Zoning Ordinance

Phenix City, Alabama

ADOPTED AND APPROVED

SEPTEMBER 17, 2002

AMENDED

MAY 15, 2012

K|P|S

GROUP

ZONING ORDINANCE
PHENIX CITY, ALABAMA

CONTENTS

Article I. Authority, Purpose, and Scope
- Section 1. Statutory Authority .....I -1
- Section 2. Short Title .....I -1
- Section 3. Purpose .....I -1
- Section 4. Applicability and Compliance .....I -1
- Section 5. Minimum Requirements .....I -1
- Section 6. Application of Regulations .....I -1
- Section 7. Severability .....I -1
- Section 8. Repeal of Conflicting Ordinances .....I -1

Article II. Definitions
- Section 1. Interpretation .....II - 2
- Section 2. General Definitions .....II - 2
- Section 3. Use Definitions .....II - 4

Article III. Establishment of Zoning Districts
- Section 1. Official Zoning Map .....III - 13
- Section 2. Zoning Districts .....III - 13
- Section 3. District Boundaries .....III - 14
- Section 4. Annexed Property .....III - 14

Article IV. General District Regulations Section 1. . .Residential Zoning Districts IV - 15
- Section 2. Mix Use Zoning Districts ..... IV - 15
- Section 3. Commercial Zoning Districts ..... IV - 16
- Section 4. Manufacturing and Institutional Districts ..... IV - 17
- Section 5. Planned Development Districts ..... IV - 17
- Section 6. Notes to Tables ..... IV - 22
- Table 4-1. Dimensional Regulations for Residential Districts ..... IV - 23
- Table 4-2. Dimensional Regulations for Mixed Use Districts ..... IV - 24
- Table 4-3. Dimensional Regulations for Commercial Districts ..... IV - 25
- Table 4-4. Dimensional Regulations for Mfg. and Medical Districts ..... IV - 26
- Table 4-5. Use Regulations ..... IV - 27

Article V. Special Purpose Districts and Designations
- Section 1. Highway Corridor Overlay District ..... V - 31
- Section 1.B.0 Tree and Landscape Ordinance ..... V - 31
- Section 2. Historic Preservation Overlay District ..... V - 48

Article VI. Regulations Applying to All or Several Districts
Section 1. Visibility at Intersections ..... VI - 49
Section 2. Fences, Walls and Hedges ..... VI - 49
Section 3. Accessory Structures ..... VI - 49
Section 4. Principal Structure on a Lot ..... VI - 50
Section 5. Exceptions to Height Regulations ..... VI - 50
Section 6. Access to Structures ..... VI - 50
Section 7. Major Recreational Equipment ..... VI - 50
Section 8. Parking and Storage of Certain Vehicles ..... VI - 50
Section 9. Existing Single Family Dwellings in Commercial Areas ..... VI - 50
Section 10. Corner Lots in Residential Districts ..... VI - 50
Section 11. Projections into Required Yards ..... VI - 50
Section 12. Home Occupations ..... VI - 51
Section 13. Structures in Public Rights-of-Way ..... VI - 52
Section 14. Farm Animals ..... VI - 52
Section 15. Wrecking and Junk Yards ..... VI - 52
Section 16. Cemeteries ..... VI - 52
Section 17. Front Yard for In-Fill Lots ..... VI - 52
Section 18. Development Plan ..... VI - 52
Section 19. Signs and Outdoor Advertising ..... VI - 53
Section 20. Exterior Wall Construction ..... VI - 55

Article VII. Nonconformities
Section 1. Definition of Nonconformities ..... VII - 57
Section 2. Nonconforming Lots of Record ..... VII - 58
Section 3. Minor Nonconformities ..... VII - 58
Section 4. Major Nonconformities ..... VII - 58
Section 5. General Provisions ..... VII - 58

Article VIII. Off-Street Parking and Loading Regulations
Section 1. General Provisions ..... VIII - 60
Section 2. General Parking Requirements ..... VIII - 60
Section 3. Parking Requirements for Specific Uses ..... VIII - 61
Section 4. Off-Street Loading Requirements ..... VIII - 64

Article IX. Board of Adjustment
Section 1. Establishment and Membership ..... IX - 66
Section 2. Meetings, Procedures and Records ..... IX - 66
Section 3. Powers and Duties ..... IX - 66
Section 4. Administrative Appeals .....IX – 66
Section 5. Variances ..... IX - 67
Section 6. Special Exceptions ..... IX - 68
Section 7. Rehearings ..... IX - 69
Section 8. Appeals from Action of the Board of Adjustment ..... IX - 69

Article X. Amending the Ordinance
Section 1. Petition for Change ..... X - 71
Section 2. Action on Petition ..... X - 71
Section 3. Fees ..... X - 71
Section 4. Limit on Initiation of an Application -Ordinance Amendment X - 71

Article XI. Administration, Enforcement, and Penalties
Section 1. Enforcing Officer ..... XI - 72
Section 2. Permit Required ..... XI - 72
Section 3. Plans ..... XI - 72
Section 4. Conditional Use Procedures ..... XI - 73
Section 5. Statutory Review ..... XI - 74
Section 6. Certificate of Occupancy Required ..... XI - 74
Section 7. Expiration of Building Permit ..... XI - 75
Section 8. Unlawful Structures ..... XI - 75
Section 9. Penalties and Remedies ..... XI - 75

ARTICLE I

AUTHORITY, PURPOSE, AND SCOPE

Section 1. Statutory Authority

This Ordinance has been drafted, subjected to public review, recommended by the Phenix City Planning Commission, and adopted by the Phenix City City Council under the authority of Title 11, Chapter 52, of the Code of Alabama, 1975 Compilation, as amended.

Section 2. Short Title

This Ordinance shall be known as the *Phenix City Zoning Ordinance,* and the Zoning Map which is a part of this Ordinance shall be known as the *Phenix City Zoning Map.*

Section 3. Purpose

The specific purpose of this Ordinance is to influence the use of property within the City of Phenix City in accordance with Title 11, Chapter 52, of the Code of Alabama, 1975 Compilation, as amended; and generally to implement and support the Comprehensive Plan and the Developmental Policies of the City Council of the City of Phenix City.

Section 4. Applicability and Compliance

The provisions of this Ordinance shall apply to all property located within the Corporate boundary of the City of Phenix City. All uses, structures, sites, lots and parcels must be in compliance with the provisions of this Ordinance.

Section 5. Minimum Requirements

The provisions of this Ordinance shall be considered minimum requirements to promote the public health, safety, and welfare.

Section 6. Conflict with Other Regulations

In any situation in which there is a conflict between the provisions of this Ordinance, and those of any statute, or any local law or regulation, the most restrictive of such provisions shall apply and be enforced.

Section 7. Severability

If any clause, portion, provision, or section of this Ordinance is held to be invalid by any court of competent jurisdiction, such holding shall not render invalid any other clause, portion, provision, or section.

Section 8. Repeal of Conflicting Ordinances

On the effective date of this Ordinance, all other local Ordinances or parts of Ordinances in conflict or inconsistent with this Ordinance, and all amendments thereto, are hereby repealed to the extent necessary to give this Ordinance full force and effect.

ARTICLE II

DEFINITIONS

Section 1. Interpretation

Words used or defined in one tense shall include other tenses and derivative forms. Words used in the singular number shall include the plural, and words used in the plural number shall include the singular. The word *person* shall include a firm, corporation, association, organization, trust or partnership. The word *lot* shall include the meanings of the words *plot, parcel* and *tract.* The word ***"shall"*** is mandatory and not directory. The word ***"may"*** is permissive. The masculine gender shall include the feminine, and the feminine gender the masculine. Except as defined herein or in the *Subdivision Regulations of Phenix City, Alabama,* all other words used in this Ordinance shall have their customary dictionary definition.

Section 2. General Definitions

Accessory Structure and Use. Any detached minor building or structure. Accessory use is one that is incidental to the main use of the premises. A sign is considered accessory to the use permitted except for a billboard, which is considered a separate and distinct business use or activity.

Alteration, Altered. Any remodeling: any addition to the height, width or depth of a building or structure; any change in the location of any of the exterior walls of a building or structure; or any increase in the interior accommodations of a building or structure.

Building. Any structure having a roof supported by columns or walls and designed for the shelter, housing or enclosure of persons, animals, chattels or property of any kind.

Building Area. The portion of the lot occupied by the main building, including porches, carports, accessory buildings, and other structures.

Building, Height of. The vertical distance from the lowest ground elevation to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or to the average height between eaves and ridge for gable, hip and gambrel roofs.

Build-to Line. A line contiguous or parallel to the property line to which the facade(s) of the main and/or accessory structure(s) must extend.

Dwelling Unit. Any portion of a building used, intended or designed as a separate abode for a family.

Excavation. Any man-made cavity or depression in the earth's surface including all sides, walls, or faces formed by earth removal and producing unsupported earth conditions by reasons of the excavation.

Facade. The front of the main building.

Facility. A place, structure or item that is built, installed, or established to serve a particular purpose.

Family. One or more persons occupying a dwelling and living as a single housekeeping unit, as distinguished from a group occupying a boarding house, rooming house, or hotel, as herein defined.

Grade. The slope of a street or other public way, specified in percentage (%) terms.

Grade, Finished. The final elevation of the ground surface after development. Or, the average elevation of the finished surface of the ground at ground level measured on any side of a building or structure.

Grade, Natural. The elevation of the ground surface in its natural state, before man-made alterations.

Grading. The preparation of a site for development, usually by leveling off to a smooth horizontal or sloping surface.

Gross Floor Area. The sum of the areas of all floors within the outside edge of the outside walls of a building, excluding basements.

Loading, Off-Street. Land occupied, necessary and maintained for loading or unloading of goods, materials or things, for delivery and shipping, in a manner that vehicles may provide for such services without encroaching on or interfering with the public use of streets and alleys by pedestrians and vehicles.

Lot. Land occupied or intended for occupancy by a use including the yards and parking spaces required herein, and having its principal frontage upon a street. A typical lot has four sides. A flag lot does not meet this criteria. All flag lots must have Board of Zoning, Adjustment, and Appeals approval as a variance to this zoning ordinance.

Lot of Record. A lot that is part of a subdivision, the plat of which has been recorded in the office of the Probate Judge of Russell or Lee County, Alabama, or a parcel of land described by metes and bounds, the plat or description of which has been recorded in said office. If a portion of a lot or parcel has been conveyed at the time of the adoption of this Ordinance, the remaining portion of said lot or parcel shall be considered a lot of record.

Lot Width. The width of the lot at the front building setback line.

Nonconforming Use. The use of any building or land which was lawful at the time of passage of this Ordinance, or amendment thereto, but which use does not conform, after the passage of this Ordinance or amendment thereto, with the use, height, yard, off-street parking, or off-street loading and unloading regulations of the district in which it is situated.

Parcel. A part or portion of land. Parcel in relationship to land is a contiguous quantity of land in possession of an owner.

Parking Space, Off-Street. An accessible space permanently reserved for the temporary storage of one vehicle, connected with a street by a driveway or an alley, having a minimum area of not less than one hundred sixty-two square feet, a minimum width of nine feet, and a minimum length of eighteen feet, exclusive of driveways and maneuvering area.

Plot. A measured piece of land.

Plot Plan. A scale drawing indicating the location of all existing and/or proposed structures in relation to the site.

Setback Line. A line parallel to the property line between which line and the property line no structure may be erected.

Sign. See Article VI.

Site. The spatial location of an actual or planned structure or set of structures; or, a space of ground occupied or to be occupied by a building.

Site Plan. A scale drawing showing the relationship between the lot lines and their uses, buildings or structures, existing or proposed on a lot, including such details as parking areas, access points, landscaped areas, building areas, setbacks from lot lines, building heights, floor areas, densities, septic tank tile fields, utility lines and currents, or a special or particular use.

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

Structure. Any combination of materials, including buildings, constructed or erected, the use of which requires location on the ground or attachment to anything having location on the ground, including among other things, gasoline pumps, and signs, but not including utility poles, overhead wires and fences.

Subdivision. The division of a lot, tract or parcel of land, into two or more lots, tracts, parcels or other divisions of land by means of platting of boundaries in accordance with the City of Phenix City Subdivision Regulations.

Tract. A lot, piece, or parcel of land of greater or less size; the term not meaning in itself any precise dimension, but generally referring to a larger piece of land.

Use. The function, activities, or purpose for which land, a building, or other structure is designed, arranged, occupied, or maintained.

Yard. An open space between a building or use and the adjoining lot lines, unoccupied and unobstructed by any structure or use from the ground upward. For the purpose of determining the width or depth of a yard, the minimum distance between the lot line and the main building shall be used. A required yard shall mean a yard the depth of which is specified in the district regulations. In the case of a corner lot, the rear and side yards shall be determined by defining the front yard as the narrower of the street frontages regardless of the location of the main entrance to the structure.

Yard, Front. A yard extending across the full width of the lot between the side lot lines, and extending from the street right-of-way line to the front building line. A flag lot does not meet this criteria.

Yard, Rear. A yard extending across the rear of a lot between the side lot lines, and extending from the rear property line to the rear building line. On all lots the rear yard shall be in the rear of the front yard.

Yard, Side. The yard extending along the side lot line from the front yard to the rear yard, and extending from the side lot line to the side building line. In the case of corner lots, the yard extending along all established or future street rights-of-way shall be considered a front yard and shall meet all requirements as defined herein for such.

Section 3. Use Definitions

Animal Hospital. A place where small household pets are given medical or surgical treatment and short term boarding of pets.

Animal Shelter. Non-profit (SPCA) or public organization providing shelter for small domestic animals.

Apartments. Three or more attached, multi-family dwellings within a building.

Assisted Living Facility, Domiciliary. A permanent building, portion of a building, or a group of buildings (not to include mobile homes and trailers) in which room, board, meals, laundry, and assistance with personal care and other services are provided for not less than 24 hours in any week to a minimum of two ambulatory adults not related by blood or marriage to the owner and/or administrator and licensed by the State of Alabama.

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

Broadcast Studio. Establishments primarily engaged in the provision of broadcasting and other information relay services accomplished through the use of electronic and telephonic mechanisms, including film and sound recording, such as a radio studio, TV studio, or a telegraphic service office.

Business or Professional Office. A place where the administrative affairs of a business or profession are conducted such as the office of a law firm, real estate agency, insurance agency, architect, secretarial services, the administrative staff of business or industry, and the like.

Business Support Service. A place of business that supplies support services primarily to business or professional offices or services, such as photocopy, computer, and office equipment, supplies and services.

Car Wash. A commercial establishment engaged in washing, cleaning, and/or detailing of automobiles and light vehicles.

Combination Dwelling. A dwelling unit (other than a mobile home) used in combination with a non-residential use, such as the family residence of a manager, business owner, or security guard, within the same building or on the same lot of an institutional, commercial, or industrial establishment. Such unit shall not be available for general rental purposes.

Commercial Parking. Parking of motor vehicles on a temporary basis within a commercially operated, off-street parking lot or garage.

Commercial School. Private, gainful business providing instructional service in the arts, business, crafts, trades, and professions.

Community Center. Buildings arranged for community gathering for social, cultural, or community service purposes, including museums, galleries, community meeting rooms, community recreation centers, libraries, YMCAs, YWCAs, and similar uses.

Community Service Club. Buildings arranged for the gathering of private club members and their guests, including social club, professional association, fraternal lodge, union hall, civic association, and similar uses.

Construction Service. A place of business engaged in construction activities, incidental storage, and wholesaling of building material (but not a home improvement center which also sells at retail), such as a building contractor, trade contractor, or wholesale building supplies store.

Convenience Store. A one story, retail store that is designed and stocked to sell primarily food, beverages, and other household supplies to customers who purchase only a relatively few items (in contrast to a supermarket), including automotive fuel service islands.

Country Club. Land and buildings containing recreational facilities and club house for private club members and their guests.

Day Care Center. A licensed facility, other than a residence, providing day care on a regular basis to more than six persons.

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

Duplex. A detached or single building designed for or occupied exclusively by two families living independently of each other.

Dwelling. Any building or portion thereof in which people live.

Dwelling, Multi-Family. A building designed for or occupied exclusively by three or more families living independently of each other.

Dwelling, Single Family. A detached or single building designed for or occupied exclusively by one family.

Emergency Care Home. A group care home, serving up to ten individuals, unrelated by blood or marriage, living together as a single housekeeping unit under the supervision of one or two resident managers, whose purpose is to provide a protective sanctuary and emergency housing to victims of crime or abuse.

Entertainment, Indoor. A commercial establishment providing spectator entertainment within an enclosed building, including movie theaters and playhouses; and art centers and similar indoor cultural facilities.

Entertainment, Outdoor. A commercial establishment providing spectator entertainment in open or partially enclosed or screened facilities, including sports arenas, racing facilities, and amusement parks.

Family Care Home. A group care home, serving up to ten individuals, unrelated by blood or marriage, living together as a single housekeeping unit under the supervision of one or two resident managers, whose purpose is to serve socially, physically, mentally, or developmentally impaired children in a family-type living arrangement, and which meet or exceed the minimum requirements of Section 11-52-75.1 *Regulations as to housing of mentally retarded or mentally ill persons in multi-family zones,* Code of Alabama, 1975 as amended.

Farm Support Business. A commercial establishment engaged in the sale of farm support goods and services, including the following activities: the sale of feed, grains, fertilizers, pesticides, and similar farm support goods, the provision of warehousing and storage facilities for raw farm products, and the provision of veterinary services to large animals.

Farm. A tract of land used for the production, keeping or maintenance, for sale or lease, of plants and animals useful to humans, including the following farming activities: forages and sod crops; grains and seed crops; dairy animals and products; poultry, including egg production but excluding poultry processing; livestock, such as beef cattle, sheep, goats, or any similar livestock, including the breeding and grazing of such animals but excluding meat processing; and nursery operations involving the raising of plants, shrubs, and trees for sale and transplantation and including greenhouses and incidental sales of items customarily associated with a nursery operation; bees and apiary products; fisheries, excluding fish and seafood processing; fruits and vegetables of all kinds, including growing and harvesting of such fruits and vegetables, but excluding food processing.

Farming, Forestry. Operations involving the operation of timber tracts, tree farms, forest nurseries, the gathering of forest products, or performing forest services, including temporary sawmills and chippers for cutting of timber growth on the same premises but excluding lumber yards, mills, and similar activities;

Funeral Home. A commercial establishment engaged in funeral and undertaking services for human burial.

Garden Center or Nursery. Retail sales of plants, trees, shrubs, and the like for ornamental or landscaping purposes, conducted from a building, greenhouse, outdoor display area, or stand, including incidental sales of items customarily associated with such sales activities, including such items as containers, fertilizers, ornaments, small gardening tools, and equipment, and seeds.

General Retail Business, Enclosed. Retail sales of goods and services, not otherwise defined by this section, conducted within an enclosed building, including, but not limited to, food sales, department stores, clothing stores, home furnishings sales, appliance stores, auto supplies stores, gift shops, specialty stores, jewelry stores, cosmetics sales, package liquor stores, tobacco stores, drug stores, variety stores, and similar retail businesses.

General Retail Business, Unenclosed. Retail sales of goods and services, not otherwise defined by this section, conducted partially or fully outside of a building, including, but not limited to, sidewalk sales, outdoor food service, outdoor tire sales, and outdoor display or sales.

