdivisions, institutional uses, commercial uses, and industrial uses shall require submission and approval of a site plan prepared by an architect, landscape architect or professional engineer licensed in the State of Alabama.

### **302.01. Site Plan Requirements.**

The following shall be the minimum information required for a site plan, five (5) copies of which shall be submitted for review and approval.

1. Cover sheet with name and location of the development; name, address, and signature of the owner; name, address, and seal of the architect, landscape architect, or professional engineer; vicinity map; zoning and existing and proposed land use of the site; and date, scale, and north arrow.
2. Site layout, including property dimensions, rights-of-way, easements, location and dimensions of all buildings (existing and proposed), setbacks, driveway access, off-street parking and loading, circulation, screening, buffer yards, and landscaping.
3. Drainage, paving, grading and excavation, erosion and sedimentation control plan, storm water detention, floodplain management controls.
4. Public and private utilities, including sewage disposal system and water system.
5. Fire lanes and hydrants.

### **302.02. Site Plan Review and Approval.**

The Building Inspector shall review the site plans for general completeness and compliance with this Ordinance and shall forward copies of the plans to the City Engineer, Fire Chief, and Police Chief for their review and comment. The Building Inspector shall provide the applicant with a decision for approval or disapproval within two (2) weeks of submittal. The reasons for disapproval, along with all review comments, shall be stated in writing to the applicant. A reproducible set of the final approved site plan shall be submitted by the applicant and retained on file by the Building Inspector. All subsequent building permits and subdivision plats submitted by the applicant shall be in substantial accord with the final site plan. An approved site plan shall become null and void if significant development does not commence within twelve months of approval.

## **SECTION 303. PERMITS FOR IMPROVEMENTS IN FLOOD HAZARD AREAS.**

All applications for building permits in flood hazard areas shall meet all of the requirements of Section 301.4 of this Ordinance in addition to the following requirements:

1. Plans shall show the relationship of the proposed improvements to the location of the floodway and the 100-year flood elevation.
2. Specifications for building construction and materials, flood proofing, filling, dredging, grading, storage of materials, and installation of utilities shall be indicated in the plans.

## **SECTION 304. CONSTRUCTION PROGRESS.**

Any building permit issued becomes invalid if work authorized by it is not commenced within six (6) months of the date of issue or if the work is suspended or discontinued for a period of one (1) year.

## **SECTION 305. CERTIFICATION OF OCCUPANCY REQUIRED.**

### **305.01. Certificate of Occupancy.**

It shall be unlawful for an owner to use or permit the use of any building or premises or part thereof, hereafter created, changed, converted, or enlarged, wholly or partly, until a Certificate of Occupancy, which shall be a part of the building permit, shall have been issued by the Building

Inspector. Such certificate shall show that such building or premises or part thereof and the proposed use thereof are in conformance with the provisions of this Ordinance. It shall be the duty of the Building Inspector to issue a Certificate of Occupancy provided that he is satisfied that the building and the proposed use thereof conform with all the requirements of this Ordinance. No permit for excavation or construction shall be issued by the Building Inspector before he is satisfied that the plans, specifications and intended use conform with the provisions of this Ordinance. A record of all certificates of occupancy shall be kept in the office of the Building inspector and copies shall be furnished on request to any person having a proprietary or tenancy interest in land or in a building affected by such a Certificate of Occupancy.

#### **305.02. Certificate of Occupancy for Nonconforming Uses.**

A Certificate of Occupancy shall be required of all lawful nonconforming uses of land or building created by this Ordinance. Applications for such certificates of occupancy for nonconforming uses shall be filed with the Building Inspector by the owner or lessee of the land or building occupied by such nonconforming use within one (1) year of the effective date of the Ordinance. Failure to apply for such Certificate of Occupancy will place upon the owner and lessee the entire burden of proof that such use of land or buildings lawfully existed on the effective date of this Ordinance. It shall be the duty of the Building Inspector to issue a Certificate of Occupancy for a lawful nonconforming use upon application.

#### **305.03. Temporary Certification of Occupancy.**

Under such rules and regulations as may be established by the Building Inspector, a temporary Certificate of Occupancy for a part of a building may be issued.

#### **305.04. Certificate of Existing Building.**

Upon written request from the owner, the Building Inspector shall issue a Certificate of Occupancy for any building or premises existing at the time of enactment of this Ordinance, certifying, after inspection, the extent and kind of use made of the building or premises, and whether such use conforms with the provisions of this Ordinance.

#### **305.05. Certificate of Occupancy for Manufactured Homes.**

No permit for erection, location, alteration, moving, repair of any building or manufactured homes shall be issued until an application has been made for a Certificate of Occupancy, and the certificate shall be issued in conformity with the provisions of this Ordinance upon completion of the work. A temporary Certificate of Occupancy may be issued by the Building Inspector for a period not exceeding six (6) months during alterations or partial occupancy of a building pending its completion, provided that such temporary certificate may include such conditions and safeguards as will protect the safety of the occupants and the public.

#### **305.06. Temporary Certificates of Zoning Compliance.**

May be renewed provided that it is determined that said use is clearly of a temporary nature, will cause no traffic congestion and would not create a nuisance to surrounding uses.

### **SECTION 306. CONDITIONAL USE REGULATIONS.**

#### **306.01. Purpose.**

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

### **306.02. Authorization.**

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

### **306.03. Procedures.**

1. The Building Inspector shall, upon determination that the application complies with all applicable submission requirements, receive the application and schedule it for public hearing by the Planning Commission.
2. The Building Inspector shall, two weeks before the scheduled public hearing by the Planning Commission, provide notice of such hearing by regular mail to the owners of property adjacent to the proposed conditional use as their names appear in the county tax records.
3. The Planning Commission shall consider the application and render a decision at the conclusion of the public hearing unless it is determined that action must be deferred to allow for additional input and review.

### **306.04. Submission Requirements.**

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

1. Application Form. The application shall be submitted to the department on forms to be provided by the department. The application shall be signed and, if not signed by the property owner, shall be accompanied by a notarized affidavit that the applicant is authorized to act in the owner's behalf.
2. Plans and Specifications. Each application shall be accompanied by an accurate site plan, drawn to scale, identifying: the current off-street parking available on the site; any new proposed parking lay out; ingress to and egress from the site, area of the site; existing uses on the site, including the location and floor area of all buildings; and such other information as the Building Inspector may reasonably require. Any supplementary information, exhibits, plans or maps which are to accompany and constitute part of the application shall be submitted to the Building Inspector at the time of filing the application. Three (3) copies of all such documents shall be required for distribution purposes.
3. Application Fee. The applicant shall be required to pay an application fee according to the current schedule of fees established by the City Council for the particular category of application. This fee shall be nonrefundable irrespective of the final disposition of the application.

### **306.05. Standards For Approval.**

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

1. The proposed use shall be in harmony with the general purpose, goals, objectives and standards of the Pell City Comprehensive Plan, these regulations, or any other official plan, program, map or regulation of Pell City.



2. Ingress and egress to the property and proposed structures or uses, with particular attention to vehicular and pedestrian safety and convenience, traffic flow and control, and emergency access.
3. Off-street parking and loading areas, with particular attention to the items in (2) above.
4. Refuse and service areas, with reference to availability, location, and potentially adverse effects on surrounding properties.
5. Buffering of potentially adverse views and activities from surrounding properties.
6. Control of noise, glare, odor, excess drainage, and other potentially disturbing effects to surrounding properties.
7. Utilities, with reference to location, availability, capacity, and potentially adverse effects to surrounding properties.
8. Building bulk, density, lot coverage, yards and open areas, with reference to the compatibility and harmony with the character of the surrounding area.
9. The proposed use shall be consistent with the community welfare and not detract from the public's convenience at the specific location;
10. The proposed use shall not unduly decrease the value of neighboring property.
11. The use shall be compatible with the surrounding area and not impose an excessive burden or have a substantial negative impact on surrounding or adjacent uses or on community facilities or services.

#### **306.06. Conditions and Restrictions on Approval.**

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

#### **SECTION 307. VARIANCES.**

Variances to the terms of this Ordinance shall be granted in individual cases upon a finding by the Board of Adjustment that **all** of the following criteria have been satisfied:

1. That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district;
2. That the special conditions and circumstances do not result from the actions of the applicant;
3. That a literal enforcement of the terms of this Ordinance will deprive the applicant of rights commonly enjoyed by other properties in the same district;

4. That relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of this Ordinance;
5. That the variance is not a request to permit a use of land, buildings, or structures which is not permitted by right or by special exception in the district involved;
6. That granting the variance requested will not confer upon the property owner any special privilege denied by this Ordinance to other lands, buildings, or structures in the district involved; and
7. That substantial justice shall be done.

### **307.01. Application.**

An application for a variance shall be filed with the Building Inspector at least thirty (30) days before the scheduled hearing date before the Board of Adjustment. The application shall be filed by the property owner or the authorized agent of the owner on a form made available by the Building Inspector and shall include the following information and materials:

1. Name, signature, and address of the property owner and agent of the property owner, if any.
2. Address of the property under consideration.
3. Zoning and land use of the property under consideration.
4. Nature of the variance with reference to applicable zoning provisions.
5. Justification for the variance in accordance with all of the criteria in Section 307 above.
6. A vicinity map showing the location of the property.
7. A site plan, drawn to scale and dimensioned, showing the property boundaries and proposed development layout with the variance noted or highlighted.
8. Stamped no. 10 envelopes (legal size) with the names and addresses of adjacent property owners (including those directly across a public right-of-way), as shown in the most recent records of the St. Clair County Tax Assessor.

### **307.02. Notification.**

At least fifteen (15) days prior to the scheduled Board of Adjustment hearing, the Building Inspector shall give written notice to all adjacent property owners. All notices mailed by the Building Inspector shall be sent by certified mail, return receipt requested and addressed to such property owners at their addresses as submitted with the application.

1. The name of the applicant.
2. The location of the property.
3. The nature of the variance and the applicable zoning provisions.
4. The time, date, and location of the Board hearing.

## **SECTION 308. TEMPORARY USES.**

Certain temporary uses, as set forth below, may be permitted provided that compatibility with other uses in the districts within which they are proposed for location is assured. The Building Inspector is authorized to issue a Temporary Certificate of Zoning Compliance for temporary uses as follows:

1. Carnival, circus, or fair in any commercial or industrial district, or in an undeveloped residential district, for a period not to exceed twenty-one (21) days, and subject to approval of the Planning Commission.
2. Religious meeting in a tent or other temporary structure in any commercial or industrial district or in an undeveloped residential district, for a period not to exceed sixty (60) days.

3. Open lot sale of Christmas trees in any district, for a period not to exceed forty-five (45) days.
4. Real estate sales office in any district, for a period not to exceed one (1) year, provided no cooking or sleeping accommodations are maintained in the structure.
5. Contractor's office and equipment sheds in any district, for a period of one (1) year, provided that such office is to be placed on the property to which it is appurtenant.

### **SECTION 309. ADMINISTRATIVE APPEAL PROCEDURES.**

Appeals to the Board of Adjustment may be taken by any person aggrieved or by any officer, department, board or bureau of the Town affected by any decision of the Building Inspector. An administrative appeal shall require the submission of an application to the Zoning Board of Adjustment. The application shall be filed with the Building Inspector at least thirty (30) days before the scheduled hearing date before the Board of Adjustment. The application shall be filed by the property owner or the authorized agent of the owner on a form made available by the Building Inspector and shall include the following information and materials:

1. Name, signature, and address of the property owner and attorney for the property owner, if any.
2. Address of the property under consideration.
3. The decision of the administrative official under appeal.
4. A written statement specifying the grounds for appeal.
5. Stamped no. 10 envelopes (legal size) with the names and addresses of adjacent property owners (including those directly across a public right-of-way), as shown in the most recent records of the St. Clair County Tax Assessor.

#### **309.01. Notification.**

At least fifteen (15) days prior to the scheduled Board of Adjustment hearing, the Building Inspector shall give written notice to all adjacent property owners. All notices mailed by the Building Inspector shall be sent by certified mail, return receipt requested and addressed to such property owners at their addresses as submitted with the Application.

1. The name of the applicant.
2. The location of the property.
3. The decision of the administrative official under appeal.
4. The time, date, and location of the Board hearing.

#### **309.02. Decision.**

The Building Inspector shall transmit all papers constituting the record upon which the action appealed was taken to the Board which shall take action to uphold, modify, or overturn the decision of the administrative official.

### **SECTION 310. REMEDIES FOR VIOLATIONS.**

In case any building or other structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained, or any building, structure, or land is used in violation of this Ordinance, the Administrative Official of the municipality or any other appropriate authority or any adjacent or neighboring property owner who would be affected by such violation, in addition to other remedies, may institute injunction, mandamus, or other appropriate action or proceeding alteration, repair, conversion, maintenance or use, to correct or abate such violations or to prevent occupancy of such building, structures, or land.

#### **SECTION 311. PENALTIES FOR VIOLATIONS.**

Any person violating any provisions of this Ordinance shall be guilty of a misdemeanor and, upon conviction, shall be fined for each offense. Each day such violations continue shall constitute a separate offense.

## **ARTICLE IV**

### **BOARD OF ADJUSTMENT**

The purpose of this article is to provide for the establishment of a Board of Adjustment and to define the duties, powers, and procedures incumbent on said board.

#### **SECTION 401. APPOINTMENTS, DUTIES, AND RESPONSIBILITIES.**

A Board of Adjustment is hereby established, which shall consist of five members who shall not hold any elective office or position under the municipality to be appointed for a term of tree years, two members for two years, and two members for one year. Thereafter each member appointed shall serve for a term of three years or until his successor is duly appointed and qualified. Members of the Board of Adjustments may be removed from office by the City Council for cause upon written charges after public hearing. Vacancies shall be filled by resolution of the City Council for the unexpired term of the member affected.

#### **SECTION 402. PROCEEDINGS OF THE BOARD OF ADJUSTMENT.**

The following proceedings shall be incumbent on the Board of Adjustment.

##### **402.01. Meetings.**

The Board of Adjustment shall adopt rules necessary to the conduct of its affairs, and in keeping with the provisions of this Ordinance. Meetings shall be held at the call of the chairman and at other times as determined by the Board. The chairman may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public.

##### **402.02. Records.**

The Board of Adjustment shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or of failure to vote indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be of a public record and be immediately filed in the office of the Board.

#### **SECTION 403. POWERS AND DUTIES OF THE BOARD OF ADJUSTMENT.**

The Board of Adjustment shall have the following powers and duties:

##### **403.01. Administrative Review.**

To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the Administrative Official in the enforcement of the Ordinance.

##### **403.02. Interpretation of Boundaries.**

To hear and decide upon interpretation of the boundaries of districts established and shown on the map in accord with criteria specified in Section 701.

##### **403.03. 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 would result in unnecessary hardship. A variance from the terms of this Ordinance shall not be granted by the Board of Adjustment unless and until:

A written application for a variance is submitted demonstrating all of the following:

1. That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district.
2. That literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance.
3. That the special conditions and circumstances do not result from the actions of the applicant.
4. That granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, structures, or buildings in the same district.

In granting any variance, the Board of Adjustment may prescribe appropriate conditions and safeguards in conformity with this Ordinance. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this Ordinance.

#### **403.04 Decisions of the Board of Adjustment.**

In exercising the above-mentioned powers, the Board of Adjustment may, so long as such action is in conformity with the terms of this Ordinance, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination as ought be made, and to that end shall have powers of the Administrative Official from whom the appeal is taken.

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

#### **403.05 Duties of Administrative Official and Board of Adjustment on Matters of Appeal.**

Appeal to the Board of Adjustment and to the Courts. It is the intent of the governing authority of the City that all questions of interpretation and enforcement of this Ordinance shall be presented first to the Administrative Official. Other than those applications and matters upon which the terms and provisions of this Ordinance may require action and decisions by the said Board of Adjustment, only the appeals taken in the manner and form as provided in this Ordinance will be considered and acted upon by the said Board of Zoning Adjustment. However, any interested party who is aggrieved by any action or decision of the said Board of Adjustment may take an appeal there from to a court of law, as provided for in the State Law.

### **SECTION 404. APPEALS FROM ACTION OF THE BOARD OF ADJUSTMENT.**

Any party aggrieved by any final judgment or decision of the board may, within fifteen (15) days thereafter appeal there from to the circuit court or court of like jurisdiction, by filing with the board a written notice of appeal specifying the judgment or decision from which appeal is taken. In case of such appeal, the board shall cause a transcript of the proceedings in the cause to be certified to the court to which the appeal is taken and the cause in such court shall be tried de novo.

The City of Pell City hereby appoints a Zoning Board of Adjustment. This Board shall in appropriate cases and subject to appropriate conditions and safeguards make special exceptions to the terms of this

Ordinance in harmony with its general purposes and interests and in accordance with the rules contained in this Article.

#### **SECTION 405. BOARD OF ADJUSTMENT FEES.**

All applications to the Board of Adjustment for interpretations, special exceptions or variances relative to residential properties must be accompanied by a check, according to the schedule of fees adopted by the City Council, payable to the City of Pell City, Alabama, or cash, to defray the cost of processing. All applications to the Board of Adjustment for interpretations, special exceptions, or variances relative to commercial, office, industrial, or multiple residential must be accompanied by a check or cash, payable in a like manner. Application for variance concerning repair and/or alteration to an existing residential structure shall be accompanied by cash or check payable to the City of Pell City.

## **ARTICLE V**

### **GENERAL REGULATIONS**

This article establishes conditions that must be met by everyone under the jurisdiction of this Ordinance, except as hereafter provided.

#### **SECTION 501. USE OF LAND.**

No land shall be used except for a use permitted in the district in which it is located, except as provided in Articles VI, IX and XVI.

#### **SECTION 502. USE OF STRUCTURES.**

No structure shall be erected, converted, enlarged, reconstructed, moved, or structurally altered, nor shall any building or structure be used, except for a use permitted in the district in which such building is located, except as provided in Articles VI, IX, and XVI.

Combined principal and accessory uses.

1. Unless otherwise prevented by this Ordinance, more than one permitted principal use may be combined on a lot if all of the combined uses are commonly associated with and integrally related to one another. Further, all zoning regulations for each of the combined uses shall be met.
2. Whenever an activity, which may or may not be separately listed in the district is conducted in conjunction with a permitted use in the district as an incidental or insubstantial part of the total activity on a lot, the incidental activity shall be permitted as an accessory use if the combined uses are commonly associated with and integrally related to one another.
3. For the purpose of this section commonly associated means that the association of such combined uses takes place with sufficient frequency that there is common community acceptance of their relatedness.

#### **SECTION 503. HEIGHT OF STRUCTURE.**

No structure shall be erected, converted, enlarged, reconstructed, moved or structurally altered to exceed the height limit herein established for the district in which such structure is located, except as provided in Article VI.

#### **SECTION 504. DIMENSION REGULATIONS.**

No structure shall be erected, converted, enlarged, reconstructed, moved or structurally altered, to exceed the height limit herein established for the district in which such structure is located, except as provided in Article VI.



#### **SECTION 505. ENCROACHMENT ON OR REDUCTION OF OPEN SPACES, ETC.**

The minimum yards, parking spaces, and open space required by this Ordinance for each structure existing at the time of passage of this Ordinance, or for any structure hereafter erected or structurally altered, shall not be encroached upon or considered as part of the yard or parking space or open space required for any other structure, nor shall any lot area be reduced below the lot area per family requirements of this Ordinance for the district in which such lot is located, except as provided in Articles VI and XVI.

#### **SECTION 506. OFF-STREET PARKING AND LOADING.**

No building shall be erected, converted, enlarged, reconstructed, or moved except in conformity with the off-street parking and loading regulations of Article XIV and XVI.

#### **SECTION 507. BUILDING TO BE ON LOTS.**

Every building hereafter erected, converted, enlarged, reconstructed, moved or structurally altered shall be located on a lot as herein defined except as provided in Articles VI and XVI.

#### **SECTION 508. ACCESSORY BUILDINGS - CONSTRUCTION PRIOR TO CONSTRUCTION OF MAIN BUILDING.**

No accessory structure shall be constructed or moved upon a lot until the construction of the main building has actually been commenced.

#### **SECTION 509. ACCESSORY BUILDINGS - USE FOR DWELLING PURPOSES.**

No accessory building shall be used for dwelling purposes. In addition, recreational vehicles (as defined herein) shall not be used for permanent or temporary dwelling purposes other than in a recreational vehicle park (as defined herein).

#### **SECTION 510. MORE THAN ONE BUILDING ON ONE LOT.**

Except as provided for in Article VI, there shall be no more than one main building hereafter erected on one lot.

#### **SECTION 511. JOINT OCCUPANCY.**

No structure shall be erected, structurally altered for, or used as a single-family or two-family dwelling simultaneously with any other use except as otherwise provided for in Articles X and XI.

#### **SECTION 512. PERMITS FOR CONSTRUCTION.**

No excavation for foundations, nor any erection, or structural alteration of any structure shall be undertaken prior to appropriate permits having been approved by the Building Inspector and issued by the City Clerk.

### **SECTION 513. BUILDING MATERIAL STORAGE.**

Building materials or temporary structures for construction purposes shall not be placed or stored on any lot or parcel of land located in a Residential or Business Zoning District before appropriate building permits have been approved by the Building Inspector and issued by the City Clerk.

### **SECTION 514. PROVISION OF SEWER AND SANITARY FACILITIES.**

Except as herein provided, no land or building or structure or part thereof, within the limits of the City of Pell City shall hereafter be used, erected, altered, or converted, for any outside toilet of any type where public sewer service is available.

1. Sole sanitary facilities serving any business establishment shall be housed within the primary building or structure of that establishment in all Commercial, Office, and Manufacturing Zoning Districts. In such districts, additional sanitary facilities may be provided, such as by a Gasoline Service Station intended to serve customers, may be located in an accessory structure upon final approval by the City Council.
2. Where public sewer service is not available, sanitary facilities shall be installed and connected to a septic tank and drainage field system as approved by the City of Pell City and the State and County Health Authorities.

### **SECTION 515. MANUFACTURED BUILDINGS.**

Manufactured buildings shall be allowed within the limits of the City of Pell City only as follows:

1. Manufactured buildings may be permitted in the O-1, B-1, B-2, and B-3 Districts only as temporary structures during the construction phase of permanent facilities for the intended use; and said structures shall be permitted only upon special approval by the Zoning Board of Adjustment for an individual use for a specified period of time within these districts.
2. Manufactured buildings may be permitted as permanent structures in the M-1 and M-2 Districts.
3. Temporary construction trailers used during the construction phase of permanent buildings may be approved by the Building Inspector.
4. Manufactured homes are only allowed as permitted uses within the R-1MH and R-MHP Districts and as conditional uses in the R-A District. Manufactured homes are not allowed as permitted nor conditional uses in the R-E, R-1, R-2, R-3, R-4, and P-R Residential Districts.

## **ARTICLE VI**

### **SUPPLEMENTARY REGULATIONS AND MODIFICATIONS**

The regulations set forth in this article supplement or modify the district regulations appearing elsewhere in this Ordinance.

#### **SECTION 601. BUFFER YARDS.**

##### **601.01. Buffers Required.**

Buffers shall be required to be located on any development project that abuts a dissimilar Zoning District, as follows:

1. On the property of any High-Density Residential Zoning District along that portion of any side or rear lot line abutting a Low-Moderate Density Residential Zoning District or abutting a single-family residential area approved within a Planned Unit Development District.
2. On the property of any Planning Unit Development District along that portion of any side or rear lot line of an area approved for multi-family residential development abutting a Low-Moderate Density Residential Zoning District or abutting a single family residential area approved within a Planned Unit Development District.
3. On the property of any Planned Unit Development District along that portion of any side or rear lot line of an area approved for nonresidential development abutting a Residential Zoning District or abutting a residential area approved within a Planned Unit Development District.
4. On the property of any Planned Unit Development District along that portion of any side or rear lot line of an area approved for industrial development abutting a commercial Zoning District approved within a Planned Unit Development District.
5. On the property of any Nonresidential Zoning District along that portion of any side or rear lot line abutting any Residential Zoning District or abutting a residential area approved within a Planned Unit Development District.
6. On the property of any O-1, B-1, B-2, B-3, M-1 or M-2 Zoning District along that portion of any side or rear lot line abutting any Zoning District other than O-1, B-1, B-2, B-3, M-1 or M-2.

##### **601.02. Buffer Design Standards.**

1. General. Buffer areas shall contain no structures, driveways, parking areas, patios, storm-water detention facilities, or any other accessory uses except for a fence, wall or earthen berm constructed to provide the visual screening required to meet the standards of this Section. Underground utilities may be permitted to cross a buffer if the screening standards of this Section will subsequently be achieved.
2. Natural buffers may contain deciduous or perennial vegetation, but shall contain evergreen shrubs and trees suitable to local growing conditions that will provide an opaque visual screen during all seasons of the year.
3. Structural buffers shall meet the following criteria:

- a. Structural buffers shall be vegetated throughout the minimum area required for the buffer around any fences or walls and upon any earthen berms, which may include grass, ground covers, shrubs and trees.
- b. Trees shall be located or planted within any structural buffer at a density of no less than one (1) tree for each twenty feet (20') of buffer length or portion thereof. New trees shall have a caliper of no less than two inches (2") upon planting, and may be clustered for decorative effect following professional landscaping standards for spacing, location and design.
- c. Fences and walls shall present a finished and decorative appearance to the abutting property, and shall be located no closer to the property line than two feet (2'). Shrubs, ground cover or other vegetation shall be provided between the fence or wall and the property line so as to provide a decorative effect, following professional landscaping standards for spacing, location and design.

### **601.03. High Density Residential Zoning Districts.**

Required buffers in high density residential Zoning Districts shall meet the following criteria:

- 1. Width of Buffer.
  - a. Side lot line. Buffers required along any side lot line shall be no less than one-half ( $1/2$ ) the minimum required width of the side setback.
  - b. Rear lot line. Buffers required along any rear lot line shall be no less than the minimum width required of the rear setback.
- 2. Minimum required screening shall consist of a natural buffer, utilizing existing vegetation which provides an opaque visual screen to a height of six feet (6'), or any combination of existing and replanted vegetation which can reasonably be expected to create an opaque visual screen to a height of six feet (6') within two (2) growing seasons.
- 3. Modifications. If, in lieu of a natural buffer, a structural buffer is provided that creates an opaque screen to a height of no less than six feet (6'), the buffer may be reduced to a width of no less than ten feet (10') along a side lot line, and to a width of no less than twenty feet (20') along a rear lot line.

### **601.04. Planned Unit Development Districts.**

Required buffers in Planned Unit Development (PUD) Districts shall meet the following criteria:

- 1. Width of buffer.
  - a. Side lot line. Buffers required along any side lot line shall be no less than one half ( $1/2$ ) the minimum required width of the side setback of the least intensive Zoning District in which the use would otherwise be permitted.
  - b. Rear lot line. Buffers required along any rear lot line shall be no less than the minimum required width of the rear setback of the least intensive Zoning District in which the use would otherwise be permitted.
- 2. Minimum required screening.
  - a. Minimum required screening of multi-family projects in the development shall consist of a natural buffer, utilizing existing vegetation which provides an opaque visual screen to a height of six feet (6') within two growing seasons.
  - b. Minimum required screening of nonresidential projects in the development shall consist of a structural buffer, which creates an opaque visual screen to a height of no less than six feet (6') upon construction.

3. Modifications.

- a. Buffers may be established, increased or decreased by the Planning Commission as part of the zoning approval of the PUD.
- b. If, in lieu of a natural buffer, a structural buffer is provided for a multi-family project that creates an opaque visual screen to a height of no less than six feet (6'), the buffer may be reduced to a width of no less than ten feet (10') along a side lot line, and to a width of no less than twenty feet (20') along a rear lot line.
- c. A natural buffer may be provided in lieu of a structural buffer for a nonresidential project if the existing vegetation in the buffer area creates an opaque screen to a height of no less than six feet (6') and no land disturbance will occur within ten feet (10') of the buffer.

**601.05. Nonresidential Zoning Districts.**

Required buffers in nonresidential Zoning Districts shall meet the following criteria:

1. Width of buffer.

- a. Side lot line. Buffers required along any side lot line shall be no less than one half ( $1/2$ ) the minimum required width of the side setback.
- b. Rear lot line. Buffers required along any rear lot line shall be no less than the minimum required width of the rear setback.

2. Minimum required screening. Minimum required screening shall consist of a structural buffer which creates an opaque screen to a height of no less than six feet (6') upon construction.

3. Modifications.

- a. Buffers in nonresidential Zoning Districts may be increased or relocated on the site by the Planning Commission as part of the zoning approval to achieve the screening required.
- b. A natural buffer may be provided in lieu of a structural buffer if the existing vegetation in the buffer area creates an opaque screen to a height of six feet (6') and no land disturbance will occur within ten feet (10') of the buffer.

**601.06. Summary Table of Buffer Requirements.**

The following table represents a summary of where buffers area required, the minimum width of those buffers in feet, and the type of buffer. The table is provided for informational purposed only and in the event of a conflict between the table and the text of other sections, the text of the other sections shall control.

TABLE VI-1

SUMMARY TABLE OF SIDE AND REAR BUFFER REQUIREMENTS							
This Type of Buffer →	Natural	Natural	Structural	Structural	Structural	Structural	Structural
	High Density Residential **	Planned Unit Development		Nonresidential Zoning Districts			
Required in this District→	RA***, RMPH, RP R3 R4	Multi-Family Residential **	Non- Residential	O1, B1	B2	B3	M1, M-2
<b>When next to the following district:</b>							
Residential District:							
Low-Moderate Density Residential District:			See District **				
RA	20, 40	20, 40		10, 20	10, 20	15, 30	20, 40
RE	20, 40	20, 40		10, 20	15, 25	15, 30	20, 40
R1	20, 30	20, 30		10, 20	10, 20	10, 20	20, 40
R1MH	20, 30	20, 30		10, 20	10, 20	15, 30	20, 40
R2	20, 30	20, 30		10, 20	10, 20	15, 30	20, 40
RP	20, 30	20, 30		10, 20	15, 25	15, 30	20, 40
High Density Residential District:	None	None	See District **				
RMPH,				5, 10	10, 20	15, 30	15, 30
RP				10, 20	10, 20	15, 30	20, 40
R3				5, 10	10, 20	15, 30	15, 30
R4				5, 10	10, 20	15, 30	15, 30
Nonresidential Zoning District:							
O1	None	None	None	5, 10	5, 10	15, 30	20, 40
B1	None	None	None	None	5, 10	15, 30	20, 40
B2	None	None	None	None	None	5, 10	20, 40
B3	None	None	None	None	None	None	15, 30
M1, M2	None	None	None	None	None	None	None
Flood	None	None	None	None	None	None	None
Planned Unit Development District:							
Single Family Residential Area	20, 40	20, 40	See District **	10, 20	15, 25	15, 30	20, 40
Multi-Family Residential Area	None	None	See District **	5, 10	10, 20	15, 30	15, 30
Commercial Area	None	None	See District **	None	None	15, 30	20, 40
Industrial Area	None	None	None	None	None	None	None

\* The dimensions show the minimum buffer width along a side lot line, followed by the minimum buffer width along a rear lot line.

\*\* May be reduced to 10', 20' if provided as an opaque structural buffer.

\*\*\* Other than single family uses.

## **SECTION 602. OUTDOOR STORAGE AND WASTE DISPOSAL.**

In addition to requirements found elsewhere in the Pell City Zoning Ordinance, all outdoor storage and waste disposal shall be done under the requirements of this Section.

1. Outdoor storage facilities for junkyards, fuels and raw materials and products except for agricultural products shall be enclosed by a fence or wall at least six feet (6') in height and impervious to sight, adequate to conceal such facilities from adjacent property and the street unless expressly exempted elsewhere. No items may be stacked higher than the fence or wall of the enclosure.
2. All commercial, industrial, institutional, multi-family, condominium or other development or enterprise required to provide private garbage collection shall be required to locate all outdoor trash receptacles within an area enclosed by a fence or wall at least six feet (6') in height and impervious to sight, adequate to conceal such facilities from adjacent property and the street. No items may be stacked higher than the fence or wall of the enclosure. Temporary containers for construction sites, containers located as part of City sponsored clean up activities or celebrations, and those in public parks are exempt from these requirements.
3. No materials or waste shall be deposited upon any property in such form or manner that they may be transferred off such property by natural causes or forces. All materials or wastes which might cause fumes or dust, or which constitute a fire hazard, or which may be edible by, or otherwise be attractive to rodents or insects may not be stored outdoors unless put in closed containers.
4. No yard or other open space around an existing building or which is hereafter provided around any building for the purpose of complying with the provisions of this Section, shall be used for the storage of junk, building materials, debris, inoperable vehicles or commercial equipment, and no other land shall be used for such purposes except as specifically permitted herein.

