

SATSUMA

ALABAMA

ZONING ORDINANCE

No. 482



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ARTICLE I

PURPOSE, ENACTMENT, AND TITLE

THE CITY OF SATSUMA, IN PURSUANCE OF THE AUTHORITY GRANTED BY TITLE 11, CHAPTER 52, ARTICLE 4, SECTIONS 70 TO 84 INCLUSIVE, CODE OF ALABAMA, 1975, TO PROVIDE FOR THE ESTABLISHMENT OF DISTRICTS WITHIN THE CORPORATE LIMITS OF THE CITY OF SATSUMA, ALABAMA, TO REGULATE WITHIN SUCH DISTRICTS THE HEIGHT, NUMBER OF STORIES, AND SIZE OF BUILDING AND OTHER STRUCTURES, THE PERCENTAGE OF LOT THAT MAY BE OCCUPIED, THE SIZE OF YARDS AND OPEN SPACES, THE DENSITY OF POPULATION AND THE USE OF BUILDINGS, STRUCTURES, AND LAND; TO PROVIDE METHODS OF ADMINISTRATION OF THESE REGULATIONS AND PENALTIES FOR THE VIOLATION THEREOF; HEREBY ORDAINS AND ENACTS INTO LAW AN OFFICIAL ZONING ORDINANCE.

THE PUBLIC WELFARE REQUIRING IT, Be it Ordained by the City Council of the City of Satsuma, Alabama, as follows:

- 1.1 PURPOSE. The regulations set forth herein are enacted to implement the Comprehensive Plan for Satsuma in order to encourage the most appropriate use of land to maintain and stabilize the value of property, to prevent the overcrowding of land and undue concentrations of population and to create a comprehensive and stable pattern of land uses which will facilitate the planning and provision of public facilities; and to promote the health, safety, and welfare of present and future inhabitants.

- 1.2 ENACTMENT. Except as hereunder provided, no building shall be erected, or structurally altered, nor shall any building or premises be used for any purpose other than permitted to the zoning district in which the building or premises is located. No land or lot area shall be reduced or diminished so that the yards or open spaces shall be smaller than prescribed herein, nor shall the lot area per family be reduced in any manner except in conformity with the regulations hereby established for the district in which such building is located. No yard or open space provided about any building for the purpose of complying with these regulations shall be considered as providing a yard or other open space for any other building

1.3 SHORT TITLE. These regulations shall be known and may be cited as *The Zoning Ordinance of the City of Satsuma, Alabama.*

1.4 CONSTRUCTION, APPLICATION, AND ENFORCEMENT CONSISTENT WITH FEDERAL LAW. The provisions of the Ordinance shall in every instance be construed, applied, and enforced in a manner consistent with applicable federal law, including but not limited to Title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988 (the Fair Housing Act), 42 U.S.C. §§ 3601-3619; and Title II of the Americans with Disabilities Act (the ADA), 42 U.S.C. §§ 12131-12134. Notwithstanding any other provision of this Ordinance to the contrary, the Building Inspector, Planning Board Members, and other City officials with zoning--related responsibilities shall make reasonable accommodations in the rules, policies, and practices of their offices so that handicapped or disabled persons or providers of housing for handicapped or disabled persons are not discriminated against and are afforded an equal opportunity to use and enjoy dwellings.

ARTICLE II

ESTABLISHMENT OF DISTRICTS

- 2.1 The City of Satsuma, Alabama is hereby divided into zoning districts as listed and described below and as shown on the Official Zoning District Map for the purpose of:
- a. Providing a residential environment free of incompatible uses, safe from natural and man-made hazards;
 - b. Promoting, where possible, planned residential, commercial, and industrial areas in appropriate locations, with appropriate standards and minimum service cost to local government;
 - c. Providing a compact, convenient, urban pattern for urban areas;
 - d. Providing a level of flexibility of control sufficient to promote innovation and creativity in community development, to encourage maximum living comfort and convenience at lowest cost; and,
 - e. Promoting the comprehensive plan for the city.
- 2.2 RESIDENTIAL DISTRICTS.
- a. R-1 Low-Density, Single-Family Residential District: This district is provided to afford opportunity for choice of low-density suburban residential environment consisting of single-family homes on large parcels of land.
 - b. R-2 Medium-Density, Single-Family Residential District: This district is intended as a medium-density, single-family urban residential district, with lots of moderate size.
 - c. R-3 High-Density, Single-Family Residential District: This district is intended as a high density, single family residential district with lots of smaller size.
 - d. R-4 Limited Multi-Family Residential District: The purpose of this district is to provide a medium high-density, single-family structure or two to four family units to a building structure.

2.3 BUSINESS DISTRICTS.

- a. B-1 Local Shopping District. This district is intended to provide for limited retail convenience goods and personal service establishments in residential neighborhoods and to encourage the concentration of these uses in one location for each residential neighborhood rather than in scattered sites occupied by individual shops throughout a neighborhood.
- b. B-2 General Business District. This district is intended to provide opportunity for activities causing noise and heavy traffic, not considered compatible in the more restrictive business district. These uses also serve a regional as well as a local market and require location in proximity to major transportation routes. Recreational vehicle parks, very light production and processing activities are included.

2.4 INDUSTRIAL DISTRICT.

- a. M-1 Light Industrial District: The purpose of this Light Industrial District is to provide a suitable protected environment for manufacturing, research and wholesale establishments which are clean, quiet, free of hazardous or objectionable emissions, and generate little industrial traffic. Industrial parks should be encouraged. Locations should be in accordance with comprehensive plans.

2.5 FLOOD HAZARD DISTRICT.

- a. FH Flood Hazard District: This designation places the boundaries of flood hazard district "FH" determined as specified in this Ordinance hereunder, over all other districts. The boundaries of this district are determined by reference to the Flood Hazard Boundary Map, Federal Emergency Management Agency and the Federal Insurance Administration.

It is the intent of this District to provide protection from the hazards and financial loss caused by flooding to the residents, businesses, industries and public uses of the community, and to protect sensitive natural environments that might be damaged by improper use of the floodway and floodway fringe.

2.6 GENERAL REQUIREMENTS.

The use classifications defined for each district are *non-cumulative*, meaning that

the uses in districts with more restrictive use requirements shall not be allowed in districts with less restrictive use requirements. [For example, a residential use shall not be allowed in a business district.] Exceptions shall be reviewed and approved by the Board of Adjustment in accordance with the procedures listed in Article VII.

2.7 THE OFFICIAL ZONING MAP.

- a. Incorporation of the Zoning Map: The Official Zoning Map, with all notations, references and other information shown thereon shall be the official zoning map and is hereby made a part of this Ordinance. The Official Zoning Map is hereby made a public record and shall be kept permanently in the office of the City Clerk, where the map will be accessible to the general public.
- b. Identification of the Official Zoning Map: The Official Zoning Map shall be identified by the signature of the Mayor, attested by the City Clerk, signed and dated at the time of adoption of the Ordinance.
- c. Map Amendment: If, in accordance with the provisions of this Ordinance, changes are made in the district boundaries or other information portrayed on the Official Zoning Map, changes shall be made on the map promptly after the amendment has been approved by the City Council. Unauthorized alterations of the Official Zoning Map shall be considered a violation of this Ordinance and subject to penalties as prescribed under Penalties.

ARTICLE III

APPLICATION OF DISTRICT REGULATIONS

3.1 APPLICATION OF REGULATIONS. Except as hereinafter provided:

- a. Use: No building or land shall hereafter be used or occupied and no building or part thereof shall be erected, constructed, moved, or altered except in conformity with the regulations herein specified for the district in which it is or is to be located.
- b. Building Heights: No building shall hereafter be erected, constructed, or altered so as to exceed the height limit specified in the regulations herein for the district in which it is located unless approved by the Board of Adjustment.
- c. Lots: No lot, even though it may consist of one or more adjacent lots of record, shall be reduced in size so that lot width or depth, front, side or rear yard, inner or outer courts, lot area per family or other requirements of this Ordinance are not maintained.
- d. Yards: No part of a yard or other open space required for any building for the purpose of complying with the provisions of this Ordinance shall be included as part of a yard or other open space similarly required for another building. No yard existing at the time of this Ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards created after the effective date of this Ordinance shall meet at least the minimum requirements established by this Ordinance.
- e. One Principal Building on Lot: Every residential building, including hotels, motels, condominiums, single-family, two-family, and multi-family dwellings, hereafter erected or moved shall be located on a lot, and in no case shall there be more than one (1) principal residential building on a lot except as follows:
 - 1) In any district where multi-family structures, motels, or hotels are permitted, two or more such residential structures may be permitted on a lot provided that no building shall be located closer to another building on the same lot than a distance equal to half the sum of the heights of both buildings. In an *Area of Special Flood Hazard* as defined in the Flood Hazard section of this Ordinance, the height of a building shall be measured from the floor level of the first habitable story for purposes of this section. In any case, the front or

rear of any building may be no closer to the front or rear of any other building than forty (40) feet. The side of any building shall be no closer to the side, front or rear of any other building than thirty (30) feet.

2) Planned Unit Developments.

f. Residential Uses in Business District: Residential uses established in any Business District must comply with the minimum requirements set forth in Article IV.

g. Additional R-3 Requirements:

1) Only apply to major subdivisions (exception if consistent with pre-existing surrounding area designated as R-1).

2) All streets will have concrete curbs and gutters.

3) Sidewalks will be required on both sides.

4) Decorative street lights are required that sufficiently light the area.

5) An attached garage/carport is required. An attached garage/carport shall be tied into the foundation of the residence to which it is attached. The external look of the attached garage/carport roof line shall aesthetically compliment the roof line of the residence to which it is attached.

6) Covenants must be attached to the application to subdivide and must be provided to the Planning Commission.

7) Common area/play area shall be provided on approval by the Satsuma Planning Commission.

8) Underground utilities shall be required.

9) Minimum living space, which does not include attached garage/carport, shall be 1,500 square feet.

h. Multi-Family: All multi-family dwellings intended for occupancy by three or more families shall have Planning Commission approval on site plans prior to issuance of the building permit.

- 1) Site plans shall be submitted no less than ten (10) days prior to the meeting at which they are to be reviewed.
- 2) Site Plans shall be the same as those submitted to the Building Inspector and at the least shall contain an accurate plot plan drawn to scale showing the actual shape and dimensions of the lot to be built upon, the exact sizes and locations on the lot of the buildings and accessory buildings then existing and the line within which the proposed buildings and structures shall be erected or altered, the existing and intended use of each building or part of building, the number of families or housekeeping units the building is designed to accommodate, the topography, the proposed drainage system, the zone or intended zone for the use proposed, and the names of streets adjoining said property and such other information as may be necessary to determine and provide for the enforcement of this Ordinance. This review of site plans shall be coordinated with the appropriate utility authority(ies).

3.2 RULES FOR DETERMINING BOUNDARIES.

- a. Boundaries: In making determinations where uncertainty exists with respect to the boundaries of any of the aforesaid districts as shown on the Official Zoning Map, the following rules shall apply:
 - 1) Unless otherwise indicated, the district boundaries are indicated as approximately following property lines, land lot lines, center lines of streets, highways, alleys, shorelines of streams, reservoirs, or other bodies of water, or civil boundaries, and they shall be construed to follow such lines.
 - 2) Where district boundaries are approximately parallel to the center lines of streets, highways or railroads, streams, reservoirs or other bodies of water, or said lines extended, such district boundaries shall be construed as being parallel thereto and at such distance therefrom as indicated on the Official Zoning Map. If no distance is given, such dimensions shall be determined by the use of the scale shown on the Official Zoning Map.
 - 3) Where a district boundary line as appearing on the Official Zoning Map divides a lot which is in single ownership at the time of this enactment, the use classification of a larger portion may be extended to the remainder by the Council without recourse to amendment procedure.

- 4) Where a public road, street, or alley is officially vacated or abandoned, the regulations applicable to the property to which it is reverted shall apply to such vacated or abandoned road, street, or alley.
 - 5) In case the exact location of a boundary cannot be determined by the foregoing methods, the Board of Adjustment shall, upon application, determine the location of the boundary.
- b. Flood Hazard District: The boundaries of the flood hazard districts shall be determined by reference to Flood Insurance Rate Map, City of Satsuma, Alabama, Mobile County, as revised, Department of Housing and Urban Development (subsequently Federal Emergency Management Agency (FEMA), Federal Insurance Administration. Where interpretation is needed as to the exact location of the boundaries of the district as shown on the Official Zoning Map (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), the Board of Adjustment shall make the necessary interpretation. The person contesting the location of the district boundary shall be given a reasonable opportunity to present his case to the Board and to submit his own technical evidence if he so desires.

3.3 NON-CONFORMANCE.

- a. Non-Conforming Building and Uses: It is the intent of this Ordinance to recognize that the elimination of existing buildings and structures or uses that are not in conformance with the provisions of this Ordinance is as much a subject of health, safety, and general welfare as is the prevention of the establishment of new uses that would violate the provisions of this Ordinance. It is also the intent of this Ordinance to administer the elimination of non-conforming uses, buildings, and structures so as to avoid any unreasonable invasion of established private property rights. Therefore, any structure or use of land existing at the time of the enactment of this Ordinance and amendments thereto, not in conformity with its use, regulations and provisions, and not in violation of zoning regulations in effect immediately prior to the adoption of this Ordinance, may be continued subject to the following provisions:
- 1) Unsafe Structures. Any structure or portion thereof declared unsafe by any authority may be restored to a safe condition, providing the requirements of this Section are met.
 - 2) Alterations. Any change in a non-conforming building site or yard area is

subject to the following:

- A non-conforming building can be structurally altered or expanded provided that such alterations or expansions are in conformance with the side, front and rear yard requirements and with the height requirements of the District.
 - Should a non-conforming building be moved, all non-conforming yard areas shall be eliminated.
- 3) Extension: A non-conforming use of land shall be restricted to the lot occupied by such use as of the effective date of this Ordinance. A non-conforming use of a building or buildings shall not be extended to include either additional buildings or land after the effective date of this Ordinance.
 - 4) Restoration of Damaged Buildings: A non-conforming building, structure or improvement which is hereafter damaged or destroyed may be restored, If, however, in the opinion of the Building Inspector the restoration exceeds the former scope of the non-conforming use, the matter may be referred to the Planning Commission prior to the issuance of a building permit.
 - 5) Change in Use: A non-conforming use which is changed to a conforming use shall not be permitted to revert to the original or a less restrictive use.
 - 6) Discontinuance: A non-conforming use which has been discontinued for a continuous period of one year shall not be re-established and any future use shall be in conformity with the provisions of this Ordinance.
 - 7) Adjacent Land: The presence of a non-conforming use in a zoning district shall not be construed as legal grounds for the granting of variances for other surrounding properties by the Board of Adjustment.
 - 8) Access to Public Streets. Access to public streets shall be maintained in accordance with the following requirements:
 - Each principal use shall be placed on a lot or parcel which provides frontage on a public or private street having a right-of-way of not less than thirty (30) feet.

- Any additional dwelling shall have access to a public street by means of a passageway open to the sky at least fifteen (15) feet in width.
- 9) Yard Requirements: Yard requirements shall be modified subject to the following conditions:
- On double frontage lots (interior lots abutting two streets), the required front yard shall be provided on each street.
 - Whenever a rear property line of a lot abuts upon an alley, one-half (½) of the alley width shall be considered as a portion of the required rear yard.
 - Side Yard Requirements: The side yard requirements for substandard lots of record may be reduced for each side yard at the rate of one (1) foot for each four (4) feet by which the lot width lacks fifty (50) feet, provided in no event shall such side yard be reduced to less than five (5) feet on each side.
 - Front and Side Yard Setbacks for Dwellings:
 - ◆ Except as provided for in b. below, on corner lots the front and side yard setbacks shall be determined by referring to Article IV, Section 4.3 Minimum Setbacks.
 - ◆ The front and/or side yard setback requirements on corner lots shall not apply where the average setback on residentially developed lots within one hundred (100) feet on each side of such lot fronting on the same street(s) is less than the minimum required setback. In such cases, the relevant setback on each lot may be less than the setback required in Article IV, Section 4.3, but not less than the average of the setbacks on the existing developed lots.
 - Replatting: When two (2) or more adjoining and vacant lots with continuous frontage are in a single ownership at the time of application and such lots have a frontage or lot area less than is required by the use district in which they are located, such lots may be replatted or reparcelled so as to create one or more lots which conform to the minimum frontage and area requirements of the use district.

- Improvements: Buildings or structures located on substandard lots of record may be improved only when the addition of adequate plumbing facilities is required by the law and ordinances of the City.

3.4 SCREENING, LIGHTING, AND SPACE.

- a. Except as otherwise provided hereinafter, whenever the boundary of property zoned B-1, or M-1 adjoins property zoned R-1, R-2, R-3 or R-4 or whenever property zoned R-4 adjoins property zoned R-1, R-2, or R-3 there shall be provided on the business, industrial, or multi-family property a protection buffer not less than ten (10) feet in width. Any required yard shall be counted as part of such protection buffer strip. The protection buffer may be a wall, fence, or screen planting strip that complies with the following regulations:
 - 1) Wall or Fence. If a wall or fence is provided as a protection buffer, it shall be six (6) feet high, of a construction and design approved by the building inspector. The fence or wall shall be of safe construction and shall be opaque.
 - 2) Screen Planting Strip. If a screen planting strip is provided as a protection buffer, it shall be at least ten (10) feet in width, shall be planted with materials in sufficient density and of sufficient height (but in no case less than six (6) feet at the time of planting and at all subsequent times) to afford protection to the protected residence district from the glare of lights, from blowing papers, dust and debris, from visual encroachment, and to effectively reduce the transmission of noise. Screen planting shall be maintained in a clean and neat condition and in such manner as to accomplish its purpose continuously.
 - 3) Use of Land in Protection Buffer Strip. That part of the buffer strip not utilized in compliance with sub-paragraph a. of this Section may be used only for parking or other open space uses not in conflict with the purpose of protection of the adjacent residence district and not in violation of any other provision of this Ordinance.
 - 4) Responsibility for maintenance and good repair of the wall, fence, or screen planting shall be borne by the owners of the property. The building inspector's decision as to the extent of the protection provided by a screen planting strip shall be final. The building inspector may require, at any

time, the construction of an authorized wall or fence if for any reason the screen planting strip fails to provided the protection mandated herein. The risk that the screen planting strip does not, or will not, provide such protection shall be the rear property owners, present or future.

- b. The previous section shall not apply to vacant property. Vacant property is property that is zoned for a particular use or uses, but has never been devoted to such use or uses. Vacant property shall also be property where all buildings, materials, and equipment has been removed. The previous section shall also not apply if the property where the protection buffer would otherwise be required is being used, irrespective of its zoning, for R-1, R-2 or R-3 purposes.
- c. Property on a Public Street or Streets. Properties shall not be considered adjoining if separated by a public street and ordinarily, no protection buffer shall be required for the portion of the property facing a public street or streets. However, in any Business or Industrial District, any operation not conducted within a building, such as drive-in businesses, outdoor recreation, outdoor storage of materials, and outdoor servicing activities, shall provide a protection buffer on the portion of the property facing a public street or streets to provide concealment to adjoining residential districts facing the said street or streets.

3.5 SURFACE DRAINAGE. Owners, particularly developers of the larger paved areas such as those in connection with apartment complexes, shopping centers, etc., shall be responsible for increased runoff resulting from these developments which cause flood damage to neighboring property. The Building Inspector shall, in consultation with the City Engineer, determine that reasonable provisions for properly handling surface drainage have been made in the applicant's design, and report these findings for the Planning Commission's consideration in acting on building applications. If such reasonable provisions are not made in the applicant's design, the Planning Commission shall make such remedies as may be available to the applicant as a condition of the building permit issuance.