Heavy Industry. Meat or poultry processing and slaughterhouses or the storage or manufacturing involving flammable or explosive materials or involving potentially hazardous or commonly recognized offensive conditions.

Home Improvement Center. A place of business providing building, appliance, yard and garden materials, tools, and supplies at retail and wholesale.

Home Instruction. Instruction in the arts, music, or academic subjects given from a dwelling by the resident to up to four students at a time, except in the case of musical instruction, which shall be limited to up to two students at a time.

Home Occupation. A business, profession, occupation, or trade, specifically excluding beauty parlors, barbershops, and medical offices for the treatment of patients, conducted for gain or support and located entirely within the living area of a dwelling.

Hospital. An establishment that provides health services primarily for in-patient medical or surgical care of the sick or injured, including accessory facilities such as laboratories, pharmacies, outpatient clinics and surgery centers, training facilities, gift shops, coffee shops, cafeterias, and staff offices.

Hotel. A building in which lodging, or boarding and lodging, are provided and offered to the public for compensation and in which ingress and egress to and from all rooms are made through an inside lobby or office supervised by a person in charge at all hours. A hotel is open to the transient public as opposed to a rooming house or boarding house, which are separately defined.

Kennel. Any facility in or at which cats, dogs, or similar household pets are brought or kept for care, boarding, or breeding; and for which such services are charged a fee.

Landfill, Inert. A state-approved site for the controlled disposal of brush, yard waste, construction debris, etc.

Landfill, Sanitary. A State-approved site for the controlled disposal of solid waste and garbage.

Laundry Service. A commercial establishment providing laundering, dry cleaning, or dyeing service (other than a laundry or dry cleaning pick-up station defined under personal service), such as a laundry and dry cleaning plant, diaper or linen service, or laundromat.

Liquor Lounge. A licensed establishment engaged in the preparation, sale, or serving of liquor for consumption on the premises, including taverns, bars, cocktail lounges, night clubs, bottle clubs, private clubs, restaurant lounges, hotel lounges, motel lounges, discotheques, dance halls, and similar uses where liquor consumption is a primary or incidental activity on the premises for the establishment. Not included within this definition are establishments that sell or serve only beer or wine as an incidental activity on the premises or establishments that sell liquor, beer, or wine in packages for off-premise consumption.

Livestock Sales. The sale of animal livestock within an enclosed yard or structure, including livestock markets, horse auctions, and similar activities.

Maintenance Service. An establishment providing building and yard maintenance services, such as janitorial services, exterminating services, landscape services, and window cleaning services.

Manufactured Home. A structure, transportable in one or more sections, which in the traveling mode, is eight (8) feet or more in width and forty (40) body feet or more in length, or when erected on site, is three hundred-twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained therein; except that such term shall include any structure which meets all the requirements of this definition except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary of the Department of Housing and Urban Development and complies with the standards established under the National Manufactured Housing Construction and Safety Standards Act of 1974.

Manufactured Home Park. A parcel of land under single management that has been planned and improved for the provision of space and services for manufactured homes for transient and/or non-transient use, not platted or otherwise divided by fee simple ownership; but permitting the sale of interests or memberships on a condominium basis, and wherein facilities and amenities, including roads, clubhouse or recreation facilities shall be privately owned or owned in common by residents of the park.

Manufacturing, General. The basic processing and manufacturing of materials or products predominately from extracted or raw materials and the incidental storage, sales, and distribution of such products.

Manufacturing, Light. The manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembles treatment, and packaging of such products, and incidental storage, sales, and distribution of such products.

Medical Clinic. A facility providing medical, psychiatric, or surgical services for sick or injured persons exclusively on an outpatient basis.

Medical Support Service. A place of business which supplies medical support services to individuals, medical practitioners, clinics, and hospitals, such as a pharmacy (where the business activity is limited to the filling of medical prescription and the sale of drugs and medical supplies), medical and surgical supply store, and optician, and the like.

Mini-Warehouse. A building or group of buildings containing separate storage spaces that are leased on an individual basis for the exclusive purpose of storing non-hazardous household goods, but not including the storage of materials for a commercial or industrial enterprise other than business records, nor used for any activity other than storage.

Mobile Home. A structure, transportable in one or more sections which, in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length or, when erected on site is three hundred-twenty (320) or more square feet and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained therein and manufactured prior to June 15, 1976. Such units require a label certifying compliance with NFPA 501 at the time of manufacture, and for purposes of this Ordinance they shall be considered a manufactured home.

Modular Home. A dwelling constructed on-site in accordance with the *Standard Building Code*. It is composed of components substantially assembled in a manufacturing plant and transported to the building site for final assembly on a permanent foundation. A modular home is **not a manufactured home** in that the latter (manufactured home) is constructed in a plant in accordance with the *U.S. Manufactured Home Construction and Safety Standards Act* of the U.S. Department of Housing and Urban Development (DHUD) and **does not** meet the requirements of the *Standard Building Code*. .

Motel. A building or group of buildings used for the temporary occupancy of transients.

Multiplex. Three or four attached multi-family dwellings within a building of three or less stories.

Nursing Care Facility. A licensed institution maintained for the purpose of providing skilled nursing care and medical supervision at a lower level than that provided in a hospital but at a higher level than provided in a domiciliary care facility.

Open Air Market. Retail sales of arts, crafts, produce, discount or used goods partially or fully outside of an enclosed building, such as a flea market, produce market, craft market, or farmers' market.

Patio Home. A detached, single family dwelling, constructed on-site in accordance with the Standard Building Code, which occupies a small lot and has an enclosed yard area with a porch or patio.

Personal Service. A retail establishment engaged in providing services involving the care of a person, such as a barber shop, beauty shop, cosmetic studio, dry cleaning and laundry pick-up station, indoor exercise and fitness center, tanning salon, seamstress, tailor, shoe repair shop, key repair shop, travel agency, interior decorator, formal wear rental, and similar uses.

Place of Worship. Buildings arranged for religious service purposes, such as churches and synagogues, including related facilities for instruction, meeting, recreation, and lodging, eating, and living such as a parsonage or rectory, and other integrally related activities.

Public Assembly Center. Buildings arranged for the general assembly of the public at-large for community events, including coliseums, stadiums, civic centers, and similar uses.

Planned Development. The PD district is established to permit greater flexibility and more creative and imaginative design for the development of residential, commercial and industrial areas than may be possible in the other zoning districts created hereunder. The PD district is intended to promote a harmonious variety of housing choices, a higher level of amenities and preservation of natural qualities of open spaces. Within the PD district a variety of

housing types and land uses may be permitted in an orderly relationship to one another and to existing land uses, as well as with due regard to comprehensive planning within the City. The PD district may be permitted only in areas where public water and sewer are available.

Planned Residential Development. Planned Residential Development provides for flexibility and variety of development for residential purposes and uses ancillary thereto. Open space may serve such varied uses as recreation, protection of areas sensitive to development, buffering between dissimilar uses and preservation of agricultural activity. The PRD is intended to encourage sensitivity towards the natural characteristics of the site and toward impacts on the surrounding area in land development. More specifically, the PRD is intended to promote economical and efficient land use, an improved level of amenities, appropriate and harmonious physical development, and creative design consistent with the best interest of the City.

Public Facility. Buildings arranged for the purpose of providing public services, not otherwise listed in this section, including government offices, post offices, transit stations, police stations, fire and emergency service stations, civil defense operations, and similar uses.

Public Utility Facility. Facility that provides public utility services to the public at large, including water and sewerage facilities, gas distribution facilities, electric transmission and distribution facilities, and cable transmission and distribution facilities.

Recreation, Indoor. A commercial establishment providing recreational or sports activities to participants within an enclosed building, including bowling alleys, billiard parlors, video game centers, ice and roller skating rinks, and other commercial indoor recreational and sports activities.

Recreation, Outdoor. A commercial establishment providing recreation or sports activities to participants in open or partially enclosed or screened facilities, including driving ranges, miniature golf courses, golf courses, swimming pools, tennis courts, and other commercial outdoor recreational and sports activities.

Recreational Vehicle Park. A lot on which campsites are established for occupancy by recreational vehicles of the general public as temporary living quarters for purposes of recreation or vacation.

Rehabilitation Facility. An institutional facility providing residential and custodial care for the rehabilitation of socially-impaired individuals who are indigent, recovering from addiction to drugs or alcohol, or recently released from a penal institution.

Research Lab. An establishment engaged in research of an industrial or scientific nature, excluding product testing, such as an electronics research lab, research and development firm, or pharmaceutical research lab.

Resource Extraction. The removal of soil, sand, clay, gravel, minerals, or similar materials for commercial purposes, including quarries, borrow pits, sand and gravel operations, gas extraction, and mining.

Restaurant, Fast Food. Establishments where food and drink are rapidly prepared for carry out, fast delivery, drive-through, or drive-in and may also include standard sit-down consumption.

Restaurant, Standard. An establishment where food and drink are prepared, served, and primarily consumed within the building where guests are seated and served.

Restaurant, Take-Out Only. An establishment where food and drink are prepared, served, and primarily consumed within the building where guests are seated and served.

Rooming House, Boarding House. Any building or portion thereof that contains not less than three (3) or more than nine (9) guest rooms, which are designed or intended to be used, let, or hired out for occupancy by individuals for compensation whether paid directly or indirectly, for a definite period of time longer than thirty (30) days.

Salvage Yard. A place of business engaged in the storage, sale, dismantling or other processing of used or waste materials, such as a junk or automotive salvage yard.

School, Commercial. Private, gainful business providing instructional service in the arts, business, crafts, trades, and professions.

School, Public. Public or non-profit school.

Shopping Center, Major. A group of commercial establishments (as permitted in the district) locate on a lot of ten (10) or more acres, planned and developed in a unified design with shared parking and driveway facilities, and under common management authority.

Shopping Center, Minor. A group of commercial establishments (as permitted in the district) locate on a lot of three (3) to less than ten (10) acres, planned and developed in a unified design with shared parking and driveway facilities, and under common management authority.

Stable. A commercial establishment engaged in the raising, keeping, boarding, or training of horses, ponies, and similar animals, including riding academies and incidental sales of riding accessories and animals raised or regularly kept on the premises.

Studio. A place of work for an artist, photographer, or craftsman, including instruction, display, production, and retail sales of materials produced on the premises.

Telecommunication Facilities. Any cables, wires, lines, wave guides, antennas, structures, and any other facilities or equipment associated with the transmission or reception of communication located near or installed upon a tower or antenna support structure.

Tourist Home, Bed and Breakfast Inn. A dwelling unit where lodging for persons not of the immediate family is provided for by compensation for definite periods of time up to thirty (30) days.

Townhouse. A single family dwelling constructed in a series or group of attached units with property lines separating each unit as defined by the Standard Building Code.

Trailer, Travel. A vehicle or a unit that is mounted on or drawn by another vehicle primarily designed for temporary living. Travel trailers include recreational vehicles, camping trailers, truck campers and motor homes.

Transmission Tower. A tower used for the transmission of radio and television signals to the general public or private receivers, other than amateur radio towers and towers used by a public facility.

Upper-Story Apartment. A dwelling located in the upper story of a building where the ground floor is devoted to commercial or institutional uses.

Vehicle and Equipment Repair, Major. A place of business engaged in the repair and maintenance of heavy trucks (one ton or more), construction equipment, tractors and farm implements or engaged in painting, body repair, upholstery repair, fabrication of parts, or rebuilding of engines.

Vehicle and Equipment Sales, Major. A place of business engaged in the sale or rental of heavy trucks (over one ton), construction equipment, tractors and farm implements, manufactured homes, and similar heavy equipment, including incidental storage, maintenance, and servicing.

Warehousing, Wholesaling, and Distribution, Enclosed. A place of business engaged in warehousing, wholesaling, or distribution services within a building.

Warehousing, Wholesaling, and Distribution, Unenclosed. A place of business engaged in open air warehousing, wholesaling, or distribution services.

Vehicle Repair Service. A place of business engaged in the repair and maintenance of automobiles, light trucks, travel trailers, recreational vehicles, or boats, including the sale, installation, and servicing of mechanical equipment and parts but not including painting, body work, upholstery work, fabrication of parts, or rebuilding of engines.

Vehicle Sales or Rental. A commercial establishment engaged in the sale or rental of automobiles, light trucks, travel trailers, recreational vehicles, boats, or motorcycles, including incidental parking, storage, maintenance, and servicing.

Vehicle Sales and Service. A commercial establishment engaged in the sale and service, repair and maintenance of automobiles, light trucks, travel trailers, recreational vehicles, or boats, including the sale, installation, and servicing of mechanical equipment and parts but not including painting, body work, upholstery work, fabrication of parts, or rebuilding of engines.

Vehicle Service Station. A commercial establishment providing fuel, lubricants, parts, and accessories, and incidental repair and maintenance service to motor vehicles.

ARTICLE III

ESTABLISHMENT OF ZONING DISTRICTS

Section 1. Official Zoning Map

The City is hereby subdivided into General Purpose and Special Purpose Zoning Districts as shown on the Official Zoning Map of the City of Phenix City. This Official Map, together with all explanatory materials it contains, is made a part of this Ordinance. This map shall be kept in the office of the Building Department.

The Official Zoning Map shall be signed by the Mayor and attested by the City Clerk, and shall show the number and date of adoption of this Ordinance.

Any changes made in district boundaries, or any other matter portrayed on the Map, shall be entered on the map by ordinance number and date of adoption within ten (10) days of such adoption.

If the Official Zoning Map becomes damaged, destroyed, lost, or difficult to interpret because of the nature and/or number of changes and additions, the City Council may by resolution adopt a new Official Zoning Map. This new map may correct drafting or other errors or omissions, but no such correction shall result in amending the map.

Section 2. Zoning Districts

For the purposes of this Ordinance, the area within the corporate boundary of the City is subdivided into the following zoning districts:

General Purpose Zoning Districts:

R-1: Low Density Residential District
R-2: Medium Density Residential District
R-3: High Density Residential District
RC: Residential Conservation District

A-1: Low Density Residential and General Agricultural District
A-O: Apartment and Office District

C-1: Core Commercial District
C-2: General Commercial District
C-3: Neighborhood Commercial District
C-4: Highway Commercial District

M-1: General Manufacturing District
M-2: Heavy Manufacturing District

MED: Medical District

Special Purpose Zoning Districts and Designations

C-O: Highway Corridor Overlay District
H-P: Historic Preservation Overlay District
MHP: Manufactured Home Park
PD: Planned Development

Section 3. District Boundaries

The boundaries of the Zoning Districts as shown on the Official Zoning Map are intended, as far as possible, to follow lot lines, the centerlines of streets or alleys, the centerline of railroad tracks, the centerlines of streams and watercourses, and the corporate boundary. Where any boundary cannot be accurately determined from the Map, the Board of Adjustment shall determine where such boundary is officially located.

Section 4. Annexed Property

Following the adoption of this Ordinance, any property annexed into the City shall be immediately and automatically placed in the A-1: Low Density Residential and General Agricultural District. Any subsequent rezoning of such property shall follow the procedures for map amendments set forth in this Ordinance.

ARTICLE IV

GENERAL DISTRICT REGULATIONS

Section 1. Residential Zoning Districts

There are four (4) zoning districts which allow only residential and related uses, as follows:

A. R-1: Low Density Residential District

The purpose of this District is provide and preserve land for use for single family dwelling units on relatively large lots in areas that are geographically defined and protected from the encroachment of incompatible uses.

B. R-2: Medium Density Residential District

The purpose of this District is to provide and preserve land for both single family and two family dwelling units. These Districts should be located in areas that have good accessibility to central community facilities, or where a transition from different density residential or nonresidential development is desirable.

C. R-3: High Density Residential District

The purpose of this District is to provide and preserve land that is and can be used for the construction of multi-family dwelling units. These Districts should have access to services and facilities appropriate for higher density residential development.

D. RC: Residential Conservation District

The purpose of this District is to protect and preserve existing residential neighborhoods and to encourage appropriate and compatible in-fill development and redevelopment.

E. General Regulations

Any new freestanding R-1, R-2, or R-3 Districts created by rezoning shall be at least four (4) acres in area.

Certain nonresidential uses may be permitted in the residential zones as special exceptions or conditional uses, as indicated in Table 4-5.

The dimensional requirements for the residential zoning districts are presented in Table 4-1.

The uses allowed by right and under specified conditions for the residential zoning districts are presented in Table 4-5.

Section 2. Mixed Use Zoning Districts

There are two (2) zoning districts that allow mixed uses.

A. A-1: Low Density Residential and General Agricultural District

This purpose of the District is in part to preserve land for urban use at some point in the future when the demand for land for development and the availability of services warrant such development and property can be rezoned to a more intensive use. Until such time, agricultural and low-density residential uses will be permitted.

B. A-O: Apartment and Office District

The purpose of this District is to encourage the development of appropriate areas for a mixture of residential and office uses. Such uses would include high-density residential uses plus professional, administrative, and general sales offices.

C. General Regulations

The dimensional requirements for the mixed use zoning districts are shown in Table 4-2.

The uses allowed by right and under specified conditions for the mixed use zoning districts is shown in Table 4-5.

Section 3. Commercial Zoning Districts

There are four (4) zoning districts each of which allows a variety of commercial and business uses and facilities.

A. C-1: Core Commercial District

This District consists of the traditional downtown area of Phenix City. As such it contains retail, office, financial, government, food service and personal service facilities. The use of upper floors for residential use is encouraged. Pedestrian access is also desirable; and development is in part characterized by lot line to lot line construction, and combined uses within buildings and on property.

All development in this District is subject to conditional use approval by the Planning Commission and City Council to ensure that it is compatible and consistent with the City's Redevelopment Plan and Design Standards.

B. C-2: General Commercial District

This District allows a variety of both small and large-scale retail and service facilities, and small to medium wholesale uses. These facilities are generally clustered into groups of similar and related activities; and are often designed to accommodate an integrated complex of retail and service facilities on a single site and sharing common parking.

C. C-3: Neighborhood Commercial District

The purpose of this District is to encourage and allow relatively small-scale convenience retail, service, office, and similar activities that serve people and businesses at the neighborhood and community level.

D. C-4: Highway Commercial District

The purpose of this District is to provide land to accommodate those uses, which tend to require a high degree of visibility and vehicular access, and/or serve the traveling public. The location and design of developments in these Districts shall minimize traffic hazards and adverse impacts on adjoining areas.

E. General Regulations

Any new freestanding C-2 or C-4 District created by rezoning shall be at least four (4) acres in area.

Any new freestanding C-3 District created by rezoning shall be at least three (3) acres in area.

The dimensional requirements for the Commercial Districts are shown in Table 4-3.

The uses allowed by right and under specified conditions in the Commercial Districts are shown in Table 4-5.

Section 4. Manufacturing and Institutional Districts

There are two (2) zoning districts whose purpose is to accommodate manufacturing and assembly operations, and one (1) intended for medical institutions and related facilities.

A. M-1: General Manufacturing District

This District is intended to accommodate manufacturing, processing, and assembly operations that are relatively small in terms of employment and space requirements and which do not adversely affect surrounding property by generating noise, dust, odor or glare.