## **SECTION 603. USE MODIFICATIONS.**

### **603.01. Temporary Structures.**

Temporary structures for use incidental to construction work may be permitted in any district during the period that construction work is in progress, but such temporary building shall be removed upon completion or abandonment of the construction work.

### **603.02. Utility Structures.**

Utility structures, including but not limited to, poles, wires, cross arms, transformers attached to poles, guy wires, insulators, conduits and other facilities necessary for the transmission or distribution of electric power or to provide telephone or telegraph service and pipe lines, vents, valves, hydrants, regulators, meters and other facilities necessary for the transmission or distribution of gas, water, oil or other fluids, may be constructed, erected, repaired, maintained, or replaced within any district within Pell City. This is not to be construed, to include the erection or construction of buildings or electric substations.

### **603.03. Railroad Facilities.**

Railroad facilities, including main line tracks, switching spurs, control signals, poles, and wires or similar facilities (but not yards or service facilities) needed for operating railroad trains, may be constructed, repaired, maintained or replaced in any district and these as well as terminal facilities, including passenger or freight stations, team tracks, and storage yards are permitted in the M-1 and M-2 districts.

#### **SECTION 604. HEIGHT MODIFICATIONS.**

1. Chimneys, cooling towers, elevator bulkheads, head houses, fire towers, gas tanks, lighthouses, steeples, penthouses, stacks, stage towers, or scenery lofts, tanks, water towers, ornamental towers or spires, wireless, television or radio towers or necessary mechanical appurtenances, where permitted may be erected to any height not in conflict with existing or hereafter adopted Ordinances of the City of Pell City except that where permitted in connection with residential uses such structures shall be limited to a height of twenty-five feet above the maximum height of structures permitted in that district. Said exception relative to residential uses shall become effective immediately to new structures and within one (1) year after its adoption in relation to structures existing at the time of the adoption of this Ordinance.
2. The limitation on number of stories shall not apply to buildings used exclusively for storage purposes, provided such buildings do not exceed the height, in feet, permitted in the district in which it is located.
3. Public, semi-public or public service buildings, including, but not limited to, hospitals, schools and churches, when permitted, in a district with height limitations of less than sixty-feet (60'), may be erected to a maximum height of sixty-feet (60'), provided side yards are increased by one (1') foot for each foot of additional building height above the height limitations for the district in which the building is located.

#### **SECTION 605. AREA MODIFICATION FOR LOTS OF RECORD.**

Where a lot of record at the time of the effective date of this Ordinance had less area or less width than herein required for the district in which it is located, said lot may nonetheless be used as a building site provided the yard space and other requirements conform as closely as possible in the opinion of the Board of Adjustment to the requirements for the district in which it is located.

#### **SECTION 606. GENERAL YARD MODIFICATIONS.**

1. Every part of a required yard shall be open to the sky unobstructed by any structure or part thereof and unoccupied for storage, servicing or similar use except as provided herein.
2. Sills, belt courses or ornamental features may project into any yard not to exceed six inches (6").
3. Cornices or eaves may project into any required yard not to exceed eighteen inches (18").
4. Terraces, uncovered porches, underground fallout shelters or ornamental features which do not extend more than five feet (5') above grade may project into a required yard provided such projections be no closer than two feet (2') to any lot line.
5. More than one (1) multiple dwelling, institutional, commercial or industrial building may be located upon a lot or tract, but such buildings shall not encroach upon the front, side or rear yards required by the district regulations and for multiple dwellings, the open space between buildings measured at the closest point shall not be less than twenty feet (20') for a one (1) story building, thirty feet (30') when one or both are two (2) story buildings, and forty feet (40') when one (1) or both are three (3) or more story buildings.
6. Where an open space is more than fifty percent (50%) surrounded by residential or institutional buildings, the minimum width of the open space shall be at least twenty feet (20') for one story buildings, thirty feet (30') for two (2) story buildings, and forty feet (40') for three (3) or more story buildings.



7. In a residential district, no required yard except the rear and side yards shall be used for the location of a private swimming pool, and if constructed said pool shall be enclosed by a fence of not less than four feet (4') in height. No mechanical appurtenance or pool shall be within ten feet (10') of any lot line.

## **SECTION 607. FRONT YARD MODIFICATIONS.**

The required front yards heretofore established shall be modified in the following cases:

1. Where forty percent (40%) or more of the frontage on the same side of a street between two (2) intersecting streets is presently developed or may hereafter be developed with buildings that have (with a variation of five feet (5') or less) a front yard greater or lesser in depth than herein required, new buildings shall not be erected closer to the street than the average front yard so established by adjacent existing buildings.
2. Where forty percent (40%) or more of the frontage on one (1) side of a street between two (2) intersecting streets is presently developed or may hereafter be developed with buildings that do not have a front yard as described above, then:
  - a. Where a building is to be erected on a parcel of land that is within one hundred feet (100') of existing buildings on both sides, the minimum front yard shall be a line drawn between the closest front corners of the adjacent buildings, or
  - b. Where a building is to be erected on a parcel of land that is within one hundred feet (100') of an existing building on one (1) side only, such building may be erected as close to the street as the existing adjacent building.
3. Through lots shall provide the required front yard on both sides.
4. Corner lots shall provide a front yard on each street side. However, the buildable width of a lot of record need not be reduced to less than that otherwise required for the Zoning District. No accessory building shall project into the front yard on either street.
5. Permitted signs attached to buildings may extend into a front yard of the required yard abutting a side street not to exceed eighteen inches (18").
6. Service station pumps and pump islands may be located within a required front yard, but in no case shall they be closer than fifteen feet (15') to any street line.

## **SECTION 608. REAR YARD MODIFICATIONS.**

The rear yards heretofore established shall be modified in the following cases:

1. Where a lot abuts upon an alley, one-half (1/2) of the alley width may be considered as part of the required rear yard.
2. An unenclosed balcony, porch steps or fire escape may project into a rear yard for a distance not exceeding ten feet (10').
3. Accessory buildings and structures may be built in a rear yard, but such accessory buildings and structures shall not occupy more than thirty percent (30%) of the required rear yard and shall not be nearer than three feet (3') to any side or rear lot line, except that when a garage is entered from an alley it shall not be located closer than five feet (5') to the alley line.

## **SECTION 609. WALLS AND FENCES.**

Walls or fences may be located within the yards except as provided herein.

1. In any residence district, no fence, wall, structure, or planting which obstructs visibility shall be maintained within twenty-five feet (25') of any street intersection.
2. All fences of wood or masonry construction in side yards shall be set back a minimum of ten feet (10') from the front lot line.

## **ARTICLE VII**

### **BOUNDARIES AND ESTABLISHMENT OF DISTRICTS**

This article provides for the definition of district boundaries and the establishment of districts for the various uses of land within the City.

#### **SECTION 701. BOUNDARIES OF DISTRICTS.**

The boundaries of the districts are established as shown on the Zoning Map of the municipality. Unless otherwise shown on said Zoning Map, the boundaries of districts are lot lines, the center lines of streets or alleys or such lines extended, railroad right-of-way lines, or the corporate limit lines as they existed at the time of enactment of this Ordinance.

Where uncertainty exists as to the boundaries of any district shown on said maps the following rules shall apply:

1. Where boundaries are indicated as approximately following street and alley lines, or platted lot lines, such lines shall be construed to be such boundaries.
2. In subdivided property or tracts, where a district boundary divides a lot, the location of such boundaries, unless some are indicated by dimensions, shall be determined by the use of the scale appearing on such maps.
3. Where boundaries are so indicated that they are approximately parallel to the center lines or street lines of streets or to the center lines or alley lines of alleys, or to the center lines or right-of-way lines of highways, such, boundaries shall be construed as being parallel thereto and at such distance there from as indicated on the Zoning Maps. If no distance is given, such dimensions shall be determined by the use of the scale shown on the said maps.
4. In case any further uncertainty exists, the Board of Adjustment shall determine the location of boundaries. The Board of Adjustment may also cause to be prepared sectional maps of any part of the City which will interpret the exact location of the district boundaries, following the guidelines contained in the preceding paragraphs.

#### **SECTION 702. DISTRICTS.**

In order to classify, regulate, and restrict the locations of trades, industries, and the location of buildings designed for specific uses, to regulate and limit the height and bulk of buildings hereafter erected or structurally altered, to regulate and limit the intensity of the use of the lot areas, and to regulate and determine the areas of yards, courts, and other open spaces within and surrounding such buildings, the City of Pell City, Alabama, is hereby divided into districts, of which there shall be:

R-A	Residence Agricultural District
R-E	Residence Estate District
R-1	Low Density Residential District
R-1MH	Single Family and Manufactured Home Residential District
R-2	Medium Low-Density Residential District
R-3	Medium Density Residential District
R-4	High Density Residential District
P-R	Planned Residential District
R-MHP	Residential Manufactured Home Park District

O-1	Office Building District
B-1	Neighborhood Business District
B-2	General Business District
B-3	Heavy Business District
M-1	Light Manufacturing District
M-2	General Manufacturing District
PUD	Planned Unit Development District
F-C	Flood Plain and Conservation District

### **SECTION 703. ZONING MAP.**

The boundaries of the districts are as shown upon the map which is made a part of this Ordinance. Said map shall be known as the "Zoning Map". The Zoning Map and all the notations, references, and other information shown thereon, are a part of this Ordinance and have the same force and effect as if the Zoning map and all the notations, references, and other information shown thereon were all fully set forth or described herein. Such map shall be filed in the office of the City Clerk and shall show thereon the date of adoption of said map.

### **SECTION 704. ANNEXED TERRITORY.**

Any territory hereafter annexed to the City of Pell City shall continue to be subject to the county or city Zoning District classifications and regulations as such territory was subject at the time of annexation, until such territory shall have been zoned by the City of Pell City, or until the expiration of one (1) year after the date of such annexation, which ever shall first occur. In the event that properties are annexed which were classified in a category not contained in this Ordinance or were classified in a category not comparable to a classification existing in this Ordinance, such properties will automatically be classified in the next higher restrictive zoning classification.

### **SECTION 705. ABANDONED RIGHT-OF-WAY.**

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

### **SECTION 706. FLOOD PLAIN CONSERVATION DISTRICT BOUNDARIES.**

The boundaries of any F-C, Flood Plain Conservation District, shown on the Zoning Map shall be interpreted as the boundary of the 100 Year Flood as defined by the currently applicable FLOOD INSURANCE RATE MAP for the City of Pell City published by the Federal Emergency Management Agency.

## **ARTICLE VIII**

### **USE PROVISIONS FOR ZONING DISTRICTS**

The purpose of this Article is to provide for the determination of uses compatible with the various Zoning Districts established in Article VII. Each of the use districts as defined and established in “Article VII: Boundaries and Establishment of Districts” shall be subject to specific regulations regarding uses permitted, uses permitted by conditional use, uses not permitted, required lot area and width, yard setbacks, and maximum building height.

#### **SECTION 801. USE LIMITATIONS.**

Although a use may be permitted according to specified procedures in a particular district, such use may not necessarily be permitted on every parcel of land in the district. A use may be permitted only if it can meet all of the standards of this Ordinance and other applicable codes, ordinances and regulations.

#### **SECTION 802. INTERPRETATIONS OF USES.**

This Ordinance recognizes the limitations of the district use listings given the infinite variations of essentially similar uses. Therefore, the Building Inspector is empowered to make interpretations so as to classify any questioned use within a listed use classification of most similar impact and characteristics. However, in no case shall the Building Inspector interpret a use as falling in one listed use when the use in question is more similar in impact and characteristics to another listed use. Appeals of the Building Inspector’s use interpretation may be made to the Board of Adjustment.

#### **SECTION 803. UNCLASSIFIED USES.**

In the event the Building Inspector receives application for permitting of a use that is not listed or that cannot appropriately fit a use listed in “Section 804.00: Uses Allowed”, the following procedure shall apply:

1. If compatible with the existing use district intent, the unclassified use may be permitted as a conditional use by the Planning Commission pursuant to “Section 306: Conditional Use Regulations”.
2. If the unclassified use would not be compatible with the intent of the existing use district, the Building Inspector shall make a determination of the most appropriate use district, and require the applicant have the property rezoned, and conditional use granted by the Planning Commission pursuant to “Section 306: Conditional Use Regulations” before granting approval.
3. Following final action of the unclassified use per above paragraphs, the Planning Commission may initiate an amendment to this Ordinance to list the newly permitted use in the most appropriate district(s).

#### **SECTION 804.00. USES ALLOWED.**

Except as otherwise provided by law or in this Ordinance, no building, structure or land shall be used or occupied except in the Zoning Districts indicated and for the purposes permitted in this section. The general use categories specified by Table VIII-1 are defined in Articles X through XIII.

Uses allowed in each district are determined from TABLE VIII-1. Categories for each use are:

- A. Permitted [**P**]. Allowed as of right; applicant need only submit the necessary plans for review to the Building Inspector.
- B. Conditional Use [**C**]. Further review and special permission is required from the Planning Commission as per Section 306.
- C. Not Permitted [**N**]. Use not allowed in this district.
- D. Subject to Special Use Regulations [**\***]. See Article IX for Special Use Regulations.

TABLE VIII-1

AGRICULTURAL USES	ZONING DISTRICTS															
	RA	RE	R1	R1 MH	R2	R3	R4	PR	R MHP	O1	B1	B2	B3	M1	M2	FC
Farm*	P	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Hobby Farm*	P	P	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Kennel*, Public	P	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Kennel*, Private	P	P	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Stable, Public	P	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Stable, Private	P	P	N	N	N	N	N	C	N	N	N	N	N	N	N	N

RESIDENTIAL USES	ZONING DISTRICTS															
	RA	RE	R1	R1 MH	R2	R3	R4	PR	R MHP	O1	B1	B2	B3	M1	M2	FC
Apartments *	N	N	N	N	N	N	P	P	N	N	C	N	N	N	N	N
Combination Dwelling	N	N	N	N	N	N	N	P	N	C	N	N	N	C	C	N
Convalescent Home	N	N	N	N	C	N	N	N	N	N	N	N	N	N	N	N
Duplex/ Two-Family Dwelling	N	N	N	N	P	P	P	N	N	N	N	N	N	N	N	N
Emergency Care Facility	N	N	N	N	C	N	N	N	N	N	N	N	N	N	N	N
Family Care Home*	C	C	C	C	P	N	N	C	N	N	N	N	N	N	N	N
Manufactured Home*	C	N	N	P	N	N	N	N	P	N	N	N	N	N	N	N
Manufactured Home Park*	N	N	N	N	N	N	N	N	P	N	N	N	N	N	N	N
Manufactured Home Subdivision*	N	N	N	P	N	N	N	N	N	N	N	N	N	N	N	N
Multiplex*	N	N	N	N	N	P	P	N	N	N	N	N	N	N	N	N
Patio/ Garden Home*	N	N	N	N	N	N	P	P	N	N	N	N	N	N	N	N
(Site Built) Single Family Dwelling	P	P	P	P	P	P	P	P	N	N	N	N	N	N	N	N
Townhouse*	N	N	N	N	C	C	P	P	N	N	N	N	N	N	N	N
Upper Story Apartment	N	N	N	N	N	N	N	C	N	C	C	C	N	N	N	N

INSTITUTIONAL USES	ZONING DISTRICTS															
	RA	RE	R1	R1 MH	R2	R3	R4	PR	R MHP	O1	B1	B2	B3	M1	M2	FC
Airport	N	N	N	N	N	N	N	N	N	N	N	N	N	P	P	N
Animal Shelter	C	N	N	N	N	N	N	N	N	N	N	N	C	C	C	N
Boarding/ Rooming House	P	N	N	C	C	N	N	N	N	N	N	N	N	N	N	N
Cemetery*	P	C	C	C	N	N	N	C	N	N	P	P	P	N	N	N
Commercial Trade or Vocational School	N	N	N	N	N	N	N	N	N	N	N	N	P	P	P	N
Community Center	C	C	C	N	N	N	N	P	N	P	P	P	N	N	N	N
Community Service Center/ Club	C	C	C	N	N	N	C	P	N	P	P	P	C	N	N	N
Domiciliary Care Facility	N	N	N	N	N	N	N	N	N	P	P	N	N	N	N	N
Emergency Care Facility	N	N	N	N	N	N	N	N	N	P	P	P	N	N	N	N
Home Instruction	P	P	P	P	P	P	P	P	P	P	P	P	N	N	N	N
Hospital*	C	N	N	N	N	N	N	N	N	P	C	P	P	C	C	N
Military Installation	N	N	N	N	N	N	N	N	N	N	N	N	N	C	C	N
Nursing Home/ Care Facility*	C	N	N	N	N	N	N	C	N	P	P	P	N	N	N	N
Parks, Gardens, Playgrounds	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Place of Worship/ Church	P	P	P	P	P	P	P	P	P	P	P	P	P	C	C	N
Postal Facility	N	N	N	N	N	N	P	P	N	P	P	P	C	N	N	N
Public Assembly Center	C	C	C	C	P	P	P	P	N	P	P	P	N	N	N	N
Public Facility	C	C	C	C	N	N	P	P	N	P	P	P	N	N	N	N
Public Utility Facility*	C	C	C	C	C	C	C	C	C	N	N	N	P	P	P	N
Public Utility Service	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	N
Public Recreation Facility	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	N
Rehabilitation Facility	N	N	N	N	N	N	N	N	N	N	P	P	P	N	N	N
School (Public)	P	P	P	P	P	P	P	P	P	P	P	P	N	N	N	N

COMMERCIAL USES	ZONING DISTRICTS															
	RA	RE	R1	R1 MH	R2	R3	R4	PR	R MHP	O1	B1	B2	B3	M1	M2	FC
Adult Entertainment*	N	N	N	N	N	N	N	N	N	N	N	N	C	N	N	N
Animal Hospital/ Veterinary Clinic*	N	N	N	N	N	N	N	C	N	N	P	P	P	C	C	N
Bank or Financial Service	N	N	N	N	N	N	N	C	N	P	P	P	C	N	N	N
Broadcast Studio	N	N	N	N	N	N	N	N	N	N	C	C	P	P	P	N
Business or Professional Office	N	N	N	N	N	N	N	N	N	P	P	P	C	N	N	N
Business Support Service	N	N	N	N	N	N	N	N	N	P	P	P	C	N	N	N
Campground	C	N	N	N	N	N	N	C	N	N	N	N	P	N	N	N
Carwash	N	N	N	N	N	N	N	N	N	N	N	N	P	P	P	N
Commercial Parking	N	N	N	N	N	N	N	N	N	P	P	P	P	P	P	N
Commercial School	N	N	N	N	N	N	N	P	N	P	P	P	C	N	N	N
Communication/ Transmission Tower or Antennae*	C	N	N	N	N	N	N	N	N	N	N	N	C	P	P	N
Convenience Store	N	N	N	N	N	N	N	N	N	N	N	N	P	P	P	N
Country Club	P	C	N	N	N	N	N	C	C	N	N	N	N	N	N	N
Day Care Center*	N	N	N	N	N	N	N	C	N	P	P	P	N	N	N	N
Day Care Home	P	P	P	P	P	P	P	P	P	N	N	N	N	N	N	N
Drive-in Theater	N	N	N	N	N	N	N	N	N	N	N	C	C	N	N	N
Entertainment, Indoor	C	C	N	N	N	N	N	C	N	N	P	P	P	P	P	N
Entertainment, Outdoor	C	C	N	N	N	N	N	C	N	N	P	P	P	P	P	N
Farm Support Business	C	N	N	N	N	N	N	N	N	N	P	P	P	P	P	N
Funeral Home	C	N	N	N	N	N	N	N	N	P	C	P	P	C	C	N
Garden Center or Nursery	N	N	N	N	N	N	N	N	N	N	C	P	P	P	P	N
General Retail, Enclosed	N	N	N	N	N	N	N	N	N	C	P	P	P	N	N	N
General Retail, Unenclosed	N	N	N	N	N	N	N	N	N	C	C	C	P	P	P	N
Golf Course	P	C	C	N	N	N	N	P	P	N	N	N	N	P	P	N
Home Occupation*	C	C	C	C	C	C	C	C	C	P	P	P	N	N	N	N
Home Improvement Ctr.	N	N	N	N	N	N	N	N	N	N	C	P	P	P	P	N
Hotel/ Motel	N	N	N	N	N	N	N	N	N	N	N	P	P	P	P	N
Laundry Service	N	N	N	N	N	N	N	N	N	N	N	P	P	P	P	N
Lounge*	N	N	N	N	N	N	N	N	N	N	N	C	C	N	N	N
Livestock Sales*	C	N	N	N	N	N	N	N	N	N	N	C	P	P	P	N
Medical Clinic	N	N	N	N	N	N	N	P	N	P	C	P	P	P	P	N
Medical Support Service	N	N	N	N	N	N	N	N	N	C	C	P	P	P	P	N
Mini-Warehouse*	N	N	N	N	N	N	N	N	N	N	N	C	C	P	P	N
Manufactured Home Sales, New	N	N	N	N	N	N	N	N	N	N	N	N	P	P	P	N
Manufactured Home Sales, Used	N	N	N	N	N	N	N	N	N	N	N	N	N	P	P	N
Nursery School/ Kindergarten*	C	N	N	N	N	N	N	N	N	P	P	N	N	N	N	N
Parking Area	N	N	N	N	N	N	N	N	N	P	P	P	P	P	P	N
Parking Lot	N	N	N	N	N	N	N	N	N	N	N	C	C	P	P	N
Open Air Market	C	N	N	N	N	N	N	N	N	N	C	C	C	C	C	N
Personal Service	N	N	N	N	N	N	N	N	N	P	P	P	P	N	N	N
Recreation, Indoor	C	N	N	N	N	N	N	C	N	N	C	P	P	P	P	N
Recreation, Outdoor	C	N	N	N	N	N	N	C	N	N	C	P	P	P	P	N
Restaurant, Fast-Food	N	N	N	N	N	N	N	N	N	N	C	P	P	P	P	N
Restaurant, Standard	N	N	N	N	N	N	N	N	N	P	P	P	P	P	P	N
Restaurant, Take-Out Only	N	N	N	N	N	N	N	N	N	P	P	P	P	P	P	N
Self-Storage Facility*	N	N	N	N	N	N	N	N	N	N	N	C	C	P	P	N
Self-Storage Facility, Open Air*	N	N	N	N	N	N	N	N	N	N	N	C	C	P	P	N
Self-Storage Facility, Climate Controlled*	N	N	N	N	N	N	N	N	N	N	N	C	C	P	P	N
Shopping Center, Major*	N	N	N	N	N	N	N	N	N	N	N	P	P	N	N	N
Shopping Center, Minor*	N	N	N	N	N	N	N	N	N	P	P	P	P	C	N	N
Studio	C	N	N	N	N	N	N	N	N	C	P	P	P	P	P	N
Tourist Home or Bed & Breakfast Inn	C	C	N	N	N	N	N	N	N	C	P	N	N	N	N	N
Vehicle Repair Service, Major*	N	N	N	N	N	N	N	N	N	N	N	N	C	P	P	N
Vehicle Repair Service, Minor*	N	N	N	N	N	N	N	N	N	N	N	P	P	P	P	N
Vehicle Sale or Rental	N	N	N	N	N	N	N	N	N	N	N	C	P	P	P	N
Vehicle/ Gasoline Service Station*	N	N	N	N	N	N	N	N	N	N	C	P	P	P	P	N
Vehicle (Boat, Trailer & Truck) Sales, Service & Repair	N	N	N	N	N	N	N	N	N	N	N	N	P	P	P	N



INDUSTRIAL USES	ZONING DISTRICTS															
	RA	RE	R1	R1 MH	R2	R3	R4	PR	R MHP	O1	B1	B2	B3	M1	M2	FC
Construction Service	N	N	N	N	N	N	N	N	N	N	N	P	P	P	P	N
Heavy Equipment Sales & Service	N	N	N	N	N	N	N	N	N	N	N	N	P	P	P	N
Heavy Industry	N	N	N	N	N	N	N	N	N	N	N	N	N	N	P	N
Industrial Park	N	N	N	N	N	N	N	N	N	N	N	N	N	P	P	N
Junkyard/ Salvage Yard*	N	N	N	N	N	N	N	N	N	N	N	N	N	N	C	N
Maintenance Service	N	N	N	N	N	N	N	N	N	N	N	C	P	P	P	N
Manufacturing, General	N	N	N	N	N	N	N	N	N	N	N	N	N	P	P	N
Manufacturing, Light	N	N	N	N	N	N	N	N	N	N	N	N	N	P	P	N
Manufactured Home Repair Service*	N	N	N	N	N	N	N	N	N	N	N	N	N	P	P	N
Outdoor/ Open Storage*	N	N	N	N	N	N	N	N	N	N	N	C	C	P	P	N
Railroad Installation	N	N	N	N	N	N	N	N	N	N	N	N	P	P	P	N
Research Lab	N	N	N	N	N	N	N	N	N	C	C	C	P	P	P	N
Resource Extraction	N	N	N	N	N	N	N	N	N	N	N	N	N	C	C	N
Sanitary Landfill	N	N	N	N	N	N	N	N	N	N	N	N	N	C	C	N
Vehicle & Equipment Repair	N	N	N	N	N	N	N	N	N	N	N	N	P	P	P	N
Vehicle & Equipment Sales	N	N	N	N	N	N	N	N	N	N	N	C	P	P	P	N
Warehousing, Wholesaling, Distribution, Enclosed*	N	N	N	N	N	N	N	N	N	N	N	N	N	P	P	N
Warehousing, Wholesaling, Distribution, Unenclosed*	N	N	N	N	N	N	N	N	N	N	N	N	N	C	P	N

OTHER USES	ZONING DISTRICTS															
	RA	RE	R1	R1 MH	R2	R3	R4	PR	R MHP	O1	B1	B2	B3	M1	M2	FC
Summer Camp	C	C	N	N	N	N	N	C	N	N	C	N	N	N	N	C
Watershed Reservation Areas & Reservoirs	P	N	N	N	N	N	N	N	N	N	N	N	N	N	N	P
Wildlife Refuge	P	N	N	N	N	N	N	N	N	N	N	N	N	N	N	P

## **ARTICLE IX**

### **SPECIAL USE REGULATIONS**

In this Article certain land use activities are identified for special zoning treatment. The nature of these uses is such that when properly regulated, they may be appropriate in several zones. In order to bring about the proper integration of these uses into the community's land use pattern, a special set of standards is provided for each use. This application of these standards is intended to facilitate compatibility between the subject land uses and adjoining land uses. It is intended that the Planning Commission and/or the Board of Adjustment will review all proposals for these special uses for compliance with the appropriate standards before applications for building permits are approved.

#### **SECTION 901. SUBJECT USES.**

Except when in conformance with the provisions of this Article no building or structure, or part thereof, shall be erected or altered or used, or premises used, in whole or in part, when such building, structure, or part thereof, or premises is designed for or intended to be used for one or more of the following specified uses:

1. Adult Entertainment
2. Animal Hospitals/ Veterinary Clinics
3. Apartments
4. Cemetery
5. Communication Tower
6. Family Care Homes
7. Farm
8. Hobby Farm
9. Home Occupation
10. Hospitals, Nursing Homes
11. Industrial Parks
12. Junkyard/ Salvage Yard
13. Kennels, Public and Private
14. Lounge
15. Livestock Sales
16. Manufactured Home
17. Manufactured Home or Trailer Parks
18. Manufactured Home Repair Service
19. Manufactured Home Subdivision
20. Mini-Warehouse (Self-Storage Facility)
21. Multiplex
22. Nursery School/ Kindergarten/ Day Care Center
23. Open Air Markets and Flea Markets
24. Outdoor/ Open Storage
25. Patio/ Garden Homes
26. Public Utility Facility
27. Restaurant (With Drive-Ins)
28. Self-Storage Facility
29. Self-Storage Facility, Climate-Controlled
30. Self-Storage Facility, Open-Air
31. Shopping Center
32. Townhouse
33. Vehicle/ Gasoline Service Station
34. Vehicle Repair Service, Major and Minor
35. Warehousing, Wholesaling, Distribution

## **SECTION 902. APPROVAL.**

All uses specified in this Article shall require prior approval by the Planning Commission as a prerequisite to issuance of a permit. Consideration for approval by the Planning Commission shall require the submission of evidence of intent to comply with requirements herein specified. The submission of a site development plan shall be required for all uses applicable to this Article. Such other evidence as may be required may take the form of certifications, specifications, building plans, and other pertinent drawings and documents.

## **SECTION 903. SPECIAL USE REGULATIONS.**

### **903.01. Adult Entertainment.**

Under this Ordinance the following uses shall be considered adult entertainment uses and shall therefore be subject to the requirements listed below:

- Adult gaming arcades,
  - Adult retail establishments,
  - Adult theaters,
  - Tattoo parlors,
  - Establishments offering body piercing, excluding ear-piercing only,
  - Massage parlors, and
  - Any establishments otherwise defined in Section 202.03.
1. No adult entertainment establishment shall hereafter be located and no property shall be used as such closer than one thousand feet (1000') from an educational institution, child care facility, public or private park or playground, place of worship, designated historical district, or the nearest boundary of a residential Zoning District.
  2. All establishments shall be limited to one (1) wall sign only, not to exceed fifteen (15) square feet. No free-standing signs and no signs with flashing lights or graphic displays shall be permitted.
  3. There shall be no visible exposure to the general public of activities within the establishment. Windows and doors shall be of an opaque material, tinted glass (70% or greater tinting), or covered with opaque materials consistent with the design of the building. Use of covering materials such as plywood, sheet metal, or other materials of a temporary nature that are inconsistent with the design of the building shall not be permitted.
  4. All outdoor storage areas shall be screened with an opaque material to a minimum height of six (6) feet.
  5. Hours of operation shall be limited to 8:00 a.m. through 12:00 a.m. (midnight).

### **903.02. Animal Hospitals and Veterinary Clinics.**

No building or enclosure for animals shall be located closer than one hundred feet (100') from the nearest boundary of a residential Zoning District. Sound buffers shall be required in all outdoor enclosures. Required buffers shall reduce noise level from outdoor enclosures to comply with all provisions of the Pell City Noise Ordinance.

### **903.03. Apartments.**

1. The minimum site area shall be 12,000 square feet and the maximum density sixteen (16) dwelling units per acre.
2. Not more than twelve (12) dwelling units per building shall be permitted.
3. All buildings shall be set back at least fifteen feet (15') from all parking areas.
4. Buildings shall be spaced front-to-front, front-to-rear, front-to-side, and rear-to-rear at least to a distance equal to twice the tallest building height and spaced side-to-side and side-to-rear at least to a distance equal to the tallest building height.
5. At least ten percent (10%) of the site area, but not less than 2,500 square feet, shall be improved for the recreational use of the apartment residents.

### **903.04. Cemeteries.**

1. The minimum site area shall be five (5) acres.
2. Each gravesite shall be set back a minimum distance of fifty feet (50') from any property line of the cemetery. Each columbarium or mausoleum shall be set back a minimum distance of 200 feet from any property line of the cemetery.
3. No gravesite shall be located closer than 150 feet from a water line or underground water supply.

### **903.05. Communication Towers and Antennae.**

**{See Ordinance 2015-4497 for revisions to 903.05 through 903.06.06}**

#### **903.05.01. Purpose.**

The purpose of these guidelines is to establish minimum considerations and criteria for the review of communication towers. It is the City of Pell City's express intent that the construction of new towers be an option of last resort; to the greatest extent feasible, location of antennae on existing towers, and other suitable structures should first be sought. These guidelines are designed to ensure the compatibility of towers with and avoid adverse impacts to nearby properties and discourage the proliferation of towers throughout the City of Pell City.

#### **903.05.02. Applicability.**

All communication towers and antennae shall meet the minimum requirements as prescribed in this ordinance and any additional regulations adopted by the City Council governing the development and construction of communication towers and antennae.

#### **903.05.03. Objectives.**

The proposed locations and design of all communication towers shall duly consider the following public health, safety and general welfare objectives:

1. **Structural Safety.** The proposed tower will comply with wind loading and other structural standards contained in applicable building and technical codes so as not to endanger the health and safety of residents, employees or travelers in the event of structural failure of the tower due to extreme weather conditions or other acts of God.
2. **View Protection.** The proposed tower facility will be designed to minimize adverse visual

impacts to surrounding properties and the public right-of-way, given the topography of the proposed site and surrounding area.