ARTICLE IV

DISTRICT REQUIREMENTS

The following limitations and requirements are placed on uses in districts established by this Ordinance in accordance with the intent spelled out in the Preamble and in Article and II, as follows:

- 4.1 TABLE OF PERMITTED USES: The following Table contains a list of land uses permitted in each district. Opposite each land use, in the appropriate district column or columns, the letter "R" identifies those districts in which a particular land use is permitted by right and the letters "SE" identifies those districts in which a particular land use is permitted only by special exception. The letter "R1" identifies those uses that must be reviewed and approved by the Planning Commission.
- a. Uses Not Specified: In any case where a use is not specifically referred to by the Table or elsewhere in this Ordinance, its status shall be determined by the Building Inspector by reference to the most clearly analogous use or uses that are specifically referred to in the Table of Permitted Uses. When the status of a use has been determined by the Building Inspector, such determination shall thereafter have general application to all uses of the same type.
 - b. Site Plan Review: A site plan review shall be required for: all residential projects involving the construction of three (3) or more dwelling units; all business structures having floor space in excess of two thousand five hundred (2,500) square feet; all industrial structures having floor space in excess of ten thousand (10,000) square feet; and all uses identified by an asterisk (*) above the symbol for permitted uses in the Table of Permitted Uses. Site plan reviews shall be accomplished by the Planning Commission.

TABLE OF PERMITTED USES AND CONDITIONS	USE DISTRICTS							
	R-1	R-2	R-3	R-4	B-1	B-2	M-1	FH
Accessory buildings and uses, including home occupations and home swimming pools, when located on the same lot or parcel as the principal structure or use and customarily incidental thereto, provided the requirements in all pertinent sections of this Ordinance are met.	R	R	R	R	R	R	R	R
Adult Entertainment Enterprise, as defined in Section 6.18(a)						R1*		
Agriculture or farming, including horticulture, plant nurseries, market gardening, field crops and orchards not requiring the use of heavy tractors, harvesters or sprayers, and home gardens provided no odor or dust producing substance is used within 200 feet of a residence on an adjoining parcel of land, as a permitted use in urban areas. Keeping of livestock and poultry shall be incidental to the principal use only and no structure containing poultry or livestock and no storage of manure or odor or dust producing substance shall be located within 200 feet of a residence on an adjoining parcel of land.	R1	R1	R1	R1	R1	R	R	R
Amusement & Recreation Services: Establishments so arranged that noise, vibration, lights and all other possible disturbing aspects connected with their operation are enclosed, screened, or otherwise controlled to the extent that the operation of the establishment will not unduly interfere with the use and enjoyment of properties in the surrounding area, as follows: Theater, excluding drive-in Skating rink Billiard or pool hall, bowling ally Amusement park, amusement arcade, kiddieland Miniature golf courses and driving ranges Golf course (not related to Residential Development or Country Club) Indoor tennis or racquetball clubs or establishments Auditoriums, stadiums, coliseums, dance halls and other places of public assembly								
						R R R SE R	R R R R	
					R	R	R	
					R1	R	R	
					R1	R1	R1	

TABLE OF PERMITTED USES AND CONDITIONS	USE DISTRICTS							
	R-1	R-2	R-3	R-4	B-1	B-2	M-1	FH
Automobile repair garage, mechanical and body, provided operations are conducted in a building which shall not have any opening, other than a stationary window, within 100 feet of a residential district and which shall not store or otherwise maintain any parts or waste materials outside such buildings.						R	R	
Automobile, travel trailer, farm equipment and implements and mobile home sales (new & used). Merchandise need not be in an enclosed structure, but any mechanical or body repair must be conducted entirely within a structure which shall not have any opening, other than a stationary window, within 100 feet of a residential district. All vehicles on a used car sales lot must be in operating condition at all times.						R	R	
Sale of automobile parts (except used parts)						R	R	
Automobile service stations, subject to requirements listed under Special Provisions.					R1	R1	R1	
Bakery employing not more than ten (10) persons.					R	R	R	
Bakery employing more than ten (10) persons.						R	R	
Bank, including drive-in bank.					R	R	R	
Bicycle and motorcycle sales and repair.						R	R	
Boat storage, service and repair: A marina for docking pleasure boats and providing services to pleasure boats and the occupants thereof, including minor servicing and minor repair to boats while in the water; sale of fuel and supplies; and provision of lodging, food, beverages and entertainment as accessory uses.						R	R	
The docking only of pleasure boats as an accessory use to a permitted principal use. Boat service is prohibited.	R	R	R	R	R	R	R	R

TABLE OF PERMITTED USES AND CONDITIONS	USE DISTRICTS							
	R-1	R-2	R-3	R-4	B-1	B-2	M-1	FH
Dry storage of pleasure boats having lengths not greater than 31 feet.						R	R	R
Major boat repair, construction, service and storage.						R	R	SE
Bottling works.						R	R	
Building materials supply establishments, provided that the entire storage area is screened from view and that any machine operations are conducted entirely within an enclosed structure with no opening other than a stationary window within 100 feet of a residential district.						R	R	
Bus and railroad terminal facilities.							R1	
Cafes, grills, lunch counters and restaurants, but not including night clubs, bars, taverns and drive-in restaurants.					R	R	R	
Car wash, provided that a paved area shall be located on the same lot for the storage of vehicles awaiting entrance to the washing process sufficient to contain a number of vehicles (at 200 sq. ft. per vehicle) equal to one-third (1/3) of the practical hourly capacity of the washing process, and provided that curb breaks be limited to two (2) each, not to exceed thirty (30) feet in width, located no closer than twenty (20) feet to an intersection.						R	R	
Cemeteries, which shall be located on Federal, State or County highways or other main arteries, provided the requirements governing them in this Ordinance.	SE	SE	SE	SE	SE	SE	SE	SE
Clubs: fraternal, civic or charitable in nature, or similar organizations.					R	R1		

TABLE OF PERMITTED USES AND CONDITIONS	USE DISTRICTS							
	R-1	R-2	R-3	R-4	B-1	B-2	M-1	FH
Clubs: Country clubs, golf, swimming or tennis clubs, privately owned and operated community club or associations, athletic fields, parks, and recreation areas, and similar uses of a recreational nature, provided that no building for such purposes is located within 100 feet of any property line.	SE	SE	SE	SE	R1	R1	R1	R1
Check-Cashing Centers, as defined in Section 6.20						R1*		
Churches and related accessory buildings.	SE	SE	SE	SE	R1	R1	R1	
Colleges and universities, provided they are located on a lot fronting on an arterial street or road and that no building for such purposes is located within 50 feet of a property line.	SE	SE	SE	SE	R1	R1	R1	
Contractor's storage and equipment facilities, provided all materials and equipment are kept entirely within a building or a fenced area.					SE	R	R	
Convenience store (Quick Mart, etc.)					R	R	R	
Department stores.						R	R	
Drive-in restaurant.						R1	R1	
Drive-in theater, subject to requirements listed in the Special Provisions section of this Ordinance.						R1	R1	
Dwelling: Single-family dwellings	R	R	R	R	SE	SE	SE	
Two-family dwellings (duplexes)		R	R	R	SE	SE	SE	
Multi-family structures (3 or more units), Including apartments, townhouses, condominiums and cooperatives. All multi-family dwellings rented shall be leased for a period not less than one month.				R	R1	R1	SE	
Planned Unit Developments, in accordance with all the requirements of the section in this Ordinance governing such developments	R1	R1	R1	R1	R1	R1	SE	
Mobile Home Dwelling Developments including Mobile Home Parks and subdivisions.				SE	SE	SE		

TABLE OF PERMITTED USES AND CONDITIONS	USE DISTRICTS							
	R-1	R-2	R-3	R-4	B-1	B-2	M-1	FH
Electric supply store.						R	R	
Farm and garden supply store.						R	R	
Farmers' markets.						R	R	R
Food locker plants renting lockers for the storage of food, including sale at retail, delivery, cutting and packaging of meats but not including slaughtering of animals or fowl.						R	R	
Furniture and home furnishings stores, including office furniture and equipment.						R	R	
Hospitals, clinics, convalescent or nursing homes and extended care facilities; sanitariums. Location shall be on an arterial street or highway, or major collector street.				SE	R1	R1	R1	
Hotels, apartment hotels, motels, motor hotels and tourist homes.					R1	R1	R1	
Ice plants.						R	R	
Industrial parks.							R1	
Junk yards, providing the following provisions are met: a. No such operation shall be permitted to locate closer than three hundred (300) feet to a residential district and no closer than fifty (50) feet to any property line. b. No such operation shall be located on an arterial street. c. All such operations shall be completely enclosed by an opaque fence or wall, except driveway area, having a minimum height of six (6) feet but in no case less than such height as will effectively screen all operations from view, and no stored junk materials shall be piled higher than twenty-five (25) feet in any case. d. The number of vehicular driveways permitted on any single street frontage shall be limited to one (1) per five hundred (500) feet of frontage, with a maximum of twenty (20) feet driveway							R1	

TABLE OF PERMITTED USES AND CONDITIONS	USE DISTRICTS							
	R-1	R-2	R-3	R-4	B-1	B-2	M-1	FH
width, and no driveway shall be closer than twenty (20) feet to an intersection.								
Kindergartens, play schools day care centers, and home day cares, public or private, provided that all activities are carried on in an enclosed building or an adequately fenced-in yard and that all applicable federal, state and local requirements are met.	R1	R1	R1	SE	R	R	R1	
Laundry and dry-cleaning plants.						R	R	
Libraries.	SE	SE	SE	SE	R	R		
Liquor, wine or beer sales not to be consumed on premises and meeting local and state requirements.					R	R	R	
Local shopping centers.					R1	R1	R1	

Manufacturing, repair, assembly or processing establishments of a light industrial nature, including but not limited to the following: Confectionery, food, frozen dessert and milk products processing and manufacturing. Clothing and garment manufacturing. Laboratories for testing materials, chemical analysis, photographic processing. Musical instruments and parts manufacturing. Scientific, optical and electronic equipment assembly and manufacturing.							R	
Souvenirs and novelties manufacturing. Toys, sporting goods and athletic goods manufacturing.							R	
Manufacturing, general: The processing, fabrication, repair and servicing of any commodity or product. The following types of activity are permitted only by review and approval of the Planning Commission and must be located in accordance with the policies of the City: a. Manufacturing of: acetylene gas (or storage thereof); acid; asbestos; ammonia; bleaching powder; chlorine, asphalt or asphalt products, cement, lime, gypsum, plaster of paris; coal tar or derivatives thereof; creosote or creosote treatment; clay tile or vitrified products; emery cloth or sandpaper, explosives							SE	

TABLE OF PERMITTED USES AND CONDITIONS	USE DISTRICTS							
	R-1	R-2	R-3	R-4	B-1	B-2	M-1	FH
<p>or fireworks (or storage thereof); fertilizer; glue; size or gelatine; linoleum; matches; paint; oil; shellac; turpentine; varnish; rubber and gutta percha products; plastics; soda compounds.</p> <p>b. Petroleum refining; tanning, curing or storage of hides and skins; boiler works, foundry or forge operation; incineration, reduction or dumping of offal, dead animals, garbage or refuse; fat rendering; junk, iron, rags storage and baling; distillation of bones, coal or wood.</p>								
c. Any other use not listed above that, by reason of the emission of odors, dust, smoke, gas, noise or vibration, is unsuitable for location in more restrictive districts. Any such use must meet all applicable local, state and federal regulations regarding permissible levels of emissions.							SE	
Night club, bar, tavern and cocktail lounge when separate from a restaurant.					R	R		
Office buildings, general.						R	R	
Office buildings, professional only, of such nature that such use will not adversely affect adjacent and nearby residential properties.					R	R		
Pawnshop, as defined in Section 6.19						R1*		
Penal and correctional institutions and facilities.						SE	SE	
Pet shops.						R	R	
Printing, blueprinting, bookbinding, photostating, lithography and publishing establishments.						R	R	
Public utility production and maintenance buildings and facilities with proper screening.						R	R	
Public utility substations with proper screening in residential areas.	R1	R1	R1	R1	R1	R1	R1	R1
Radio & television stations and transmitting towers.						SE	SE	

TABLE OF PERMITTED USES AND CONDITIONS	USE DISTRICTS							
	R-1	R-2	R-3	R-4	B-1	B-2	M-1	FH
Radio and television stations excluding transmission towers.						R	R	
Recreational vehicle parks, subject to requirements prescribed in this Ordinance.						R1	R1	
Regional shopping centers.						R1	R1	
Retail and service establishments, including but not limited to: appliance store; drug store; radio and television repair; art and antique shop, barber and beauty, hairdressing shop; book, stationery, camera or photographic supply store; catering establishment; clothing, shoe, millinery, dry goods or notions store; confectionery or dairy products store; delicatessen; ice cream parlor; laundry and dry cleaning pick-up station and self-service laundry (laundromat); paint and hardware stores;					R	R	R	
shoe repair shop; tailoring shop; and similar establishments. Except for supermarkets, the above establishments shall be limited to a maximum of 5,000 sq. ft. of retail floor space in the B-1 District. Supermarkets shall be permitted in the B-1 District only on approval of the Planning Commission.					R	R	R	
Schools, public and private, except business and trade schools and colleges and universities.	SE	SE	SE	SE	R1	R1		
Schools, business and trade.					R1		R1	
Sporting goods store.					R	R	R	
Tanks for the storage of gasoline, liquefied petroleum gas, oil or other flammable liquids or gasses. Such tanks may not be located within 1,000 feet of any residential district. Provided all pertinent sections of this Ordinance are met.							SE	
Taxi dispatching station.					R	R	R	
Taxi terminal (storage and repair of vehicles).						R	R	
Teen club or youth center.	SE	SE	SE	SE	R			

TABLE OF PERMITTED USES AND CONDITIONS	USE DISTRICTS							
	R-1	R-2	R-3	R-4	B-1	B-2	M-1	FH
Temporary uses, including revival tents, sale of Christmas trees, carnivals, sale of seasonal fruit and vegetables from roadside stands, and similar uses, for a period not to exceed two (2) months in any calendar year.					R	R	R	
Tires, batteries and other automotive accessories sales establishments.						R	R	
Trade shops, including sheet metal, roofing, upholstery, electrical, plumbing, venetian blind, cabinet-making and carpentry; rug and carpet cleaning and sign painting provided that all operations are conducted entirely within a building which shall not have any opening, other than stationary windows, within 100 feet of any residential district.						R	R	
Truck terminals, provided that acceleration and deceleration lanes of at least 200 feet are provided for trucks entering or leaving the site.						R	R	
Undertaking, mortuary establishments and private ambulance services; location shall be on a major arterial.						R	R	
Utility company storage facilities.							R	
Veterinary service.					SE	R	R	
Wholesale warehouses, mini-warehouses and similar storage facilities and establishments.						SE	R	R
Residential use of mobile or manufactured home(s) other than in mobile home parks or mobile home subdivisions is prohibited in all use districts.								
Office space or other non-residential use in mobile home(s) is prohibited in all use districts.								

4.2 REQUIREMENTS FOR LOT AREA, LOT WIDTH, MAXIMUM HEIGHT, MAXIMUM BUILDING AREA. The following shall apply to each residential district as listed:

District	Minimum Lot Area (Sq. Ft.)	Minimum Lot Width At Setback Line	Maximum Height	Maximum Building Area (%)
R-1 Low Density Residential	15,000	100	35' or 2 ½ stories	25
R-2 Medium Density Residential	15,000	100	35' or 2 ½ stories	40
R-3 High Density Residential	7,500	75'	35' or 2 ½ stories	40
R-4 Multi-Family Residential	5,000 per unit, 15,000 minimum	100	35' or 3 stories	40

4.3 MINIMUM SETBACKS. The following front, rear, and side yard setbacks, in feet, shall apply in districts as listed *and shall supercede any heretofore published requirements in other City Ordinances*, except as provided for in Article III, Section 3.4 and Article V, Planned Unit Developments of this Ordinance.

District	Front Yard	Rear Yard	Side Yard	Corner Lot Side Yard
R-1	35	30	10	35
R-2	35	30	10	35
R-3	25	25	10	25
R-4	35	35	10	35
B-1	35	20	*	35
B-2	35	20	*	35
M-1	35	*	*	35
FH	**	**	**	**

* None, except on a lot which adjoins a residential lot along a lot line or a lot in a residential district in such cases where the rear and side yards shall not be less than twenty-five feet wide. Such area shall contain adequate trees and grass or acceptable screening from the residential lot or district and be maintained by the owner.

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

4.4 REQUIREMENTS FOR PUBLIC AND SEMI-PUBLIC AND ACCESSORY BUILDINGS.

a. Public and Semi-Public Buildings.

- 1) Minimum Lot Area and Lot Width - None specified only that the lot be large enough to provide the yards specified herein.
- 2) Yard Regulations
 - Front Yard - Each lot shall provide a front yard with a minimum depth of 40 feet
 - Side Yards - Each lot shall have a side yard of a minimum of 35 feet on each side
 - Rear Yard - Detached accessory building shall maintain a rear yard of not less than five (5) feet
- 3) Maximum Building Height - Detached accessory buildings shall not exceed one (1) story or fifteen (15) feet in height.
- 4) Maximum Building Coverage - None specified, only that the principal building together with accessory buildings must comply with the requirements applicable to maximum building coverage specified in this Ordinance.

4.5 FH FLOOD HAZARD DISTRICT. The objective of this District is to provide protection for the flood hazards and financial loss caused by flooding to the residents, businesses and industries, and public use of the community and to protect sensitive natural environments that might be damaged by improper use of floodway and floodway fringe.

- a. District Boundaries: The boundaries of the special flood hazard areas are shown on the most recent Flood Insurance Map prepared by the Flood Insurance Administration affecting the City of Satsuma. Land lying inside FH Flood Hazard Areas shall be considered subject to flooding if such land is at or below elevations shown within flood prone areas as delineated by the official Special Flood Hazard Areas prepared by the Federal Flood Insurance Program (see Article III, Section 3.22).

b. General Provisions: Areas lying inside the FH Area as shown on the official zoning map of Satsuma shall be subject to the following regulations in addition to the respective district over which the FH Area is located.

- 1) No building or structure shall be erected and no existing building shall be extended or moved unless the foundation of the structure is firmly anchored and interconnected to prevent the disjoining of the structure or major parts thereof and to prevent same from floating away and thus threatening life and property downstream.

Land may be filled within the flood hazard areas provided such fill extends twenty-five (25) feet beyond the limits of any structure erected thereon, and further provided that such fill is approved by the U.S. Corps of Engineers and Alabama Department of Environmental Management (ADEM).

- 2) Any structure proposed to be located inside the FH area must be approved by the Board of Zoning Adjustment and the City Engineer. The City Engineer shall determine on the basis of the area of the watershed and the probable runoff, the openings needed for the stream or how close a structure may be built to the stream in order to assure adequate space for the flow of flood water.

c. Compliance: No structure, land or water, shall hereafter be used and no structure shall be located, extended, converted or structurally altered without full compliance with the terms of these regulations and other applicable regulations.

d. Abrogation and Greater Restrictions: It is not intended by these regulations to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions, the provision of these regulations shall prevail. All other provisions inconsistent with these are hereby repealed to the extent of the inconsistency only.

e. Interpretation: In their interpretation and application, the provisions of these regulations shall be held to be minimum requirements and shall be liberally construed in favor of the governing body and shall not be deemed a limitation or repeal of any other powers granted by State statutes.

f. Warning and Disclaimer of Liability: The degree of flood protection required by these regulations is considered reasonable for regulatory purposes and is based on engineering and scientific methods of study.