B. M-2: Heavy Manufacturing District

This District includes land that is considered appropriate for larger scale manufacturing and assembly operations, which tend to rely on substantial inputs of raw materials and components and the subsequent shipment of finished goods.

C. MED: Medical District

The purpose of this District is to encourage the concentration of medical facilities and services in a location that is accessible to residents and business in the City.

D. General Regulations

The dimensional regulations applying to the Manufacturing Districts are shown in Table 4-4.

The use regulations applying to the Manufacturing Districts are shown in Table 4-5.

Section 5. Planned Development Districts

A. Generally. Planned Development districts are hereby authorized for the purpose of providing optional methods of land development, which encourages imaginative solutions to environmental design problems. Areas so established shall be characterized by a unified building and site development program providing for coordinated open space and architectural treatment. The Planned Development Districts authorized by this Article are also intended to provide means for the establishment of use, which are generally considered to be incompatible with most other land usage.

The procedure to be followed in the creation of special districts shall conform to the regulations for any other zone change with the following exceptions:

a. Any petition for the establishment of a Planned Development District shall be submitted to the Phenix City Planning Commission for its review and recommendation. The recommendation, which shall be in writing, shall state the Commission's consideration of the following:

   1. That the value and character of the property or properties adjacent to the tract of land under consideration will not be adversely affected.

   2. That the proposed development is consistent with the intent and purpose of the Comprehensive Plan and of this ordinance to promote public health, safety and the general welfare.

   3. That the final plan for the proposed development meets the requirements of all other regulating bodies.

   4. That an approved method of sewage disposal is available to the tract under consideration.

   5. All utilities shall be placed underground except for major transmission lines**.**

b. The establishment of a Planned Development District will be for the express purpose of improving the tract of land in accordance with the approved plan of development for the particular tract of land and for the use set forth in the development plan.

c. The owner or owners of a tract of land may petition the Phenix City Council for an amendment to the official zoning map creating a Planned Development District only after the development plan has been approved and favorable recommendation on the zone change has been rendered by the Phenix City Planning Commission.

d. If, within three hundred sixty-five (365) days from the effective date of the amendment, the Building Inspector has not received an application for a building permit, the City Council may, by appropriate action, repeal the amendment establishing the Planned Development District. Once a building permit is issued, the improvements set forth in the plan of development must be completed within twelve (12) years from date of issuance; otherwise, the City Council may repeal the amendment establishing the Planned Development District.

   The administrative official may not issue a building permit unless the proposed improvements are substantially as shown in the Development Plan, as prescribed in Article VI, approved as a prerequisite to the amendment establishing the Planned Development District.

e. Unless specific variations are noted on the development plan and approved by the Phenix City Planning Commission, the most restrictive requirements for parking, loading, yards and dimensional regulations for the proposed use shall be applicable to the special district.

B. Planned Residential District

a. The regulations established in this section are intended to provide optional methods of land development with provisions for commercial, religious, educational and cultural facilities, which are integrated with the total project by unified architectural

and open space treatment.

b. The following uses are permitted:

1. Single Family attached and detached dwellings

2. Two-Family

3. Multiple Family dwellings

4. Commercial uses
For each one hundred (100) dwelling units to be established, four (4) acres may be set aside for commercial use provided that adequate protection of an adjacent property is afforded by the plan.

5. Recreation uses
Recreation uses may include a community center, a golf course, a swimming pool, or parks, playground or other recreational uses. Any structure involved in such use shall have a fifty feet (50') setback from all property lines. The amount of land set aside for permanent open space shall be ten percent (10%) of the gross development area.

6. Educational Uses

7. Community facilities such as churches and other religious institutions and non-profit clubs such as country clubs, swim and/or tennis area.

c. The following requirements are minimums and are intended to serve as a guide in plan formulation. The Phenix City Planning Commission retains the authority to waive the provisions of this section or to impose greater requirements than herein stated.

All buildings shall be set back from the street right-of-way lines and from the periphery of the project to comply with the following requirements:

1. There shall be a front yard for all detached single-family dwellings of not less than fifteen feet (15'). The front yard setback for all other structures shall be as determined by the Phenix City Planning Commission.

2. Unless indicated elsewhere, all buildings shall have a setback of not less than fifteen feet (15').

3. In no case shall a lot, for a single-family detached structure, be created with an area of less than 6,500 square feet or a frontage of less than sixty feet (65') at the building line unless approved by the Phenix City Planning Commission and Phenix City Council.

4. Twenty (20) percent of all single family dwellings shall contain a minimum of fourteen hundred (1400) square feet or greater of heated space.

5. At least eighty (80) percent of all single family dwellings shall contain a minimum of 1,800 square feet or greater of heated space.

6. Architectural shingles shall be installed on all structures.

7. Unified street signage, mail boxes and street lighting to be coordinated throughout

development. Signs must meet the latest edition of the Manual on Uniform Traffic Control Devices.

8. Each dwelling unit at the time of occupancy shall have the following minimum landscaping:

   a. A three (3) inch caliper tree shall be planted in the front of each dwelling unit with a second three-inch caliper tree located per homeowner/builder preference.

   b. Shrubs shall be provided for each dwelling unit in a size increment totaling a minimum of thirty (30) gallons.

9. Single family dwellings would require a double car garage. A duplex would require a minimum of two (two single car garages).

d. In addition to the applicable regulations the following rules shall be observed.

1. The application must be accompanied by a site development plan showing the use or uses, dimensions and locations of proposed streets, parks, playgrounds, other open spaces, residential buildings, commercial buildings and such other pertinent information as may be necessary to adequately determine that the proposed development meets the purpose of this Ordinance.

2. The Phenix City Planning Commission shall review the conformity of the proposed development by employing recognized principles of design and land use planning. The minimum yard and maximum height requirements of the zoning district shall not apply except as set forth herein. The Phenix City Planning Commission may impose conditions regarding layout, circulation and other physical improvements.

   Where the planned residential developments provides for single family attached (row houses) or single family detached housing to be held under individual ownership by the occupant, a plat of development shall be recorded and shall show building lines, common land, streets, easements and other applicable features.

3. The proposed development must be designed to produce an environment of stable and desirable character not out of harmony with its surrounding neighborhood. <u>It shall include provisions for recreation areas to meet the needs of the anticipated population</u>.

4. An undisturbed natural vegetation buffer of twenty-five (25') may be left between a Planned Development and the surrounding properties. In the absence of a natural buffer, a twenty foot (20') landscape buffer shall be planted with two (2) canopy trees, ten (10) understory trees and thirty (30) shrubs per one hundred (100) linear feet. Where planned Developments are adjacent to each other, only one buffer strip would be required. The proposed development must be designed to produce an environment of stable and desirable character no out of harmony with its surrounding neighborhood.

The Phenix City Planning Commission and Phenix City Council retain the authority to waive any provisions in this article or to impose greater requirements than herein stated.

C. Planned Commercial District

a. A planned development district created for the purpose of establishing planned commercial may be allowed adjacent to any district, provided, that adjoining property is protected.

b. The Planned Commercial District shall be laid out, developed and used according to a plan prepared in compliance with the provisions of this Article in order to provide for modern retail commercial facilities in appropriate locations to serve residential neighborhoods or regional areas. Any owner or owners of a tract of land comprised of five acres or more, may request that such tract of land be zoned as a Planned Commercial District by proceeding under the provisions of this Article, but the failure of such owner or owners to apply under this Article shall not prevent them from constructing or causing to be constructed a retail sales complex, customarily called a Shopping Center, upon such tract of land provided the same is zoned so as to permit its use for this purpose.

c. The use of each building or premises shall be in accordance with the plan referred to in the Article which use shall be limited to services, offices, clinics, parking, retail sale of merchandise, and similar activities ordinarily accepted as shopping center uses. No building shall be designed, constructed, structurally altered or used for residential purposes, except to provide within the buildings allowed, facilities for a custodian, caretaker, or watchman employed on the premises.

d. The structures permitted in this Article shall observe a maximum height of two and one-half (2-1/2) stories or thirty-five feet (35').

e. The owner or owners of a tract of land comprised of five (5) acres or more may submit to the Phenix City Planning Commission a plan for the development and use of such tract for the purposes of and meeting the requirements set forth in this Article. Said plan shall comply with all requirements of this Article and shall be accompanied by evidence concerning the feasibility of the project and the effect of this proposed development on surrounding property and other physical conditions, which plan and supporting evidence shall include each of the following:

   A site plan defining the areas wherein buildings may be constructed, the areas which will be developed for parking and the proportionate amount thereof, the location or roads, driveways and walkways and walks and the points of ingress and egress, including access streets where required, the location and height of walls, the spaces for loading, the locations, size and character and number of signs, the location and character of exterior lighting, and the character and extent of landscaping, planting and other treatment for protection of adjoining property.

f. Before any action thereon, the proposed planned shopping center plan, together with the required supplementary information shall be referred to the Phenix City Planning Commission for study and report. Reasonable additional requirements may be required by the Phenix City Planning Commission for the protection of adjoining residential property.

The Phenix City Planning Commission and Phenix City Council retain the authority to waive any provisions in this article or to impose greater requirements than herein stated.

Section 6. Notes to Tables

In Tables 4-5 the following categories are applied to the uses:

Y - The use is permitted by right.

E - The use requires action by the Board of Adjustment as a special exception.

C - The use is conditional and requires review by the Planning Commission and action by the City Council.

R - The use is subject to statutory review by the Planning Commission and City Council in accordance with Section 11-52-11 of the Code of Alabama, 1975, as amended.

A blank cell in the Tables indicates that the use is not permitted.

- Uses under PRD and PCD zonings:

PRD and PCD are site and use specific zoning districts requiring a detailed site plan and descriptive narrative.

If approved by the Planning Commission and City Council, all uses and site design standards will be held to during the permitting/construction stage. Any deviation from the approved plan shall require additional approval and a public hearing from the Planning Commission and City Council.

++ Classification of unspecified uses:

Any proposed use of property not specified in the use cell table shall be subject to review by the Zoning Board of Adjustment for proper zoning district classification.

Table 4-1
Dimensional Regulations for Residential Districts

	R-1	***R-1A***	***R-1B***	**R-2**			**R-3**				
	Single Family	*Single Family*	*Single Family*	Single Family	Patio Garden	Duplex	Single Family	Patio Garden	Duplex	Townhouse	Multi-Family(a)
Minimum Lot Area (Square Feet)	12,500	*9000*	*7500*	7500	3,400 Per Unit	5,000 Per Unit	7500	3,400 Per Unit	5,000 Per Unit	2000	2,500 plus 1,600per unit over 4 units
At Building Line	90 ft	*80ft*	*75ft*	75ft	50ft	75ft	75ft	50ft	100ft	20ft	100 ft
Minimum Depth of Front Yard	35ft	*30ft*	*25ft*	35ft	15ft	35ft	35ft	15ft	35ft	25ft	25ft
Minimum Depth of Rear Yard	40ft	*35ft*	*30ft*	40ft	20ft	40ft	40ft	20ft	40ft	30ft	25ft
Minimum Depth of Side Yard	10ft	*10ft*	*10ft*	10ft	4ft	10ft	10ft	4ft	10ft	10ft(b)	10ft
Minimum Depth of Side Yard on Street	35ft	*30ft*	*25ft*	35ft	15ft	35ft	35ft	15ft	35ft	25ft	25ft
Max. Building Area (Percent of Lot)	25%	*35%*	*45%*	30%	50%	30%	30%	50%	30%	50%	30%
Max. Height of Principal Structure	35ft	*45ft*	*45ft*	45ft	45ft	45ft	45ft	45ft	45ft	45ft	45ft
Max. Height of Accessory Structure	15ft	*15ft*	*15ft*	25ft	25ft	25ft	25ft	25ft	25ft	25ft	25ft

(a) An undisturbed natural buffer of twenty (20') may be left between a multi family and a single family development. In the absence of a natural buffer a twenty foot (20') landscape buffer shall be planted with two canopy trees, ten understory trees and thirty shrubs per one hundred linear feet.
(b) Applies to end units only.

Table 4-2

Dimensional Regulations for Mixed Use Districts

	A-1	A-O	
		APARTMENTS	OTHER USES
Minimum Lot Area (Square Feet)	1 acre 1 acre per dwelling unit	2,500 plus 1,600 per each unit over four (4)	12,500
Minimum Lot Width At Building Line	200 ft	100 ft	75 ft
Minimum Depth of Front Yard	50 ft	20 ft	20 ft
Minimum Depth of Rear Yard	50 ft	25 ft	20 ft
Minimum Depth of Side Yard	25 ft	10 ft	None
Minimum Depth of Side Yard on Street	50 ft	25 ft	20 ft.
Max. Building Area (Percent of Lot)	5% for uses permitted by right 25% for all other uses	30%	50%
Max. Height of Principal Structure	35 ft	65 ft	65 ft
Other Requirements	Each lot shall front on a public street for a distance of not less than fifty (50) feet.	More than one (1) residential structure may be erected on the same lot provided there shall be a minimum distance of 20 feet between principal buildings	A twenty (20) ft side yard shall be required when abutting a lot zoned R-1, R-2, R-3 or RC.

Table 4-3

Dimensional Requirements for Commercial Districts

	C-1	C-2	C-3	C-4
Minimum Lot Area (Square Feet)	[a]	None	5,000	15,000
Minimum Lot Width At Building Line	[a]		50 ft	75 ft
Minimum Depth of Front Yard	0 [b]	25 ft	25 ft	20 ft
Minimum Depth of Rear Yard	20 ft	20 ft	20 ft	20 ft
Minimum Depth of Side Yard	0 [b]	None	None	See Note Below
Minimum Depth of Side Yard on Street	0 [b]	25 ft	25 ft	20 ft
Max. Building Area (Percent of Lot)	None	75%	35%	25%
Max. Height of Structure	145 ft	125 ft	35 ft	65
Other Requirements	Rear yard requirement may be waived if a lot abuts an alley and if loading and unloading facilities are provided.			
		Twenty (20) ft side yard buffer strip required where side yard abuts a residential district.**(c)**	Twenty (20) ft side yard buffer strip required where side yard abuts a residential district.**(c)**	Twenty (20) ft fire lane shall be required on one side of the main structure single freestanding structure.
		20 ft rear yard buffer strip required where rear yard abuts residential district.		50 ft rear yard buffer strip required where rear yard abuts a residential district with 20 ft being planted with trees and shrubs. Must be suitable vegetation approved by the City Engineer. (**c)**
		20 ft of all buffer strips shall be planted with shrubs and trees of suitable vegetation approved by the City Engineer.		

[a] Lots must be of sufficient size to provide adequate parking and loading space as outlined in this Ordinance.

[b] Lots located in this district have lot line setbacks as determined and approved by the Planning Commission and City Council as part of the “Conditional Use” process.

[c] An undisturbed natural buffer of twenty (20) feet may be left between a residential and commercial development. In the absence of a natural buffer, a twenty (20) foot landscape buffer shall be placed with two (2) canopy trees, two (2) understory trees and thirty (30) shrubs per one hundred (100) linear feet.

Table 4-4

Dimensional Regulations for Manufacturing and Medical Districts

	M-1	M-2	MED
Minimum Lot Area	1 acre	4 acres	15,000 sq. ft.
Minimum Lot Width At Building Line	200 ft	400 ft	75 ft
Minimum Depth of Front Yard	50 ft	50 ft	20 ft
Minimum Depth of Rear Yard	50 ft	75 ft	20 ft
Minimum Depth of Side Yard	30 ft	75 ft	None
Minimum Depth of Side Yard on Street	50 ft	50 ft	20 ft
Max. Building Area (Percent of Lot)	50%	50%	50%
Max Height of Structure	65 ft	65 ft	65 ft
Other Requirements	A 50 ft buffer strip shall be required where a rear yard abuts a residential district. Twenty (20) feet of this buffer strip shall be planted with trees and shrubs. A green belt Twenty (20) feet wide shall be required on three (3) sides of the property. Trees and Shrubs will be shown on Construction Plans. Must be suitable vegetation approved by the City Engineer.		

Table 4-5

Use Regulations

	ZONING DISTRICTS														
USES	**R-1***	**R-2**	**R-3**	**RC**	**A-O**	**A-1**	**PRD***	**PCD***	**C-1**	**C-2**	**C-3**	**C-4**	**M-1**	**M-2**	**MED**
Airport													E	E	
Animal Hospital										Y		Y			
Animal Shelter										Y		Y			
Apartments			Y		Y		C		C			C			
Assisted Living Facility										Y					Y
Bank/ Financial Service					Y				C	Y	Y	Y	Y	Y	Y
Broadcast Studio									C	Y		Y	Y	Y	
Business Support Service					Y				C	Y	Y	Y	Y	Y	Y
Business/Prof. Office					Y				C	Y	Y	Y	Y	Y	Y
Car Wash										Y	E	E	E	E	
Cemetery										E		E			
Check Cash, Payday Loans, Title Pawn												C			
Combination Dwelling									C				E	E	
School, Commercial									C	Y		Y	E	E	
Community Center									R	R	R	R			
Community Service Club									C	E	E	E			
Construction Service										Y		Y	Y	Y	
Convenience Store									C	Y	Y	Y			
Country Club										E		E			
Day Care Center			E							Y	Y	E	E	E	
Day Care Home			E		C										E
Emergency Care Home			E		E										Y
Entertainment, Indoor									C	Y	Y	Y			

	ZONING DISTRICTS														
USES	**R-1***	**R-2**	**R-3**	**RC**	**A-O**	**A-1**	**PRD**	**PCD**	**C-1**	**C-2**	**C-3**	**C-4**	**M-1**	**M-2**	**MED**
Entertainment, Outdoor										Y		Y			
Family Care Home			E		E										
Farm Support Business										Y		Y	Y		
Farming, Forestry						Y									
Funeral Home										Y	Y	Y			
Garden Center/ Nursery										Y	Y	Y	Y		
Gen. Retail, Unenclosed										Y	E	Y			
General Retail, Enclosed					Y				C	Y	Y	Y			
Heavy Industry														Y	
Heliport													Y	Y	Y
Home Improvement Ctr.										Y		Y	Y		
Home Instruction	Y	Y	Y		Y	Y									
Hospital															Y
Hotel									C	C		C			**C**
Kennel						E									
Landfill, Inert														E	
Landfill, Sanitary														E	
Laundry Service									C	Y	Y	Y	Y		
Liquor Lounge									C	Y		**Y**			
Livestock Sales						E									
Maintenance Service										Y		Y	Y	Y	
Manufactured Home			C		E	E									
Manufactured Home Park			C												
Manufacturing, General													Y	Y	
Manufacturing, Light													Y	Y	

	ZONING DISTRICTS														
USES	**R-1***	**R-2**	**R-3**	**RC**	**A-O**	**A-1**	**PRD**	**PCD**	**C-1**	**C-2**	**C-3**	**C-4**	**M-1**	**M-2**	**MED**
Medical Clinic									C	Y	Y	Y			**Y**
Medical Support Service									C	Y	Y	Y			**Y**
Mini-warehouse										E			E	**E**	
Mobile Home															
Modular Home	Y	Y	Y			Y									
Motel										C		C			**C**
Multiplex			Y		Y										
Nursing Care Facility										Y					Y
Open Air Market										E	E	C			
Package Liquor Store									C			Y			
Patio Home		**Y**	**Y**												
Personal Services					**Y**				**C**	Y	Y	Y			**Y**
Place of Worship	E	E	E		E	C			C	E	E	E			
Public Assembly Center									C	Y	Y	C			
Public Facility	R	R	R		R	R	R	R	R	R	R	R	R	R	R
Public School	R	R	R			R	R								
Public Utility Facility	R	R	R		R	R	R	R	R	R	R	R	R	R	R
Recreation, Indoor									C	**Y**	**Y**				
Recreation, Outdoor										E		E			
Recreational Vehicle Park										E		E			
Rehabilitation Facility										E		E			Y
Research Lab										Y		Y	Y	Y	Y
Resource Extraction														Y	
Restaurant, Fast Food										Y	Y	Y			**Y**
Restaurant, Standard					Y				C	Y	Y	Y			**Y**
	ZONING DISTRICTS														

USES	R-1*	R-2	R-3	RC	A-O	A-1	PRD	PCD	C-1	C-2	C-3	C-4	M-1	M-2	MED
Restaurant, Take Out Only										Y	Y	Y			**Y**
Rooming/Boarding House					E				C			Y			
Salvage Yard														E	
Shopping Center, Major									C	**Y**	Y	**Y**			
Shopping Center, Minor									C	Y	Y	Y			
Single Family Dwelling	Y	Y	Y			Y									
Stable						E									
Studio					Y				C	Y	Y	Y			
Tourist Home/Bed and Breakfast Inn			E		E	E			E	E	E				
Townhouse		Y	Y												
Transmission Tower						R			R	R		R	R	R	R
Duplex		Y	Y			Y									
Upper Story Apartment									C						
Vehicle Sales or Rental												Y			
Vehicle Repair Service										Y	E	Y	E		
Vehicle Sales and Service												Y			
Vehicle Service Station										Y	Y	Y	E		
Vehicle/Equipment Major, Repair										E		Y	Y	Y	
Vehicle/Equipment Major, Sales												Y	Y	Y	
Warehousing/ Wholesale/ Distribution, Enclosed													Y	**Y**	
Warehousing/ Wholesale/ Distribution, Unenclosed													**E**	**E**	

Y - The use is permitted by right.
E - The use requires action by the Board of Adjustment as a special exception. *Any unspecified use goes to the BOZA to be classified.
C - The use is conditional and requires review by the Planning Commission and action by the City Council.
R - The use is subject to statutory review by the Planning Commission and City Council in accordance with Section 11-52-11 of the Code of Alabama, 1975, as amended. (Use Table amended 5/18/04 Ordinance # 2004-20)
*** -** Uses within R-1 also apply to R-1A and R-1B.