3. Land Use Compatibility. The proposed tower facility will be compatible with the surrounding land uses, given the character of the use and development of the location.
4. Design Harmony. The proposed tower facility will be designed in harmony with the natural setting and the surrounding development pattern as well as to the highest industry standards.
5. Existing Communication Services. The proposed tower facility will comply with FCC and other applicable agency standards so as not to interfere with existing communication services in the area.
6. Health Effects. The proposed tower will comply with all applicable federal, state, county and Town health standards so as not to cause detrimental health effects to persons in the surrounding area.

#### **903.05.04. Development Criteria.**

The City of Pell City building inspector and town engineer shall review all communications towers requesting permits for compliance with the applicable standards and criteria listed below. These criteria are considered the minimum necessary to protect the public health, safety and general welfare. The Pell City Planning Commission may also impose higher standards if it deems them to be necessary to further the objectives of this section.

1. Setbacks.
  - A. Where permitted, the distance between the base of the tower, including guys, accessory facilities and property lines abutting urban residential districts, public parks and roads, must equal twenty percent (20%) of the tower height. Property lines adjacent to other uses (e.g. agricultural, industrial) shall require a setback equal to the rear yard setback established for the underlying zone.
  - B. When located within or adjacent to a residential district or dwelling, the minimum standard setback from all adjoining residential property boundaries shall be fifty feet (50').
  - C. The Site Review by the Planning Commission may reduce the standard setbacks in exceptional cases where a hardship would result due to unusual conditions on the site or other impracticalities. However, the Planning Commission shall not reduce the setbacks to the detriment of affected residential properties.
2. Appearance.
  - A. Towers shall maintain a galvanized steel or concrete finish so as to reduce the visibility of the structure, unless other standards are required by the FAA.
  - B. The design of the tower shall be of a type that has the least visual impact on the surrounding area.
  - C. The design of the tower compound shall, to the greatest 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.
  - D. Where communication towers are deemed appropriate for a given location, the type of tower shall be restricted to monopoles in or within 1,000 feet of residential areas and area of special aesthetic concerns such as commercial revitalization areas, historic districts and scenic corridors.
3. Lighting. Towers shall not be artificially lighted unless required by FAA or other authority

for safety purposes. Where required, the Planning Commission shall review the available lighting alternatives and approve that design that would cause the least disturbance to the surrounding views. "Dual lighting" (red at night/strobe during the day) shall be preferred unless restricted by the FAA. Security lighting may be permitted in accordance with "903.05.04.5: Security Devices" below.

4. Landscaping.

- A. A landscaped buffer shall effectively screen the view of the tower compound from adjacent public ways and residential properties.
  - B. The standard buffer shall consist of a minimum eight feet (8') wide landscaped strip outside the dark vinyl coated steel security fencing of the perimeter of the compound. The buffer strip shall be planted with an attractive combination of trees, shrubs, vines and/or ground covers that can achieve the full height of the fence at maturity and enhances the outward appearance of the security fence. For sites within 1,000 feet of a residence, the Site Review by the Planning Commission may impose increased buffer standards to include a decay-resistant, solid wood fence, earth berms and brick or masonry walls in addition to the security fencing. All fencing and landscaping shall be maintained by the lessor/owner.
  - C. In isolated non-residential areas, alternative landscaping methods may be accepted, such as the use of earth toned colored, vinyl-coated steel security fencing in combination with four feet of evergreen trees, shrubs, vines and/or other plantings.
  - D. In certain locations where the visual impact of the tower would be minimal, such as remote, agricultural or rural locations, or developed heavy industrial areas, the landscaping requirements may be reduced or waived by the Planning Commission.
  - E. Existing mature tree growth and natural landforms on the site shall be preserved to the maximum extent possible. In some cases, such as towers located on large, wooded lots, preservation of substantial natural growth around the property perimeter may be a sufficient buffer.
  - F. Cellular facilities utilizing underground vaults in lieu of above ground switching gear buildings shall be exempted from any buffer requirements.
5. Security Devices. The facility shall be fully secured. A minimum eight feet (8') high, dark vinyl coated steel fence shall be installed around the entire perimeter of the compound (measured to the top of the fence or barbed wired, if applicable). Security fencing shall require screening in accordance with landscaping requirements, as defined above. Other security measures shall include locks and alarms. Approved barbed or razor wire and lighting of the compound shall be permitted, if deemed necessary to fully secure the tower compound.
6. Access. Driveways and parking shall be provided to assure the operator's access to the facility for maintenance or emergency services. In some cases, parking/access may be from an adjoining alley, public street or off-street parking area.
7. Co-Location. No new tower shall be established if space is structurally, technically and economically available on an existing tower, which would serve the area that, the new tower would serve. Documentation that reasonable efforts have been made by the applicant to achieve co-location shall be submitted in accordance with Section 903.04.05 (5) below. Towers shall be designed to maximize shared use to the greatest extent possible, given the structural and technical limitations of the type of tower proposed. In any event, co-location shall be encouraged. If feasible, each tower shall, at a minimum, be designed for double its intended use for all transmitting and receiving antennae other than microwave dish antennae.
8. Removal of Obsolete Towers. Any tower that is no longer in use for its original communications purpose shall be removed at the owners' expense. The owner shall

provide the Building Inspector with a copy of the notice of the FCC of intent to cease operations, which shall be given ninety (90) days from the date of ceasing operations to remove the obsolete tower and accessory structures. In the case of multiple operators sharing use of single tower, this provision shall not become effective until all users cease operations.

#### **903.05.05. Application.**

Any application submitted for approval shall submit the following items, in addition to any other required items, to show compliance with these review standards.

1. Statement of Impact on Health, Safety and Welfare. A brief written statement shall address conformance with the health, safety and welfare objectives of this guideline.
2. Site Plan. A scaled site plan shall show the location and dimensions of all improvements, including setbacks, drives, parking, fencing, landscaping, and other information necessary to determine compliance with the development criteria of these guidelines.
3. Rendering. A rendering of the tower, accessory facilities and compound shall depict colors, materials and treatment. If lighting or other FAA requirements for tower color is proposed, evidence of such requirement shall be submitted.
4. Justification for a New Tower. A proposal for a new tower shall be documented by the applicant that the planned equipment for a proposed tower cannot be accommodated on an existing tower within the proposed service area. The applicant shall submit a written affidavit showing what attempts have been made to share an existing tower or that no such tower exists.
5. Certification of Shared Use Design. A qualified engineer, registered in the State of Alabama, shall certify that the proposed tower's structural design can accommodate a minimum of two (2) shared users, in accordance with "903.05.04: Development Criteria".
6. As Built Survey. A qualified professional engineer, registered in the State of Alabama, shall certify that the proposed communication tower was built in accordance with the submitted site plan including the installation of any required buffer yard.
7. Total anticipated capacity of the structure, including the number and types of antennae that can be accommodated.
8. Mitigation measures for ice and other hazardous falling debris, including setbacks and de-icing equipment.
9. Where applicable, adequate parking shall be provided, along with buffers where such tower abuts any residential Zoning District. Such towers shall be prohibited in any residential Zoning District of the City of Pell City, Alabama.

#### **903.05.06. Exceptions.**

Towers camouflaged to resemble woody trees or indigenous vegetation in order to blend in with the native landscape will be subject to administrative review by the Building Inspector, as are other types of concealment techniques. Concealment techniques are design methods 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 limitations. Due to their height, such structures must be designed with sensitivity

to elements 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 uses, or an accessory structure that is normally associated with the principal use occupying the property. Concealed towers developed on unimproved property must be disguised to blend in with 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”).

#### **903.06. Family Care Homes.**

1. The use shall be conducted within a single-family residence.
2. The building shall maintain the exterior appearance of a single-family residence, with no separate outside entrances to individual bedrooms.
3. The family care home must be sponsored by a public or non-profit organization. State licensing requirements shall be met.
4. No family care home shall be located within 1,000 feet of another family care home as measured between lot lines.

#### **903.07. Farms.**

1. The following farming activities shall be permitted:
  - Forages and sod crops.
  - Grains and seed crops.
  - Dairy animals and products.
  - poultry raising/ chicken hatcheries.
  - Livestock – Horses and cattle only.
  - Nursery operations involving the raising of plants, shrubs, and trees for sale and transplantation and including greenhouses and incidental sales of items customarily associated with a nursery operation;
  - Forestry operations involving the operation of timber tracts, tree farms, forest nurseries, the gathering of forest products, or performing forest services, including temporary sawmills and chippers for cutting of timber growth on the same premises but excluding lumber yards, mills, and similar activities;
  - Bees and apiary products;
  - Fruits and vegetables of all kinds, including growing and harvesting of such fruits and vegetables, but excluding food processing.
2. Livestock, dairy animals, small animals, and poultry shall be housed not less than 400 feet from any adjacent lot not zoned RA.
3. Disposal of animal's waste shall be done in a manner that does not harm human safety, health, or welfare.
4. The use of noxious or odorous fertilizers or chemicals shall not be allowed on agricultural or open pasture areas for fertilization or disposal purposes.
5. Temporary sawmills and chippers used in connection with commercial forestry operations shall be set back at least 200 feet from any lot line.
6. A booth or stall (farm stand) from which produce and farm products are sold to the general public shall be permitted subject to the following limitations:



- Sales areas shall be set back from all lot lines so as to meet the district yard requirements.
  - Sales areas shall not occupy any part of a required off-street parking or loading area.
7. Incidental structures and activities commonly associated with a farm may include barns, silos, animal pens, loading and unloading platforms or chutes, and other accessory uses.
  8. Except for kennels, as defined by this Ordinance, the keeping of small domestic animals, small fur-bearing animals, or bees for personal enjoyment or use shall not be deemed a farm and shall be permitted as an accessory use to a permitted dwelling in any district. Further, the cultivation of a garden or orchard; the raising of plants, vegetables, shrubs, and the like; the keeping of greenhouses; and similar activities for personal enjoyment or use shall not be deemed a farm and shall likewise be permitted as an accessory use to a permitted dwelling in any district.

#### **903.08. Hobby Farms.**

General horticulture and livestock raising limited exclusively to cattle and horses, proved that:

1. Stocking densities not to exceed one (1) animal per one and one-half (1.5) acre.
2. No building or enclosure for animals is located closer than one hundred feet (100') from any residential district other than R-A or RE.
3. A ten-foot (10') buffer is established and maintained (mowed) between the pasture fence and adjoining property line wherever pasture abuts a residential district other than R-A or RE.
4. Except for kennels, as defined by this Ordinance, the keeping of small domestic animals for personal enjoyment shall not be deemed a hobby farm and shall be permitted as an accessory use in any district.

#### **903.09. Home Occupation. (Ord. 2019-5085)**

1. The proposed use shall be located and conducted only within the principal structure or compliant accessory structure(s).
2. No activity, materials, goods or equipment indicative of the proposed use shall be visible from any public way.
3. No signage shall be permitted.
4. Any persons engaged in the proposed use shall be residents of the dwelling unit in which the use is proposed.
5. The floor area devoted to the proposed use shall not exceed twenty-five percent (25%) of the total floor area in the dwelling unit, provided that the cumulative space utilized in the principal structure, accessory structure, or a combination thereof, shall not exceed five hundred (500) square feet.
6. The proposed use shall not be primary or incidental storage for a business, industrial, or agricultural activity conducted elsewhere.
7. The proposed use shall be of a non-nuisance variety and shall not generate noise, odor, fumes, smoke, excessive vehicular or pedestrian traffic.

#### **903.10. Hospitals, Nursing Homes.**

It is the intent that this section shall include within its jurisdiction hospitals, convalescent homes, nursing homes, sanitariums, old age homes, retirement homes, and other similar uses including those which provide, in addition to board and lodging, other services necessary for the health, safety, and welfare of the occupants, tenants, lessees, guests, or patients, for the purpose of this Ordinance all such uses within the jurisdiction of this section shall be referred to hereinafter as convalescent homes.

#### **903.10.01. Requirements.**

1. No part of a convalescent home shall be located closer than two hundred feet (200') from the boundary of an M-1 or M-2 zone, or five hundred feet (500') from a cemetery.
2. A twelve-foot (12') greenbelt as herein defined shall be located on all property lines not bordering a public street, park, golf course, lake, river, or other use which affords a view not detrimental to the character and use of a convalescent home.
3. For each bed in a convalescent home there shall be two hundred (200) square feet of outdoor open space, exclusive of required front yards, side yards, greenbelts, parking area, loading space, or other space expressly required for other purposes. Said outdoor open space shall be open and unobstructed from the ground upwards.
4. Side yard requirements shall be as specified for the zone utilized.

#### **903.10.02. Performance Bonds.**

A performance bond shall be required by the Planning Commission to guarantee that the hospital, convalescent home, nursing home, sanitarium development shall be erected and constructed and the land developed in accordance with the requirements of the site development plan and proposals of the developers, as finally approved by the Planning Commission. The City of Pell City shall be an obligee named in said bond. Said bond shall be in an amount fixed by the Planning Commission, with such surety, or sureties, as may be approved by the City Clerk, provided that any corporate surety must be qualified to do business in the State of Alabama, and provided further that said bond shall be in amount equal to not less than ten percent (10%) of, nor more than one hundred and fifteen percent (115%) of the proposed development cost, as specified in the application, for the building permit issued for the said development.

#### **903.11. Industrial Parks.**

An industrial park shall for the purpose of this Ordinance, include all land forty (40) acres or more in size, subdivided and platted into two (2) or more lots, and used or intended to be used for an industrial park in any zone except M-1, M-2, and as hereafter specified.

##### **903.11.01. Requirements**

1. Access to an industrial park shall be by way of a major thoroughfare.
2. All streets or roadways within an industrial park shall have a minimum right-of-way width of seventy feet (70'), a maximum gradient of five percent (5%) and shall conform to City of Pell City standards for commercial streets, or as otherwise approved by the Planning Commission.
3. Off-street parking and loading shall be provided in accordance with Article XIV of this Ordinance.
4. Outdoor storage in an industrial park shall be permitted only when accessory to a permitted principal use, and only when storage areas are suitably screened by either landscaping, fences or walls, and are located at least twenty-five feet (25') from any property lines and at least fifty feet (50') from any street lines. Such storage areas shall not cover more than fifteen percent of the site areas. The Planning Commission shall approve plans for the location and screening of all outdoor storage areas before a building permit shall be issued for their construction.
5. A greenbelt not less than twenty feet (20') wide shall be provided along all property lines of an industrial park which abut a residential zone.

6. Cul-de-sac streets shall not be permitted in industrial parks. Dead end streets, however, are permitted in industrial parks when not more than five hundred feet (500') long, as measured from the terminal point of the dead-end street to the closest intersection, and when such terminal point is provided with a paved vehicle turnaround area having a minimum right-of-way radius of seventy feet (70').
7. Street lighting shall be provided in accordance with City of Pell City street lighting standards, or as approved by the Planning Commission.
8. The vehicular approach to an industrial park site from the public thoroughfare or highway shall be so designed that uncontrolled left hand turns from the public thoroughfare or highway shall be eliminated or reduced either by a frontage roadway or other suitable means deemed adequate by the Planning Commission.
9. Sight distances at all points of ingress and egress to public thoroughfares or highways shall not be less than one thousand feet (1,000'), except where a traffic signal light is installed at the entrance to or exit from the industrial park site.
10. Where points of ingress from or egress to industrial parks from public thoroughfares having speed limits in excess of thirty (30) miles per hour are located, there shall be provided on the public thoroughfare, acceleration and deceleration lanes, the lengths of which shall be determined by the following schedule:
 

Road speed in miles per hour	30	40	50	60
Distance in feet	100	200	300	400
11. A report of sub-surface soil conditions shall be provided to the Planning Commission by a registered professional engineer as evidence of suitable bearing for foundations in the construction of industrial structures of a nature intended to be used within the proposed industrial park.
12. A preliminary plan or engineering feasibility report shall be submitted to the Planning Commission which provided for the site grading, storm drainage, sanitary sewerage, and water supply, prepared by a registered professional engineer.
13. A copy of brief of intended deed restrictions shall be provided to the Planning Commission.

#### **903.11.02. Performance Bond.**

A performance bond shall be required by the Planning Commission to guarantee that the industrial park development shall be erected and constructed and the land developed in accordance with the requirements of the Zoning Ordinance and the provisions of the site development plan and proposals of the developers, as finally approved by the Planning Commission. The City of Pell City shall be an obligee named in said bond. Said bond shall be in an amount fixed by the Planning Commission, with such surety, or sureties, as may be approved by the City Clerk, provided that any corporate surety must be qualified to do business in the State of Alabama, and provided further that said bond shall be in an amount equal to not less than ten percent (10%) of, nor more than 115 percent of the proposed development cost, as specified in the application for the building permit issued for the said development.

### **903.12. Junkyard/ Salvage Yards**

1. No Certificate of Occupancy or Building Permit therefore shall be issued without the written approval of the Planning Commission.
2. Such uses shall be subject to such conditions as the Planning Commission may require to insure the public safety and to preserve and protect the character of the district where such uses are proposed.
3. Storage of materials; junk and salvage shall be screened from view of a public street and adequate fencing and/or a planted buffer strip at least ten feet (10') wide shall be provided at the rear and side lines of the lot.

### **903.13. Kennels, Public and Private.**

All kennels shall provide shelters and fenced runs or pens for all animals and shall not exceed stocking densities of two (2) animals per one-half (0.5) acre.

1. When located within or adjacent to a residential district, the minimum standard setback of any pens, runs, or other kennel structures from all adjoining residential property boundaries shall be 100 feet (100').
2. The stocking densities of any private kennel, within or adjacent to a residential district other than R-E and R-A districts, shall not exceed one (1) animal per one-half (0.5) acre.
3. Noise levels from outdoor enclosures shall be compliant with the applicable regulations of the Pell City Noise Ordinance, and whereas noise levels exceed said requirements, sound buffers shall be applied to outdoor enclosures to reduce noise levels to be compliant with said requirements.

### **903.14. Lounges.**

No lounge shall be permitted within two hundred (200) feet from an educational institution, place of worship, or child development facility. The term educational institution shall apply to all accredited State, County, City, church or private schools, as well as colleges. The distance shall be calculated from the primary entrance of the regulated property to the nearest property line of protected property or properties.

### **903.15. Livestock Sales.**

Sales areas shall be set back at least 200 feet from any lot line.

### **903.16. Manufactured Homes.**

Except as otherwise provided in Sections 903.17 and 903.19, the following requirements shall apply to the development and installation of all manufactured homes, which may be developed only in the R-A, R-1MH, and RMHP Districts:

1. Only manufactured homes with approved toilets and plumbing fixtures shall be granted a Certificate of Occupancy by the Building Inspector.
2. Plumbing fixtures shall be connected to a public sanitary sewer or City approved facility and shall meet the requirements of the city plumbing code, and applicable State of Alabama requirements.
3. Running water from a public or state tested and approved water supply shall be piped to each manufactured home and shall be adequately protected from frost. All sources of water to each

individual manufactured home site shall be underground and in no event shall temporary measures be used.

4. The occupancy load of any manufactured home shall be limited to provide no less than three hundred (300) cubic feet of air space per occupant exclusive of the cubic air space of toilet rooms and closets.
5. There shall be no storage of any kind underneath any manufactured home; and each manufactured home shall be maintained in a clean and presentable condition at all times.
6. Fences on individual manufactured home sites shall be uniform in height and shall not exceed thirty inches (30") and shall be constructed in such a manner as to provide access to all sides of the manufactured home.
7. All electric lines leading to a manufactured home space shall be provided with four (4) wire balanced 115-230 volts supply. Wiring shall comply with applicable local and state electrical codes.
8. Two (2) parking spaces for each manufactured home shall be required as off-street parking.
9. Tie-downs, or other devices securing the stability of manufactured homes, shall be required in accordance with the manufacturer's installation requirements or based on the installation standards of the Alabama Manufactured Housing Commission.
10. Foundations shall be installed in accordance with the manufacturer's installation requirements or with the installation standards of the Alabama Manufactured Housing Commission.
11. Steps and landings shall be required for all homes and shall be constructed to the standards set forth in Chapter XI, Section 1113-Stairway Construction of the *Standard Building Code*.
12. Skirting, the material used to enclose the space from the bottom of the manufactured home to grade level, shall be of a durable, weather-resistant material and shall be installed in accordance with the manufacturer's installation instructions. Skirting shall be secured as necessary to ensure stability, to minimize vibrations, to minimize susceptibility to wind damage, and to compensate for possible frost heave. Each manufactured home shall have a minimum of one opening in the skirting providing access to water supply or sewer drain connections under the home. Such openings shall be a minimum of eighteen (18") inches in both vertical and horizontal dimensions and not less than three (3 s.f.) square feet in area. The access panel or door shall be fastened in a manner requiring the use of a special tool to open or remove the panel. On-site fabrication of the skirting by the owner or installer of the home shall be acceptable, provided the materials meet the requirements of the *Standard Building Code*. A Certificate of Occupancy shall not be presented for the home until installation of appropriate skirting is complete.

#### **903.17. Manufactured Home Parks.**

Except as otherwise provided in Section 903.16, the following requirements shall apply to the development of all manufactured home parks, which are allowed only in the RMHP District:

##### **903.17.01. Requirements.**

1. Each single wide manufactured home lot shall not be less than two thousand five hundred (2,500) square feet in area and shall not be less than forty feet (40') in width.

2. Each double wide manufactured home lot shall not be less than four thousand six hundred (4,600) square feet in area and shall not be less than fifty-five feet (55') in width.
3. There shall be a minimum side spacing between manufactured homes of not less than thirty feet (30') and no manufactured home shall be placed less than five feet (5') from the lot line and the end to end spacing of not less than fifteen feet (15') between manufactured homes shall be adhered to.
4. No manufactured home shall be located closer than fifty feet (50') from the right-of-way line of any publicly maintained street nor any closer than twenty feet (20') from any other boundary line of the manufactured home park.
5. Only manufactured homes with approved toilets and plumbing fixtures shall be granted a Certificate of Occupancy by the Building Inspector.
6. Plumbing fixtures shall be connected to a public sanitary sewer or City approved facility and shall meet the requirements of the city plumbing code, and applicable State of Alabama requirements.
7. Running water from a public or State tested and approved water supply shall be piped to each manufactured home and shall be adequately protected from frost. All sources of water to each individual manufactured home site shall be underground and in no event shall temporary measures be used.
8. The occupancy load of any manufactured home shall be limited to provide no less than three hundred (300) cubic feet of air space per occupant exclusive of the cubic air space of toilet rooms and closets.
9. There shall be roadways in each manufactured home park constructed under this Ordinance reaching each manufactured home lot therein. Such roadways shall be hard surfaced and shall meet the requirements of the City of Pell City specifications for residential streets and shall be thirty-two feet (32') in width.
10. Fire hydrants of a size and pressure satisfactory to and used by the Pell City Fire Department shall be placed near said manufactured home park to adequately protect the area.
11. No building or structure hereafter erected or altered in a manufactured home park shall exceed one (1) story or fifteen feet (15) in height.
12. The grounds of a manufactured home park shall be graded to drain properly.
13. One (1) parking space for each manufactured home and dwelling unit or office plus additional parking spaces equal to fifty percent (50%) of the number of manufactured home spaces to provide for guest parking shall be required for each manufactured home park as off-street parking.
14. There shall be provided in a manufactured home park with not less than ten (10) manufactured homes, a minimum area of not less than five thousand (5,000) square feet for recreation which recreation area shall be no longer than twice its width. Such areas shall be developed and maintained by the management so as to provide a healthful place of recreation for residents of the manufactured home park.
15. There shall be no storage of any kind underneath any manufactured home and each manufactured home shall be maintained in a clean and presentable condition at all times.

16. Each manufactured home may be provided with one (1) metal utility cabinet which shall not exceed four feet (4') in width, three feet (3') in depth, and five feet (5') in height, which shall be uniform as to size and location throughout the manufactured home park. All cabinets shall be kept clean and shall be maintained in good condition on the exterior by the manufactured home park proprietor or manager.
17. Fences on individual manufactured home sites shall be uniform in height and shall not exceed thirty inches (30") and shall be constructed in such a manner as to provide firemen access to all sides of each manufactured home.
18. All fuel oil and gas tanks shall be located in each manufactured home site in a uniform manner. All tanks shall be elevated on non-combustible stands if not of the underground type.
19. A greenbelt, eight feet (8') wide, shall be located along all manufactured home park property lines not bordering a public street.
20. The front yard and side yard adjacent to a public street shall be landscaped as per an approved plan and said landscaping shall be maintained in a presentable condition at all times.
21. No business of any kind, except the manufactured home park business, shall be conducted in any manufactured home on the premises of a manufactured home park.
22. Street and yard lights, sufficient in number and intensity to permit the safe movement of vehicles and pedestrians at night, shall be provided and shall be effectively related to buildings, trees, walks, steps, and ramps for a manufactured home park with at least ten (10) trailers. Said lighting shall be located and arranged so that it will not shine, reflect or glare into public streets or residential areas.
23. All electric lines leading to each manufactured home space shall be provided with four (4) wire balanced 115-230, volts supply. When separate meters are installed, each meter shall be located on a standard post on the lot line of each manufactured home space. Wiring shall comply with applicable local and state electrical codes

#### **903.17.02. Performance Bond.**

A performance bond shall be required by the Planning Commission to guarantee that the manufactured home park development shall be erected and constructed and the land developed in accordance with the requirements of the Zoning Ordinance and the provisions of the site development plan and proposals of the developers, as finally approved by the Planning Commission. The City of Pell City shall be an obligee named in said bond. Said bond shall be in an amount fixed by the Planning Commission, with such surety, or sureties, as may be approved by the City Clerk, provided that any corporate surety must be qualified to do business in the State of Alabama, and provided further that said bond shall be in an amount equal to not less than ten percent (10%) of, nor more than 115 percent of the proposed development cost, as specified in the application for the building permit issued for the said development.

#### **903.18. Manufactured Home Repair Services.**

##### **903.18.01. Requirements.**

1. Manufactured home repair services shall observe all regulations for such structures and their uses as required by the laws of the State of Alabama and any applicable Ordinance of the City of Pell City.

2. Manufactured home repair services shall provide a minimum twenty-foot (20') yard setback on any property boundary adjoining a public right of way. Said front yard shall not be used for vehicles or other storage or for any service facility other than approach drives. No portion of the service driveway apron shall be permitted within the front or side yard.
3. All vehicular entrance to or exits from any curb opening shall be set back a minimum of fifty feet (50') from the intersection of two public rights-of-way. Curb openings shall not exceed thirty-five feet (35') in width at the curb line.
4. All permanent storage of material, merchandise, and equipment shall be within the principal building or within permanent stationary containers, located within the setback lines, with the exception of refuse, trash, and temporary storage which shall be in an area, enclosed by an opaque fence at least five feet (5') high, located within the setback lines.
5. Off-street parking facilities shall conform to requirements specified in Article XIV.

#### **903.18.02. Performance Bond.**

A performance bond shall be required by the Planning Commission to guarantee that the manufactured home repair service development shall be erected and constructed and the land developed in accordance with the requirements of the Ordinance and the provisions of the site development plan and proposals of the developers, as finally approved by the Planning Commission. The City of Pell City shall be obligee named in said bond. Said bond shall be in an amount fixed by the Planning Commission, with such surety, or sureties, as may be approved by the City Clerk, provided that any corporate surety must be qualified to do business in the State of Alabama, and provided further that said bond shall be in an amount equal to not less than ten percent (10%) of, nor more than 115 percent of the proposed development cost, as specified in the application for the building permit issued for the said development.

#### **903.19. Manufactured Home Subdivisions.**

Except as otherwise provided in Section 903.16, the following requirements shall apply to the development of all manufactured home subdivisions, which are allowed only in the R-1MH District:

1. A manufactured home subdivision shall be no less than ten (10) lots nor smaller than (5) five acres in size.
2. The manufactured home shall have the tow assembly and wheels removed when possible.
3. All manufactured homes shall be properly blocked, anchored and secured onto foundations (concrete pad or block foundation) according to all requirements of the State of Alabama and the adopted building code of the City; and be completely skirted with a durable material.
4. All manufactured homes shall be in full compliance with the required setbacks from lot lines.
5. A minimum 240 cubic feet storage area shall be provided for the storage of yard equipment. This storage shall be separate from the manufactured home.
6. The manufactured home shall bear a seal certifying compliance with the Manufactured Home Construction and Safety Standards promulgated by the U.S. Department of Housing and Urban Development.

#### **903.20. Mini-Warehouses. (Self-Storage Facilities, Climate Controlled and Open Air) {2018-5044}**

##### **903.20 Mini-Warehouse**

1. No storage space shall exceed 400 square feet in area and one and one half (1½) stories in height.
2. Each storage space shall be served by a paved driveway of fifteen feet (15') minimum width.
3. The entire site shall be enclosed by security fencing of six feet (6') minimum height and be kept lit with security lighting throughout.
4. Operable vehicles, to include RVs, boats, cars, and trucks, may be stored on premises in a designated location, however no required travel lane or required parking and loading area may be occupied by such stored vehicles. The storage of manufactured and mobile homes shall not be permitted nor any other outdoor storage shall be permitted on site.



5. No storage of volatile or explosive materials shall be permitted, either inside the structure or structures, or on the premises.
6. The facility or site shall not be used for wholesale or retail operations.
7. A minimum lot size of one and one half (1.5) acres shall be required for a mini-warehouse development.

#### **903.20.01 Self-Storage Facility**

1. No individual storage space shall exceed 400 square feet in area and one and one half (1 1/2) stories in height.
2. Up to 15% of the floor area of the climate-controlled facility may be used for administrative offices to support the function of the facility.
3. Each individually accessible storage space shall be served by a paved driveway of fifteen feet (15') minimum width.
4. Operable vehicles, to include RVs, boats, cars, and trucks, may be stored on premises in a designated location, however no required travel lane or required parking and loading area may be occupied by such stored vehicles. The storage of manufactured and mobile homes shall not be permitted. Storage of items not otherwise permitted by these regulations is prohibited.
5. No storage of volatile or explosive materials shall be permitted, either inside the structure or structures, or on the premises.
6. The facility or site shall not be used for wholesale or retail operations or residential occupancy.
7. A minimum lot size of one and one half (1.5) acres shall be required for self-storage facility development.
8. Off-Street Parking shall be set at a ratio of 1 space per 20 units.

#### **903.20.02 Self-Storage Facility, Climate-Controlled**

1. No individual storage space shall exceed 400 square feet in area and three (3) stories in height.
2. Up to 15% of the floor area of the climate-controlled facility may be used for administrative offices to support the function of the facility.
3. No storage outside of the principal structure is allowed.
4. All storage space shall only be directly accessible from the interior of the structure.
5. No storage of volatile or explosive materials shall be permitted, either inside the structure or structures, or on the premises.
6. The facility or site shall not be used for wholesale or retail operations or residential occupancy.
7. Off-Street Parking shall be set at a ratio of 1 space per 20 units.

#### **903.20.03 Self-Storage Facility, Open-Air**

1. No individual storage space shall exceed 400 square feet in area and one and one half (1 1/2) stories in height.
2. Each individually accessible storage space shall be served by a driveway of fifteen feet (15') minimum width.
3. The entire site shall be enclosed by security fencing of six feet (6') minimum height and be kept lit with security lighting throughout.
4. Operable vehicles, to include RVs, boats, cars, and trucks, may be stored on premises in a designated location, however no required travel lane or required parking and loading area may be occupied by such stored vehicles. The storage of manufactured and mobile homes shall not be permitted. Storage of items not otherwise permitted by these regulations is prohibited.
5. No storage of volatile or explosive materials shall be permitted on the premises.
6. The facility or site shall not be used for wholesale or retail operations or residential occupancy.
7. A minimum lot size of one and one half (1.5) acres shall be required for self-storage facility development.

#### **903.21. Multiplexes.**

1. The minimum lot size shall be 11,000 square feet. Not more than four (4) dwelling units per building shall be permitted.

2. All parking areas shall be set back at least fifteen feet (15') from the primary structure.
3. Only one multiplex structure shall be allowed on a single lot.

#### **903.22. Nursery Schools, Kindergartens and Day Care Centers.**

Nursery schools, kindergartens, and day care centers shall be permitted provided that the proposed use is in conformity with standards established by the Alabama Department of Pensions and Security, the State of Alabama, or other State Agency for such uses.

#### **903.23. Open Air Markets and Flea Markets.**

All open air markets and flea markets must provide an enclosed storage building(s) for all sales goods and adequate sanitary facilities for employees and customers. During non-operational hours, all arts, crafts, produce, discount or used goods must be stored in the provided enclosed storage building(s).

#### **903.24. Outdoor/ Open Storage.**

1. All open storage and display of merchandise, material and equipment shall be open where storage or display occurs.
2. All servicing of equipment or vehicles carried on as an incidental part of the operation shall be conducted within a completely enclosed building.
3. Outdoor lighting, when provided, shall have an arrangement of reflectors and an intensity of lighting which will not interfere with adjacent land uses or the use of adjacent streets, and shall not be a flashing or intermittent light.