Larger floods may occur on rare occasions or the flood height may be increased by man-made or natural causes, such as bridge openings restricted by debris. These regulations do not imply that areas outside the Flood Hazard Area boundaries or land uses permitted within such areas will be free from flooding or flood damages. These regulations shall not create liability on the part of the City of Satsuma or any officer or employee thereof for any flood damages that may result from reliance on the regulations or any decision lawfully made thereunder. (For further information on Flood Damage Prevention, refer to City Ordinance 413 and City Ordinance 448 (a), as amended.)

ARTICLE V

PLANNED UNIT DEVELOPMENT PROVISIONS

5.1 PLANNED UNIT DEVELOPMENTS.

The intent of this section is to provide an opportunity for the best use of land, protection of valuable natural features in the community, provision of larger areas of recreational open space, and more economically public services. The purpose of this provision is to encourage the unified development of tracts of land by permitting, within the confines of an overall density limitation, much more creative and flexible concepts in site planning than would otherwise be possible through the strict application of minimum and maximum requirements of zoning districts established in this Zoning Ordinance. Within the scope of the general purpose of Planned Developments, the purpose of this section is to also recognize the increasing demand for the mobile home development type of residential area, and to provide for the appropriate development of such areas. It is intended to provide locational requirements and development standards which will lead to the development of stable and desirable mobile home developments, compatible with other uses in the vicinity.

5.2 GENERAL REGULATIONS.

The following regulations shall apply to all Planned Unit Developments:

- a. Shall be consistent in all respects with the purposes and intent of this Zoning Ordinance.
- b. Will advance the general welfare of the city and immediate vicinity.
- c. Will provide, through desirable arrangement and design, benefits which justify the deviations from development standards which would otherwise apply.
- d. If it is determined that the development is a subdivision according to the laws of Alabama, it shall also be reviewed and approved according to the Subdivision Regulations of the City of Satsuma, Alabama.

5.3 GENERAL DEVELOPMENT REGULATIONS.

The following development regulations shall apply to all Planned Unit Developments:

- a. All land proposed in the project for residential use, including outdoor use of space, off-street parking, interior drives, and other circulation ways, may be counted in complying with the density requirements.
- b. For any single family or two family dwellings there shall be a privately occupied area. This private space shall include the space occupied by such dwelling or dwelling unit, with adjoining open space assigned exclusively to such dwelling unit of not less than six hundred (600) square feet in addition to private parking area.
- c. All open space not assigned to private occupancy as set forth above shall be assigned to the common use of all residents of the development, with such use assured in perpetuity as provided for above. Assignment and development of such open spaces shall be as follows:
 - 1) Access driveways.
 - 2) Landscaped areas, comprising no less than ten (10) percent of all common open space required by this section, may include the following:
 - Pedestrian access walkways
 - Children's play areas
 - General landscaped areas, flower gardens and areas for passive recreation
 - Swimming pools, including accompanying accessory structures, and areas for organized sports
 - Any other areas suitable for the common enjoyment of the residents
 - 3) Every residential structure in a development shall be within one hundred fifty feet (150) of a hard-surfaced access drive no less than twenty (20) feet wide or a parking lot connected with such a drive. All access drives in a development shall have curb and gutter provided. In addition, every

dwelling or ground floor dwelling unit shall be directly accessible to service and emergency vehicles.

- 4) Private streets on common easements may be used to provide vehicular access to not more than thirty (30) dwelling units on any one such drive. In all other respects, the system of vehicular circulation for a development shall be provided with streets complying in all respects with the standards of the Subdivision Regulations used, the easement therefore may be counted as a part of the net area in complying with density limits, but may not be counted as a part of required landscape or recreation space.
- 5) Private streets shall be paved in accordance with the City Specifications. No part of these streets shall be used for the parking of vehicles.
- 6) Off-street parking spaces for dwelling units may be provided in group garages or parking lots within one hundred-fifty (150) feet of the dwelling units to be served. Curb indented parking bays or courts may be permitted within the easement or street right-of-way, but not within the required roadway or sidewalk space. Such parking shall be landscaped and shall be permitted only along easements or streets internal to the project, and not along a street or major thoroughfare serving other uses. Such off-street parking space may be counted as part of the net area in calculating density, but shall not be counted as part of the required recreation space.

5.4 USES PERMITTED.

a. Principal Uses:

- 1) Dwelling units of a permanent nature, for ownership or rental
- 2) Mobile homes in Mobile Home Subdivision Developments
- 3) Public parks and specialized recreation centers

b. Accessory Uses:

- 1) Home occupations (see Article VI, Section 6.54 Home Occupation)
- 2) Facilities for use of residents of the development, for recreation, children's nursery, kindergarten, laundry or similar services, any similar facility.
- 3) Off-street parking lots or garages.

- 4) Stores of the "local family shopping" or "convenience" nature provided for the use, primarily of the residents in any development comprising three hundred (300) or more dwelling units, with such commercial facilities subject to requirements in the B-1 Local Shopping District. Maximum area devoted to such commercial uses shall be one (1) acre or five percent (5%) of total acreage in the project, whichever is greater.

5.5 OTHER REQUIREMENTS.

- a. Locational Requirements: Each Planned Unit Development shall comply with the following:
 - 1) Shall be free of objectionable environmental characteristics, such as poor drainage, air pollution, undue noise, unsightliness and similar problems.
 - 2) Shall be so located as to assure a maximum of compatibility with other types of development.
- b. Open Space, Site Size and Density: Around every principal building, there shall be a minimum required open space, unobstructed by any other building; there shall be a minimum size for projects; there shall be a maximum density. The following rules apply:
 - 1) Minimum site size - Four (4) acres for fixed Planned Unit Development; five (5) acres for a mobile home Planned Unit Development.
 - 2) Maximum density - Fourteen (14) units per acre residential buildings; ten (10) units per acre for mobile home development.
 - 3) Property line setback for Planned Unit Development - Forty (40) feet.
 - 4) Minimum usable open space - Twenty-five percent (25%).

5.6 SPECIAL REQUIREMENT FOR FIXED DWELLING DEVELOPMENTS.

- a. Coverage: The total area which may be covered by buildings shall be as required for the District in which the development is located.
- b. Height: The maximum height of buildings shall be the same as required for the District in which the development is located.

- c. Number of Units in Townhouse or Condominium Developments: There shall be no less than four (4) and no more than eight (8) dwelling units in one structure.
- d. Dimensions of Open Space: The minimum dimensions of open spaces in a Fixed Dwelling Development shall be as follows:

Major open space opposite front or rear of building:	Minimum Feet
Apartment and townhouse or condominium structures, 2 stories	40
One and two family detached dwellings	30
Secondary open spaces opposite side or other walls	--
Apartment and townhouse or condominium structures, 2 stories	15
One and two family detached dwellings	20

5.7 SPECIAL REQUIREMENTS FOR MOBILE HOME DEVELOPMENTS.

- a. Park or Subdivision Size, Density, Lot Widths:

Minimum Site	Maximum Density	Minimum Site Width On Major Traffic Artery (Feet)
Five (5) Acres	Ten (10) spaces per net residential acre exclusive of street walks and one (1) open space per lot or space	One Hundred (100)

- b. General Development and Service Requirements: The following shall apply:
 - 1) Water, sewage, garbage, and trash disposal shall meet all standards set forth by the County Health Department.
 - 2) The mobile home area and the mobile homes and other structures therein shall meet all local and state standards pertaining to fire regulations and control and comply with electrical, plumbing, and any other local codes.

- 3) All lots shall have access to roads or streets for motor traffic which shall have a minimum right-of-way of fifty (50) feet with twenty (20) feet paved surface with curb and gutter provided. Variance from these street and paving widths may be allowed in writing by the Planning Commission where subdivision planning provides short access ways to lots, or short cul-de-sacs, or for other driveways so designed as to bear only very minor traffic.
- 4) All streets and public driveways within the subdivision shall be lighted at night with electric lamps according to plans recommended by the Electrical Department.
- 5) There shall be set aside a recreational area or areas within the subdivision which shall be suitably restricted to such use. The size of the recreational area shall be compatible with the size of the subdivision and shall be subject to the approval of the Planning Commission.
- 6) A buffer strip may be required by the Planning Commission if the location of the subdivision is such that a buffer strip would be desirable.

c. Individual Lot and Structure Requirements: The following shall apply:

- 1) Each mobile home lot shall have a minimum area of four thousand (4,000) square feet, and have width measured at right angles to the side line of not less than fifty (50) feet for irregular shaped lots, provided that no lot shall have less frontage on its access street than required for a driveway allowing maneuverability of the home onto the lot. All corners of each lot shall be marked with iron pipe, or other permanent type marker.
- 2) Mobile homes shall be located on lots with a minimum setback from access street of twenty-five (25) feet and ten (10) feet from any other lot line, provided that no mobile home shall be closer to any other mobile home than twenty (20) feet unless clustered in an appropriate manner.
- 3) Each mobile home space shall be improved with one patio of concrete, or other suitable impervious material, having a minimum area of one hundred fifty (150) square feet, and one gravel or concrete pad of size equal to or greater than the dimension of the trailer located on the pad, but in no case less than ten (10) feet by forty (40) feet.
- 4) Permanent structures located within any mobile home lot shall be used for storage purposes only, and shall have a maximum area of eight (80) square

feet and shall be located not less than six (6) feet from any mobile home, nor closer to any lot lines than provided in the residential district in which located.

- 5) No permanent additions of any kind shall be built onto, or become a part of any mobile home; provided, however, that this provision shall not be construed to prohibit the addition to the mobile home of a patio cover or carport cover if same is not permanently attached to the ground. Such patio covers or carport covers shall be similar in appearance and design to the mobile home, nor shall this provision be construed to prohibit tie-downs, which are required.
- 6) All mobile homes shall be secured by tie-downs for protection from wind damage to units and adjacent property, in accordance with local and/or state statutes or, if there are no statutes requiring tie-downs, in accordance with accepted industry standards for the area.

5.8 REVIEW PROCEDURE FOR ALL PLANNED DEVELOPMENTS.

- a. The developer should schedule an initial planning meeting with the Planning Commission.
- b. For the initial planning meeting, a sketch plan of the proposed project should be furnished by the developer.
- c. If during the initial meeting it is determined that the project is a subdivision as defined by Alabama law, the developer shall comply with all requirements of the Subdivision Regulations.
- d. If all land in the project is to remain in one ownership, the following points should be discussed with the developer:
 - 1) The present uses and character of the area.
 - 2) The road and street system, especially peripheral streets and proposed internal circulation pattern as related to requirements by Planned Unit Development.
 - 3) Public and private open areas and parks and trails.
 - 4) Public utilities and services or their counterpart such as water, sewer, fire protection, surface drainage, and school facilities, if any.

- 5) Type of structures to be built.
 - 6) Proposed uses to be developed.
- e. Application Procedures for all Planned Projects: Upon completion of initial discussions, the developer proposing a planned development should complete an application form requesting initial general review and approval of the project by the Planning Commission. This stage of review is often called Sketch Plan stage although, if he wishes, the developer may submit items from the Preliminary Plan stage.
- 1) The following items shall be submitted with the initial application:
 - A letter of transmittal officially submitting the proposal for development, signed by the developer or his authorized representative. If submitted by other than the current owner of the property, the letter should include or be accompanied by satisfactory evidence of the existence of a purchase or lease agreement or other instrument, so as to ensure that the current owner is in agreement with the development as proposed.
 - Ten copies of a scaled general site development plan of the entire proposal showing the following information:
 - ◆ Boundary lines of the property, including dimensions;
 - ◆ Location and names of all public streets adjoining or traversing the site. In the event no public street now adjoins the site, sufficient description by metes and bounds to identify the location of the site;
 - ◆ Identification of the name, plat book, and page number of any recorded subdivision comprising all or part of the site;
 - ◆ Identification and location of any existing easements, water courses, lakes, or other significant natural features upon the site;
- f. The Preliminary Plan: The developer, after receiving general approval of the Sketch Plan and the Original proposals from the administrative staff, may prepare and submit a Preliminary Plan for review, before submission of the Final Plan. The purpose of a Preliminary Plan is to provide an opportunity for somewhat detailed showing of the intent of the developer with regard to

requirements spelled out in this Section, at as little expense as possible, using the following procedures:

- 1) After review of the Preliminary by the administrative staff for conformance with requirements of this Section, the plan should receive review by the Planning Commission and, if a rezoning of land will be necessary to accommodate any project, this plan can be used for the public hearing, to be held in accordance with Alabama law.
- 2) Maps and Written Statement. Maps and a written statement setting forth the details of the proposed development shall be included in the Preliminary Plan. The maps must show enough of the area surrounding the proposed development to demonstrate the relationship of the Planned Development to the adjoining uses, both existing and those proposed by the developer. The maps shall be in a general schematic form and contain the following information, and as appropriate, the facilities are to be identified as to whether they are to be public or private:
 - Maps to include the following information:
 - ◆ The approximate topography;
 - ◆ Proposed land uses and the approximate location of existing and proposed buildings and other structures and uses adjacent to the site;
 - ◆ The character and approximate density of the dwelling;
 - ◆ The approximate location of all streets and rights-of-way, walkways, and parking facilities;
 - ◆ Public uses including schools, parks, playgrounds, and other open spaces;
 - ◆ Number of parking spaces;
 - ◆ Amount of impervious surface;
 - ◆ Generalized drainage plan;
 - ◆ Development staging, if appropriate.
 - The written statement shall contain an explanation of:

- ◆ The character of the proposed development and the manner in which it has been designed to take advantage of the Planned Development Concept;
 - ◆ The proposed sewage disposal facilities;
 - ◆ Water supply and surface drainage provisions;
 - ◆ The manner of financing proposed project;
 - ◆ The present ownership of all of the land included within the Planned Development Project;
 - ◆ The method proposed to maintain private common open areas, buildings or other facilities;
 - ◆ The general indication of the expected schedule of development.
- 3) If, after a public hearing, the Planned Development Project is approved, any rezoning needed shall be instituted, subject to revocation and reversion to the original zoning of the land if the Final Plan is not approved.
 - 4) In the event approval has been conditioned on modifications to the plan, the Preliminary Plan approval shall not be effective until the developer has filed written consent to the modifications as required.
 - 5) If the developer wishes to develop the Planned Development Project in stages, the Final Plan submitted for review and approval may cover only the first stage to be developed, but succeeding stages of the Final Plan must be in substantial conformance to the approved Preliminary Plan.
 - 6) If a Final Plan covering at least a portion of the area in the approved Preliminary Plan has not been filed within one (1) year, the Preliminary Approval shall expire, the approval may, however, be extended for additional periods not in excess of six (6) months when such an extension can be justified.
- g. The Final Plan: The Final Plan provides a specific and particular plan by which development and construction will take place. If the developer has decided to present only a Final Plan instead of a Preliminary Plan first, the Final Plan serves as the plan on which the Planning Commission and local government base a decision, and on which any public hearings are held.

1) In addition to those items specified for the Preliminary Plan, the Final Plan must include:

- A map showing:
 - ◆ Street location and nature of improvement;
 - ◆ Lot lines and lot designs;
 - ◆ The landscaping and tree planting plan;
 - ◆ Surface drainage system;
 - ◆ Peripheral setback (40 feet); and,
 - ◆ All easements.
- Areas proposed to be conveyed, dedicated or reserved for parks, parkways, playgrounds, school sites, public buildings, and similar public and semi-public uses.
- A plot plan for each building site, except single-family lots and the common open area, showing the approximate location of all buildings, structures, and improvements and indicating the open spaces around buildings and structures.
- Elevation and perspective drawings of all typical proposed structures and improvements except single-family residences and their accessory buildings. The drawings need not be in construction detail.
- A development schedule indicating:
 - ◆ The approximate date when construction of the project can be expected to begin;
 - ◆ The stages in which the project will be built and the approximate date when construction of each stage can be expected to begin;
 - ◆ The approximate dates when the development of each of the stages in the development will be completed; and,
 - ◆ The area and location of common open space that will be provided at each stage.

- Agreements, provisions, declarations, or covenants which govern the use, maintenance, and continued protection of the Planned Development Project and any of its common open areas.
 - The following plans and diagrams will be provided when the Planning Commission finds that the Planned Development creates special problems of traffic or parking:
 - ◆ An off-street parking and loading area plan;
 - ◆ A circulation diagram indicating the proposed movement of vehicles, goods, and pedestrians within the Planned Development and to and from existing thoroughfares. Any special engineering features and traffic regulation devices needed to facilitate or ensure the safety of this circulation pattern must be shown.
- 2) The plan shall be accompanied by a written agreement, in a form acceptable to the City Legal Officer, on behalf of the owner, his successors and assigns as follows:
- That the proposed development, as shown on the plans and as set forth in specifications, will be completed in every detail within such time period as may be agreed upon by the Planning Commission.
 - That all land improvements intended for the common use of all residents, including drives, walks, parking areas, recreation facilities, and equipment and all landscaped or other common open space will be maintained in perpetuity, including such servicing as may be required for the use of such land improvements;
 - That no future changes in the development shall be made which would encroach upon the land used to comply with the requirements of this Article as to density, open space, yards, courts, vehicular access, automobile parking, building coverage, or other outdoor requirements; and,
 - That all easements for private drives, utility lines, and similar purposes shall be open at all times for access by publicly employed personnel and equipment for police and fire protection, for inspection of utility systems and for any other public purpose.
- 3) Final Plan Approval - The following shall govern approval of a Final Plan:

- The Planning Commission shall compare the Final Plan with the Preliminary Plan and with the standards set forth in this Section. If the Final Plan conforms to the standards set forth in the Section, the Planning Commission shall recommend and the City Council may place conditions upon the granting of approval which, in its judgments, will ensure conformance to the plan as approved.
 - Substantial Conformance - The determination of substantial conformance between the Preliminary Plan and the Final Plan shall be at the discretion of the local government. Variation in conformance is intended solely to facilitate the minor adjustments which may be necessary as the plans approach a final construction stage. The Commission may refuse to grant approval of substantial conformance if, in their opinion, the adjustments are being used to significantly modify the approved plan.
 - The approval of the Final Plan shall be valid for a period of one (1) year following the date of such approval. At its discretion, the Council may extend Final Plan approval for additional six (6) month periods.
- 4) Public Record - The Final Plan is the permanent public record of the Planned Development and will be the manner in which the development is constructed as provided herein.
- 5) Contents - The final plan shall contain, in final form, the information required above. In addition, the following will apply:
- If parcels of land are to be sold, then a subdivision plat in the form prescribed by the law shall be filed for approval in the appropriate manner.
 - If land within the Planned Development Project is not to be sold in individual parcels, then a site plan shall be prepared and filed with the local planning agency which is suitable for inclusion in the deed records of the County and a permanent reproducible transparency of the Final Plan will be filed with the local planning agency, which transparency will be placed on file with the City Clerk.

