

## ARTICLE 1. - TITLE, LEGAL STATUS PROVISIONS AND OFFICIAL ZONING MAP

### Sec. 1.1. - Title.

This ordinance shall be known and may be cited as "the zoning ordinance of the City of Opp, Alabama."

### Sec. 1.2. - Short title.

This ordinance and all subsequent amendments, attachments, and supplements thereto shall be known as the "Opp Zoning Ordinance."

### Sec. 1.3. - Legal status provisions.

- 1.3.1. *Authority.* This ordinance has been drafted, subjected to public review, recommended by the Opp Planning Commission, and adopted by the Opp City Council under the authority of title 11, chapter 52 of the Code of Alabama, 1975 Compilation, as amended [Code of Ala. 1975, § 11-52-1 et seq.].
- 1.3.2. *Purpose.* The purpose of this ordinance is to guide development within the City of Opp in accordance with title 11, chapter 52 of the Code of Alabama, 1975 Compilation, as amended [Code of Ala. 1975, § 11-52-1 et seq.]; and generally, to implement and support the developmental policies of the City of Opp.
- 1.3.3. *Interpretation.* In interpreting and applying the provisions of this ordinance, they shall be held to be the minimum requirements for the promotion of the public safety, health, convenience, comfort, prosperity, and general welfare.
- 1.3.4. *Conflict with other ordinances.* In case of a conflict between this ordinance or any part thereof, and the whole or part of any existing or future ordinance of the city, the most restrictive shall in all cases apply.
- 1.3.5. *Validity, severability.* If any article, section, subsection, paragraph, item or any provision of this ordinance shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other article, section, subsection, or part thereof of this ordinance which is not of itself invalid or unconstitutional.
- 1.3.6. *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or parts of ordinances in conflict or inconsistent with this ordinance, and all amendments thereto, are hereby repealed to the extent necessary to give this ordinance full force and effect.

### Sec. 1.4. - Official zoning map.

The city is hereby divided into zones or districts, as shown on the official zoning map which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this ordinance.

- 1.4.1. The official zoning map shall be identified by the signature of the mayor attested by the city clerk, and bearing the seal of the city under the following

words: "This is to certify that this is the official zoning map of the City of Opp, Alabama," together with the date of the adoption of this ordinance.

- 1.4.2. If changes are made in district boundaries or other matter portrayed on the official zoning map, such changes shall be entered promptly after the amendment has been approved by the city council, hereinafter referred to as "the council." No amendment to this ordinance shall become effective until after such change and entry has been made on said map.
- 1.4.3. No changes of any nature shall be made on the official zoning map or matter shown thereon, except in conformity with the procedures set forth in this ordinance. Any unauthorized changes of whatever kind by any person or persons shall be considered a violation of this ordinance and punishable as described herein.
- 1.4.4. Regardless of the existence of purported copies of the official zoning map, which may from time-to-time be published, the official zoning map shall be located in the office of the city clerk and shall be the final authority as to the current zoning status of land and water areas, building, and other structures in the city.
- 1.4.5. Replacement of the official zoning map.
  1. In the event that the official zoning map becomes damaged, destroyed, lost, or difficult to interpret because of the nature or number of changes and additions, the council may, by resolution, adopt a new official zoning map, which shall supersede the prior official zoning map. The new official zoning map may correct drafting or other errors or omissions on the prior official zoning map, but no such corrections shall have the effect of amending the original official zoning map or any subsequent amendment thereof. The new official zoning map shall be identified by the signature of the mayor attested by the city clerk, and bearing the seal of the city under the following words: "This is to certify that this official zoning map supersedes and replaces the official zoning map adopted (date of adoption of map being replaced) as part of the zoning ordinance."
  2. Unless the prior official zoning map has been lost or has been totally destroyed, the prior map or any significant parts thereof remaining shall be preserved, together with all available records pertaining to its adoption or amendment.

Sec. 1.5. - Using this ordinance.

- 1.5.1. *Internal referencing.* All references to articles, sections, subsections, paragraphs and items within this ordinance shall refer to articles, sections, subsections, paragraphs and items in this ordinance unless otherwise specified. When an article, section or other subdivision is referenced within a provision or requirement of this ordinance, unless otherwise specified, all subdivisions within such reference shall be assumed to be applicable.

1.5.2. *Page numbering.* Each article contains its own separate page numbering system. The page numbers are prefixed by the respective article number. As an example, page 10 of article 8 is designated page 8-10.

**Editor's note**— Subsection 1.5.2 is incorrect given the page numbering scheme used in this publication.

## ARTICLE 2. - DEFINITIONS

For the purposes of this ordinance, certain terms or words used herein shall be interpreted as follows:

### Sec. 2.1. - Interpretation.

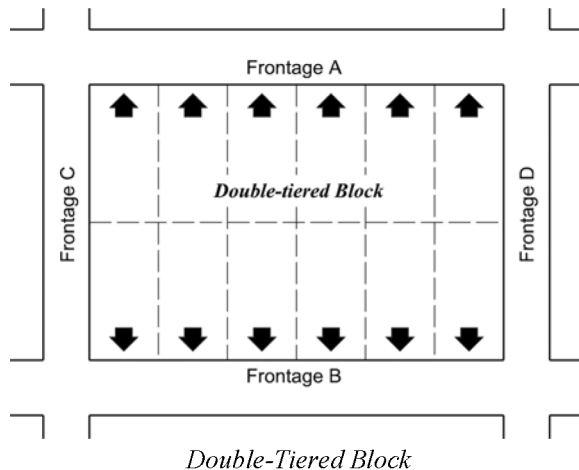
- 2.1.1. The word "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged, or designed to be used or occupied."
- 2.1.2. The word "building" includes "structure."
- 2.1.3. The word "person" includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.
- 2.1.4. The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular.
- 2.1.5. The masculine gender shall include the feminine, and the feminine gender shall include the masculine.
- 2.1.6. The word "shall" is mandatory; the word "may" is permissive.
- 2.1.7. The word "lot" includes the words "plot" or "parcel."
- 2.1.8. Except as otherwise, provided herein, all words have their customary dictionary meaning. The zoning official is authorized to make a final determination of the meaning of any term used in this ordinance, which determination may be appealed to the board.

### Sec. 2.2. - Definitions of terms used in this ordinance.

- 2.2.1. *Abutting:* Touching along a common side, boundary or property line. Two pieces of property that are separated by a right-of-way are "adjacent," but not "abutting."
- 2.2.2. *Access:* A way or means of approach to provide physical entrance to a property.
- 2.2.3. *Accessory structure or accessory building:* A structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal structure.
- 2.2.4. *Accessory use:* A use of land or of a building or portion thereof commonly associated with and integrally related to the principal use of the land or building on the same lot.

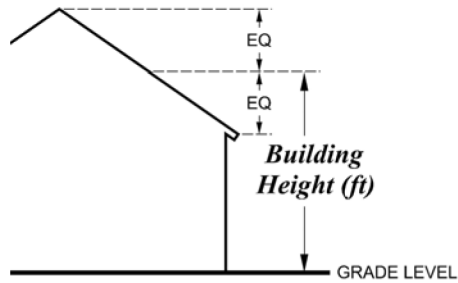
- 2.2.5. *Adjacent*: Either abutting or on the opposite side of a street, right-of-way, or easement that separates it from the subject property. Properties separated by a railroad shall not be considered "adjacent."
- 2.2.6. *Adjoining*: See "Abutting."
- 2.2.7. *Agriculture*: The production, storage, keeping, harvesting, grading, packaging, processing, boarding or maintenance, for sale, lease, or personal use, of plants and animals, including, but not limited to: forages and sod crops; grains and seed crops; dairy animals and products; poultry and poultry products; the keeping, raising and breeding of livestock; bees and apiary products; fur animals; trees and forest products; fruits, nuts and vegetables; plants and flowers; or lands that are devoted to soil conservation or forestry management.
- 2.2.8. *Alley*: A public or private way, other than a driveway, less in width than a street, designed for the special accommodation of the property it reaches, and not intended for general circulation.
- 2.2.9. *Alteration*: Any change or rearrangement in the supporting members of an existing building, such as bearing walls, columns, beams, girders or interior partitions, as well as any change in doors or windows or any enlargement to a building or structure, whether horizontally or vertically, or the moving of a building or structure from one location to another.
- 2.2.10. *Animal shelter*: A nonprofit or public facility providing shelter for small domestic animals.
- 2.2.11. *Applicable district*: That zoning district in which a building, structure, property, or subdivision, for which a zoning application is submitted or permit is sought, is located or is to be moved.
- 2.2.12. *Applicant*: A person submitting an application for development, variance, special, exception, conditional use or rezoning.
- 2.2.13. *Assisted living facility*: A building, portion of a building, or a group of buildings 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 at least two ambulatory adults not related by blood or marriage to the owner and/or administrator and licensed by the State of Alabama.
- 2.2.14. *Automotive repair, major*: An establishment engaged in the repair and maintenance of vehicles, including painting, body work, rebuilding of engines or transmissions, upholstery work, fabrication of parts and similar activities, all of which shall be performed entirely within an enclosed building.
- 2.2.15. *Automotive repair, minor*: An establishment engaged in sales, installation, and servicing of mechanical equipment and parts, including audio equipment and electrical work, lubrication, tune-ups, wheel alignment, tire balancing, brake and muffler work, battery charging and/or replacement and similar activities.
- 2.2.16. *Automotive sales or rental*: An establishment engaged in the sale or rental of automobiles, light trucks, recreational vehicles, boats, [and] motorcycles, including the incidental parking, storage, maintenance, servicing and repair of such vehicles.

- 2.2.17. *Bakery, retail*: An establishment, which bakes goods for on-premises retail sale only.
- 2.2.18. *Basement*: A portion of a building located wholly or partially underground, having one-half or more of its floor-to-ceiling height above the average grade of the adjoining ground.
- 2.2.19. *Bed and breakfast*: A single-family detached dwelling, or part thereof, where lodging and meals are, provided on a daily basis; and in which the operator of the bed and breakfast resides.
- 2.2.20. *Bedroom*: A room marketed, designed or otherwise intended to function primarily for sleeping.
- 2.2.21. *Block*: A tract or parcel of land entirely surrounded by public streets other than alleys or a combination of streets, public land, public parks, cemeteries, railroad rights-of-way, bodies of water or watercourses, or any other barrier to the continuity of development.
- 2.2.22. *Block, double-tiered*: A block for single-family detached and duplex dwellings bounded on all sides by streets and within which lots front only on two of the surrounding streets. The corner lots of such blocks are considered "standard corner lots."



- 2.2.23. *Board of Zoning Adjustment or board*: The Board of Zoning Adjustment of Opp, Alabama.
- 2.2.24. *Boarding house*: A single-family detached dwelling or part thereof in which, for compensation, lodging and meals are, provided on a weekly or monthly basis.
- 2.2.25. *Broadcast studio*: An establishment primarily engaged in broadcasting and other information relay services accomplished through the use of electronic and telephonic mechanisms.
- 2.2.26. *Buffer*: A strip of land that is landscaped to separate incompatible land uses, promoting visual harmony, reducing noise, diverting emissions, and reducing glare. Buffers may consist of existing or planted trees, shrubs or vegetation, fences, walls or berms.

- 2.2.27. *Building*: A structure, having a foundation and roof supported by columns, or by walls, designed to be used as a place of occupancy, storage or shelter.
- 2.2.28. *Buildable area*: The portion of the lot remaining after required yards and buffers, if any, have been, provided.
- 2.2.29. *Building area*: The portion of the lot occupied by the principal building and accessory and other structures.
- 2.2.30. *Building code or city building code*: The International Building Code as adopted, and as may be amended, by the city council.
- 2.2.31. *Building height*: For flat roof buildings, the vertical distance measured from grade level at the front of the building to the highest point of the roof. For pitched-roof buildings, the vertical distance measured from grade level at the front of the building to the average of the eaves and ridges.



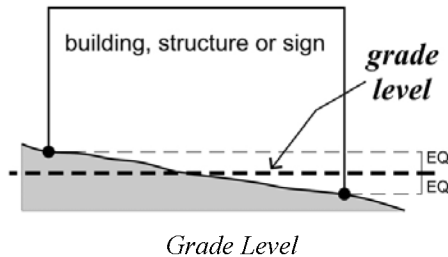
*Building Height for pitched-roof buildings*

- 2.2.32. *Building line, front*: A line extending across the width of a lot coincident with the front-most plane of the building, excluding eaves and cornices.
- 2.2.33. *Building official*: The city official assigned by the city council to administer the city building code and provisions of this ordinance as specified herein, including his/her designee.
- 2.2.34. *Building, principal*: The building in which is conducted the principal use of the concerned lot. This includes any structures attached to such building, including a garage, carport, porte-cochere, or porch.
- 2.2.35. *Building spacing*: The minimum distance between buildings measured from the outermost projection, excluding bay windows, chimneys, flues, ornamental features, cornices and eaves.
- 2.2.36. *Business office or professional office*: A room or group of rooms used for the conduct of a business, profession, service, [or] industry and generally furnished with desks, tables and communications equipment.
- 2.2.37. *Business support service*: A business which supplies support services primarily to business establishments, such as sales of office equipment, supplies and services; cleaning services; computer and office equipment repair and similar services.
- 2.2.38. *Campground*: A plot of ground on which two or more campsites are located, established, or maintained for occupancy by camping units as temporary living quarters for recreation, education or vacation purposes.
- 2.2.39. *City*: The City of Opp, Alabama.
- 2.2.40. *Club*: A group of people organized for a common purpose to pursue common goals, interests and activities and usually characterized by certain membership qualifications, payment of fees or dues, which holds regular meetings and has a constitution or by-laws.
- 2.2.41. *Commercial parking*: Parking of motor vehicles on a temporary basis within a commercially operated, off-street parking lot or garage.
- 2.2.42. *Commercial school*: A private, gainful business providing instruction in arts, business, crafts, trades or professions.
- 2.2.43. *Communication tower*: A transmission tower that either:
- (1) Serves an individual user and is not available to the general public;

- (2) Is privately owned and operated for the purpose of leasing tower space to others; and/or
  - (3) Is a single-purpose facility and not part of a cellular network.
- 2.2.44. *Conditional use:* A use that would not generally be appropriate throughout a zoning district without restriction(s), but which, if controlled as to number, location, area, size, traffic, noise, lighting or other impacts, would not be detrimental to public health. This use is permitted subject to approval by the commission and council.
- 2.2.45. *Conservation subdivision or development:* A form of development that permits a reduction in dimensional requirements, provided there is no increase in the overall density of the development, and the remaining land area is devoted to open space, recreation, or preservation of environmentally sensitive areas.
- 2.2.46. *Convenience store:* A retail establishment, often associated with a gas station, selling food products and beverages, household items, newspapers, magazines and similar goods.
- 2.2.47. *Council or city council:* The city council of the City of Opp.
- 2.2.48. *Country club:* Land or buildings containing recreational facilities and clubhouses for private club members and their guests. Facilities in which the primary function is the operation of a casino, nightclub, dance hall or bingo hall is [are] not considered a country club.
- 2.2.49. *Day care center:* A licensed facility, other than a residence, providing care for part of a 24-hour day to children, elderly, handicapped or infirm persons in accordance with the applicable regulations of the State of Alabama.
- 2.2.50. *Density:* The minimum required lot area per dwelling unit or the maximum number of dwelling units per acre of site area.
- 2.2.51. *Development:* Any proposal to affect the use of land or structures including: subdivision; the construction, reconstruction, conversion, alteration, relocation or enlargement of a structure; any mining, dredging, fitting, grading, paving, excavation, drilling or disturbance of land; and, any use or extension of the use of the land.
- 2.2.52. *Dwelling:* Any building or portion thereof, which is designed and used for residential occupancy.
- 2.2.53. *Dwelling, accessory:* A dwelling located on the same lot of and that is subordinate to a detached, single-family dwelling. Accessory dwellings are commonly referred to as guest houses, garage apartments, mother-in-law units or mews units.
- 2.2.54. *Dwelling, caretaker:* A residence, incidental to a principal use, for an on-site manager, watchman or caretaker employed on the premises.
- 2.2.55. *Dwelling, duplex:* A building containing two single-family dwelling units totally separated from each other by an unpierced wall extending from basement to roof.

- 2.2.56. *Dwelling, garden/patio home*: A detached, single-family dwelling on a small lot that is permitted a zero-lot line on one side.
- 2.2.57. *Dwelling, multifamily*: A building containing three or more dwelling units on a commonly shared lot.
- 2.2.58. *Dwelling, single-family (detached)*: A building containing one dwelling unit and that is not attached to any other dwelling by any means and is surrounded by open space or yards.
- 2.2.59. *Dwelling, townhouse*: A single-family dwelling in a row of three to eight such units in which each unit has its own front and rear access to the outside, no unit is located over another, and each unit is separated by one or more vertical common fire-resistant walls.
- 2.2.60. *Dwelling unit*: One or more rooms occupied as separate living quarters, with cooking, sleeping, and sanitary facilities, provided within the dwelling unit for the exclusive use of a single-family maintaining a household.
- 2.2.61. *Dwelling, upper-story*: A dwelling unit located on a floor above a use of another type. Upper-story dwellings may commonly be referred to as "loft apartments."
- 2.2.62. *Entertainment, indoor*: A commercial establishment providing spectator entertainment within an enclosed building, including movie theaters, playhouses, concert halls, etc.
- 2.2.63. *Entertainment, outdoor*: An establishment providing spectator entertainment in open or partially enclosed or screened facilities, including sports arenas, racing tracks, drive-in theaters, amusement parks, etc.
- 2.2.64. *Family*: Any one of the following arrangements when living together in a dwelling as a single-housekeeping unit:
1. An individual;
  2. Two or more persons related by legal adoption, blood, or a licit marriage plus up to two unrelated individuals;
  3. A group of not more than five unrelated persons.
- 2.2.65. *Farm*: Land used primarily for agricultural purposes.
- 2.2.66. *Farm support business*: A commercial establishment engaged in the sale of farm support goods and services, including, but not limited to, the following: 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 farm animals.
- 2.2.67. *Fence*: An artificially constructed barrier of any material or combination of materials erected to enclose or screen areas of land.
- 2.2.68. *Floor area, gross*: The total area of a building measured using the outside dimensions of the building at each floor level intended for occupancy or storage.
- 2.2.69. *Fowl*: Chickens, turkeys, ducks, geese, quail, guineas, etc.

- 2.2.70. *Front-accessed*: Having vehicular access from the front of the property, requiring a driveway along a front lot line.
- 2.2.71. *Freight depot or truck terminal*: An area and building where trucks load and unload cargo and freight and where the cargo and freight may be broken down or aggregated into smaller or larger loads for transfer to other vehicles or modes of transportation.
- 2.2.72. *Garden center or nursery*: The growing, cultivation storage and sale of garden plants, trees, flowers, shrubs, and fertilizers, as well as the sale of garden tools and similar accessory and ancillary products, to the general public.
- 2.2.73. *Gas station*: An establishment dispensing automotive fuels at retail. A gas station that includes minor vehicle repair activities is considered a "service station."
- 2.2.74. *Grade level*: For buildings, the average level of the finished grade at the front building line. For trees, landscaping, signs and light fixtures, the level of finished grade at the base of the tree, plant, sign or fixture.

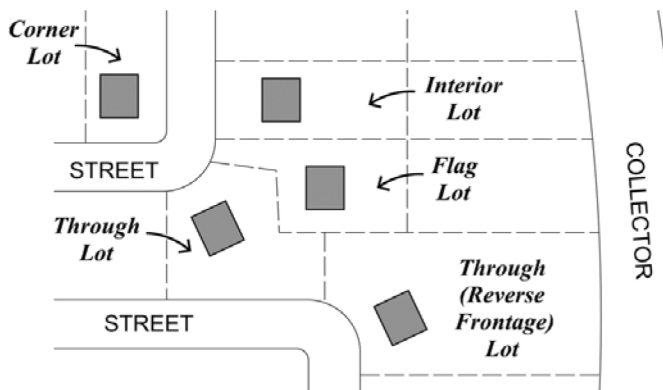


- 2.2.75. *Grocery store*: A retail establishment primarily selling food for off-premises consumption and/or preparation, as well as other convenience and household goods.
- 2.2.76. *Group care home*: A dwelling for the sheltered care of persons, which, in addition to providing food and shelter, may also provide some combination of personal care, social or counseling services, and transportation. Group care homes are further defined and regulated by the State of Alabama.
- 2.2.77. *Home occupation*: A business, profession, occupation or trade conducted for gain or support as an incidental activity within a dwelling.
- 2.2.78. *Home improvement center*: A place of business providing building, yard and garden materials, appliances, tools and supplies at retail or wholesale.
- 2.2.79. *Hospital*: An establishment providing primary health services and medical or surgical care to persons, primarily inpatients, suffering from illness, disease, injury, deformity, and other abnormal physical or mental conditions and including as an integral part of the institution related facilities such as laboratories, outpatient facilities, training facilities, medical offices and staff residences.
- 2.2.80. *Hotel*: A lodging establishment, in which guest rooms are accessed from the interior of the building. Hotels may also include, as an incidental use, a liquor lounge.