#### **903.25. Patio Homes / Garden Homes.**

1. Subdivision of lots for patio homes shall be restricted to tracts with a minimum site area of three (3) acres. The maximum density shall be seven (7) dwelling units per acre.
2. The patio home lot shall meet the following dimensional requirements:
  - Minimum Lot Area: 6,000 square feet
  - Minimum Lot Width: 50 feet
  - Minimum Front Yard: 20 feet
  - Minimum Side Yard: 8 feet
  - Minimum Rear Yard: 15 feet
3. An attached garage to a dwelling may share a common party wall with an attached garage on an adjacent lot used for a patio home on either side.
4. All yard areas behind the front building line shall be fully enclosed by and opaque fence or wall along the side and rear lot lines to form a private yard area of at least 600 square feet. Not less than 100 square feet of the private yard area, with a minimum dimension of ten feet (10'), shall be a hard-surfaced patio or porch. Patio homes on adjacent lots to the rear or sides may own and maintain common party fences or walls. All living spaces within the dwelling shall open onto the private yard area.
5. All utilities shall be placed underground; all lots shall be served by public water and sewer.

#### **903.26. Public Utility Facilities.**

Substations incidental to electric, telephone, or gas utilities when essential for service, provided that:

1. The structures are located not less than fifty feet (50') from any property line.
2. The structures are enclosed by a fence or wall at least eight feet (8') high.
3. The premises are not used for vehicle or equipment storage.
4. The lot is suitably landscaped, including a planted buffer strip at least ten feet (10') wide alongside and rear property lines.

### **903.27. Restaurants (With Drive-Ins).**

#### **903.27.01. Requirements.**

1. The front yard and any side yard adjacent to a public street shall be provided with a ten foot (10') wide greenbelt, except where driveway openings are necessary for ingress to and egress from the site.
2. The preliminary plan or engineering feasibility report providing for the site grading, storm drainage, sanitary sewerage, and water supply, prepared by a registered professional engineer.
3. Fixed lighting shall be so arranged so as not to shine, reflect, or glare into surrounding areas or public streets.
4. The outside premises of any drive-in restaurant shall be cleared of all used paper, trash, and other waste materials at least once every six (6) hours prior to closing.
5. Off-street parking space for drive-in restaurants shall be provided in accordance with Article XIV of this Ordinance.

#### **903.27.02. Performance Bond.**

A performance bond shall be required by the Planning Commission to guarantee that the drive-in restaurant development shall be erected and constructed and the land developed in accordance with the requirements of the Zoning Ordinance and the provisions of the site development plan and proposals of the developers as finally approved by the Planning Commission, with such surety, or sureties, as may be approved by the City Clerk, provided that any corporate surety must be qualified to do business in the State of Alabama, and provided further that said bond shall be in an amount equal to not less than ten percent (10%) of, nor more than 115 percent of the proposed development cost, as specified in the application for the building permit issued for the said development.

### **903.28. Shopping Centers.**

#### **903.28.01. Requirements.**

1. A Market Analysis showing the economic feasibility of the proposed shopping center.
2. A Site Development Plan which provides for:
  - a. A minimum site depth of three hundred feet (300').
  - b. An integrated parking area as specified in Article XIV.
  - c. Convenient vehicular servicing of the buildings, satisfactory circulation of traffic in the parking area, and no undue interference with through traffic in gaining ingress to and egress from said proposed site.
  - d. A greenbelt not less than twenty feet (20') wide where the shopping center abuts a residential zone.
  - e. A building group that is architecturally unified.
  - f. Vehicular loading space in conformance with Article XIV.
  - g. Convenient and safely located pedestrian walkways.
3. A Traffic Analysis indicating the estimated effect of the proposed shopping center on adjacent existing street traffic, including volume flows to and from the shopping centers, prepared by a registered professional engineer.
4. A Preliminary Plan or engineering feasibility report providing for the site grading, storm drainage, sanitary sewerage, and water supply, prepared by a registered professional engineer.
5. A Copy or Brief of intended deed restrictions

### **903.28.02. Performance Bond.**

A performance bond shall be required by the Planning Commission to guarantee that the planned shopping center development shall be erected and constructed and the land developed in accordance with the requirements of the site development plan and proposals of the developers, as finally approved by the Planning Commission. The City of Pell City shall be an obligee named in said bond. Said bond shall be in an amount fixed by the Planning Commission, with such surety, or sureties, as may be approved by the City Clerk, provided further that said bond shall be in an amount equal to not less than ten percent (10%) of, nor more than, 115 percent of the proposed development cost, as specified in the application, for the building permit issued for the said development.

### **903.29. Townhouses.**

1. Subdivision of lots for townhouses shall be restricted to tracts with a minimum site area of at least 9,000 square feet. The maximum density shall be fourteen (14) dwelling units per acre. Not more than eight (8) dwelling units per building shall be permitted.
2. Each townhouse lot shall meet the following dimensional requirements:
  - Minimum Lot Area (Interior Unit): 2,500 square feet
  - Minimum Lot Area (End Unit): 4,500 square feet
  - Minimum Lot Width (Interior Unit): 22 feet
  - Minimum Lot Width (End Unit): 45 feet
  - Minimum Front Yard: 20 feet
  - Minimum Side Yard (End Unit): 20 feet
  - Minimum Rear Yard: 15 feet
3. A 300 square feet fenced or walled private yard area shall be provided on lots of less than 7,000 square feet. Not less than 100 square feet of the private yard area, with a minimum width of ten feet (10'), shall be a hard-surfaced patio or porch. Townhouses on lots adjacent to the rear or sides of the development may own and maintain common party fences or walls. All living spaces within the dwelling shall open onto the private yard area.
4. All utilities shall be placed underground; all lots shall be served by public water and sewer.

### **903.30. Vehicle/ Gasoline Service Stations.**

#### **903.30.01. Requirements.**

1. Gasoline service stations shall observe all regulations for such structures and their uses as required by the laws of the State of Alabama and any applicable Ordinance of the City of Pell City.
2. No gasoline service station shall hereafter be located and no property shall be used as such closer than five hundred feet (500') from places of public assembly.
3. Gasoline service stations shall provide a front yard and a side yard on any side street of not less than twenty feet (20'). Said front and side yard shall not be used for vehicles or other storage or for any service facility other than the approach drives. No portion of the service driveway apron shall be permitted within the front or side street yard.
4. All vehicular entrance to or exists from any curb opening shall be set back a minimum of twenty feet (20') from the corner property lines. All curb openings shall not exceed thirty-five feet (35') in width at the curb line and thirty feet (30') measured along the property line between any series of driveways.
5. Gasoline service stations shall be located on a plot of ground having a frontage along the commercial street of not less than one hundred and fifty feet (150') and having a minimum area of not less than fifteen thousand (15,000) square feet. Such station shall be composed of the building housing the office and the facilities for servicing, greasing or washing, and the pumps for dispensing gasoline. Such facilities shall contain no more than five (5) units (as herein defined). Any station designed for more than five (5) units shall provide an additional area of three thousand (3,000) square feet for each additional unit. For the purpose of this section a

unit shall mean: One set of three (3) pumps, one (1) pump for regular gasoline, one (1) pump for intermediate grade of gasoline, and one (1) pump for high test gasoline, plus one (1) stall for one vehicle within the building for servicing, greasing or washing.

6. All permanent storage of material, merchandise, and equipment shall be within the principal building or within permanent stationary containers, located within the setback lines, with the exception of refuse, trash, and temporary storage which shall be located in an area enclosed by an opaque fence at least five feet (5') high.
7. All lighting shall be arranged so as to prevent direct light or glare into public streets or surrounding properties.
8. Drains located on the premises without approved separators in the trap shall be prohibited.
9. All repair work to vehicles herein allowed shall be done within the principal building located on the premises of a gasoline service station as herein permitted.
10. The following are prohibited uses in gasoline service stations located in any zone other than industrial zones:
  - a. Major motor overhauls
  - b. Body work and spray painting
  - c. Any uses performed inside the building which is offensive or dangerous or which constitutes a nuisance to the occupants of adjacent properties, by reason of the emissions of smoke, fumes, dust, odor, vibration, noise or unsightliness.
11. Gasoline service station signs shall be of a non-flicker and non-flaring type.
12. Off-street parking facilities shall conform to requirements specified in Article XIV.

#### **903.30.02. Performance Bond.**

A performance bond shall be required by the Planning Commission to guarantee that the gasoline service station development shall be erected and constructed and the land developed in accordance with the requirements of the Ordinance and the provisions of the site development plan and proposals of the developers, as finally approved by the Planning Commission. The City of Pell City shall be obligee named in said bond. Said bond shall be in an amount fixed by the Planning Commission, with such surety, or sureties, as may be approved by the City Clerk, provided that any corporate surety must be qualified to do business in the State of Alabama, and provided further that said bond shall be in an amount equal to not less than ten percent (10%) of, nor more than 115 percent of the proposed development cost, as specified in the application for the building permit issued for the said development.

#### **903.31. Vehicle Repair Service, Major and Minor.**

##### **903.31.01 Requirements.**

1. Vehicle Repair Services shall observe all regulations for such structures and their uses as required by the laws of the State of Alabama and any applicable Ordinance of the City of Pell City.
2. Vehicle repair services shall provide a minimum twenty-foot (20') yard setback on any property boundary adjoining a public right of way. Said front yard shall not be used for vehicles or other storage or for any service facility other than approach drives. No portion of the service driveway apron shall be permitted within the front or side yard.

3. All vehicular entrance to or exits from any curb opening shall be set back a minimum of twenty feet (20') from the intersection of two public rights-of-way. Curb openings shall not exceed twenty-five feet (25') in width at the curb line.
4. All permanent storage of material, merchandise, and equipment shall be within the principal building or within permanent stationary containers, located within the setback lines, with the exception of refuse, trash, and temporary storage which shall be in an area, enclosed by an opaque fence at least five feet (5') high, located within the setback lines.
5. Drains located on the premises without approved separators in the trap shall be prohibited.
6. All repair work to vehicles herein allowed shall be done within the principal building located on the premises of a vehicle repair service as herein permitted.
7. Off-street parking facilities shall conform to requirements specified in Article XIV.

**903.31.02 Performance Bond.**

A performance bond shall be required by the Planning Commission to guarantee that the vehicle repair service development shall be erected and constructed and the land developed in accordance with the requirements of the Ordinance and the provisions of the site development plan and proposals of the developers, as finally approved by the Planning Commission. The City of Pell City shall be obligee named in said bond. Said bond shall be in an amount fixed by the Planning Commission, with such surety, or sureties, as may be approved by the City Clerk, provided that any corporate surety must be qualified to do business in the State of Alabama, and provided further that said bond shall be in an amount equal to not less than ten percent (10%) of, nor more than 115 percent of the proposed development cost, as specified in the application for the building permit issued for the said development.

**903.32. Warehousing, Wholesaling, Distribution Centers.**

1. Wholesaling, warehousing, storage and those businesses which are incidental thereto, including building material yards, provided that:
  - a. Such operation does not involve the storage of any materials of any explosive nature.
  - b. Storage of materials shall be in an enclosed area screened from view of any public street.
2. Chemicals, heating fuel, motor fuel, or volatile liquid storage or wholesaling provided that:
  - a. The material shall not be extracted or processed on the premises.
  - b. No Certificate of Occupancy or Building Permit shall be issued for such use without the written approval of the Board of Adjustment.
  - c. Such uses shall be subject to such conditions as the Board of Adjustment may require to insure the public safety, and to preserve and protect the character of the district where such uses are proposed.

## ARTICLE X

### USE PROVISIONS FOR RESIDENTIAL DISTRICTS

In order to promote desirable, safe, and healthful living conditions, to protect the stability and character of neighborhoods, to provide for proper, orderly and timely development of residential areas, to maintain the value of buildings, streets, to promote economy and efficiency in governmental expenditures, to encourage certain public and semi-public uses necessary to serve the residents, and to further the goals and objectives of the Comprehensive Plan, the following residential districts are established.

#### SECTION 1001. R-A RESIDENTIAL AGRICULTURE DISTRICT.

The R-A Residential Agriculture District is intended to provide for low density residential development while allowing continuation of certain residual agricultural or farm uses which are compatible with this type of development. The R-A District is also intended to preserve existing manufactured home development at the time of adoption of this Ordinance, giving an opportunity to existing manufactured home owners to revitalize their properties as necessary. Development of dwelling units within the R-A District, following the adoption of this Ordinance, shall meet the low-density pattern intended by the area requirements of this section.

##### 1001.01. Permitted Uses.

1. Agricultural Uses
  - Farm, subject to § 903.07.
  - Hobby Farm, subject to § 903.08.
  - Kennel, private, subject to § 903.13.
  - Kennel, public, subject to § 903.13.
  - Stable, private.
  - Stable, public.
2. Residential Uses.
  - (Site Built) Single Family Dwelling.
3. Institutional Uses.
  - Boarding/ Rooming House.
  - Cemetery, subject to § 903.04.
  - Home Instruction.
  - Parks, Gardens, Playgrounds.
  - Place of Worship/ Church.
  - Public Recreation Facility.
  - Public Utility Service.
  - School, public.
4. Commercial Uses.
  - Country Club.
  - Day Care Home.
  - Golf Course.
5. Industrial Uses.
  - NONE.
6. Other Uses.
  - Accessory buildings and structures customarily incidental to the above uses.
  - Watershed Reservation Areas.

- Wildlife Refuge.

**1001.02. Conditional Uses.**

1. Agricultural Uses.
  - None.
2. Residential Uses.
  - Family Care Home, subject to § 903.06.
  - Manufactured Homes, subject to § 903.16.
3. Institutional Uses.
  - Animal Shelter.
  - Community Center.
  - Community Service Center/Club.
  - Hospital, subject to § 903.10.
  - Nursing Home/ Care Facility, subject to § 903.10.
  - Public Assembly Center.
  - Public Facility.
  - Public Utility Facility, subject to § 903.26.
4. Commercial Uses.
  - Campground.
  - Communication/ Transmission Tower or Antennae, subject to § 903.05.
  - Entertainment, Indoor.
  - Entertainment, Outdoor.
  - Farm Support Business.
  - Funeral Home.
  - Home Occupation, subject to § 903.09.
  - Livestock Sales, subject to § 903.15.
  - Nursery School/ Kindergarten, subject to § 903.22.
  - Open Air Market.
  - Recreation, Indoor.
  - Recreation, Outdoor.
  - Studio.
  - Tourist Home or Bed and Breakfast Inn.
5. Industrial Uses.
  - None.
6. Other Uses.
  - Summer Camps.

**1001.03. Area and Dimensional Requirements for R-A Residential Agriculture District.**

No more than one residential structure shall be permitted on one parcel in the R-A District; and all development within the R-A Districts shall comply with the following dimensional regulations.

**1001.03.01. Minimum Lot Size.**

1. Minimum Area: One (1) acre
2. Minimum Lot Width at Building Line: 150 feet

**1001.03.02. Minimum Yard Dimensions.**

1. Front Yard Setback: 40 feet



- |                       |         |
|-----------------------|---------|
| 2. Rear Yard Setback: | 45 feet |
| 3. Side Yard Setback: | 25 feet |

**1001.03.03. Maximum Height of Structures.**

1. 35 feet or 2-1/2 stories

**1001.04. Replacement and Repair of Manufactured Homes.**

Manufactured homes on nonconforming lots, existing within the R-A District prior to the adoption of this Ordinance, may be replaced or repaired, subject to the requirements of § 903.16. If a manufactured home is removed from a nonconforming lot for the purposes of replacing or repairing the dwelling unit, the replacement unit or repaired unit shall be placed on the lot within one hundred eighty (180) days of the date of removal. A repaired unit shall be installed in the same location as it was situated prior to its removal for repair. Likewise, a replacement unit shall be installed in the same location as the previous unit prior to its removal. A replacement or repaired unit may be moved to a different location on the property only if the new location conforms more closely to the district's front, rear, and side yard setback requirements than the unit's original location. If after the 180-day period has expired, the repaired unit or replacement unit has not been installed on the nonconforming lot; the lawful use of the nonconforming lot for such purpose is forfeit.

**1001.05. Abandonment of Manufactured Homes on Nonconforming Lots.**

Manufactured and mobile homes on nonconforming lots, existing within the R-A District prior to the adoption of this Ordinance, which have been abandoned for a continuous period of one year shall not be reoccupied and such dwellings shall be ordered removed by the Building Inspector.

## **SECTION 1002. RE RESIDENTIAL ESTATE DISTRICT**

The RE Residential Estate District is intended to provide for low density, estate type, residential development while allowing limited scale or hobby agricultural and farm uses adjacent to areas where the character of development is established as predominantly residential.

### **1002.01. Permitted Uses**

1. Agricultural Uses.
  - Hobby Farm, subject to § 903.08.
  - Kennel, private, subject to § 903.13.
  - Stable, private.
2. Residential Uses.
  - (Site Built) Single Family Dwelling.
3. Institutional Uses.
  - Home Instruction.
  - Parks, Gardens, Playgrounds.
  - Place of Worship/ Church.
  - Public Utility Service.
  - School, public.
  - Public Recreation Facility.
4. Commercial Uses.
  - Day Care Home.
5. Industrial Uses.
  - None.
6. Other Uses.
  - Accessory buildings and structures customarily incidental to the above uses.

### **1002.02. Conditional Uses**

1. Agricultural Uses.
  - None.
2. Residential Uses.
  - Family Care Home, subject to § 903.06.
3. Institutional Uses.
  - Cemetery, subject to § 903.04.
  - Community Center.
  - Community Service Center/Club.
  - Public Assembly Center.
  - Public Facility.
  - Public Utility Facility, subject to § 903.26.
4. Commercial Uses.
  - Country Club.
  - Entertainment, Indoor.
  - Entertainment, Outdoor.
  - Golf Course.
  - Home Occupation, subject to § 903.09.
  - Nursery School/ Kindergarten, subject to § 903.22.

- Tourist Home or Bed and Breakfast Inn.
- 5. Industrial Uses.
  - None.
- 6. Other Uses.
  - Accessory buildings and structures customarily incidental to the above uses.
  - Summer Camp.

**1002.03. Area and Dimensional Requirements for RE Residential Estate District.**

The following dimensional regulations apply to development in RE District.

**1002.03.01. Minimum Lot Size.**

- |  |                 |
|--|-----------------|
| 1. Minimum Area:                       | Three (3) acres |
| 2. Minimum Lot Width at Building Line: | 150 feet        |

**1002.03.02. Minimum Yard Dimensions.**

- |                        |         |
|------------------------|---------|
| 1. Front Yard Setback: | 40 feet |
| 2. Rear Yard Setback:  | 45 feet |
| 3. Side Yard Setback:  | 20 feet |

**1002.03.03. Maximum Height of Structures.**

1. 35 feet
2. 2-1/2 stories

## **SECTION 1003. R-1 RESIDENTIAL DISTRICT.**

The R-1 Residential District is intended to provide for low-density residential development of single-family dwelling units together with appropriate recreational, educational, religious uses.

### **1003.01. Permitted Uses**

1. Agricultural Uses.
  - None.
2. Residential Uses.
  - (Site Built) Single Family Dwelling.
3. Institutional Uses.
  - Home Instruction.
  - Parks, Gardens, Playgrounds.
  - Place of Worship/ Church.
  - Public Recreation Facility.
  - Public Utility Service.
  - School, public.
4. Commercial Uses.
  - Day Care Home.
5. Industrial Uses.
  - None.
6. Other Uses.
  - Accessory buildings and structures customarily incidental to the above uses.

### **1003.02. Conditional Uses**

1. Agricultural Uses.
  - None.
2. Residential Uses.
  - Family Care Home, subject to § 903.06.
3. Institutional Uses.
  - Cemetery, subject to § 903.04.
  - Community Center.
  - Community Service Center/Club.
  - Public Assembly Center.
  - Public Facility.
  - Public Utility Facility, subject to § 903.26.
4. Commercial Uses.
  - Golf Course.
  - Home Occupation, subject to § 903.09.
5. Industrial Uses.
  - None.
6. Other Uses.
  - Accessory buildings and structures customarily incidental to the above uses.

**1003.03. Area and Dimensional Requirements for R-1 Residential District.**

The following dimensional regulations apply to development in R-1 District.

**1003.03.01. Minimum Lot Size.**

1. Minimum Area: 15,000 square feet
2. Minimum Lot Width at Building Line: 70 feet

**1003.03.02. Minimum Yard Dimensions.**

1. Front Yard Setback: 35 feet
2. Rear Yard Setback: 35 feet
3. Side Yard Setback: 15 feet

**1003.03.03. Maximum Height of Structures.**

1. 35 feet
2. 2-1/2 stories

## **SECTION 1004. R-1MH SINGLE FAMILY AND MANUFACTURED HOME RESIDENTIAL DISTRICT.**

The R-1MH Single Family and Manufactured Home Residential District is intended to provide for a mix of single-family residences and manufactured homes. The underlying intent of this district is to encourage affordable home ownership alternatives in select locations within the City. The R-1MH District allows for certain accessory uses customarily associated with single family dwellings. Further, the district provides for institutional uses that are integrally related to residential neighborhoods.

### **1004.01. Permitted Uses**

1. Agricultural Uses.
  - None.
2. Residential Uses.
  - (Site Built) Single Family Dwelling.
  - Manufactured Home, subject to § 903.16.
  - Manufactured Home Subdivision, subject to § 903.19.
3. Institutional Uses.
  - Home Instruction.
  - Parks, Gardens, Playgrounds.
  - Place of Worship/ Church.
  - Public Recreation Facility.
  - Public Utility Service.
  - School, public.
4. Commercial Uses.
  - Day Care Home.
5. Industrial Uses.
  - None.
6. Other Uses.
  - Accessory buildings and structures customarily incidental to the above uses.

### **1004.02. Conditional Uses.**

1. Agricultural Uses.
  - None.
2. Residential Uses.
  - Family Care Home, subject to § 903.06.
3. Institutional Uses.
  - Boarding/ Rooming House.
  - Cemetery, subject to § 903.04.
  - Public Assembly Center.
  - Public Facility.
  - Public Utility Facility, subject to § 903.26.
4. Commercial Uses.
  - Home Occupation, subject to § 903.09.
5. Industrial Uses.
  - None.

6. Other Uses.
  - Accessory buildings and structures customarily incidental to the above uses.

#### **1004.03. Area and Dimensional Requirements for R-1MH Residential District.**

Except as provided in "Section 903.00: Special Use Regulations", the following dimensional standards shall be required:

##### **1004.03.01. Minimum Lot Size.**

1. Minimum Area: 10,000 square feet
2. Minimum Lot Width at Building Line. 65 feet

##### **1004.03.02. Minimum Yard Dimensions.**

1. Front Yard Setback: 30 feet
2. Rear Yard Setback: 30 feet
3. Side Yard Setback: 10 feet

##### **1004.03.03. Maximum Height of Structures.**

1. 35 feet
2. 2-1/2 stories

#### **1004.04. Creation and Expansion of R-1MH Districts**

##### **1004.04.01. Expansion of Existing R-1MH Districts.**

Properties meeting the dimensional requirements of the R-1MH District, which physically abut a pre-existing R-1MH District, may join said abutted District through rezoning upon review and recommendation by the Planning Commission and final approval by the City Council.

##### **1004.04.02. Creation of New R-1MH Districts.**

The creation of new R-1MH Districts requires no less than five (5) acres, nor less than ten (10) adjoining lots subject to the dimensional requirements of the R-1MH District.

## **SECTION 1005. R-2 RESIDENTIAL DISTRICT.**

The R-2 Residential District is intended to provide for medium-low density residential development of one or two-family dwelling units together with appropriate recreational, educational and religious uses.

### **1005.01. Permitted Uses**

1. Agricultural Uses.
  - None.
2. Residential Uses.
  - Duplex/ Two Family Dwelling.
  - Family Care Home, subject to § 903.06.
  - (Site Built) Single Family Dwelling.
3. Institutional Uses.
  - Home Instruction.
  - Parks, Gardens, Playgrounds.
  - Place of Worship/ Church.
  - Public Assembly Center.
  - Public Recreation Facility.
  - Public Utility Service.
  - School, public.
4. Commercial Uses.
  - Day Care Home.
5. Industrial Uses.
  - None.
6. Other Uses.
  - Accessory buildings and structures customarily incidental to the above uses.

### **1005.02. Conditional Uses.**

1. Agricultural Uses.
  - None.
2. Residential Uses.
  - Convalescent Home.
  - Boarding/ Rooming House.
  - Townhouse, subject to § 903.29.
3. Institutional Uses.
  - Public Utility Facility, subject to § 903.26.
4. Commercial Uses.
  - Home Occupation, subject to § 903.09.
5. Industrial Uses.
  - None.
6. Other Uses.
  - Accessory buildings and structures customarily incidental to the above uses.



### **1005.03. Area and Dimensional Requirements for R-2 Residential District.**

The following dimensional regulations apply to development in R-2 District.

#### **1005.03.01. Minimum Lot Size.**

1. Minimum Area:  
    One-family dwellings: 12,500 square feet  
    Two-family dwellings: 20,000 square feet
2. Minimum Lot Width at Building Line: 65 feet

#### **1005.03.02. Minimum Yard Dimensions.**

1. Front Yard Setback: 30 feet
2. Rear Yard Setback: 30 feet
3. Side Yard Setback: 10 feet

#### **1005.03.03. Maximum Height of Structures.**

1. 35 feet
2. 2-1/2 stories

## **SECTION 1006. R-3 RESIDENTIAL DISTRICT.**

The R-3 Residential District is intended to provide for medium-density residential development with controlled development of apartments and similar types of residential structures.

### **1006.01. Permitted Uses.**

1. Agricultural Uses.
  - None.
2. Residential Uses.
  - Duplex/ Two Family Dwelling.
  - Multiplex, subject to § 903.21.
  - (Site Built) Single Family Dwelling.
3. Institutional Uses.
  - Home Instruction.
  - Parks, Gardens, Playgrounds.
  - Place of Worship/ Church.
  - Public Assembly Center.
  - Public Recreation Facility.
  - Public Utility Service.
  - School, public.
4. Commercial Uses.
  - Day Care Home.
5. Industrial Uses.
  - None.
6. Other Uses.
  - Accessory buildings and structures customarily incidental to the above uses.

### **1006.02. Conditional Uses.**

1. Agricultural Uses.
  - None.
2. Residential Uses.
  - Townhouse, subject to § 903.29.
3. Institutional Uses.
  - Boarding/ Rooming House.
  - Public Utility Facility, subject to § 903.26.
4. Commercial Uses.
  - Home Occupation, subject to § 903.09.
5. Industrial Uses.
  - None.
6. Other Uses.
  - Accessory buildings and structures customarily incidental to the above uses.

### **1006.03. Area and Dimensional Requirements for R-3 Residential District.**

The following dimensional regulations apply to development in R-3 District for the construction of ONE SINGLE FAMILY DWELLINGS and DUPLEX/ TWO FAMILY DWELLINGS. All other residential uses must refer to Section 903 of this Ordinance.

#### **1006.03.01. Minimum Lot Size.**

2. Minimum Area:
  - One-family dwellings: 10,000 square feet
  - Two-family dwellings: 7,500 square feet for the first unit plus 2,000 square feet for each additional unit
2. Minimum Lot Width at Building Line: 60 feet

#### **1006.03.02. Minimum Yard Dimensions.**

1. Front Yard Setback: 25 feet
2. Rear Yard Setback: 30 feet
3. Side Yard Setback: 10 feet

#### **1006.03.03. Maximum Height of Structures.**

1. 45 feet
2. 3 stories

## **SECTION 1007. R-4 RESIDENTIAL DISTRICT.**

The R-4 Residential District is intended to provide for high-density residential development with appropriate and controlled development of apartments and similar types of high-density residential development including site-built, single family homes and duplexes on modestly-sized lots. As of the adoption of this Ordinance, manufactured and mobile homes shall no longer be permitted uses within the R-4 District.

### **1007.1 Permitted Uses**

1. Agricultural Uses.
  - None.
2. Residential Uses.
  - Apartments, subject to § 903.03.
  - Duplex/ Two Family Dwelling.
  - Multiplex, subject to § 903.21.
  - Patio/ Garden Home, subject to § 903.25.
  - (Site Built) Single Family Dwelling.
  - Townhouse, subject to § 903.29.
3. Institutional Uses.
  - Parks, Gardens, Playgrounds.
  - Place of Worship/ Church.
  - Postal Facility.
  - Public Assembly Center.
  - Public Facility.
  - Public Recreation Facility.
  - Public Utility Service.
  - School, Public.
4. Commercial Uses.
  - Day Care Home.
5. Industrial Uses.
  - None.
6. Other Uses.
  - Accessory buildings and structures customarily incidental to the above uses.

### **1007.2 Conditional Uses**

1. Agricultural Uses.
  - None.
2. Residential Uses.
  - None.
3. Institutional Uses.
  - Community Service Center/ Club.
  - Public Utility Facility, subject to § 903.26.
4. Commercial Uses.
  - Home Occupation, subject to § 903.09.
5. Industrial Uses.
  - None.

6. Other Uses.
  - Accessory buildings and structures customarily incidental to the above uses.

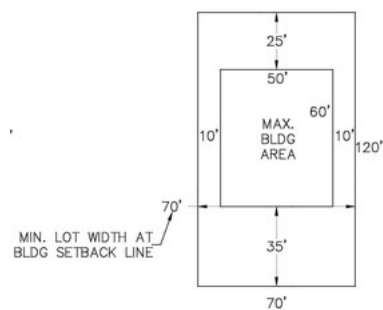
### **1007.03. Area and Dimensional Requirements for R-4 Residential District.**

The following dimensional regulations apply to development in R-4 District for the construction of SINGLE FAMILY DWELLINGS and DUPLEX/ TWO FAMILY DWELLINGS. All other residential uses must refer to Section 903 of this Ordinance.

#### **1007.03.01. Minimum Lot Size.**

3. Minimum Area:
 

One-family dwellings:	8,400 square feet
Two-family dwellings:	10,500 square feet for the first unit plus 2,000 square feet for each additional unit
2. Minimum Lot Width at Building Line: 70 feet, to be measured and calculated as follows:



#### **1007.03.02. Minimum Yard Dimensions.**

1. Front Yard Setback: 35 feet
2. Rear Yard Setback: 25 feet
3. Side Yard Setback: 10 feet

#### **1007.03.03. Maximum Height of Structures.**

1. 35 feet
2. 2-1/2 stories

#### **1007.04. Abandonment of Manufactured and Mobile Homes.**

Manufactured and mobile homes left unoccupied and abandoned for a continuous period of one year, following the adoption of this Ordinance, may not be replaced, repaired, or reoccupied. The use of such abandoned dwelling units shall not be reestablished. The Building Inspector may order the removal of such abandoned homes.

## **SECTION 1008. P-R PLANNED RESIDENTIAL DISTRICT.**

The P-R Residential District is designed to encourage innovative and creative facilities, use of the most advantageous construction techniques in the development of land for residential use and to encourage higher densities of land use. At the same time, the district regulations will insure ample provision for efficient use of open space, promote high standards in the lay-out, design and construction of residential development and enhance the development of the land in the district in relation to the natural topographical features, slopes, flooded land and stream valleys, and adjacent land uses existing in the area. To these ends, development under this district will be permitted only in accordance with a detailed development plan and after approval of the plan by the Planning Commission in accordance with the procedures contained herein.

### **1008.1 General Provisions.**

All planned developments shall conform to the following provisions:

#### **1. Standards for Planned Development**

- a. Available land shall be efficiently utilized.
- b. Structures and open space shall be arranged in such a way as best to serve the needs of residents and commercial users of the planned development and to minimize any adverse effects on neighboring properties.
- c. Scenic assets and natural features, such as trees, streams, and topographic features, shall be protected and preserved to the extent possible.
- d. Harmonious, design incorporating a variety of building types and variations in building styles, shall be encouraged.
- e. The public health, safety and general welfare and the purpose and intent of this Ordinance and the comprehensive plan shall be maintained and preserved.

#### **2. Comprehensive Plan**

- a. The development plan shall substantially conform to the applicable provision of the adopted comprehensive plan of the City with respect to type, character and intensity of use and public facilities. Residential planned developments shall not exceed the density permitted under each section, except as expressly permitted under the density bonus provisions of the PR regulations or as delineated by the City Planning Commission.
- b. The uses proposed by the development plan shall be designed to prevent substantial injury to the use and value of existing surrounding development and shall not hinder, deter or impede development of surrounding undeveloped properties in accordance with the comprehensive plan.
- c. Fences, walls or vegetative screening shall be provided at the perimeter of planned developments where necessary to screen improvements, glare, uses or other influences having an adverse impact either on the planned development or on adjacent property. Such screening shall be of sufficient height to eliminate the impact of such adverse elements on the first floor of any use located either within or adjacent to the planned development.