ARTICLE VI

SPECIAL PROVISIONS

- 6.1 RECREATIONAL VEHICLES. The following regulations apply to all developments providing for the accommodations of transient recreational vehicles, including travel trailers, campers, small mobile homes used for vacation purposes, motor homes, and similar transient residential vehicles.
- a. Recreation vehicle parks are uses permitted in B-2 and M-1 Districts subject to the approval of the Planning Commission and the requirements of the following provisions.
 - b. No recreational vehicle park shall be located except with direct access to a County, State, or Federal Highway, with a minimum lot width of not less than fifty (50) feet for the portion used for entrance and exit. No entrance or exit shall be through a residential district.
 - c. The minimum lot area per park shall be three (3) acres.
 - d. Use of spaces in recreational vehicle parks shall be limited to travel trailers, mobile homes, motor homes, and campers with a maximum length, exclusive of hitch, of forty (40) feet.
 - e. Users of the space shall meet all other applicable laws. Spaces shall be rented by the day or week only and an account of such space shall remain in the same trailer park for a period of not more than ninety (90) days.
 - f. Management headquarters, recreational facilities, toilets, showers, laundry facilities, and other uses and structures customarily incidental to operation of a trailer park are permitted as accessory uses in any district in which trailer parks are allowed provided:
 - 1) Such establishments and the parking area primarily related to their operations shall not occupy more than ten (10) percent of the area of the park;
 - 2) Such establishments shall be restricted in their use to occupants of the park;
 - 3) Such establishments shall present no visible evidence of their commercial

character which would attract customers other than occupants of the park;

- g. No space shall be so located that any part intended for occupancy for sleeping purposes shall be within thirty (30) feet of the right-of-way line of any major, or collector street, or of any minor street.
- h. In addition to meeting the above requirements, the recreational vehicle park site plan shall be accompanied by a certificate of approval of the County Health Department.

6.2 INDIVIDUAL MOBILE HOMES AND MANUFACTURED HOMES

- a. Individual mobile homes and manufactured homes for residential or non-residential use shall not be parked or located outside of an approved mobile home park or approved mobile home subdivision.
- b. Upon application to the Board of Adjustment, temporary permission may be granted for siting individual mobile homes for period not exceeding six (6) months under the following conditions:
 - 1) A building or home is being constructed at the site and temporary office or living space is shown to be required;
 - 2) Within two (2) weeks prior to any hearing upon the application, the applicant has provided written notice to the owners of all businesses and the head of the household of all occupied dwellings within a distance of six hundred (600) feet in every direction from the lot lines upon which the mobile or manufactured home is to be located and such notice has informed those individuals of the time and place of the hearing upon the application. The applicant shall furnish a list of all such individuals noted including their names and addresses;
 - 3) The applicant shall also furnish proof that applicable state and county sanitation laws can and will be complied with;
 - 4) The applicant shall furnish proof that there are no applicable restrictive covenants affecting the proposed temporary location of the mobile or manufactured home;
 - 4) The Board of Adjustment may in its discretion qualify, limit, or terminate its permission for the temporary siting of mobile or manufactured homes under the above conditions.

6.3 MOBILE HOME PARKS. Mobile home parks as defined herein are uses permitted in districts R-4, B-1, and B-2 subject to the provisions of this Ordinance.

a. Definitions: See Article VIII, Section 8.2.

b. License: It shall be unlawful for any person to maintain or operate a mobile home park within the limits of the City of Satsuma, Alabama unless such persons shall first obtain a license, therefore, except that the maintenance or operation of a mobile home park in existence of the effective date of this Ordinance may be continued.

c. License Fees and Temporary Permit Fees:

1) The annual license fee for each mobile home park shall be according to the fee set by the City Council.

2) The fee for transfer of a license shall be designated by the City Council.

d. Application for License:

1) Application for initial mobile home park license shall be filed with the City of Satsuma, Alabama. The application shall be in writing, signed by the applicant and shall include the following:

- The name and address of the applicant;
- The location and legal description of the mobile home park;
- A complete plan of the park in conformity with the requirements of Article 6 of this Ordinance;
- Plans and specifications of all buildings, improvements, and facilities constructed or to be constructed within the mobile home park;
- Such further information as may be required by the Planning Commission to enable it to determine if the proposed park will comply with legal requirements. The application and all accompanying plans and specifications shall be filed in triplicate.

e. Location: Mobile home parks may be located in districts as established in this Ordinance. Where any boundary of a park directly abuts property which is

improved with a permanent residential building location within twenty-five (25) feet of such boundary, or directly abuts unimproved property which may under existing laws and regulations be used for permanent residential construction, a fence or wall shall be provided along such boundary.

- f. Mobile Home Park Plan: The mobile home park shall conform to the following requirements:
- 1) The park shall be located on a well-drained site, properly graded to ensure rapid drainage and free from stagnant pools of water.
 - 2) Each park shall provide mobile home spaces, and each such space shall be clearly defined or delineated. Each space shall have an area of not less than four thousand (4,000) square feet and a width of not less than thirty (30) feet, and the average area of all spaces shall not be less than four thousand (4,000) square feet, and the average width of all spaces shall be not less than forty (40) feet; provided, however, that mobile home parks which, at the time of the adoption of this Ordinance, existed lawfully with mobile home spaces that do not comply with any of the foregoing minimum area and width or minimum average width requirements, may continue to operate and shall be excused from such compliance.
 - 3) Mobile homes shall be so located on each space that there shall be at least a twenty (20) foot clearance between mobile homes. Mobile homes parked end to end, the end to end clearance may not be less than twenty (20) feet and shall not be less than twenty (20) feet to any building within the park or to any property line of the park which does not abut upon a public street or highway. No mobile home shall be located closer than twenty-five (25) feet to any property line of the park abutting upon a public street or highway, or such other distance as may be established by ordinance or regulation as a front yard or setback requirement.
 - 4) All mobile home spaces shall abut upon a driveway of not less than twenty (20) feet in width, which shall have unobstructed access to a public street, alley or highway.
 - 5) Walkways not less than two (2) feet wide shall be provided from the mobile home spaces to the service buildings.
 - 6) Each mobile home space shall be provided with two (2) off-street parking spaces.

- 7) All driveways and walkways within the park shall be hard surfaced and lighted at night with electric lamps of not less than two hundred and fifty (250) watts each, spaced at intervals of not more than one hundred (100) feet.
 - 8) An electrical outlet supplying at least 100-115/220-250 volts, 100 amperes shall be provided for each mobile home space.
- g. Water Supply: An adequate supply of pure water for drinking and domestic purposes shall be supplied by pipes to all buildings and mobile home spaces within the park, to meet the requirements of the park. Each mobile home space shall be provided with a cold water tap at least four (4) inches above the ground.
- h. Sewage and Refuse Disposal:
- 1) Each mobile home space shall be provided with a sewer at least four (4) inches in diameter, which shall be connected to receive the waste from the shower, bath tub, flush toilet, lavatory and home harbored in such space and having any or all of such facilities. The sewer in each space shall be connected to discharge the mobile home waste into a public sewer system in compliance with applicable ordinance or into a private sewer and disposal plant or septic tank system of such construction and in such manner as will present no health hazard.
 - 2) Garbage Receptacles - Garbage cans with tight-fitting covers shall be provided in quantities adequate to permit disposal of all garbage and rubbish. Garbage cans shall be located no further than three hundred (300) feet from any mobile home space. The cans shall be kept in sanitary condition at all times. Garbage and rubbish shall be collected and disposed of as frequently as may be necessary to ensure that the garbage cans shall not overflow. The area used to accommodate garbage receptacles shall be properly screened with a fence or wall of opaque material.
- I. Fire Protection: Every park shall be equipped at all times with fire extinguishing equipment in good working order of such type, size and number and so located within the park as to satisfy applicable reasonable regulations of the fire department. No open fires shall be permitted at any place which may endanger life or property. No fires shall be left unattended at any time. A six (6) inch water line with a fire plug shall be provided for every thirty (30) mobile homes, (e.g., 31 require 2 fire plugs).

- j. Animals and Pets: No owner or person in charge of any dog, cat, or other pet animal shall permit it to run at large or commit any nuisance within the limits of any mobile home park. (For further information, refer to City Ordinance 317 and City Ordinance 454, as amended.)
- k. Tie-downs and Anchors: It shall be unlawful for any persons including, but without limitation, owners of mobile home parks and owners and/or occupants of mobile homes within such park, to place, maintain, or occupy any mobile home unless such mobile home is equipped with tie-downs and anchors meeting or exceeding standards of the Building Code. Owners of mobile home parks shall notify the Building Inspector of the placement of any mobile home on his property. The park owner shall also notify the Building Inspector of the existence of any mobile home in his park which by visual inspection appears not to comply with the tie-down and anchor standards of the Building Code. Such notification shall be written, shall contain a statement of the nature of the possible violation, the location of the mobile home, and the name and address of the mobile home owner. It shall be the responsibility of the owner of the mobile home park to give written notice to the owners of all mobile homes within such mobile home park of the requirements of this Section. In addition to such written notice, the owner of such park shall maintain in a clearly visible location at the entrance to the park of the requirements of this Section.
- l. Common Recreational Facilities: No less than ten percent (10%) of the total area of any mobile home park shall be devoted to common recreational areas and facilities, such as playgrounds and swimming pools. Ways for pedestrians and cyclists shall be away from streets, and play areas for small children or other recreational areas in block interiors.

Common recreational area shall not include streets or parking areas, shall be closed to automobile traffic except for maintenance and service vehicles, and shall be improved and maintained for the uses intended.

- m. Supervision: The licensee or permittee, or a duly authorized attendant or caretaker, shall be in charge at all times to keep the mobile home park, its facilities and equipment in a clean, orderly and sanitary condition. The attendant or caretaker shall be answerable, with the licensee or permittee, for the violation of any provision of this Ordinance to which the licensee or permittee is subject.
- n. Revocation of License: The City of Satsuma, Alabama may revoke any license to maintain and operate when the licensee has been found guilty, by a court of competent jurisdiction, of violating any provision of this Ordinance. After the

correction of such condition and the payment of the penalties imposed by law and assurance given to the City Council that such condition will not be repeated, then the City Council may issue a new license.

- o. Posting of License and Temporary Permit: The license certificate or temporary permit shall be conspicuously posted in the office of or on the premises of the mobile home park at all times.

6.4 ACCESSORY USES; TEMPORARY BUILDINGS; HOME OCCUPATIONS; SATELLITE RECEIVING DISHES; HOME DAY CARES.

- a. Accessory Uses: Any use may be established as an accessory use to any permitted principle use in any district provided that such accessory use:
 - 1) Is customarily incidental to and is maintained and operated as a part of the principle use;
 - 2) Is not hazardous to and does not impair the use or enjoyment of nearby property in greater degree than the principle use with which it is associated;
 - 3) Does not create levels of noise, odors, vibration and lighting, or degrees of traffic congestion, dust or pollutants, in a greater amount than customarily created by principle use;
 - 4) Is not located in minimum exterior yard; and,
 - 5) In residential districts, an accessory use will conform to the following requirements:
 - Where an accessory building is attached to the main building, a substantial part of one wall of the accessory building shall be an integral part of the main building or such accessory building shall be attached to the main building by a roof, and therefore, such requirements applicable to the main building shall apply.
 - A detached accessory building shall not be closer than twenty (20) feet to the main building, nor closer than five (5) feet to the lot line.
 - A detached accessory building may not be located in the front yard of a lot or on a lot by itself.

- For other requirements, see Article IV.
- b. Temporary Buildings: Temporary buildings or mobile type (trailers) used in conjunction with construction work shall be permitted in any district and shall be removed immediately upon completion of construction.
- c. Home Occupations: Home occupations shall be clearly incidental to the residential use of the dwelling and shall not change the essential residential character of the dwelling or adversely affect the uses permitted in the district of which it is a part. No home occupation shall be permitted which might interfere with the general welfare of the surrounding residential area due to potential noise, increased pedestrian and vehicular traffic, or any other condition which would constitute an objectionable use of residentially-zoned property.
- 1) Limitation on Type of Home Occupation are as follow:
- Area used for a home occupation shall not exceed twenty percent (20%) of the gross floor area in the principal building.
 - The home occupation shall be confined entirely to the principal building and no accessory building or outside storage shall be used in connection with the home occupation.
 - Employment shall be limited to members of the family residing in the dwelling, and there shall be no employment of help other than members of the resident family. In no case shall more than two (2) persons be engaged in the home occupation.
 - No internal or external addition, alteration, or remodeling of the dwelling is permitted in connection with the home occupation.
 - Chemical, mechanical, or electrical equipment that creates odors, light, glare, noises, or interference in radio or television reception detectable outside of the dwelling shall be prohibited.
 - No display of products shall be visible from the street and only articles made on the premises may be sold; except that non-durable articles (consumable products) that are incidental to a service, which service shall be the principal use in the home occupation, may be sold on the premises.

- Instruction in music, dancing and similar subjects shall be limited to two (2) students at a time.
 - The activity carried on as a home occupation shall be limited to the hours between 7 a.m. and 10 p.m.
 - One professional or announcement sign may be used to identify the customary home occupation. Such sign shall not exceed one and one-half (1½) square feet in area exposed to view and must be mounted flat to the main wall of the principal building. No such sign shall be directly illuminated.
 - Customary home occupations shall not include the following:
 - ◆ Uses which do not meet the provisions listed above;
 - ◆ Automobile and/or body and fender repairing;
 - ◆ Barber shops and beauty parlors;
 - ◆ Food handling on a large-scale basis, processing or packing;
 - ◆ Repair, manufacturing and processing uses; however, this shall not exclude the home occupation of a dressmaker where goods are not manufactured for stock, sale, or distribution;
 - ◆ Restaurants;
 - ◆ Uses which entail the harboring, training, raising, or treatment of dogs, cats, birds, or other animals;
- d. Satellite Receiving Dishes: Satellite receiving dishes are permitted accessory uses in any district, provided they comply with setback, height, and other standards of this Ordinance. In any district, the dish antenna shall be located to the rear of the front building line and must be set back ten (10) feet from any interior or rear lot line. Special setbacks indicated herein apply on corner lots. The dish antenna together with the principal building and accessory building may not exceed the maximum lot coverage permitted in the district in which it is located. In residential districts where the antenna is detached from the main building, its maximum height may not exceed fifteen (15) feet. Mounting antennas on roofs is prohibited. Installation and construction must

also comply with the building code. No form of advertising or identification is allowed on the dish or framework other than manufacturer's small identification plates.

- e. Home Day Cares: Home based day cares shall be clearly incidental to the residential use of the dwelling and shall neither change the essential residential character of the dwelling nor adversely affect the uses permitted in the zoning district where it is located. No home based day care shall be permitted which does, or might, interfere with the general welfare of the community due to unreasonable noise, increased pedestrian traffic, increased vehicular traffic or any other condition reasonably related to the general welfare.

- 1) The following requirements and limitations shall apply to all home day cares:

- i. A home day care shall not have more than six (6) children present at any one time, and ages in the home day care shall be those of Kindergarten age and less.
- ii. A home day care shall require a public hearing prior to approval or disapproval by the Planning Commission.
- iii. A home day care shall not be permitted if there is an existing home day care within six hundred (600) feet of the newly proposed home day care.
- iv. A home day care shall not be permitted if there are registered sex offenders in alleged violation of the legal residency restrictions of sex offenders.
- v. A home day care shall keep and maintain adequate fencing around the backyard/play area, which provides a safe environment for children.
- vi. A home day care shall operate only within the hours of 6 a.m. to 10 p.m., central time.
- vii. A home day care shall only employ a resident of the dwelling where the home day care is located, and such employee shall be certified by the State of Alabama, with evidence of such certification provided to the City of Satsuma.

- viii. A home day care shall continue to meet all the requirements and limitations of this section, and shall renew its business license from the City of Satsuma annually. Except as otherwise stated herein, a home day care shall not be required to appear before the Planning Commission for a renewal so long as it has continued to meet all the requirements and limitations of this section during the previous year.
- ix. A home day care shall meet and maintain all Federal, State, and Local license requirements and inspections.
- x. A home day care shall keep and maintain liability insurance coverage with a minimum of \$500,000.00 per occurrence/accident, and present satisfactory evidence thereof to the City of Satsuma.
- xi. A home day care owner or operator shall notify the City of Satsuma within thirty (30) days of the sale of the home day care or the property where the home day care is located. A change in the ownership of a home day care and/or property where a home day care is located requires re-approval by the Planning Commission in order for operations to continue.
- xii. A home day care applicant shall present a copy of the tax bill or deed for the property where the proposed home day care will be located. In the case of a leased home, the owner of the property shall submit said tax bill or deed along with a letter approving the use of the property as a home day care.
- xiii. A home day care shall be confined entirely to the principal building, and no accessory buildings or outside storage shall be used in connection with its operations.
- xiv. A home day care shall not be the cause of external alterations or remodeling to the dwelling, and shall not engage in using the premises for advertising.

6.5 AUTOMOBILE SERVICE STATIONS. Within the districts permitting automobile service stations, the following requirements shall apply:

- a. Location: The property on which an automobile service station is located shall not be within one hundred (100) feet of any residential district, or any property containing a school, public playground, church, hospital, public library, or institution for children or dependents.

- b. Site Requirements: An automobile service station shall have a minimum frontage on the primary street of one hundred and twenty (120) feet and a minimum lot area of twelve thousand (12,000) square feet. All buildings shall be set back forty (40) feet from all street right-of-way lines and all canopies shall be set back fifteen (15) feet from all street right-of-way lines

- c. Access to Site: Vehicular entrances or exits at an automobile service station:
 - 1) Shall not be provided with more than two (2) curb cuts for the first one hundred and twenty (120) feet of street frontage or fraction thereof.
 - 2) Shall contain an access width along the curb line of the street of not more than forty (40) feet as measured parallel to the street at its narrowest point and shall not be located closer than ten (10) feet to the adjoining property.
 - 3) Shall not have any two (2) driveways, or curb cuts, any closer than twenty (20) feet at both the right-of-way line and the curb or edge of the pavement along a single street.

- d. Gasoline Pump Islands: All gasoline pump islands shall be set back at least fifteen (15) feet from the right-of-way line, or where a future widening line has been established, the setback line shall be measured from such line, and where pump islands are constructed perpendicular to the right-of-way line, they shall also be at least fifteen (15) feet from the right-of-way. However, the pumps shall be at least sixty (60) feet from the center line of an arterial street, fifty-five (55) feet from the center line of a collector street and forty-five (45) feet from the center line of other streets.

- e. Off-Street Parking: A minimum of two (2) off-street parking spaces are required with an additional off-street parking space for each lubrication or wash bay.

- f. Other Site Improvements: In addition to the above requirements, the following additional site improvements shall be adhered to:
 - 1) A raised curb of at least six (6) inches in height shall be erected along the street property lines, except for driveway openings.
 - 2) A solid fence or wall not less than six (6) feet nor more than eight (8) feet in height shall be erected along all adjacent property lines adjacent to any residential structure or residential use district.

- 3) Exterior lighting shall be arranged so that it is deflected away from adjacent properties.
 - 4) Signs, whether permanent or temporary, shall not be placed within the public right-of-way and shall be arranged so that they do not obstruct visibility for drivers or pedestrians.
 - 5) All driving, parking, storage, and service area shall be paved and curbed and a good stand of grass shall be maintained on the remainder of the lot.
- g. Storage of Flammable Products: Outside above-ground tanks for the storage of gasoline, liquefied petroleum gas, oil or other flammable liquids or gasses shall be restricted to the requirements set forth in Article IV, Section 4.1 and Article VI, Section 6.14 of this Ordinance and state regulations.

6.6 SIGNS. The provisions of this section shall govern the location, size, setback, and height of signs in each of the use districts established in this Ordinance in order to ensure safe construction, light, air, and open space, to reduce hazards at intersections, to prevent the accumulation of trash, and to protect property values of the entire community.