- 2.2.81. *Improvement*: Any permanent item that becomes a part of, is placed upon or is affixed to real estate.
- 2.2.82. *Independent living facility*: A multifamily residential facility for the elderly. These facilities may provide meals and other services such as housekeeping, linen service, transportation, and social and recreational activities. Such facilities do not provide, in a majority of the units, assistance with activities of daily living such as supervision of medication, bathing, dressing, toileting, etc.
- 2.2.83. *Industry or industrial use*: Economic activities including resource extraction; construction; manufacturing; transportation, communication, electric, gas, and sanitary services; wholesale trade; and warehousing.
- 2.2.84. *Industry, heavy*: Meat or poultry processing, slaughterhouses, resource extraction, the storage or manufacturing of flammable, explosive or toxic materials or other materials generally considered to be hazardous or offensive in nature.
- 2.2.85. *Industry, light*: An industry characterized by one or more of the following:
1. Smaller in bulk and area, employing fewer employees, and having lesser noise and other environmental impacts than heavy industries;
  2. Produce goods for end users rather than as intermediates for other industries;
  3. Produce goods of relatively high value per weight using moderate amounts of partially processed materials.
- 2.2.86. *Institutional use*: Structures or land occupied by a group, cooperative, or other entity created for nonprofit purposes or for public use or services; but not including those of an industrial nature such as garages, repair or storage yards, and warehouses. Institutional uses are further categorized as follows:
1. Low intensity: places of assembly up to 250 seats; day care centers and group care homes; and nursing care facilities and other homes for the aged up to 10,000 sf.
  2. Medium intensity: government buildings up to 12,500 sf.; elementary and junior high/middle school; places of assembly up to 500 seats; and health and other institutions up to 35,000 sf.
  3. High intensity: government buildings greater than 12,500 sf.; places of assembly greater than 500 seats; high schools, universities, colleges, and junior colleges; health and other institutions greater than 35,000 sf.; and stadiums and arenas.
- 2.2.87. *Internal street*: A street completely contained within the boundaries of a planned development whether dedicated for public use or not.
- 2.2.88. *Junk yard*: See "Salvage yard."
- 2.2.89. *Kennel*: An establishment in which domesticated animals are housed, groomed, bred, boarded, trained, or sold, all for compensation.
- 2.2.90. *Landfill*: A State-approved site for solid waste disposal employing an engineering method of disposing of solid wastes in a manner that minimizes

environmental hazards by spreading, compacting to the smallest volume and applying cover material over all exposed waste at the end of each operating day.

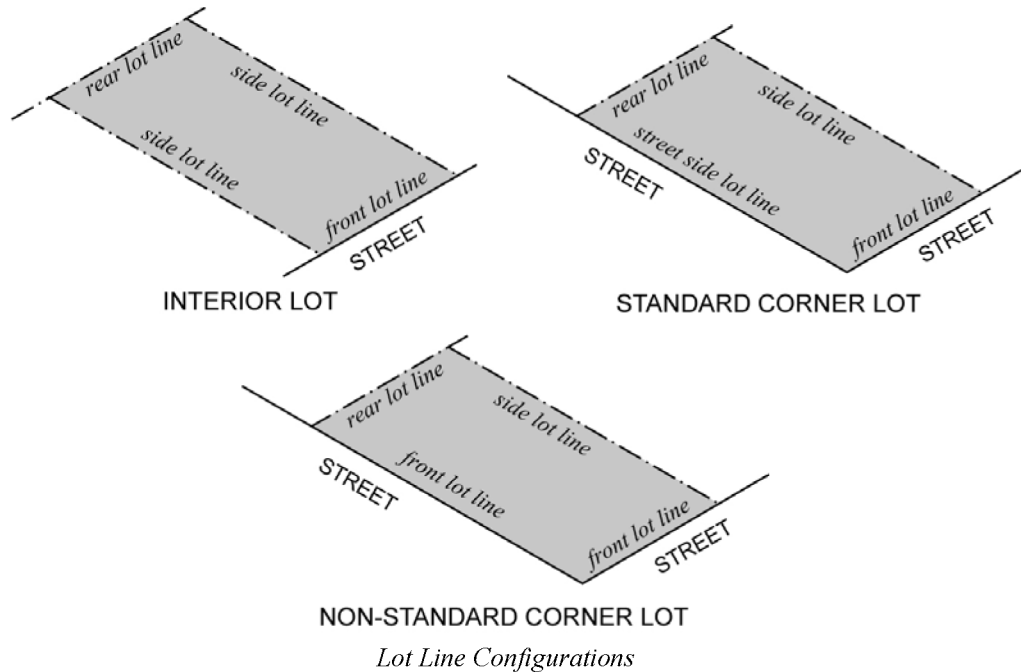
- 2.2.91. *Laundering plants*: Establishments primarily engaged in high volume laundry and garment services, including commercial and industrial laundries; garment pressing and dry cleaning; linen supply; diaper service; carpet and upholstery cleaners, but excluding laundromats and dry-cleaning pick-up stations without dry cleaning equipment.
- 2.2.92. *Laundry services*: Laundromat, laundry and dry-cleaning pick-up stations, dryer, and clothing storage, but excluding laundering plants.
- 2.2.93. *Liquor lounge*: A licensed establishment engaged in the preparation, sale or serving of liquor for consumption on the premises only. This includes but is not limited to the following terms: taverns, bars, cocktail lounges, nightclubs and similar uses where liquor consumption is a primary or incidental activity on the premises of the establishment.
- 2.2.94. *Livestock sales*: The sale of animal livestock within an enclosed yard or structure, including livestock markets, horse or cattle auctions and similar activities.
- 2.2.95. *Lot*: A parcel of land in one ownership, used or set aside and available for use as the site of one or more buildings and accessory structures or for any other permitted purpose.



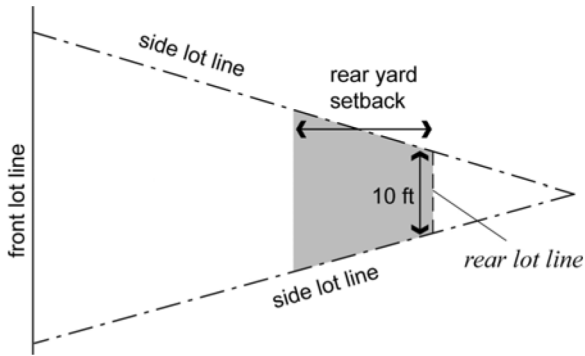
*Types of Lots*

- 2.2.96. *Lot, corner*: A lot abutting two or more streets at their intersections or on two parts of the same street forming an interior angle of less than 135 degrees.
1. *Non-standard corner lot*: A corner lot on other than a double-tiered block. Non-standard corner lots have two front yards, each abutting the front yards of the two interior lots adjoining it.
  2. *Standard corner lot*: A corner lot, for single-family detached and duplex dwellings, on a double-tiered block. A standard corner lot has a front yard, abutting the front yard of the adjoining interior lot, and a street side yard abutting the same of the adjoining standard corner lot.
- 2.2.97. *Lot, interior*: A lot other than a corner lot.

- 2.2.98. *Lot, reverse frontage:* A through lot fronting on both a major street and a parallel, lesser street. Reverse frontage lots may be required to have access from the lesser street.
- 2.2.99. *Lot, through:* A lot that fronts on two streets that do not intersect at the boundaries of the lot.
- 2.2.100. *Lot area:* The total area within the lot lines of a lot, excluding any rights-of-way.
- 2.2.101. *Lot frontage:* The lot width measured at the front lot line.
- 2.2.102. *Lot line:* A line bounding a lot which divides it from another lot or from a street or from any other public or private place.



- 2.2.103. *Lot line, front:* The lot line separating a lot from a street right-of-way. In the case of standard corner lots, there shall be a front lot line and a street side lot line. The shorter of the two shall be the front lot line. For all other corner lots, any lot line along a street frontage shall be considered a front lot line.
- 2.2.104. *Lot line, rear:* That lot line which is parallel to and most distant from the front line. In the case of a triangular or irregularly shaped lot, a line ten ft. in length, entirely within the lot, parallel to and at the maximum distance from the front lot line.
- 2.2.105. *Lot line, side:* Any lot line other than a front lot line or a rear lot line.
- 2.2.106. *Lot line, street side:* For standard corner lots, that lot line corresponding with the longer of the two street frontages.



*Rear Lot Line for Triangular Lot*

- 2.2.107. *Lot of record*: A lot that exists as shown or described on a plat or deed that has been recorded in the Office of the Probate Judge.
- 2.2.108. *Lot width*: The minimum distance measured between the side lot lines at the front building line. For corner lots, lot width is the distance measured between the side lot line and the opposite lot line.
- 2.2.109. *Maintenance service*: An establishment providing building and yard maintenance services, such as janitorial services, exterminating services, landscaping services, window cleaning services, office cleaning services and similar uses.
- 2.2.110. *Manufactured homes*:
1. *Class A manufactured home*: A double-wide or larger manufactured home constructed after July 1, 1976 that meets or exceeds the construction standards promulgated by the U.S. Department of Housing and Urban Development that were in effect at the time of construction and that satisfies the criteria in § 6.7 and where the manufactured home has a length not exceeding four times its width.
  2. *Class B manufactured home*: A single-wide manufactured home constructed after July 1, 1976 that meets or exceeds the construction standards promulgated by the U.S. Department of Housing and Urban Development that were in effect at the time of construction.
  3. *Class C manufactured home*: A manufactured home built before 1976 that does not meet the definition of a Class A or Class B manufactured home. Class C manufactured homes are not allowed in the city, except as existing structures permitted prior to the adoption of this ordinance.
- 2.2.111. *Manufactured home lot*: A lot designed for the siting of a manufactured home in a manufactured home subdivision.
- 2.2.112. *Manufactured home space*: A space designed for the siting of a manufactured home within a manufactured home park.
- 2.2.113. *Manufactured home subdivision*: A subdivision designed and intended for the siting of Class A manufactured homes.

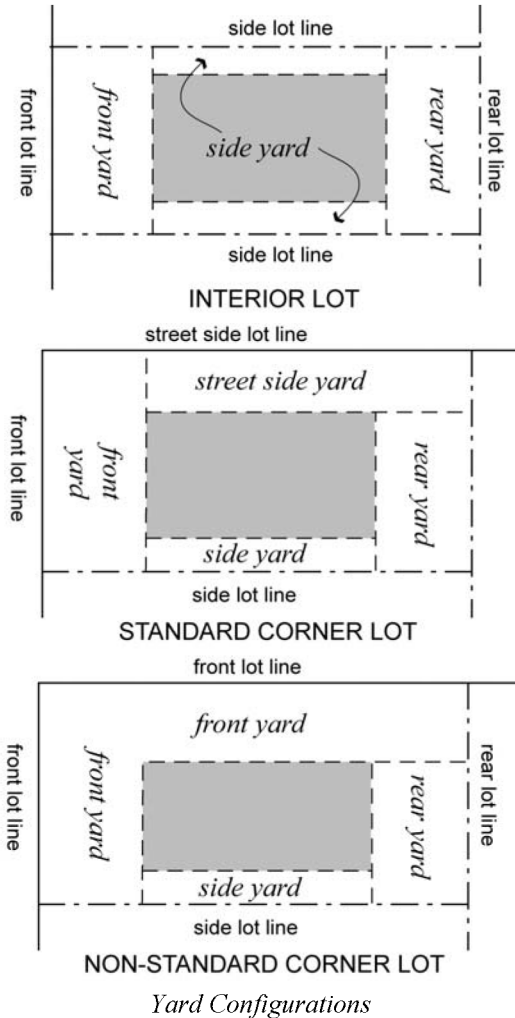
- 2.2.114. *Manufactured home park*: Land used or designed to accommodate a manufactured home community of multiple spaces for rent or lease.
- 2.2.115. *Manufacturing*: Industrial uses that involve the processing and manufacturing of materials or products and the incidental storage, sale and distribution of such products.
- 2.2.116. *Manufacturing, heavy*: The manufacture, predominantly from extracted or raw materials of finished products or parts, including processing, fabrication, assembly, treatment and packing of such products.
- 2.2.117. *Manufacturing, light*: The manufacture, predominantly from previously prepared materials of finished products or parts, including processing, fabrication, assembly, treatment and packing of such products.
- 2.2.118. *Medical clinic*: A facility providing medical, psychiatric or surgical services for sick or injured persons exclusively on an outpatient basis.
- 2.2.119. *Medical support service*: A place of business, which supplies medical support services to individuals, medical practitioners, clinics and hospitals, including, but not limited to, a pharmacy, medical and surgical supply store, and an optician.
- 2.2.120. *Mini-warehouse*: A structure group of structures partitioned for leasing of individual storage spaces and is exclusively used for the storage of non-volatile, non-toxic and non-explosive materials.
- 2.2.121. *Mixed use or mixed use development*: The combination of a residential use with commercial and/or lodging uses on the same site or within the same building.
- 2.2.122. *Modular Home*: A structure built in sections or parts that are manufactured offsite and delivered to and installed on a lot. Not to be confused with manufactured homes, modular homes do not have frame, tongue, and/or axles and wheels.
- 2.2.123. *Motel*: A lodging establishment, in which guest rooms are accessed from the exterior of the building. Motels may also include, as an incidental use, a liquor lounge.
- 2.2.124. *Nonconformities*: Lawful uses of lots, structures or characteristics of uses, which, as a result of amendment to this ordinance, no longer conform to all applicable zoning provisions.
- 2.2.125. *Nonresidential*: Land uses including agricultural, institutional, commercial, lodging and industrial activities. Mixed-use developments shall also be considered nonresidential uses.
- 2.2.126. *Nursing care facility*: A licensed institution 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 an assisted or independent living facility.
- 2.2.127. *Office*: See "Business office."
- 2.2.128. *Open air market*: Retail sales of arts, crafts, produce, discount or used goods, which are located partially or wholly outside of an enclosed building. This may include produce market, craft market, farmers market or similar activities.

- 2.2.129. *Open space, common:* Land area within a development owned and maintained by the developer or held in common ownership and maintained by a property owner's association for all of the owners for recreation, protection of natural land features, amenities or buffers; is freely accessible to all owners of the development; and, is required by this ordinance to remain in such use.
- 2.2.130. *Outdoor storage:* The keeping, in an unenclosed area, of any goods, materials, merchandise, products or vehicles in the same place for more than 48 hours.
- 2.2.131. *Owner:* The person having the right and legal title to, beneficial interest in or a contractual right to purchase a lot or parcel of land, or their authorized designee.
- 2.2.132. *Park:* Publicly owned and operated parks, playgrounds, recreation facilities and open spaces. Parks owned and operated by a property owners association are referred to as "common open spaces."
- 2.2.133. *Personal service:* An establishment primarily engaged in providing services involving the care of a person or their personal goods or apparel.
- 2.2.134. *Perimeter:* The boundaries or borders of a lot, tract or parcel of land.
- 2.2.135. *Place of assembly:* A facility used for and providing religious, fraternal, recreational, social, educational or cultural activities.
- 2.2.136. *Planning commission or commission:* The planning commission of the City of Opp, Alabama.
- 2.2.137. *Premises:* A lot, parcel, tract or plot or land together with the structures hereon.
- 2.2.138. *Printing establishment:* Blue printing, copying, printing, engraving or other reproduction services.
- 2.2.139. *Property line:* The lot line or boundary line.
- 2.2.140. *Public facility:* Buildings providing public services, not otherwise defined in this section, including government offices, post offices, museums, libraries, transit stations, police and fire stations, emergency service stations, civil defense operations and similar uses.
- 2.2.141. *Public utility facility:* A facility that provides public utility services to the public at large, including water and sewer, gas distribution, electric transmission and distribution, and cable transmission and distribution facilities.
- 2.2.142. *Rear-accessed:* Having vehicular access by way of an alley or similar means and without a driveway along any front lot line.
- 2.2.143. *Recreation:* A commercial establishment providing recreational or sports activities to participants, including bowling alleys, billiard parlors, video game centers, ice and roller skating rinks, driving ranges, miniature golf courses, conventional golf courses, swimming pools, tennis courts and other commercial recreational and sports activities.

- 2.2.144. *Recreational vehicle*: A vehicular type portable structure without permanent foundation that can be towed, hauled, or driven and is designed primarily as a temporary living accommodation of recreational and camping purposes.
- 2.2.145. *Recycling center*: Land, with or without buildings, upon which used materials are separated and processed for shipment for eventual reuse in new products.
- 2.2.146. *Recycling plant*: A facility, other than a junk yard, in which recoverable resources, such as newspapers, magazines, books and other paper products; glass, metal cans and other products are recycled, reprocessed and treated to return such products to a condition in which they may be used again in new products.
- 2.2.147. *Research laboratory*: A building or group of buildings in which are located facilities for scientific research, investigation, testing or experimentation, but not facilities for the manufacture or sale of products, except as incidental to the main purpose of the laboratory.
- 2.2.148. *Resource extraction*: The removal of soil, sand, stone, chert, clay, gravel, limestone, or other minerals or similar materials, for commercial purposes, including quarries, sand and gravel operations, gas extraction, and mining operations, and the loading, sizing, crushing, and processing of such materials, and the incidental storage, sale and distribution of such materials.
- 2.2.149. *Restaurant, drive-in or drive-through*: An establishment where food and drink are rapidly prepared for drive-through or drive-in service, but which also includes on-premises dining.
- 2.2.150. *Restaurant, standard*: An establishment where food and drink are prepared, served and primarily consumed within the building where patrons are seated and served.
- 2.2.151. *Restaurant, take-out only*: An establishment where food and drink are prepared and served for consumption off-premises only.
- 2.2.152. *Retail, general*:
1. General retail, enclosed retail sales of goods and services including, but not limited to; food sales, department stores, clothing stores, home furnishings, appliance stores, automobile parts and supply stores, video rental, gift shops, florist shops, hardware stores, specialty shops, jewelry stores, variety stores, sporting goods stores, antique shops, auction houses and similar retail activities.
  2. General retail, unenclosed retail sales of goods and services conducted partially or fully outside of a building, including, but not limited to, flea markets and similar activities.
- 2.2.153. *Salvage yard or junk yard*: A lot or structure or part thereof, used primarily for the collecting, storage and sale of waste paper, rags, scrap metal or discarded material or for the collecting, dismantling, storage and salvaging of machinery or vehicles not in running condition or for the sale of parts thereof.
- 2.2.154. *School*: A public or nonprofit school.

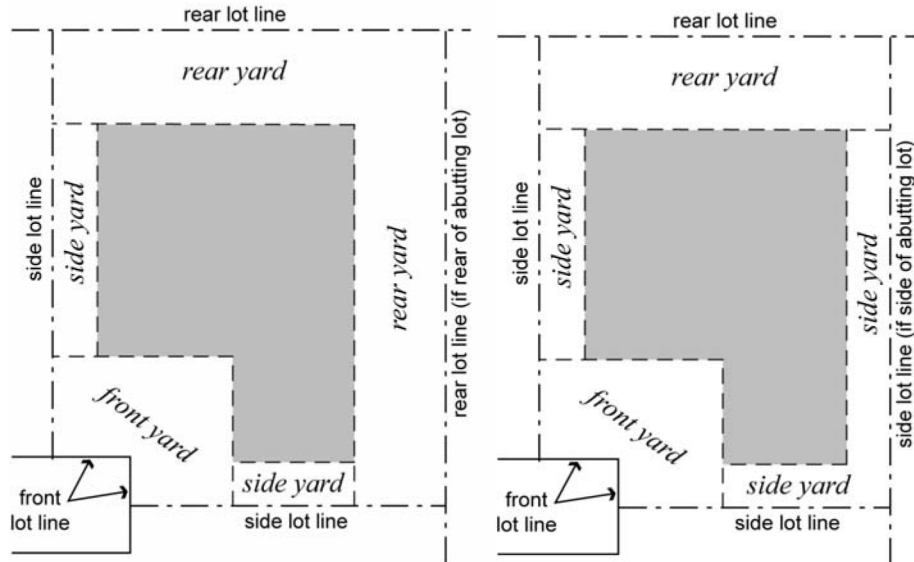
- 2.2.155. *Screen*: To visually shield or obscure a building, structure or use from adjacent property or public view by means of opaque fencing, walls, berm or densely planted vegetation.
- 2.2.156. *Service station*: A gas station that engages in minor vehicle repair activities.
- 2.2.157. *Shopping center*: A group of commercial establishments located on a lot planned and developed in a unified manner and design with shared parking and driveway facilities and under a common ownership or management authority.
- 2.2.158. *Site*: Land intended to have one or more buildings or intended to be subdivided into one or more lots.
- 2.2.159. *Special, exception use*: A use that would not generally be appropriate in a zoning district without restriction(s), but which, if controlled as to number, area, location or relation to the neighborhood, would not be detrimental to public health, safety and general welfare. See § 13.6.
- 2.2.160. *Story*: That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, the ceiling next above and including basements used for the principal use. A top floor, in which the floor area with eight ft. or more of head clearance is 50 percent or less than the floor area of the story next below, is considered a "half story." A basement is considered a story if its ceiling is more than five ft. above grade level or if it is used for residential purposes.
- 2.2.161. *Street*: A vehicular way dedicated for public use including all land within the right-of-way. Streets are further classified as:
1. *Arterial*: A major street serving as a primary artery, intended to mainly carry through traffic and to connect major activity centers in the city, and as further classified following:
    - a. Major arterials include US 331, US 84, AL 52, and AL 134.
    - b. Minor arterials include Florala Hwy, W Cummings Ave, Business 33, and E Stewart Ave.
  2. *Collector*: A street that collects traffic from an area and moves it to the arterial network while providing some access to abutting property, including, but not limited to: Opine Road, Old Perry Store Road, Maloy St, N Jackson St, Cool Springs Road, and Barnes St.
  3. *Local street* or *minor street*: A minor street used primarily for access to abutting properties.
- 2.2.162. *Street line*: The right-of-way line of a street.
- 2.2.163. *Structure*: A combination of materials that form a construction for use, occupancy, or ornamentation whether installed on, above or below the surface of land or water. All buildings are structures but not all structures are buildings.