ARTICLE V

SPECIAL PURPOSE ZONES AND DESIGNATIONS

Section 1. Highway Corridor Overlay District

Recognizing the special nature of certain thoroughfares and the direct and indirect impacts of the appearance of these roadways and their importance to the local economy, this section sets forth regulations that will help ensure that development in these critical areas is visually pleasing and economically viable. This section applies to all land in the corridor, regardless of the underlying zoning district designation, and supersedes base district zoning district regulations in the corridor unless the zoning district requirements are more stringent. In those cases, the base district regulations apply. Henceforth, as parcels are developed or redeveloped (50% or more) along designated corridors, the following bufferyard, landscape and sign requirements shall apply.

These regulations shall apply to all lots, parcels and tracts which have any frontage upon the following rights-of-way: from Dillingham Street to the City Limits on Highway 431, 280 from Oglethorpe Bridge to Lee County Limits, Crawford Rd. - 13th Street to 5 Points – 14th Street to City Limits on Highway 80, Colin Powell Parkway from Dillingham to Highway 280, 5th Avenue Extension – North By-pass to Pierce Road.

A. Building Materials. All building cladding materials on facades visible to pedestrian and vehicular traffic shall incorporate natural materials such as wood or stone and/or manufactured materials such as brick and stucco.

Section 1.B.0. Tree and Landscape Ordinance - Purpose

The purpose of this Tree and Landscape Ordinance is to protect and enhance the community's environmental, economic and aesthetic resources consistent with the goals of the cities governing body thereby promoting the public health, safety and general welfare of the citizens and contributing to the quality of life by encouraging a high level of design in the development of the city. Proper landscaping benefits the City by reducing soil erosion and storm water runoff, glare from vehicles, wind, heat, noise, dust, and other offensive conditions. Furthermore, landscaping buffers and screens incompatible land uses, maintains and enhances the character of neighborhoods, serves to attract potential residents and developers to the City, protects and enhances property values, provides visual relief to large expanses of parking areas, and generally creates a safer, more attractive and more pleasant living and working environment for all residents of the City of Phenix City.

Section 1.B.1. Definitions

The following definitions shall apply to this ordinance.

Caliper – A diameter measurement of a tree trunk. For trees less than and including four inches (4”) in diameter it is measured 6 inches from the ground. For trees greater than four inches (4”) in diameter it is measured 12” from the ground.
Building Official – Refers to the City of Phenix City Inspector or a designated authority.
Deciduous – Plants which annually lose their leaves.
Developed Area – All land area disturbed or modified of the natural landscape on a particular site, including, but not limited to, buildings or other structures, grading, or paving.
Evergreen – Plants which retain foliage throughout the year.
Ground Cover - Material planted in such a way as to form a continuous cover over the ground

that can be maintained at a height not more than twelve (12) inches, turfgrass is excluded.
Landscape Buffer – Land area located within the boundary of a lot and required to be set aside and used for landscaping. The Landscape Buffer is provided to physically separate or screen one use of property from another. This area may include a fence, wall, or berm. The deposition of storm water runoff into, or drainage swales through, a Landscape Buffer is not permitted. Graded slopes in a landscape strip shall not be steeper than 3 to 1.
Landscape Plan – A component of a development, site, or other plan which show those details required by this Ordinance.
Mulch – ……
Shrub, Ornamental - A woody plant, either evergreen or deciduous, less than ten feet (10') height at maturity.
Topsoil – ……..
Tree – A self-supporting woody plant which normally obtains a trunk diameter of at least two inches (2") and a height of at least ten feet (10') and typically has a main stem or trunk and many branches.
Tree, Canopy – A tree which normally grows a top layer to create a cover (or canopy) and will generally reach a mature height of greater than thirty-five feet (35').
Tree, Understory – A tree which normally grows to a height of less than 35 feet (35'), with either one main trunk with many branches, or multi-trunks.
Tree Protection Area - Any portion of a site where the locations of existing trees are to be preserved. The Tree Protection Area shall include no less than the total area beneath the tree canopy as defined by the dripline of the tree plus any additional area encompassing the critical root zone of a tree or group of trees, (See Section 1.B.3.B.).

Section 1.B.2. General Landscape Information

A. **Trees Located Within the Right-of-Way:** On Phenix City-owned streets, trees located in the right-of-way are property of the City of Phenix City. The removal of right-of-way trees is prohibited without written permission from the Phenix City Planning Commission. Applicant shall request removal of right-of-way trees on submitted landscape plan, showing said right-of-way trees.

If any tree or trees that are damaged or removed without permission, they shall be replaced at the owner's expense with trees of similar type and size. If a large caliper tree is removed, multiple smaller trees may be required to replace the number of caliper inches lost. Property owner shall prepare a landscape plan that shows damaged or removed trees, and shall indicate graphically the proposed replacement plantings, including species, quantity, size and location. This tree replacement plan shall be presented to the Phenix City Planning Commission for approval. Right-of-way trees located on State Routes shall not be removed.

B. **Tree Protection Area:** Existing mature trees are valuable community assets and should be saved wherever possible on subject property. If existing trees (hardwoods or pines), with a minimum caliper of 4 inches are protected as outlined below, each tree will be counted toward meeting the landscape buffer requirement for that buffer area. Trees to be counted *must* apply the Tree Protection Area guidelines listed below:

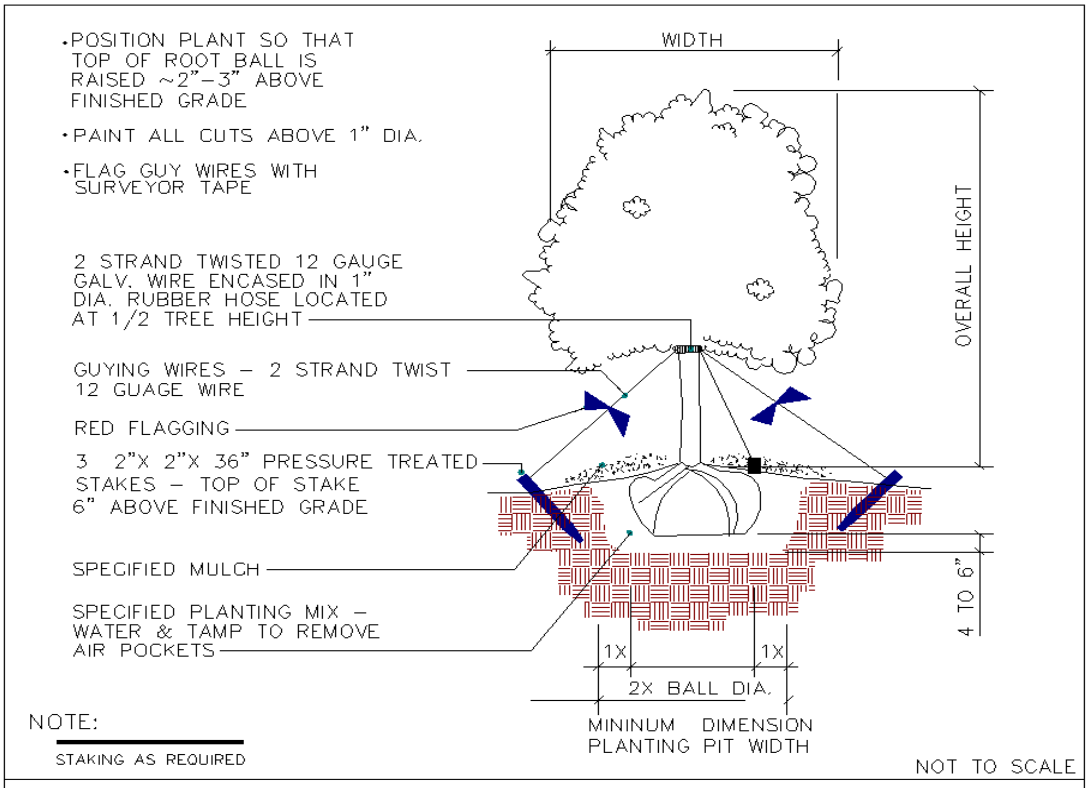
- Tree protection fencing shall be installed *prior* to and maintained throughout the land disturbing and construction process, and shall not be removed until final landscaping is installed.
- Tree protection fencing shall consist of chain link, orange laminated plastic, wooden post and tow rail fencing, or other equivalent restraining material.
- Tree Protection Area shall include no less than the total area beneath the tree canopy as defined by the drip line of the tree or group of trees collectively. Trenching shall not be allowed in the Tree Protection Area unless prior written approval is received by the City Arborist.
- Area shall be posted as "Tree Save Area" or equivalent. Signs requesting subcontractor cooperation and compliance with the protection standards are recommended for site entrances.
- No material or equipment storage shall be allowed in tree save area.

C. **Size and Quality Requirements:**

Unless otherwise specifically indicated elsewhere in the Ordinance, all plant materials shall meet the following minimum size standards: *(note: No more than 50 (fifty) percent (50%) may be crepemyrtle)*

MINIMUM PLANT SIZE	
PLANT MATERIAL TYPE	SIZE ALL PLANTINGS
Canopy Tree - Single Stem	2" to 2-1/2" Caliper
Canopy Tree - Multi-Stem Clump	30 gallon container, 2" Caliper
Canopy Tree - Evergreen	30 gallon container, 2" Caliper
Understory Tree	#15 gallon container, 6' to 7' height
Ornamental Shrub	3gallon, 12" to 18" height
Groundcover	1 gallon, 6" height

1. All plant material planted to meet the requirements of this Ordinance shall conform to “American Standard for Nursery Stock”, ANSI Z60.1-2004 (latest edition).
2. Grass shall completely cover the soil after one full growing season.
3. Berms shall have a maximum 3:1 slope with a minimum crown width of two feet.
4. No bare ground shall be left exposed. Grass and other approved appropriate groundcover or mulch, such as pine straw or tree-bark, shall cover all non-paved and non-built “developed areas”.
5. All planted areas shall be watered with either (a) A permanent built-in system; or (b) A temporary watering system (hoses, water tank truck, etc.). Proper irrigation improves the chances for survival.
6. Any plantings that die or are destroyed within two years must be replaced.
7. Deviations from the “Permitted Plant Species” list (Appendix A), may be approved through a written request to the Building Official.
8. Trees shall be planted per the detail below:



TREE PLANTING DETAIL – GUY WIRE STAKING

Section 1.B.3. Landscape Plan

A Landscape Plan shall be submitted at the time of application for building permits with other construction plans.

A. Landscape Plans shall be submitted on a separate drawing sheet(s) of a standard size (preferably 24” x 36”) and drawn to a standard scale (preferably engineer’s scale). Included on all sheets shall be project name, address, scale, date of plan, and north arrow.

B. Landscape Plans shall show proposed plant material names (botanical and common), quantity, size, spacing, and any special planting notes.

C. Landscape Plans shall locate any and all existing or proposed structures, roads, paved areas, utilities, property lines, etc.

D. Landscape Plans shall illustrate and table Street Frontage Buffer Requirements, Side and Rear Buffer Requirements, and Parking Lot Requirements set forth by Ordinance, as shown:

BUFFER REQUIREMENTS						
Project Name & Address						
Site Acreage						
BUFFERS	Canopy Trees		Understory Trees		Shrubs	
	Required	Obtained	Required	Obtained	Required	Obtained
Name Street Frontage (____lin.ft.)						
Name Street Frontage (____lin.ft.)						
Parking Lot						
Side Property						
Side Property						
Rear Property						

E. Landscape Plans will indicate type, size and locations of existing trees to be preserved as "Tree Protection Area” and shall clearly detail type of protection, such as fencing and signs, (See Section 1.B.3.B)

F. Plant material and installation must meet standards published by the American Society of Nurserymen in "American Standard for Nursery Stock", ANSI Z60.1-2004 (latest edition).

G. Landscape plans shall be drawn by an architect, landscape architect, engineer, or licensed landscaper.

Section 1.B.4. Screening

A. Screening shall be required to achieve 100% sight obstruction of outdoor storage areas and waste dumpsters from public view. Screening shall generally consist of a mix of evergreen plantings, fences, walls or berms.

B. Lot areas where repair of vehicles of any type occurs shall be screened from public view. Storage areas of vehicles that are visibly damaged or under repair shall be similarly screened.

C. Utility meters, air conditioners and other mechanical units shall not be located on any plane of the primary structure that faces a designated corridor and shall be screened from public view.

D. No type of wire fabric fencing material shall be used forward of the front plane of the primary structure. Fences in the front yards shall not exceed four (4) feet in height.

Section 1.B.5. Street Frontage Buffer Requirements

All street frontages established and governed by this Ordinance shall be buffered. The landscape buffer area shall be located on owner's property, *not* on city Right-Of-Way. The landscape buffer area and plant materials shall be maintained by the owner of such landscape buffer, so that the purpose and effect of the buffer is not diminished. The following minimum requirements shall apply:

STREET FRONTAGE LANDSCAPE REQUIREMENTS				
LANDSCAPE BUFFER OPTIONS	Sites 2 Acres or Less		Sites Greater Than 2 Acres	
	Option 1	Option 2	Option 1	Option 2
Landscape Buffer Adjacent to Public ROW	8 Foot Buffer	5 Foot Buffer	10 Foot Buffer	8 Foot Buffer
Number of Canopy Trees (per 100 linear feet of frontage or fraction thereof)	1	2	1	2
Number of Understory Trees (per 100 linear feet of frontage or fraction thereof)	2	4	2	4
Number of Ornamental Shrubs (per 100 linear feet of frontage or fraction thereof)	25	30	25	30

Section 1.B.6. Side and Rear Buffer Requirements

Landscape Buffers shall be required on side and rear property lines. All landscape buffer plant material and mulch material shall be continuously maintained in such a manner that the purpose and effect of the landscape buffer is not diminished. The following minimum requirements shall apply:

SIDE & REAR LANDSCAPE BUFFER REQUIREMENTS ABUTTING AND/OR ADJACENT TO RESIDENTIAL AREA, PUBLIC PARK OR SCHOOL			
LANDSCAPE BUFFER OPTIONS	Option 1	Option 2	Option 3
Landscape Buffer Width	5 Foot Buffer	20 Foot Buffer	30 Foot Buffer
Number of Canopy Trees (per 100 linear feet of frontage or fraction thereof)	2	2	Undisturbed Natural Vegetation
Number of Understory Trees (per 100 linear feet of frontage or fraction thereof)	4	4	Undisturbed Natural Vegetation
Number of Ornamental Shrubs (per 100 linear feet of frontage or fraction thereof)	25	25	None Required
Fence, Wall or Earthen Berm	6'-8' wood Stockade Fence or Masonry Wall	None Required	None Required

SIDE & REAR LANDSCAPE BUFFER REQUIREMENTS ABUTTING AND/OR ADJACENT TO COMMERCIAL OR INDUSTRIAL AREA			
LANDSCAPE BUFFER OPTIONS	Option 1	Option 2	Option 3
Landscape Buffer Width	5 Foot Buffer	20 Foot Buffer	30 Foot Buffer
Number of Canopy Trees (per 100 linear feet of frontage or fraction thereof)	2	3	Undisturbed Natural Vegetation
Number of Understory Trees (per 100 linear feet of frontage or fraction thereof)	4	0	Undisturbed Natural Vegetation
Number of Ornamental Shrubs (per 100 linear feet of frontage or fraction thereof)	0	0	None Required

Section 1.B.7. Parking Lot Requirements

All non-covered, street level parking facilities established and governed by this Ordinance shall be landscaped in accordance with the following requirements:

A. A minimum of one parking lot island per every sixteen (16) continuous parking spaces is required. Each parking lot island shall be minimum 9'-0" width and length equal to the length of adjacent parking spaces.
B. Each parking lot island shall be protected by a minimum of a 6" x 6" poured concrete curb.
C. Each island shall be crowned (12" minimum with topsoil) to the center and tapered gently to grade at curb edge.
D. Each island shall have one canopy tree. In landscape islands that also have street pole lights, one understory tree shall be planted in lieu of a canopy tree.
E. Each parking lot island shall be planted with ornamental shrubs or groundcovers (selected from Appendix A – Permitted Plant Species) and bed shall be mulched with pine straw, pine bark or cypress mulch. **No sod shall be planted in islands.**

Section 1.B.8. Clear View of Intersecting Streets

To provide a clear view of intersection streets to the motorist, there shall be a triangular area of clear vision formed by the two intersecting streets as depicted in Figure 2. At oblique intersections and/or unusual circumstances relating to a street intersection such that the application of Figure 2 may not be appropriate, the intersection shall be referred to the City Engineer who shall recommend a triangular area of clear vision using the standards contained in the current edition of the Manual of Uniform Traffic Control Devices.