#### **3. Vehicular and Pedestrian Movement**

- a. Principal vehicular access to a planned development shall be from streets and roads capable of supporting existing traffic and the traffic that will be generated by the planned development. Access points shall be designed to provide smooth traffic flow, controlled turning movements, and minimum hazards to vehicular or pedestrian traffic. Merging and turnout lanes and traffic dividers shall be provided where existing or anticipated heavy flows of traffic indicates such need. No streets or roads within a planned development shall

connect to exterior streets in such a way as to encourage use of minor streets for through streets.

- b. Pedestrian access shall be arranged so as to provide safe and convenient routes to and from a planned development. Pedestrian access routes within a planned development need not be adjacent to, or in the vicinity of, vehicular access routes. Pedestrian crossings at the perimeter of a development shall be marked and controlled, and where pedestrians are exposed to substantial vehicular traffic, fencing or other similar barriers shall be erected to prevent crossing at other than designated points.
- c. Bicycle and bridle paths where provided, shall be coordinated with the pedestrian system, and street crossings shall be combined.

Traffic visibility, both automotive and pedestrian, shall be preserved as follows: no impediment to visibility between two and one-half and seven feet above center line grades shall exist at the intersection of any street or road within a planned development or at its perimeter within a triangle beginning at the intersection of right-of-way edges (projected if round corners exist), thence fifty feet (50') along said edges, thence along the line connecting those two points. Where pedestrian access of any kind exists within a planned development to a perimeter street or road, without a barrier to prevent indiscriminate entrance into such street or road, no substantial impediment to visibility shall be permitted between two and one-half feet (2½') and seven feet (7') above the center line of the street or road or above the ground level of the access areas.

- d. Within a planned development, streets, roads, driveways, parking, loading, and service areas shall be designed so as to provide safe and convenient vehicular access to all uses and facilities. Pedestrian ways to be used by substantial numbers of children shall be located and controlled to minimize contact with vehicular traffic. Pedestrian passages over and under vehicular roads shall be used whenever possible.
- e. Developed recreation space and other open space intended for pedestrian-oriented structures, such as schools and churches, shall be accessible from related structures, such as dwellings and office buildings, with a minimum of street crossings. Where possible, such uses shall be interconnected by a common pedestrian system.

#### 4. Public Facilities

- a. The planned development shall be located in an area within which police and fire protection and public facilities are available and adequate for the uses proposed: provided, however, that the applicant may provide such facilities which are not presently available, and written assurance of such provision shall be included as a part of the development plan.
- b. Within a planned development, there shall be adequate space to permit accessibility to all structures by fire fighting and similar emergency equipment.

#### 5. Common Open Space - Management and Care

- a. The applicant of the developer shall provide for and establish an organization or other legal ownership and maintenance of any common open space designated on the development plan. Such organization shall be created by covenants running with the land, and such covenants shall be included as part of development plans and subject to approval by the City Attorney and City Council. Such organization shall not be dissolved nor shall it dispose of any common open space, by sale or otherwise (except to an organization conceived and organized to own and maintain the common open space), without first offering to dedicate the same to the City.

#### 6. Unit Development

- a. When a planned development is to be constructed in stages or units, and includes common open space, the total area of common or dedicated open space provided at any stage of development shall bear substantially the same relationship to the total open space to be

provided in the entire planned development as the stages or units completed or under development bear to the entire planned development.

## 7. Development Criteria

### a. Formula for computing density

Unit Type	Persons Per Unit
Single Family	3.8
Townhouses	2.5
Multiple Dwellings	2.0

- b. Minimum building setback; No building shall be constructed closer than ten feet (10') to any public street, alley or public right-of-way, and no closer than fifteen feet (15') to the right-of-way of any major thoroughfare. Where the development adjoins a residential district, no building shall be constructed closer than twenty feet (20') to the adjoining residential lot line, except for buildings of four (4) or more stories, add two feet (2') for each additional story. No building shall be constructed closer than fifteen feet (15') to any other adjacent land use.
- c. Lot Coverage: In any planned Residential Development not more than fifty percent (50%) of the tract shall be covered in enclosed ground floor building area of primary and/or accessory structures.
- d. Developed Open Space: At least fifty percent (50%) of the remaining tract area, not to include areas for buildings, parking, accessory structures or uses; rights-of-way; utilities, or drainage easements; shall be developed to serve the needs of the residents of the development, including but not limited to landscaping, patios, walks, play areas and equipment, pools or cabanas, and similar improvements consistent with the needs and character of occupancy.
- e. Parking Requirements: Off-street parking shall be provided at the rate specified below for the housing type indicated.

Single Family Dwelling	2 spaces
Town Houses	1.5 spaces
Multiple -Dwellings	1.25 spaces
High Rise Dwellings	1.25 spaces

No off-street parking shall be entered or exited directly from a public street or alley. Parking areas shall be contained entirely within the lot areas of the development and shall not cause the destruction of any city right-of-way or easement, sidewalks, or trees located on any city right-of-way. Curb cuts not in excess of twenty-five feet (25') shall be permitted as required for necessary ingress and egress to off-street parking areas. Driveways serving more than two (2) parking spaces shall provide an adequate turnaround space on the lot. Parking areas shall be constructed of a material which will assure a surface resistant to erosion.

- f. All dwelling units other than efficiency or studio apartments shall have a minimum floor area of not less than 600 square feet. Efficiency or studio apartments shall have a floor area of not less than 425 square feet.
- g. Minimum Building Separation

Townhouse and Multiple Dwellings (3 stories or less)	
Front to Front	25 ft.
Front to Rear	30 ft.
Rear to Rear	25 ft.
Front to Rear Side	20 ft.
All Other Arrangements	15 ft.



High Rise Dwellings (More than 3 stories)

Add two (2) feet for each story in addition to first three (3) stories for all yard requirements.

- h. Reverting Clause: Upon abandonment of a particular project authorized and approved under the conditions of this section or upon expiration of one year from authorization and approval hereunder of a planned development which has not by then been completed (or commenced and an extension of time for completion granted), the authorization for the planned residential development shall expire.
- i. Amending Master Plan: The master plan of development for a tract may be amended by the Planning Commission, provided the original procedure for review and approval is followed.

**1008.03. Planned Residential Developments. Three (3) acres or less in area.**

- 1. Permitted Uses.
  - a. Single-family semi-detached.
  - b. Single-family attached dwellings.
  - c. Condominiums and townhouses not more than two (2) stories in height.
  - d. Gardens, playgrounds, terraces, swimming pools, cabanas.
  - e. Multi-family dwellings not more than three (3) stories in height.
- 2. Uses Prohibited: Any use not specifically permitted.
- 3. Development Criteria:
  - a. The population density and maximum density of development shall be as follows:

Unit Type	Units/Acre	Persons/Acre
Semi-detached, condominium or townhouse units	12	30
Multiple Family	15	30

- b. Minimum depth of front yard Setback: 25 feet
- c. Minimum depth of rear yard Setback: 30 feet
- d. Minimum depth of each side yard Setback: 9 feet

Also see general provisions for planned residential development.

- 4. Exceptions and waiver of minimum area requirement for "Density Development Area": This Ordinance is designed to permit the construction of apartments and other multiple family dwellings throughout the City on the basis of progressive density provisions allowing for increased density proportionate to the acres being considered for development. It is intended to encourage large scale planned development and to minimize negative effects on existing residential areas and other land uses that may occur as a result of small-scale density development in an area. It is recognized, however, that large tracts of land may be uneconomical to assemble in developed areas of the City, and that small tracts close to the center of City may be suitable for higher density development. For this reason, exceptions to the minimum area of development for density construction may be made subject to the following provisions and in accordance with the areas outlined in the Comprehensive Plan.

4. Density Development Areas: In areas of the City which have been determined to be suitable for density development as outlined in the officially adopted comprehensive plan for the City, or as otherwise recommended by the Planning Commission and adopted by the City Council, the density restrictions on areas for development comprising less than three acres of land may be waived by the Planning Commission, provided that the over-all intensity of land use does not exceed ninety (90) persons per acre for areas less than three (3) acres as determined by the formula in the General Provisions section of this Ordinance.

**1008.04. Planned Residential Developments. More than three (3) acres but not greater than ten (10) acres in area.**

1. Permitted Uses:
  - a. Any use permitted listed under Section 804 of this Ordinance.
  - b. High Rise Dwellings
2. Uses Prohibited: Any use not specifically permitted.
3. Development Criteria: The population density for development under this section shall not exceed forty (40) person per acre as computed from the formula in the General Provisions of the Planned Residential Development.

**1008.05. Planned Residential Development. More than ten (10) acres but not greater than twenty (20) acres in area.**

1. Permitted Uses:
  - a. Any use permitted listed under Section 804 of this Ordinance.
  - b. Any combination of housing types in any arrangement consistent with the General Provisions of the Planned Residential Development.
  - c. Convenience shopping and personal services designed to serve the immediate needs of the residents of the development, provided that no outdoor display of merchandise, or commercial signs except one principal use sign not to exceed thirty-two (32) square feet in area be permitted for the sole purpose of identifying the facility, and provided that such sign be non-electrified and designed in character with the development. All such convenience shopping and services shall be contained entirely within one permanent building having a floor area not in excess of two-thousand (2,000) square feet. All services and/or maintenance area related to this facility shall be screened from view.
2. Uses Prohibited: Any use not specifically permitted.
3. Development Criteria: See General Provisions for Planned Residential Development. Also, overall average density of development shall not be in excess of forty-five (45) persons per acre as computed by the formula for population density in the General Provision of this section. Where a combination of housing types is proposed to be developed, the preliminary map of the tract shall be subdivided into areas of low density (20 persons per acre or less); and medium density (45 persons per acre or less); high density (90 persons per acre or less); and open space. The location of the range of housing types, area and densities of proposed development shall be specified in the Master Plan for development. Net densities may range up to a maximum of one hundred and thirty-five (135) persons per acre, provided that at no time in the life of the development shall the average over-all density of the gross area of the development exceed forty-five (45) persons per acre as determined by the formula for population density in the General Provisions of this section.

**1008.06. Planned Residential Developments. More than twenty (20) acres but not substantially greater than one hundred (100) acres.**

1. Uses Permitted:

- a. Any use specified listed under Section 804 of this Ordinance.
  - b. Planned shopping centers subject to B-1 zoning regulations.
  - c. Dwelling units of any type, in any combination, subject to the density restrictions and development criteria specified listed under Section 804 of this Ordinance.
  - d. Dwelling units of any type, in any combination, subject to the density restrictions and development criteria specified listed under Section 804 of this Ordinance.
2. Development Criteria:  
See General Provisions for Planned Residential Development. Also, over-all average density of development shall not be in excess of forty-five (45) persons per acre as computed by the formula for population density in the General Provisions of this section. Where a combination of housing types is proposed to be developed, the preliminary map of the tract shall be subdivided into areas of low density (20 persons per acre or less); medium density (45 persons per acre or less); high density (90 persons per acre or less); and open space. The location of the range of housing types, area and densities may range up to a maximum of 135 persons acre, provided that at no time in the life of the development shall the average over-all density of the gross area of the development exceed 45 persons per acre as determined by the formula for population density in the general provisions of this section.
- Also, to insure development of the community in substantial conformity with the general principles set forth in the official plans and maps of the City of Pell City, the Planning Commission may require that the subdivide or developer dedicate open spaces for schools, parks, fire stations, and any other use essential to the welfare of the community. However, no more than ten percent (10%) of the gross area of the development may be required by donation.
3. Bonus Provisions:  
The Planning Commission may, in its sole discretion, increase the maximum number of dwelling units in a planned development up to a maximum of twenty-five percent (25%) when the development includes one or more of the following:
- a. Provision of developed open space, or areas dedicated to the City for recreational or community purposes in addition to the minimum required under general provisions, not more than .5 percent for each one percent increase in developed open space.
  - b. Provision of unique design features and amenities in the planned development which require unusually high development costs and which achieve an especially attractive and stable development, such as but not limited to, terraces, sculpture, reflecting pools and fountains, artificially constructed ponds, lakes or water features, swimming pools, provisions for separated vehicular and pedestrian crossings involving bridges, footbridges, tunnels, or earthwork of any kind as determined by the Planning Commission in each instance, but not to exceed a ten percent (10%) in the number of dwelling units.
  - c. Preservation and restoration of buildings, structures or premises having historic or architectural significance...as determined by the Planning Commission, but not to exceed five percent (5%).
  - d. Measure designed to maintain and enhance environmental features, such as stream valleys, woods, lulls, orchards, or pasture land as determined by the Planning Commission, but not to exceed five percent (5%).

## **SECTION 1009. R-MHP RESIDENTIAL MANUFACTURED HOME PARK DISTRICT.**

The R-MHP Manufactured Home Park District consists of areas suitable for manufactured home parks. The district provides for the development of manufactured home communities of five or more acres under single ownership or control. Spaces within a park may be leased or held in condominium ownership. The R-MHP District allows for customary accessory uses that are integrally related to manufactured home parks and establishes minimum development standards.

### **1009.01. Permitted Uses**

1. Agricultural Uses.
  - None.
2. Residential Uses.
  - Manufactured Home Park, subject to § 903.17.
3. Institutional Uses.
  - Home Instruction.
  - Parks, Gardens, Playgrounds.
  - Place of Worship/ Church.
  - Public Recreation Facility.
  - Public Utility Service.
  - School, public.
4. Commercial Uses.
  - Day Care Home.
  - Golf Course.
5. Industrial Uses.
  - None.
6. Other Uses.
  - Accessory buildings and structures customarily incidental to the above uses.

### **1009.02. Conditional Uses.**

1. Agricultural Uses.
  - None.
2. Residential Uses.
  - None.
3. Institutional Uses.
  - Country Club.
4. Commercial Uses.
  - Home Occupation, subject to § 903.09.
5. Industrial Uses.
  - None.
6. Other Uses.
  - Accessory buildings and structures customarily incidental to the above uses.

**1009.03. Area and Dimensional Requirements for R-MHP Residential District.**

Refer to § 903.17 Manufactured Home Parks.

## ARTICLE XI

### USE PROVISIONS FOR OFFICE AND BUSINESS DISTRICTS

Office and business districts are intended to provide suitable locations for the exchange of goods and services in a reasonable and orderly manner, to promote the character and established pattern of desirable commercial development; to provide for the rational organization of compatible land uses; to facilitate traffic access and movement; to promote the conservation and rational utilization of public utilities and services; to conserve the value of property; and to exclude uses incompatible with uses designated for the districts.

#### SECTION 1101. O-1 OFFICE BUILDING DISTRICT.

The O-1 Office Building District is intended to provide areas for office and professional buildings compatible with commercial and residential environments.

##### 1101.01. Permitted Uses.

1. Agricultural Uses.
  - None.
2. Residential Uses.
  - None.
3. Institutional Uses.
  - Community Center.
  - Community Service Center/ Club.
  - Domiciliary Care Facility.
  - Emergency Care Facility.
  - Home Instruction.
  - Hospital, subject to § 903.10.
  - Nursing Home/ Care Facility, subject to § 903.10.
  - Parks, Gardens, Playgrounds.
  - Place of Worship/ Church.
  - Public Facility.
  - Public Recreation Facility.
  - Public Utility Service.
  - School, public.
4. Commercial Uses.
  - Bank or Financial Service.
  - Business or Professional Office.
  - Business Support Service.
  - Commercial Parking.
  - Commercial School.
  - Day Care Center, subject to § 903.22.
  - Funeral Home.
  - Medical Clinic.
  - Nursery School/ Kindergarten, subject to § 903.22.
  - Parking Area
  - Personal Service.
  - Shopping Center, Minor, subject to § 903.28.

5. Industrial Uses.
  - None.
6. Other Uses.
  - Accessory buildings and structures customarily incidental to the above uses.

**1101.02. Conditional Uses.**

1. Agricultural Uses.
  - None.
2. Residential Uses.
  - Combination Dwelling.
  - Upper Story Apartment.
3. Institutional Uses.
  - None.
4. Commercial Uses.
  - General Retail, Enclosed.
  - Medical Support Service.
  - Restaurant, Standard.
  - Restaurant, Take-Out Only.
  - Studio.
  - Tourist Home or Bed & Breakfast Inn.
5. Industrial Uses.
  - Research Lab.
6. Other Uses.
  - Accessory buildings and structures customarily incidental to the above uses.

**1101.03. Area and Dimensional Requirements for O-1 Office Building District.**

The following dimensional regulations apply to development in O-1 District.

**1101.03.01. Minimum Lot Size.**

1. Minimum Area: 7,500 square feet
2. Minimum Lot Width at Building Line: 50 feet

**1101.03.02. Minimum Yard Dimensions.**

1. Front Yard Setback: 25 feet
2. Rear Yard Setback: 30 feet
3. Side Yard Setback: 10 feet

**1001.03.03. Maximum Height of Structures.**

1. 35 feet or 2 1/2 stories

## **SECTION 1102. B-1 NEIGHBORHOOD BUSINESS DISTRICTS.**

The B-1 Business District is intended to preserve and protect land for business uses primarily oriented toward localized or neighborhood-scale service areas, and to discourage the encroachment of incompatible commercial uses and industrial uses on residential areas. With the exception of restaurants, commercial uses which offer age-restrictive goods and services including alcohol sales, adult entertainment, and adult gaming are not intended for the B-1 District.

### **1102.01. Permitted Uses.**

1. Agricultural Uses.
  - None.
2. Residential Uses.
  - None.
3. Institutional Uses.
  - Cemetery, subject to § 903.04.
  - Community Center.
  - Community Service Center/ Club.
  - Domiciliary Care Facility.
  - Emergency Care Facility.
  - Home Instruction.
  - Nursing Home/ Care Facility, subject to § 903.10.
  - Parks, Gardens, Playgrounds.
  - Place of Worship/ Church.
  - Public Facility.
  - Public Recreation Facility.
  - Public Utility Service.
  - School, Public.
4. Commercial Uses.
  - Animal Hospital/ Veterinary Clinic, subject to § 903.02.
  - Bank or Financial Service.
  - Business or Professional Office.
  - Business Support Service.
  - Commercial Parking.
  - Commercial School.
  - Day Care Center, subject to § 903.22.
  - Entertainment, Indoor.
  - Entertainment, Outdoor.
  - Farm Support Business.
  - General Retail, Enclosed.
  - Home Occupation, subject to § 903.09.
  - Nursery School/ Kindergarten, subject to § 903.22.
  - Parking Area
  - Personal Service.
  - Restaurant, Standard.
  - Restaurant, Take-Out Only.
  - Shopping Center, Minor, subject to § 903.28.
  - Studio.
5. Industrial Uses.
  - None.
6. Other Uses.
  - Accessory buildings and structures customarily incidental to the above uses.



**1102.02. Conditional Uses.**

1. Agricultural Uses.
  - None.
2. Residential Uses.
  - Apartments, subject to § 903.03.
  - Upper Story Apartment.
3. Institutional Uses.
  - Hospital, subject to § 903.10.
4. Commercial Uses.
  - Broadcast Studio.
  - Funeral Home.
  - Garden Center/ Nursery.
  - General Retail, Unenclosed.
  - Home Improvement Center.
  - Medical Clinic.
  - Medical Support Service.
  - Open Air Market, subject to § 903.23.
  - Recreation, Indoor.
  - Recreation, Outdoor.
  - Restaurant, Fast-Food.
  - Tourist Home or Bed & Breakfast Inn.
  - Vehicle/ Gasoline Service Station, subject to § 903.30.
5. Industrial Uses.
  - Research Lab.
6. Other Uses.
  - Accessory buildings and structures customarily incidental to the above uses.
  - Summer Camp.

**1102.03. Area and Dimensional Requirements for B-1 Neighborhood Business District.**

The following dimensional regulations apply to development in B-1 District.

**1102.03.01. Minimum Lot Size.**

1. Minimum lot width at building line for all uses - 60 feet.

**1102.03.02. Minimum Yard Dimensions.**

1. For permitted commercial uses the minimum depth of the front yard shall be ten feet (10'), there is no minimum requirement for depth of the rear yard except on the rear of a lot abutting a residential district in which case, there shall be a rear yard of not less than twenty feet (20'); there is no minimum requirement for side yard width except that when a side yard abuts a dwelling or residential district there shall be a minimum side yard width of nine feet (9').

**1102.03.03. Maximum Height of Structures.**

1. For permitted Commercial uses: 35 feet and 2 1/2 stories.

## **SECTION 1103. B-2 GENERAL BUSINESS DISTRICT.**

The B-2 Business District is intended to preserve and protect land for business uses of a community-wide or regional scale. With the exception of restaurants, commercial uses which offer age-restrictive goods and services including alcohol sales, adult entertainment, and adult gaming are not intended for the B-2 District.

### **1103.01. Permitted Uses.**

1. Agricultural Uses.
  - None.
2. Residential Uses.
  - None.
3. Institutional Uses.
  - Cemetery, subject to § 903.04.
  - Community Center.
  - Community Service Center/ Club.
  - Emergency Care Facility.
  - Home Instruction.
  - Hospital, subject to § 903.10.
  - Nursing Home/ Care Facility, subject to § 903.10.
  - Parks, Gardens, Playgrounds.
  - Place of Worship/ Church.
  - Postal Facility.
  - Public Assembly Center.
  - Public Facility.
  - Public Recreation Facility.
  - Public Utility Service.
  - School, public.
4. Commercial Uses.
  - Animal Hospital/ Veterinary Clinic, subject to § 903.02.
  - Bank or Financial Service.
  - Business or Professional Office.
  - Business Support Service.
  - Commercial Parking.
  - Commercial School.
  - Day Care Center, subject to § 903.22.
  - Entertainment, Indoor.
  - Entertainment, Outdoor.
  - Farm Support Business.
  - Funeral Home.
  - Garden Center/ Nursery.
  - General Retail, Enclosed.
  - Home Improvement Center.
  - Hotel/ Motel.
  - Laundry Service.
  - Medical Clinic.
  - Medical Support Service.
  - Parking Area.
  - Personal Service.
  - Recreation, Indoor.
  - Recreation, Outdoor.
  - Restaurant, Fast-Food.
  - Restaurant, Standard.

- Restaurant, Take-Out Only.
  - Shopping Center, Major, subject to § 903.28.
  - Shopping Center, Minor, subject to § 903.28.
  - Studio.
  - Vehicle Repair Service, Minor, subject to § 903.31.
  - Vehicle/ Gasoline Service Station, subject to § 903.30.
5. Industrial Uses.
    - Construction Service.
  6. Other Uses.
    - Accessory buildings and structures customarily incidental to the above uses.

**1103.02. Conditional Uses.**

1. Agricultural Uses.
  - None.
2. Residential Uses.
  - Upper Story Apartment.
3. Institutional Uses.
  - None.
4. Commercial Uses.
  - Broadcast Studio.
  - Drive-in Theater.
  - Funeral Home.
  - Garden Center/ Nursery.
  - General Retail, Unenclosed.
  - Livestock Sales, subject to § 903.15.
  - Mini-Warehouse
  - Open Air Market, subject to § 903.23.
  - Parking Lot.
  - Self-Storage Facility, subject to § 903.20.01
  - Self-Storage Facility, Open Air, subject to § 903.20.03
  - Self-Storage Facility, Climate Controlled, subject to § 903.20.02.
  - Vehicle Sale or Rental.
5. Industrial Uses.
  - Maintenance Service.
  - Outdoor/Open Storage, subject to § 903.20.24
  - Research Lab.
  - Vehicle & Equipment Sales.
6. Other Uses.
  - Accessory buildings and structures customarily incidental to the above uses.

**1103.03. Area and Dimensional Requirements for B-2 Business District.**

The following dimensional regulations apply to development in B-2 District.

**1103.03.01. Minimum Lot Size.**

1. There are no minimum lot size requirements.

#### **1103.03.02. Minimum Yard Dimensions.**

1. Front Yard Setback: The ground floor of any building shall be set back at least ten feet (10') from any street or alley right-of-way. Where the frontage between two intersecting streets is located partly in a Business District and partly in a Residential District, the front yard requirements of the Residential District shall apply to the Business District.
2. Rear Yard Setback: There are no minimum requirements for rear yard depth except on the rear of a lot abutting a residential district in which case there shall be a rear yard of not less than twenty feet (20').
3. Side Yard Setback: There are no minimum requirements for a side yard width except on the side of a lot abutting a residential district in which case there shall be a side yard of not less than ten feet (10').

#### **1103.03.03. Maximum Height of Structures.**

1. 65 feet or 5 stories

## **SECTION 1104. B-3 HEAVY BUSINESS DISTRICT.**

The B-3 Business District is intended to preserve and protect land for business uses of a community-wide or regional scale. The uses intended for this district are generally of a more intensive nature and character than the commercial uses permitted in the B-1 and B-2 Districts. These uses shall include businesses offering age-restrictive goods and services (including alcohol sales, adult entertainment, and adult gaming); large-scale businesses (including shopping centers, drive-in theaters, and vehicle sales centers); and some manufacturing and repair-oriented businesses as listed following.

### **1104.01. Permitted Uses.**

1. Agricultural Uses.
  - None.
2. Residential Uses.
  - None.
3. Institutional Uses.
  - Cemetery, subject to § 903.04.
  - Commercial Trade or Vocational School.
  - Hospital, subject to § 903.10.
  - Parks, Gardens, Playgrounds.
  - Place of Worship/ Church.
  - Public Recreation Facility.
  - Public Utility Facility, subject to § 903.26.
  - Public Utility Service.
  - Rehabilitation Facility.
4. Commercial Uses.
  - Animal Hospital/ Veterinary Clinic, subject to § 903.02.
  - Broadcast Studio.
  - Campground.
  - Car Wash.
  - Commercial Parking.
  - Convenience Store.
  - Entertainment, Indoor.
  - Entertainment, Outdoor.
  - Farm Support Business.
  - Funeral Home.
  - Garden Center/ Nursery.
  - General Retail Stores/ Shops, Enclosed.
  - General Retail, Unenclosed.
  - Home Improvement Center.
  - Hotel/ Motel.
  - Laundry Service.
  - Livestock Sales, subject to § 903.15.
  - Manufactured Home Sales, New.
  - Medical Clinic.
  - Medical Support Service.
  - Parking Area.
  - Personal Service.
  - Recreation, Indoor.
  - Recreation, Outdoor.
  - Restaurant, Fast-Food.
  - Restaurant, Standard.
  - Restaurant, Take-Out Only.

- Shopping Center, Major, subject to § 903.28.
  - Shopping Center, Minor, subject to § 903.28.
  - Studio.
  - Vehicle Repair Service, Minor, subject to § 903.31.
  - Vehicle Sale or Rental.
  - Vehicle/ Gasoline Service Station, subject to § 903.30.
  - Vehicle (Boat, Trailer & Truck) Sales, Service & Repair.
5. Industrial Uses.
- Construction Service.
  - Heavy Equipment Sales & Service.
  - Maintenance Service.
  - Railroad Installation.
  - Research Lab.
  - Vehicle & Equipment Repair.
  - Vehicle & Equipment Sales.
6. Other Uses.
- Accessory buildings and structures customarily incidental to the above uses.

**1104.02. Conditional Uses.**

1. Agricultural Uses.
- None.
2. Residential Uses.
- None.
3. Institutional Uses.
- Animal Shelter.
  - Community Service Center/ Club.
  - Postal Facility.
4. Commercial Uses.
- Adult Entertainment, subject to § 903.01.
  - Bank or Financial Service.
  - Business or Professional Office.
  - Business Support Service.
  - Commercial School.
  - Communication/ Transmission Tower or Antennae, subject to § 903.05.
  - Drive-in Theater.
  - Lounge, subject to § 903.14.
  - Mini-Warehouse, subject to § 903.20.
  - Open Air Market, subject to § 903.23.
  - Parking Lot.
  - Self-Storage Facility § 903.20.01.
  - Self-Storage Facility, Open Air § 903.20.03.
  - Self-Storage Facility, Climate Controlled, subject to § 903.20.02.
  - Vehicle Repair Service, Major, subject to § 903.31.
5. Industrial Uses.
- Outdoor/ Open Storage, subject to § 903.24.
6. Other Uses.
- Accessory buildings and structures customarily incidental to the above uses.

### **1104.03. Area and Dimensional Requirements for B-3 Business District.**

The following dimensional regulations apply to development in B-3 District.

#### **1104.03.01. Minimum Lot Size.**

1. There are no minimum lot size requirements, except that a minimum of three (3) acres shall be required to establish a neighborhood shopping center.

#### **1104.03.02. Minimum Yard Dimensions.**

1. Front Yard Setback: The ground floor of any building shall be set back at least ten (10) feet from any street or alley right-of-way. Where the frontage between two intersecting streets is located partly in a Business District and partly in a Residential District, the front yard requirements of the Residential District shall apply to the Business District.
2. Rear Yard Setback: There are no minimum requirements for rear yard depth except on the rear of a lot abutting a residential district in which case there shall be a rear yard of not less than twenty feet (20').
3. Side Yard Setback: There are no minimum requirements for a side yard width except on the side of a lot abutting a residential district in which case there shall be a side yard of not less than ten feet (10').

#### **1104.03.03. Maximum Height of Structures.**

1. 65 feet or 5 stories

## ARTICLE XII

### USE PROVISIONS FOR MANUFACTURING DISTRICTS

Manufacturing districts are established to provide suitable locations to meet the needs of the City and the region for present and future manufacturing uses. Manufacturing Districts are intended to promote good traffic access and movement, to protect adjacent residential and commercial uses, to discourage incompatible uses, and to provide existing industries with an appropriate and functional working environment. Consideration has been given to the need for a range of choice of sites as well as variety in the availability of transportation facilities.

#### **SECTION 1201. M-1 LIGHT MANUFACTURING DISTRICT.**

The M-1 Light Manufacturing District is intended to provide suitable areas for firms engaged in light manufacturing and for the storage and distribution of goods and materials.

##### **1201.01. Permitted Uses.**

1. Agricultural Uses.
  - None.
2. Residential Uses.
  - None.
3. Institutional Uses.
  - Airport.
  - Commercial Trade or Vocational School.
  - Parks, Gardens, Playgrounds.
  - Public Recreation Facility.
  - Public Utility Facility, subject to § 903.26.
  - Public Utility Service.
4. Commercial Uses.
  - Broadcast Studio.
  - Carwash.
  - Commercial Parking.
  - Communication/ Transmission Tower or Antennae, subject to § 903.05.
  - Convenience Store.
  - Entertainment, Indoor.
  - Entertainment, Outdoor.
  - Farm Support Business.
  - Garden Center/ Nursery.
  - General Retail, Unenclosed.
  - Golf Course.
  - Home Improvement Center.
  - Hotel/ Motel.
  - Laundry Service.
  - Livestock Sales, subject to § 903.15.
  - Manufactured Home Sales, New and Used.
  - Medical Clinic.
  - Medical Support Service.
  - Mini-Warehouse, subject to § 903.20.
  - Parking Area.



- Parking Lot.
  - Recreation, Indoor.
  - Recreation, Outdoor.
  - Restaurant, Fast-Food.
  - Restaurant, Standard.
  - Restaurant, Take-Out Only.
  - Self-Storage Facility, subject to § 903.20.01.
  - Self-Storage Facility, Climate Controlled, subject to § 903.20.02.
  - Self-Storage Facility, Open Air, subject to § 903.20.03.
  - Studio.
  - Vehicle Repair Service, Major and Minor, subject to § 903.31.
  - Vehicle Sale or Rental.
  - Vehicle/ Gasoline Service Station, subject to § 903.30.
  - Vehicle (Boat, Trailer & Truck) Sales, Service & Repair.
5. Industrial Uses.
- Construction Service.
  - Heavy Equipment Sales & Service.
  - Industrial Park.
  - Junkyard/ Salvage Yard, subject to § 903.12.
  - Maintenance Service.
  - Manufacturing, General.
  - Manufacturing, Light.
  - Outdoor/ Open Storage, subject to § 903.24.
  - Railroad Installation.
  - Research Lab.
  - Vehicle & Equipment Repair.
  - Vehicle & Equipment Sales.
  - Warehousing, Wholesaling, Distribution, *Enclosed*, subject to § 903.32.
6. Other Uses.
- Accessory buildings and structures customarily incidental to the above uses.

**1201.02. Conditional Uses.**

1. Agricultural Uses.
- None.
2. Residential Uses.
- Combination Dwelling.
3. Institutional Uses.
- Animal Shelter.
  - Hospital, subject to § 903.10.
  - Military Installation.
  - Place of Worship/ Church.
4. Commercial Uses.
- Animal Hospital/ Veterinary Clinic, subject to § 903.02.
  - Funeral Home.
  - Open Air Market.
  - Shopping Center, Minor, subject to § 903.28.
5. Industrial Uses.
- Resource Extraction.
  - Sanitary Landfill.