- 2.2.164. *Studio*: A place of work for an artist, photographer or craftsman, including instruction, display, production and retail sales of materials produced on the premises.
- 2.2.165. *Subdivision*: The division of a lot, tract or parcel or land into two or more lots, plats, sites or other divisions of land for the purpose, whether immediate or future, of sale or of building development. Such term includes re-subdivision of land and when appropriate to the context relates to the process of subdivision or to the land or territory subdivided.
- 2.2.166. *Tree, canopy*: A deciduous tree that reaches a mature height of at least 20 ft.
- 2.2.167. *Tree, understory*: A deciduous tree that reaches a mature height of fifteen to 25 ft.
- 2.2.168. *Truck stop*: An establishment involving the maintenance, servicing, storage or repair of commercial vehicles; the retail dispensing of motor vehicle fuels; and the sale of accessories or equipment for trucks and similar commercial vehicles. Truck stops may include overnight accommodations or dining.
- 2.2.169. *Variance*: A relaxation or waiver of the terms of this ordinance (other than use provisions) as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this ordinance will result in unnecessary hardship.
- 2.2.170. *Vehicle and equipment sales, rental and service*: An establishment engaged in the sale or rental of heavy trucks (over one ton), construction equipment, tractors farm implements and similar equipment, including the storage, maintenance and servicing of such vehicles and equipment.
- 2.2.171. *Veterinary hospital*: A place where animals are given medical care and the boarding of animals is limited to short-term care incidental to the hospital use.
- 2.2.172. *Wholesaling establishment*: An establishment primarily engaged in selling merchandise to other businesses, including retailers, industrial, commercial, institutional, or professional business users, other wholesalers, or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies.
- 2.2.173. *Yard*: A minimum open area unobstructed from the ground up extending along a lot line and inward to the structure. The yard shall be measured as the shortest distance between the structure and the lot line.
1. *Front yard*: A yard extending the full width of the lot between any building and the front lot line and measured perpendicular to the building at the closest point to the front lot line.



2. *Rear yard:* A yard extending the full width of the lot between the principal building and the rear lot line and measured perpendicular to the building to the closest point of the rear lot line.
3. *Side yard:* A yard extending from the front yard to the rear yard between the principal building and the side lot line and measured perpendicular from the side lot line to the closest point of the principal building.

In some cases, there may be lots-of-record platted along dead end streets without cul-de-sac turnarounds. In such cases there yards are defined as shown below. In such cases, the side and rear yards are determined by the zoning official based on the arrangement of abutting lots.



*Special Yard Configurations: Lots at Dead-End without Cul-de-Sac*

4. *Street side yard:* For standard corner lots, a yard extending from the front yard to the rear yard between the principal building and the street side lot line and measured perpendicular from the street side lot line to the closest point of the principal building.

2.2.174. *Zero lot line:* A lot line with no required setback.

2.2.175. *Zoning official:* The city official assigned by the city council to administer this ordinance, including his/her designee.

Sec. 2.3. - Abbreviations used in this ordinance.

- 2.3.1. BR—Bedroom.
- 2.3.2. CR—County Road.
- 2.3.3. Dr.—Drive.
- 2.3.4. DU—Dwelling Unit.
- 2.3.5. EQ—Equal.
- 2.3.6. FAA—Federal Aviation Administration.
- 2.3.7. FEMA—Federal Emergency Management Agency.
- 2.3.8. ft.—Foot or feet.
- 2.3.9. GFA—Gross Floor Area.
- 2.3.10. GLA—Gross Leasable Area.
- 2.3.11. max.—Maximum.
- 2.3.12. min.—Minimum.
- 2.3.13. na—Not applicable.

- 2.3.14. oc—On center.
- 2.3.15. PL—Property line or Lot Line.
- 2.3.16. ROW—Right-of-way.
- 2.3.17. sf—Square feet.
- 2.3.18. %—Percent.
- 2.3.19. §—Section, subsection, paragraph or item within this ordinance or other regulations, as specified.

ARTICLE 3. - ESTABLISHMENT OF DISTRICTS

Sec. 3.1. - Districts.

For the purposes of this ordinance, the city is hereby divided into the types of districts designated as follows:

- 3.1.1. AR Agricultural and Recreational.
- 3.1.2. R-1 Low Density Residential.
- 3.1.3. R-2 Medium Family Residential.
- 3.1.4. R-3 Single and Two-family Residential.
- 3.1.5. R-4 Multifamily Residential.
- 3.1.6. R-5 Group Housing Residential.
- 3.1.7. P-1 Planned Unit Development.
- 3.1.8. P-2 Planned Neighborhood Development.
- 3.1.9. P-3 Planned Industrial Development.
- 3.1.10. T-1 Manufactured Home.
- 3.1.11. C-1 Central Business.
- 3.1.12. C-2 Neighborhood Business.
- 3.1.13. C-3 General Commercial.
- 3.1.14. C-4 Regional Commercial.
- 3.1.15. INST Institutional.
- 3.1.16. M-1 Light Manufacturing.
- 3.1.17. M-2 Heavy Manufacturing.

Sec. 3.2. - District boundaries.

The boundaries of the above districts are hereby established as shown on the official zoning map.

- 3.2.1. Boundary interpretations. Where uncertainty exists as to the boundaries of districts as shown on the official zoning map, the following rules shall apply:

1. Boundaries indicated as approximately following the centerlines of streets, highways, or alleys shall be construed to follow such centerlines.
2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
3. Boundaries indicated as approximately following city limits shall be construed as following such city limits.
4. Boundaries indicated as following railroad lines shall be construed to be mid-way between the main tracks.
5. Boundaries indicated as following shore lines shall be construed to follow such shore lines, and in the event of change in the shore line, it shall be construed as moving with the actual shore line; boundaries indicated as approximately following the center lines of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such center lines.
6. Boundaries indicated as parallel to or extensions of features indicated in paragraphs 1 through 5 above shall be so construed. Distances not specifically indicated on the official zoning map shall be determined by the scale of the map.
7. When physical or cultural features existing on the ground are at variance with those shown on the official zoning map or in circumstances not covered by paragraphs 1 through 6 above, the board of zoning adjustment, hereinafter referred to as "the board," shall interpret the district boundaries.
8. Where a district boundary line divides a lot, which was in single ownership at the time of passage of this ordinance, the board may permit, as a special, exception, the extension of the regulations for either portion of the lot not to exceed 50 ft. beyond the district line into the remaining portion of the lot.

#### ARTICLE 4. - NONCONFORMITIES

##### Sec. 4.1. - Purpose of regulations.

Within the districts established by this ordinance, as amended, there exist lots, structures, uses of land and structures and characteristics of use which were lawful before this ordinance was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this ordinance or future amendment. It is the intent of this ordinance to permit these nonconformities to continue until they are removed, but not to encourage their survival. It is further the intent of this ordinance that nonconformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

- 4.1.1. Nonconforming uses are declared by this ordinance to be incompatible with permitted uses in the districts involved. A nonconforming use of a structure, land, or structure and land in combination shall not be extended or enlarged after the passage of this ordinance by attachment on a building or premises of additional signs intended to be seen from off-premises, or by the addition of other uses, of a nature that would be prohibited generally in the district involved.

4.1.2. To avoid undue hardship, nothing in this ordinance shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this ordinance and upon which actual building construction has been carried on diligently.

1. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner.
2. Where excavation or demolition or removal of an existing building has been substantially begun preparatory to building, such excavation or removal shall be deemed to be actual construction, provided that work shall be carried on diligently.

Sec. 4.2. - Nonconforming lots of record.

4.2.1. In any district in which single-family dwellings are permitted, a single-family dwelling and customary accessory buildings may be erected on any lot of record at the effective date of this ordinance, or amendment thereto, notwithstanding limitations imposed by other provisions of this ordinance. Such lot must be in separate ownership and not continuous frontage with other lots in the same ownership. This provision shall apply even though a lot fails to meet the requirements for area or width, or both, that are generally applicable in the districts, provided that yard dimensions and requirements other than those applying to area or width, or both, of the lot shall conform to the regulations for the applicable district.

4.2.2. Variance of yard requirements shall be obtained only through action of the board.

4.2.3. If two or more lots or combination of lots and portions of lots with continuous frontage in single ownership are of record at the effective date of this ordinance, or amendment thereto, and if all parts of the lots do not meet the requirements established for lot width and area, the lands involved shall be considered to be an undivided parcel for the purposes of this ordinance, and no portion of said parcel shall be used or sold in a manner which diminishes compliance with lot width and area requirements established by this ordinance nor shall any division of any parcel be made which creates a lot with width or area below the requirements stated in this ordinance.

Sec. 4.3. - Nonconforming uses of land.

Where at the time of passage lawful use of land exists, which would not be permitted by the regulations imposed by this ordinance, and where such use involves no individual structure with a replacement cost less than \$1,000.00 (determined by the building official), the use may be continued so long as it remains otherwise lawful, provided:

- 4.3.1. No such nonconforming use shall be enlarged or increased or extended to occupy a greater area of land than was occupied at the effective date of this ordinance or amendment thereto.

- 4.3.2. No such nonconforming use shall be moved in whole or part to any portion of the lot or parcel than that occupied by such use at the effective date of this ordinance or amendment thereto.
- 4.3.3. If any such nonconforming use of land ceases for any reason for a period of more than 30 consecutive days, any subsequent use of such land shall conform to the regulations specified by this ordinance for the applicable district.
- 4.3.4. No additional structure not conforming to the requirements of this ordinance shall be erected in connection with such nonconforming use of land.

Sec. 4.4. - Nonconforming structures.

Where a lawful structure exists at the effective date of this ordinance, or amendment thereto, that could not be built under the terms of this ordinance by reason of restrictions on area, lot coverage, height, yards, its location on the lot, or other requirements concerning the structure, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

- 4.4.1. No such nonconforming structure may be enlarged or altered in a way that increases its nonconformity, but any structure or portion thereof may be altered to decrease its nonconformity.
- 4.4.2. Should such nonconforming structure or nonconforming portion of structure be destroyed by any means to a condition exceeding more than 50 percent of its replacement cost at the time of destruction, it shall not be reconstructed, except in conformity with this ordinance.
- 4.4.3. Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the applicable district.

Sec. 4.5. - Nonconforming uses of structures or of structures and premises in combination.

If lawful use involving individual structures with a replacement cost of \$1,000.00 or more (determined by the building official) or of structures and premises in combination, exists at the effective date of this ordinance, or amendment thereto, the lawful use may be continued so long as it remains otherwise lawful, subject to:

- 4.5.1. No existing structure devoted to a use not permitted by this ordinance in the applicable district shall be enlarged, extended, constructed, reconstructed, moved or structurally altered, except in changing the use of the structure to a use permitted in the applicable district.
- 4.5.2. Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the effective date of this ordinance, or amendment thereto, but no such use shall be extended to occupy any land outside such building.
- 4.5.3. If no structural alterations are made, any nonconforming use of structure, or structure and premises, may as a special, exception be changed to another nonconforming use, provided that the board, either by general rule or by making

findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such change, the board may require appropriate conditions and safeguards in accordance with the provisions of this ordinance.

4.5.4. Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for this ordinance, and the nonconforming use may not thereafter be resumed.

4.5.5. When a nonconforming use of a structure, or structure and premises in combination, is discontinued or abandoned for six consecutive months or for 18 months during any three-year period (except when government action impedes access to the premises), the structure, or structure and premises in combination, shall not thereafter be used, except in conformity with this ordinance.

4.5.6. Where nonconforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land. Destruction for the purpose of this subsection is defined as damage to an extent of more than 50 percent of the replacement cost at the time of destruction.

#### Sec. 4.6. - Nonconforming improvements.

When there exist nonconforming improvements on a developed site, such as driveway access points, landscaping, buffers, screening, or off-street parking or loading facilities, such improvements shall be made to conform to the applicable provisions of this ordinance in the following circumstances:

1. When the premises remains vacant for a period of two or more years;
2. When the use of the premises is expanded or changes to a more intensive use.

#### Sec. 4.7. - Repairs and maintenance of nonconforming structures.

On any nonconforming structure or portion of a structure containing a nonconforming use, work may be done in any period of 12 consecutive months on ordinary repairs, or on repair or replacement of non-bearing walls, fixtures, wiring, or plumbing, to an extent not exceeding ten percent of the replacement cost of the nonconforming portion of the structure as the case may be, provided that the cubic content existing when it became nonconforming shall not be increased.

4.7.1. If a nonconforming structure or portion of a structure containing a nonconforming use becomes physically unsafe or unlawful due to the lack of repairs and maintenance, and is declared by any duly authorized officials to be unsafe or unlawful by reason of physical condition, it shall not therefore be restored, repaired or rebuilt, except in conformity with this ordinance.

4.7.2. Nothing in this ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

Sec. 4.8. - Uses under special, exception provisions are not nonconforming.

Any use, which has been approved by the board as a special, exception, other than a change through board action from nonconforming use to another use not generally permitted in the district, shall not be considered a nonconforming use.

## ARTICLE 5. - SUPPLEMENTARY REGULATIONS

Sec. 5.1. - Uses.

5.1.1. *Permitted, special exception and conditional uses.* In each district no other uses other than the types specified as uses permitted-by-right or by approval of a special, exception (see § 13.6) or conditional use (see § 12.11) shall be allowed. Uses permitted-by-right are permitted upon application to the zoning official. Permits shall only be issued for special, exception or conditional uses upon approval by the board or the commission, respectively.

5.1.2. *Interpretation of uses.* The use tables in this ordinance (i.e., table 6-1 and table 7-1) are not intended to be all-inclusive. Therefore, the zoning official may make interpretations so as to classify any questioned use within a listed use of most similar impact and characteristics.

5.1.3. *Unclassified uses.* In the event the zoning official finds a new or unusual use that cannot appropriately fit a listed use in any district, the following procedures shall be followed:

1. If compatible with the existing zoning district intent, the unclassified use shall be permitted by special, exception upon approval and subject to the conditions set by the board.
2. If the unclassified use would not be compatible with the intent of the existing zoning district, the applicant may request rezoning to another district in which the zoning official determines the unclassified use is best suited. If rezoning is sought, the unclassified use may only be permitted by special, exception in the requested district. Following final action on the unclassified use, the commission may initiate an amendment to this ordinance to list the use in the most appropriate district(s).

Sec. 5.2. - Area and dimensional regulations.

The regulations set by this ordinance shall be the minimum regulations and shall apply to each class or kind of structure or land, and particularly, except as hereinafter, provided:

5.2.1. No building, structure, or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved, or structurally altered, except in conformity with this ordinance.

5.2.2. No building or other structure shall hereafter be erected or altered:

1. To exceed the height or bulk;
  2. To accommodate or house a greater number of families;
  3. To occupy a greater percentage of lot area;
  4. To have narrower or smaller rear yards, front yards, side yards, or other open spaces than herein required or in any manner contrary to the provisions of this ordinance.
- 5.2.3. Every part of a required yard shall be open to the sky, unobstructed by any structure or part thereof, and unoccupied for storage, servicing or similar uses, except as otherwise specified in this ordinance.
- 5.2.4. No part of a yard, or other open space, or off-street parking or loading space required about or in connection with any building for the purpose of complying with this ordinance shall be included as part of a yard, open space, or off-street parking or loading space similarly required for any other building, unless specifically, provided for otherwise in this ordinance.
- 5.2.5. No yard or lot existing at the time of passage of this ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this ordinance shall meet at least the minimum requirements established by this ordinance.
- 5.2.6. All territory, which may hereafter be annexed to the city, shall be considered to be in the low density residential district, unless otherwise classified. However, if an annexation petitioner desires to have property classified within any zone other than R-1, following annexation, the petitioner must obtain the approval from the commission prior to the submission of the formal annexation request to the council, and the council must approve such zoning classification.
- 5.2.7. Each structure hereafter erected or altered shall comply with the area and dimensional regulations applied by this ordinance. Exceptions to these requirements are as follows:
1. Where the owner of a lot of official record at the time of adoption of this ordinance does not own sufficient adjacent land to enable such owner to conform to area and dimensional requirements, one building and its accessory structures may be built, provided the setbacks and other requirements conform as closely as possible, in the opinion of the board, to the requirements of the applicable district; and further, provided that neither side yard shall be reduced to less than five ft. in width, except where a lesser or no side yard setback is required.
  2. No building shall be required to be set back more than the average of the setbacks of the existing principal buildings within 100 ft. each side thereof.

### Sec. 5.3. - Height.

Height limitations shall not apply to church steeples, barns, silos, farm structures, chimneys, flag poles, public utility poles, cooling towers, water tanks, and industrial

structures, when required by manufacturing process and, provided the structure does not exceed 25 percent of the lot area, except in those districts where height restrictions are for the protection of aircraft.

Sec. 5.4. - Structures.

It is the intent of this ordinance that there shall be but one principal structure plus any permitted accessory structures on any lot used for single-family or duplex dwellings; however, any and all accessory structures shall not be used as living quarters, unless specifically permitted by this ordinance. This shall not apply to single-family and duplex dwelling developments under condominium ownership that otherwise meet the area and dimensional requirements of this ordinance. Protective shelters classified as accessory structures may provide temporary living quarters in times of danger or emergency.

Sec. 5.5. - Future street lines.

On any lot which, as of the effective date of this ordinance or amendment thereto, may be reduced in area by widening a public street to the right-of-way width indicated on any duly adopted federal, state, regional county (sic) or municipal plan, or as same may be hereafter amended, the minimum required yards, lot area, lot width, and lot coverage area shall be measured by considering such future street lines as the lot line of the concerned lot. However, upon a recommendation by the City Planner, the commission may modify this requirement as it applies to streets under the city's jurisdiction.

Sec. 5.6. - Rear yard abuts a public street.

When the rear yard of a lot abuts a public street, all buildings or structures on that rear yard shall observe the same setback from the street line or property line as required for adjacent properties which front on that street. In addition, any structure located within 25 ft. of that setback line shall observe the side yard requirements of the adjoining properties fronting on that street.

Sec. 5.7. - Intersection visibility.

To provide a clear view at intersections, there shall be an unobstructed triangular area at the intersection of any two streets or a street with a driveway, alley or railroad. The size of this triangular area shall be determined in accordance with table 5-1. Such distance shall be measured from the position of a car stopped at the intersection to the centerline of the intersecting street, as shown in Figure 5.7. Within this triangular area, no structure, sign or planting shall be permitted which obstructs motorist's view between a height of 2.5 ft. and eight ft. above grade level at the intersection.

Table 5-1 Sight Distance Requirements	
Design Speed of Intersecting Street (mph)	Intersection Sight Distance (ft.) <sup>1</sup>

15	170
20	225
25	280
30	335
35	390
40	445

<sup>1</sup> Distances are intended as a minimum guideline. Site conditions such as grades, traffic volumes, signalization types, etc. may warrant increases in desired sight distances.

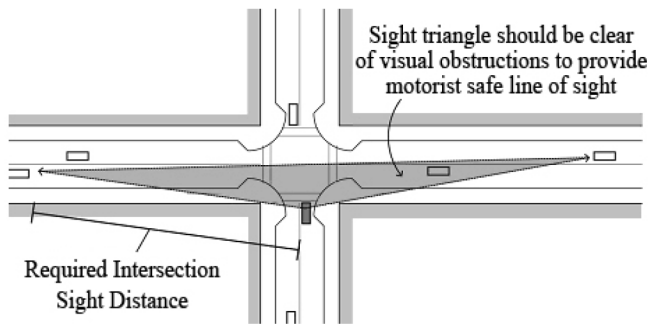


Figure 5.7 Intersection Sight Distance

Sec. 5.8. - Rear dwelling prohibited.

No accessory structure or building on the lot of a single-family or duplex dwelling, other than the principal building used for such single-family or duplex dwelling, may be used for residential purposes, unless specifically approved as part of a planned development.

Sec. 5.9. - Location of accessory buildings.

Accessory buildings may be erected on any lot; however, such buildings shall be located so as to comply with the following requirements:

- 5.9.1. No accessory building shall be erected in any required front or side yard and shall not occupy more than 30 percent of any required rear yard. Accessory buildings shall be at least five ft. from all lot lines and from any building on the same lot.

5.9.2. No accessory building not an integral part of the principal building shall be located within 60 ft. from the front lot line.

5.9.3. In the case of a corner lot adjoined in the rear by a lot facing the side street, the accessory structure shall be located in such a manner as to conform with the front and side yard requirements of the adjoining lots.

Sec. 5.10. - Access to public streets.

Every use, building or structure established after the effective date of this ordinance shall be on a lot or parcel with street frontage. All structures shall be so located on lots as to provide safe and convenient access for servicing, fire protection and required off-street parking.

Sec. 5.11. - Fences, walls, hedges.

Notwithstanding other provisions of this ordinance, fences, wall and hedges may be permitted in any required yard, or along the edge of any yard, provided no fence, wall, or hedge shall exceed 2.5 ft. in height within the clear sight triangle required by § 5.7.

Sec. 5.12. - Essential community facilities.

Nothing in this ordinance shall prohibit the provision of essential services, provided the installation of such facility or service does not violate any other applicable provision of this ordinance.

Nothing contained in this section shall be construed to permit the erection, construction or enlargement of any building, tower, or maintenance depot for provision of an essential community facility or service, except as otherwise permitted in this ordinance.

Sec. 5.13. - Access streets.

The following regulations shall apply to all commercial and industrial developments located on major arterials:

5.13.1. There shall be provisions made by the developer whereby adequate land shall be set aside to provide an access street parallel to the major arterial.

5.13.2. The developer shall provide a paved access street for the length of the lot frontage and that meets city specifications.

5.13.3. Ingress and egress points to the access road from private property shall be coordinated by the developer with the City Planner.

5.13.4. The commission may waive any parts of this provision governing access streets if it is determined by the City Planner that direct access will not adversely affect traffic safety and movement on the major arterial and any adjoining streets.

Sec. 5.14. - 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 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 nonresidential 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, as amended.

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. No such vehicle 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.

Sec. 5.15. - Manufactured homes and portable buildings.

5.15.1. Manufactured homes not in use may be stored only in conforming manufactured home sales lots, within the confines of a building, or in individual lots in conforming manufactured home parks with only one manufactured home permitted per manufactured home space.