On any portion of a lot that lies within the triangular area defined according to this section, nothing shall be erected, planted, placed, or allowed to grow in such a manner as materially to impede vision between a height of two and one half (2-1/2) feet and ten (10) feet above the grade at the intersection of the street center lines.

Section 1.B.9. Maintenance

It shall be the duty of any person or persons owning or occupying property subject to this Ordinance to maintain said property in good condition so as to present a healthy, neat, and orderly appearance. Property shall be kept free from refuse and debris. Fresh mulch shall be re-applied throughout each year to prevent weed growth and maintain soil moisture. Plant materials shall be pruned as required to maintain good health and character. Turf areas shall be mowed on regular intervals throughout the growing season. All roadways, curbs, and sidewalks shall be edged when necessary in order to prevent encroachment from adjacent grassed areas.

If plantings are subsequently damaged, in poor condition, diseased or dead, the Building Official may require the property owner to replace the plantings and bring the lot back into compliance. Failure to bring the lot into compliance could lead to the City withholding a Business License or the Certificate of Occupancy.

Section 1.B.10. Alternative Compliance

The intent of this Tree and Landscape Ordinance is to ensure that a minimum density of trees is maintained on all developed sites covered under this Ordinance. Occasionally minimum densities cannot be met due to project site constraints. The applicant must show graphically that minimum tree densities cannot be met. When the Building Official makes a written determination that the project site will not accommodate the required number of trees, the following alternative method of compliance is acceptable:

- Contributing to the Phenix City, Alabama Tree Replacement Fund.

- Contributions to the Phenix City Tree Replacement Fund shall be used for the sole purpose of planting trees on public property in the same area of the city as the project site.
- In no case, shall 100% of minimum density of trees required be met through alternative compliance. As many trees as can be accommodated on project site, shall be planted.
- Calculating contribution amount is to be $275.00 each Canopy Tree and $175.00 each Understory Tree.
- Fund administration: The Phenix City, Alabama Tree Replacement Fund will be administered by the City Finance Director. A quarterly report shall be submitted to the city manager showing amounts collected, amounts spent, and the types and locations of trees planted.

Section 1B.11. Permits and Inspection Requirements

A. A Landscape Plan shall be submitted along with the Building Plans when applying for a Building Permit.
B. Applicant must present Landscape Plan, showing compliance with this Ordinance, to the Phenix City Building Department.
C. No building permit shall be issued until the Landscape Plan is approved by the Planning Commission.
D. Upon completion of landscape work, property owner shall provide a Landscape Certificate, indicating compliance with the requirements of this Ordinance, and shall be presented to the building official prior to issuance of a Certificate of Occupancy.

E. The Landscape Certificate and landscape work shall be inspected by building officials to verify compliance prior to issuance of a Certificate of Occupancy.

Section 1B.12. Enforcement, Appeals and Penalties

A. The Building Inspection Department shall enforce the requirements set forth in this Ordinance and also shall be responsible for performing necessary inspections to determine if the required landscaping has been installed according to the approved landscape design.

B. No Certificate of Occupancy shall be issued until the landscape requirements are met as shown on the approved Landscape Plan and given final approval by the Building Inspection Department unless a performance bond in the amount of the estimated cost of the landscaping as determined by the Building Inspection Department is posted by the owner and/or developer of the property. If the owner and/or developer has not been issued a Landscape Certificate within sixty (60) days of the posting of the bond, the Building Inspection Department may place the owner and/or developer in default and utilize the bond proceeds to complete the required landscaping. The occupancy of any premises prior to the issuance of a Landscape Certificate shall be unlawful.

C. Any person or corporation who shall violate any of the provisions of this Ordinance or fail to comply therewith or with any of the requirements thereof, or who shall alter any planting or structure in violation of any detail statement or Landscape Plan submitted and approved hereunder shall be guilty of a misdemeanor and shall be fined not less than twenty-five ($25.00) dollars, not more than one hundred ($100.00) dollars or be imprisoned for more than thirty (30) days for each day that the violation continues and each day such violation shall be permitted to exist shall constitute a separate offence.

Section 1.B.13. Administrative Guidelines

A. The City Planning Commission shall adopt administrative guidelines to this ordinance in the form of Landscape Design Standards consisting of rules, regulations, procedures, approved plant material lists and landscape design requirements to be known as Landscape Ordinance, Design Guidelines for the administration and enforcement of this Ordinance.

B. Changes or modifications to the administrative guidelines shall be made by vote of The City Planning Commission.

Section 1.B.14. Conflicts

If provisions of this ordinance conflict with other ordinances or regulations, the more stringent limitation or requirements shall govern or prevail to the extent of the conflict.

Section 1.B.15. Severability

If any section, subsection, sentence clause, provision or part of this Ordinance shall be held invalid for any reason, the remainder of this Ordinance shall not be affected thereby, but shall remain in full force and effect.

Section 1.B.16. Effective Date

A. This ordinance shall take effect October 2, 2007.
B. The terms of this Ordinance shall apply to all new permit applications for land alteration, vegetation removal or development filed on or after the effective date.

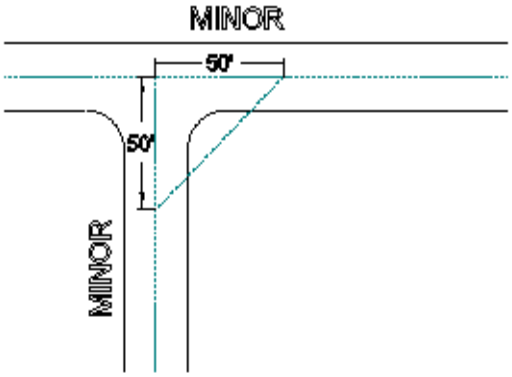
BOTANICAL NAME	COMMON NAME
Canopy Trees (Deciduous)	
Acer rubrum cultivars	Red Maple cultivars
Acer saccharum	Sugar Maple
Betula nigra cultivars	River Birch cultivars
Carpinus caroliniana	American Hornbeam
Fagus grandifolia	American Beech
Ginkgo biloba	Ginkgo (male)
Liriodendron tulipifera	Tuliptree
Metasequoia glyptostroboides	Dawn Redwood
Nyssa sylvatica	Black Tupelo
Ostrya virginiana	Eastern Hophornbeam
Quercus alba	White Oak
Quercus coccinea	Scarlet Oak
Quercus laurifolia	Laurel Oak
Quercus lyrata	Overcup Oak
Quercus macrocarpa	Bur Oak
Quercus nuttalli	Nuttall Oak
Quercus phellos	Willow Oak
Quercus shumardii	Shumard Oak
Taxodium distichum	Bald Cypress
Ulmus americana 'Princeton'	American Elm
Ulmus parvifolia cultivars	Chinese Elm cultivars
Zelkova serrata cultivars	Zelkova cultivars
Canopy Trees (Evergreen)	
Cedrus deodara	Deodar Cedar
Magnolia grandiflora cultivars	Southern Magnolia cultivars
Pinus palustris	Longleaf Pine
Pinus taeda	Loblolly Pine

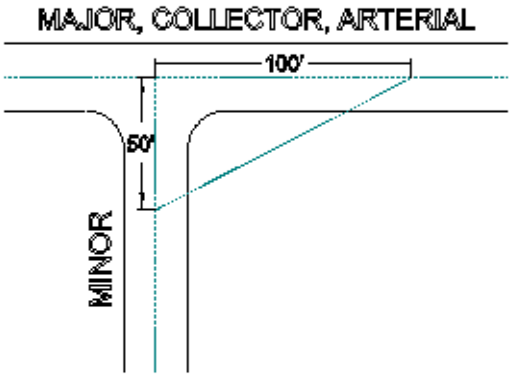
BOTANICAL NAME	COMMON NAME
Thuja 'Green Giant'	Green Giant Western Arborvitae
Understory Trees (Deciduous)	
Acer buergerianum	Trident Maple
Acer leucoderme	Chalk Bark Maple
Acer palmatum	Japanese Maple
Amelanchier x grandiflora 'Autumn Brilliance'	Autumn Brilliance Serviceberry
Cercis canadensis	Eastern Redbud
Chionanthus retusus	Chinese Fringetree
Chionanthus virginicus	White Fringetree
Cornus florida	Dogwood
Cornus kousa	Kousa Dogwood
Cotinus obovatus	American Smoke Tree
Halesia carolina	Carolina Silverbell
Koelreuteria paniculata	Panicled Golden Raintree
Lagerstroemia indica/fauriei cultivars	Crepemyrtle cultivars
Magnolia x soulangiana	Japanese Magnolia

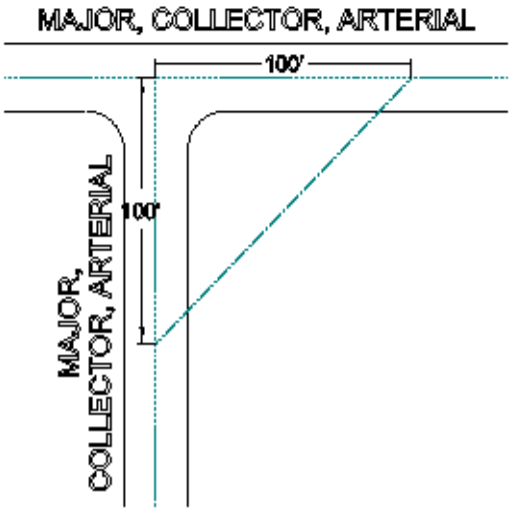
BOTANICAL NAME	COMMON NAME
Oxydendrum arboreum	Sourwood
Parrotia persica	Persian Parrotia
Pistacia chinensis	Chinese Pistache
Prunus x yedoensis	Yoshino Cherry
Sassafras albidum	Common Sassafras
Vitex agnus-castus cultivars	Chasetree cultivars
Understory Trees (Evergreen)	
Ilex latifolia	Lusterleaf Holly
Ilex opaca cultivars	American Holly cultivars
Illex x attenuata -cultivars	Savanah, Foster, East Palatka Hollies
Juniperus virginiana cultivars	Eastern Red Cedar cultivars
Magnolia virginiana	Sweetbay Magnolia
Myrica cerifera	Southern Waxmyrtle
Prunus caroliniana cultivars	Carolina Cherry Laurel cultivars
Shrubs (Deciduous)	
Abelia x grandiflora cultivars	Glossy Abelia cultivars
Aesculus parviflora	Bottlebrush buckeye
Berberis thunbergii atropurpurea 'Crimson Pygmy'	Crimson Pygmy Barberry
Berberis thunbergii 'Rose Glow'	Rose Glow Barberry
Buddleia davidii cultivars	Butterfly Bush cultivars
Camellia sasanqua cultivars	Sasanqua cultivars
Cortaderia selloana 'Pumila' 'Ivory Feathers"	Ivory Feathers Dwarf Pampas Grass
Exochorda racemosa	Pearlbush
Forsythia x intermedia	Border Forsythia
Gardenia jasminoides 'Radicans'	Dwarf Gardenia
Hydrangea macrophylla	Big Leaf Hydrangea
Hydrangea quercifolia	Oakleaf Hydrangea
Hypericum cultivars	Hypericum cultivars
Itea virginica 'Henry's Garnet'	Henry's Garnet Itea
Jasminum floridum	Florida Jasmine
Jasminum nudiflorum	Winter Jasmine
Kerria japonica	Japanese kerria
Kolkwitzia amabilis	Beautybush
Loropetalum chinense cultivars	Loropetalum cultivars
Miscanthus sinensis gracillimus	Maiden Grass
Miscanthus sinensis 'Yokushimo'	Dwarf Maiden Grass
Panicum virgatum 'Prarie Sky'	Prarie Sky Switch Grass
Raphiolepis indica cultivars	Indian Hawthorne cultivars
Spiraea cultivars	Spirea cultivars
Ternstroemia gymnanthera	Cleyera
Viburnum cultivars	Viburnum cultivars
Weigela florida	Old Fashioned Weigela
Shrubs (Evergreen)	
Berberis julianae	Wintergreen Barberry
Berberis sargentiana	Sargent Barberry
Buxus microphylla cultivars	Wintergreen boxwood
Buxus microphylla japonica	Japanese Boxwood
Buxus microphylla koreana	Korean Boxwood
Elaeagnus ebbengei	Ebbengei elaeagnus

BOTANICAL NAME	COMMON NAME
Ilex cornuta cultivars	Chinese Holly cultivars
Ilex crenata cultivars	Japanese Holly cultivars
Ilex glabra	Inkberry
Ilex vomitoria cultivars	Yaupon Holly cultivars
Illicium parviflorum	Anise-tree
Juniperus chinensis cultivars	Chinese Juniper cultivars
Juniperus conferta 'Blue Pacific'	Shore Juniper
Juniperus horizontalis 'Bar Harbor'	Bar Harbor Juniper
Juniperus horizontalis 'Plumosa'	Andorra Juniper
Juniperus horizontalis 'Wiltoni'	Blue Rug Juniper
Juniperus parsoni	Parsons Juniper
Leucothoe populifolia	Rainbow Leucothoe
Ligustrum japonicum 'Rotundifolium'	Curlyleaf Ligustrum
Lonicera fragrantissima	Winter Honeysuckle
Mahonia bealei	Leatherleaf Mahonia
Nandina domestica cultivars	Nandina cultivars
Osmanthus Fragrans	Tea Olive
Osmanthus heterophyllus	Holly Osmanthus
Osmanthus x fortunei	Fortunes Osmanthus

Figure ##-1
Clear View of Intersecting Streets







C. Landscaping. All developments in this District shall provide general landscaping on the site in addition to that required in the bufferyards. A minimum of three (3) canopy, three (3) understory, and fifteen (15) shrubs shall be provided for every three hundred (300) total linear feet of perimeter of buildings on the site.

No more than twenty (20) contiguous (side-by-side) parking spaces shall be constructed without a landscaped island. At least half of such islands shall be at least nine (9) feet wide; the remainder shall be at least four and one half (4.5) feet wide. All such islands shall contain at least one (1) understory or canopy tree; such trees may be counted against the general landscaping requirement.

All sites shall be developed in such a way that significant existing vegetation is preserved and incorporated into the landscaping of the site.

D. Signs. All signs shall be coordinated as to design and materials with the design and materials of the structures on the site.

All freestanding signs shall have any metallic structural elements (i.e., poles) covered entirely in masonry, stone, wood, decorative metal or similar non-structural cladding material. For the purposes of this section, paint alone shall not qualify as a cladding material.

Freestanding general business signs on any individual development site shall not exceed one hundred (100) square feet in area, unless specifically allowed by this section. Freestanding signs are limited to one (1) per parcel, unless otherwise allowed by this section. Such signs shall have a minimum setback of ten (10) feet from any side lot line. Freestanding signs may be mounted on a base not exceeding four (4) feet in height. This base shall contain no lettering or advertising of any kind and may be solid or consist of a planter. The combined height of the base and sign shall not exceed sixteen (16) feet in height. Those electing to erect signs no more than twelve (12) feet in height may increase their allowable sign area to one hundred twenty (120) square feet.

Corner or double frontage lots shall be allowed two (2) freestanding signs. The combined area of these signs shall not exceed one hundred fifty (150) square feet.

The height measurement of signs on property lying below the grade of the street shall be taken from the adjacent curb elevation.

For the purposes of this Section, a development site consisting of at least two (2) individual businesses and a minimum of 10,000 square feet of gross building area may be considered a shopping center.

Shopping Centers consisting of between 10,000 and 20,000 square feet of gross building area shall be allowed one (1) sign not to exceed one hundred twenty (120) square feet in area. Such Shopping Centers lying on corner or double frontage lots shall be allowed two (2) freestanding signs. The combined area of these signs shall not exceed one hundred fifty (150) square feet.

Shopping Centers consisting of at least 20,000 square feet and less than 65,000 square feet shall be allowed two (2) signs. The aggregate total area of such signs shall not exceed two hundred (200) square feet.

All freestanding shopping center signs may be mounted on a base not exceeding four (4) feet in height. Said base shall contain no lettering or advertising of any kind and may be solid or consist of a planter. The combined height of the base and sign shall not exceed twenty-five (25) feet in height and shall be set back a minimum of ten (10) feet from any side lot line.

Shopping Centers with at least 65,000 square feet in gross building area shall be afforded the following increases in allowable freestanding sign area:

Shopping Center Gross Building Area (square feet)	Permitted Freestanding Sign Area	Permitted Sign Height
65,000 - 200,000	400 sq. ft.	40'
200,000 and over	500 sq. ft.	40'

The height measurement of signs on property lying below the grade of the street shall be taken from the adjacent curb elevation.

Wall signs on any single development site shall not exceed a total of two (2) square feet per front foot of the main or entry facade. Wall signs projecting above the building roof or parapet line are prohibited. Signs applied directly to roofs, including painted signs, are prohibited.

When determining the allowable sign area for Shopping Centers where it cannot be determined which facade is the main or entry facade, the longest exterior elevation of the structure shall be used. When determining the allowable sign area of individual mall shops or other businesses without exterior facades, the interior facade width or the allowable minimum shall be used.

All businesses, regardless of the measurement of the main or entry facade, shall be allowed a minimum of thirty-two (32) square feet of wall sign area.

Freestanding and elevated signs that are nonconforming as to size and height at the time of adoption of this section shall be removed within a period not to exceed seven (7) years from such date.

Lighting. Light or glare from any operation and all lighting for parking areas or for the external illumination of buildings or grounds shall be directed or located in such a manner such that direct or indirect illumination from the source of light shall not exceed one (1) foot candle when measured from any property line adjoining a residential district. Outside lights for nonresidential properties/uses must be made up of a light source and reflector so that, acting together, the resulting light is controlled and not directed across an adjacent property.

Fences and Screening. Lot areas within which repair of vehicles of any type occurs shall be screened from public view. Storage areas of vehicles that are visibly damaged or under repair shall be similarly screened.

Utility meters, air conditioners and other mechanical units shall not be located on any plane of the primary structure that faces a designated corridor and shall be screened from public view.

No type of wire fabric fencing material shall be used forward of the front plane of the primary structure. Fences in the front yards shall not exceed four (4) feet in height.

Rigid or fixed awnings and canopies must be maintained and kept free from dirt, mildew and tears. Worn, faded or torn awnings and canopies shall be replaced.

Section 2. Historic Preservation Overlay District

A Historic Overlay District overlays and includes properties located in one or more General Purpose Districts. The Planning Commission shall, in accord with this Ordinance, apply additional regulation in the form of design and development review guidelines, to govern such activities within such districts, and those guidelines shall be applied in addition to other regulations required in the underlying use districts. Those guidelines shall include the Secretary of the Interior's *Standards for Rehabilitation,* and the Alabama Historical Commission's *Design Guidelines,* which include "Rehabilitation Guidelines for Existing Buildings," "Rehabilitation Guidelines for Site and Landscape" with its listings of plant materials recommended and not recommended for historic districts, "Guidelines for New Construction," and "Guidelines for Other Changes." The Planning Commission may, from time to time and subsequent to a public hearing, add or amend to those guidelines in a manner appropriate to the purposes of this district.