- Warehousing, Wholesaling, Distribution, *Unenclosed*, subject to § 903.32.
- 6. Other Uses.
  - Accessory buildings and structures customarily incidental to the above uses.

### **1201.03. Area and Dimensional Requirements for M-1 Light Manufacturing District.**

The following dimensional regulations apply to development in M-1 Districts.

#### **1201.03.01. Minimum Lot Size.**

There is no minimum lot size specified for M-1 Districts, however, it is the intent of this section that lots of sufficient size be used for any industrial source or business use to provide adequate parking and loading space in addition to the space required for the other normal operation of the enterprise.

#### **1201.03.02. Minimum Yard Dimensions.**

1. Front Yard Setback: A minimum front yard depth is not required except where the frontage between two intersecting streets is located partly in a Residential District and partly in a Manufacturing District, the front yard requirements of the Residential District shall apply to the Manufacturing District.
2. Rear Yard Setback: A minimum rear yard depth is not required except on the rear of a lot abutting a Residential District, in which case there shall be a rear yard of not less than twenty-five feet (25').
3. Side Yard Setback: A minimum side yard width is not required except on the side of a lot abutting a Residential District, in which case there shall be a side yard of not less than ten feet (10').

#### **1201.03.03. Maximum Height of Structures.**

1. 45 feet
2. Where a structure is located upon a lot abutting a Residential District, then any structure exceeding two (2) stories or thirty-five feet (35') shall be set back from the required yards abutting the residential district an additional distance of one foot (1') for each foot of structure height above thirty-five feet (35').

## **SECTION 1202. M-2 HEAVY MANUFACTURING DISTRICTS.**

The M-2 Heavy Manufacturing District is intended to provide suitable areas for the location of heavy manufacturing plants.

### **1202.01. Permitted Uses.**

1. Agricultural Uses.
  - None.
2. Residential Uses.
  - Combination Dwelling.
3. Institutional Uses.
  - Airport.
  - Commercial Trade or Vocational School.
  - Parks, Gardens, Playgrounds.
  - Public Recreation Facility.
  - Public Utility Facility, subject to § 903.26.
  - Public Utility Service.
4. Commercial Uses.
  - Broadcast Studio.
  - Carwash.
  - Commercial Parking.
  - Communication/ Transmission Tower or Antennae, subject to § 903.05.
  - Convenience Store.
  - Entertainment, Indoor.
  - Entertainment, Outdoor.
  - Farm Support Business.
  - Garden Center/ Nursery.
  - General Retail, Unenclosed.
  - Golf Course.
  - Home Improvement Center.
  - Hotel/ Motel.
  - Laundry Service.
  - Livestock Sales, subject to § 903.15.
  - Manufactured Home Sales, New and Used.
  - Medical Clinic.
  - Medical Support Service.
  - Mini-Warehouse, subject to § 903.20.
  - Parking Area.
  - Parking Lot.
  - Recreation, Indoor.
  - Recreation, Outdoor.
  - Restaurant, Fast-Food.
  - Restaurant, Standard.
  - Restaurant, Take-Out Only.
  - Self -Storage Facility, subject to § 903.20.01.
  - Self-Storage Facility, Climate Controlled, subject to § 903.20.02.
  - Self-Storage Facility, Open Air, subject to § 903.20.03.
  - Studio.
  - Vehicle Repair Service, Major and Minor, subject to § 903.31.
  - Vehicle Sale or Rental.
  - Vehicle/ Gasoline Service Station, subject to § 903.30.
  - Vehicle (Boat, Trailer & Truck) Sales, Service & Repair.

5. Industrial Uses.
  - Construction Service.
  - Heavy Equipment Sales & Service.
  - Heavy Industry.
  - Industrial Park
  - Junkyard/ Salvage Yard, subject to § 903.12.
  - Maintenance Service.
  - Manufacturing, General.
  - Manufacturing, Light.
  - Outdoor/ Open Storage, subject to § 903.23.
  - Railroad Installation.
  - Research Lab.
  - Vehicle & Equipment Repair.
  - Vehicle & Equipment Sales.
  - Warehousing, Wholesaling, Distribution, Enclosed, subject to § 903.32.
  - Warehousing, Wholesaling, Distribution, Unenclosed, subject to § 903.32.
6. Other Uses.
  - Accessory buildings and structures customarily incidental to the above uses.

**1202.02. Conditional Uses.**

1. Agricultural Uses.
  - None.
2. Residential Uses.
  - Combination Dwelling.
3. Institutional Uses.
  - Animal Shelter.
  - Hospital, subject to § 903.10.
  - Military Installation.
  - Place of Worship/ Church.
4. Commercial Uses.
  - Animal Hospital/ Veterinary Clinic, subject to § 903.02.
  - Funeral Home.
  - Open Air Market, subject to § 903.23.
5. Industrial Uses.
  - Resource Extraction.
  - Sanitary Landfill.
6. Other Uses.
  - Accessory buildings and structures customarily incidental to the above uses.

**1202.03. Additional Uses.**

1. The following uses are permitted conditionally, provided that the proposed use or uses are not in conflict with any Ordinance of Pell City regulating nuisances; and provided further, that no Building Permit or Certificate of Occupancy shall be issued until and unless the location of such use shall have been approved by the City Council after study and report by the Planning Commission:
  - a. Abattoir.

- b. Acid manufacture.
- c. Explosives manufacture or storage.
- d. Fat, grease, lard, or tallow rendering or refining.
- e. Glue or size manufacture.
- f. Garbage, offal or dead animal reduction or dumping.
- g. Petroleum refining.
- h. Stockyard or slaughter of animals.

**1202.04. Area and Dimensional Requirements for M-2 Heavy Manufacturing District.**

The following dimensional regulations apply to development in M-2 District.

**1202.04.01. Minimum Lot Size.**

There is no minimum lot size specified for M-2 Districts, however, it is the intent of this section that lots of sufficient size be used for any industrial source or business use to provide adequate parking and loading space in addition to the space required for the other normal operation of the enterprise.

**1202.04.02. Minimum Yard Dimensions.**

1. Front Yard Setback: A minimum front yard depth is not required except where the frontage between two intersecting streets is located partly in a Residential District and partly in a Manufacturing District, the front yard requirements of the Residential District shall apply to the Manufacturing District.
2. Rear Yard Setback: A minimum rear yard depth is not required except on the rear of a lot abutting a Residential District, in which case there shall be a rear yard of not less than twenty-five feet (25').
3. Side Yard Setback: A minimum side yard width is not required except on the side of a lot abutting a Residential District, in which case there shall be a side yard of not less than ten feet (10').

**1202.04.03. Maximum Height and Structures.**

A maximum height limitation is not imposed except where a structure is located upon a lot abutting a Residential District, then any structure exceeding two (2) stories or thirty-five feet (35') shall be set back from the required yards abutting the Residential District an additional one foot (1') for each foot of structure height above thirty-five feet (35').

## **ARTICLE XIII**

### **USE PROVISIONS FOR SPECIAL DISTRICTS**

#### **SECTION 1301. THE FC FLOODPLAIN CONSERVATION DISTRICT.**

The purpose of this district is to protect public health, safety, and general welfare: to protect persons, private and public property from the hazards of flood water inundation, and to protect the community from costs which are incurred when urban development occurs in flood plains. 100-year flood plain areas will be conserved for open land uses, agricultural uses, recreational areas and other uses which do not require extensive buildings within the flood plain.

##### **1301.01. Permitted Uses.**

1. Wildlife refuges, including game preserves, sanctuaries, and forest reserves.
2. Watershed reservation areas and reservoirs.
3. Public outdoor recreation conducted by the City, County, State, or Federal Government.
4. Aircraft landing strips.
5. Public utility structures and facilities.
6. Parks, Gardens, Playgrounds.

##### **1301.02. Prohibited Uses.**

1. All uses not specifically permitted in this district are prohibited.

##### **1301.03. Special Construction Requirements.**

No permanent building or structure, except for agricultural uses, shall be constructed in the flood plain conservation district, unless permitted under the following terms:

1. When specifically approved by the Planning Commission as an exception to these regulations under the conditions herein listed; and after a public hearing before the City Council, the following may be permitted:
2. Permanent building structures associated with the uses permitted provided that the first floor level shall be at or above an elevation of the flood of record plus two feet (2'), and that such construction shall not impede the flow of flood waters nor increase the hazard of flooding either upstream or downstream.

#### **SECTION 1302. PLANNED UNIT DEVELOPMENT (PUD) OVERLAY DISTRICT.**

A Planned Unit Development Overlay District may overlay, or include, properties located in one or more use districts. The Planning Commission shall, in accord with this Ordinance, apply additional regulation, in the form of design and development review guidelines, to govern development of land within such districts, and those guidelines shall be applied in lieu of or in addition to, as the case may be, other regulations required in the underlying use districts. The Planning Commission may, from time to time and subsequent to a public hearing, add to those guidelines in a manner not inappropriate to the purposes of this district.

### **1302.01. Designation of Districts.**

A Planned Unit Development Overlay District may be established for any tract with a minimum site area of five (5) acres whose development could be undertaken as an integral unit under single ownership or control. Before the City Council shall designate or amend the boundaries of any Planned Unit Development Overlay District(s), the Planning Commission shall first submit a report to the City Council, which shall include the conceptual site plan required by Section 1302.02 and shall, in addition, outline the boundaries of the proposed overlay district and indicate the Commission's specific intent for development within the overlay district and how implementation of the Comprehensive Plan would be furthered by such development.

### **1302.02. Application Requirements.**

A conceptual site plan shall accompany each application for rezoning to the PUD Overlay District. The site plan shall be drawn to scale and dimensioned, prepared by a professional engineer, land surveyor, architect, or landscape architect licensed to practice in the State of Alabama. The site plan shall show, in schematic detail, the concept for use and development of the entire PUD overlay district, including the location of the proposed uses and major buildings, the proposed residential density, housing types, dimensional standards for all lots, layout of roads, location of all entrances, and layout and configuration of all common open spaces. The site plan shall be accompanied by a brief narrative text describing the general design and architectural policies for the PUD, treatment of environmentally sensitive lands, and proposed time frame for phased development.

### **1302.03. Permitted Uses and Development.**

Development of the PUD shall be in substantial accord with the approved conceptual site plan required in Section 1302.02, and with all other site plan and subdivision approval procedures as required by this Ordinance and the Subdivision Regulations. There shall be permitted a mix of uses within a single development and within lots as shown on the Final Subdivision Plat as required by the Subdivision Regulations. Such mix shall reflect and appropriately account for the relative land areas and development densities called for in the underlying use districts, but may relocate, within the spirit of this Ordinance and the Comprehensive Plan, such uses within the planned unit development. The purpose of this limitation is to ensure that this overlay district is not used, intentionally or unintentionally, to create higher density development than called for by the underlying use districts.

## **ARTICLE XIV**

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

This article establishes off-street parking and loading standards for designated uses.

#### **SECTION 1401. OFF-STREET AUTOMOBILE PARKING.**

Off-street automobile parking shall be provided and in accordance with the provisions of this Article. Off-street parking spaces shall be maintained and shall not be encroached upon by structures or other uses as long as the associated principal building, structure, or use remains, unless an equivalent number of such spaces are provided elsewhere in conformance with this Ordinance.

##### **1401.01. Plans and Specifications Required.**

Plans and specifications showing required off-street parking spaces, including the means of access and interior circulation, shall be submitted to the Building Inspector for review at the time of application for a building permit or a Certificate of Occupancy.

##### **1401.02. Off-Street Parking Area Design.**

Each off-street parking space shall be not less than nine feet (9') in width, eighteen feet (18') in length, shall be of usable shape and condition, and shall have vehicular access to a public street. Except for single-family residences in Residential Districts, turning space shall be provided so that no vehicle will be required to back into a public street.

1. There shall be provided an access drive of not less than ten feet (10') in width, and where a turning radius is necessary, it will be of such an arc as to reasonably allow an unobstructed flow of vehicles.
2. Parking aisles for automobiles shall be of sufficient width to allow a minimum turning movement in and out of parking spaces. The minimum width of such aisles shall be as follows:
  - a. For ninety (90) degree of perpendicular parking, the aisle shall not be less than twenty-two feet (22') in width.
  - b. For sixty (60) degree parking, the aisle shall not be less than eighteen feet (18').
  - c. For forty-five (45) degree parking, the aisle shall not be less than thirteen feet (13') in width.
  - d. For parallel parking, the aisle shall not be less than ten feet (10') in width.
3. All off-street parking areas shall be drained so as to prevent runoff on to abutting properties and shall be constructed of materials which will have a dust-free surface resistant to erosion.
4. Any lighting fixtures used to illuminate any off-street parking area shall be so arranged as to reflect the light away from any adjoining residential lot or institutional premises.

##### **1401.03. Off-Street Parking Requirements.**

The following are the off-street standards for Pell City. Where a use is not specifically mentioned, the parking requirements of a similar or related use shall apply.



**TABLE XIV-1**

<b>USE</b>		<b>NUMBER OF SPACES REQUIRED</b>
<b>1401.03.01</b>	<b>Apartment</b>	
	• Efficiency or Studio	1.25 parking spaces per dwelling unit
	• One Bedroom	1.5 parking spaces per dwelling unit
	• Two Bedroom	1.75 parking spaces per dwelling unit
	• Three or More Bedrooms	Two (2) parking spaces per dwelling unit
<b>1401.03.02</b>	<b>Appliance store</b>	One (1) parking space for each 400 square feet of gross leasable area.
<b>1401.03.03</b>	<b>Bank</b>	One (1) parking space for each 250 square feet of gross leasable area, plus four (4) stacking spaces per drive-in window.
<b>1401.03.04</b>	<b>Barber/beauty shop</b>	One (1) parking space for each 100 square feet of gross leasable area.
<b>1401.03.05</b>	<b>Billiard room, pool hall</b>	One (1) parking space per table.
<b>1401.03.06</b>	<b>Boarding house, rooming house, tourist home, bed and breakfast inn</b>	One (1) parking space for each guest room or unit offered for rent plus one (1) parking space.
<b>1401.03.07</b>	<b>Bowling alley</b>	Four (4) parking spaces for each alley.
<b>1401.03.08</b>	<b>Car wash</b>	One (1) parking space for every 1.5 employees, plus four (4) stacking spaces per car wash bay.
<b>1401.03.09</b>	<b>Church, community building, auditorium, and place of public assembly</b>	One (1) parking space for each eight (8) seats in the main assembly area.
<b>1401.03.10</b>	<b>Clinic</b>	Three (3) parking spaces plus one (1) additional space for each 400 square feet of gross floor area over 1000 square feet.
<b>1401.03.11</b>	<b>Convenience store</b>	One (1) parking space for each 150 square feet of gross leasable area.
<b>1401.03.12</b>	<b>Country club</b>	One (1) parking space for every three(3) persons at occupancy load.
<b>1401.03.13</b>	<b>Dance hall</b>	One (1) parking space for each 150 square feet of gross leasable area.
<b>1401.03.14</b>	<b>Day care center, nursery school or kindergarten</b>	One (1) parking space per employee, plus one (1) stacking space or parking space for every eight (8) children at occupancy load.
<b>1401.03.15</b>	<b>Duplex</b>	Two (2) parking spaces per dwelling unit.
<b>1401.03.16</b>	<b>Family care home</b>	One (1) parking space per resident manager plus one (1) for every three (3) children.
<b>1401.03.17</b>	<b>Farm, forestry and nursery</b>	One (1) parking space for every 1.5 employees.
<b>1401.03.18</b>	<b>Farm stand</b>	One (1) parking space per 100 square feet of display area.
<b>1401.03.19</b>	<b>Farm support business</b>	One (1) parking space for every 1.5 employees plus company vehicles.
<b>1401.03.20</b>	<b>Food store and market</b>	One (1) parking space for each 200 square feet of gross floor area.
<b>1401.03.21</b>	<b>Funeral home</b>	One (1) parking space for every 1.5 employees, plus one (1) parking space for every three (3) chapel seats at occupancy load, plus one (1) parking space for each company vehicle.
<b>1401.03.22</b>	<b>Furniture store or furniture repair shop</b>	One (1) parking space for each 500 square feet of gross leasable area.
<b>1401.03.23</b>	<b>Gasoline service station</b>	Two (2) parking spaces for each service bay, plus one (1) per company vehicle, plus one (1) for every 1.5 employees, plus two (2) stacking spaces for every fuel island.
<b>1401.03.24</b>	<b>General retail business or service establishment</b>	One (1) parking space for each 200 square feet of gross leasable area.
<b>1401.03.25</b>	<b>Government office building</b>	One (1) parking space for each 300 square feet of gross leasable area.
<b>1401.03.26</b>	<b>Hardware store</b>	One (1) parking space for each 500 square feet of gross leasable area.

1401.03.27	Home improvement center	One (1) parking space for each 400 square feet of gross leasable area.
1401.03.28	Hospital	One (1) parking space for each two (2) patient beds, plus 1.5 parking spaces for each emergency room bed, plus one (1) parking space for each employee.
1401.03.29	Hotel, motel	One (1) parking space for each guest room, plus one (1) space for each employee per shift.
1401.03.30	Industrial use, and wholesale use, storage building, warehouse, lumber or fuels business, truck terminal, and similar uses	One (1) parking space for each employee, plus two (2) parking spaces.
1401.03.31	Laundromat or dry cleaning establishment	One (1) parking space for every 2 machines, or one (1) parking space for each 200 square feet of gross leasable area, whichever is greater.
1401.03.32	Library, museum or art gallery	One (1) parking space for each 300 square feet of gross leasable area.
1401.03.33	Membership club	One (1) parking space for each 100 square feet of gross leasable area.
1401.03.34	Mini-warehouse, Self-Storage Facility-Climate Controlled and Open Air	One (1) parking space for every twenty (20) units.
1401.03.35	Manufactured home park and subdivision	Two (2) parking spaces for each manufactured home.
1401.03.36	Motor vehicle sales	One (1) parking space for each 400 square feet of gross leasable area, plus one (1) parking space for every one and a half (1.5) employees, plus two (2) parking spaces for each service bay, plus one (1) parking space for each 2500 square feet of outdoor display area.
1401.03.37	Motor vehicle service	One (1) parking space for each 200 square feet of sales area, plus one (1) parking space for each employee, plus two (2) parking spaces for each service bay.
1401.03.38	Movie theaters	One (1) parking space for each three (3) persons at occupancy load.
1401.03.39	Nursing home or Domiciliary Facility	One (1) parking space for each six (6) beds.
1401.03.40	Open air market	One (1) parking space for each 100 square feet of display area.
1401.03.41	Outdoor recreation	
	• Golf course	Seven (7) parking spaces for each hole.
	• Carpet golf	Two (2) parking spaces for each tee.
	• Golf driving range	One (1) parking space for each tee.
	• Other	One (1) parking space for each persons at occupancy load.
1401.03.42	Patio Home	Two (2) parking spaces per dwelling unit.
1401.03.43	Post office	One (1) parking space for each 300 square feet of gross leasable area, plus one (1) parking space for every one and a half (1.5) employees.
1401.03.44	Private club or lodge	One (1) parking space for each two (2) members.
1401.03.45	Professional and medical office and building	Three (3) parking spaces plus one (1) additional space for each 400 square feet of gross floor area over 1000 square feet.
1401.03.46	Restaurant or other eating place	One (1) parking space for each 250 square feet of gross floor area.
1401.03.47	School	
	• Commercial	One (1) parking space for every three (3) students at occupancy load, plus one (1) parking space for every 1.5 employees.
	• Elementary or junior high	One (1) parking space for every eight (8) students at occupancy load, or two (2) parking spaces for each classroom, whichever is greater.

	• <b>High school or vocational</b>	One (1) parking space for every six (6) students at occupancy load, plus one (1) for every 1.5 employees.
<b>1401.03.48</b>	<b>Shopping center</b>	One (1) parking space for each 200 square feet of gross leasable floor area.
<b>1401.03.49</b>	<b>Stable</b>	One (1) parking space for every 3 persons at occupancy load plus (1) parking space for every 1.5 employees.
<b>1401.03.50</b>	<b>Townhouse</b>	Two (2) parking spaces per dwelling unit.
<b>1401.03.51</b>	<b>Any use not otherwise specified</b>	One (1) parking space for each 200 square feet of gross floor area.

#### **1401.04. Rules in Applying Standards.**

In applying the standards of this article, the following rules shall apply.

1. "Floor Area" shall mean the gross floor area of the specified use.
2. Where fractional spaces result, the parking spaces required shall be construed to be the next highest whole number.
3. The parking space requirement for a use not specifically mentioned herein shall be the same as required for a use of similar nature.
4. In the case of mixed or joint uses, the parking spaces required shall equal the sum of the requirements of the various uses computed separately.
5. These standards shall apply fully to all uses and buildings established after the effective date of this Ordinance.
6. These standards shall apply to all additions, expansions, enlargement or reconstruction only.
7. Whenever any use of building established prior to the effective date of this Ordinance is enlarged or expanded to the extent of twice the size of said use or building existing at the time of enactment of this Ordinance, then these standards shall apply fully.

#### **1401.05. Location of Required Spaces.**

All parking spaces required herein shall be located on the same lot with the building or use served. However, when an increase in the number of spaces is required by a change of use or enlargement of the building, or where such spaces are provided collectively or used jointly by two or more buildings or establishments, the required spaces may be located and maintained not to exceed three hundred (300') feet from an institutional building served, and not to exceed five hundred (500') feet from any other non-residential building served.

1. Up to fifty percent (50%) of the parking spaces required for: (a) theaters, public auditoriums, bowling alleys, dance halls, night clubs or cafes, and up to one hundred percent (100%) of the parking spaces required for a church auditorium may be provided and used jointly by, (b) banks, offices, retail stores, repair shops, service establishments and similar uses not normally open, used, or operated during the same hours as those listed in (a); provided, however, that written agreement thereto is properly executed and filed as specified below.
2. In any case where the required parking spaces are not located on the same lot with the building or use served, or where such spaces are collectively or jointly provided and used, a written agreement thereby assuring their retention for such purposes shall be properly drawn and executed by the parties concerned, approved as to form by the City Attorney and shall be filed with the application for a building permit, recorded at the applicant's expense in the office of

Judge of Probate, and shall be in full force and effect until released by resolution of the Zoning Board of Adjustment.

3. No off-street parking shall be permitted in the required front yard of any residential districts except upon a driveway providing access to a garage, carport or parking area for a dwelling.
4. All parking spaces required herein, including adequate driveways and maneuvering areas shall be improved with a suitable hard surface permanent type of pavement.

## **SECTION 1402. OFF-STREET LOADING SPACE.**

Off-street loading space with access to a public street or alley shall be provided on every lot on which is hereafter established a business, trade, or industrial use which customarily receives or distributes material or merchandise.

### **1402.01. Plans and Specifications Required.**

Plans and specifications showing required loading and unloading spaces including the means of ingress and egress and interior circulation shall be submitted to the Building Inspector for review at the time of application for a Building Permit or Certificate of Occupancy.

### **1402.02. Off-Street Loading Area Design.**

Off-street loading space shall be located on the same lot with the use which it is intended to serve and shall be provided as indicated below.

1. All retail sales facilities, having less than five thousand (5,000) square feet of floor area, shall provide at least one (1) loading space which shall not be less than ten feet (10') by thirty-five feet (35').
2. All retail sales facilities having over five thousand (5,000) square feet of gross floor area shall be provided with at least one (1) off-street loading/unloading space, and for every additional twenty thousand (20,000) square feet of gross floor space, or fraction thereof, one (1) additional loading and unloading space. Said loading and unloading spaces shall not be less than ten feet (10') in width and fifty-five feet (55') in length with not less than fifteen feet (15') in height clearance.
3. Wholesale and industrial users shall provide one (1) space at least ten feet (10') in width be fifty-five feet (55') in length for each ten thousand (10,000) square feet of floor area or part thereof, with a minimum of not less than two (2) loading spaces.
4. Bus and truck terminals shall provide one (1) space to accommodate each bus or truck that will be stored or loading and unloading at the terminal at any one (1) time.
5. In the case of mixed uses on one lot or parcel, the total requirements for off-street loading/unloading facilities shall be the sum of the various uses computed separately.
6. Any loading/unloading space shall not be closer than fifty feet (50') to any other lot located in any residential district unless wholly within a completely enclosed building or unless enclosed on all sides by a wall, fence, or compact planting not less than six feet (6') in height.
7. All off-street loading and unloading facilities that make it necessary to back out directly into a public road shall be prohibited.

### **1402.03. Off-Street Loading Required.**

The following are the off-street loading space standards of the City of Pell City.

1. A building whose dominant use is handling and selling foods at retail shall provide spaces in relation to the total floor area used for retail purposes as follows:

Area	Space Required
5,000 to 10,000 sq. ft.	One
10,000 to 20,000 sq. ft.	Two
20,000 to 30,000 sq. ft.	Three
Over 30,000 sq. ft.	Four

2. Manufacturing, repair, wholesale or warehouse uses shall provide spaces in relation to total floor area as follows:

Area	Space Required
5,000 to 40,000 sq. ft.	One
40,000 to 100,000 sq. ft.	Two
Each 75,000 sq. ft. over 100,000 sq. ft.	One Additional

3. Other buildings not listed above shall provide spaces in relation to total floor area as follows:

Area	Space Required
5,000 to 50,000 sq. ft.	One
50,000 to 100,000 sq. ft.	Two
100,000 to 200,000 sq. ft.	Three
Over 200,000 sq. ft.	Four

### **1402.04. Rules in Applying Standards.**

In applying the requirements of this article, the following rules shall apply.

1. These requirements shall apply fully to all buildings erected after the effective date of this Ordinance and all enlargements, expansions, or reconstructions thereof.
2. No building or part thereof in the B-1 and B-2 Districts, heretofore erected, shall hereafter be enlarged or extended to the extent of fifty percent or more in floor area or ground area used unless off-street loading space is provided in accordance with the provisions of this Article.

**ARTICLE XV  
AMENDED AUGUST 3, 2006  
ORDINANCE NO. 2006-1883**

**SIGN AND OUTDOOR ADVERTISING REGULATIONS**

The purpose of this Article is to regulate all exterior signs and interior signs placed for exterior observance so as 1) to protect health, safety, morals, and to promote the public welfare, 2) to protect property values and the public investment in streets and highways, 3) to protect the character of the various communities of the City, 4) to prevent the uncontrolled erection of outdoor signs in that indiscriminate erection and maintenance of large signs seriously detracts from the enjoyment and pleasure of the natural scenic beauty of the city which in turn injuriously affects the tourist trade and thereby the economic well-being of the City, 5) to ensure that information in the specific interest of the traveling public is presented safely and effectively, 6) to provide for the above while recognizing that a reasonable freedom to advertise is necessary to attain such objectives.

The principal features are the restriction of advertising to the business or use of the premises on which the sign is located and the restriction of the total sign area permissible per site. Any sign placed on land or on a building for the purpose of identification or for advertising a use conducted therein or there on shall be deemed to be accessory and incidental to such land, building or use. It is intended that the display of signs will be appropriate to the land, building or use to which they are appurtenant and be adequate, but not excessive for the intended purpose of identification or advertisement. With respect to signs advertising business use, it is specifically intended among other things, to avoid excessive competition and clutter among sign displays in their demand for public attention. It is further intended that in commercial areas now in existence and more so in proposed commercial and industrial areas that all signs within one complex be coordinated with the architecture in such a manner that an overall appearance is harmonious in color, form and proportion.

It is also intended by this section that all temporary signs erected for directional purposes, for public information or to call attention to special events shall be confined to those that are of general public interest and that such signs shall be limited to the giving of information.

All other signs commonly referred to as outdoor advertising, billboards or poster panels which advertise products or businesses not connected with the site or building on which they are located, are deemed by this section to constitute a separate use. Any widespread display of outdoor advertising is deemed to be inappropriate to the character and sound development of the City and it is intended that such advertising be confined to unimproved commercial or industrial property subject to the restrictions set forth under Section 1508 below.

**SECTION 1501. DEFINITIONS.**

The following general definitions and sign classification definitions by function and by structure are provided to facilitate administration and enforcement of the provisions in this Article.

**1501.01. General Definitions**

1. Awning – (See Canopy).
2. Billboard Advertising – The use of a freestanding, off-premises sign located on a lot not containing a building. See Section 1508.
3. Canopy – A roof-like cover extending from a building over a pedestrian way or right-of-way as a shelter or shield. This definition shall include the terms “awning” and shall apply regardless of the materials used in its construction.

4. Grade Level – The mean established centerline elevation or grade of the street or road fronting on the property in question as determined by the public authorities having supervision. If no grade level has been established by public authority, the determination and certification thereto of the existing grade level by a registered professional engineer in the State of Alabama is required. See Figure 2.
5. Holiday Decorations – Decorative elements of a temporary nature intended for the acknowledgment of a holiday or holiday season, exclusive of decorations which contain business, product, sales, or service advertising content. Holiday decorations shall not be considered signs.
6. Indirect Light - Light reflected from a separate outside source aimed toward it, including silhouettes on a background or reflected light.
7. Intermittent Light - Any flashing, traveling, animated, blinking, or fluctuating light, including arrangements that spell messages, simulate motion, or form various symbols or images.
8. Location - A lot, premise, building, wall or any place whatsoever upon which a sign is located.
9. Marquee – A roof-like structure extending from a building over a pedestrian way used primarily as a sign, but which may also act as a shelter or shield.
10. Off-Premises – The location of a sign used to direct attention to a business, commodity, service, or entertainment conducted, sold, or offered for sale at a location other than the premises on which the sign is located.
11. On-Premises – The location of a sign used to advertise **only** goods, services, facilities, events, or attractions available on the premises where the sign is located; to identify the owner, occupant, or business name; or to direct traffic on the premises.
12. Outdoor Advertising - The use of exterior attached or free-standing signs conveying any information, knowledge, or idea to the public.
13. Permanent - Designed, constructed, and intended to be permanently affixed to a building, structure, or to the ground.
14. Premises - The lot or tract of land upon which a sign is located or to be located. The land upon which an activity is conducted for which a sign is used to advertise.
15. Projection - The distance a sign extends over public property or beyond the building line.
16. Seasonal Sales and Promotions – Extended sales activities, which may include special pricing, advertising, events, signage, and other promotions, occurring during or throughout a season for a period of no longer than six (6) months. Such shall include sales and promotions of agricultural and garden products, outdoor furnishings, and other products and services associated with a recurring season.
17. Shopping Center - A group of commercial establishments (as permitted in the district) located on a common lot, planned and developed in a unified design with shared parking and driveway facilities, and under common management authority.
18. Shopping Center, Community - (See Shopping Center, Minor).
19. Shopping Center, Major – A Shopping Center located on a lot of twenty-five (25) or more acres. These establishments are designed to furnish, in addition to the retail goods and services found in Minor Shopping Centers, such less frequently needed goods and services as clothing and automobiles,

banking and theaters, and the wider range of retail goods and services to satisfy the needs of the residents of a community of neighborhoods.

20. Shopping Center, Minor – A Shopping Center located on a lot of three (3) to less than twenty-five (25) acres. These establishments are designed to furnish the retail goods, such as groceries and drugs, and the services, barbering and shoe repairing, to satisfy the daily household needs for the surrounding community. Also referred to as a Community Shopping Center.
21. Shopping Center, Neighborhood - A Shopping Center located on a lot of three (3) acres or less. These establishments are designed to furnish retail goods, such as groceries and drugs, and services, barbering and shoe repairing, to satisfy daily household needs for the surrounding residential neighborhood.
22. Shopping Center, Regional - A Shopping Center located on a lot of fifty (50) acres or greater. These establishments are designed to furnish, in addition to the retail goods and services found in Major Shopping Centers, the wider range of retail goods and services required by residents of the Pell City area and of the trade area.
23. Sight Triangle – A triangular-shaped portion of land established at street or driveway intersections in which nothing is erected, placed, planted, or allowed to grow in such a manner as to limit or obstruct the sight distance of motorists entering or leaving the intersection.