5.15.2. Portable buildings meeting the definitions of Class A or B manufactured homes may be used as bona fide construction offices on any premises for which a building permit has been issued and remains valid.

5.15.3. Portable buildings meeting the definitions of Class A or B manufactured homes may be used as accessory structures on lots in nonresidential districts that are already developed with a permanent structure that houses the principal use. In such cases, the portable building may only house a use that is customarily incidental to the principal use, including a caretaker dwelling, but shall only be placed behind the front building line. Where such placement is insufficient to obscure public views of the portable building, screening may be required by the zoning official, consistent with the standards in § 11.3, screening.

5.15.4. In accordance with § 12.3, building permit required, the placement of any manufactured home on property, whether temporarily or permanently, shall require a building permit. This shall not apply to the placement of a manufactured home on a previously approved manufactured home park space nor the placement of a manufactured home for sale on an approved manufactured home sales lot.

5.15.5. Manufactured homes are only allowed in a designated Manufactured Home Park or District (T-1).

Sec. 5.16. - Swimming pool.

5.16.1. Swimming pools shall not be located closer to any lot line than ten ft., and non-commercial pools shall be enclosed by a fence or wall not less than five ft. to prevent uncontrolled access.

5.16.2. Private swimming pools may be established in residential districts for the exclusive use of the occupants of the subject property and their guests and, provided that no part of the swimming pool extends into any required front or side yard.

Sec. 5.17. - Additional regulations for areas of special flood hazard.

All properties within areas of special flood hazard, as defined in Ordinance 439 Flood Damage Prevention Ordinance, City of Opp, shall also be subject to the applicable regulations of said ordinance in addition to the requirements of this ordinance. Wherever there is a conflict between the provisions of this ordinance and those of Ordinance 439, the more restrictive shall apply.

Sec. 5.18. - Ownership and maintenance of common open spaces and facilities.

For all proposals involving the creation of open spaces or facilities (including stormwater detention ponds and similar facilities) to be owned and maintained by a developer or a homeowner, property owner, or condominium association, including where such open spaces are required by this ordinance, the following shall apply:

5.18.1. *Owner's association.* In the case of an owner's association, such association shall own the common open space or facility in perpetuity. Membership in the association shall be mandatory and automatic for all owners of the subdivision or condominium and their successors. The association shall have lien authority to ensure the collection of dues from all members. The responsibility for maintaining the common open space and/or facilities located thereon shall be borne by the association.

5.18.2. *Management plan, submittal.* The applicant shall submit, along with a proposed preliminary plat or site plan, as applicable, a plan for the management of open space and/or common facilities that:

1. Allocates responsibility and guidelines for the maintenance and operation of the common open space/facilities including provisions for ongoing maintenance and for long-term capital improvements;
2. Estimates the costs and staffing requirements needed for maintenance and operation of, and insurance for, the common open space/facilities and outlines the means by which such funding will be obtained or, provided;
3. Provides that any changes to the plan be approved by the commission; and
4. Provides for enforcement of the plan.

In the event the party responsible for maintenance of the common open space fails to maintain all or any portion in reasonable order and condition, the city may enter the premises and take corrective action, including the provision of extended maintenance. The costs of such maintenance may be charged to the association, or to

the individual owners that make up the association, and may include administrative costs and penalties. Such costs shall become a lien on all involved properties.

Sec. 5.19. - Noise standards.

In addition to the separation and landscaping requirements of § 11-1, buffers, no use shall produce continuous, recurring, scheduled or intermittent noise beyond its property and that exceeds the levels indicated in table 5-2.

5.19.1. Any use which may produce noise levels in excess of those permitted at the property line as indicated in table 5-2 shall be required to incorporate noise baffles or other noise suppression techniques in order to comply with these requirements.

Table 5-2. Noise Standards		
Use or Zoning of Abutting Property	Daytime 7:00 a.m.—9:00 p.m.	Nighttime 9:00 p.m.—7:00 a.m.
Residential	75 dB	70 dB
Commercial or Institutional	80 dB	75 dB
Industrial	85 dB	80 dB

5.19.2. Exemptions. The following uses and activities shall be exempt from this § 5.19:

1. Noise from safety signals, warning devices, and emergency pressure relief valves.
2. Noise from any authorized emergency vehicle, when responding to an emergency call or acting in time of emergency.
3. Noise from aircraft or railways.
4. Noise from utility stations, utility substations or utility plants.
5. Noise from construction activities occurring between 7:00 a.m. and sundown or from temporary operation of maintenance equipment or activities in residential and commercial areas between the hours of 7:00 a.m. and 9:00 p.m.

5.19.3. Where a change in zoning or use occurs on abutting property, the noise from a pre-existing industrial or commercial use shall be subject to the pre-existing restrictions, as if the zoning or use of the abutting property had not changed.

Sec. 5.20. - Lighting standards.

The intent of these standards is to reduce the impacts of glare, light trespass and light pollution while promoting safety and energy conservation. For all nonresidential and multifamily developments, the following shall apply:

5.20.1. *Definitions.* For this § 5.20, the following terms shall have the meanings, provided herein:

1. *Floodlighting:* Artificial lighting so directed or diffused as to provide comparatively uniform illumination over a large area.
2. *Full cut-off light fixture:* A light fixture that, by design of the housing, does not allow any light dispersion or direct glare to shine above [a] 90-degree horizontal plane from the base of the fixture.
3. *Glare:* The sensation produced by a bright light source that is sufficiently brighter than the level to which the eyes are adapted, which causes annoyance, discomfort, or loss in visual performance.
4. *Glare, direct:* Glare resulting from direct line-of-sight eye contact with a direct light source.
5. *Light trespass:* Light from an artificial source that is intruding into an area where it is not wanted or does not belong.
6. *Light fixture shield:* A non-reflective covering, canopy or other such device fitted over a light source preventing light from illuminating an area not intended to be illuminated.
7. *Uplighting:* Any light source that distributes illumination above a horizontal plane.

5.20.2. *Standards.*

1. All outdoor lighting fixtures shall be designed, shielded, aimed, located and maintained to prevent light trespass and glare onto adjacent properties or roadways.
2. The intensity, location, and design of lighting shall be such that not more than one foot candle of light is cast upon adjacent residential property.
3. Light fixtures shall be full cut-off fixtures, with the following, exceptions:
  - a. Holiday lighting from November 15 to March 1.
  - b. Sensor activated lights, provided that:
    - 1) It is located in such a manner as to prevent glare and lighting onto properties of others or into the public right-of-way;
    - 2) The light is set to illuminate only when activated and to extinguish within five minutes after activation has ceased; and
    - 3) The light must not be triggered by activity that occurs off of the subject property.

- c. All temporary emergency lighting needed by fire and police departments or other emergency agencies.
  - d. Floodlights with external shielding if the luminaire does not cause glare or light to shine on adjacent property or public rights-of-way.
  - e. Up lighting for flags, address markers, and architectural features and low-voltage landscape lighting, provided that direct illumination is focused exclusively on the object and away from adjoining properties and public streets and sidewalks. In all cases, up lighting must not cause glare or light trespass.
  - f. Light fixtures that have a maximum output of 1,000 lumens per fixture (equal to a single 60-watt incandescent light), regardless of the number of lamps, provided:
    - 1) The bulb of the fixture is not visible;
    - 2) The fixture uses frosted, opalescent, clear or iridescent glass;
    - 3) The fixture has an opaque top or is under an opaque portion of the building;
    - 4) If the fixture utilizes clear glass, the output of the fixture must be shielded by the architecture of the structure; and
    - 5) All fixtures must not cause glare or light trespass beyond the property.
  - g. Floodlighting used for outdoor recreational facilities, provided:
    - 1) To the extent practicable, all light fixtures/light poles used to illuminate playing fields, courts and other outdoor recreational facilities shall be set back a minimum of one foot for every foot in height from any residential property line or right-of-way.
    - 2) In any case, floodlighting shall be turned off no later than one hour after an event is concluded. The fixtures must be aimed so that their beams are directed and fall within the primary playing or performance area. All sports and event lighting must be equipped with a glare-control package (louvers, shields or similar devices), and the fixtures must be aimed so that beams are directed and fall within the primary playing area and light trespass is minimized.
4. In parking lots, light fixture poles shall not be more than 30 feet in height.
  5. Light fixtures under any canopy shall be recessed into the canopy ceiling with a flat lens to prevent glare. The bottom of the fixtures may protrude a no more than two inches from the ceiling. No other portions of the canopy not included in the sign area shall be illuminated.
- 5.20.3. *Lighting plan required.* For all nonresidential and multifamily developments involving off-street parking areas in excess of 20 spaces, a lighting plan shall be submitted as part of the required site plan. The lighting

plan shall be prepared by a registered engineer, design or lighting professional and shall include the information listed in appendix 5.

## ARTICLE 6. - RESIDENTIAL DISTRICT REGULATIONS

The following sections present the specific regulations which govern development within each of the city's residential zoning districts.

### Sec. 6.1. - Residential district regulations, generally.

6.1.1. *Uses permitted.* Uses shall be permitted in each residential district as indicated in table 6-1. Any use not specified in table 6-1 as permitted is prohibited (except as, provided in § 5.1, uses). Any additional uses shall be allowed only through amendment of this ordinance. Refer to the specific district regulations for any limitations that may apply to certain uses.

6.1.2. *General development criteria.* All developments shall comply with the area and dimensional requirements in table 6-2, the provisions specified in the regulations of the applicable district and the provisions referenced following, where applicable:

1. See article 5, supplementary regulations.
2. See article 9, supplementary use regulations.
3. See article 10, parking and loading requirements.
4. See article 11, landscaping, screening and buffers.
  - a. Buffers shall be, provided, pursuant to § 11.1, when a new use of higher intensity is developed abutting an existing use of lesser intensity.
  - b. Landscaping shall be, provided around and within vehicular areas pursuant to § 11.2.
  - c. Screening shall be, provided for outdoor storage areas, dumpsters, and similar site elements pursuant to § 11.3.

### Sec. 6.2. - Low Density (R-1) Residential District.

6.2.1. Intent. The R-1 district is designed to facilitate the development of single-family, low-density residential areas, with additional facilities limited to those which enhance and preserve the residential neighborhood environment.

6.2.2. No new R-1 district may be established which contains less than five acres.

### Sec. 6.3. - Medium Density (R-2) Residential District.

6.3.1. The R-2 district is designed to facilitate the development of single-family, medium-density residential areas, with additional facilities limited to those which enhance and preserve the residential neighborhood environment.

6.3.2. No new R-2 district may be established which contains less than five acres.

### Sec. 6.4. - Single- and Two-Family (R-3) Residential District.

- 6.4.1. Intent. The R-3 district is designed to facilitate the development of single-family and low-density multifamily dwelling units, not to exceed two dwelling units per structure, and additional uses which enhance the residential environment of the district.
- 6.4.2. No new R-3 district may be established which contains less than five acres.
- 6.4.3. Development criteria.
1. More than one two-family unit structure may be erected on the same lot, provided there shall be a minimum distance of 20 ft. between structures, and, provided all other area and dimensional requirements are satisfied.

Table 6-1. Uses Permitted in Residential Districts						
Districts	R-1	R-2	R-3	R-4	R-5	T-1
Residential Uses						
Boarding House			SE	SE		
Duplex			Y	Y		
Conservation Subdivision, § 9.7	Y	Y	Y		Y	
Family Day Care Home, § 9.12	Y	Y	Y			
Home Occupation, § 9.3	Y	Y	Y	Y	Y	
Independent Living Facility				SE		
Manufactured Home Park						C
Manufactured Home Subdivision						C
Multifamily Dwelling				Y		
Residential Accessory Structure	Y	Y	Y	Y	Y	Y
Single-family Detached Dwelling	Y	Y	Y	Y	Y	Y
Townhouse					Y	

Nonresidential Uses						
Assisted Living Facility, Nursing Care Facility	C	C	C	C	C	C
Bed and Breakfast, § 9.8		SE	SE	SE		
Cemetery, § 9.2	SE	SE	SE	SE	SE	
Communications Tower, § 9.9	C	C	C	C	C	C
Country Club	SE	SE	SE	SE	SE	
Day Care Center, § 9.12	SE	SE	SE	SE	SE	
Group Care Home, § 9.12				R		
Place of Assembly, Public or Semi-Public	C	C	C	C	C	C
Public Buildings (fire stations, libraries, etc.)	C	C	C	C	C	C
Public Recreational Facility (parks, playgrounds, stadiums)	C	C	C	C	C	C
Public Utility Facility, § 9.6	C	C	C	C	C	C
Public Utility Service	Y	Y	Y	Y	Y	Y
School, Public or Private	C	C	C	C	C	C

Y - The use is permitted by right, subject to any limitations of the applicable district. Similar uses to those listed may also be permitted subject to § 5.1.2 and § 5.1.3.

SE - Special, exception use, requires approval by the board of zoning adjustment (see § 13.6). May also be subject to district limitations.

C - Conditional use, required approval by the commission (see § 12.11). May also be subject to district limitations.

A use followed by a numeric cross-reference is also subject to the supplementary use regulations referenced.

A blank cell indicates that the use is prohibited.

Table 6-2. Area and Dimensional Requirements for Residential Districts							
Refer also to the applicable district regulations for any development criteria that may modify or supplement the requirements shown herein.							
<i>District</i>	<i>R-1</i>	<i>R-2</i>	<i>R-3</i>	<i>R-4</i> <sup>1</sup>	<i>R-5</i>		<i>T-1</i> <sup>2</sup>
					<i>townhouse</i>	<i>patio home</i>	
Min. Lot Size	15,000 sf.	10,500 sf.	7,000 sf.	10,000 sf. plus 1,600 sf. per unit for over 4 units	1,500 sf.	6,000 sf.	8,000 sf.
Min. Lot Width (at Building Line)	100 ft.	70 ft.	60 ft.	100 ft.	20 ft.	60 ft. <sup>3</sup>	60 ft.
Min. Lot Frontage	50 ft.	50 ft.	35 ft.	35 ft.	18 ft.	35 ft.	na
Min. Front Yard Setback	40 ft.	35 ft.	25 ft.	25 ft.	10-15 ft. <sup>4</sup>	20 ft.	25 ft.
Min. Rear Yard Setback	45 ft.	40 ft.	25 ft.	25 ft.	25 ft.	25 ft.	25 ft. Min. Side Yard Setback
One-story	15 ft.	ten ft.	ten ft.	ten ft.	0 ft.; 12 ft. at end of group	10 ft. one side; 0 ft. other side	10 ft.

Multi-story	18 ft.	12 ft.	12 ft.	12 ft.			
Min. Street Side Yard Setback	30 ft.	25 ft.	20 ft.	na	na	na	na
Max. Lot Coverage	25%	25%	30%	35%	55%	40%	naMax. Building Height
Principal Buildings	2½ stories or 35 ft.	2½ stories or 35 ft.	2½ stories or 35 ft.	3 stories or 45 ft.	3 stories or 45 ft.		1 story or 20 ft.
Accessory Structures	20 ft.	20 ft.	20 ft.	20 ft.			
Supplemental Requirements for Nonresidential Uses							
Min. Lot Size	30,000 sf.	30,000 sf.	30,000 sf.	30,000 sf.	30,000 sf.	na	
Min. Yard Setbacks	40 ft.	40 ft.	30 ft.	30 ft.	30 ft.	na	
Min. Lot Width (at Building Line)	na	na	na	na	100 ft.	na	

1. Minimum lot size, minimum lot width (at building line), and minimum street side yard for single-family dwellings shall be as, provided for the R-3 district.
2. Requirements are for manufactured home subdivisions lots. For manufactured home parks, refer to § 6.7.
3. Minimum lot width at building line may be reduced to 50 ft. if lots are rear-accessed.
4. See § 6.6.5.4a for specific requirement.

Sec. 6.5. - Multifamily (R-4) Residential District.

- 6.5.1. Intent. The R-4 district is designed to facilitate the development of multifamily dwellings, and additional uses which enhance the residential environment of the district.
- 6.5.2. No new R-4 district may be established which contains less than ten acres.
- 6.5.3. Development criteria.
  1. More than one multifamily dwelling may be erected on the same lot, provided there shall be a minimum distance of 20 ft. between structures, and, provided all other area and dimensional requirements are satisfied.
  2. Multifamily dwellings shall be buffered from any single-family and duplex dwellings as required in § 11.1.

Sec. 6.6. - Group Housing (R-5) Residential District.

- 6.6.1. The R-5 district is designed to facilitate the development of garden/patio homes and townhouses, and additional uses which enhance the residential environment of the district.
- 6.6.2. No new R-5 district may be established which contains less than five acres.
- 6.6.3. Patio home developments and townhouse developments shall not share the same block frontage with detached single-family dwellings or duplexes unless separated by an alley, watercourse or buffer. Patio home developments and townhouse developments shall be similarly separated.
- 6.6.4. All lots shall be served by water and sewer. All utilities shall be placed underground or in an alley for rear-accessed lots.
- 6.6.5. Development criteria for townhouses.
  1. All lots shall front on a street; and each townhouse shall have a front entrance facing a street and be accessible from the rear.
  2. No less than three nor more than eight townhouses shall be located within a continuous building group.
  3. Each townhouse shall be located on a separate platted lot, except where developed under condominium ownership.
  4. Except as, provided herein, minimum dimensional requirements shall be as shown in table 6-2.
    - a. Front yard: Townhouses shall be set back no less than ten ft. from the nearest edge of a required sidewalk. Where the front yard is less than 15 ft., the ground floor of the unit shall be no less than two ft. above grade level at the sidewalk.
    - b. Rear yard: Where an alley is present at the rear of the lot, the minimum rear yard setback for accessory buildings shall be 12 ft. from the alley centerline.

- c. A side yard shall only be required at the end of a row of townhouses, in which case the minimum width shall be 12 ft. However, when the end unit abuts a street, the minimum front yard setback shall apply.
  - d. Each townhouse shall have its own yard containing not less than 400 sf., exclusive of paved parking space, reasonably secluded from view from streets and from neighboring property.
- 5. Off-street facilities shall be, provided on and to the rear of the individual townhouse lots, or grouped in bays in the interior of blocks.
  - 6. Common open spaces and facilities shall comply with § 5.18.
- 6.6.6. Development criteria for patio homes.
- 1. No patio home shall be located less than 25 ft. from any boundary of the development that abuts an R-1, R-2 or R-3 district.
  - 2. Though a zero lot line is permitted on one side, there shall be a minimum spacing of ten ft. between the sides of all patio homes.

Sec. 6.7. - Manufactured Home (T-1) District.

- 6.7.1. Intent. The T-1 district is designed to provide locations within the city for the development of planned manufactured home parks. The areas are developed and located to provide safe and sanitary living conditions for occupants and are conveniently located near shopping centers, schools and other community facilities.
- 6.7.2. No new T-1 district may be established which contains less than five acres. A site plan shall be submitted with all requests for establishment of a manufactured home district including those materials listed in appendix 1.
- 6.7.3. Manufactured home classifications. Only Class A manufactured homes and site-built homes shall be permitted in manufactured home subdivisions. Only Class A and Class B manufactured homes shall be permitted in manufactured home parks. Class C manufactured homes and non-manufactured homes are prohibited in manufactured home parks.
- 6.7.4. Development criteria for manufactured home subdivisions.
  - 1. Area and dimensional requirements shall be as shown in table 6-2.
  - 2. Only site-built single-family detached dwellings and Class A manufactured homes shall be permitted. Class A manufactured homes shall comply with the following:
    - a. The manufactured home shall have a minimum of 960 sf. of enclosed and heated living area.
    - b. The roof shall have a minimum vertical rise of three ft. for each 12 ft. of horizontal run and shall be finished with a type of shingle commonly used in standard residential construction.
    - c. All roof structures shall have an eave projection of no less than six inches, which may include a gutter.

- d. The exterior siding shall consist predominantly of vinyl or aluminum horizontal siding, wood, or hardboard, comparable in composition, appearance and durability to the exterior siding commonly used in standard residential construction
- e. All manufactured homes shall be blocked and tied down in conformance with the standards set forth in section 11-49-219, Code of Alabama, 1975, as amended [Code of Ala. 1975, § 24-5-30 et seq.], and shall have skirting installed between the base of the structure and the ground. This skirting shall be made of concrete block, wood, vinyl, or other approved materials.
- f. The moving hitch, wheels and axles, and transporting lights shall be removed prior to occupancy.

6.7.5. Development criteria for manufactured home parks.

- 1. Only Class A and Class B manufactured homes shall be permitted.
- 2. The main service roadway for the manufactured home park shall have access to a public street. All streets and rights-of-way within manufactured home parks shall comply with the city subdivision regulations and all other applicable street construction standards of the city.
- 3. All off-street parking shall have access to an interior roadway within the park. No direct access shall be allowed between manufactured home spaces and any exterior street.
- 4. Requirements for manufactured home spaces:
  - a. Min. area: 2,800 sf.
  - b. Min. width: 32 ft.
  - c. Min. front and rear yards: 25 ft.
  - d. Min. side yard: ten ft.
- 5. No more than ten manufactured home spaces may be developed per gross acre of land area.
- 6. Accessory uses may not constitute more than ten percent of the total site.
- 7. No manufactured home shall be less than 25 ft. from the property lines of the park where it adjoins a residential district.
- 8. All manufactured homes shall be blocked and tied down in conformance with the standards set forth in section 11-49-219, Code of Alabama, 1975, as amended [Code of Ala. 1975, § 24-5-30 et seq.], and shall have skirting installed between the base of the structure and the ground. This skirting shall be made of concrete block, wood, vinyl, or other approved materials.
- 9. Signage shall be identified on the site plan and allowable as approved through the review process.
- 10. No permanent addition of any kind shall be built onto or become a part of any manufactured home, unless wheels and axles of the manufactured home are

removed and the manufactured home is mounted on a permanent foundation. All construction shall comply with the requirements of the city building code.