- a. General Provisions: The following shall apply:
- 1) Compliance: All signs must be in compliance with the provisions of the International Building Code and the National Electrical Code adopted by the City and listed and labeled by a National Testing Lab.
 - 2) All UL numbers will be provided for any illuminated sign before a permit can be issued by the building inspector.
 - 3) It shall be the responsibility of the permit holder to call for all sign inspections.
 - 4) Height Requirement: No sign shall obstruct vision between a height of three (3) and eight (8) feet measured vertically from the street level at the base of the sign.
 - 5) Setback Requirement: All signs shall be a minimum of twenty (20) feet from all property lines. Distance shall be measured from the sign board.
 - 6) Sign Maintenance: signs shall be maintained to the standards of the International Building Code and the National Electrical Code. Signs that are determined to have fifty percent (50%) or greater damage, shall be removed or

replaced by the property or business owner. Replaced signs shall conform to the current sign regulations.

b. Permits: No sign, unless herein exempt, shall be erected, constructed, posted, painted altered, maintained, or relocated until a permit has been issued by the Building Inspector. Before any permit has been issued, an application shall be filed together with such drawings and specifications as may be necessary to fully advise and acquaint the Building Inspector with the location, construction materials, manner of illumination and securing or fastening, and number of signs applied for and the wording of the sign or advertisement to be carried on the sign. All signs which are electrically illuminated by neon or by any other means shall require a separate electrical permit and inspection.

c. Permit Fees:

0 to 40 square feet	\$50.00
41 to 80 square feet	\$100.00
81 to 120 square feet	\$150.00
120 square feet or greater	\$200.00

d. Single-Site Commercial and Industrial Building Establishments:

- 1) One (1) freestanding or monument sign allowed (size based on a ratio of one (1) square foot of sign face area per one (1) linear foot of street frontage, not to exceed two hundred (200) square feet per side).
- 2) Two (2) wall, awning, or canopy signs allowed (size to be based on thirty percent (30%) of useable wall space, not to exceed two hundred and fifty (250) square feet).
- 3) Never more than three (3) outdoor signs allowed per parcel.
- 4) Freestanding or monument signs shall have a maximum height of ten (10) feet in a B-1 District and thirty-five (35) feet in B-2 and M-1 Districts. Height shall be measured from the ground at the base of the sign supports to the top of the sign.
- 5) Menu Board (one (1) drive up window board per each drive up window with a maximum of thirty-five (35) square feet).
- 6) High Rise or Interstate Sign (maximum two hundred (200) sq. ft. display area per side and maximum height restriction of one hundred (100) feet for

any business with a property line that is within one thousand (1,000) feet of the centerline of Interstate 65). Height shall be measured from the ground at the base of the sign supports to the top of the sign. Signs spacing and locations along Interstate 65 shall adhere to Off-Premise Advertising Signs, Section 6.6, h. and State Regulations.

- 7) Temporary/Portable signs used for special events or non-profit activities for a period not to exceed forty-five (45) days, limited to twice a year per establishment. A permit is not required. All other signs must have a permit, which shall be issued, by the city building inspector.

e. Multi-Tenant Commercial and Industrial Building Establishments:

- 1) Wall sign - Each tenant shall be allowed one wall sign per public street frontage that the center faces not to exceed thirty percent (30%) of useable wall area and not to exceed two hundred and fifty (250) square feet.
- 2) Monument- No more than two (2) monument signs shall be permitted for each development. If the linear feet of street front of the development is one (1) to four hundred (400) feet, then one (1) monument sign is allowed; if linear feet is four hundred and one (401) or greater, then two (2) are allowed; Size will be based on the linear street frontage and can be divided between signs when two (2) signs are allowed, but one (1) shall never exceed three hundred and fifty (350) square feet.
- 3) Monument signs for Multi-Tenant Commercial and Industrial Establishments shall not obstruct the visibility on entrances or exits. Signs shall not exceed ten (10) feet in height as measured from the ground at the base of the sign supports to the top of the sign.
- 4) All signs must have a permit, which shall be issued, by the city building inspector.

f. Residential Neighborhood Marker Signs:

- 1) Neighborhood Marker Signs will not require a permit.
- 2) There shall be two (2) signs allowed per neighborhood entrance.
- 3) All signs must be monument signs not to exceed two hundred (200) square feet per sign face.

g. Apartment Complex or Mobile Home Park Signs:

- 1) Two (2) monument signs per entrance to complex or park (two hundred (200) square feet per sign face).
- 2) No freestanding pole signs allowed.
- 3) One (1) wall sign allowed at office (not to exceed fifty (50) square feet).

h. Off-Premise Advertising Signs:

Off-premise advertising signs will be permitted in B-2 and M-1 districts subject to the following conditions:

- 1) No off-premise advertising sign shall exceed three-hundred fifty (350) square feet of display area per side.
- 2) No off-premise advertising sign shall exceed a height of one hundred (100) feet measured from the ground at the base of the sign supports to the top of the sign.
- 3) No off-premise advertising sign shall be constructed from the South border on Highway 43 to Baldwin Road North on Highway 43.
- 4) No off-premise advertising sign shall be located within a five hundred (500) foot radius of any other off-premise advertising sign, except as follows: Along Interstate 65, that certain area of real property zoned B-2 and M-1, and generally described as being located North of Baldwin Road, South of Interstate 65, East of Interstate 65, and West of Highway 43 in Satsuma, Alabama, shall not have off-premises advertising signs located therein within a five hundred (500) foot radius of any other off-premise advertising sign. This subsection shall not affect the applicability of current federal and state guidelines or the other provisions of Ordinance No. 303.

i. Political Campaign Signs:

- 1) No permit will be required.
- 2) Such signs are confined wholly to placement on private property.
- 3) No such signs shall ever be allowed in right of way of street, railroad, etc.
- 4) A candidate shall not place signs prior to qualifying to run for office with

the qualifying entity administering the election. Signs shall be removed with seven (7) days after the election or referendum for which they were prepared has been decided.

- 5) Such signs do not exceed four (4) square feet per face in any residential area and thirty-two (32) square feet in any commercially zoned district. These signs shall not be located within eighteen (18) inches of the property line setback or in any public right of way and will not obstruct line of visibility of any vehicle.

j. Prohibited Signs:

- 1) Signs imitating traffic or emergency signals.
- 2) Signs employing strobe type lights.
- 3) Sign lighting, which is incompatible with residential character. No sign shall be illuminated in such way that it casts intense illumination onto any residential premises located in any residential district.
- 4) Roof-mounted signs.
- 5) Portable trailer signs and any trailer sign with copy being towed or transported (except non-profit).
- 6) Anchored flying paraphernalia.
- 7) Signs of any kind attached to public utility poles.
- 8) Signs that prevent free ingress or egress from any door, window, or fire escape, or that are attached to a standpipe or escape.
- 9) Signs obstructing the visibility of automobile operators.

k. Signs for which a Permit is not required:

- 1) Official notices issued by any court, public agency, or officer.
- 2) Portable signs used on a temporary basis for special events or non-profit activities for a period not to exceed thirty (30) days.
- 3) Signs not exceeding one (1) square foot in area and bearing only property address numbers.

- 4) Flag and insignia of any government.
- 5) All indoor signs.
- 6) Signs which advertise time and temperature.
- 7) Realty signs that do not exceed four (4) square feet per face in residential areas and thirty- two (32) square feet in commercial districts.
- 8) Realty Open House signs will be allowed only on the day of the open house and must be removed within twenty-four (24) hours of event and must be placed on private property.

l. Banners:

- 1) No permit will be required.
- 2) A banner is described as a sign made of non-rigid material such as fabric, cloth, or vinyl with text and/or graphic designs.
- 3) One (1) banner per business shall be allowed less than thirty-two (32) square feet and must be attached to building.
- 4) Banners will be allowed a maximum of thirty (30) days of display two (2) times each year and these thirty (30) days will not run consecutive.
- 5) Non-profit banners will be allowed a maximum of forty-five (45) days of display.

m. Sandwich Board Signs:

- 1) No permit required.
- 2) Sandwich Boards shall be allowed for a maximum of sixty (60) days of display.
- 3) Sandwich Board signs shall be of an A-frame construction and shall be twenty-four (24) inches in width, and shall be thirty-six (36) inches in height.
- 4) Sandwich Board signs shall be non-illuminated.

- n. Maintenance and Removal of Outdoor Advertising Signs:
- 1) All outdoor advertising signs and sign structures shall be kept in repair and in proper state of preservation.
 - 2) Outdoor advertising signs which are no longer functional, or are abandoned, shall be removed or relocated at the owner's expense in compliance with the provisions of this Ordinance within thirty (30) days following dysfunction.
 - 3) Any legally established non-conforming outdoor advertising sign or sign structure shall be permitted without alteration in size or location, provided that the requirements of this Ordinance are adhered to and provided that nothing herein shall prevent maintenance, repairing or posting of legally established non-conforming signs.
 - 4) In the event of partial damage, deemed less than fifty percent (50%) by the Building Inspector, of a legally non-conforming advertising sign, the owner thereof shall have the right to reconstruct, rebuild, renovate, or repair said sign substantially to the same condition as before said destruction, provided the provisions of this Ordinance are adhered to. Construction shall be completed within sixty (60) days. See Section 6.6 (a)(6) for sign damage of fifty percent (50%) or greater.

6.7 CEMETERIES. Within the districts permitting cemeteries, the following requirements shall apply:

- a. The site proposed for a cemetery shall not interfere with the development of a system of collector or larger streets in the vicinity of such site. In addition, such site shall have direct access to a thoroughfare.
- b. Any new cemetery shall be located on a site containing not less than twenty (20) acres.
- c. All structures shall be set back no less than twenty-five (25) feet from any property line or minor street right-of-way.
- d. All graves or burial lots shall be set back not less than twenty-five (25) feet from any property line or minor street right-of-way lines, and not less than fifty (50) feet from any collector or arterial street.
- e. The entire cemetery property shall be landscaped and maintained.

- f. An application must be made to the Board of Adjustment for any extension of existing cemeteries.

6.8 PARKING REQUIREMENTS FOR ALL DISTRICTS.

- a. General. Off-street automobile storage or parking spaces shall be provided with vehicular access to a street or alley, and shall be equal to at least the minimum requirements for the specific land use set forth.
 - 1) The required number of parking spaces for any number of separate uses may be combined in one lot, but the required space assigned to one use may not be assigned to another use at the same time, except that portion of the parking space required for an existing church whose peak attendance will be at night or on Sundays may be assigned to a use which will be closed at night or on Sundays.
 - 2) Areas reserved for off-street parking in accordance with the requirements of this Ordinance shall not be reduced in area or changed to any other use unless the permitted use which it serves is discontinued or modified, except where equivalent parking space is provided to the satisfaction of the Board of Adjustment.
 - 3) Off-street parking existing at the effective date of this Ordinance in connection with the operation of an existing building or use shall not be reduced to an amount less than hereinafter required for a similar new building or use.
- b. For existing commercial uses in any business district and other similar areas desiring to expand but unable for good and sufficient reason to provide parking at the standard required in the following schedule, the Board of Adjustment may grant relaxation of the strict application of these requirements on appeal, subject to the regulations governing appeals and variances.

c. Parking Space Requirements

Land Use

Parking Requirements

1) Dwellings:

a) One and two families

Two (2) spaces for each dwelling unit.

b) Multiple:

One and one-half (1/1/2) spaces

for each unit containing less than three (3) habitable rooms.

- c) Hotels: One (1) spaces for each bedroom plus one (1) additional space fore each five (5) employees.
- d) Motels, tourist courts and homes, mobile homes and parks: One (1) space for each guest bedroom mobile home or travel trailer space, plus one (1) additional space for a resident manager or owner.
- e) Board and rooming houses, dormitories: One (1) space for each guest bedroom.

Land Use

Parking Requirements

- 2) Public Assembly:
 - a) Churches or other places of worship: One (1) space for each four (4) seats in the main auditorium or sanctuary.
 - b) Private clubs, lodges and fraternal buildings not providing overnight accommodations: One (1) space for each one hundred (100) square feet of building under the roof.
 - c) Theaters, auditoriums, coliseums, stadiums, and similar places of assembly: One (1) space for each four (4) seats.
 - d) Libraries and Museums: One (1) space for each five hundred (500) square feet of gross floor area.
 - e) Schools, including kindergartens, play schools, and day care centers: One (1) space for each four (4) seats in assembly hall, or one (1) space for each employee, including teachers and administrators, which ever is greater, plus five (5) spaces per classroom for high schools and colleges.
 - f) Skating rinks, dance halls, exhibition halls, pool rooms, and other places of amusement or assembly without fixed seating arrangements: One (1) space for each two hundred (200) square feet of floor area.

g) Bowling Alleys:

Four (4) spaces for each alley.

Land Use

Parking Requirements

3) Health Facilities

a) Hospitals, sanitariums, nursing homes, homes for aged, and similar institutional uses:

One (1) space for each four (4) beds, 0plus one (1) space for each four (4) employees, including nurses.

b) Kennels and Animal Hospitals:

A parking area equal to 30 percent of the total enclosed or covered area.

c) Medical, Dental and Health Offices and Clinics:

One (1) space for each two hundred (200) square feet of floor area used for offices and similar purposes.

d) Mortuaries and Funeral Parlors:

Five (5) spaces per parlor chapel unit, or one (1) space per four (4) seats, whichever is greater.

Land Use

Parking Requirements

4) Business:

a) Commercial establishments and offices including but not limited to the following:

Food Stores, furniture stores, general business, commercial or personal service establishments catering to the retail trade, but excluding food stores.

Four (4) parking spaces for up to four hundred (400) square feet of gross floor area, plus one (1) parking space for each additional two hundred (200) square feet of floor area, plus one (1) parking space for each additional one hundred and fifty (150) square feet of floor area over five thousand (5,000) square feet.

Governmental Offices, Office Buildings, including banks, businesses, commercial and professional offices and buildings but excluding medial, dental

One (1) space for each two hundred (200) square feet of floor area.

health offices, and clinics.

Public Utilities, such as telephone exchanges, and substations, radio and TV stations.

One (1) space for each two (2) employees.

b. Restaurants, including bars, grills, dinners, cafes, taverns, night clubs, lunch counters, and all similar dining and/or drinking establishments.

One (1) space for each two (2) seating accommodations plus one (1) space for each two (2) employees.

c. Shopping Centers:

Ten (10) spaces for each one thousand (1,000) square feet of floor area for retail sales only for centers up to fifteen (15) acres in size and eight (8) spaces for each one thousand (1,000) square feet of floor area for retail sales only for centers of fifteen and one tenth (15.1) or more acres in size. Two (2) spaces per berth. Also applies to dry storage.

d. Marinas:

5) Industries:

a) Commercial manufacturing and industrial establishments, not catering to the retail trade:

One (1) space for each three (3) employees on the maximum working shift, plus one (1) space for each vehicle operating from the premises.

b) Wholesale Establishments:

One (1) space for every fifty (50) square feet of customer service area, plus two (2) spaces for each three (3) employees on the maximum working shift, plus one (1) space for each company vehicle operating from the premises.

c) Electric Power and Gas

Twenty-five (25%) percent of the substations: parcel on which located or four (4) spaces whichever is smaller.

d. Design Standards and Improvement Requirements.

- 1) Definition. An off-street parking space is an all-weather surfaced area not in a street or alley and having an area of not less than one hundred and seventy-one (171) square feet and minimum dimensions of nine feet by nineteen feet (9' x 19'), exclusive of driveways, permanently reserved for the temporary storage of one (1) automobile and connected with a street or alley by an all-weather surfaced driveway which affords unobstructed ingress and egress to each space.
- 2) Permit. A parking area permit approved by the Building Inspector shall be required for any parking area with a design capacity for six (6) or more vehicles.
- 3) Parking Area Dimensions. The design and dimensions of the parking area shall be in accordance with the following dimensions table:

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

- 4) Width of Two-Way Access Driveways. The minimum width of two-way access driveways within parking areas shall be twenty-four (24) feet.
- 5) Paving Standards. Parking spaces and driveways shall be paved to standards established by the Baldwin County Highway Department.
- 6) Parking Areas Exempted from Landscaping Requirement. All parking areas located within the M-1 Industrial Districts which are not within fifty (50) feet of any street right-of-way shall be exempt from the landscaped area requirements of this Ordinance.
- 7) Drainage. Off-street parking facilities shall be drained to prevent damage to abutting property and streets and to prevent pollutants from draining

onto the adjacent lots. Landscaped areas and perimeter areas shall be so graded as to receive a reasonable portion of the rainfall from the surrounding pavement. Protective curbing around landscaped areas will leave openings for the flow of water onto unpaved areas.

6.9 LANDSCAPING. The design and appearance of parking areas is intended to be compatible with the character of the community. A landscaping plan shall be submitted for the construction of the off-street parking areas accommodating six (6) or more parking spaces.

- a. At least ten percent (10%) of the total interior area intended for off-street parking shall be suitably landscaped;
- b. Such landscaping to include the placement of a mature shade tree at intervals of approximately ten (10) parking spaces;
- c. Interior portions of the parking area shall be broken by provision of landscaped islands;
- d. A maximum of twelve (12) parking spaces in a row will be permitted without an island;
- e. Each separate landscaped area must be a minimum of sixteen (16) square feet if it is to be counted toward the minimum landscaped area requirement;
- f. Landscaped areas shall be protected from vehicular encroachment by the use of curbing or wheel stops;
- g. The owner, tenant and/or agent, if any, shall be jointly and severally responsible for watering and maintaining all landscaping in a healthy, neat and orderly condition, replacing it when necessary and keeping it free of refuse and debris.

6.10 OFF-STREET LOADING AND UNLOADING SPACE. Off-street loading/unloading spaces shall be provided as hereinafter required by this Ordinance.

- a. Size of Spaces: Each off-street loading/unloading space shall have minimum dimensions of fourteen (14) feet in height, twelve (12) feet in width, and fifty-

five (55) feet in length. However, upon sufficient demonstration that a particular loading space will be used exclusively by shorter trucks, the Board of Adjustment may reduce the minimum length accordingly to as little as thirty-five (35) feet.

- b. Connection to Street or Alley. Each required off-street loading/unloading space shall have direct access to a street or alley or have a driveway which offers satisfactory ingress and egress for trucks.
- c. Floor Area Over ten thousand (10,000) Square Feet. There shall be provided for each hospital, institution, hotel, commercial, or industrial building or similar use requiring the receipt or distribution of materials or merchandise and having a floor area of more than ten thousand (10,000) square feet, at least one off-street loading/unloading space for each ten thousand (10,000) square feet of floor space or fraction thereof. Such space shall be so located as not to hinder the free movement of pedestrians and vehicles over a sidewalk, street, or alley.
- d. Floor Area Less Than ten thousand (10,000) Square Feet. There shall be provided for each commercial or industrial building requiring the receipt or distribution of materials or merchandise and having a floor area of less than ten thousand (10,000) square feet, sufficient off-street loading/unloading space (not necessarily a full space if shared by an adjacent establishment) so located as not to hinder the free movement of pedestrians and vehicles over a sidewalk, street, or alley.
- e. Bus and Trucking Terminals. There shall be provided sufficient space to accommodate the maximum number of buses or trucks to be stored or to be loaded at the terminal at any one time.
- f. Location. All required off-street loading/unloading spaces shall be located on the same lot as the building which they are intended to serve, or on an adjacent lot when shared with the use occupying said adjacent lot.
- g. Permanent Reservation. Areas reserved for off-street loading/unloading in accordance with the requirement of this Ordinance shall not be reduced in area or changed to any other use unless the permitted use which is served is discontinued or modified except where equivalent loading/unloading space is provided and approved by the Board of Adjustments.