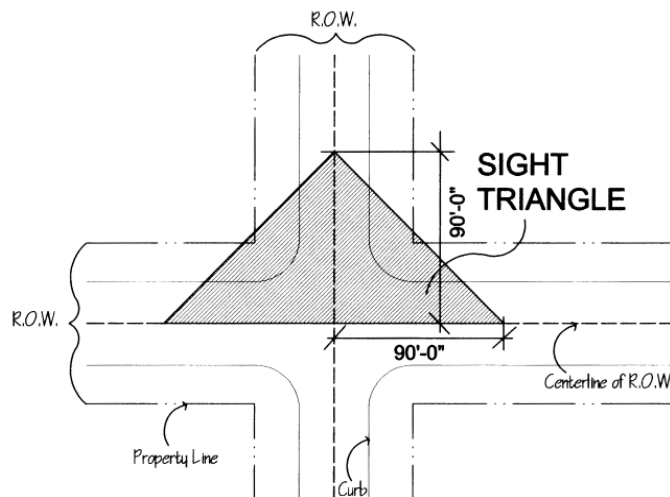


Figure 29 - Sight Triangle

24. Sign – Any name, identification, description, display, illustration, or structure, which is affixed directly or indirectly upon a building, structure, or the ground, which is intended to communicate with the public or directs attention to an object, product, place, activity, service, person, institution, organization, or business; specifically excepting all public signs designed, constructed and placed in accord with the most recent edition of the Alabama Manual on Uniform Traffic Control Devices.
25. Sign Area - The entire area of a sign shall be computed as the entire area circumscribed by a rectangle enclosing all of the display area of the sign including those frames surrounding display areas. Where a sign has two or more faces, the area of all faces shall be included in determining the area of the sign, except that where two (2) such faces are placed back to back and are at no point more than two feet (2) from one another, the area of said sign shall be taken as the area of one face if the two faces are of equal area, or as the area of the larger face if the two (2) faces are of unequal area. The area of ball-shaped, or spherical, signs shall be the square of their diameter.



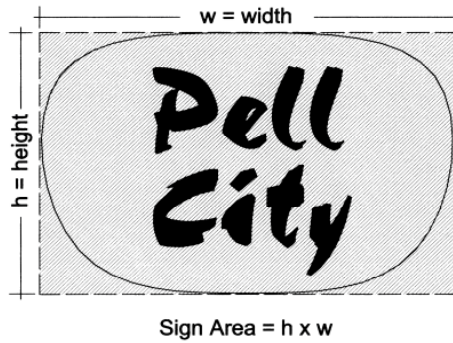


Figure 30 - Sign Area

26. **Sign Copy Area** – The copy area of a sign shall be computed as the entire area circumscribed by a rectangular shape enclosing the extreme limits of all writing, representation, emblem, or any figure or character, together with any frame or other material or color forming an integral part of the display or used to differentiate such sign from the background against which it is placed. Permitted copy area for double face signs shall be applied to the area of each of the two sign faces.

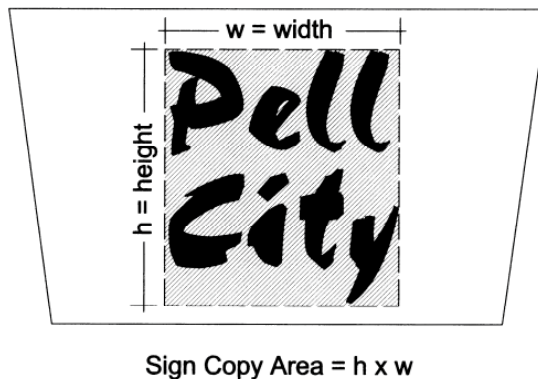


Figure 31 - Sign Copy Area

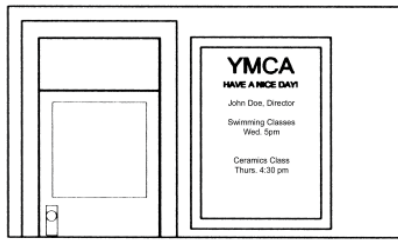
27. **Street, Major** – A street primarily used for heavy traffic, where the majority of abutting development is non-residential and travel speed is 35 miles per hour or greater. Any portion of a U.S. highway, state highway, state or county road shall be considered a major street.
28. **Street, Minor** – A street used primarily for moderate traffic where travel speed is less than 35 miles per hour.
29. **Temporary** - Designed, constructed, and intended to be temporarily displayed and not permanently affixed to a building, structure, or to the ground.

**1501.02. Functional Types** – The following definitions describe and classify signs based on the function they serve and their informational content. For further reference, see "Sign Illustrations - Functional Types" following.

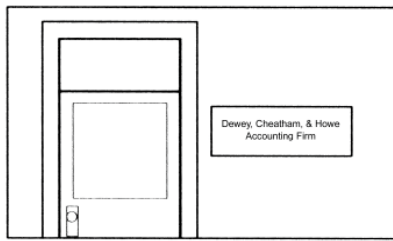
1. **Accessory Sign** – Any sign attached to a building, canopy, shopping cart corral, appurtenance or other structure indicating general information, such as trading, stamps, credit cards, official notices or services required by law, or giving directions to offices, restrooms, exits, and like facilities. Accessory signs are typically permanent though content may change.
2. **Advertising Signs** - A sign which directs attention to a business commodity, service or entertainment conducted, sold, or offered at a location other than the premises on which it is affixed.

3. Bulletin Board Signs - A sign that indicates the name of an institution or organization on whose premises it is located and which contains the name of the institution or organization, the name or names of persons connected with it, and announcements of persons, events, or activities occurring at the institution. Such sign may also present a greeting or similar message.
4. Business Sign - A sign which announces a business or profession conducted, or to a commodity or services sold, offered, manufactured, or an entertainment offered on the premises where the sign is located or to which it is affixed.
5. Construction Sign - A temporary sign indicating the names of architects, engineers, landscape architects, contractors, and similar artisans involved in the design and construction of a structure or project only during the construction period and only on the premises on which the construction is taking place.
6. Directional Sign - A permanent, off-premise sign directing and guiding pedestrian and/or vehicular traffic or parking to a business or entity located within one thousand (1000') feet of said entity bearing no advertising matter.
7. Directory Sign - A sign identifying the name and location within the building of individuals, businesses, organizations, or other tenants occupying a multi-tenant building. Directory signs for professional office buildings are generally located within the interior of the building; however when they are located on the exterior they shall be considered *identification signs* (See Identification Sign).
8. Holiday Signs – Signs and displays of a temporary nature acknowledging and promoting a holiday or holiday season and which include business, product, sales, or service advertising content. Such signs and displays shall be subject to Section 1503.02.
9. Identification Sign - A sign identifying the name of an individual, profession, occupation, organization, hotel, or motel occupying the premises, or the name of the street number of the building. Information directly related to principal or accessory uses of the property may also be included. Such signs may be wholly or partly devoted to a readily recognized symbol.
10. Institutional Bulletin - A sign of any government agency, religious group, fraternal or philanthropic organization, hospital, or school, and located on the premises, indicating the institution's name, persons involved, or other identification information.
11. Nameplate Sign - A sign giving the name and/or address of the owner or occupant of a building or premises on which it is located, and, where applicable, a professional status.
12. Political Sign - A sign identifying or urging support for an election issue, political party, or candidate for public office.
13. Real Estate Sign - An on-premise sign pertaining to the sale or lease of the lot or tract of land thereon, or to the sale or lease of one or more structures, or a portion thereof located on the premises.
14. Rental Sign - (See Real Estate Sign).

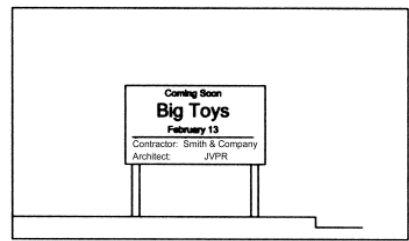
Figure 32 - Sign Illustrations by Functional Type



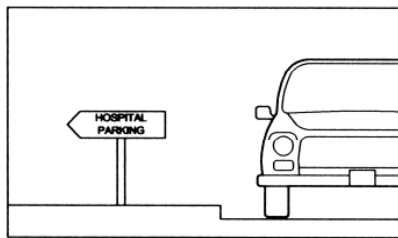
Bulletin Board Sign



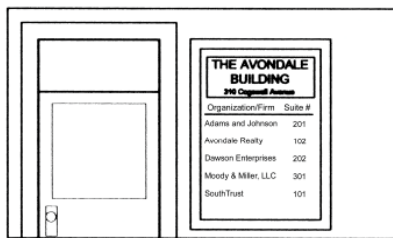
Business Sign



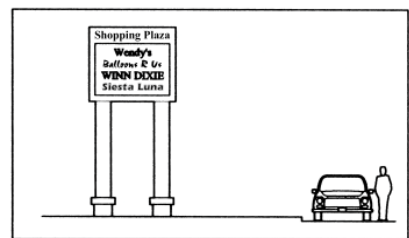
Development / Construction Sign



Directional Sign



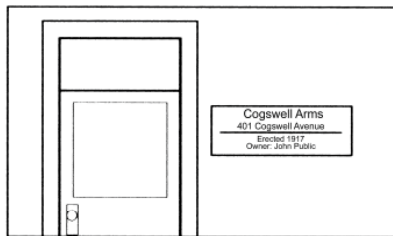
Directory Sign



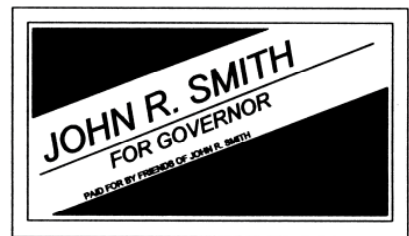
Identification Sign



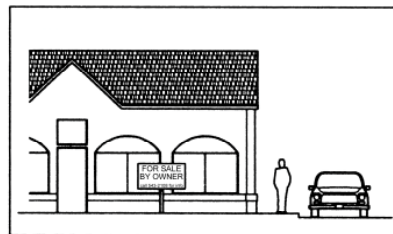
Institutional Bulletin



Nameplate Sign



Political Sign



Real Estate Sign

**1501.03. Structural Types** - The following definitions describe and classify signs based on their design, construction, and location. For further reference, see "Sign Illustrations - Structural Types" following.

1. Attached Sign – Any sign that is permanently fastened to, attached to, connected to, or supported by a building or structure permanently attached to the ground.
2. Awning, Canopy, and Marquee Sign - A sign that is mounted or painted on or attached to, an awning, canopy, or marquee that is otherwise permitted.
3. Banner - A sign of lightweight fabric or vinyl, or similar material temporarily mounted to a building, structure, or fence at one or more edges. National, state, and municipal flags and the official flag of any institution shall not be considered banners. See also Wind Sign.
4. Detached Sign – See Portable Sign.
5. Double-Face Sign - A sign, both sides of which are visible and used as signs. The sign area of a double-faced sign, where the two sign faces are never greater than twenty-four (24") inches apart, shall be computed as the area of one sign face, whichever is greater. When the two sign faces are greater than 24" apart, the sign area shall be computed as the sum of both faces.

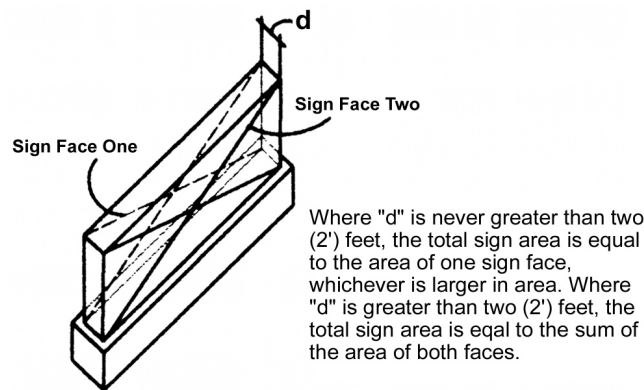
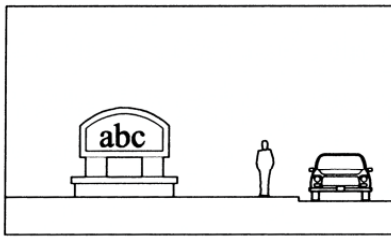


Figure 33 – Double-Face Sign

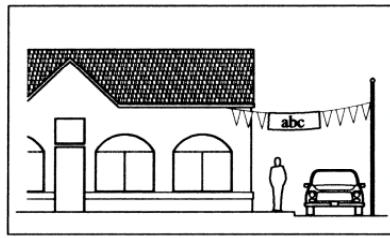
6. Electric Sign - Any sign containing electric wiring. This does not include signs illuminated by an exterior floodlight source.
7. Flashing Sign - A sign designed to attract attention by the inclusion of a flashing, changing, revolving, or flickering light source or a change of light intensity.
8. Ground Sign - Any sign placed upon, or supported by, the ground independently of the principal building or structure on the property. Signs on accessory structures shall be considered ground signs.
9. Hanging Sign - A sign which hangs down from and is supported by and attached to the underside of a canopy, awning, or marquee.
10. Illuminated Sign - Any sign designed to give forth any artificial light, or designed to reflect such light deriving from any source which is intended to cause such light or reflection.
11. Moving Sign - A sign designed to attract attention by physical movement of all or parts of the sign including rotation, motion, or the perception of motion.

12. Pole Sign - A sign that is mounted on a free-standing pole or poles, the bottom edge of which sign is ten (10) feet or more above grade level.
13. Portable Sign - A sign which is carried, wheeled, or moved about without having to detach the sign from a secure anchoring device which is set in the ground or to a building which is set on an approved foundation, or a sign which is not secured in a manner approved by the Building Official, this includes but is not limited to "A frame" signs and sandwich board signs.
14. Projecting Sign - A sign constructed or erected so as to be attached to a building, pole, or other structure, and projecting out there from a distance greater than twelve (12") inches.
15. Roof Sign - A sign erected on a vertical framework supported by or located entirely over the roof of a building.
16. Snipe Sign – A sign attached to utility poles, trees, other signs or structures or objects not specifically designed to accommodate signs
17. Wall Sign - A sign which is painted to or affixed to an exterior wall of any building, projecting not more than twelve inches (12") from the building wall and does not extend above the exterior wall of said building.
18. Wind Sign - Any sign or display including but not limited to flags, banners, balloons, streamers, and rotating devices, fastened in such a manner to move upon being subjected to pressure by wind or breeze.

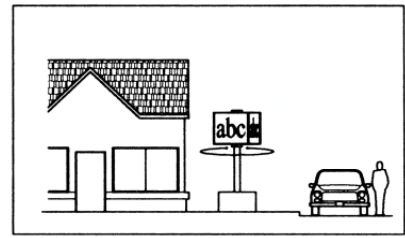
Figure 33 - Sign Illustrations by Structural Type



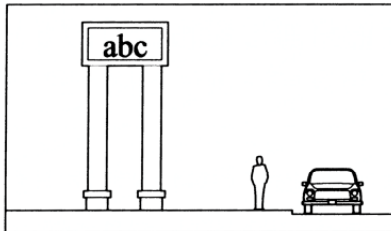
Ground Sign



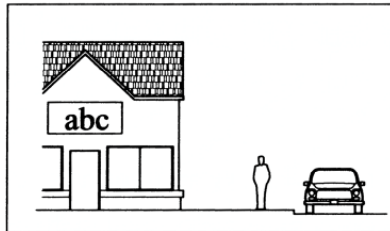
Wind Sign



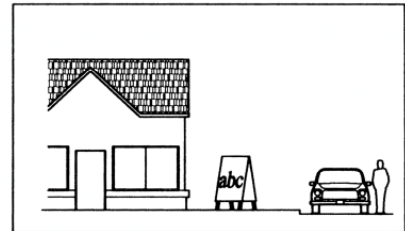
Moving Sign



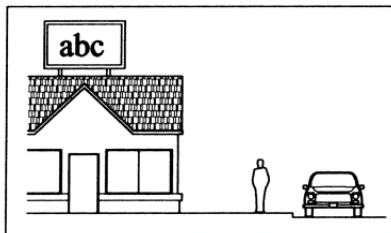
Pole Sign



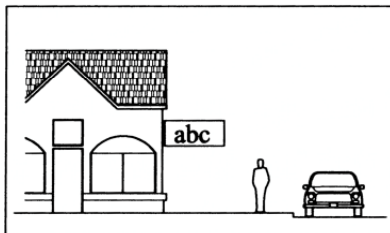
Wall Sign



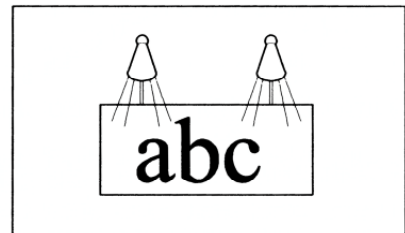
Portable Sign



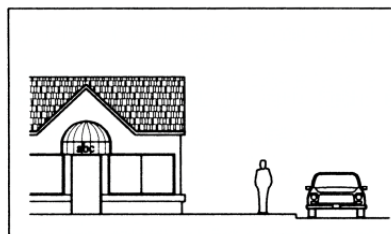
Roof Sign



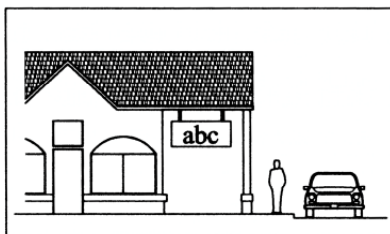
Projecting Sign



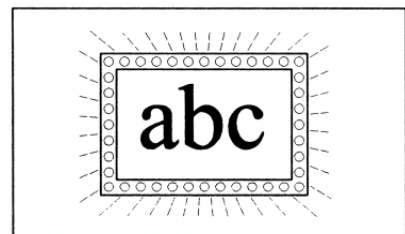
Illuminated Sign



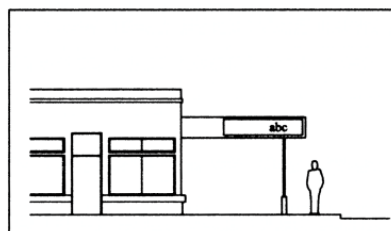
Awning Sign



Hanging Sign



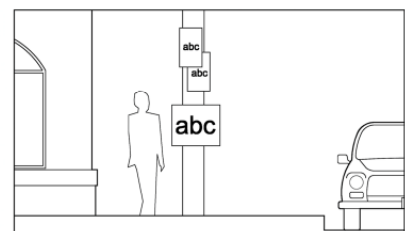
Flashing Sign



Canopy Sign



Marquee Sign



Snipe Sign

## **SECTION 1502. SIGN STANDARDS BY ZONING DISTRICT.**

### **1502.01. Sign Standards for R-A Agriculture and F-C Flood Conservation Zoning Districts.**

1. Signs will be allowed incidental to an approved or permitted use. Further, only one identification sign for an approved or permitted use shall be allowed not to exceed one-half (1/2) square foot for each linear foot of building lot frontage or thirty-two (32) square feet whichever is smaller.
2. Outdoor Advertising is permitted on a conditional basis subject to the provisions of Article IX Special Use Regulations and Section 1508 of this Ordinance and further provided that; within sixty (60) days of the time that the zoning map is amended to cause outdoor advertising structures which have been erected in an R-A or F-C District to be located within five hundred feet (500') of any other Residential District, such structures shall be removed.

### **1502.02. Sign Standards for Residential Zoning Districts: R-1, R-1MH, R-2, R-3, R-4, R-MHP, and P-R.**

1. One identification or nameplate sign shall be allowed for permitted professional, home occupation, or non-residential uses provided that such sign is attached to the building and does not exceed two (2) square feet in area. Identification and nameplate signs may be lighted with indirect illumination only.
2. For permitted multiple family dwellings one identification sign for each street frontage of the lot shall be allowed not to exceed two (2) square feet in area or five feet (5') in height, and is attached to the building.
3. Church or school bulletin board signs displaying the name of the institution and other related information will be allowed provided that, any such sign shall not exceed eighteen (18) square feet in area and shall be located a minimum of twenty feet (20') from the street right-of-way and ten feet (10') from all property lines.
4. Signs in P-R Districts are required to be designed in character with the development.
5. House numbers shall be a minimum of two (2) inches in height and no more than three (3) inches in height.

### **1502.03. Sign Standards for O-1 Office and B-1 Neighborhood Business Zoning Districts.**

1. For permitted multiple family dwellings one identification sign for each street frontage of the lot shall be allowed not to exceed one (1) square foot in area for each housing unit or eighteen (18) square feet overall whichever is smaller. Such sign shall not be within the public right-of-way nor shall it exceed six feet (6') in height.
2. For each permitted non-residential use one identification sign shall be allowed not to exceed one (1) square foot in area for each linear foot of the building frontage or forty-eight (48) square feet overall whichever is smaller. Such sign shall not be within the public right-of-way, nor above sixteen (16') feet in height, nor shall such sign project above the roof line.
3. Further, a secondary wall identification sign shall be allowed not to exceed four (4) square feet in area, nor above sixteen feet (16') in height, nor shall such sign project above the roof line.

**1502.04. Sign Standards for B-2 General Business Zoning District.**

1. For permitted multiple family dwellings one identification sign for each street frontage of the lot shall be allowed not to exceed one (1) square foot for each housing unit or thirty-two (32) square feet overall, whichever is smaller.
2. For other uses, one (1) permanent, freestanding on-premise sign and one (1) permanent, attached on-premise sign shall be permitted for each street frontage of no less than 75 feet.
  - a. Freestanding Signs - Each permanent, freestanding on-premise sign shall be allowed one (1) square foot per linear foot of street frontage and shall not exceed one hundred (100) square feet. Freestanding signs shall be set back a minimum of five (5) feet from the nearest property line. Freestanding signs for multiple tenant shopping centers shall be in accordance with the applicable provisions of Section 1506.
  - b. Attached Signs - Each permanent, attached on-premise sign shall be allowed a maximum sign area of 25% of the total area of the building façade on which the sign is to be attached not to exceed 150 square feet. For individual businesses with a gross leasable area of 50,000 square feet or greater, upon submission and review of plans, the Planning and Zoning Commission may approve a sign area for an attached sign greater than 150 square feet not to exceed 25% of the total area of the building façade on which the sign is to be attached.
  - c. Temporary Signs – Temporary signs shall be allowed in accordance with the provisions of Section 1503.02.
  - d. Accessory Signs – Accessory signs shall be allowed in accordance with the provisions of Section 1503.14.

**1502.05. Sign Standards for B-3 Heavy Business, M-1 Light Manufacturing, and M-2 Heavy Manufacturing Zoning Districts.**

1. For permitted uses, one (1) permanent, freestanding on-premise sign and one (1) permanent, attached on-premise sign shall be permitted for each street frontage of no less than 75 feet.
  - a. Freestanding Signs - Each permanent, freestanding on-premise sign shall be allowed (1) square foot per linear foot of street frontage and shall not exceed one hundred (100) square feet. Freestanding signs shall be set back a minimum of five (5) feet from the nearest property line.
  - b. Attached Signs - Each permanent, attached on-premise sign shall be allowed a maximum sign area of 25% of the total area of the building façade on which the sign is to be attached not to exceed 150 square feet. For individual businesses with a gross leasable area of 50,000 square feet or greater, upon submission and review of plans, the Planning and Zoning Commission may approve a sign area for an attached sign greater than 150 square feet not to exceed 25% of the total area of the building façade on which the sign is to be attached.
  - c. Temporary Signs – Temporary signs shall be allowed in accordance with the provisions of Section 1503.02.
  - d. Accessory Signs – Accessory signs shall be allowed in accordance with the provisions of Section 1503.14.
  - e. Billboards - Outdoor advertising billboards shall be permitted on a conditional basis subject to the provisions of Article IX Special Use Regulations and Section 1508 of this Ordinance.



## **SECTION 1503. EXCEPTIONS AND EXEMPTIONS.**

The following types of signs are exempted from all provisions of this Ordinance, except for construction and safety regulations and the following standards.

### **1503.01. Public Signs.**

Signs of a non-commercial nature and in the public interest, erected by, or on the order of, a public officer in the performance of his public duty, such as official public notices, governmental signs and lights for control of traffic and other regulatory purposes, street signs, directional signs, danger or warning signs, informational signs, and signs of public service companies indicating danger and aids to service or safety; memorial plaques, cornerstones and historical tablets.

### **1503.02. Temporary Signs.**

Temporary signs shall be located entirely within the premises on which the event or function occurs, and shall be set back no less than five (5') feet from the property line up to a combined sign area of seventy-two (72) square feet with no individual sign exceeding twenty-four (24) square feet in area. Such signs shall be allowed no more than twenty-one (21) days prior to the event or function and must be removed within seven (7) days after the event or function except as otherwise noted below. If building mounted, these signs shall be flat wall signs and shall not project above the roof line. If ground mounted, the top shall be no more than six feet (6') above grade level. Such signs may be illuminated in accordance with the restrictions set forth in Section 1507.

1. The following signs shall be considered temporary signs and shall meet all requirements of this section, except as otherwise noted:
  - Signs announcing any public, charitable, educational, or religious event or function including political signs related to an election or voting event;
  - Informational and directional signs, such as those for yard sales and social events;
  - Holiday signs and displays;
  - Decorative flags, bunting, banners, and signs publicizing City-wide celebrations, conventions, commemorations, and recognized community-wide events as approved by City Council resolution;
  - Signs used for fundraising located within the confines of athletic fields, not exceeding four (4') feet by eight (8') feet in size, and generally visible from the seating area of such fields only;
  - Temporary, non-illuminated signs, located in the R-A Agriculture District and R-E Residential Estate District, pertaining to agricultural products raised on the premises, subject to Section 1502; and
  - Temporary, non-illuminated window signs, located in Commercial Districts, pertaining to a special event; which advertise activities, services, or goods available within the building; and which do not exceed twenty-five (25%) percent of the window glass surface area.
2. All temporary signs shall have the name of the person(s), organization, or other entity posting or erecting the sign and the date of posting or erection on the back of the sign or otherwise where most applicable.
3. Temporary, non-illuminated political signs shall not exceed eight (8) square feet in area and shall not be posted more than three (3) months prior to the day of voting to which the sign refers. Such signs shall be removed by the person(s), organization, or entity posting the sign within seven (7) days after the day of voting to which the sign refers.

4. Temporary signs that do not exceed eight (8) square feet shall be allowed without permit in commercial districts for seasonal sales and promotions. Temporary signage within a parking lot shall not block or take up any parking spaces required in Article XIV: Off-Street Parking and Loading Requirements. Temporary seasonal signs greater in area than two (2) square feet and used for longer than six (6) months shall be considered permanent and therefore regulated as such.

#### **1503.03. Integral.**

Names of buildings, dates of erection, monumental citations, commemorative tablets and the like when carved into stone, concrete, or similar material or made of bronze, aluminum or other permanent type construction and made an integral part of the building structure.

#### **1503.04. Interstate Advertising Signs.**

Within the B-2, B-3, M-1, and M-2 Zoning Districts, permanent, free-standing, pole-mounted signs, located within one thousand feet (1000') of an Interstate Highway right-of-way, may be allowed to exceed the size and height restrictions imposed for such signs in this district upon review of plans by and approval of the Zoning Board of Adjustment.

#### **1503.05. Private Traffic Direction.**

Signs directing traffic movement onto a premise or within a premise, not exceeding three (3 sf) square feet for each sign. Illumination of these signs shall conform to Section 1507, except that standard traffic signal light devices may be used if needed. Horizontal directional signs on and flush with paved areas are exempt from these standards.

#### **1503.06. Rental.**

Signs on the premises announcing rooms for rent, table board, and apartment for rent and set back no less than six feet (6') from the nearest property line and no more than five feet (5') above ground level shall be allowed up to twelve (12 sf) square feet in area.

#### **1503.07. Vehicles.**

Signs on vehicles of any kind, provided the sign is painted or attached directly to the body of the original vehicles and does not project or extend beyond the original manufactured body proper of the vehicle.

#### **1503.08. Human, Animal, or Product Form Signs.**

Signs which are shaped to resemble any human, animal, or product form, or any animation of any human, animal or product form shall be permitted in commercial zones and commercial areas and in industrial zones and in industrial areas, subject to all other requirements for signs in the zone or area in which located and provided further that the sign shall be reviewed and approved by the Planning Commission as consistent with the requirements, intent and purposes of this Ordinance.

#### **1503.09. Business Signs on Unimproved Lots.**

Signs for businesses conducted on unimproved lots with a small business office shall be allowed a total area for no more than two signs not to exceed one-half (1/2 sf) square foot for each linear foot of lot frontage or thirty-two (32 sf) square feet overall, whichever is smaller. Signs on unimproved property shall comply with all other restrictions of this Ordinance and the zones in which they occur.

#### **1503.10. Scoreboards.**

Scoreboards in athletic stadiums which are not visible from any residence or any public street.

#### **1503.11. Flags, Banners, and Insignia.**

Flags, banners, or insignia of a governmental, religious, charitable, or fraternal organization shall be limited to eighty (80 sf) square feet.

#### **1503.12. Security Company Signs.**

Signs identifying the company providing an alarm security service to a premises shall not exceed one (1 sf) square foot in area.

#### **1503.13 Portable Signs.**

Upon the date of adoption of this ordinance, the following regulations shall apply to the use, maintenance, and repair of portable signs:

1. Existing portable signs shall comply with all applicable City building codes pertaining to allowable stresses and loads, structure, and electrical wiring. The maintenance and repair of existing portable signs shall comply with the requirements of Section 1509.
2. New installation of portable signs shall be prohibited. One portable sign per business, existing on the date of adoption of this Ordinance, shall be regarded as nonconforming signs and may be continued for a period of four (4) years. At the end of this period, they shall be removed in accordance with Section 1510.
3. Prior to the end of the designated four (4) year "grandfathering" period, one existing portable sign per business may be replaced with a conforming sign or structurally converted into a permanent sign which conforms to all applicable requirements of the Sign and Outdoor Advertising Regulations of the City of Pell City and the City building code.

#### **1503.14 Accessory Signs.**

Accessory signs indicating general, non-advertising information and all accessory signs no larger than two (2) square feet shall be exempt. Accessory signs greater than two (2) square feet shall be considered permanent signs, the square footage of which shall be included in the calculation of the maximum attached sign area for the property as permitted within the district. No accessory sign shall be greater than eight (8) square feet each per business property.

#### **1503.15 Holiday Decorations and Signs.**

Holiday decorations which exclude advertising content shall be exempt from the provisions of this ordinance in all zoning districts. However, all such decorations shall not extend into a public right-of-way except as specifically authorized by the Planning Commission. Holiday signs shall be subject to the provisions of 1503.02.

## **SECTION 1504. PROHIBITED SIGNS.**

**Section 1.** Section 1504.01 #6 of Ordinance No. 2004-1766, Prohibited Signs, is hereby amended by Ordinance 2006-1883 as follows:

**1504.01.** The following signs are prohibited and shall be removed in accordance with Section 1510 hereof.

1. Signs containing statements, words, or pictures of an obscene, indecent, or immoral character, such as will offend public morals or decency.
2. Signs which imitate an official traffic sign or signal or which contain the words "stop", "go", "slow", "caution", "danger", "warning", or similar words.
3. Signs which are of a size, location, content, coloring, or manner of illumination which may be confused with or construed as a traffic control device or which hide from view any traffic or street sign or signal or which obstruct a clear line of sight within the sight triangle of a street intersection.
4. Signs which advertise a terminated activity, business, product or service no longer produced or conducted. Such signs may be maintained for up to six (6) months from the date of vacancy or termination as applicable. To allow for the future re-use of a conforming sign as connected with the re-use of the business, property or structure and to allow for the preservation of signs of historical significance to the community, the sign owner may apply for an extended use permit as approved by the Planning Commission contingent on the continued maintenance of said sign.
5. Snipe signs.
6. Signs which move in any manner, have a major moving part or give illustration of motion, or which swing or otherwise noticeably move as a result of wind pressure as a result of the manner of suspension or attachment. This prohibition shall not include electric message signs not exceeding four feet (4') in height and eleven feet (11') in width. {*Ordinance 2006-1883*}

Roof signs which are not specifically approved by the Planning Commission.

8. Portable signs, subject to the provisions of Section 1503.13.
9. Street banners which are placed across a municipal or federal right-of-way in the City of Pell City.
10. Signs on window surfaces covering more than twenty-five percent (25%) of the glass surface window area.
11. Signs with any lighting or control mechanism which causes radio, TV, or other communication interference.

## **SECTION 1505. SIGNS PERMITTED IN ALL ZONES.**

Subject to the other provisions of this Ordinance, the following signs shall be permitted anywhere within the city.

### **1505.01. Development Signs.**

One (1) development sign, temporary in nature, not to exceed twenty-four (24) square feet in residential districts nor thirty-two (32) square feet in all other districts, may be affixed to each lot or parcel of property to designate that such property is to be occupied at a future date by the business or use designated thereon. However, such a sign is limited to a sixty (60) day period prior to the beginning of construction of the premises by the announced business or use. Such signs shall be removed before a Certificate of Occupancy is issued.