11. Utilities.
  - a. A sanitary sewer collection system shall be extended to every manufactured home space.
  - b. Every home space shall be, provided with an individual branch water line in accordance with all applicable standards of the city and service provider. Each lot shall have a water meter.
  - c. Every home space shall be, provided with individual electrical service in accordance with all applicable standards of the city and service provider. A primary service line shall not be located across the top of any manufactured home.
12. Density incentive for storm shelters. The commission may increase the maximum allowed density (§ 6.7.5.5) to 12 manufactured home spaces per gross acre when the developer and/or park operator installs and maintains storm shelters in accordance with the following:
  - a. Storm shelters:
    - 1) Have a minimum floor area of seven sf. for each manufactured home space and be located no farther than 1,320 linear ft. from the furthest home space in the manufactured home park.
    - 2) Be designed for compliance with all applicable city building, mechanical, plumbing and electrical codes by a licensed structural engineer or architect and built in accordance with plans as approved by the building inspector.
    - 3) Be designed and constructed to meet all FEMA requirements and guidelines if located in a floodplain.
    - 4) Be designed and constructed to meet all applicable requirements of the Americans with Disabilities Act (ADA).
  - b. The park operator shall be responsible for making the storm shelter accessible and usable in times of need. It is unlawful for any required storm shelter to be used for storage purposes if such storage reduces the minimum floor area available for shelter of persons below the requirements of this subsection.
13. Future additions. Additions of ten or more manufactured home spaces to the park shall comply with either the normally allowed maximum density in § 6.7.5.5 or the increased density allowed pursuant to § 6.7.5.12. If the addition will include storm shelter provisions as specified in § 6.7.5.12, the density calculation shall be based on the gross park acreage including the proposed new spaces. Otherwise, the density calculation shall be based only on the acreage of the area containing the spaces proposed to be added.

## ARTICLE 7. - NONRESIDENTIAL DISTRICT REGULATIONS

The following sections present the specific regulations that govern development within the city's nonresidential zoning districts.

Sec. 7.1. - Nonresidential district regulations, generally.

- 7.1.1. Uses permitted. Uses shall be permitted in each residential district as indicated in table 7-1. Any use not specified in table 7-1 as permitted is prohibited (except as, provided in § 5.1, uses). Any additional uses shall be allowed only through amendment of this ordinance. Refer to the specific district regulations for any limitations that may apply to certain uses.
- 7.1.2. General development criteria. All developments shall comply with the area and dimensional requirements in table 7-2, the provisions specified in the regulations of the applicable district and the provisions referenced herein, where applicable:
  1. See article 5, supplementary regulations.
  2. See article 9, supplementary use regulations.
  3. See article 10, parking and loading requirements.
  4. See article 11, landscaping, screening and buffers.
    - a. Buffers shall be, provided, pursuant to § 11.1, when a new use of higher intensity is developed abutting an existing use of lesser intensity.
    - b. Landscaping shall be, provided around and within vehicular areas pursuant to § 11.2.
    - c. Screening shall be, provided for outdoor storage areas, dumpsters, and similar site elements pursuant to § 11.3.
  5. Lot frontage. It is intended that each nonresidential development front on and be visible from a public street and that accesses to abutting developments are either shared or adequately separated for safety and legibility. Therefore, while the lot frontage requirements in table 7-2 allow flexibility in the design and arrangement of nonresidential developments, no lot or site plan shall be approved when the narrowness of a lot frontage, from which access is to be taken, conflicts with these intents and the requirements of § 10.4, driveway spacing.
  6. Portable buildings may be permitted for temporary construction offices and as accessory structures in nonresidential districts pursuant to § 5.15.

Sec. 7.2. - Agricultural (AR) District.

- 7.2.1. Intent. The AR district is designed to facilitate the continued use of property for an encourage the new development of agricultural and recreational related uses.
- 7.2.2. No new AR district may be established which contains less than five acres.

7.2.3. Any structure used for the housing of livestock or poultry of any kind, including any facilities for watering, feeding and animal waste/manure storage and disposal shall not be located closer than 100 ft. to any property line.

Sec. 7.3. - Central Business (C-1) District.

7.3.1. *Intent.* The C-1 district is designed to facilitate and preserve a central area of intensive commercial, financial, professional, governmental and cultural activities scaled to pedestrian needs.

7.3.2. No new C-1 district may be established which contains less than four acres.

7.3.3. Development criteria.

1. Rear yard requirement shall be waived if the lot abuts a public alley and if loading and unloading facilities are, provided.
2. Requirements for upper-story dwellings.
  - a. Minimum size of 800 sf. of living space per dwelling unit.
  - b. Maximum of one resident per 300 sf. of living space; maximum of two unrelated individuals per dwelling unit.
  - c. Developers shall furnish the building inspector with architectural or engineered building plans complying with all adopted editions of the building, plumbing, mechanical, electrical, fire and life safety codes.
  - d. The removal of solid waste, size and location of cans must be approved by the Opp Sanitation Superintendent.

Sec. 7.4. - Neighborhood Commercial (C-2) District.

7.4.1. *Intent.* The C-2 district is designed to facilitate the unified grouping of retail and personal service facilities that provide for the daily needs of residential neighborhoods. The facilities are intended to blend with residential uses.

7.4.2. No new C-2 district may be established which contains less than three acres.

7.4.3. Development criteria. Single-family detached dwellings, existing prior to the effective date of this ordinance, shall be subject to article 4, Nonconformities, except as follows: If damaged by fire or natural disaster, such dwellings may be renovated, repaired or replaced, on the existing foundation only, regardless of the amount of damage.

Sec. 7.5. - General Commercial (C-3) District.

7.5.1. *Intent.* The C-3 district is designed to facilitate the development of general and personal business activity, with an orientation toward vehicular accessibility.

7.5.2. No new C-3 district may be established which contains less than five acres.

7.5.3. Development criteria.

1. Rear yard requirements shall be waived if a lot abuts an alley and if loading and unloading facilities are, provided.

2. The minimum front yard setback shall be 100 ft. along U.S. Highway 331 and 84. 60 ft. along all other arterials.

Sec. 7.6. - Regional Commercial (C-4) District.

- 7.6.1. Intent. The C-4 district is designed to facilitate the development of commercial establishments which cater specifically to motor vehicle use.
- 7.6.2. No new C-4 district may be established which contains less than 15 acres.
- 7.6.3. Development criteria. The minimum front yard setback shall be 100 ft. along U.S. Highway 331 and 84. 60 ft. along all other arterials.

Sec. 7.7. - Institutional (INST) District.

- 7.7.1. Intent. The INST district is designed to facilitate the development of community and regional-scale institutional uses.

Sec. 7.8. - Light manufacturing (M-1) District.

- 7.8.1. Intent. The M-1 district is designed to facilitate the development of light industrial uses, including light manufacturing and assembly plants.
- 7.8.2. No new M-1 district may be established which contains less than ten acres.

Sec. 7.9. - Heavy manufacturing (M-2) District.

- 7.9.1. *Intent.* The M-2 district is designed to facilitate the development of industrial uses, including heavy industrial and manufacturing uses, which are more acceptably operated in a defined area due to their community impact.
- 7.9.2. No new M-2 district may be established which contains less than ten acres.

Table 7-1. Uses Permitted in Nonresidential Districts								
Districts	AR	C-1	C-2	C-3	C-4	INST	M-1	M-2
Agricultural Uses								
Dairy Farm with on-site retail sales	Y							
Farm	Y							
Farm Support Business	SE			Y	Y		Y	Y
Fruit and Produce, Wholesale	SE							

Grain and Feed Manufacturing	Y							
Hatchery, Aquaculture	Y							
Kennel	Y							
Livestock Sales	SE							
Residential Uses								
Caretaker Dwelling, as an accessory use				SE	SE	SE	SE	SE
Home Occupation, § 9.3	Y							
Independent Living Facility						Y		
Upper-Story Dwelling, § 9.10		Y						
Residential Accessory Structure	Y							
Single-Family Detached Dwelling	Y							
Institutional Uses and Utilities								
Animal Shelter						SE	Y	Y
Assisted Living Facility, Nursing Care Facility		C	C	C	C	Y		
Bus Station		Y		Y	Y		Y	Y
Cemetery, § 9.2	SE		Y	Y	Y	Y	Y	Y
Club, Private		Y	Y	Y	Y	Y	Y	Y
Communications Tower, § 9.9	C	C	C	C	C	C	C	C
Country Club	SE			Y	Y	Y		
Day Care Center, § 9.12			Y	Y	Y	Y	Y	Y

Hospital		C	C	C	C	C		
Military Installation						C	Y	Y
Penal Institution						C	Y	Y
Place of Assembly, Public or Semi-Public	C	C	C	C	C	Y	C	
Public Recreational Facility (parks, playgrounds, stadiums)	C	C	C	C	C	Y	C	
Public Utility Facility, § 9.6	C	C	C	C	C	C	C	C
Public Utility Service	Y	Y	Y	Y	Y	Y	Y	Y
School, Public or Private	C	C	C	C	C	Y	C	
Commercial and Industrial Uses								
Airport	C						C	C
Ambulance, Security Service		SE	SE	Y	Y		Y	Y
Amusement, Indoor or Outdoor		Y		Y	Y			
Automotive Parts Sales		Y		Y	Y		Y	
Automotive Repair, Major							Y	Y
Automotive Repair, Minor		Y	Y	Y	Y		Y	Y
Automotive Sales or Rental				Y	Y		Y	
Bakery, Retail		Y	Y	Y	Y			
Bank or Financial Service		Y	Y	Y	Y		Y	Y
Bed and Breakfast, § 9.8	SE		SE					

Boat Sales and Service				Y	Y		Y	Y
Broadcast Studio, Radio or Television		Y	Y	Y	Y		Y	Y
Business or Professional Office		Y	Y	Y	Y		Y	Y
Business Support Service		Y		Y	Y		Y	Y
Campground	SE			C	C			
Car Wash			Y	Y	Y		Y	
Caterer		Y		Y	Y		Y	
Commercial Parking		Y		Y	Y		Y	Y
Commercial School		Y					Y	
Construction Supply, Lumber Yard				Y	Y		Y	Y
Contractor Storage Yard							Y	Y
Dairy or Creamery	Y						Y	Y
Drive-in Theater, § 9.4				C	SE			
Entertainment, Indoor (comedy club, movie theater, etc.)		Y		Y	Y			
Food Products Manufacturing, Light	SE						Y	Y
Freight Depot, Truck Terminal								Y
Funeral Home				Y	Y			
Garden Center, Nursery	SE	Y	Y	Y	Y		Y	
Gas Station, § 9.5		Y	Y	Y	Y		Y	Y

General Retail, Enclosed		Y	Y	Y	Y			
General Retail, Unenclosed				SE	SE		Y	Y
Home Improvement Center		Y		Y	Y		Y	
Hotel		Y		Y	Y			
Landfill	C						C	C
Laundering Plant				Y	Y		Y	Y
Laundry Service (pick-up station)		Y	Y	Y	Y		Y	
Liquor Sales for off-premises consumption only		Y	Y	Y	Y			
Liquor Sales with on-premises consumption		Y	Y	Y	Y			
Maintenance Service (janitorial, plumbing, exterminator)				Y	Y		Y	Y
Manufactured Home Sales, Repair				Y	Y		Y	Y
Manufacturing, Heavy								Y
Manufacturing, Light							Y	Y
Medical or Dental Clinic		Y	Y	Y	Y	Y		
Medical Support Services				Y	Y	Y	Y	
Mini-warehouse, § 9.11				Y	Y		Y	Y
Motel				Y	Y			
Pawn Shop		Y		Y	Y		Y	
Personal Services (barber, salon, tailor, shoe repair, etc.)		Y	Y	Y	Y			

Printing Service		Y		Y	Y		Y	Y
Repair Service, Major (large appliances)							Y	Y
Repair Service, Minor (small engine, electronics, etc.)		Y	Y	Y	Y		Y	Y
Recreation, Indoor (spa, gymnasium, health club, etc.)			Y	Y	Y			
Recycling Center			SE	SE	SE	SE	SE	SE
Recycling Plant							SE	Y
Research Laboratory							Y	Y
Resource Extraction and Processing								Y
Restaurant, Fast Food (with drive-through or drive-in)				Y	Y		Y	
Restaurant, Standard		Y	Y	Y	Y			
Salvage or Junk Yard							Y	Y
Seafood Store, Retail		Y		Y	Y		Y	
Studio (artist, photography, dance, etc.)		Y	Y	Y	Y		Y	
Textiles Production	Y						Y	Y
Truck and Heavy Equipment Sales, Rental, Repair				Y	Y		Y	Y
Truck Stop							Y	Y
Veterinary Hospital			Y	Y	Y		Y	
Warehousing and Distribution, Enclosed					Y		Y	Y

Warehousing and Distribution, Unenclosed								Y
Wholesaler, no on-site storage			Y		Y		Y	Y
Wholesaler, with on-site storage					Y		Y	Y
Wood or Lumber Processing (sawmills, planning mills, etc.)								Y

Y - The use is permitted by right, subject to any limitations of the applicable district. Similar uses to those listed may also be permitted subject to § 5.1.2 and § 5.1.3.

SE - Special, exception Use, requires approval by the board of zoning adjustment (see § 13.6). May also be subject to district limitations.

C - Conditional use, required approval by the commission (see § 12.11). May also be subject to district limitations.

A use followed by a numeric cross-reference is also subject to the supplementary use regulations referenced.

A blank cell indicates that the use is prohibited.

Table 7-2. Area and Dimensional Requirements for Nonresidential Districts								
Refer also to the applicable District Regulations for any Development Criteria that may modify or supplement the requirements shown herein.								
<i>District</i>	<i>AR</i>	<i>C-1</i>	<i>C-2</i>	<i>C-3</i>	<i>C-4</i>	<i>INST</i>	<i>M-1</i>	<i>M-2</i>
Min. Lot Size <sup>1</sup>	1 acre	na	5,000 sf.	na	15,000 sf.	5,000 sf.	1 acre	1 acre
Min. Lot Width (at Building Line)	200 ft.	25 ft.	50 ft.	25 ft.	75 ft.	25 ft.	75 ft.	75 ft.
Min. Lot	50 ft.	25 ft.	25 ft.	25 ft.	25 ft.	25 ft.	75 ft.	75 ft.

Frontage								
Min. Front Yard Setback <sup>2</sup>	50 ft.	10 ft. <sup>3</sup>	25 ft.	25 ft.	20 ft.	na	50 ft.	50 ft.
Min. Rear Yard Setback	50 ft.	20 ft.	20 ft.	20 ft.	20 ft.	20 ft.	25 ft.	50 ft.
Min. Side Yard Setback	25 ft.	na	na	na	15 ft.	na	15 ft.	25 ft.
Max. Lot Coverage	5%	na	35%	75%	75%	50%	50%	50%
Max. Building Height	2½ stories or 35 ft.	5 stories or 65 ft.	3 stories or 45 ft.	5 stories or 65 ft.	5 stories of 65 ft.	3 stories of 45 ft.	4 stories or 50 ft.	4 stories or 50 ft.

1. It is the intent of this ordinance that lots of sufficient size be used for any commercial, industrial or related use to provide adequate parking and loading space and buffers, if applicable, in addition to the space required for the other normal operations of the business or service.

2. Refer to district regulations for, exceptions to these general front yard requirements.

#### ARTICLE 8. - PLANNED DEVELOPMENT DISTRICT REGULATIONS

##### Sec. 8.1. - Planned development regulations, generally.

8.1.1. *Procedure.* The procedure to be followed in the creation of a planned development district shall conform to the regulations for any other zone change with the following, exceptions:

1. Any petition for the establishment of a planned development district shall be made in the form of a master plan as prescribed in this section and shall be submitted to the commission for review and recommendation. It shall be the burden of the applicant to show through the master plan:
  - a. That the proposed development is consistent with the intent and purpose of the Opp Strategic Plan and of this ordinance to promote public health, safety and the general welfare.

- b. That the value and character of property adjacent to the planned development will not be adversely affected.
  - c. That the proposed master plan meets the requirements of all other regulating bodies.
2. The establishment of a planned development district will be for the express purpose of improving the land for uses in accordance with an approved master plan.
  3. After a recommendation by the commission, rezoning to a planned development district may be considered by the council concurrently with consideration of the master plan. Such rezoning, if approved, shall remain valid for the duration of the master plan approval (see § 8.1.5).
  4. Unless specific variations are noted on the master plan and approved by the commission, the most restrictive requirements for parking, loading, yards and dimensional regulations for the proposed use as, provided in this ordinance shall apply.
- 8.1.2. *Master plan submittal.* Any application for a planned development district shall be submitted to the zoning official and shall include a conceptual plan showing the entire development site and all phases of the proposed development, and shall graphically express the overall development concept for the site at completion. The master plan shall also include a proposed schedule for completion of the overall development and any individual phases. The master plan shall be drawn to scale by an engineer, architect or landscape architect registered in the State of Alabama and shall include the information listed in appendix 2.
- 8.1.3. *Effect of the plan, amendment.* Once approved, a master plan shall become a binding condition upon the site, and each phase shall be substantially consistent with the plan. The building inspector may not issue a building permit unless the proposed improvements are substantially as shown in the approved master plan. Minor changes may be approved by the zoning official. Major changes shall require approval by the commission. Any of the following shall constitute a major change:
1. Any increase or reduction in the land area of the project site;
  2. A change of five percent or more in the total number, or in the type, of dwelling units approved;
  3. A reduction of five percent or more of the approved amount of resource protection area or recreation or open space;
  4. Any significant addition, removal, or rearrangement of land uses or streets.
- 8.1.4. *Effect on prior zoning.* Approval of a planned development district by the council replaces the prior zoning of the site.
- 8.1.5. *Duration of master plan approval.*
1. If, within 365 days from the effective date of the master plan approval, the building inspector has not received an application for a building permit, the master plan approval shall become void and the property shall revert to the

zoning classification assigned to the property prior to the PDD approval. Upon receipt of a written request from the applicant, the council may extend this period for one year.

2. Once a building permit is issued, the improvements set forth in the master plan shall be completed within the time period set forth in the schedule approved as part of the master plan.

Sec. 8.2. - Planned Unit Development (P-1) District.

8.2.1. *Intent.* The P-1 district is designed to provide flexibility, in contrast with the regulations of conventional zoning districts, for the creation of a variety of residential and mixed-use developments in order to encourage innovation, creativity and efficiency in the use of land and the creation of usable open spaces.

8.2.2. *Site requirements.* Each P-1 district shall contain at least 15 acres.

8.2.3. *Uses permitted.* Residential, institutional and commercial uses shall be allowed. At least 60 percent of the site shall be planned for residential use. Any use not specified above as permitted is prohibited. Any additional uses shall be allowed only through amendment of this ordinance.

8.2.4. *Off-street parking requirements.* Parking standards are determined through the review process, with minimum standards consistent with the normal parking requirements of this ordinance. Joint usage of parking facilities is encouraged and may be, at the option of the commission and council, serve as a basis for the reduction of total parking spaces required.

8.2.5. *Development criteria.*

1. Similar uses and densities of uses should face one another across streets, i.e., detached single-family dwellings should face other single-family dwellings. The following relationships are also acceptable:
  - a. Any uses may face recreational or other open spaces.
  - b. High-density residential uses may face nonresidential uses.
2. Nonresidential and higher density residential uses should be located on major internal streets and/or near to major external streets. Higher density residential uses should be placed to provide a transition between lower density residential uses and nonresidential uses, if applicable.
3. The development should be planned and designed to minimize disruption of flood prone areas, steep slopes, tree canopy, and sensitive plant and animal habitats. As much as possible, such natural spaces should be linked together, which may be in the form of a greenway trail system.
4. An interconnected network of pedestrian routes should be, provided, which may consist of sidewalks and off-road paths. Such pedestrian facilities are most critical in areas with high-density residential, retail and mixed-use development.
5. At least ten percent of the site shall be retained, improved and maintained as open space for the recreational use of residents. Small remnant spaces and linear

strips less than 40 ft. in average width, and other spaces with limited accessibility, shall not be counted toward this criterion.

6. Landscaping. Trees, shrubs and other landscaping treatments should be included where buildings are set back from frontages.
7. Buffers and screening. Uses within the development that are incompatible with existing adjacent uses shall be buffered and/or screened in a manner consistent with § 11.1, buffers, and § 11.3, screening. Alternative methods for buffering and screening of uses internal to the development may be proposed by the developer.
8. Commercial development may not be started until residential development is 25 percent complete and occupied.

Sec. 8.3. - Planned Neighborhood (P-2) District.

8.3.1. *Intent.* The P-2 district is designed to facilitate the development of neighborhoods that, through the arrangement, proximity and interconnection of varied residential densities and neighborhood-serving nonresidential uses, create an attractive, safe and comfortable neighborhood environment that encourages walking, bicycling, accessibility and community interaction and recreation. A planned neighborhood:

1. Is compact and designed for the human scale;
2. Provides a mix of uses in close proximity to one another within the neighborhood;
3. Provides a mix of housing styles, types, and sizes to accommodate households of all ages, sizes, and incomes;
4. Incorporates a system of relatively narrow, interconnected streets with sidewalks and bikeways that offer multiple routes for motorists, pedestrians, and bicyclists and provides for the connections of those streets to existing and future developments; and
5. Incorporates significant environmental features into the design.

8.3.2. *Site requirements.* For new development, a planned neighborhood shall include 40 acres or more, or 2) 30 acres or more for development contiguous to existing neighborhoods.

8.3.3. *Definitions.* The following definitions shall be observed, unless otherwise indicated by context:

1. *Building scale:* The relationship between the size of a building and its surroundings, including street width, open space, and surrounding buildings.
2. *Commons:* An open space, predominantly softscape, and enclosed on at least two sides by attached or detached single-family dwellings.