6.11 OFF-STREET PARKING, LOADING/UNLOADING SPACES FOR MINI-WAREHOUSES.

- a. All one-way driveways shall provide for one (1) ten (10) foot travel lane. Traffic direction and parking shall be designated by signing or painting.
- b. All two-way driveways shall provide for one (1) ten (10) foot parking lane and two(2) twelve (12) foot travel lanes.
- c. Whenever applicable, two (2) parking spaces shall be provided for the manager's quarters plus one (1) additional space for every twenty-five (25) storage cubicles to be located at the project office for use of clients.

6.12 CONTROL CURB CUTS: VISION CLEARANCE. The requirement for controlling curb cuts and maintaining vision clearance shall be as follows:

- a. Curb Cuts: No curb cut shall exceed fifty (50) feet in length, nor shall curb cuts be closer than twenty (20) feet to other curb cuts or closer than twenty (20) feet to any intersection of two streets measured along the curb line.
- b. Vision Clearance: In all use districts, no fence, wall, shrubbery, sign or marquee or other obstruction to vision between the heights of two and one-half (2½) and ten (10) feet from the street level shall be permitted within twenty (20) feet of the intersection of the right-of-way lines of two (2) street or railroad lines, or of a street intersection with railroad line.

6.13 STORAGE AND PARKING OF TRAILERS AND COMMERCIAL VEHICLES.

- a. Commercial vehicles and trailers of all types, including travel, boat, camping, and hauling, shall not be parked or stored on any lot occupied by a dwelling or any lot in any Residential District except in accordance with the following requirements:
 - 1) No more than one (1) commercial vehicle per dwelling shall be permitted; and in no case shall a commercial vehicle used for hauling explosives, gasoline, or liquefied petroleum products be permitted.
 - 2) Travel trailers, hauling trailers, or boat trailers shall be permitted if parked or stored behind the front yard building line.
 - 3) A travel trailer shall not be occupied either temporarily or permanently while it is parked or stored in any area except in a trailer park authorized

under this Ordinance.

- 4) A junked vehicle, or one that cannot be moved under its own power, shall not be permitted to be located on or near lots with dwelling units. These junked autos shall be confined to junkyards.

6.14 **FIRE HAZARDS.** In districts permitting the storage, utilization, or manufacture of solid materials or products ranging from incombustible to moderate burning, the following condition must be met:

- a. Materials or products shall be stored, utilized, or manufactured within completely enclosed buildings having incombustible exterior walls and protected throughout by an automatic fire extinguishing system. The storage, utilization or manufacture of flammable liquids or gases which produce flammable or explosive vapors, shall be permitted in accordance with the Table below (exclusive of storage of finished products in original sealed containers).

TOTAL CAPACITY OF FLAMMABLE MATERIALS PERMITTED - GALLONS*

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

Industries Engaged in Utilization and Manufacture of Such Materials

1. Materials having a flash point above 190 degrees Fahrenheit (87.7878 Centigrade)	10,000	50,000
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- | | | | |
|----|--|-------|--------|
| 2. | Materials having a flash point from and including 105 degrees Fahrenheit (40.5556 Centigrade) to and including 190 degrees Fahrenheit (87.7878 Centigrade) | 1,000 | 20,000 |
| 3. | Materials having a flash point below 105 degrees Fahrenheit (40.5556 Centigrade) | 500 | 10,000 |

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

6.15 TELECOMMUNICATIONS TOWERS AND FACILITIES

- a. Purpose. The purpose of this section is to establish minimum standards for wireless telecommunications facilities. The underlying principals of these standards are to:
- 1) Achieve a balance among the number, height, and density of wireless telecommunications facilities that is appropriate for our communities;
 - 2) Encourage and maximize the use of existing and approved towers, buildings, and other structures to accommodate new wireless telecommunications facilities;
 - 3) Ensure the compatibility of towers with, and avoid adverse impacts to, nearby properties; and
 - 4) Discourage the proliferation of towers throughout the City of Satsuma.
- b. Definitions.

Accessory structure compound. A fenced, secured enclosure in which a wireless telecommunications facility and its equipment, buildings, access roads, parking areas and other accessory devices/auxiliary structures are located.

Alternative support structure. Any structure other than a wireless telecommunications tower, which may include, but is not limited to, buildings, water towers, light poles, power poles, telephone poles,

and other essential public utility structures.

Antenna. An electromagnetic device which conducts radio signals, through an attached cable or wave guide, to or from a radio transmitter or receiver. Typically this includes "whips", "cornucopia horns", "panels", and parabolic "dishes".

Antenna support structure. Any structure on which telecommunications antennas and cabling can be attached. Typically this includes steel towers with guy-wires (guyed towers); wooden, steel or concrete single poles (monopoles); self-supporting steel towers with three (3) or four (4) "legs" (self-supporting/lattice towers); rooftops of existing buildings or structures (such as elevated water storage tanks). (see also *tower*)

Co-location. The placement of more than one wireless communications antenna by one or more telecommunications service providers on a single existing or new antenna support structure.

Concealment techniques. Design techniques used to blend a wireless telecommunications facility, including any antennas thereon, unobtrusively into the existing surroundings so as to not have the appearance of a wireless telecommunications facility. Such structures shall be considered wireless telecommunications facilities and not spires, belfries, cupolas, or other appurtenances usually required to be placed above the roof level for purposes of applying height such as building bulk, massing, and architectural treatment of both the wireless telecommunications facility and surrounding development. Concealed towers on developed property must be disguised to appear as either a part of the structure housing, a principal use, or an accessory structure that is normally associated with the principal use occupying the property. Concealed towers developed on unimproved property must be disguised to blend in with the existing vegetation. *Example:* a tower of such design and treated with architectural material so camouflaged to resemble a woody tree with a single trunk and branches on its upper part (also known as a "monopine").

FAA. Federal Aviation Administration.

FCC. Federal Communications Commission.

Height. When referring to a tower or other structure, the distance measured from the ground level at the base of the tower to the highest point on the tower or structure, including if said highest point is an antenna placed on a structure or tower.

Qualified Shared Facility. A tower that is appropriately designed for sharing and the owner is prepared to offer adequate space to others on fair and reasonable, nondiscriminatory terms.

Tower. Any structure that is designed and constructed primarily for the purpose of supporting one or more antenna, including self supporting lattice towers, guyed towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common carrier towers, cellular telephone towers and the like. (see also *antenna support structure*)

Wireless Telecommunications Facility: A facility consisting of the equipment and structures involved in receiving telecommunications and/or radio signals from a mobile radio communications source and transmitting those signals to a central switching computer which connects the mobile unit with the land-based telephone lines.

c. Procedures and standards.

- 1)*** Where permitted. Wireless telecommunications facilities shall be permitted by special exception in all zoning districts. Antennas located on existing towers (co-location antennas) and antennas located on alternative support structures shall be permitted by right.
- 2) Height.
 - Antennas located on alternative support structures shall not exceed fifteen (15) feet in height above the existing structure on which they are placed.
 - Tower height shall be limited to one hundred and eighty (180) feet.
- 3) *Setbacks.* Towers (but not guys and accessory structures) may be placed no closer than a distance equal to the height of the wireless telecommunications facility from any residential structure on adjacent property. Where a tower is permitted in a zoning district adjacent to any residential district the required setback from all residentially zoned property lines shall be a distance equal to the height of the tower.
- 4) *Co-location.* To minimize adverse visual impacts associated with the proliferation and clustering of telecommunication towers, co-location of facilities on existing or new towers shall be encouraged by:
 - Only issuing permits to Qualified Shared Facilities at locations where it appears there may be more demand for towers than the property can reasonably accommodate; or

- Giving preference to Qualified Shared Facilities over other facilities in authorizing use at particular locations.
 - For a facility to become a Qualified Shared Facility", the facility owner must show that:
 1. The facility is appropriately designed for sharing; and
 2. The facility owner is prepared to offer adequate space on the facility to others on fair and reasonable, nondiscriminatory terms.
 - ◆ Co-locations of communications antennas by more than one provider on existing or new telecommunication towers shall take precedence over the construction of new single-use telecommunication towers.
 - ◆ For any telecommunications tower approved for shared use, the owner of the tower shall provide notice of the location of the telecommunication tower to the City.
 - ◆ No new antenna support structure shall be permitted unless the applicant demonstrates that no existing antenna support structure can accommodate the applicant's needs.
 - ◆ No signage, symbols, or advertisements may be attached to the pole, tower, or antenna.
 - ◆ Monopole structures shall have the ability to accommodate at least one (1) additional set of antennas. Guyed structures and self supporting towers shall have the ability to accommodate at least two (2) additional sets of antennas.
- 5) *Aesthetics.* The aesthetic properties of each individual wireless telecommunications facility shall be approved as part of the site plan review process.
- Appearance. The design of the tower shall be of a type that has the least visual impact on the surrounding area.

- ◆ Towers and antennas shall be painted a neutral or blending color so as to reduce visual obtrusiveness, unless subject to any applicable FAA standards. If an antenna is installed on a structure other than a tower, the antenna and supporting telecommunications facilities must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure.
- ◆ No signage, symbols, or advertisements may be attached to the pole, tower, or antenna.
- ◆ Towers camouflaged to resemble woody trees or indigenous vegetation in order to blend in with the native landscape will be subject to administrative review, as are types of concealment techniques (see *Concealment techniques*).
- *Accessory structures.*
 - ◆ The design of the compound and its accessory structures shall, to the extent possible, maximize use of building materials, colors, textures, screening, and landscaping that effectively blend the tower facilities within the surrounding natural setting and built environment.
 - ◆ In or adjacent to developed properties, accessory structures must be aesthetically and architecturally compatible with the surrounding environment. Materials such as wood, brick, and stucco should be used as appropriate. The use of metal or metallic-looking materials shall be prohibited.
- *Non vegetative screening.*
 - ◆ Non vegetative screening will be required when it is necessary to reduce the visual impact of a wireless telecommunications compound on adjacent public ways, properties or the neighborhood in which it is located. In or adjacent to developed properties, non vegetative screening shall be provided in a manner that is compatible with the surrounding character of development, buildings, natural vegetation, and landscaping. Such screening, as required and subject to site plan review, shall have a minimum height of eight (8) feet, and may consist of one of the following: brick masonry walls, solid wood fencing, berms, or opaque barriers. All non vegetative screening shall

be properly maintained by the property owner or lessor.

- ◆ 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 non vegetative screening requirement may be reduced.
- ◆ Wireless telecommunications facilities utilizing underground vaults rather than above ground equipment buildings may be exempted from screening requirements.

- *Landscaping.*

- ◆ Landscaping will be required to reduce the visual impact of the compound and its accessory structures on adjacent public ways, properties, or the neighborhood in which it is located. In or adjacent to developed properties, landscaping shall be provided in a manner that is compatible with the surrounding character of development, buildings, and natural vegetation.
- ◆ The perimeter of the compound shall be landscaped with a buffer of plant materials that effectively screens the view of the compound from adjacent property and public ways. The standard buffer shall consist of a landscaped strip of at least five (5) feet wide outside the perimeter of the compound. In locations where the visual impact of the tower would be minimal, the landscaping requirement may be reduced.
- ◆ A row of trees a minimum of eight (8) feet tall and a maximum of ten (10) feet apart shall be planted around the perimeter of the compound fence. A continuous hedge at least thirty (30) inches high at planting capable of growing to at least thirty-six (36) inches in height within eighteen (18) months shall be planted in front of the tree line.
- ◆ All landscaping shall be of the evergreen variety. All landscaping shall be xeriscape tolerant or irrigated and properly maintained by the property owner or lessor to ensure good health and variety.

6) *Lighting.*

- Towers shall not be artificially lit unless required by the FAA or other authority for safety purposes. If lighting is required, "dual lighting" (red at night/strobe during day) shall be preferred unless restricted by the FAA. Lighting must be shielded or directed upward to the greatest extent possible so as to minimize the amount of light that falls onto nearby properties, particularly residences.
 - Basic security lighting for the compound may be permitted, but shall be focused only on the compound itself, and shall be directed away from any adjacent property.
- 7) *Environmental impact.* All wireless telecommunications facilities shall comply with the National Environmental Policy Act. If an environmental assessment is required by the federal Communications Commission (FCC), a copy of the assessment, as well as documentation of the FCC's subsequent approval thereof, must be submitted at the time of application.
- 8) *Safety.*
- *Radio frequency.* The applicant shall be required to submit documentation that the proposed wireless telecommunications facility complies with the FCC standards for radio frequency emissions, as adopted by the FCC on August 1, 1996.
 - *Structural.* A Professional Engineer shall certify that all antenna support structures and wireless telecommunications equipment are erected and/or installed so as to comply with the co-location requirements of this ordinance, wind loading and other structural standards contained in the building Code as adopted by the City of Satsuma and the applicable technical codes established by the Electronic Industries Association (EIA/TIA 22-E "Structural Standards for Steel Antenna Towers and Antenna Supporting Structures) or the Telecommunications Industry Association. This shall apply to new and modified structures and facilities.
 - *Security of site.* Fencing shall be required to ensure that antenna support structures and their accessory buildings are fully secured. Sufficient anti-climbing measures must be incorporated into each facility, as needed, to reduce potential for trespass and injury.
- 9) *Obsolete towers.* In the event the use of any wireless telecommunications facility has been discontinued for the period of one hundred and eighty (180) days, the wireless

telecommunications facility shall be deemed to be abandoned. Determination of the date of the abandonment shall be made by the Building Official. Upon such abandonment, the owner/operator of the wireless telecommunications facility shall have an additional one hundred and eighty (180) days within which to reactivate the use of the wireless telecommunications facility to another owner/operator who makes actual use of the wireless telecommunications facility, or dismantle and remove the wireless telecommunications facility.

- 6.16 ENVIRONMENTAL STANDARDS. Environmental standards applicable noise, water, air, wildlife and plant life (natural habitat) promulgated by the Alabama Department of Environmental Management; Environmental Protection Agency, U.S. Fish and Wildlife and other Federal or State Regulatory Agencies including the Alabama Coastal Area Management Program, administered by the Alabama Department of Economic and Community Affairs, shall be complied with. The developer shall be responsible for meeting any standards and shall furnish the City, on request, information to determine if the applicable standards are being met.
- 6.17 PROTECTION OF CULTURAL RESOURCES. All development in the coastal area, as defined by the Alabama Coastal Area Management Program, shall to the maximum extent practicable, avoid adversely affecting historic, cultural, or archaeological resources of the coastal area.
- 6.18 ADULT ENTERTAINMENT ENTERPRISE.
- a. An Adult Entertainment Enterprise is defined as follows: An establishment having as a preponderance of its stock in trade or its dollar volume in trade, books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, videocassettes, slides, tapes, records or other forms of visual or audio representations which are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical area; a nightclub, bar, theater, restaurant or similar establishment which frequently features live performances by topless dancers, go-go dancers, exotic dancers, strippers, or similar entertainers, where such performances are distinguished or characterized by an emphasis on specified sexual activities or by exposure of specified anatomical areas and/or which regularly feature films, motion pictures, videocassettes, slides or other photographic reproductions which are distinguished or characterized by an emphasis upon the depiction or description or specified sexual activities or specified anatomical areas for observation by patrons; an open lot or part thereof, with appurtenant facilities, devoted primarily to the presentation of

motion pictures, films, theatrical productions and other forms of visual productions, for any form of consideration, to persons in motor vehicles or on outdoor seats in which a preponderance of the total presentation time is devoted to the showing of materials distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas for observation by patrons; any building or structure which contains or is used for commercial entertainment where the patron directly or indirectly is charged a fee to view from an enclosed or screened area or booth a series of live dance routines, strip performances or other gyrational choreography which performances are distinguished or characterized by an emphasis on specified sexual activities or by exposure of specified anatomical area; an enclosed building with a capacity of more than five (5) but less than fifty (50) persons, used for presenting films, motion pictures, videocassettes, slides of similar photographic reproductions in which time is devoted to the showing of materials which are distinguished or characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas for observation by patrons therein; any place to which the public is permitted or invited wherein coin or slug-operated or electronically, electrically or mechanically controlled still or motion picture machines, projectors or other image-producing devices are maintained to show images to five (5) or fewer persons per machine at any one (1) time, and where the images so displayed are distinguished or characterized by an emphasis on depicting or describing specified sexual activities or specified anatomical areas; an enclosed building with a capacity of fifty (50) or more persons used for presenting films, motion pictures, videocassettes, slides or similar photographic reproductions in which a preponderance of the total presentation time is devoted to showing the materials which are distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas for observation by patrons therein; any building, premises, structure or other facility under common ownership or control which provides services involving specified sexual activities or display of specified anatomical area.

- b. An Adult Entertainment Enterprise is limited to Business District B-2, and shall not be located within one thousand (1,000) feet of any church, school, child care facility, park or Residential District (R-1, R-2, R-3, R-4), and shall not be located within two thousand (2,000) feet of any other Adult Entertainment Enterprise. An application for opening a business falling within the definition of an Adult Entertainment Enterprise, as well as a site plan, must be submitted for review by the Planning Commission in order for the Planning

Commission to evaluate whether the requirements of the City of Satsuma zoning and subdivision regulations have been followed.

6.19 PAWNSHOPS & PAWNBROKERS:

a. Definitions:

- 1) "Pawnshop" means a building or portion thereof where personal property is received and for which money is advanced, with the right of privilege granted to the person to whom said money is advanced to reclaim such property upon repayment of said money, together with all legal charges incident thereto. This section does not regulate banks, saving and loan institutions and credit unions regulated by the State of Alabama or Federal law.
- 2) "Pawnbroker" means any person who loans money on deposit or pledge of personal property or who deals in the purchasing of personal property on condition of selling the same back again at a stipulated price, or any person operating a Pawnshop.

b. Bond: No person shall act as a Pawnbroker or operate a Pawnshop in the City, unless the person gives provides a bond in the amount of (\$1,000.00), payable to the City and approved by the City, and guaranteeing payment in the event the person fails to conform to the provisions of this article or any other law or regulation concerning Pawnbrokers and Pawnshops, and anyone injured in any dealing or transaction with the person acting as a Pawnbroker or operator of a Pawnshop shall have a right of action on such bond until the penalty is exhausted.

c. Record of Property: Every Pawnbroker shall keep at the Pawnbroker's place of business a book in which the Pawnbroker shall enter in writing an itemized description of all property received on deposit, pledge or purchase, particularly mentioning any prominent or descriptive marks (including, but not limited to, numbers, serials or codes which may be helpful for identification), the time and date when received and a copy of the driver's license of the individual from whom it is received. This book shall be kept clean and legible, and no entry therein shall be erased, altered or defaced. Every Pawnbroker shall, during the ordinary hours of business, when requested by the mayor, any City police officer or City inspector, submit and exhibit for inspection the book required to be kept and any property received.

d. Evidence of Identity of Adult: It shall be unlawful for any Pawnbroker or

Pawnshop to engage in a purchase, pawn or pledge transaction without first confirming the identity and adult status of the customer by reviewing the individual's state issued driver's license. It shall be unlawful for any Pawnbroker or Pawnshop to engage in a purchase, pawn or pledge transaction with an individual under the age of eighteen (18).

e. Zoning: A Pawn Shop is limited to Business District B-2, and shall not be located within one thousand (1,000) feet of any church, school, child care facility, park or Residential District (R-1, R-2, R-3, R-4), and shall not be located within two thousand (2,000) feet of any other Pawn Shop.

f. Permit:

- 1) It shall be unlawful to operate a Pawnshop or act as a Pawnbroker in the City without first obtaining a business license and permit from the City. An applicant for a permit to operate a Pawnshop or Pawnbroker shall file an application with the City Clerk containing the following information: (1) The name, date of birth, residence address, driver's license number and business address of the applicant; (2) The street address and a site plan of the location where the business will be conducted by the applicant, and the days and hours of operation; (3) The type of security, if any, the applicant proposes to employ to safeguard its customers and premises; (4) A copy of its policies with respect to the type of evidence required by the applicant to confirm the identity of its customer for the purpose of the sale, pawn or pledge of goods; and (5) A copy of its policies with respect to the type of evidence required by the applicant to confirm ownership by its customers of the goods involved in a sale, pawn or pledge transaction.
- 2) The application shall be reviewed by the Planning Commission for a determination as to whether granting the permit would violate the City of Satsuma zoning and subdivision regulations. The Planning Commission shall report its findings to the City Council.
- 3) The application and the report of the Planning Commission shall be examined by the City Council for a determination as to whether granting the permit would violate the laws of the City, County or State. If the application is approved by the City Council, the City Clerk shall issue the permit from the applicant upon receiving payment of a \$2,000.00 permit fee. Renewals of the permit are required annually by providing a new application to the City Clerk for review by the City Council, and if approved shall be renewed after receipt of the annual \$2,000.00 permit fee.