A. Designation. As of the date of initial adoption of this Ordinance and map, no Historic Preservation District has been devised and designated. Before the City Council shall designate or amend the boundaries of any Historic Preservation District(s), the Planning Commission, with the advice and counsel of the Alabama Historical Commission, shall first submit a report to the City Council outlining the recommended boundaries thereof and indicating the structures and other resources located therein that are contributing to the district(s) and/or have historic significance.

B. Certificate of Appropriateness. Any alteration, construction, reconstruction, or demolition within this district being of cost at least $500 when considered in aggregate shall require a Certificate of Appropriateness issued by the Planning Commission indicating compliance with the applicable design and development review guidelines adopted by the Planning Commission for the district before such work may be commenced. Denial of any Certificate of Appropriateness may be appealed to the City Council within thirty (30) days of such denial.

The Planning Commission shall have sixty (60) days within which to act on the request for a Certificate of Appropriateness. If the Planning Commission fails to act within the sixty (60) day period, it shall be deemed to have approved the request.

ARTICLE VI

REGULATIONS APPLYING TO ALL OR SEVERAL DISTRICTS

Section 1. Visibility at Intersections

To provide a clear view at intersections, there shall be an unobstructed triangular area at the junction of any two streets. The size of this triangular area is a function of the classification of the streets, which in turn is a function of the relative volume and speed of traffic on them.

For right angle intersections, the unobstructed area is illustrated in Figure 6-1. For streets that intersect at an oblique angle; or, in cases where in the opinion of the Planning Commission there are unusual circumstances that require special consideration, the intersection shall be referred to the City Planner who shall recommend a triangular unobstructed area using the standards contained in the latest edition of the *Alabama Manual of Uniform Traffic Control Devices.*

Where a driveway intersects with a public street, an unobstructed triangular area measuring ten (10) feet from the intersection along the right-of-way and ten (10) from the intersection along the edge of the driveway.

Within the triangular areas defined above, nothing shall be planted, placed, erected, or allowed to grow that will interfere with visibility between a height of two and one half (2.5) feet and fifteen (15) feet above grade at the intersection of the two street center lines or the right-of-way and driveway edge.

Section 2. Fences, Walls, and Hedges

Fences, walls, and hedges may be erected, placed, grown, or maintained along a lot line of residentially zoned property, or adjacent thereto, to a height not exceeding six (6) feet above the ground; except that no such fence, wall, or hedge located in a front yard or side yard on street shall exceed a height of four (4) feet. Where such lot line is adjacent to a non-residentially zoned property, fences, walls, or hedges may be erected, placed, grown, or maintained to a height not exceeding eight (8) feet.

Fences, walls, and hedges may be erected, placed, grown, or maintained along a lot line on any non-residentially zoned property to a height not to exceed eight (8) feet.

All fences shall require a building permit; except that no permit shall be required for a fence on land used for farming or forestry and located in the A-1 District zone.

Section 3. Accessory Structures

It is the intent of this Ordinance that accessory structures shall not include or be used for human habitation. No accessory structure shall be erected in any required front or side yard.

Accessory structures shall not exceed thirty-five (35) feet in height except as provided in Section 5 below; and shall not cover more than thirty (30) percent of any required rear yard, and shall be at least five (5) feet from the rear and side lot lines and ten (10) feet from any other structure on the same lot.

On any corner lot which adjoins another residential lot at the rear, no part of any structure within twenty-five (25) feet of the common lot line shall be nearer the side street lot line than the least depth of any front yard required for a dwelling on such adjoining lot along the side yard.

Section 4. Principal Structure on a Lot

In any R-1, R-2, R-3, RC or A-1 district, no more than one principal structure shall be erected on a single lot.

Section 5. Exceptions to Height Regulations

The height regulations set forth in Article IV, do not apply to spires, belfries, cupolas, antennas, telecommunications towers, and water tanks; or to any ventilation structures, chimneys, or any other such facilities are not intended for human occupancy and that are normally required to be placed on the roof.

Section 6. Access to Structures

Every building erected or moved shall be located on a lot abutting a public street, or having an access to a public street by way of an approved access easement or private street. All buildings shall be located in such a way that they have safe and convenient access for servicing, fire protection, and required off-street parking.

Section 7. Major Recreational Equipment

Campers, travel trailers, or recreational vehicles may be stored in any district provided that they are parked in either the side or rear yards, or in a garage or accessory structure conforming to the requirements of this Ordinance; except that such vehicles shall not be stored in a side yard that is adjacent to a street. No such equipment shall be used for living, sleeping, or housekeeping purposes when parked or stored on a residential lot or in any location not approved for such use.

Section 8. Parking and Storage of Certain Vehicles

Automotive vehicles or trailers of any kind or type without current license plates, or which are inoperable or otherwise disabled for a period of seven (7) consecutive days, shall not be stored or parked on any residentially zoned property, whether occupied as a residence or not, or on property used for residential purposes in a nonresidentially zoned district other than in a completely enclosed building. For the purposes of this section, a vehicle shall be deemed inoperable or otherwise disabled if it is unable to operate on the streets and roadways of the State of Alabama in full compliance with the various provisions of the Code of Alabama, 1975.

Section 9. Existing Single Family Dwellings in Commercial Areas

Any existing single family dwelling in an area zoned for commercial uses may be expanded up to a maximum of twenty-five (25) percent of the existing gross floor area of such dwelling, provided that the structure as expanded complies with the setback and site coverage requirements of the zoning district within which it is located.

Section 10. Corner Lots in Residential Districts

On any corner lot adjoining the rear of another lot which is in a residential district, no part of any structure shall be nearer the side street lot line than the least depth of any front yard required for a dwelling on such adjoining lot on such side street.

Section 11. Projections Into Required Yards

The following projections into required yards may be allowed:

a. Architectural features such as chimneys, roof overhangs, or eaves may project up to two and one-half (2.5) feet, but shall not be closer than three (3) feet to any property line.

b. Terraces, steps, uncovered porches and similar features that extend no more than three (3) feet above the ground may project into a required yard but shall be no closer than five (5) feet to any property line.

c. Within residential districts, satellite dish antennas may be located only within a rear yard and shall be no closer to any property line than ten (10) feet, measured from the closest edge of the structure.

Such projections shall not be included in the calculation of required setbacks.

Driveways and sidewalks are exempt from the provisions of this Section.

Section 12. Home Occupations

All home occupations shall meet the following standards:

a. No persons other than members of the family residing on the premises shall be employed by the home occupation.

b. The home occupation must clearly be secondary and incidental to the use of the dwelling unit as a residence. No more than twenty-five percent (25%) of total heated and ventilated floor area, up to a maximum of 500 square feet, shall be devoted to the home occupation.

c. The appearance of the dwelling unit shall not be altered, nor shall the home occupation be conducted in any way that would cause the premises to differ from its residential character and that of the immediate neighborhood.

d. The home occupation shall be operated in the existing dwelling unit or an existing accessory structure. The existing dwelling unit shall not be enlarged to accommodate the home occupation; nor shall any accessory structure be built for the purpose of operating the home occupation.

e. There shall be no outside display or storage of materials, goods, supplies, or equipment used in the home occupation; nor shall there be any sign advertising the home occupation.

f. No traffic shall be generated by the home occupation in greater volumes than would normally be expected in a residential area. Any need for parking generated by the home occupation shall be met off the street and other than in the required front yard.

g. The operation of a home occupation shall not create any nuisance such as excessive traffic, on-street parking, noise, vibration, glare, odor, fumes, dust, heat, fire hazards, electrical interference or fluctuation in line voltage, or be present or noticeable beyond the property boundaries of the home occupation premises.

Any person desiring to operate a home occupation shall submit an application to the Building Official. The applicant shall present evidence of ownership of the property in question, or a signed and notarized letter from the owner authorizing the application. The Building Official shall have ten (10) days in which to act on an application.

No more than one home occupation shall be approved in any residential dwelling unit.

Final approval of a home occupation shall be contingent upon the applicant obtaining a valid business license from the City.

Section 13. Structures in Public Rights-of-Way

No private permanent building, fence, wall or other structure shall be placed or constructed within a public right-of-way or easement.

Section 14. Farm Animals

Horses, cattle, sheep, pigs, chickens or other farm animals are allowed only in the A-1 District zone.

Section 15. Wrecking and Junk Yards

No automobile wrecking yard or general junkyard shall be located closer than three hundred (300) feet to an established residential district.

All outdoor storage of salvage and wrecking operations shall be completely contained within a fence or wall of not less than six (6) nor more than ten (10) feet in height. Such fence shall be a privacy fence of panel weave, brick, wood, or plant material designed and erected to completely screen on-site material and activity from view from the adjoining public streets.

The storage of wrecked automobile, junk, or salvaged materials shall not exceed six (6) feet in height.

Section 16. Cemeteries

All cemeteries shall have direct access to public streets with ingress and egress designed to minimize traffic congestion; and shall be located on a site of not less than ten (10) acres in area.

Section 17. Front Yard for In-fill Lots

The front yard requirements of this Ordinance shall not apply on vacant lots where the average depth of existing front yards on developed lots within one hundred (100) feet on either side and within the same block and zoning district is less than the minimum front yard required by this Ordinance. In such cases the required front yard depth shall not be less than the average front yard on the existing developed lots.

Section 18. Development Plan

Any application for designation as a Manufactured Home Park or a Planned Development requires the submission and approval of a Development Plan. This Development Plan shall be a conceptual plan showing the entire development site and all component stages or phases, and shall graphically express the overall development concept for the site at completion.

The Development Plan shall include the following information:

a. The outer boundary or perimeter of the total development site, including a valid legal description.

b. A topographic map showing contours at two foot intervals.

c. An identification of the characteristics of existing land uses and development for land adjoining the project site.

d. The rights-of-way and pavements of all streets within the development, and the access to the surrounding public street system.

e. The type, number, and location of all structures.

f. The location, extent, and approximate acreage of all resources protection, recreation, and open space lands and other common areas.

g. The location and nature of all common amenities such as clubhouses, swimming pools, laundries, etc.

h. Location of all utilities, and surface water drainage facilities.

The Plan shall be drawn to scale by an engineer or architect registered in the State of Alabama.

A written report, illustrated as appropriate, shall accompany the Development Plan, and shall address the following topics:

a. A general description of the proposal.

b. The proposed standards for the development of the project, including density standards, yard requirements, lot sizes, and restrictive covenants.

c. A plan for the provision of utilities and storm drainage facilities.

d. Plans for parking, loading, access, signage, and means of protecting adjacent areas from any potential adverse impacts.

e. Presentation of the method for dedicating or reserving land or facilities for public use or for the use of the property owners in the project.

Once approved, a Master Development Plan shall become a binding condition upon the development of the site, and each phase or stage shall be substantially consistent with the Plan. If the Planning Commission finds that any stage or phase substantially deviates from the approved Plan, a new Development Plan shall be submitted for review and approval. Any of the following shall constitute a substantial deviation:

a. An increase or reduction in the land area of the project site.

b. A change in the total number or in the type of dwelling units approved.

c. Provision of less that the approved percentage of resource protection, recreation or open space land.

d. Any significant addition, removal, or rearrangement of land uses or streets.

Approval of a Development Plan shall expire twenty-four (24) months after approval unless significant progress has been made toward implementation of the development.

Section 19. Signs and Outdoor Advertising

The purpose of these provisions as may be modified by Article V, Section 1, is to regulate signs and outdoor advertising displays, to promote the use of signs to assist the public in its orientation within the City, to express the history and character of the City, to prevent the degradation of the aesthetic qualities of the City, and to promote the pubic safety by limiting the clutter of signage and its tendency to distract drivers of vehicles.

Definitions. For the purposes of this Section, the following terms are defined:

Sign. Any name, identification, description, display, illustration, and/or structure that is affixed directly or indirectly upon a building, structure, or the ground that directs attention to an object, product, place, activity, service, person, institution, organization, or business. This definition excludes all public signs designed, constructed, and placed in accord with the latest edition of the *Alabama Manual on Uniform Traffic Control Devices.*

Sign, Attached. Any sign that is permanently fastened, attached, connected to or supported by a building or structure permanently attached to the ground.

Sign, Building Wall. A sign painted upon the front or side exterior wall of a building, or affixed to the front or side exterior wall of a building, but not extending more than twelve (12) inches from the face of the building wall or above the top of the building wall.

Sign, Canopy. A sign directly painted on or otherwise directly affixed to a building canopy or awning.

Sign, Detached. Any sign that is not permanently fastened, attached, connected to or supported by a building or structure permanently attached to the ground.

Sign, Ground. Any sign that is attached to or part of an upright support that stands on the ground, removed from any building.

Sign, Off-Premise. Any sign advertising a person, business, activity, goods, products, or services not located or offered for sale on the premises where the sign is located.

Sign, On-Premise. Any sign advertising a person, activity, goods, products, or services located or offered for sale on the premises where the sign is located.

Permit Requirements. All signs must be permitted and are subject to permit requirements, inspection, enforcement, penalties, and appeals procedures as set forth in the City's building codes. Such codes shall also apply to the maintenance of signs, and to the determination of whether or not a sign is safe. Permitted signs include attached signs, building wall signs, canopy signs, ground signs, and on-premise signs.

Detached and off-premise signs are not allowed or permitted.

Location Limitations. Signs shall not be located in, encroach upon; or be located, constructed, or lighted in such manner as to constitute a hazard to the health or safety of persons on any public right-of-way. At intersections, signs shall not obstruct the view of traffic entering the intersection as defined in Article VI, Section 1.

Subdivision Signs. Each single family and duplex residential subdivision may be permitted one (1) non-illuminated sign at each of the public street entrances to the subdivision, each such sign not to exceed twelve (12) square feet of sign copy area, nor to exceed six (6) feet in height.

Apartments, groups dwellings, and manufactured home parks may be permitted one (1) indirectly illuminated sign per abutting street, each such sign not to exceed eighteen (18) square feet of sign copy area, not to exceed six (6) feet in height.

Other signs in residential areas shall be restricted to one (1) sign of a temporary nature advertising the sale or rent of the property on which it is placed, not to exceed six (6) square feet in area.

Commercial Building Signs. Each commercial building occupied by fewer than three (3) individual businesses or firms may be permitted signs having up to a total of sixty (60) square feet

of sign copy area in any combination of building wall and/or canopy sign(s), and not more than one (1) ground sign, which shall not exceed twelve (12) feet in height.

Each commercial building occupied by more than three (3) businesses or firms may be permitted signs having up to one hundred (100) square feet of sign copy area which may be a combination of building wall and/or canopy signs, and not more than one (1) ground sign, which shall not exceed twelve (12) feet in height.

Office, Business, and Industrial Parks. Each office park, business park, and industrial park may be permitted one (1) ground sign located at the main entrance not to exceed sixty (60) square feet of sign copy area not to exceed eight (8) feet in height. Buildings within any office, business, or industrial park may not be permitted but rather may be permitted one building wall sign the total area of which is not to exceed forty (40) square feet.

Manufacturing, Warehouse, and Wholesale Facilities. Each manufacturing, warehouse, or wholesale facility located outside an office, business or industrial park may be permitted signage having a total of up to one hundred (100) square feet of sign copy area and which may include any combination of wall sign(s) and not more than one (1) ground sign. The ground sign shall not exceed eight (8) feet in height.

Section 20. Exterior Wall Construction

A. EXTERNAL WALL CONSTRUCTION FOR COMMERCIAL/RESIDENTIAL STRUCTURES IN ZONING DISTRICTS IDENTIFIED BELOW:

C-1 Core Commercial District
C-2 General Commercial District
C-3 Neighborhood Commercial District
C-4 Highway Commercial District
PUD [Planned Unit Development]
Highway Corridor Overlay District

1. A minimum of 70% of the exterior wall construction for all commercial/residential structures shall be constructed of masonry (brick, stone, hard-coat stucco, or combination thereof). The 70% coverage requirement shall be calculated by measuring all exterior facades of the structure, excluding the openings for windows, trim and doors and multiplying that figure by the percentage. The builder of the structure shall be authorized to satisfy the 70% requirement by placing the masonry or brick on one or more exterior facades of the structure, provided that the exterior façade that faces the public street or private road that services the structure shall have a minimum of 70% of that exterior façade covered with masonry (brick, stone, hard-coat stucco, or combination thereof).

2. The balance of exterior treatments shall consist of wood, hard-coat stucco, glass, other masonry or cut stone. Metal and exposed cinder block are prohibited.

3. The requirement for masonry/brick exterior wall construction shall apply to any commercial/residential structure described above that is to be constructed as part of a development for which a preliminary plat is approved after the effective date of this Ordinance (and for any previously approved preliminary plat which has expired and must be resubmitted for approval after the effective date of this Ordinance). If no preliminary plat is required, exterior wall construction requirements shall apply to structures for which building permits are obtained after the effective date of this Ordinance.

B. EXTERIOR WALL CONSTRUCTION FOR RESIDENTIAL SINGLE FAMILY DWELLING IN ZONING DISTRICTS IDENTIFIED BELOW:

PUD [Planned Unit Development]
HIGHWAY CORRIDOR OVERLAY DISTRICT

1. A minimum of 70% of the exterior wall construction for all single family dwellings in the zoning districts listed above shall be constructed of masonry (brick, stone, hard-coat stucco, or combination thereof). The 70% coverage requirement shall be calculated by measuring all exterior facades of the structure, excluding the openings for windows, trim and doors by multiplying that figure by the percentage. The builder of the structure shall be authorized to satisfy the 70% requirement by placing the masonry or brick on one or more exterior facades of the structure, provided that the exterior façade that faces the public street or private road that serviced the structure shall have a minimum of 70% of that exterior façade covered with masonry (brick, stone, hard-coat stucco, or combination thereof).

2. The balance of exterior treatments shall consist of wood, hard coat stucco, glass, other masonry or cut stone. Metal and exposed cinder block are prohibited.

3. The requirement for masonry/brick exterior wall construction shall apply to any garden home and townhouse dwelling described above that is to be constructed as part of a development for which a preliminary plat is approved after the effective date of this Ordinance (and for any previously approved preliminary plat which has expired and which must be resubmitted for approval after the effective date of this Ordinance).

C. EXTERIOR WALL CONSTRUCTION FOR MULTI-FAMILY RESIDENTIAL STRUCUTRES IN ZONING DISTRICTS IDENTIFIED BELOW:

PUD [Planned Unit Development]
HIGHWAY CORRIDOR OVERLAY DISTRICT

1. A minimum of 70% of the exterior wall construction for all multiple-family dwellings (duplexes, apartments and group care homes) in the zoning districts listed above shall be constructed of masonry (brick, stone, hard-coat stucco, or combination thereof). The 70% coverage requirement shall be calculated by measuring all exterior facades of the structure, excluding the openings for windows, trim, and doors by multiplying that figure by the percentage. The standard shall apply to all sides of any building.

2. The balance of exterior treatments shall consist of wood, hard-coat stucco, glass, other masonry or cut stone. Metal and exposed cinder block are prohibited.

3. The requirement for masonry/brick exterior wall construction shall apply to any multiple-family dwelling described above that is to be constructed as part of a development for which a preliminary plat is approved after the effective date of this Ordinance (and for any previously approved preliminary plat which has expired and which must be resubmitted for approval after the effective date of this Ordinance). If no preliminary plat is required, exterior wall construction shall apply to structures for which building permits are obtained after the effective date of this Ordinance.