3. *Plaza*: A civic space, predominantly hardscaped, and enclosed on at least two sides by building facades. Plazas may be publicly or privately owned but, in either case, are designed and maintained for public use.
  4. *Square*: A common open space that serves as the focal point for a traditional neighborhood. It is typically surrounded by commercial, institutional or mixed-uses.
- 8.3.4. *Master plan submittal*. In addition to the requirements of § 8.1.2, master plan submittal, applications shall also include:
1. A pattern book representing the site design and architectural patterns of typical residential and nonresidential buildings. Design patterns may be conveyed with illustrations of typical proposed elevations including building heights, widths and facade treatments;
  2. The location of sidewalks, trails, passages and other pedestrian and bicycle circulation elements; and
  3. A utilities plan showing underground and aboveground lines and structures for sanitary sewers, electricity, gas telecommunications, etc.
- 8.3.5. *Ownership and maintenance of open spaces*. See § 5.18.
- 8.3.6. *Permitted uses and arrangements*. A planned neighborhood should consist of a mix of residential areas, one or more neighborhood center(s), and common open space(s).
1. *Open space*. At least ten percent of the gross acreage must be open space. At least 25 percent of the open space shall be common open space or dedicated for public use. All medium- and high-density residential blocks shall be within 1,400 ft. from a common open space or park.
  2. *Residential areas*. A mix of the following land uses may be located with flexibility throughout the residential portions of the site. Higher density residential uses should be located nearest a neighborhood center. For infill development, the mix of residential uses may be satisfied by existing residential uses adjacent to the development.
    - a. *Residential uses*. Single-family detached dwellings, duplexes and row houses; townhouses; multifamily dwellings; independent and assisted living, group care homes, and similar residential care facilities; and accessory buildings (including accessory dwellings).
    - b. *Open space uses*. The following are permitted: neighborhood parks; commons; playgrounds; and stormwater retention/detention facilities (where incorporated into one of the above).
  3. *Neighborhood centers*. A planned neighborhood will include a neighborhood center composed of a mix of the following uses. The development should be laid out such that all residential blocks are within 2,800 ft., measured along pedestrian routes, from a neighborhood center.

- a. *Commercial uses.* Individual businesses should generally not exceed 6,000 sf. In addition, the following uses are permitted and encouraged:
    - 1) Food services, including, but not limited to, neighborhood grocery stores; butchers and bakeries; restaurants; coffee shops; neighborhood bars.
    - 2) Retail uses, including, but not limited to, florists; nurseries; hardware stores; book stores; studios and shops of artists; clothing and home décor stores.
    - 3) Services, including, but not limited to, day care centers; music, dance or exercise studios; business and professional offices; barber; hair salon; dry cleaning.
    - 4) Bed and breakfasts and other small lodging uses.
  - b. *Residential uses.* The following are permitted: single-family detached dwellings, duplexes, townhouses and row houses; multifamily dwellings, including independent and assisted living facilities and group living quarters; and upper-story dwellings.
  - c. *Civic or institutional uses.* The following are permitted: municipal offices, fire stations, libraries, museums, and post offices; places of assembly; and schools.
  - d. *Open space uses.* The following are permitted: squares; plazas; pocket parks; playgrounds; stormwater retention/detention facilities (where incorporated into one of the above).
- 8.3.7. *Density, height and design standards.* P-2 developments shall comply with table 8-3 and:
- 1. One accessory dwelling per single-family lot shall be permitted in addition to the permitted densities, provided in table 8-3.
  - 2. Nonresidential GFA. The total ground floor area of nonresidential uses, including off-street parking areas, shall not exceed 25 percent of the development, except where the planned Neighborhood is oriented around and integrated with, through the interconnection of vehicular, bicycle, and pedestrian ways, adjacent residential development.
  - 3. Lot and block standards.
    - a. Blocks shall be 400—800 ft. long. Blocks longer than 600 ft. shall have a permanent pedestrian passage across the depth of the block. The passage shall be located not more than 300 ft. from the nearest cross street and shall be, provided in an easement not less than 12 ft. in width. The walkway shall be no less than eight ft. in width.
    - b. Residential lot sizes should be varied to allow for diverse housing types.
    - c. Lots less than 60 ft. in width shall be rear-accessed.

4. Building frontage standards. Setbacks shall be consistent along a block frontage and as follows:
  - a. For single-family detached dwellings, unenclosed porches may extend no closer than eight ft. to the back of [the] sidewalk.
  - b. For any dwellings located closer than ten ft. to the back of sidewalk, the first floor level shall be at least two ft. above or at least three ft. below sidewalk level.
  - c. Nonresidential buildings are not required to be set back from front lot lines, but shall abut directly on a public sidewalk or be set back at the edge of a plaza. Civic or institutional buildings may also be set back at the edges of squares, lawns or similar frontages.
5. Side and rear building spacing, except as required in table 8-3, side and rear building spacing shall be proposed in the master plan and in accordance with the city building code. Accessory structures shall be set back from side and rear lot lines as required in § 5.9.

Table 8-3. Density, Height and Dimensional Standards, P-2 District			
Residential Areas			
Uses	Single-family detached and duplex dwellings	Single-family attached dwellings	Multifamily dwellings
Max. Density per gross acre	6 DU/acre	8 DU/acre	15 DU/acre
Front Yard Setback (measured to back of sidewalk)	12 ft. min. 25 ft. max	12 ft. min. 18 ft. max.	12 ft. min. 18 ft. max.
Min. Side Building Spacing	ten ft. from any other dwelling	ten ft. from single-family detached and duplex dwellings	20 ft. from single-family detached and duplex dwellings
Min. Rear Building Spacing	20 ft. from any other principal building		
Max. Building Height	3 stories of 45 ft.	3 stories or 45 ft.	4 stories or 65 ft.

Neighborhood Centers			
Uses	Single-family attached dwellings	Multifamily dwellings	Nonresidential and Mixed-uses
Max. Density per gross acre	10 DU/acre	20 DU/acre	na
Front Yard Setback (measured to back of sidewalk)	0 ft. min. and 18 ft. max.; see also § 8.3.7.4		
Min. Side Building Spacing	10 ft. from single-family detached and duplex dwellings	20 ft. from single-family detached and duplex dwellings	
Min. Rear Building Spacing	20 ft. from any other principal building		
Max. Building Height	3 stories or 45 ft.	4 stories or 65 ft.	4 stories or 65 ft.

8.3.8. *Circulation standards.* The circulation system shall support multi-modal transportation; interconnect residential areas, neighborhood center(s), and open spaces; and shall be connected to existing and proposed external development. The circulation system shall provide adequate traffic capacity, provide access from streets of lesser classification, and promote safe and efficient mobility.

1. Pedestrian circulation. Where feasible, any existing pedestrian routes through the site shall be preserved and enhanced. Sidewalks shall be, provided as follows:
  - a. Public sidewalks shall be, provided on both sides of any street within a neighborhood center or medium- or high-density residential area and only on one side of any street within low-density residential areas in accordance with the following:
    - 1) Neighborhood centers: Sidewalks shall be at least ten ft. wide with a clear pedestrian zone of at least six ft. in width

- 2) Medium and high density residential areas (four or more DU/acre): Sidewalks shall be at least five ft. wide and buffered from the street by a planting strip at least four ft. wide
  - 3) Low density residential areas (less than four DU/acre): Sidewalks shall be at least four ft. wide and buffered from the street by a planting strip or swale at least six ft. wide
- b. In neighborhood centers, well-lit walkways of at least five ft. in width shall connect building entrances to public sidewalks and to associated parking areas.
  - c. Sidewalks shall comply with the applicable requirements of the Americans with Disabilities Act.
  - d. Crosswalks shall be well-lit and clearly marked.
2. Vehicular circulation shall be designed to minimize conflicts with pedestrians and bicycles. Traffic calming features such as on-street parking, narrow travel lanes, horizontal curves, curb extensions, roundabouts, and medians may be used to encourage slow traffic speeds.
  3. The development plan should maintain the existing street grid, where present, and restore any disrupted street grid where feasible. In addition:
    - a. Corner curb radii should be kept to the minimum practicable, given the size of vehicles expected to use the particular intersection and the intended rate of speed at which turns will be taken.
    - b. All streets shall terminate at other streets or at public land, with the following, exceptions:
      - 1) Local streets may terminate in stub streets;
      - 2) Local streets may terminate at a connection to the pedestrian and bicycle path network.
      - 3) Where circumstances prevent the local street from terminating at another street or public land and the, exceptions under items 1) and 2) above are not practical, the local street may terminate in a cul-de-sac or "close" in accordance with the standards contained in the subdivision regulations.

8.3.9. *Parking standards.* Parking areas for shared or community use should be encouraged. In addition:

1. In multifamily and nonresidential areas, parking lots shall be located at the rear or side of buildings.
2. Off-street parking shall be accessed from an alley or shared driveway, except that single-family dwellings with lots wider than 60 ft. may have individual driveways.
3. Parking lots and parking garages should be separated from intersections by a building containing a use other than parking.

4. On-street parking, if created as a part of the development, may apply toward minimum parking requirements.
  5. Parking for residential uses shall be, provided on-site.
  6. Paving shall be as normally required by the city, except as follows:
    - a. Ribbon driveways may be used for single-family detached dwellings, duplexes, and row houses to reduce impervious surfaces.
    - b. To reduce impervious surfaces, interlocking pavers, grid pavers, or other pervious paving systems may be required for remote parking lots and parking areas for periodic uses.
- 8.3.10. *Outdoor lighting.* Street lighting shall be, provided along all streets. Generally, a larger number of smaller lights—as opposed to fewer, high-intensity lights—should be used. Streetlights shall be installed on both sides of the street at intervals of no greater than 80 ft.
- 8.3.11. *Architectural standards.* A variety of architectural features and building materials is encouraged to give each building or group of buildings a distinct character.
1. The architectural features, materials, and the articulation of a facade shall be continued on all sides visible from a public street or common area.
  2. Principal buildings and their main entrances shall face a public street; except, however, that up to five percent of the total number of single-family dwelling units may front directly on a commons.
  3. Porches, stoops or other architectural elements should define the front entrance to residences.
  4. For commercial buildings, at least 50 percent of the street level facade shall be window or door openings.
  5. Buildings on opposite sides of the same street should be similar in scale and setback.
- 8.3.12. *Landscaping and screening standards.*
1. Street trees. A minimum of one canopy street tree per 40 ft. of street frontage shall be, provided and evenly spaced. Street trees shall be located in a continuous planting strip, or in tree wells, adjacent to the curb. In the case of existing overhead utility lines, understory street trees may be substituted.
  2. Screening shall be, provided as required in § 11.3.
- 8.3.13. *Stormwater management.* The design and development of the planned neighborhood should minimize off-site stormwater runoff, promote on-site filtration, and minimize the discharge of pollutants to ground and surface water. Natural topography and existing land cover should be protected/maintained to the maximum extent practicable. Planned neighborhood developments shall be subject to the following, in addition to any other applicable regulations:

1. Untreated, direct stormwater discharges to wetlands or surface waters are not allowed.
  2. Post-development peak discharge rates should not exceed predevelopment peak rates.
  3. Erosion and sediment controls must be implemented to remove 80 percent of the average annual load of total suspended solids.
  4. Redevelopment stormwater management systems should improve existing conditions and meet standards to the extent practicable.
  5. All treatment systems or BMPs must have operation and maintenance plans to ensure that systems function as designed.
- 8.3.14. *Utilities.* Overhead utilities shall only be permitted in easements or alley rights-of-way at the rear of lots. Overhead utilities are permitted to cross streets as necessary to comply with this requirement. Otherwise, utilities shall be located underground.

Sec. 8.4. - Planned Industrial Development District.

- 8.4.1. *Intent.* The PID district is designed to facilitate the development of industrial and compatible nonresidential uses within integrally planned, multi-tenant industrial sites. The PID district provides flexibility from normally required Manufacturing district regulations to encourage creative and efficient site planning; to encourage shared and cross access within industrial developments; and to promote the development of stable, high-quality employment centers. Furthermore, provisions for common open spaces and on-site pedestrian circulation are encouraged.
- 8.4.2. *Site requirements.* Each PID district shall contain a minimum of 15 acres and a minimum frontage of 200 ft. on a public street.
- 8.4.3. *Master plan submittal.* The master plan shall be prepared in accordance with § 8.1 and shall include the information listed in appendix 2.
- 8.4.4. *Ownership and maintenance of open spaces.* See § 5.18.
- 8.4.5. *Permitted uses.* All those uses permitted by right, upon special, exception and as conditional uses in the M-1 and M-2 districts in table 7-1 may be permitted subject to approval of the master plan, including any conditions attached thereto. Additional nonresidential uses, including, but not limited to, dining, meeting facilities and personal service establishments, may be approved as a part of the master plan, provided they are designed and arranged exclusively for the use of businesses within the PID, their employees and visitors.
- 8.4.6. *Development criteria.*
1. Building setbacks shall only be required as follows:
    - a. No front setback shall be required along the developed side of internal streets when a planting strip at the back of curb and a sidewalk, each five ft. in width, are, provided. Otherwise, the minimum front setback shall be 75 ft.

- b. No side or rear yards are required, except:
    - 1) Buildings shall be separated in accordance with city building and fire codes.
    - 2) Buffers shall be, provided where normally required by § 11.1. Any uses involving the manufacturing, storage or use, in any manner, of explosives or volatile materials shall be set back from internal and external property lines as required by the commission upon a recommendation from the fire marshal.
  - c. Any vehicular use area located forward of the front building line shall be separated from any public or internal streets by frontage landscaping as normally required by § 11.2.3.
- 2. Building heights. The maximum building height shall be five stories or 75 ft., whichever is less. However, all buildings located within 200 ft. of the nearest boundary line of an R-1, R-2, R-3 or R-5 district shall not exceed three stories or 45 ft. in height, whichever is less.
  - 3. Open space. At least 20 percent of the PID acreage shall be, provided as open space and improved for the recreational use of PID tenants, employees and their visitors. Required buffers or other required landscaping shall not be counted toward this requirement.
  - 4. Internal streets shall comply with the design requirements of the subdivision regulations and any applicable city specifications. Internal streets may be dedicated to the city or privately maintained.
  - 5. Parking, loading and access.
    - a. Off-street parking shall be, provided consistent with the requirements of article 9. Parking may be, provided on individual sites, in common areas, and as on-street parking on internal streets.
    - b. Abutting sites should use shared and/or cross access. Parking and loading areas should be located to the side or rear of buildings.
  - 6. Design standards. The master plan shall include design standards consistent with the following:
    - a. All-metal facades are discouraged. One or more masonry materials (i.e., concrete, concrete block, stucco/EIFS, brick, and stone) should be used on all building elevations visible from public and internal streets.
    - b. Building entrances, if not fronting on public or internal streets, should be identifiable from such streets.
    - c. Attached signage is recommended. The master plan shall establish specific height and placement standards on any freestanding signage.
    - d. The master plan shall provide for landscaping, buffers and screening as normally required in article 11, except:

- 1) Landscaping along the perimeter of vehicular use areas shall not be required, except along street frontages.
  - 2) Buffers shall not be required between uses internal to the PID.
7. Noise standards. PID developments shall comply with the noise standards in § 5.19.

## ARTICLE 9. - SUPPLEMENTARY USE REGULATIONS

### Sec. 9.1. - Automobile wrecking, salvage and junk yards.

- 9.1.1. No operation shall be located nearer than 300 ft. from any established residential district.
- 9.1.2. All outdoor storage of salvage and wrecking operations shall be conducted within an enclosed solid fence or wall as required by § 11.3, screening.
- 9.1.3. The storage of salvaged or junk materials shall not exceed six ft. in height from grade level.

### Sec. 9.2. - Cemetery.

- 9.2.1. All cemeteries hereafter established shall have direct access to major streets with ingress and egress so designed to minimize traffic congestion.
- 9.2.2. Any new cemetery shall be located on a site containing not less than ten acres. Structures shall be set back as required in the applicable district. All grass or burial lots shall be set back no less than 25 ft. from any lot line.

### Sec. 9.3. - Home occupation.

- 9.3.1. A home occupation shall be limited to the gainful occupation or profession conducted by members of the family residing entirely within the dwelling unit.
- 9.3.2. No internal or external alterations shall be made which are not customary to dwellings. In any dwelling unit, all home occupations, collectively, shall not occupy more than 25 percent of the gross floor area of the dwelling nor exceed 500 sf., whichever is more restrictive.
- 9.3.3. The entrance to the space devoted to the home occupation shall be from within the dwelling.
- 9.3.4. No display shall be permitted of goods or services that are visible from the outside of the structure, except for one non-illuminated sign having an area of not more than two sf., which may be placed flat on a door, wall or window only.
- 9.3.5. Home occupations shall be limited to goods and services, provided to individuals or groups not exceeding, at any given time, five in number.

### Sec. 9.4. - Drive-in theater.

- 9.4.1. The site must have direct access to a major street with ingress and egress separated and marked to minimize traffic congestion.

- 9.4.2. The theater screen shall not be visible from any public street within 1,500 ft.
- 9.4.3. Automobile parking in the viewing area shall be effectively screened on all sides consistent with the standards in § 11.3, screening.
- 9.4.4. All accessory structures shall comply with the yard setbacks required for principal structures in the applicable district.
- 9.4.5. Off-street admission waiting space for patrons shall be equal to 20 percent of the capacity of the theater. The sale of refreshments and play area shall be limited to the use of patrons of the theater.
- 9.4.6. No central loudspeaker system is permitted.
- 9.4.7. All parking and access ways shall be adequately lighted; however, all lighting shall be shielded to prevent glare or reflection onto a public street or adjoining property.

Sec. 9.5. - Service stations.

- 9.5.1. Buildings shall be set back no less than 50 ft. from all street lines, except where pump islands and vehicular areas are located to the side and/or rear of the building, in which cases the normal district setbacks shall apply.
- 9.5.2. Gasoline pumping islands shall not be located closer than 30 ft. to any street line; however, when pump islands are constructed perpendicular to the street, the pump island shall be located no less than 45 ft. from the street line.
- 9.5.3. Attached and detached canopies shall not extend closer than 15 ft. from the street line.

Sec. 9.6. - Utility stations and substations.

- 9.6.1. All electrical power substations shall be enclosed within a fence or wall or be so designed to be inaccessible to unauthorized persons. Electrical power substations in all zones, except manufacturing districts shall be enclosed by a planting screen with a minimum height of six ft. and otherwise in accordance with § 11.3, screening.
- 9.6.2. Required setbacks for buildings shall apply to power substations and shall be measured from the fencing enclosure, except that setbacks along property lines adjacent to streets and alleys shall not be less than 15 ft. regardless of other setback requirements, and that such enclosures shall not be constructed closer than ten ft. to adjoining properties.
- 9.6.3. Utility lines shall approach the substation from the side opposite the main traffic artery where possible. Distribution lines may be run underground from any orientation.
- 9.6.4. Public or privately owned utility stations other than electrical power substations shall be enclosed by a planting screen of such height, depth and density to screen the structure from view. Fencing shall be required where such structures present hazards to animals or people. Structures extending above the ground in excess of two ft. shall comply with the same regulations as required for power substations.

9.6.5. Should the public utility company not be able to comply with the above regulations, it may submit a proposed site plan of the desired installation to the commission for approval and recommendations to the council. The site plan shall include those materials listed in appendix 1, as applicable.

Sec. 9.7. - Conservation subdivision.

9.7.1. *Intent.*

1. To provide flexibility to achieve the most effective development on lands constrained by natural hazards or environmental regulations, which may limit the amount or type of development;
2. To enhance quality of life by promoting the creation of accessible green space;
3. To protect sensitive, environmental land features to protect the health and safety of residents and neighboring property owners;
4. To reduce erosion, sedimentation, land disturbance, and removal of vegetation;
5. To promote construction of convenient walking trails, bike paths, and greenways within new developments that are connected to adjacent neighborhoods and activity centers to increase accessibility for pedestrians and bicyclists; and
6. To reduce perceived density by providing access to and views of open space.

9.7.2. *Applicability.* The conservation subdivision/development option is permitted for detached single-family and duplex development on-sites of at least 15 acres and otherwise in accordance with table 6-1. The applicant shall comply with all other provisions of this ordinance and all other applicable regulations, except those incompatible with the provisions herein.

9.7.3. *Ownership of development site.* If held in multiple ownership, the site shall be developed according to a single plan with common authority and common maintenance responsibility as approved by the city attorney.

9.7.4. *Density determination.* The maximum number of lots shall be determined by dividing the total area of the proposed subdivision by the most restrictive of the following: minimum lot size of the applicable district or by regulations as determined by city and/or county health department standards for septic tanks, or by any regulations applicable to the site that may limit its development density. In making this calculation, the following shall not be included in the total area of the parcel:

1. Bodies of open water over 5,000 sf. of contiguous area; and
2. Wetlands, as defined by the Army Corps of Engineers pursuant to the Clean Water Act.