- g. Revocation: Any permit issued or considered for renewal pursuant to this article shall be subject to revocation or denial by the City Council if the Pawnshop or Pawnbroker, or its agents or employees, are found to be in violation of any provision of this article or of any other ordinance of the City or State relating to Pawnshops or Pawnbrokers. The permit shall be subject to revocation by the City Council if, in connection with the issuance of any permit and license, the applicant made a statement or filed, or caused to be filed, any application, affidavit or document containing incorrect or false information. Prior to revocation, the City Council shall conduct a hearing to review the evidence, and said hearing shall be conducted after thirty (30) days advance notice of the date and time of said hearing is provided to the applicant by US Mail to either the residence or business address provided on the application.
- h. Fines: Any person found in violation of any provision of this article shall upon conviction by the Municipal Court Judge, shall at the Judge's discretion, be fined not less than ONE DOLLAR (\$1.00) and no more than FIVE HUNDRED DOLLARS (\$500.00), and/or be sentenced to serve time in jail for a term not exceeding six (6) months.

6.20 CHECK-CASHING CENTER:

- a. Definitions: "Check-cashing Center" means a building or portion thereof where checks, money orders or similar instruments are cashed or negotiated or wire transfers of funds are sent or received, and said services exceed twenty-five percent (25%) of the gross dollar volume of business. This section does not regulate banks, saving and loan institutions and credit unions regulated by the State of Alabama or Federal law.
- b. Zoning: A Check-cashing Center is limited to Business District B-2, and shall not be located within one thousand (1,000) feet of any church, school, child care facility, park or Residential District (R-1, R-2, R-3, R-4), and shall not be located within two thousand (2,000) feet of any other Check-cashing Center.
- c. Permit:
 - 1) It shall be unlawful to operate a Check-cashing Center in the City without first obtaining a business license and permit from the City. An applicant for a permit to operate a Check-cashing Center shall file an application with the City Clerk containing the following information: (1) The name, date of birth, residence address, driver's license number and business address of the applicant; (2) The street address and a site plan of the

location where the business will be conducted by the applicant, and the days and hours of operation; (3) The type of security, if any, the applicant proposes to employ to safeguard its customers and premises; and (4) A copy of its policies with respect to the type of evidence required by the applicant to confirm the identity of its customers for the purpose of conducting the transactions described at §6.20(a).

- 2) The application shall be reviewed by the Planning Commission for a determination as to whether granting the permit would violate the City of Satsuma zoning and subdivision regulations. The Planning Commission shall report its findings to the City Council.
- 3) The application and the report of the Planning Commission shall be examined by the City Council for a determination as to whether granting the permit would violate the laws of the City, County or State. If the application is approved by the City Council, the City Clerk shall issue the permit from the applicant upon receiving payment of a \$2,000.00 permit fee. Renewals of the permit are required annually by providing a new application to the City Clerk for review by the City Council, and if approved shall be renewed after receipt of the annual \$2,000.00 permit fee.

- d. Revocation: Any permit issued or considered for renewal pursuant to this article shall be subject to revocation or denial by the City Council if the Check-cashing Center, or its agents or employees, are found to be in violation of any provision of this article or of any other ordinance of the City or State relating to Check-cashing Centers. The permit shall be subject to revocation by the City Council if, in connection with the issuance of any permit and license, the applicant made a statement or filed, or caused to be filed, any application, affidavit or document containing incorrect or false information. Prior to revocation, the City Council shall conduct a hearing to review the evidence, and said hearing shall be conducted after thirty (30) days advance notice of the date and time of said hearing is provided to the applicant by US Mail to either the residence or business address provided on the application.
- e. Fines: Any person found in violation of any provision of this article shall upon conviction by the Municipal Court Judge, shall at the Judge's discretion, be fined not less than ONE DOLLAR (\$1.00) and no more than FIVE HUNDRED DOLLARS (\$500.00), and/or be sentenced to serve time in jail for a term not exceeding six (6) months.

ARTICLE VII

ZONING ADMINISTRATION

- 7.1 DUTIES AND POWERS OF THE ZONING ADMINISTRATOR. The Zoning Enforcement Officer shall be the Municipal Building Inspector as designated by the City Council whose duties shall be as follows:
- a. The Zoning Enforcement Officer is authorized and empowered on behalf and in the name of the Council to administer and enforce the provisions of this Ordinance to include receiving applications, inspecting premises, issuing Certificates of Zoning Compliance and Certificates of Occupancy for uses and structures which are in conformance with the provisions of this Ordinance, and issuing warnings and written formal notices of non-conformance/compliance with the provisions of this Ordinance.
 - b. The Zoning Enforcement Officer does not have the authority to take final action on applications or matters involving variances, non-conforming uses, or other exceptions which this Ordinance has reserved for public hearings before the Board of Adjustment, the Planning Commission and/or the City Council.
 - c. The Zoning Enforcement Officer shall keep records of all and any permits, the Certificates of Occupancy issued, maps, plats and other documents with notations of all special conditions involved. He shall file and safely keep copies of all sketches and plans submitted, and the same shall form a part of the records of the office and shall be made as a public record.
- 7.2 PERMITS AND CERTIFICATES. Permits and certificates shall be issued in accordance with the following provisions:
- a. Building Permits. It shall be unlawful to commence the excavation for or the construction of any building or other structure, including accessory structures, or to store building materials or erect temporary field offices, or to commence the moving, alteration, or repair of any structure, including accessory structures, until the Building Inspector of the 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 conforms with the provisions of this Ordinance. Application for the building permit shall be made to the Building Inspector of the municipality on forms provided for that purpose.

b. Approval of Plans and Issuance of Building Permit. It shall be unlawful for the Municipal 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 Municipal Building Inspector shall require that every application for a building permit for excavation, construction, use of land, moving or alteration be accompanied by a plan or plat drawn to scale and showing sufficient detail to enable the Municipal Building Inspector to ascertain whether the proposed excavation, construction, use of land, moving or alteration is in conformance with this Ordinance. As a minimum, development plans shall include the following:

- 1) The actual shape, proportion and dimensions of the lot to be built upon;
- 2) The shape, size and location of all buildings or other structures to be erected, altered or moved and of any building or other structures already on the lot;
- 3) The existing and intended use of all such buildings or other structures;
- 4) The proposed removal locations of mature trees in order to accommodate the development;
- 5) The proposed placement and description of any trees, foliage, and flora in conformance with Section 6.9 of this Ordinance;
- 6) Non-residential development plans shall also include the illustration and location of parking spaces in conformance with Section 6.8 of this Ordinance and points of ingress and egress from the development.

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

c. Certificate of Occupancy. No land, or building or other structure, or part thereof hereafter erected, moved or altered in its use shall be used until the Building Inspector of the municipality shall have issued a Certificate of Occupancy stating that such land or structure or part thereof is found to be in conformity with the provisions of this Ordinance. Within three (3) days after

the owner or his agent has notified the Building Inspector of the municipality that a building or premises or part thereof is ready for occupancy or use, it shall be the duty of the Building Inspector of the municipality to make a final inspection thereof, and to issue a Certificate of Occupancy if the building, premises or part thereof is found to conform with the provisions of this Ordinance or, if such certificate is refused, to state the refusal in writing with the cause.

- 7.3 BOARD OF ADJUSTMENT. The Board of Adjustment, City of Satsuma, Alabama, consists of five (5) members appointed by the City Council of Satsuma, Alabama for overlapping terms of three (3) years. In addition, two (2) supernumerary members are appointed to serve at the call of the chairman only in the absence of regular members. Such members are appointed for three (3) years and shall be eligible for re-appointment. The members of the Board of Adjustment of the City of Satsuma serving at the time of adoption of this Ordinance are hereby re-appointed with their staggered terms to be designated by the City Council within sixty (60) days of the adoption of this Ordinance.
- a. Vacancies: Any vacancy in the membership shall be filled for the unexpired term in the same manner as the initial appointment. Members shall be removable for cause by the City Council upon written charges and after public hearing thereon.
 - b. Public Offices Held: No members shall hold any other public office or position, except that one member may be a member of the City Planning Commission.
 - c. Rules of Procedure: The Board of Adjustment shall observe the following procedures:
 - 1) Said Board shall adopt rules in accordance with the provisions of this Ordinance for the conduct of its affairs.
 - 2) Said Board shall elect one of its members, other than a member of the Planning Commission, as Chairman, who shall serve for one year or until he is re-elected or his successor is elected. Said Board shall appoint a Secretary.
 - 3) The meetings of said Board shall be held at the call of the Chairman and at such other times as said Board may determine. The Chairman, or in his absence, the acting Chairman, may administer oaths and compel the attendance of witnesses by subpoena.

- 4) All meetings of said Board shall be open to the public.
 - 5) Said Board shall keep minutes of its proceedings, showing the vote of such member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the Office of the Clerk and shall be a public record.
- d. Duties and Powers: The Board of Adjustment shall have the following duties and powers:
- 1) Administrative Powers - To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by Zoning Enforcement Officer, or other administrative official, in the enforcement of this Ordinance.
 - 2) Special Exceptions - To hear and decide special exceptions of the terms of this Ordinance upon which said Board is required to pass under this Ordinance.
 - 3) Variances - To authorize upon appeal in specific cases such variance from the terms of this Ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this Ordinance will, in an individual case, result in unnecessary hardship, so that the spirit of this Ordinance shall be observed, public safety and welfare secured, and substantial justice done. Such variance may be granted in such individual case of unnecessary hardship upon a finding by the Board of adjustment that:
 - There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography;
 - The application of the Ordinance to this particular piece of property would create an unnecessary hardship;
 - Such conditions are peculiar to the particular piece of property involved; and,
 - Relief, if granted, would not cause substantial detriment to the public good or impair the purpose and intent of this Ordinance; provided, however, that no variance may be granted for a use of land or building

or structure that is prohibited by this Ordinance.

- 4) Uses Not Provided For - Whenever, in any District established under this Ordinance, a use is neither specifically permitted or denied and an application is made by a property owner to the Zoning Officer for such use, the Zoning Officer shall refer the application to the Board of Adjustment which shall have the authority to permit the use or deny the use. The use may be permitted if it is similar to and compatible with permitted uses in the district and in no way is in conflict with the general purpose and intent of this Ordinance. This does not, however, apply to issues currently under consideration by the Board or under litigation at the time of passage of this Ordinance.

- 5) Reasonable Accommodation: In order to make specific housing available to one or more individuals with disabilities, a disabled person or a person or provider acting on behalf of an individual with a disability (collectively "Applicant") may request a reasonable accommodation relating to the zoning ordinance. Whenever an Applicant has a disability or acts on behalf of an individual with a disability which entitles such Applicant to protection under the ADA or the Fair Housing Act, and the use and enjoyment of the structure requires deviation from this ordinance as a "reasonable accommodation", as defined by appropriate federal statutory authority or relevant case law in effect at the time, the Applicant shall address a request for a reasonable accommodation to the Building Inspector. The Applicant may make this request orally in person, or in writing. If requested by the Applicant, the Building Inspector shall, in a timely manner, assist in obtaining information required by the city and in filling out the application. The application shall be made by filling out a form, which the Building Inspector shall provide. The form shall contain:
 - A. the current zoning for the property;

 - B. the name of the owner of the fee interest of the property (if other than the Applicant);

 - C. the nature of the disability that requires the reasonable accommodation. In the event that the specific individuals who are expected to reside at the property are not known to a provider in advance of making the application, the provider shall not be precluded from filing the application, but shall submit details describing the range of disabilities that prospective residents are expected to have to qualify for the housing. The provider shall notify

the Building Inspector, in the event the residents at the location are not within the range described. The Building Inspector shall then determine if an amended application and subsequent hearing is appropriate;

D. the specific type of accommodation requested by the Applicant. To the extent practicable, this portion should include information concerning the impact of the reasonable accommodation on the adjoining properties and area, the number of people who are expected to be availing themselves of the reasonable accommodation, the estimated number of people in an average week who will be necessary to provide services to the person(s) with disabilities at the property on an on--going basis, whether or not this type of reasonable accommodation is required to obtain a license from any state or county authority to operate, and any other information the Applicant thinks would assist in determining the reasonableness of the accommodation;

E. the Applicant should also note, if known, whether this accommodation requires any additional licensure from the city (E.g., business license);

F. whether the accommodation requested may be necessary to afford one or more persons with disabilities equal opportunity to use and enjoy a specific dwelling; and

G. a notice to Applicants providing that, should the information provided by the Applicant include medical information or records of the proposed resident(s), including records indicating the identity, medical condition, diagnosis or medical history of the proposed resident(s), the Applicant may, at the time of submitting such medical information, request the City, to the extent allowed by law, treat such medical information as confidential information of the Applicant and/or proposed resident(s).

Within twenty (20) days of completion of the application, the Building Inspector shall make a written recommendation to the Board of Adjustment ("Board") specifying the reasons why the request should be approved, modified or denied. Upon receipt of the Building Inspector's recommendation, the Board shall conduct a hearing on the request. Said hearing shall comply with Section 7.4. In deciding whether to approve, modify or deny an application, the

Board should take into account whether the requested accommodation would require a fundamental alteration to the city's zoning scheme, and whether the requested accommodation would impose undue financial or administrative burdens on the city. To protect the confidentiality of any medical information provided by the Applicant, or contained in the application, the Board shall, to the extent allowed by law, enter in to executive session to review and discuss said medical information. The non-confidential portion of the hearing shall be conducted in public. The Board shall issue a written decision specifying its grounds for granting, denying, or modifying the application. In the event that the Building Inspector or the Board does not issue a decision as required by the time frames specific herein and in other pertinent sections of the Ordinance, the application shall be deemed granted.

Upon approval of the application, whether modified or not, the Applicant shall be entitled to undertake said reasonable accommodation, and shall be entitled to any attendant licensure by the city that is outlined in the application as approved by the Board. If a business license is required as part of the reasonable accommodation, the business license official shall issue said license upon approval of the accommodation.

The accommodation shall be in force and effect as long as the Applicant owns and/or resides in said structure. Said reasonable accommodation shall be limited to the number of people availing themselves of the reasonable accommodation as approved by the Board. Further, should the number of people necessary to provide the reasonable accommodation at the property in an average week on an on--going basis materially increase from the number of people indicated in the application approved by the Board, a new application for an accommodation will need to be made to the Building Inspector. If the structure is sold, or otherwise changes ownership, the reasonable accommodation is not transferable to the new owner. It is the duty of the owner to notify the Building Inspector of this event. The city shall allow the new owner an opportunity to renew and/or modify the reasonable accommodation in accordance with this section. In the event that the reasonable accommodation is not renewed or modified within sixty (60) days from the date of change in ownership, the reasonable accommodation will lapse and the structure will have to comply with all requirements of this ordinance.

Nothing in this section will require the city to expend any funds to achieve a reasonable accommodation except and to the extent required by federal law.

7.4 PROCEDURE FOR REQUESTING A HEARING. Request for a hearing before the Board of Adjustment for an administrative review, special exception, variance or reasonable accommodation shall observe the following procedures:

- a. An application specifying the reason(s) for an appeal from a decision rendered in writing by the Building Inspector must be filed within thirty (30) days after such written decision has been served upon the applicant. The application must include all specified pertinent data including an explanation of the grounds on which the appeal is being made.
- b. An application shall be accompanied by an acceptable site plan with such reasonable information shown thereon as may be required by the Zoning Enforcement Officer. Such site plan shall include, as a minimum, the following: lot dimensions with property line monuments located thereon; location and size of existing and proposed structures; yard dimensions and the use of structures; easements (private and public) water course, and if existing and proposed, fence, street names and street right-of-way lines; and such other information regarding abutting property as directly affects the application.
- c. The Board of Adjustment shall schedule a meeting to hear an appeal within forty-five (45) days after the date of receipt of an application. Public notice of the hearing shall be given by all of the following methods: (1) a sign posted on the property or parcel in question which advertises the pending hearing and which provides a business hours telephone number for further information and details of the hearing; (2) a printed notice in one or more newspapers of general circulation in the area affected by the appeal, in conformance with the applicable state law and at least fifteen (15) days prior to the date of the hearing; such notice shall be printed in a type size easily readable by a person with normal vision; (3) notice by registered mail to the owners of all abutting property on the same side of the street, across the street, and to the rear of the affected property.
- d. The Board of Adjustment shall render a decision on any appeal or other matters before it within forty-five (45) days from the date of the public hearing on it. Decisions of the Board of Adjustment shall become effective immediately if rendered in the presence of one or more of the applicants or their representatives. If a decision is rendered in the absence of any of the applicants

or their representatives, the decision shall become effective upon service of written notice of the decision upon the applicants by first class mail to the applicants' addresses as indicated upon their application. The applicants shall be deemed to have been served three (3) days after mailing of the notice to them. When an applicant receives an adverse decision from the Board of Adjustment, he or she shall be advised of the fifteen (15) day time limit for taking an appeal to the Circuit Court.

- e. An appeal stays all legal proceedings in furtherance of the action appealed from, unless the zoning Enforcement Officer certifies to the Board of Adjustment after the notice of appeal shall have been filed with him that, by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life and property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by said Board or by a court of record on notice to the official from whom the appeal is taken and on due cause shown.
- f. In exercising the powers granted to the Board of Adjustment said Board may, in conformity with the provisions of this Ordinance, reverse or affirm, wholly or in part, or may modify the order, requirements, decisions or determination of the Zoning Enforcement Officer and may issue or direct the issuance of a zoning compliance permit. A concurring vote of four (4) members of the Board shall be necessary to reverse any order, requirement, decision or determination of the Building Inspector or to decide in favor of the appellant in respect to any matter upon which the Board can legally act.
- g. Limitation, Withdrawal, Citizen Appeals
 - 1) A property owner, or his appointed agent, shall not initiate action for a hearing before the Board of Adjustment relating to the same parcel of land more often than once every twelve (12) months on the same variance.
 - 2) Any petition for a hearing before the Board may be withdrawn prior to action thereon by the Board at the discretion of the person initiating such a request upon written notice to the Secretary of the Board.
 - 3) Any person or persons severally or jointly aggrieved by any decision of the Board of Adjustment may, within fifteen (15) days thereafter appeal to the circuit court by filing with such Board a written notice of appeal specifying the judgment or decision from which appeal is taken.