ARTICLE VII

NONCONFORMITIES

It is the purpose of this Section to provide for the regulation of legally nonconforming lots, structures, and uses; and to specify the circumstances and conditions under which such nonconformities can be continued, expanded, or modified; and under which they shall be terminated.

The zoning regulations established by this Ordinance are designed to promote and protect the public health, welfare, and safety by implementing the City's developmental policies. These policies encourage the grouping of compatible and related land uses. It is consistent with the regulations prescribed by this Ordinance that those nonconformities that adversely affect orderly development and the value of nearby property be controlled. Such controls also take into account the vested interests of the owners of nonconforming properties, and the extent to which such properties have any actual or potential adverse impacts upon the surrounding area.

To achieve these purposes, this Section distinguishes among nonconforming lots, nonconforming structures, nonconforming uses, and between major and minor nonconformities. Different regulations are applied to these categories on the basis of their actual or potential adverse impact due to incompatibility with the City's developmental policies and the regulations contained in this Ordinance.

Section 1. Definition of Nonconformities.

For the purposes of this Section the following definitions shall apply:

Nonconforming Lot of Record. Any vacant lot legally established prior to the effective date of this Ordinance or subsequent amendment thereto, which does not fully comply with the dimensional regulations of the zoning district in which it is located.

Nonconforming Developed Lot. Any lot containing a building, structure, and/or activity legally established prior to the effective date of this Ordinance or subsequent amendment thereto, but which does not fully comply with the lot width or area or other dimensional regulations of the zoning district in which it is located as specified in this Ordinance.

Nonconforming Structure. Any building or structure, other than a sign, legally established prior to the effective date of this Ordinance or subsequent amendment thereto, but which does not fully comply with the yard, height or other dimensional regulations of the zoning district in which it is located as specified in this Ordinance.

Nonconforming Use. An activity using land, buildings, and/or structures for purposes, which were legal prior to the effective, date of this Ordinance or subsequent amendment thereto, but which does not fully comply with the use regulations for the zoning district in which it is located as specified in this Ordinance.

Nonconformity, Minor. Any property comprising a nonconforming developed lot and/or nonconforming structure, but which is used for an activity which is fully in compliance with the regulations for the zoning district in which it is located as specified in this Ordinance.

Nonconformity, Major. Any property comprising a nonconforming developed lot and/or a nonconforming structure, or a conforming developed lot and/or conforming structure which is used for an activity that is not fully in compliance with the regulations for the zoning district in which it is located as specified in this Ordinance.

Section 2. Nonconforming Lots of Record.

Nonconforming lots of record can be developed for any use permitted in the zoning district in which they are located provided such development conforms to all other regulations in this Ordinance unless a variance from such regulations is granted by the Board of Zoning Adjustment.

Section 3. Minor Nonconformities.

Minor nonconformities can be modified, enlarged, and/or expanded provided that such modification, enlargement, or expansion conforms to all other regulations in this Ordinance, unless the Board of Zoning Adjustment grants a variance from such regulations.

Section 4. Major Nonconformities.

A major nonconforming use may be changed to another nonconforming use provided the new use is in the same or a lesser use classification as the original use.

A major nonconforming use shall not be enlarged within a structure, nor occupy a greater area of land, than it did at the effective date of this Ordinance or subsequent amendment thereto.

A structure containing a major nonconforming use shall not be moved to any portion of the lot other than that occupied at the effective date of this Ordinance or subsequent amendment thereto.

A major nonconforming use shall not be altered, enlarged, or intensified in any way that increases its nonconformity, but may be altered or reduced to decrease its nonconformity.

A major nonconforming use which changes to a permitted use within the zoning district in which it is located, shall not thereafter revert to a nonconforming use.

If a major nonconforming use is damaged in any manner to the extent that the restoration costs would exceed fifty (50) percent of the value of that use immediately before such damage occurred, or is discontinued and remains vacant for one year or more, any subsequent use of that lot and/or structure shall be in full compliance with the regulations governing the zoning district in which it is located as specified in this Ordinance.

Section 5. General Provisions.

The following provisions shall apply to all nonconformities:

Except as otherwise provided in this Article, any nonconforming lot, structure or use lawfully existing on the effective date of this Ordinance, or subsequent amendment thereto, may be continued so long as it remains otherwise lawful.

Nonconforming status runs with the land.

Nothing in this Section shall be interpreted to prohibit routine maintenance, restoration of a structure to a safe condition, internal renovations and modifications, and external improvements, which do not increase in scope or scale the nonconformity of the structure.

Nothing in this Article shall be deemed to prevent the strengthening or restoration to a safe condition of a structure in accordance with an order of a public official who is charged with protecting the public safety and who declares such structure to be unsafe and orders its restoration to a safe condition; provided that such restoration of such structure is not otherwise in violation of the provisions of this Article.

No nonconformity shall be moved in whole or in part, for any distance whatsoever, to any other location on the same or any other lot unless the entire structure shall thereafter conform to the regulations of the zoning district in which it is located after being moved.

Any other provision of this Article to the contrary notwithstanding, no use or structure which is accessory to a principal nonconforming use or structure shall continue after such principal use or structure shall have ceased or terminated, unless it shall thereafter conform to all the regulations of this Ordinance.

The burden of establishing the nonconforming status of any structure or use under the terms of this Article in all cases shall be upon the **owner** of such nonconformity and not upon the City.

ARTICLE VIII

OFF-STREET PARKING AND LOADING REGULATIONS

Section 1. General Provisions

The minimum size for all required off-street parking spaces shall be nine (9) feet by eighteen (18) feet, exclusive of aisle width. Spaces shall be delineated by striping or other similar means, which clearly indicate their location. Parking other than perpendicular parking shall comply with the dimensional standards set out in the Building Code.

All required parking spaces, including driveways and maneuvering areas, shall be improved with a hard surface permanent type of pavement.

Except as provided in this Article, all required parking spaces shall be provided on the same lot or development site for which they are required. Location of required parking on adjoining property or across a public right-of-way is prohibited.

No off-street parking spaces are required for nonresidential uses in the C-1: Core Commercial District.

References to *employees on the largest work shift* means the maximum number of employees present at the facility regardless of the shift or time period, and regardless of whether such employees are full or part time. The largest work shift may be a day of the week, one of several daily shifts; or, in the case of a restaurant, the lunch hour or the evening dinner period.

The term “capacity” as used here means the maximum number of persons that can be accommodated by the facility as determined by its design and purpose, or by the building and fire code regulations, whichever is greater.

Section 2. General Parking Requirements

Agricultural Uses: One (1) space per employee on the largest shift.

Agricultural Support Uses: One (1) space per 750 square feet of gross floor area.

Apartment: Three (3) spaces for every two (2) units.

Commercial Retail and Service Uses: One (1) space per 250 square feet of gross floor area.

Commercial Entertainment Uses: One (1) space per 250 square feet of gross floor space; for uses exceeding 100,000 square feet, one (1) space for every 300 square feet of gross floor area.

Commercial Recreation Use: One (1) space per four patrons based on maximum capacity.

Commercial Support Uses: One (1) space per 750 square feet of gross floor area.

Extraction Uses: One (1) space per employee on the largest shift.

Industrial Uses: One (1) space per employee on the largest work shift, plus one (1) space for company vehicle normally stored on the premises.

Institutional Uses: One (1) space per four (4) patrons/residents based on maximum capacity.

Office Uses: One (1) space per 250 square feet of gross floor area.

Outdoor Recreation Uses: One (1) space per four (4) patrons at maximum capacity

Public Service Uses: One (1) space per employee on the largest work shift, plus one (1) space per company vehicle normally stored on the premises.

Road Service Uses: One (1) space per 150 square feet of gross floor area. Facilities using a drive-up window shall provide queuing space for at least five (5) vehicles from the start of the stacking lane to the service window, and space for at least two (2) vehicles from the service window to the exit to the public right-of-way.

Section 3. Parking Requirements for Specific Uses

Airport: One (1) space for every four (4) aircraft that can be parked or stored at the facility, whether indoors or outdoors; plus one (1) space for each seat in waiting area and restaurants; plus one (1) space for each 250 square feet of office and other administrative and support uses.

Amusement Center: One (1) space for every 100 square feet of gross floor area.

Auto Parts Store: One (1) space per every 300 square feet of gross floor area.

Auto Rental: One (1) space per every 400 square feet of gross floor area.

Automated Freestanding Walk-up Facility: One (1) space per facility. If accessory to another use, no additional space is required.

Bank: One (1) space per 300 square feet gross floor area, plus four (4) spaces off-street waiting spaces per drive-through lane.

Beauty and Barber Shops: two (2) spaces per chair, or one (1) space per 150 square feet gross floor area, whichever is larger.

Bicycle Sales and Service: One (1) space per 300 square feet gross floor area.

Boarding House: One (1) space per resident.

Bowling Alley: Four (4) spaces per lane, plus any additional spaces as required for restaurant facilities, game rooms, and other accessory uses on site.

Car Wash, Automated: One (1) space per employee on the largest shift, but no less than two (2) spaces total; plus a linear area for each wash stall large enough to accommodate four (4) cars.

Car Wash, Self Serve: One (1) stacking space per stall.

Carpet Store: One (1) space for every 750 square feet of gross floor area.

Church: One (1) space per four seats based on maximum capacity of the sanctuary or principal place of worship. Up to 50 percent of the required spaces may be grassed rather than paved. All such unpaved spaces shall be shown on a site plan and designed for efficient traffic circulation using tire stops and other appropriate measures as required by the City Building Office. Alternatively, the on-site parking requirement may be reduced by not more than fifty (50) percent if the place of worship can use available spaces in a public or private parking lot to meet the parking requirement: and provided that such off-street spaces are available without charge and with the permission of their owners.

Community/Recreation Center: One (1) space per 250 square feet of gross floor area.

Contractor's Storage Yard: One (1) space per 250 square feet of office space; plus one (1) space per 1,000 square feet of indoor storage area; and plus one (1) space per 2,000 square feet of outdoor storage area.

Convenience Store and/or Self Service Gas Station (No vehicle Repair): one (1) space per 150 square feet of gross floor area. In no case shall a required parking space conflict with vehicles being fueled or awaiting fueling.

Day Care Center or Nursery School: One (1) space per teacher and employee on the largest shift; plus one (1) off-street parking or loading space per twelve (12) children. Maximum enrollment and number of employees shall be noted on the site plan. Parking or loading spaces designated for loading and picking up children shall be located such that there is direct access into the facility without crossing streets or driveways.

Dry Cleaning Facility: One (1) space per 1,000 square feet of gross floor area, but in no case less than three (3) spaces.

Drug and Alcohol Treatment Center: One (1) space per every two (2) beds, and one (1) space per staff member, based on State licensing requirements and maximum design capacity.

Employment Agency: One (1) space per 250 square feet of gross floor area.

Exterminator Service: One (1) space per employee plus one (1) space per company vehicle.

Funeral Home: One (1) space per four (4) seats in sanctuary.

Furniture Store: One (1) space for each 750 square feet of gross floor area.

Gas Station, Full Service: One (1) space per 150 square feet of retail area, plus one (1) space per service bay, plus one (1) space per 250 square feet of office space. In no case shall a required parking space conflict with vehicles being fueled or awaiting fueling,

Golf Courses: 45 spaces per nine holes. Parking shall also be provided for accessory uses such as pro shops, restaurants, driving ranges at the rate of 50 percent of their normal requirements.

Golf Driving Ranges: One and one half (1.5) spaces per tee.

Golf, Par Three: 25 spaces per nine holes.

Grocery or Supermarket: One (1) space per 250 square feet of gross floor area.

Health Club, Spa, Gymnasium: One (1) space per every 275 square feet of gross floor area.

Horse Stable: One (1) space for each four stalls.

Hospital: Two (2) spaces per patient bed, plus two (2) spaces per emergency room examination table or bed, plus one (1) space per employee on the largest shift.

Hotel, Motel: One (1) space per guest room, plus one (1) space for 500 square feet of banquet or meeting room floor area. Parking shall be provided for other accessory uses such as restaurants or bars at the rate of 50 percent of normal requirements.

Junkyards: One (1) space per 8,000 square feet of gross floor area.

Kennel: A minimum of three (3) spaces, or one (1) space per 500 square feet, whichever is greatest.

Laundromat: One (1) space per every two (2) washing and drying machines.

Lumberyard: One (1) space per 500 square feet of gross floor area, plus one (1) space per 1,500 square feet of outdoor storage/display area.

Machinery/Equipment Sales: One (1) space per 400 square feet of gross floor area, plus two (2) spaces per service bay, plus one (1) space per 2,500 square feet of outdoor display/storage area.

Medical Offices: One (1) space per 250 square feet of gross floor area.

Miniature Golf Facility: One and one half (1.5) spaces per hole.

Mini-warehouse: Two (2) spaces for employees. Alleys separating rows of storage units shall be wide enough to allow two (2) cars to pass each other.

Movie Theater: One (1) space per four (4) seats of maximum design capacity. Where a theater is part of a shopping center or is on the same development site as a shopping center, the required parking may be reduced by 50 percent.

Nursing Home: One (1) space per three (3) rooms.

Assisted Living Facility: One (1) space per dwelling unit.

Outdoor Theater: One (1) space per four (4) patrons to the maximum capacity of the facility.

Parcel Delivery Service: One (1) space per 750 square feet of gross floor area.

Plumbing and Heating Supply: One (1) space per 750 square feet of gross floor area.

Printing and Publishing Plant: One (1) space per 750 square feet of gross floor area.

Private Club: One (1) space per four (4) persons based on maximum capacity of the facility.

Public Assembly Hall: One (1) space per four (4) seats at maximum design capacity.

Radio/Television Station: One (1) space per 1,000 square feet of gross floor area.

Recreational Vehicle Park: One (1) space per recreational vehicle, plus one (1) space per 250 square feet of gross floor area of permanent habitable space on the site.

Restaurant, Fast Food: One (1) space per 100 square feet of gross floor area. Sufficient space on-site shall be provided to accommodate queuing vehicles. Such space shall at a minimum provide capacity for five (5) vehicles from the start of the stacking lanes to the order board; two (2) vehicles from the order board to the service window; and two (2) spaces from the service window to the exist to a public right-of-way.

Restaurant, Standard: One (1) space per four (4) patron seats, or one (1) space per 150 square feet of gross floor area, whichever is greater.

School, Elementary: One (1) space per each twenty (20) students based on design capacity, plus one (1) space for every 400 square feet of office space.

School, Junior High: One (1) space for every fifteen (15) students based on design capacity, plus one (1) space for every 400 square feet of office floor space.

School, Senior High: One (1) space for every ten (10) students based on design capacity, plus one (1) space for every 400 square feet of office space.

School, College: One (1) space for each five (5) classroom seats, plus one (1) space for each three (3) seats in an auditorium.

School, Commercial or Trade: One (1) space per two (2) students based on the design capacity of the building.

Shopping Center: One (1) space per 250 square feet of gross floor area. In a shopping mall, common pedestrian areas except for food courts, may be excluded from the calculation of gross floor area. Shopping centers with over 650,000 square feet of gross floor area shall have one (1) space per 300 square feet of gross floor area.

Skating Rink, Roller Rink, etc.; One (1) space for every four (4) patrons at maximum capacity.

Swimming Facility: One (1) space per 200 square feet of gross water area.

Taverns, Dance Halls, Nightclubs, and Lounges: One (1) space per every 75 square feet of gross floor area.

Telecommunications Tower: One (1) space to accommodate a maintenance vehicle for an unoccupied structure. Occupied structures shall comply with the requirements for public service facilities.

Tennis, Racquetball, or Handball Courts: Two (2) spaces per court.

Theaters and Auditoriums: One (1) space per four (4) patrons based on maximum capacity.

Truck Terminal: One (1) space per truck normally parked on the premises, plus one (1) space per every 500 square feet of office space.

Warehouse: One (1) space per employee on the largest shift, plus one (1) space per company vehicle normally stored on the premises.

Vehicle Sales and Service: One (1) space for every 500 square feet of office and indoor display area, plus one (1) space per 2,000 square feet of outdoor display area, and one (1) space per service bay.

Vehicle Repair and Maintenance Services: One (1) space per every 400 square feet of office and indoor display area, plus one (1) space per service bay.

Veterinary Office: One (1) space per 500 square feet of gross floor area.

Section 4. Off-street Loading Requirements

All nonresidential structures and uses shall be required to provide and maintain adequate off-street space for the loading and unloading of materials or goods, and for delivery and shipping, so that such operations can be accomplished without encroaching upon or otherwise interfering with the use of public streets, alleys and sidewalks by pedestrians and vehicles.

Each retail store, storage warehouse, wholesale establishment, industrial plant or factory, freight terminal, market, restaurant, funeral home, laundry or dry cleaning plant, or similar use shall provide off-street loading space as follows:

- Less than 8,000 square feet of gross floor area: no off-street loading space required unless the Planning commission determines that the specific use requires such space.

- 8,000 but less than 20,000 square feet of gross floor area: one (1) off-street loading space is required.

- 20,000 but less than 60,000 square feet of gross floor area: two (2) off-street spaces are required.

- Over 60,000 square feet of gross floor area: two (2) off-street spaces are required, plus one (1) additional space for every 50,000 square feet of gross floor area or fraction thereof over 60,000 square feet.

For each auditorium, convention hall, exhibit hall, hotel, office building, stadium, sanitarium or similar use, shall provide off-street loading space as follows:

- Less than 10,000 square feet of floor space: no off-street loading space is required unless the Planning Commission determines that the specific use requires such space.

- 10,000 but less than 40,000 square feet of gross floor space: one (1) off-street loading space is required.

- Over 40,000 square feet of floor space: one (1) off-street loading space plus one (1) additional space for every 50,000 square feet or fraction thereof over 40,000 square feet.

No area provided to meet off-street parking requirements shall be used for off-street loading purposes.

Joint or combined off-street loading space for two (2) or more buildings can be provided as long as the amount of such combined off-street space is equal in size and capacity to the combined requirements of the several buildings to be served.

Plans for buildings or uses requiring off-street loading facilities as stipulated above shall clearly indicate the location, dimensions, clearances and access of such required off-street loading facilities.

ARTICLE IX

BOARD OF ADJUSTMENT

Section 1. Establishment and Membership

The Board of Adjustment heretofore established is hereby continued, and its members shall be appointed and vacancies filled in accordance with Sections 11-52-80 and 11-52-81 of the Code of Alabama, 1975, as amended. All members of the Board shall be citizens and residents of the City.

Section 2. Meetings, Procedures and Records

Meetings of the Board shall be held at the call of the chairman at such times and places as the board may determine. The chairman, or in the absence of the chairman the co-chairman, may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public. The Board shall adopt and publish its own rules of procedure and keep minutes of its proceedings showing the vote of each member upon each question or, if absent or failing to vote, indicating such fact; and shall keep records of its examinations and of other official actions, all of which shall be immediately filed in the office of the Board and shall be a public record.

Section 3. Powers and Duties

The Board, in appropriate cases and subject to appropriate conditions and safeguards, shall have the following powers:

Interpretation of Boundaries. To hear and decide upon interpretation of the boundaries of districts established and shown on the map in accord with criteria specified in Article III, Section 3.