9.7.5. *Application requirements.*

1. *Site analysis map.* Concurrent with the submission of a preliminary plat or site plan, the applicant shall prepare and submit a site analysis map. The purpose of the site analysis map is to ensure that important site features have been adequately identified prior to the creation of the site design, and that the proposed open space will meet the requirements herein. The plan shall include the following:
    - a. Property boundaries;
    - b. All streams, rivers, lakes, wetlands, flood hazard boundaries, and other hydrologic features;
    - c. All boundaries of applicable regulated buffer areas, easements, and ROWs;
    - d. Topography at five ft. or smaller intervals;
    - e. All primary and secondary conservation areas labeled by type, as described in § 9.7.6;
    - f. General vegetation characteristics;
    - g. General soil types;
    - h. Planned location of protected open space;
    - i. Existing roads and structures; and
    - j. Potential connections with existing greenspace and trails.
  2. *Conservation subdivision plan.* The developer shall prepare a conservation subdivision plan, which yields no more lots than identified under § 9.7.4. The conservation subdivision plan may include lots that do not meet the size and setback requirements of the applicable district. The conservation subdivision plan shall identify all open spaces to be protected and include an open space management plan pursuant to § 9.7.6. The conservation subdivision plan shall be submitted, in full, prior to the issuance of a grading permit.
  3. *Instrument of permanent protection.* An instrument of permanent protection, such as a conservation easement or permanent restrictive covenant and as described in § 9.7.7, shall be placed on the open space at the time of issuance of a grading permit.
  4. *Other requirements.* The applicant shall adhere to all other applicable requirements of the applicable district and the subdivision regulations.
- 9.7.6. *Open space management plan.* For the purposes of conservation subdivisions, [the term] "open space" is defined as the portion of the conservation subdivision that has been set aside for permanent protection. Activities within the open space are restricted in perpetuity through the use of a legal instrument approved by the city attorney. Such open spaces shall be in accordance with the following:
1. The minimum restricted open space shall comprise at least 25 percent of the gross tract area.
  2. The following are considered primary conservation areas and are required to be included within the open space, unless the applicant demonstrates that this

provision would constitute an unusual hardship and be counter to the purposes of the conservation subdivision:

- a. The 100-year floodplain;
  - b. Riparian zones of at least 75 ft. [in] width along all perennial and intermittent streams;
  - c. Slopes above 25 percent of at least 10,000 sf. contiguous area;
  - d. Wetlands, as defined by the Army Corps of Engineers pursuant to the Clean Water Act;
  - e. Existing trails that connect the site to neighboring areas; and
  - f. Archaeological sites, cemeteries and burial grounds.
3. The following are considered secondary conservation areas and should be included within the open space to the maximum extent feasible:
    - a. Important historic sites;
    - b. Existing healthy, native forests of at least one acre [of] contiguous area;
    - c. Individual existing healthy trees greater than eight inches caliper; and
    - d. Other significant natural features and scenic viewsheds, particularly those that can be seen from public roads.
  4. Utility ROWs and small areas of impervious surface may be included within the protected open space but cannot be counted towards the 25 percent minimum area requirement (exception: historic structures and existing trails may be counted). Large areas of impervious surface shall be excluded from the open space.
  5. At least 33 percent of the open space shall be suitable for passive recreational use.
  6. At least 75 percent of the open space shall be in a contiguous tract, which may be divided by a local street whose area shall be excluded from the open space. The open space shall adjoin any neighboring areas of open space, other protected areas, and non-protected natural areas that would be candidates for inclusion as part of a future area of protected open space.
  7. The open space shall be directly accessible to the largest practicable number of lots and/or buildings within the site. Non-abutting lots shall be, provided with safe, convenient access to the open space.
  8. Open spaces may contain the following:
    - a. Conservation of natural, archeological or historical resources;
    - b. Meadows, woodlands, wetlands, wildlife corridors, game preserves, or similar conservation-oriented areas;
    - c. Walking or bicycle trails constructed of porous paving materials;
    - d. Passive recreation areas, such as open fields;

- e. Active recreation areas, provided that they are limited to no more than ten percent of the total open space and are not located within primary conservation areas. Active recreation areas may include impervious surfaces. Active recreation areas in excess of this limit must be located outside of the protected open space.
  - f. Landscaped stormwater management facilities, community and individual wastewater disposal systems located on soils particularly suited to such uses. Such facilities shall be located outside of primary conservation areas;
  - g. Easements for drainage, access, and underground utility lines;
  - h. Other conservation-oriented uses compatible with the purposes of this section.
9. Open spaces may not contain the following:
- a. Golf courses;
  - b. Roads, parking lots and similar impervious surfaces, except as specifically authorized in the previous subsections;
  - c. Agricultural and forestry activities not conducted according to accepted best management practices;
  - d. Impoundments; and
  - e. Other activities as determined by the applicant and recorded on the legal instrument providing for permanent protection.
10. Ownership and maintenance of open space. See § 5.18.

9.7.7. *Legal instrument for protection of open space.* The open space shall be protected in perpetuity by a binding legal instrument recorded with the deed. The instrument for permanent protection shall include clear restrictions on use of the open space, including all restrictions contained in this section, and any restrictions the applicant chooses to place on the open space. The instrument shall be one of the following:

- 1. A permanent conservation easement in favor of either:
  - a. A land trust or similar conservation-oriented nonprofit organization with legal authority to accept such easements. The organization shall be bona fide and in perpetual existence, and the conveyance instruments shall contain an appropriate provision for retransfer in the event the organization becomes unable to carry out its functions; or
  - b. A governmental entity with an interest in pursuing goals compatible with the purposes of this section, and if the entity accepting the easement is not the city, then a third right of enforcement favoring the city shall be included in the easement.
- 2. A permanent restrictive covenant for conservation purposes in favor of a governmental entity.
- 3. An equivalent legal tool that provides permanent protection, as approved by the city attorney.

9.7.8. *Tax assessment of open space.* Once a legal instrument for permanent protection has been placed upon the open space, the county tax assessor shall be requested to reassess the open space at a lower value to reflect its more limited use.

Sec. 9.8. - Bed and breakfasts.

9.8.1. Bed and breakfasts shall only be permitted in single-family detached dwellings, shall only be operated by the owner and resident of the dwelling, and shall comply with the following provisions:

9.8.2. Use regulations.

1. All guest rooms shall be located within the principal structure.
2. Bed and breakfasts located in residential districts shall be limited to four guest rooms and shall not employ any individuals not residing on the premises.
3. Individual guest rooms shall contain no cooking facilities, and no food preparation or cooking shall be allowed.

9.8.3. *Parking.* For each and every approved guest room, there shall be, provided one parking space, in addition to the spaces required for the residence. Such additional required parking spaces shall be screened from adjacent properties and arranged so that each space has direct access to a driveway. No parking shall be permitted forward of the front building line, except upon a driveway. Recreational vehicle parking shall be prohibited.

Sec. 9.9. - Communication towers.

9.9.1. *Purpose.* The purpose of these guidelines is to establish minimum considerations and criteria for the review of communication towers, hereafter referred to as towers. It is the commission's express intent that the construction of new towers be an option of last resort. To the extent feasible, location of antennas on existing towers, building rooftops, and other suitable structures should first be sought. These guidelines are designed to ensure the compatibility of towers with and avoid adverse impacts to nearby properties and discourage the proliferation of towers throughout the city.

9.9.2. *Applicability.* All communication towers are subject to these guidelines, except the following:

1. Amateur radio, receive and transmit, antennas. This section shall not govern any tower, or the installation of any antenna, that is 100 ft. or less in height and is owned and operated by a federally licensed amateur radio station operator from the operator's residence, or used exclusively and incidentally for the purposes to support a commercial business.
2. Existing towers and antennas. If an additional antenna is collocated on an existing tower after the adoption of this ordinance, then security fencing and landscaping requirements are applicable as part of the permitting process, except that operating existing towers shall not be subject to this provision if there is no increase in the height of the tower or of the antenna on such towers up to the towers' present structural capability.

3. Residential satellite dish less than four ft. in diameter.

#### 9.9.3. *Definitions.*

1. *Alternative-tower structure:* Clock towers, bell towers, church steeples, light/power poles, electric transmission towers, and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers.
2. *Communication tower:* Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guy towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative communication tower structures, and the like. A tower compound is a tower(s) and other facilities.
3. *Antenna:* An electromagnetic device, which conducts radio signals, through an attached cable or waveguide, to or from a radio transmitter or receiver. Typically this includes whips, panels and parabolic dishes. An electromagnetic device includes any exterior apparatus designed for telephonic, radio, or television.
4. *Antenna support structure:* Any structure on which radio antennas and cabling can be attached. Typically this includes steel towers with guy-wires (guy towers), wooden, steel or concrete single poles (monopoles); self-supporting steel towers with three or four leg, (towers); rooftops of existing buildings or structures such as elevated water storage tanks.
5. *Cellular site:* A parcel of land or building (leased or purchased) on which is located one or more transmitter/receiver stations for wireless communication systems, including accessory facilities for equipment storage and operations. In cases involving vacant land, or low-lying existing structures, a support structure for transmitter/receiver antennas are usually required.
6. *Height:* Vertical distance from nominal ground elevation at base of tower to top of antenna or tower, whichever is higher.
7. *Mini-cellular site:* A parcel of land or building (leased or purchased) on which is located one or more transmitter/receiver stations for wireless communication systems, such that towers and/or antennas do not exceed 20 ft. in height above the existing structure, and whips, panels, and parabolic dishes do not exceed 100 sf. A mini-cellular site accommodates the use of existing structures such as buildings, billboards and water towers.

#### 9.9.4. *Objectives.* The proposed locations and designs of all communications towers shall duly consider the following public health, safety, and general welfare objectives:

1. *Structural safety.* The proposed tower will comply with wind loading and other structural standards contained in the city building code or other applicable standards as adopted by the city; so as not to endanger the health and safety of residents, employees, or travelers in the event of structural failure of the tower due to extreme weather conditions or other acts of God.

2. *View protection.* The proposed tower facility will be designed to minimize adverse visual impacts to surrounding properties and the public right-of-way, given the topography of the proposed site and surrounding area.
  3. *Land use compatibility.* The proposed tower facility will be compatible with the surrounding land uses, given the character of use and development of the location.
  4. *Design harmony.* The proposed tower facility will be designed in harmony with the natural setting and the surrounding development pattern as well as to the highest industry standards
  5. *Existing communication services.* The proposed tower facility will comply with FCC and other applicable agency standards so as not to interfere with existing communications services to the area.
  6. *Health effects.* The proposed tower will comply with all applicable federal, state and county health standards so as not to cause detrimental health effects to persons in the surrounding area.
- 9.9.5. *Development criteria.* The zoning official shall review all communications towers requesting permits for compliance with the applicable criteria listed below. Any of these criteria may be waived or adjusted by the commission if the circumstances of a particular case so warrant. In any event, these criteria are considered the minimum necessary to protect the public health, safety, and general welfare; the commission may impose higher standards if it deems necessary to further the objectives of these guidelines.
1. *Collocation.* No new tower shall be established if space is structurally, technically and economically available on an existing tower, which would serve the area that the new tower would serve. Documentation that reasonable efforts have been made to achieve collocation shall be submitted in accordance with § 9.9.6.4, Towers, shall be designed to maximize share use to the extent possible, given the structural and technical limitations of the type of tower proposed. If feasible, each tower shall, at a minimum, be designed to accommodate a minimum of two shared users.
  2. *Removal of obsolete towers.* Any tower that is no longer in use for its original communications purpose shall be removed at the owner's expense. The owner shall provide the Opp Planning Department with a copy of the notice to the FCC of intent to cease operations and shall be given 90 days from the date of ceasing operations to remove the obsolete tower and accessory structures. In the case of multiple operators sharing use of single tower, this provision shall not become effective until all users cease operation. In the event an abandoned or unused tower and related facilities are not removed within 12 months of the cessation of operation at a site, the tower and related facilities may be removed by the city and the costs of removal assessed against the property.
  3. *Setbacks.* Towers shall be setback from all property lines a distance equal to its height. Guy wires and accessory buildings and facilities shall meet the minimum setback requirements of the zoning district. As an alternative to setback

requirement for towers located in nonresidential zoning districts, a statement from a registered engineer may be, provided certifying that, in the event of structural failure, the tower would fall within the boundaries of the property. In all cases, towers shall be set back a distance equal to the height of the tower from a public right-of-way.

4. *Appearance.*

- a. Towers shall maintain a galvanized steel, concrete finish or similar neutral finish so as to reduce the visibility or camouflage the structure, unless other standards are required by the FAA.
- b. The design of towers shall be of a type that has the least visual impact on the surrounding area.
- c. The design of a tower compound shall, to the extent possible, maximize use of building materials, colors, textures, screening and landscaping that effectively blend the tower facilities with the surrounding natural setting and built environment. These guidelines are also required of roof-mounted towers, antennas, and related equipment collocating on existing towers.
- d. Where communications towers are deemed appropriate for a given location, the type of tower shall be restricted to monopoles in or within 1,000 ft. of residential areas and areas of special aesthetic concerns such as commercial revitalization areas, historic districts and scenic corridors.
- e. No signs or other forms of advertising is permitted on an antenna or tower unless for safety/security precautions.

5. *Lighting.* Towers shall not be artificially lighted unless required by the FAA or other authority for safety purposes. Where required, the commission shall review the available lighting alternatives and approve that design that would cause the least disturbance to the surrounding views. "Dual lighting" (red at night/strobe during day) shall be preferred unless restricted by the FAA. Security lighting may be permitted in accordance with § 9.9.5.9, Security devices, below.

6. *Landscaping.*

- a. A landscaped buffer shall effectively screen the view of the tower compound from adjacent public ways and residential properties.
- b. The standard buffer shall consist of a minimum eight-foot-wide landscaped strip outside the perimeter security fencing. The buffer strip shall be planted with an attractive combination of trees, shrubs, vines, and/or groundcovers that can achieve the full height of the fence at maturity and enhances the outward appearance of the security fence. For sites within 1,000 ft. of a residence, additional buffering may be imposed to include: a decay resistant, solid wood fence, earth berms and brick or masonry walls in addition to the security fencing. All fencing and landscaping shall be maintained by the lessor/owner. The commission shall approve buffer plan and type of plants proposed.

- c. In isolated nonresidential areas, alternative landscaping methods may be accepted, such as the use of earth tone colored security fencing in combination with evergreen shrubs, trees, and/or other plantings.
- d. In certain locations where the visual impact of the tower would be minimal, such as remote, agricultural or rural locations or heavy industrial areas, the landscaping requirement may be reduced or waived.
- e. Existing mature tree growth and natural landforms on the site shall be preserved to the maximum extent possible. In some cases, such as towers sited on large, wooded lots, preservation of substantial natural growth around the property perimeter may be a sufficient buffer.
- f. Cellular facilities utilizing underground vaults in lieu of aboveground switching gear buildings shall be exempted from any buffer requirements.

7. *Roof mounted towers and antennas.*

- a. Rooftop mounted towers and antennas may be located on any nonresidential building.
- b. Such tower or antenna shall be setback from any residential zoning district a minimum distance equal to two times the full height of the tower and antenna, but in no event less than 100 ft.
- c. The building on which such tower or antenna is placed shall be at least 50 ft. high and the tower or antenna will add no more than 20 ft. total to the height of the building.
- d. Antennas shall not be mounted to extend horizontally beyond the face of the building.

8. *Principal, accessory and joint uses.*

- a. Accessory structures used in direct support of a tower shall be allowed but not for offices, vehicle storage or other outdoor storage. Mobile or immobile equipment not used in direct support of a tower facility shall not be stored or parked on the site of the tower, unless repairs to the tower are being made.
- b. Towers may be located on-sites containing another principal use in the same buildable area. In determining requirements, the dimensions of the entire lot shall control, even though the antennas or towers may be located on leased parcels within a lot.

As long as all siting, setback, separation and general requirements of this ordinance are met, towers may occupy a parcel meeting the minimum lot size requirements for the zoning applicable district.

The minimum distance between a tower and the principal use located on the same lot shall be, for a monopole or lattice tower the greater of 20 percent of the tower height or 25 ft., and for a guy tower, the greater of 100 percent or 25 ft.

- c. Joint use of a site is prohibited when a proposed or existing principal use includes the storage, distribution or sale of volatile, flammable, explosive or hazardous materials such as propane, gasoline, natural gas and dangerous chemicals.
  - d. Towers constructed or antennas installed in accordance with this ordinance shall not be deemed to constitute the expansion of a nonconforming use or structure.
9. *Security devices.* The facility shall be fully secured. A minimum eight-foot-high fence shall be installed around the perimeter of the compound. Security fencing shall require screening in accordance with § 9.9.5.4, above. Other security measures shall include locks and alarms.
10. *Access.*
- a. Driveways and parking shall be provided to ensure the operator's access to the facility for maintenance or emergency services. In some cases, parking/access may be from an adjoining alley, public street, or off-street parking area.
  - b. Equipment at a transmission facility shall be automated to the greatest extent possible to reduce traffic and congestion. Where the site abuts a collector and local street, access for maintenance vehicles shall be exclusively by means of the collector street, except in nonresidential areas, in which case access may be from the local street.
- 9.9.6. *Application.* Any application submitted for approval shall submit the following items, in addition to any other required items, to show compliance with these review guidelines:
- 1. *Statement of impact on health, safety and welfare.* A brief written statement shall address conformance with the health, safety and welfare objectives of these guidelines.
  - 2. *Site plan.* A scaled site plan shall show the location and dimensions of all improvements, including setbacks, drives, parking, fencing, landscaping, existing land uses and zoning districts of the surrounding area, and other information necessary to access compliance with the development criteria of these guidelines.
  - 3. *Rendering.* A rendering of the tower, accessory facilities, and compound shall show colors, materials, and treatment. If lighting or other FAA requirement for tower color is proposed, evidence of such requirement shall be submitted.
  - 4. *Justification for new tower.* A proposal for a new tower shall be documented by the applicant stating the planned equipment for the proposed tower cannot be accommodated on an existing tower or other alternative structure within the proposed service area. The applicant shall submit a written affidavit showing what attempts have been made to share an existing tower or that no such tower exists. The affidavit shall include evidence from a licensed professional engineer

or qualified industry expert supporting such claim. The evidence shall include one or more of the following:

- a. That no existing towers or suitable alternative tower structures are located within the geographic antenna placement area to meet the applicant's engineering requirements.
  - b. That existing towers or structures are not of sufficient height or strength to meet applicant's engineering requirements.
  - c. That the applicant's proposed antenna or existing towers and/or antennas would cause electromagnetic interference as a result of the installation of the proposed antenna.
  - d. That the costs or contractual provisions required by the tower owner to share an existing tower or structure are unreasonable.
  - e. That the applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.
5. *Certification of shared use design.* A qualified professional engineer, registered in the State of Alabama, shall certify that the proposed tower's structural design can accommodate a minimum of two shared users, in accordance with § 9.9.5, Development criteria.
6. *As built survey.* A qualified professional engineer, registered in the State of Alabama, shall certify that the completed cellular site was built in accordance with the submitted site plan including the installation of any required buffer strip.

#### Sec. 9.10. - Upper-story dwellings.

- 9.10.1. Upper-story dwellings in mixed-use buildings shall be located on a floor level above a use of another type. Emergency egress and fire separation shall comply with all requirements of the building and fire codes.
- 9.10.2. All upper-story dwellings, whether or not intended for occupancy by the owner of the use located below the dwelling, shall have an entrance separate from the associated use.
- 9.10.3. Multifamily dwellings in a mixed-use building.
1. No nonresidential use shall be located on the same floor in the same building with any multifamily dwelling units.
  2. Multifamily dwelling units shall be accessible from a shared exterior entrance or one interior entrance commonly shared between the different uses housed in the upper floors of the building.
  3. Dwelling units shall not be accessible directly from another unit or use within the building.

#### Sec. 9.11. - Mini-warehouses.

- 9.11.1. No storage of volatile, toxic or explosive materials shall be permitted, either inside the structure(s) or on the premises.
- 9.11.2. Storage spaces shall not be used for commercial activities. However, this shall not include periodic auctions, which are held on the premises to dispose of items which have been abandoned and/or for which the lease time has expired.
- 9.11.3. Screen fencing shall be installed around the perimeter of the development meeting the requirements of § 11.3, screening.

Sec. 9.12. - Day care facilities.

9.12.1. *Application of regulations.* The provisions of this section shall apply to day care facilities providing service for part of a 24-hour day for children under 16 years of age, for the aged, or for persons who are disabled, by persons giving care (excluding care, provided by relatives). Day care facilities shall include family day care homes, group day care homes, and day care centers. This section does not apply to baby-sitting or child day care service furnished in places of worship during religious services or related activities.

9.12.2. *General provisions.*

1. State regulation. All day care facilities shall comply with all applicable state regulations.
2. Inspections. The building official shall have the right to enter and inspect the premises for compliance purposes after advance notice to the property owner.
3. Hours of outside play shall be limited to between the hours of 8:00 a.m. and sunset, as defined by the National Weather Service, and an outdoor play area shall be, provided for child day care facilities and shall not be located in the front yard.
4. Sewage facilities. Day care facilities using, or proposing to use, an on-site sewage disposal system shall obtain a written approval from the county health department.
5. Fencing shall be, provided to restrict children from hazardous areas, such as open drainage ditches, wells, holes, and adjacent streets. Natural or physical barriers may be used in place of fencing so long as such barriers functionally restrict children from these areas.
6. Expansion to day care center. The care of more than 12 individuals at a time constitutes a day care center, which may require, in the case of expansion of a family day care home, to a district in which day care centers are permitted. When applying for rezoning, the applicant shall submit a plan showing any existing or proposed outdoor play areas, outdoor play equipment, fencing, access drives, adjacent streets, adjacent hazardous land uses, on-site hazardous areas (as previously defined), on-lot sewage disposal facilities, parking spaces, and the drop-off circulation pattern.
7. Application and permitting procedure. Any individual proposing a family day care home shall submit an application for a day care home permit to the building

official. If the application demonstrates compliance with this section, the building official shall grant the permit. Group day care homes shall only be permitted as special, exception uses in accordance with § 13.6 and the provisions of § 9.12.3, below.

9.12.3. *Family day care homes and group day care homes.* Day care facilities, operated within a residence, are not subject to the requirements for home occupations but shall comply with the general provisions of § 9.12.2 and of this § 9.12.3.