7.5 PROCEDURE FOR REQUESTING A ZONING AMENDMENT. The City Council may, from time to time, after examination, review and hold public hearing thereon, amend, supplement or change the regulations and zoning districts herein or subsequently established.

Proposals for zoning amendments, whether initiated by the City Council, the Planning and Zoning Commission, or any person, firm or corporation, shall be treated in accordance with the following procedure:

- a. An application must be submitted on appropriate forms (See Appendix to this Ordinance) and in writing at least fifteen (15) days prior to the regular monthly meeting of the Planning Commission and must be accompanied by a site plan of the proposed use included in any petition for a zoning amendment.
- b. The application shall be sent to the Commission for review and recommendation, and the Commission shall have forty-five (45) days within which to submit a recommendation to the City Council. If the Commission fails to submit a report within the forty-five (45) day period, it shall be deemed to have approved the proposed amendment.
- c. Before enacting any amendment to this Ordinance, a public hearing thereon shall be held by the City Council with proper legal notice at least fifteen (15) days prior to the said public hearing. Notice by mail shall be sent to the owners within three hundred (300) feet of the affected property.
- d. Property proposed to be rezoned shall be posted with a notice at least fifteen (15) days before the public hearing. The posted notice shall set forth the property's present zoning, proposed zoning, the date, time and place of the public hearing. Such notice is to remain in place until final determination by the City Council.
- e. Any petition for a zoning amendment may be withdrawn prior to action thereon by the Council or Planning Commission at the discretion of the person, firm or corporation initiating such a request upon written notice to the City Clerk.
- f. A property owner, or his appointed agent, shall not initiate action for a zoning amendment affecting the same parcel of land more than once every twelve (12) months.

7.6 CONTINUANCE OF PREVIOUSLY ISSUED PERMITS. All building permits which were previously issued shall not be affected by the provisions of this Ordinance, except as otherwise provided herein.

7.7 PROCEDURE FOR ZONING NEWLY ANNEXED LAND. Any unzoned land annexed to the City of Satsuma, hereafter shall be classified R-1, unless otherwise classified by the Planning Commission and City Council at the time of annexation. Annexed land with an established zoning shall at the time of annexation be rezoned to a use compatible with the municipality's own zoning district or to an entirely new zone consistent with established procedure.

7.8 DUTIES AND POWERS OF THE PLANNING COMMISSION.

- a. The Commission is charged with the responsibility to review, apply, and monitor the enforcement of this Ordinance in accordance with the adopted comprehensive plan or portion thereof which are adopted.
- b. The Planning Commission shall hear matters *on review* or that require Commission *approval* as herein specified.
- c. The Commission shall hear and recommend to the City Council on all matters of zoning and rezoning.
- d. Requests before the Commission shall adhere to the requirements specified herein and as may be established by the Commission for the lawful rendering of its duty.

7.9 REMEDIES. In case any building or structure is to be erected, constructed, reconstructed, altered, or converted, in violation of this Ordinance, the Building Inspector, legal officer, or other appropriate authority or any adjacent or neighboring property owner who would be specially damaged by such violation may, in addition to other remedies, institute injunction, mandamus or other appropriate action or proceeding to prevent the occupancy of said building, structure or land. Each and every day such conversion, maintenance or use continues shall be deemed a separate offense.

7.10 PENALTIES. Any person violating any provision of this Ordinance shall be fined, upon conviction, not less than two dollars (\$2.00) nor more than one hundred dollars (\$100) and court costs for each offense. Each day such violation continues shall constitute a separate offense.

ARTICLE VIII

DEFINITIONS OF TERMS

8.1 GENERAL PROVISIONS. Except as otherwise provided herein, all words shall have the customary dictionary meaning. The present tense includes the future tense and the future tense includes the present tense. The singular number includes the plural and the plural includes the singular. The word *person* includes a firm, corporation, association, organization, trust, or partnership. The word *lot* includes *plot* or *parcel*. The word *used* or *occupied* as applied to any land or buildings shall be construed to include the words *intended, arranged, or designed to be used or occupied*. The words *map* means the Official Zoning District Map.

8.2 SPECIFIC DEFINITIONS OF CERTAIN TERMS USED IN THIS ORDINANCE.

Accessory Use or Structure. A use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.

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

Airport. Any runway, land area or other facility designed, used either publicly or privately by any person for the landing and taking off of aircraft, including all necessary taxiways, aircraft storage and tie-down area, hangars and other necessary buildings, and open spaces.

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

Apartment Hotel. A facility offering transient lodging accommodation to the general public and where rooms or suites may include kitchen facilities and sitting rooms in addition to the bedroom. **Comment:** The apartment hotel differs from the typical hotel in that transients are likely to rent rooms or suites for longer periods.

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

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

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

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

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

Boarding House, Rooming House, Lodging House or Dormitory. A building or part thereof, other than a hotel, motel or restaurant, where meals and/or lodging are provided for compensation, for three or more unrelated persons where no cooking or dining facilities are provided in individual rooms.

Building. Any structure, excluding mobile homes, attached to the ground and installed for shelter, housing, or enclosure for persons, animals, or chattels.

Building, Accessory. A subordinate building, the use of which is incidental to that of the dominant use of the main building or land.

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

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 of mansard roofs, and the mean height between eaves and ridge for gable, hip and gambrel roofs.

Building Line. (See Setback Line.)

Building, Principal. A building in which is conducted the main or principal use of the lot on which said building is situated.

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

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

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

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

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

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

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

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

Commercial Vehicle. Any vehicle designed and used for transportation of people, goods, or things, other than private passenger vehicles and trailers for private non-profit transport of goods and boats.

Commission. The City of Satsuma Planning Commission.

Comprehensive Plan. The Land Use Plan, Housing Plan, Public Facilities Plan, and other planning elements adopted by the Planning Commission.

Condominium. A building or group of buildings in which units are owned individually, and the structure, common areas and facilities are owned by all the owners on a proportioned, undivided basis.

Convalescent or Nursing Home. A building, or portion thereof, wherein for compensation, living accommodations and care are provided for persons suffering from illness, which is not of sufficient severity to require hospitalization, or for persons requiring further institutional care after being discharged from a hospital; includes Extended Care Facilities.

Day Care Center. (See Nursery Schools).

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

- a. Gross Density - the number of dwelling units per acre of the total land to be developed.
- b. Net Density - the number of dwelling units per acre of land when the acreage involved includes only the land devoted to residential uses.

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

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

- a. Single-Family - a detached building designed for and occupied by one family as a home, with cooking and housekeeping facilities.
- b. Two-Family - a detached building occupied by or designed for occupancy by two families only, with separate cooking and housekeeping facilities for each. This definition includes the duplex dwelling unit.
- c. Multiple-Family - a building designed for or occupied by three or more families, with separate cooking and housekeeping facilities for each. This definition includes the apartment dwelling unit, the townhouse, the condominium and the cooperative.

Double Frontage or Through Lot. A lot or plot, but not a corner lot, that abuts upon two streets, the two frontages being non-contiguous.

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

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

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

Family. One or more persons occupying a single dwelling unit and using common cooking facilities, provided that unless all members are related by blood, adoption or marriage, no such family shall contain over five (5) persons, but further provided that domestic servants employed on the premises may be housed on the premises without being counted as a family or families. Persons with disabilities, including residents of group homes, will not be excluded from the definition of “family” if the persons occupying the dwelling unit otherwise meet this definition, regardless of whether the group home is established or maintained as a for--profit or not-for-profit entity.

Filling Station. (See Service Station.)

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

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

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

Flood Plain. Those areas defined by the U.S. Geological Survey, the U.S. Army Corps of Engineers or the Federal Emergency Management Agency as subject to flooding and other relevant data based on topography.

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

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

Frontage, Building. The outside wall surface of a building or of an enclosed porch on a building that is nearest to the front lot line, or, in the case of a wall surface not parallel to the front lot lines, the average of the longest and shortest distance of the wall from the front lot line.

- a. Lot Line - shall mean the lot line which abuts a street or separates the lot from a street.
- b. Street Line - all the property on the side of a street between two intersecting streets (crossing or terminating), or if the street is dead ended, then all the property abutting on one side between an intersecting street and the dead end of the street.

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

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

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

Group Home. A dwelling for a person or persons with disabilities as defined by the Fair Housing Act, including, but not limited to, a “Community Residential Facility” as set forth in the Alabama Department of Mental Health Administrative Code, Chapter 580-3-23 -06(2)(a), as authorized by the Code of Alabama § 22-50-1, or in a subsequently amended or adopted law or regulation.

Habitable Rooms. All living spaces within a dwelling unit (house, apartment, townhouse, condominium, mobile home) arranged in such a fashion as to be commonly described as kitchen, dining room, living room, dinette, family room, den, music room, library, bedroom and/or any other partitioned area that is designed

to be used, or that may be used, in the opinion of the governing body, as a room for the carrying on of general family activities.

Height of Building. The vertical distance from the established grade at the center of the front of the building to the highest point of the roof surface for a flat roof, to the deck line for a mansard roof and to the mean height level between eaves and ridge for gable, hip and gambrel roofs.

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

Home Occupation. An occupation for gain or support customarily conducted only by members of a family residing on the premises and entirely within the main dwelling.

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

Institution. Building and/or land designed to aid individuals in need of mental, therapeutic, rehabilitative counseling, or other corrective services includes both in and out patients.

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

Junk Yard. Place, structure or lot where junk, waste, discarded, salvaged, or similar materials such as old metals, wood, slush, lumber, glass, paper, rags, cloth, bagging, cordage, barrels, containers, etc., are bought, sold, exchanged, baled, packed, disassembled, or handled, including auto wrecking yards, used lumber yards, house-wrecking yards, and yards or places for storage or handling of salvaged house wrecking and structural steel materials. This definition shall not include pawn shops and establishments for the sale, purchase, or storage of usable second-hand cars, salvaged machinery, used furniture, radios, stoves, refrigerators or similar

household goods and appliances. Nor shall it apply to the processing of used, discarded, or salvaged materials as part of manufacturing operations.

Kennel. Any place or premises where four (4) or more dogs over four (4) months of age are kept.

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

Lot, Interior. A lot other than a corner lot.

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

Lot Line, Front. The lot line contiguous to the street right-of-way line of the principal street on which the lot abuts.

Lot Line, Rear. The lot line opposite to and most distant from the front lot line.

Lot Line, Side. Any lot line other than a front or rear lot line. A side lot line of a corner lot, separating a lot from a street, is called a side street lot line. A side lot line separating a lot from another lot is called an interior lot line.

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

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

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

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

Manufactured Home. A structure constructed in accordance with the National Manufactured Housing Construction and Safety Standards Act of 1974 as amended,

42 U.S.C. 5401. Motor homes, house trailers, travel trailers, campers, mobile homes, mobile homes made to HUD standards and similar towed, transported, or self-propelled units are not manufactured homes.

Manufacturing, Extractive. Any mining, quarrying, excavating, processing, storing, separating, cleaning, or marketing of any mineral natural resource, including natural gas and petroleum.

Manufacturing, General. Manufacturing, processing, assembling, storing, testing, and similar industrial uses which are generally major operations and extensive in character; require large sites, open storage and service areas, extensive services and facilities, ready access to regional transportation and normally generate some nuisances such as smoke, noise, vibration, dust, glare, air pollution, and water pollution, but not beyond the district boundary.

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

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

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

Minor Project. Any single or two-family residential development or small commercial development of one (1) acre or less where the use and structure are in compliance with applicable ordinances and codes and all required certificates, plans and signatures have been obtained.

Mobile Home. A manufactured single-family dwelling unit with or without an undercarriage, axle(s), and wheels, capable of being towed or transported in any manner on a public street, whether or not axle(s) on which have been removed, and which meets the National manufactured Home Construction and Safety Standards

Act (42 USC Section 5401). This definition excludes self-propelled motor homes, recreational vehicles, and transport trucks or vans equipped with sleeping space for driver or drivers.

Mobile Home Park. A residential development on a parcel of land in one ownership providing rental spaces for two (2) or more mobile homes on a long-term basis, with recreation and service facilities for the tenants.

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

Mobile Home Subdivision. A residential development designed for the accommodation of mobile homes on individually-owned lots or in condominium or cooperative ownership, including recreation and open space areas held in common ownership, oriented travel, motor homes, campers, etc.

Modular Structure. Any pre-built or pre-manufactured structure mass produced in a factory and delivered as a single module or a series of modules for placement and connection on a building site or lot approved for the intended use; provided that such structure meets State and Building Code specifications for modular structures. This definition does not include mobile homes.

Motel, Motor Hotel. (See Hotel.)

Net Residential Acreage. Land used or proposed to be used for the placement of dwelling units and their accessory uses, private open spaces, parking areas, etc. Does not include streets or public recreation or open spaces.

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

Non-Conforming Use. A use of land or structures existing lawfully at the time of the enactment of this Ordinance, or at the time of a Zoning Amendment and which does not conform with the regulations of the district in which it is located.

Nursing Home. A home for aged, chronically ill, or incurable persons in which three (3) or more persons not of the immediate family are received, kept, or provided with food and shelter or care for compensation, but not including hospitals, clinics, or similar institutions devoted primarily to the diagnosis and treatment of the sick or injured.

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

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

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

- a. Open Space, Permanent Usable, in Planned Unit Development: (1) privately-owned and occupied area of a separate lot, outside of any buildings on the lot; (2) privately-occupied open space assigned to an individual dwelling unit in a project and not occupied by the dwelling; (3) public open spaces are any spaces not occupied by buildings or privately-owned lots or privately-occupied space. This public open space may consist of access driveways, off-street parking spaces, pedestrian walkways, play areas, landscaped areas and any other areas suitable for the common enjoyment of the residents of the project.

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

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

Planned Unit Development (PUD). A planned unit development (1) is land under unified control, planned and developed as a whole in a single development operation or approved programmed series of development operations for dwelling units and related uses and facilities; (2) includes principal and accessory uses and structures substantially related to the character of the development itself and the surrounding area of which it is a part; (3) is developed according to comprehensive and detailed plans which include not only streets, utilities, lots or building site and the like, but also site plans, floor plans, and elevations for all buildings as intended to be located, constructed, used and related to each other, and detailed plans for other uses and improvements, facilities, and services as will be for common use by some or all of the occupants of the planned unit development, but will not be

provided, operated or maintained at public expense.

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

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

Recreational Vehicle. A self-propelled vehicle used for temporary housing of individuals and families during travel. This category, in this Ordinance, is assumed to include also campers, camping trailers, motor homes and smaller mobile homes capable of being towed by a passenger motor car or pick-up truck and which are not used for permanent occupancy.

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

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

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

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

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

Rooming House. A building or portion thereof, other than a hotel or motel, where sleeping accommodations are provided for hire more or less transiently without provisions for cooking by guests or meals for guests.

Satellite Receiving Dishes. A dish-shaped antenna designed to receive television broadcasts relayed by microwave signals from earth-orbiting communications

satellites. This definition also includes satellite earth stations, or television dish antennas.

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

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

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

Sewers, Public or Community. An approved sewage disposal system which provides a collection network and disposal system and central sewage and treatment facility for a single community, development, or region.

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

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

Sign, Off-premise. A sign advertising a use, facility, service, or product that is not located, sold, or manufactured on the same premises on which the sign is located.

Sign, On-premise. A sign advertising a use, facility, service, or product that is located, sold, or manufactured on the same premises on which the sign is located.

Special Exception. A land use to be carried on any premises, that is not similar in nature to the uses permitted in the district, but that is desired in the community and for which a suitable district is not available. Such use may be permitted in the most

nearly appropriate district where a location is available, upon appeal to and approval by the Board of Adjustment, which may set forth special conditions under which the use may be allowed.

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

Structural Alteration. Any change, except for repair or replacement, in supporting members of a building or structure, such as bearing walls, columns, beams or girders.

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

Townhouse. A one-family unit in a row of at least three (3) such units in which each unit has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one (1) or more fire resistant walls.

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

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

Variance. A modification of the strict terms of the relevant regulations in a district with regard to placement of structures, developmental criteria or provision of facilities. Examples include: (1) allowing smaller yard dimensions because an existing lot of record is of substandard size; (2) waiving a portion of required parking and/or loading space due to some unusual circumstances; (3) allowing fencing and/or plant material buffering different from that required, due to some unusual circumstances. Available only on appeal to the Board of Adjustment.

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

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

- a. Yard, Front. An open, unoccupied space on the same lot with the main building, extending the full width of the lot and situated between the right-of-way line and the front line of the building projected to the side lines of the lot. The depth of the front yard shall be measured between the front lines of the building and the right-of-way line. Covered porches, whether enclosed or unenclosed, shall be considered as a part of the main building and shall not project into a required front yard. On corner lots the front yard shall be considered as parallel to the street upon which the lot has its least dimension. For the purpose of this Ordinance, the front yard of waterfront lots is the yard that abuts the public street regardless of the orientation of the design of the structure.
- b. Yard, Rear. An open space on the same lot with the main building, such space being unoccupied except possibly by an accessory building, extending the full width of the lot between the rear line of the main building projected to the side lines of the lot. On all corner lots, the rear yard shall be at the opposite end of the lot from the front yard.
- c. Yard, Side. An open, unoccupied space on the same lot with a main building, situated between the side line of the building and the adjacent side line of the lot extending from the rear line of the front yard to the front line of the rear yard. If no front yard is required, the rear boundary of the side yard shall be the rear line of the lot. On corner lots, the side yard shall be considered as parallel to the street upon which the lot has its greatest dimension.
- d. Yard, Minimum Exterior. That yard space remaining if the property is developed to the fullest extent allowable under applicable ordinances.

ARTICLE IX

LEGAL STATUS PROVISIONS

- 9.1 TRANSITION. All applications and appeals pending before the Board of Adjustment, Planning Commission or City Council at the time of the enactment of this Ordinance shall be processed in accord with the substantive zoning regulations in effect prior to the adoption of this Ordinance, but shall be subject to the procedural requirements of this Ordinance where appropriate in the discretion of the Board of Adjustment, the Planning Commission or the City Council.
- 9.2 RELATIONSHIP TO OTHER LAWS. Whenever regulations or restrictions imposed by this Ordinance are either more or less restrictive than regulations or restrictions imposed by any governmental authority including the City, through legislation, ordinance, rule or regulation, the ordinance, regulations, rules or restrictions which are more restrictive or which impose higher standards or requirements shall govern. Regardless of any other provision of this Ordinance, no land shall be used and no structure erected or maintained in violation of any state or federal pollution control or environmental protection laws or regulations.
- 9.3 SEPARABILITY AND VALIDITY. Each phrase, sentence, paragraph, section or other provision of this Ordinance is severable from all other such phrases, sentences, paragraphs, sections and provisions. Should any phrase, sentence, paragraph, section or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such declaration shall not affect any other portion or provision of this Ordinance.
- 9.4 REPEALED RESOLUTIONS AND ORDINANCES. This is a comprehensive enactment of a plan of zoning and all prior zoning ordinances are hereby superseded and repealed. However, variances or exceptions legally granted under prior zoning ordinances remain in force and effect. Furthermore, uses which were illegal under previously existing zoning ordinances shall not become legal, non-conforming uses under this Ordinance.

9.5 EFFECTIVE DATE. This plan has been revised, approved and adopted by the Satsuma City Council. It shall take effect and be in force from and after the date of adoption.

Adopted this the 6th day of September, 2011.

By:

Mayor

Attest:

City Clerk