Appeals. To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by a City official, other than the City Council, acting under the authority of this Ordinance.

Variances. To hear and decide appeals for a variance from the provisions of this Ordinance where owing to special conditions a literal enforcement of such provisions would result in unnecessary hardship, but where the spirit of the Ordinance can be observed and substantial justice done.

Special Exceptions. To hear and decide special exceptions upon which the Board is required to act for uses as shown in Tables 4-5 in Article IV of this Ordinance.

Section 4. Administrative Appeals

Appeals to the Board of Adjustment may be taken to the Board of Adjustment by any person aggrieved or affected by any provision of the Ordinance or by any decision of the Building Inspector relating the provisions of this Ordinance. Any such appeal shall be filed with the Building Inspector within fifteen (15) days of the date of the action being appealed. The Building Inspector shall forthwith transmit to the Board papers constituting the record upon which the action appealed was taken.

An appeal stays all proceedings in furtherance of the action appealed from, unless the Building Inspector certifies to the Board after the notice of the appeal has been filed, that by reason of facts cited in such certification a stay would, in the Building Inspector's opinion, cause imminent

peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board or by a court of record.

All appeals shall be filed in writing on forms prescribed by the Board and made available by the Building Inspector.

The Board shall select a reasonable time and place for hearing the appeal. At least fifteen (15) days prior to the schedule Board hearing the Building Inspector shall give written notice of the appeal to all adjacent property owners. Such notice shall be deemed given when deposited in the United States mail, first class postage prepared, addressed to such property owners at their addresses submitted with the appeal. The notice shall state the name of the appellant, the location of the property, the decision of the Building Inspector, which is being appealed, and the time, date, and location of the Board hearing.

The Board may affirm, reverse wholly or in part, or modify the Building Inspector's decision, order, or determination as in its opinion ought to be done, and to that end shall have all the powers of the Building Inspector.

Section 5. Variances

Any property owner may file an application for a variance from the requirements of this Ordinance where it is claimed that, by reason of exceptional narrowness, shallowness, or shape or by reason of other exceptional topographic conditions, or other extraordinary and exceptional situations or conditions of such piece of property existing at the time of the adoption of this Ordinance, the strict application and literal enforcement of the provisions of this Ordinance would result in peculiar, exceptional, undue, and unnecessary hardship upon such owner.

It is the intent of this Ordinance that variances be used only to overcome some physical condition of a parcel of land, which poses a practical difficulty to its development and prevents its owner form using the property in conformance with the provisions of this Ordinance. Any variance granted shall be the minimum adjustment necessary for the reasonable use of the land.

An application for a variance shall be filed with the Building Inspector or Secretary of the Board at least thirty (30) days before the scheduled hearing date before the Board. The property owner or the authorized agent of the owner on a form made available by the Building Inspector shall file the application. At least fifteen (15) days prior to the scheduled hearing of the Board, the Building Inspector shall give written notice of the application to all adjacent property owners. Such notice shall be deemed to be given when deposited in the United States mail, first class postage prepared, addressed to such property owners at their addresses as submitted with the application. Such notice shall state the name of the applicant, the location of the property, the nature of the variance requested and the applicable sections of this Ordinance, and the time, date, and location of the hearing.

The applicant must prove that the variance will not be contrary to the public interest and that practical difficulty and unnecessary hardship will result if it is not granted. In particular, the applicant shall establish and substantiate that the variance, if granted, will conform to all the requirements and standards listed below:

a. The granting of the variance will not permit the establishment of a use that is not permitted in the district in which the property is located.

b. There must be proof of unique and special circumstances and conditions, fully described in the application, applicable to the land or building for which the variance is sought, which circumstances or conditions are peculiar to such land or buildings and do not apply generally to land or buildings in the vicinity, and which circumstances or conditions are

such that the strict application of the provisions of this Ordinance would deprive the applicant of reasonable use of such land or buildings.

c. There must be proof of unnecessary hardship. It is not sufficient proof of hardship to show that greater profit would result if the variance were granted. Furthermore, the hardship claimed cannot be self-created; nor can it be established on this basis by one who purchases the property with or without knowledge of the restrictions. It must result from the application of this Ordinance. It must be suffered directly by the property in question, and evidence of other variances granted under similar circumstances shall not be considered.

d. The granting of the variance will not impair an adequate supply of light and air to adjacent property, substantially increase congestion in the public streets, increase the danger of fire, endanger the public safety, or substantially diminish or impair property values within the adjacent neighborhood.

e. The granting of the variance will not confer upon the applicant any special privilege that is denied by this Ordinance to other land, structures, or buildings in the same zoning district.

f. The granting of the variance is necessary for the reasonable use of the land or building and the variance as requested is the minimum variance that will accomplish this purpose.

g. The granting of the variance shall be in harmony with the general purpose and intent of the regulations imposed by this Ordinance on the district in which the property is located, and shall not be injurious to the neighborhood or otherwise detrimental to the public welfare.

The Board may prescribe any safeguards or conditions that it deems necessary to secure substantially the objectives of the regulations or provisions of this Ordinance to which the variance applies.

Section 6. Special Exceptions

All uses permitted by special exception as listed in Tables 4-5 in Article IV of this Ordinance shall require the submission of an application to the Board of Adjustment. Such application shall be filed with the Building Inspector at least thirty (30) days before the scheduled hearing date before the Board of Adjustment. The application shall be filed by the property owner or the authorized agent of the owner on a form made available by the Building Inspector.

At least fifteen (15) days prior to the scheduled hearing of the Board of Adjustment, the Building Inspector shall give written notice of the proposed special exception to all adjacent property owners. Such notice shall be deemed given when deposited in the United States mail, first class postage prepared, addressed to such property owners at their addresses as submitted with the application. Such notice shall state the name of the applicant, the location of the property, the proposed use, and the time, date and location of the Board's hearing.

The Board of Adjustment shall review the application for compliance with this Ordinance and all other applicable codes and ordinances of the City. In particular the Board shall determine that satisfactory provisions have been made concerning the following, among other considerations of this Ordinance:

a. Access to and from the property and the proposed structure and/or uses, with particular attention to vehicular and pedestrian safety and convenience, traffic flow and control, and emergency access.

b. The location and accessibility of off-street parking and loading areas.

c. The location and accessibility of refuse and service areas and their potentially adverse affects upon surrounding properties.

d. The screening and buffering of potentially adverse views and activities from surrounding properties.

e. Control of noise, glare, odor, surface water runoff, and other potentially disturbing impacts upon surrounding properties.

f. The availability, location, and capacity of utilities.

g. The location and scale of signs and lighting with particular reference to traffic safety, glare, and visual compatibility with surrounding properties.

h. The bulk, density, and lot coverage of structures, and yards and open areas, with reference to their compatibility with the character of the surrounding area.

The Board may impose such conditions for approval that it deems necessary in the particular case to protect the public interest and the intent of the Comprehensive Plan and this Ordinance in relation to the items listed above and as may otherwise be reasonably necessary. Such conditions shall apply to the land, structure, and use for which the special exception is granted and not to a particular person. Violations of conditions lawfully attached to any special exception shall be deemed to be violations of this Ordinance.

Section 7. Rehearings

All decisions rendered by the Board shall be final and binding upon all parties. No appeal of an administrative decision, or decision on an application for a variance or a special exception shall be reheard, and no further application shall be accepted once a decision has been rendered except under one or more of the following conditions:

a. New evidence or information pertinent to the request has been discovered which was not available to the applicant at the time of the original hearing.

b. The decision resulted from an error in procedures required by this Ordinance or State law and made by the Board, the Building Inspector, or any other City officials.

c. The decision resulted from an error in substantive law under the provisions of this Ordinance or the Code of Alabama, 1975, as amended.

Where no error is alleged and no new evidence is available, a new or more effective presentation by the applicant shall not constitute grounds for rehearing a decision of the Board. Any applicant wishing a rehearing shall appear before the Board to present one or more of the qualifying conditions listed in this Section.

If the Board finds that one or more of the qualifying conditions exist, the applicant shall be permitted to submit a new application. This new application shall be heard at a subsequent Board meeting, and shall be subject to all regular advertising and procedural requirements. Allowing a new application does not obligate the Board to grant the request.

Section 8. Appeals From Action of the Board of Adjustment

Any party aggrieved by any final judgment or decision of the Board may, within fifteen (15) days thereafter appeal there from to the circuit court or court of like jurisdiction, by filing with the Board

a written notice of appeal specifying the judgment or decision from which appeal is taken. In case of such appeal, the Board shall cause a transcript of the proceedings in the case to be certified to the court to which the appeal is taken and the cause in such court shall be tried *de novo.*

ARTICLE X

AMENDING THE ORDINANCE

Section 1. Petition for Change

A proposed change of district boundaries or regulations of this Ordinance may be initiated by the City Council, the Planning Commission or by petition of property owners or agent of such owners of property within the area proposed to be changed, subject to this Ordinance.

Section 2. Action On Petition

Any proposed amendment, modification or repeal shall first be submitted to the Planning Commission for its recommendation and report. The Planning Commission shall have sixty (60) days within which to submit its recommendations to the City Council. If the Planning Commission fails to submit a report within the sixty (60) day period, it shall be deemed to have approved the proposed amendment and the City Council shall proceed to hold a public hearing pursuant to Title 11, Chapter 52 of Code of Alabama, 1975, as amended. Any party or parties wishing to speak for or against an amendment shall appear and speak at the public hearing.

Section 3. Fees

A schedule of application fees for consideration of all approvals, permits, certificates, and public hearings required under this Ordinance shall be established by separate resolution or ordinance. Such fees shall be computed so as to recover all costs incurred by the City in reviewing and processing zoning-related requests, including advertising fees: and shall be adopted and revised as necessary by the City Council.

Section 4. Limit On Initiation of an Application for Ordinance Amendment

No action shall be initiated for an amendment to this Ordinance affecting the same parcel of land more than once a year, unless specifically authorized by the City Council on the grounds that the circumstances and conditions relevant to the amendment request have changed significantly since the prior hearing.

ARTICLE XI

ADMINISTRATION, ENFORCEMENT, AND PENALTIES

Section 1. Enforcing Officer

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

Section 2. Permit Required

It shall be unlawful to commence excavation for the construction of any building or other structure, including accessory structures, signs or pools; or to commence the demolition of any structure; or to store building materials or erect temporary field offices; or to commence the moving, or alteration (except repairs, painting or wall papering and work not changing the character of the structure) of any structure, including accessory structures, signs and advertising structures; until the Building Official has issued for any and all such work a building permit stating that plans have been reviewed for compliance with this Ordinance. Application for any and all permits required under this Ordinance shall be made to the Building Official on forms provided for that purpose and supplemented with appropriate plans, diagrams and specifications to demonstrate proposed compliance with the Ordinance. The City Council may from time to time set fees it finds appropriate to various types of permits.

Section 3. Plans

It shall be unlawful for the Building Official to approve any plans or issue any building permit for excavation or construction until he or she has inspected such plans in detail and found them in conformity with this Ordinance. To this end, the Building Official shall require that every application for a building permit be accompanied by a plot plan drawn to scale, dimensioned, and showing the following in detail sufficient to enable the Building Official to ascertain whether or not the proposed development is in conformance with the provisions of this Ordinance:

a. The actual shape, proportion, and dimensions of the lot to be built upon.

b. The shape, size, and location of all buildings or other structures to be erected, altered, or moved, and of any buildings or other structures already on the lot, both above and below grade.

c. The existing and intended use of all buildings or other structures.

d. The setback and side lines of buildings on adjoining lots and such other information concerning the lot or adjoining lots as may be essential for determining conformance with the provisions of this Ordinance.

e. Every applicant for the use of land and by virtue of the provisions of this Ordinance, shall include therewith a plan showing the location of necessary fire hydrants with adequate water flow. The applicant shall provide the Building Official with copies of all deed restrictions and/or covenants, which pertain to the subject property.

    1. Cover Sheet with:

        i. Name and location of the development; name, address and signature of the owner; and, name, address, and seal of the engineer and/or architect;

ii. Vicinity map;

iii. Zoning and existing and proposed land use of the site; and

iv. Date, scale, north arrow, and number of streets.

2. Site layout, including property dimensions, rights-of-way, easements, location and dimensions of all buildings (existing and proposed), setbacks, driveway access, off-street parking and loading, circulation, screening, buffer yards, and landscaping.

3. Drainage, paving, grading and excavation, erosion and sedimentation control plan, storm water detention, floodplain management controls.

4 Public and private utilities, including sewage disposal system and water system.

5. Fire lanes and hydrants.

The Building Official shall review the site plans for general completeness and compliance with this Ordinance and shall forward copies of the plans to the Fire Chief, Street Superintendent, Water Board, and Police Chief for their review and comment. The Building Official shall provide the applicant with a decision for approval or disapproval within two weeks of submittal. The reasons for disapproval, along with all review comments, shall be stated in writing to the applicant. A reproducible set of the final approved site plan shall be submitted by the applicant and retained on file by the Building Official. All subsequent building permits and subdivision plats submitted by the applicant shall be in substantial accord with the final site plan. An approved site plan shall become null and void if significant development does not commence with twelve (12) months of approval.

Section 4. Conditional Use Procedures

Conditional uses are those that have some special effect, which differs from the potential impacts of permitted uses or exceeds them in intensity, or have a uniqueness such that their effect upon the surrounding environment cannot be determined in advance of a use being proposed in a particular location. As such, conditional uses must be reviewed in terms of existing zoning and land use in the vicinity of the proposed use: whether, and to what extent the use at the proposed location is consistent with the Comprehensive Plan, the intent of this Zoning Ordinance, and another development policies and/or regulations of the City of Phenix City; and whether and to what extent all steps possible have been taken by the developer to minimize any adverse effects of the proposed use on the immediate vicinity and on the public health, welfare and safety in general.

All conditional uses where listed in the Chart of Permitted Uses in Article IV shall require the submission of an application to the Planning Commission. Such application shall be filed with the Building Official by the property owner or the authorized agent of the property owner at least thirty (30) days prior to the date on which the application is scheduled to be heard by the Planning Commission, and shall include a site plan in accordance with Article XII, Section 4 of this Ordinance. At least fifteen (15) days prior to the scheduled hearing before the Planning Commission the Building Official shall give written notice to all adjoining property owners. Such notice shall be deemed given when deposited in the United States mail, first class postage prepared, addressed to such property owners at their addresses submitted with the appeal. Such addresses shall be obtained by the applicant from the most recent records of the County Tax Assessor and submitted as part of the application.

The Planning Commission shall review the proposed conditional use for compliance with this Ordinance and other applicable codes and ordinances, and for compatibility with the purposes of

the zoning district within which it is proposed to be located. In particular the Planning Commission shall determine that satisfactory provisions have been made concerning the following:

a. Access to and from the property and the proposed structure and/or uses, with particular attention to vehicular and pedestrian safety and convenience, traffic flow and control, and emergency access.

b. The location and accessibility of off-street parking and loading areas.

c. The location and accessibility of refuse and service areas and their potentially adverse affects upon surrounding properties.

d. The screening and buffering of potentially adverse views and activities from surrounding properties.

e. Control of noise, glare, odor, surface water runoff, and other potentially disturbing impacts upon surrounding properties.

f. The availability, location, and capacity of utilities.

g. The location and scale of signs and lighting with particular reference to traffic safety, glare, and visual compatibility with surrounding properties.

h. The bulk, density, and lot coverage of structures, and yards and open areas, with reference to their compatibility with the character of the surrounding area.

The Planning Commission may impose such conditions for approval as it deems necessary in the particular case to protect the public interest and further the purposes of this Ordinance, in relation both to the items listed above and to any other factor it deems relevant. Such approval and conditions shall be granted to the property, structure, and/or use for which conditional use is approved and not to a particular person. Violations of conditions attached to any conditional use shall be deemed to be violations of this Ordinance.

Within sixty (60) days of the public hearing on the conditional use application, unless an extension of time is agreed to by the applicant, the Planning Commission shall render to the City Council its recommendation either to approve the application for a conditional use, approve it with conditions, or deny it. The failure of the Planning Commission to act within this time period shall constitute a recommendation that the application be approved.

Section 5. Statutory Review

The Planning Commission shall review the character, location and extent of any public street, square, park or other public way, ground, open space or building or structure, or any major utility project, whether publicly or privately owned, in accordance with Section 11-52-11 of the Code of Alabama, 1975, as amended. The purpose of such review shall be to determine whether or not such projects are consistent with the goals and policies of the City's Comprehensive Plan. The Planning Commission's findings and recommendations shall be transmitted to the City Council. Failure of the Planning Commission to act on an official submission within sixty (60) days from the date of such submission shall be deemed to be approval of the project.

Section 6. Certificate of Occupancy Required

The owner or owner's agent prior to use or occupancy of any building or structure, whose construction or substantial rehabilitation is undertaken following adoption of this Ordinance, shall secure a Certificate of Occupancy. Within three (3) days after the owner or owner's agent has

notified the Building Official that a building or premises or part thereof is ready for occupancy or use, the Building Official shall make a final inspection thereof, and issue a Certificate of Occupancy if the building or premises or part thereof is found to conform with the provisions of this Ordinance, or, if such certificate is refused, state such refusal in writing with the cause. The Board of Adjustment shall hear appeals from the decision of the Building Official. One copy of the signed statement by the owner or his or her agent regarding the intended use of the premises, and a signed refusal (if any) shall be kept on file with the records of the Building Official.

Section 7. Expiration of Building Permit

Any permit under which no construction work has been done above the foundation wall or other foundation support within six (6) months from the date of issuance shall expire by limitation, but shall upon reapplication, be renewable, subject, however, to the provisions of any ordinances in force at the time of said application for renewal. In no event shall any permit be renewed more than one time.

Section 8. Unlawful Structure

Any uses of land or dwellings or construction or alteration of buildings or structures erected, altered, razed or converted in violation of any of the provisions of this Ordinance are hereby declared to be a nuisance per se. The Building Official is hereby authorized to apply to a court of competent jurisdiction to abate the nuisance created by such unlawful use of a structure, land or building. Whenever the Building Official has declared a structure to be in violation of any applicable provisions of this Ordinance, the owner or occupant shall, within seventy-two (72) hours from receipt of notification from the Building Official to vacate such premises, accomplish such vacation of said structure or premises until such structure or premises has been adapted to conform to the provisions of this Ordinance. Such notification shall be:

a. By delivery to the owner personally, or by leaving the notice at the usual place of abode of the owner with a person of suitable age and discretion; or

b. By depositing the notice in the United States as first class certified mail; or

c. By posting and keeping posted for seventy-two (72) hours, a copy of the notice in a conspicuous place on the premises to be repaired.

Section 9. Penalties and Remedies

Any person, firm, corporation, or other organization which violates any provisions of this Ordinance shall be fined, upon conviction, not less than twenty-five dollars ($25.00) nor more than five hundred dollars ($500.00) plus court costs for each offense. Each day such violation continues shall constitute a separate offense. The conviction of a violation and imposition of any fine shall not constitute an exemption from compliance with the provisions of this Ordinance. In case any building or other structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained; or any building, structure or land is used in violation of this Ordinance, the Building Official of the City may seek an injunction or writ of mandamus or take other appropriate action or proceedings to stay or prevent occupancy of such building, structure or land.