### **1505.02. Construction Signs.**

One sign shall be permitted for all building contractors, all professional firms, and all lending institutions on a site under construction. This one permitted sign shall not exceed sixteen (16) square feet in any residential district or thirty-two (32) square feet in other districts; and may include the name of persons and firms performing services, labor, or supplying materials to the premises. The sign shall be confined to the site of the construction, construction shed, or trailer and shall be removed before a Certificate of Occupancy is issued.

### **1505.03. Real Estate Signs.**

1. One (1) temporary real estate sign not exceeding six (6) square feet in residential zones and ten (10) square feet in other zones shall be allowed for each lot, parcel or tract of less than two (2) acres. If the lot, parcel or tract has multiple frontage, one (1) additional sign not to exceed four (4) square feet in area in residential zones, or eight (8) square feet in area in other zones shall be allowed on the property to be placed facing the additional frontage. Under no circumstances shall more than a maximum of two (2) signs be permitted on the property.
2. One (1) temporary real estate sign not exceeding twelve (12) square feet in residential zones, and twenty-four (24) square feet in other zones shall be allowed on each lot, parcel, or tract of two (2) acres or more. If the lot, parcel or tract has multiple frontage, one (1) additional sign not exceeding twenty-four (24) square feet in area shall be allowed on the property to be placed facing the additional frontage. Under no circumstances shall more than two (2) signs be permitted on the property.
3. One (1) temporary subdivision identification sign not exceeding thirty-two (32) square feet in area and located on the property shall be allowed for each development of ten (10) lots or more.
4. One (1) temporary approach sign near each major intersection leading to a subdivision of ten (10) lots or more may be erected with a maximum of four (4) such signs permissible for any one subdivision. However, none of the permitted directional signs shall be erected at a distance greater than two (2) miles from the tract advertised. Each sign shall be not more than three feet (3') long and one foot (1') high. No illumination will be permitted and such signs shall not be less than fifteen feet (15') from the nearest edge of the pavement and shall not be erected within the sight triangle of an intersection of two public streets. The content of such directional signs shall be restricted to the name of the subdivision, the name of the developer and/or agent, and the name of the real estate company if different from agent or developer name. Multiple agents involved in the development and/or sale of properties within one subdivision may combine such signs affixed to one shared post. Each individual sign face shall meet the size regulations listed herein with the combined sign faces not to exceed ten (10) square feet. Such a shared sign shall be considered one of the four possible temporary approach signs allowable for any one subdivision.

5. To accommodate weekend sales activities, from 5:00 pm Friday through 8:00 am Monday, the number of temporary approach signs may exceed four (4) per subdivision of ten (10) lots or more; though all other size and placement requirements shall be met. All signs exceeding the normally allowable number of four (4) per subdivision shall be removed by 8:00 am Monday.

## **SECTION 1506. GENERAL REGULATIONS AND SPECIAL STANDARDS.**

Signs located within district where permitted shall be subject to the following general restrictions:

1. Flat Wall Signs - Flat wall signs may be located any where on any wall of a building, except that, above the first floor, no window or part of a window shall be situated within the area, or surface area, as defined herein, of such sign, or its supporting structure cover any window or part of a window. No flat wall sign shall extend above the roof line. In the case of multi-story building which has screening enclosing elevator shafts, stairs, or heating and air conditioning units, a flat wall sign may be permitted within the area of the screening.
2. Projecting Signs - Projecting signs may project over the public right-of-way only where there is no building set-back, and then may project no more than forty-two (42) inches beyond the right-of-way line, but no closer than eight feet (8') to a curb line and must have a minimum clearance of ten feet (10') above the finished grade of a sidewalk, and eighteen feet (18') above any road, driveway or alley. No projecting sign or supporting structure shall project more than forty-two inches (42") from the wall of a building, nor higher than twenty-five feet (25') from the ground level to the top of the sign on a multistory building, and above the first floor no window or part of a window shall be situated within the area, as defined herein, of such sign or its supporting structure nor shall any such sign or part of such sign, or its supporting structure cover any window or part of a window. Furthermore, no projecting sign or supporting structure shall be located in such a manner as to obstruct the light and vision of a window. Every face of a projecting sign shall be considered as a separate sign for purposes of computing the allowable area. No projecting sign or supporting structure shall extend above the roof line.
3. Free-standing Signs - Where a building does not cover the full area of the property, signs may be freestanding or ground supported and may be located anywhere back of the building restriction lines as provided for the Ordinance. Such a sign may extend up to twenty-six feet (26') above the ground level to the top of the sign and shall only be permitted where there is a minimum of fifty linear feet (50') of lot frontage, although the frontage requirements may be higher in some districts. Every face of a free standing sign shall be considered as a separate sign for purposes of computing allowable area, except as otherwise provided for double-faced signs. No part of the sign shall extend beyond a property line, building restriction line or right-of-way line.
4. Marquee Signs - Signs may be placed on the vertical faces of a marquee or may project below the lower edge of a marquee not more than twenty-four inches (24"), but the bottom of a sign placed on a marquee shall be no less than eight feet (8') above the sidewalk or grade at any point no part of the sign shall project above the top of the vertical faces of a marquee. Signs shall not be permitted anywhere on a marquee which projects over any public right-of-way except that an exception may be granted for theater marquees by the Planning Commission.
5. Roof Signs - Roof signs shall not be allowed as an integral part of the building design and shall require approval of the Planning Commission.

#### **1506.01. Automobile Service Stations.**

Only the following business and identification signs are permitted, subject to the standards set forth below and to all other requirements in this Ordinance.

1. One permanent, free-standing oil company sign per street frontage not exceeding the maximum height permitted within the Zoning District in which such sign is located and not exceeding the maximum area permitted within the district. Further such sign shall not project over the public right-of-way.
2. Other permanent and temporary signs, customary and incidental to the service station use, with the combined area of all such signs not to exceed the maximum sign area otherwise permitted within the district in which the use is located. No such sign shall extend above the roof line if attached to a building or in any case project over or into any public right-of-way.
3. When fuel price information is part of a gasoline service station sign, the total area occupied by fuel price information shall not exceed 50% of the total sign area.
4. Fuel price information and changes to such information are exempt from permitting.

#### **1506.02. Neighborhood Shopping Center.**

1. Freestanding signs - One permanent, freestanding on premise sign shall be permitted for identification of the center and major tenants. If the center has frontage on more than one major street, one such identification sign may be allowed for each frontage. The area of each freestanding sign shall not exceed one (1) square foot for each linear foot of the lot frontage nearest which the sign is located or one hundred fifty (150) square feet overall, whichever is smaller. The height of such sign(s) shall not exceed twenty-five (25') feet from grade at the base of the sign.
  - a. Where all individual tenants within a center have individual frontages of seventy-five (75) feet or greater, tenants may waive the right for a shopping center sign as provided above. In such cases where the right to a shopping center sign is unanimously waived, each qualifying tenant shall be permitted one freestanding sign of no greater than sixty-four (64) square feet. The height of such sign(s) shall not exceed twenty-five (25') feet from grade at the base of the sign. The minimum distance between individual freestanding signs shall be seventy-five (75) feet.
2. Attached signs - Each tenant shall be allowed one permanent, attached on-premise sign with a maximum sign area of 25% of the total building frontage per tenant space not to exceed 150 square feet. Where a tenant space includes multiple frontages, an additional attached sign on the secondary façade shall be permitted with a maximum sign area of 75 square feet.
3. Temporary Signs – Temporary signs shall be allowed in accordance with the provisions of Section 1503.02.
4. Accessory Signs – Accessory signs shall be allowed in accordance with the provisions of Section 1503.14.

#### **1506.03. Minor / Community Shopping Center.**

1. Freestanding signs - One permanent, freestanding on premise sign shall be permitted for identification of the center and major tenants. If the center has frontage on more than one major street, one such identification sign may be allowed for each frontage. The area of each freestanding sign shall not exceed one (1) square foot for each linear foot of the lot frontage nearest which the sign is located or three hundred (300) square feet overall, whichever is smaller. The height of such sign(s) shall not exceed forty feet (40') from grade at the base of the sign.
  - a. Where all individual tenants within a center have individual frontages of seventy-five (75) feet or greater, tenants may waive the right for a shopping center sign as provided above. In such cases where the right to a shopping center sign is unanimously waived, each qualifying tenant shall be permitted one freestanding sign of no greater than sixty-four (64) square feet. The height of such sign(s) shall not exceed forty (40') feet from grade at the base of the sign. The minimum distance between individual freestanding signs shall be seventy-five (75) feet.
2. Attached signs - Each tenant shall be allowed one permanent, attached on-premise sign with a maximum sign area of 25% of the total building frontage per tenant space not to exceed 150 square feet. Where a tenant space includes multiple frontages, an additional attached sign on the secondary façade shall be permitted with a maximum sign area of 75 square feet. For individual tenants with a gross leasable area of 50,000 square feet or greater, upon submission and review of plans, the Planning and Zoning Commission may approve a sign area for an attached sign greater than 150 square feet not to exceed 25% of the total area of the building façade on which the sign is to be attached.
3. Temporary Signs – Temporary signs shall be allowed in accordance with the provisions of Section 1503.02.
4. Accessory Signs – Accessory signs shall be allowed in accordance with the provisions of Section 1503.14.

#### **1506.04. Major Shopping Centers.**

1. Freestanding signs - One permanent, freestanding on premise sign shall be permitted for identification of the center and major tenants. If the center has frontage on more than one major street, one such identification sign may be allowed for each frontage. The area of each freestanding sign shall not exceed one (1) square foot for each linear foot of the lot frontage nearest which the sign is located or five hundred (500) square feet overall, whichever is smaller. The height of such sign(s) shall not exceed forty-five feet (45') from grade at the base of the sign. Where excessive grades, building interference, bridge obstruction, and the like exist, upon submission and review of plans, the Planning and Zoning Board may approve an increase in sign height not to exceed sixty (60) feet.
  - a. Where all individual tenants within a center have individual frontages of seventy-five (75) feet or greater, tenants may waive the right for a shopping center sign as provided above. In such cases where the right to a shopping center sign is unanimously waived, each qualifying tenant shall be permitted one freestanding sign of no greater than sixty-four (64) square feet. The height of such sign(s) shall not exceed twenty-five (25') feet from grade at the base of the sign. The minimum distance between individual freestanding signs shall be seventy-five (75) feet.
2. Attached signs - Each tenant shall be allowed one permanent, attached on-premise sign with a maximum sign area of 25% of the total building frontage per tenant space not to exceed 150 square feet. Where a tenant space includes multiple frontages, an additional attached sign on the secondary façade shall be permitted with a maximum sign area of 75 square feet. For individual tenants with a gross leasable area of 50,000 square feet or greater, upon submission and review



of plans, the Planning and Zoning Commission may approve a sign area for an attached sign greater than 150 square feet not to exceed 25% of the total area of the building façade on which the sign is to be attached.

3. Temporary Signs – Temporary signs shall be allowed in accordance with the provisions of Section 1503.02.
4. Accessory Signs – Accessory signs shall be allowed in accordance with the provisions of Section 1503.14.

#### **1506.05. Regional Shopping Center.**

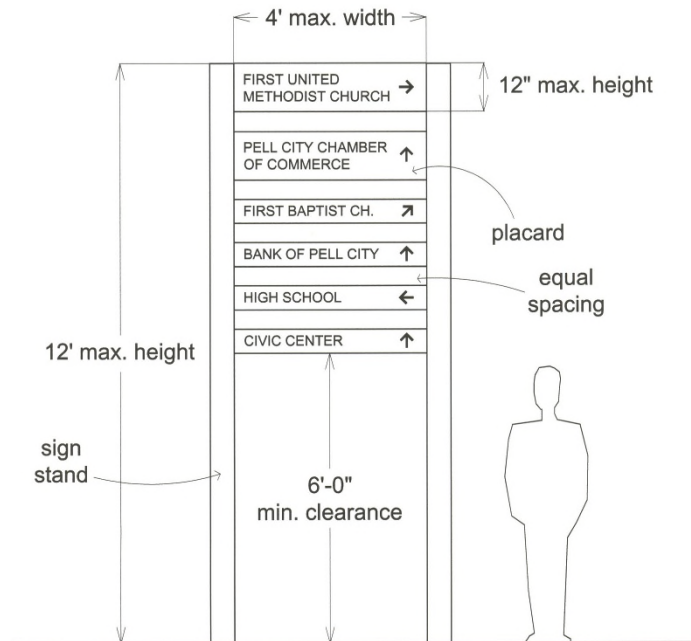
1. Freestanding signs - One permanent, freestanding on premise sign shall be permitted for identification of the center and major tenants. If the center has frontage on more than one major street, one such identification sign may be allowed for each frontage. The area of each freestanding sign shall not exceed one (1) square foot for each linear foot of the lot frontage nearest which the sign is located or seven hundred fifty (750) square feet overall, whichever is smaller. The height of such sign(s) shall not exceed sixty feet (60') from grade at the base of the sign. Where excessive grades, building interference, bridge obstruction, and the like exist, upon submission and review of plans, the Planning and Zoning Board may approve an increase in sign height not to exceed seventy-five (75) feet.
  - a. Where all individual tenants within a center have individual frontages of seventy-five (75) feet or greater, tenants may waive the right for a shopping center sign as provided above. In such cases where the right to a shopping center sign is unanimously waived, each qualifying tenant shall be permitted one freestanding sign of no greater than sixty-four (64) square feet. The height of such sign(s) shall not exceed twenty-five (25') feet from grade at the base of the sign. The minimum distance between individual freestanding signs shall be seventy-five (75) feet.
2. Attached signs - Each tenant shall be allowed one permanent, attached on-premise sign with a maximum sign area of 25% of the total building frontage per tenant space not to exceed 150 square feet. Where a tenant space includes multiple frontages, an additional attached sign on the secondary façade shall be permitted with a maximum sign area of 75 square feet. For individual tenants with a gross leasable area of 50,000 square feet or greater, upon submission and review of plans, the Planning and Zoning Commission may approve a sign area for an attached sign greater than 150 square feet not to exceed 25% of the total area of the building façade on which the sign is to be attached.
3. Temporary Signs – Temporary signs shall be allowed in accordance with the provisions of Section 1503.02.
4. Accessory Signs – Accessory signs shall be allowed in accordance with the provisions of Section 1503.14.

## **1506.06 Off-Premise Directional Signs.**

The following provisions are intended to provide opportunities to businesses and institutions for off-premise directional signage balanced with the community's desire to manage and minimize "visual clutter". Design and development of new off-premise directional signs shall conform to the standards below to establish a consistent, well-organized system for wayfinding throughout the community to serve its residents, businesses, institutions, and visitors.

1. Off-premise directional signs shall be permitted only within commercial and industrial zoning districts.
2. Off-premise directional signs shall be permitted only along a major street to direct pedestrian or vehicular traffic to a business or entity described on said sign.
3. Off-premise directional signs shall be located no further than 1,000 yards from the business or entity indicated and shall be located no closer than 1,000 feet from a pre-existing off-premise directional sign.
4. Written authority from the owner of the property on which the sign is to be located must accompany a permit application for an off-premise directional sign.
5. Off-premise directional signs shall conform to all of the following dimensional regulations and design standards and as depicted in the diagram following:
  - Signs shall be composed of two major elements – a stand or structure on which signs are affixed and a sign or placard on which text and directional graphics are provided.
  - No portion of said signs shall be located within a public right-of-way.
  - The design of the stand or structure shall be limited to twelve (12') feet in height at grade and when placed at or near an intersection shall be placed and constructed in such a way as to minimize any visual obstruction within the sight triangle of the intersection.
  - Signs may include up to six (6) placards on one sign facing with a minimum visual clearance of six (6') feet from the ground to the bottom edge of the lowest placard. A sign with multiple facings shall be limited to a total of twelve (12) placards.
  - The maximum size for a placard shall be twelve (12") inches in height by four (4') feet in width.
  - Content on each placard shall be limited to the name of the business or institution, a corporate/institutional logo, and an "arrow" giving the general direction of the destination.
  - All placards on one sign or on multiple facings of a sign shall be uniform in color. Graphic content may include colors associated with the business or institution as desired.
  - Each business or institution is permitted one placard per facing of a directional sign. Placards may be double-sided where appropriate.

Figure 34 – Off-Premise Directional Sign



## SECTION 1507. ILLUMINATION.

**Section 2.** Section 1507 #2 of Ordinance No. 2004-1766, Illumination, is hereby amended by Ordinance 2006-1883 as follows:

1. The light from any illuminated sign or from any light source, including the interior of a building, shall be so shaded, shielded or directed that the light intensity or brightness shall not adversely affect surrounding or facing premises nor adversely affect safe vision or operators of vehicles moving on public or private roads, highways or parking areas. Light shall not shine or reflect on or into residential structures.
2. With the exception of electronic message signs not exceeding four feet (4') in height and eleven feet (11') in width, no sign shall have blinking, flashing, or fluttering lights or other illumination devices which have a changing light intensity, brightness, or color, or which are so constructed and operated as to create an appearance of or illusion of writing or printing. Nothing contained in this Ordinance shall, however, be construed as preventing the use of lights or decorations related to religious and patriotic festivities. Beacon lights or search lights shall not be permitted as a sign or for advertising purposes. {*Ordinance 2006-1883*}
3. No colored lights shall be used at any location or in any manner so as to be confused with or construed as traffic control devices.
4. Neither the direct, nor reflected light from primary light sources shall create a traffic hazard to operators of motor vehicles on public thoroughfares.
5. No exposed reflective type bulbs and no strobe lights or incandescent lamps which exceed fifteen (15) watts shall be used on the exterior surface of any sign so as to expose the face of the bulb, light or lamp to any public street or adjacent property.

## **SECTION 1508. OUTDOOR ADVERTISING STRUCTURES, BILLBOARDS, AND POSTER PANELS.**

For the purposes of this Ordinance, outdoor advertising, hereinafter referred to as billboards, shall include outdoor advertising structures, billboards, poster panels, and the like which advertise products, services, or businesses not connected with site or building on which any such sign is located.

### **1508.01. Location.**

Billboards shall only be conditionally permitted as separate uses on unimproved property which is zoned M-1 or M-2, and subject to the requirements hereafter specified and those specified elsewhere in this Ordinance.

### **1508.02. Requirements.**

1. No billboard shall be located closer than five hundred feet (500') to any residential district, not closer than six hundred sixty feet (660') to the right-of-way line of any highway system, not closer than fifty feet (50') to the right-of-way of any other street or road, nor closer than one hundred feet (100') to any side or rear property line.
2. No billboard shall be more than twenty feet (20') in height from ground level, provided however, an exception in height may be allowed by the Planning Commission if it can be shown that excessive grades, building interference, bridge obstruction, and the like exist, then the height may be increased to a maximum of forty feet (40').
3. Billboards may be single-face or double-face but no billboard shall contain more than two (2) signs or panels and shall not exceed in aggregate a total area of eight hundred and twenty-five (825) square feet per facing.
4. All billboards, and components thereof, shall be kept in good repair and in safe, neat, clean and attractive condition.
5. The back side of single-faced billboards when not otherwise concealed from any public view shall be covered or screened in an area and location equal to the sign face with a suitable, permanent type material which shall be painted and maintained in good condition such that the rear of the billboard presents a uniform appearance with the front.
6. The Building Inspector shall order the removal of any sign erected or maintained hereafter in violation of the regulations herein. Removal shall be in accordance with Section 1510 hereof. Other billboards existing at the time of the enactment of this Ordinance and not conforming to its provisions, but which did conform to previous laws, shall be regarded as nonconforming billboards which may be continued in accordance with the provisions of Section 1509 of this Ordinance. Nonconforming billboards which are structurally altered, relocated or replaced shall comply immediately with all provisions of this Ordinance.
7. Billboards located along Interstate 20 shall comply with all applicable state regulations and any agreement entered into by the State of Alabama and the U.S. Secretary of Transportation.

## **SECTION 1509. NONCONFORMING SIGNS.**

It is the intent of this Ordinance that all nonconforming signs within the City be brought into compliance with this Ordinance or eventually discontinued through the measures described below. The following provisions shall apply to all nonconforming signs within the City.

1. Any permanent sign legally existing on or before the date of adoption of these regulations, or any future amendment thereto, that does not conform with the requirements of these regulations shall be considered a nonconforming sign. No sign erected in violation of a previous sign ordinance shall, by virtue of adoption of this Ordinance, become a conforming sign. Nonconforming signs may be continued and maintained subject to all other provisions of Sections 1509 and 1510. However, all nonconforming portable signs shall be removed within four (4) years of the date of adoption of these regulations and may be replaced as described in Section 1503.13. The Building Inspector shall order the removal of any sign erected or maintained in violation of the regulations herein. Removal shall be in accordance with Section 1510 hereof.
2. Alteration – A nonconforming sign shall not be rebuilt, expanded, or altered in any way that increases its nonconformity with the requirements of this ordinance. This requirement shall not prohibit proper maintenance of a nonconforming sign or changes to sign copy that do not increase its nonconformity. No sign shall be changed to another nonconforming sign as a result of a change in ownership, use, or content.
3. Repair – A nonconforming sign shall not be reconstructed or repaired to a nonconforming status when it has sustained damages exceeding seventy-five (75%) percent of its replacement cost at the time of damage, unless approved by the City Council. Determining the appraised value of the sign shall be the responsibility of the City Council.
4. Replacement – A nonconforming sign shall be replaced only by a conforming sign.

## **SECTION 1510. REMOVAL, MAINTENANCE AND SAFETY.**

**Section A:** That the provisions of Section 1510 of Ordinance 2004-1766, as previously amended, are hereby amended by Ordinance No. 2014-4376 to read as follows:

### **1510.01 Structural Requirements.**

All signs shall comply with the pertinent requirements of the Building Code of the City of Pell City.

### **1510.02 Maintenance.**

All signs and components thereof shall be kept in good repair and in safe, neat, clean, and attractive condition. Weeds and grass shall be kept cut in front of, behind, underneath, and around the base of ground and pole-mounted signs for a perimeter distance of ten (10') feet, and no rubbish or debris that would constitute a fire or health hazard shall be permitted under or near such signs.

### **1510.03 Removal of Signs.**

The Building Inspector shall order the removal of any sign erected or maintained in violation of this Ordinance. Ten (10) days' notice in writing shall be given to the owner of such sign, or of the building, structure or premises on which such sign is located, to remove the sign or to bring into compliance with the Ordinance. Upon failure to remove the sign, the City shall remove the sign immediately and without notice if it reasonably appears that the condition of the sign is such as to present an immediate threat to the safety of the public. Any costs of removal incurred by the City shall be assessed to the owner of the property on

which such sign is located and may be collected in the manner of ordinary debt or in the manner of taxes and such charge shall be in lien on the property.

#### **1510.04 Abandoned Signs.**

A sign shall be removed by the owner or lessee of the premises upon which the sign is located when the business which it advertises is no longer conducted on the premises. If the owner or lessee fails to remove the sign, the City shall remove it in accordance with Section 1510.03. above. These removal provisions shall not apply where a succeeding owner or lessee conducts the same type of business and agrees to maintain the signs as provided in this Ordinance or changes copy on the signs to advertise the type of business being conducted on the premises and provided the signs comply with the other provisions of this Ordinance.

#### **1510.05 Penalties for Violations.**

Any person violating any provisions of this Ordinance shall be guilty of a misdemeanor and, upon conviction shall be fined for each offense. Each day such violations continue shall constitute a separate offense.

**Section B:** Severability. If any section or provision of this Ordinance shall hereafter be declared invalid by a court of competent jurisdiction, such declaration shall not affect the validity of any other section or provision of this Ordinance.

**Section C:** Repeal of Conflicting Ordinances. Any Ordinance in conflict with this Ordinance shall be and is hereby repealed on the effective date of this Ordinance.

**Section D:** Effective Date: This Ordinance shall become effective upon approval, passage and publication as required by law.

**Adopted and Approved** this 27<sup>th</sup> day of October, 2014 {*Ordinance No. 2014-4376 Section 1510*}

## ARTICLE XVI

### NONCONFORMING USES OF LAND AND BUILDINGS

Within the districts established by this Ordinance or amendments that may later be adopted, there exist lots, structures, uses of land and structures, and characteristics of use which were lawful before the Ordinance was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this Ordinance or future amendment. It is the intent of this Ordinance to permit these nonconformities to continue until they are removed. It is further the intent of this Ordinance that nonconformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district. It is further the intent of this Ordinance that the nonconforming use of land, of structures, or of land and structures in combination be discontinued as required by this Article.

#### SECTION 1601. CONTINUANCE.

A nonconforming use of land, nonconforming structure, or nonconforming use of land and structure in combination existing at the effective date of this Ordinance may be continued, except as hereinafter provided, though such use does not conform with the provisions of this Ordinance.

#### SECTION 1602. ENLARGEMENT, EXTENSION, AND ALTERATION.

1. The nonconforming use of land shall not be enlarged or increased, extended to occupy a greater area of land than was occupied on the effective date of this Ordinance, nor moved to any portion of the premise or parcel of land than was occupied on the effective date of this Ordinance. No additional structure not conforming to the requirements of this Ordinance shall be erected in connection with such nonconforming use of land.
2. A nonconforming structure shall not be enlarged or altered in a way which increases its nonconformity, but any structure or portion thereof may be altered to decrease its nonconformity. Should a nonconforming structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.
3. An existing structure devoted to a nonconforming use shall not be enlarged, extended, or structurally altered except in changing the use of this structure to a use permitted in the district in which it is located. The extension of the nonconforming use throughout such existing structure, as constructed on the effective date of this Ordinance, shall not be considered an expansion of a nonconformity; but no such use shall be extended to occupy any land outside such structure.

#### SECTION 1603. RESTORATION TO SAFE CONDITION.

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

#### SECTION 1604. RESTORATION AFTER DAMAGES.

No nonconforming use, other than dwellings, which have been damaged by fire or other causes to the extent of more than sixty percent (60%) of its current replacement value at the time of such damage, shall

be rebuilt or restored except in conformity with the provisions of this Ordinance. If a nonconforming building is damaged less than sixty percent (60%) of its current replacement value, it may be rebuilt or restored and used as before the damage, provided that such rebuilding or restoration is completed within twelve (12) months of the date of such damage. No nonconforming dwellings damaged by fire or other causes to the extent of more than seventy-five (75%) percent of its current replacement value at the time of such damage, shall be rebuilt or restored except in conformity with the provisions of this Ordinance. If a nonconforming dwelling is damaged less than seventy-five percent (75%) of its current replacement value, it may be rebuilt or restored and used as before the damage, provided that such rebuilding or restoration is completed within twelve (12) months of the date of such damage.

#### **SECTION 1605. ABANDONMENT.**

A nonconforming use, other than dwellings located in Residential Districts, which has been discontinued for a continuous period of one year shall not be reestablished and any future use shall be in conformity with the provisions of this Ordinance. The use of any nonconforming dwelling in Residential Districts which has been discontinued for a continuous period of one year shall not be reestablished except by special approval by the Planning Commission. Abandonment of manufactured homes on nonconforming lots within the R-A District shall comply with the provisions of Section 1001.05.

#### **SECTION 1606. CHANGES IN USE.**

A nonconforming use of a structure, or of structures and land in combination, may as a special exception be changed to another nonconforming use; provided, that the Board of Adjustment shall find that the proposed use is equally appropriate or more appropriate to the district than the existing use. In permitting such change, the board of adjustment may require appropriate conditions or safeguards in accordance with the provisions of this Ordinance. A nonconforming use which is changed to a permitted use or to another nonconforming use of more restrictive classification shall not be permitted to revert to the original or less restrictive use.

#### **SECTION 1607. DISCONTINUANCE OF NONCONFORMING USES OF LAND.**

The nonconforming use of land, in each of the following cases, shall be discontinued within two (2) years from the effective date of this Ordinance or within two (2) years from the date on which the use becomes nonconforming, whichever is later:

1. Where no buildings are employed in connection with such use.
2. Where the only buildings employed are accessory or incidental to such use.
3. Where such use is maintained in connection with a conforming building.
4. Outdoor advertising (billboard) signs, except that outdoor advertising signs may continue longer than two (2) years at the discretion of the Board of Adjustment.



## **ARTICLE XVII**

### **AMENDMENT**

#### **SECTION 1701. PROCEDURE.**

The regulations and number, area, and boundaries of districts established by this article may be amended, supplemented, changed, modified, or repealed by City Council, but no amendment shall become effective unless it is first submitted to the City Planning Commission for its recommendation. The Planning Commission upon its own initiative may hold public hearings, public notice of which will be given, for the consideration of any proposed amendment to the provisions of this article or to the Zoning Map of Pell City, and report its recommendations to the City Council. The provisions of the **Code of Alabama, 1975, §11-52-78**, or as the same may be amended, shall apply to all changes and amendments.

#### **SECTION 1702. ZONING AMENDMENT APPLICATIONS.**

##### **1702.01. Text Amendments.**

All proposed amendments submitted to the Planning Commission involving a text change to the Zoning Ordinance shall include a written statement giving the reasons for the proposed change; and in the case of additions to or changes in the existing wording, the suggested wording of the amendment in the style and format of the existing Ordinance. All applications for such amendments shall be accompanied by a check made payable to the City of Pell City, Alabama, or cash to defray the cost of processing.

##### **1702.02. Map Amendments.**

All proposed amendments involving a change to the Zoning Map of Pell City submitted to the Planning Commission for consideration shall be accompanied by a legal description of the property in question and a current plat of the land area made by a registered civil engineer or land surveyor. This plat shall show the current district classification of the subject land area and all abutting properties. In addition the proposed amendment shall be accompanied by a check payable to the City of Pell City, Alabama, or cash to defray the cost of processing.

If in accordance with the provisions of this Ordinance and the **Code of Alabama, 1975, §11-52-7**, changes are made in district boundaries or other matter portrayed on the Official Zoning Map promptly after the amendment has been approved by the City Council with an entry on the official Zoning Map as follows: "On (date), by official action of the following (change) changes were made in the Official Zoning Map"; (brief description of nature of change), which entry shall be signed by the Mayor and attested by the City Clerk. No amendment to this Ordinance which involves matter portrayed on the Official Zoning Map shall become effective until after such change and entry has been made on said map.

If an initial request for rezoning is denied, a return request by the applicant for the same map amendment can be filed only after a twelve (12) month waiting period, starting from the date when the initial request is denied. A different amendment request for the same property shall not be subject to this waiting period.

##### **1702.03. Publication of Legal Notice.**

When a request for re-zoning requires publication of a legal notice, the City Clerk shall prepare the required notice and submit it to the appropriate newspaper for publication. The cost of such publication shall be billed directly to the applicant by the newspaper in which the notice appears. Payment of the above fees is not required of employees or agents of the City of Pell City submitting proposed amendments in the course of performance of official duties.

**1702.04. Posting Notice.**

When posting of notice is required on the property in question, such posting shall be accomplished by the Building Inspector. Signs shall be posted on the property in the following manner

1. At 150 foot intervals along the street frontage of the property.
2. With a minimum of one (1) sign for each side of the property with street frontage.
3. At those points determined by the Building Inspector to be necessary, if not required in (1) or (2) above;
4. Such signs shall be posted at least fifteen (15) days prior to the date of the hearing at which the property in question is to be acted upon.

**1702.05. Notification of Adjoining Property Owners.**

The City Clerk shall, in the case of proposed map amendments, mail notice of public hearing before the Planning Commission to all adjoining property owners, as their names are shown on county tax records. Such notice shall be mailed at least fifteen (15) days prior to the hearing to the address as shown on the county tax records.

## **ARTICLE XVIII**

### **LEGAL STATUS PROVISIONS**

#### **SECTION 1801. INTERPRETATION.**

In their interpretation and application, the provisions of this Ordinance shall be considered minimum requirements adopted for the promotion of public health, safety, morals, convenience, order, prosperity, and general welfare of the community. Where other ordinances or regulations which may be adopted hereafter impose greater restrictions than those specified herein, compliance with such other ordinances or regulations is mandatory. This Ordinance shall not lower the restrictions of plats, deeds, or private contracts if such are greater than the provisions of this Ordinance, i.e., that which is more restrictive shall apply.

#### **SECTION 1802. CONFLICT WITH OTHER REGULATIONS.**

Whenever the regulations of this Ordinance require or impose more restrictive standards than are required in or under any other statute or ordinance, the requirements of this Ordinance shall govern. Whenever the provisions of any other statute or ordinance require more restrictive standards than are required by this Ordinance, provisions of such statute or ordinance shall govern.

#### **SECTION 1803. SEVERABILITY.**

If any section, clause, provision, or portion of this Ordinance shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, or portion of this Ordinance which is not in and of itself invalid or unconstitutional.

#### **SECTION 1804. EFFECTIVE DATE.**

This Ordinance shall take effect and be in force from and after the date of adoption.

ADOPTED, following a public hearing and recommendation from the Planning Commission on AUGUST 26, 2002.