1. Family day care homes shall:
  - a. Only be permitted in single-family detached dwellings.
  - b. Have a current state registration certificate (proof of registration renewal must be supplied to the city every two years).
  - c. Have no external signage.
  - d. Be limited to the care of no more than six children.
  - e. Not receive children for care before 7:00 a.m. nor continue care after 7:00 p.m.
2. Group day care homes shall be limited to no more than 12 individuals receiving care in accordance with applicable state regulations.

9.12.4. *Day care centers.* In addition to the other provisions of this section, day care centers shall comply with the following:

1. The facility shall have an approved and currently valid state license. Proof of state annual license renewal must be supplied to the city every year.
2. A fence with a minimum height of four ft. shall physically contain the children within the outdoor play area. Natural or physical barriers may be used in place of fencing so long as such barriers functionally contain children.
3. On corner lots, access shall only be from the street of lesser classification.
4. Play equipment shall be located at least ten ft. from all lot lines.
5. All pedestrian pathways shall be adequately lit for safety if utilized during non-daylight hours. Specific areas for lighting are entranceways, pedestrian access to the outdoor play areas, sidewalks, drop-off areas, and all parking lots. Such lighting shall not produce objectionable glare on adjacent properties.

## ARTICLE 10. - PARKING AND LOADING REQUIREMENTS

### Sec. 10.1. - Off-street parking and loading terms.

10.1.1. The following off-street parking and loading terms, when used in this article, shall have the meanings defined in this section:

1. *Employee.* The maximum number of persons employed at the facility regardless of the time period during which this occurs or whether the persons are full-time employees. The major shift may be a particular day of the week or a lunch or dinner period in the case of a restaurant.
2. *Gross leasable area (GLA).* The total floor area for which the tenant pays rent and that is designed for the tenant's occupancy and exclusive use. GLA does not include public or common areas, such as utility rooms, stairwells and corridors.
3. *Loading area.* That area used to satisfy the requirements of this ordinance for truck loading and unloading.
4. *Loading space.* An off-street space or berth used for the unloading or loading of commercial vehicles.
5. *Occupancy load.* The maximum number of persons, which may be accommodated by the use as determined by its design or by fire code standards.
6. *Parking aisle.* That portion of the parking area consisting of lanes providing access to parking spaces.
7. *Parking area.* An improved area on a lot exclusively used or designed for use as a temporary storage area for motor vehicles, containing access driveways, parking aisles and parking spaces.
8. *Parking space.* That portion of the parking area set aside for the parking of one vehicle.
9. *Stacking space.* An off-street space for the temporary stacking of vehicles with an aisle intended to serve a drive-in teller window, take-out food window, dry cleaning/laundry pick-up or similar type activity station.

Sec. 10.2. - Required off-street parking spaces.

In all zoning districts there shall be, provided, at the time any permitted use is established, enlarged or increased in capacity, off-street parking spaces in accordance with the requirements set forth in this article pursuant to table 10-1. For uses not specifically mentioned in the table, parking requirements shall be determined by the zoning official using the most analogous use in the table. Fractional off-street parking space requirements shall be counted as a whole space if the fraction is greater than one-half.

Off-street parking areas shall not be considered as loading or unloading areas. No off-street parking facility, in existence at the effective date of these regulations, shall be reduced to less than the amount required for the use involved.

10.2.1. *Site plan review.* All off-street parking areas with six or more parking spaces shall be subject to site plan review by the commission.

10.2.2. *Off-street parking design requirements.*

1. The minimum parking space dimensions shall be as shown in table 10-2 and figure 10.2.2.

2. In parking areas of 20 or more parking spaces, up to 20 percent of the spaces may be reserved for compact cars. Such spaces shall contain a minimum rectangular area of eight ft. in width and 16 ft. in length. These spaces shall be conspicuously marked for compact cars only.
  3. Stacking space shall contain a minimum rectangular area of ten ft. in width and 20 ft. in length and be separate from parking aisles and spaces.
  4. Handicapped parking spaces shall be, provided and designed in accordance with the applicable provisions of the city building code.
  5. All off-street parking areas shall be so designed and be of such size that no vehicle is required to back into a public street for egress, except for lots devoted to single-family and duplex dwellings. However, backing into arterials shall be prohibited in all cases.
  6. Parking areas for all developments shall be so designed that sanitation, emergency and other public service vehicles can adequately and safely serve such developments without the necessity of backing unreasonable distances or making other dangerous maneuvers. Fire lanes may be required by the fire code.
  7. All permanent off-street parking areas shall be of a hard surface or in such a manner that no dust will result from continuous use. All parking areas shall be maintained in good condition, i.e., free of potholes, weeds, trash, refuse, etc.
  8. Parking spaces, except those serving single-family and duplex dwellings, shall be clearly marked and meet all city specifications.
  9. Drainage in parking areas shall direct stormwater back into the site from adjacent properties toward adequate drainage channels. Drainage plans shall be subject to approval by the City Planner.
  10. The area between the street and an off-street parking lot shall have a curb, or similar barrier, as approved by the zoning official, separating the parking lot from the sidewalk to prevent the encroachment of vehicles onto the sidewalk.
- 10.2.3. *Location of required parking.*
1. All required parking spaces shall be located on the same lot as the use served by the parking, except as, provided below:
    - a. Required parking within planned residential developments may be, provided in common parking areas.
    - b. If the number of required parking spaces cannot reasonably be, provided on the same lot as the served use, remote parking may be permitted by a special, exception if within 500 ft. of the concerned lot. Such special, exception requires legal documentation that the applicant has the right to use such remote spaces.

2. No off-street parking shall extend beyond any lot line, unless approved by the City Planner for common parking areas with cross access between uses on abutting lots.

10.2.4. *Joint and shared parking.* Joint off-street parking facilities for two or more uses may be established so long as the required number of off-street parking spaces shall not be less than the sum of the requirements for the individual uses computed separately. However, subject to approval by the commission, minimum parking requirements for a mixed-use development may be reduced by calculation of shared parking requirements using the shared parking demand information in table 10-3.

10.2.5. *Parking prohibitions.*

1. The use of off-street parking in any residential district for nonresidential purposes is prohibited.
2. The use of any required parking space for the storage of any motor vehicle for sale or for any purpose other than parking is prohibited.

Table 10-1. Required Off-Street Parking Spaces by Use	
Agricultural Uses	
Farm	1 per 1.05 employees
Farm Stand	1 per 250 sf. of retail floor area
Farm Support Business	1 per 1.05 employees, plus 1 per company vehicle
Stable	1 per 3 persons of occupancy load plus 1 per 1.05 employees
Residential Uses	
Accessory Dwelling	1 per DU
Boarding House	1 per BR
Duplex	2 per DU
Independent Living Facility	2 per 3 DUs plus 1 space per employee
Manufactured Home	2 per Manufactured Home

Multifamily Developments	1 per studio, efficiency or 1-BR unit; 1.75 per 2-BR unit; 2.0 per 3+ BR unit
Single-family Dwelling, attached or detached	2 per DU
Institutional Uses	
Assisted Living Facility	1 per 4 residents plus 1 per employee
Club	1 per 100 sf. of non-storage and non-service floor area
Community Center	1 per 300 sf. of GLA
Country Club	1 per 3 persons of occupancy load
Day Care Center	1 per employee, plus 1 stacking or parking space per 8 persons enrolled of occupancy load
Group Care Home or Rehabilitation Facility	1 per 4 beds plus 1 per employee
Hospital	1 per 2 patient beds plus 1 per emergency room bed plus 1 per employee
Library	1 per 500 sf. of GLA
Nursing Care Facility	1 per 4 beds plus 1 per employee
Place of Assembly	1 per 3 seats in the main assembly space
Public Facility	1 per 300 sf. of GLA
School, Commercial	1 per 3 students plus 1 per employee
School, Elementary or Junior High/Middle	1 per classroom, plus either 1 per employee or 1 per 3 seats in the main assembly space (whichever is greater)

School, High	1 per 8 students of occupancy load, plus either 2 spaces per classroom or 1 per 3 seats in the main assembly space (whichever is greater)
Commercial Uses	
Animal Hospital	1 per 300 sf. of GLA
Appliance Store	1 per 400 sf. of GLA
Art Gallery	1 per 350 sf. of GLA
Automotive Sales	1 per 200 sf. of interior sales area plus 1 per 4,000 sf. of outdoor display area plus 1 stacking space per service bay
Automotive Parts Store	1 per 400 sf. of GLA plus 1 per employee
Automotive Rental Establishment	1 per 400 sf. of GLA plus 1 per rental vehicle
Automotive Repair, Major and Minor	1 per employee plus 2 stacking spaces per service bay plus 1 per company vehicle
Bank (no drive-thru)	1 per 250 sf. of GLA
Bank (drive-thru only)	1 per 2 employees plus 3 stacking spaces per teller
Bank (with drive-thru)	1 per 350 sf. GLA plus 3 stacking spaces per teller
Barber or Beauty Shop	2.5 per chair
Bed and Breakfast	1 per guest bedroom plus 2 spaces
Bowling Alley	3.5 per bowling lane
Call Center, Telemarketing Office	1 per 150 sf. of GLA or 1 per employee, whichever is greater
Car Wash (full service or automated)	1 per employee plus 4 stacking spaces per bay

Car Wash (self-service)	3 stacking spaces per approach lane plus 2 drying spaces per stall
Clinic	6 per practitioner
Commercial School	1 per 3 students of occupancy load plus 1 per employee
Dry Cleaning Pick-Up	1 per 300 sf. of GLA
Funeral Home	1 per 1 employee plus 1 per 3 seats of occupancy load plus 1 per company vehicle
Furniture Store	1 per 600 sf. of GLA
Gas Station/Convenience Store	1 per 300 sf. of GLA plus 1 stacking space per fuel island
General Retail Business	Under 50,000 sf.: 1 per 200 sf. of GLA; 50,000—99,999 sf.: 1 per 250 sf. of GLA; 100,000+ sf.: 1 per 300 sf. of GLA
Home Improvement Center	1 per 400 sf. of GLA
Hotel or Motel	1 per room plus 1 per employee
Laundromat	1 per 2 washing machines
Liquor Lounge (freestanding)	1 per 100 sf. of GLA
Mini-Warehouse	5 spaces adjacent to leasing office (if any)
Office, business or professional	1 per 250 sf. of GLA
Movie Theater	1 per 3 seats
Open Air Market	1 per 500 sf. of display area plus 1 per employee
Outdoor Recreation	

Golf Course:	4 per hole
Miniature Golf:	2 per tee
Golf Driving Range:	1 per tee
Other:	1 per 3 persons of occupancy load
Pool Hall	1 per table
Restaurant, Carry-Out and/or Delivery	1 per employee plus 1 per 300 sf. of GLA
Restaurant, Drive-in	1 per ordering station plus 1 per employee
Restaurant, Drive-thru	1 per 100 sf. of GLA plus 4 stacking spaces per drive-thru window
Restaurant, Standard	1 per 3 seats of occupancy load
Service Station	2 per service bay plus 1 per company vehicle plus 1 per employee plus 1 stacking space per fuel island
Industrial Uses	
General Industry and Manufacturing, Research Laboratory and similar uses	1 per 1 employee plus 1 per company vehicle, but not less than 1 per 1,000 sf. of GLA
Warehouse, distribution and wholesale business	1 per 1 employee plus 1 per company vehicle, but not less than 1 per 500 sf. of GLA

Table 10-2. Parking Lot Dimensional Requirements							
Parking Angle	Stall Width (A)	Stall Length (B)	Stall Depth (C)	Curb Length (D)	Aisle Width (E)		Interlock (F)
					One-Way	Two-Way	
0°	8 ft.	22 ft.	8 ft.	22 ft.	12 ft.	20 ft.	na
30°	9 ft.	20 ft.	17.4 ft.	17 ft.	15 ft.	20 ft.	3.9 ft.
45°	9 ft.	20 ft.	20.2 ft.	12 ft.	15 ft.	20 ft.	3.2 ft.
60°	9 ft.	19 ft.	21 ft.	10.4 ft.	20 ft.	24 ft.	2.3 ft.
90°	9 ft.	19 ft.	19 ft.	9 ft.	20 ft.	24 ft.	na

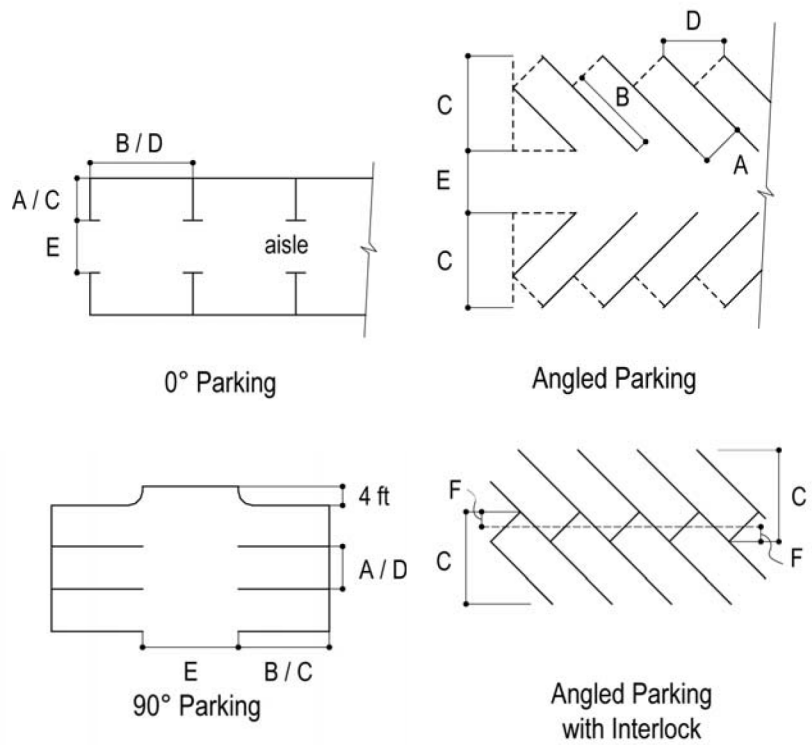


Figure 10.2.1 Parking Dimensions

Parking Demand* by Use	Weekday 8:00 a.m.—5:00 p.m.	Weekday 6:00 p.m.—12:00 a.m.	Weekday 12:00 a.m.—6:00 a.m.	Weekend 8:00 a.m.—5:00 p.m.	Weekend 6:00 p.m.—12:00 a.m.	Weekend 12:00 a.m.—6:00 a.m.
Residential	60%	100%	100%	80%	100%	100%
Office	100%	20%	5%	5%	5%	5%
Commercial	90%	80%	5%	100%	70%	5%
Lodging	70%	100%	100%	70%	100%	100%
Restaurant	70%	100%	10%	70%	100%	20%
Entertainment	40%	100%	10%	80%	100%	50%

Movie Theater	40%	80%	10%	80%	100%	10%
Institutional (non-church)	100%	20%	5%	10%	10%	5%
Institutional (church)	10%	5%	5%	100%	50%	5%

\*Different parking demands may be used than the typical shown here if documented in a parking demand study.

Sec. 10.3. - Off-street loading.

In all zoning districts where permitted uses require the receipt or distribution of material or merchandize by truck or similar vehicle, off-street loading and unloading space shall be, provided. Such requirements shall apply to new structures or that portion of existing structures that are altered or expanded after the effective date of this ordinance.

10.3.1. One space shall be required for the first 20,000 sf. of floor area plus one additional space for each 20,000 sf. of floor area up to 100,000 sf. and one space for each additional 40,000 sf. thereafter. However, the approving authority may waive loading requirements for uses under 8,000 sf.

10.3.2. Off-street loading design standards.

1. The minimum size of a loading space shall be 15 ft. by 50 ft., exclusive of driveway and maneuvering space. Each space shall allow vertical clearance of 14 ft.
2. Joint or combined off-street loading space for two or more buildings on the same lot 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 buildings to be served.
3. No street or alley shall be considered as part of the off-street loading area.
4. All loading areas shall be so designed and located to permit traffic to exit facing a street or alley. Off-street loading spaces may occupy required yard areas, provided that no loading space shall be located within ten ft. of the front lot line nor within five ft. of any side or rear lot line.
5. No loading space shall be used to meet parking requirements, interfere with the on-site circulation of traffic, nor allow a truck to extend into any right-of-way or over any property line.

Sec. 10.4. - Driveway spacing.

The following regulations shall govern ingress and egress to all lots:

- 10.4.1. Within the first 15 ft. of the lot (measured from the front lot line along which a driveway is proposed) driveways shall not exceed the following widths:
  - 1. Single-family and duplex dwellings: 13 ft.
  - 2. Multifamily dwellings: 25 ft. (for two travel lanes).
  - 3. Nonresidential uses: 30 ft. (for two travel lanes).
- 10.4.2. Access points shall be in accordance with table 10-4, driveway spacing, and the following:
  - 1. Single-family and duplex dwellings with greater lot frontage may only have a second access if approved by the City Planner after a determination that traffic safety and movement at the particular location will not be adversely impacted by the additional access.
  - 2. Corner lots-of-record may have a driveway with less than the above-required distance from the intersecting street, provided the driveway will be located along the street of lesser classification (as applicable) and as far as practicable from the intersection, and that, in the opinion of the City Planner, the driveway will not adversely affect traffic safety and movement on adjoining streets.
- 10.4.3. No two access points on the same lot frontage shall be closer than 50 ft. from their nearest edges.
- 10.4.4. The area between the street and a driveway parallel to the street shall have a curb at least six inches in height and six inches in width separating the drive from the sidewalk to prevent encroachment of vehicles onto the sidewalk area.
- 10.4.5. No curbs on public streets or rights-of-way shall be cut or altered without written approval of the city.
- 10.4.6. Where access to a state or federal highway is controlled by regulations other than those stated herein, those rules and regulations shall prevail.

Table 10-4. Driveway Spacing Regulations			
	Minimum Spacing		Max. number of driveways per frontage length
	From intersections	From other driveways	
All Uses			

Major Arterial	250 ft.	200 ft.	1 per 200 ft.
Minor Arterial	200 ft.	150 ft.	1 per 150 ft.
Single-Family and Duplex Dwellings			
Collector	125 ft.	25 ft.	1 per 100 ft.
Local	75 ft.	ten ft.	1 per 100 ft.
All Other Uses			
Collector	150 ft.	125 ft.	1 per 125 ft.
Local	100 ft.	75 ft.	1 per 75 ft.

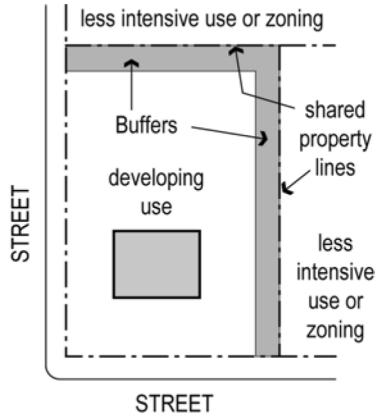
**ARTICLE 11. - LANDSCAPING, SCREENING AND BUFFERS**

The intent of this article is to require a minimum number of trees in residential areas, to establish standards for buffers required between incompatible land uses and to provide for landscaping surrounding and within vehicular areas in high traffic corridors. For the purposes of this article, [the terms] "fences" and "walls" shall have the same meaning. Landscaping shall not be planted in a manner or location which causes a hazard to vehicles entering or within the public right-of-way. Required landscape plans shall include the information listed in appendix 3.

**Sec. 11.1. - Buffers.**

Buffers shall be, provided in accord with the requirements of table 11-1 and as described herein.

11.1.1. *Applicability.* except as otherwise, provided herein, buffer requirements shall be based on the developing land use and the existing, abutting use.



Buffer Illustration

11.1.2. *General standards.* To decrease incompatibility between neighboring land uses, the following standards shall apply to all required buffers:

1. Required yards, where corresponding with the buffer area, may overlap and may be counted toward a buffer width requirement.
2. The buffer requirement, if any, shall be the responsibility of the developing land use.
3. Buffer requirements may be modified by the approving authority in certain cases as follows:
  - a. If the land use relationships between two abutting lots changes so that a lesser buffer would be required, the width of the previously, provided buffer may be reduced accordingly.
  - b. Up to one-half of the width of an abutting alley may be counted toward the buffer width requirement, but the landscaping density requirements shall not be reduced.
  - c. Whenever the proposed use abuts vacant land, buffer requirements shall be based on the zoning of the abutting property or the use projected by the comprehensive plan, whichever requires a lesser buffer.
4. Buffers shall not be used for parking, recreational use or any other purpose, except as, provided herein. The approving authority may permit a pedestrian access-way through a required buffer where appropriate. Public utilities and storm drainage facilities may be constructed in a required buffer, provided the buffer is otherwise installed in compliance with the approved landscaping plan. The city may require supplemental plantings to mitigate the effect of any such land disturbance in the buffer.

Table 11-1. Buffer Requirements By Use	
Developing Land	Existing Abutting Uses or Zoning

Use									
	Single-family		Multifamily	Lodging	Institutional			Business	Parks & greenways
	detached	attached			low/medium/high				
Residential and Lodging	Buffer Class Required								
Detached, Single-family	na	na	na	na	na			na	na
Attached, Single-family	A	na	na	na	na			na	na
Multifamily	B	A	na	na	na			na	na
Lodging	B	B	A	na	na			na	na
Manufactured home/RV parks	B	B	B	B	A			B	A Institutional
Low Intensity	A	A	na	na	na	na	na	na	na
Medium Intensity	A	A	A	na	na	na	na	na	A
High Intensity	B	B	B	A	A	na	na	na	A
Business/Commercial									
Offices up to 50,000 sf.	A	A	A	na	A	na	na	na	A
Offices greater	B	B	B	A	B	A	na	na	A

than 50,000 sf.									
Amusement, Outdoor Entertainment	B	B	B	A	B	A	na	na	A
Retail, Shopping Centers, and Restaurants up to 50,000 sf.	B	B	A	A	A	A	na	na	A
Retail, Shopping Centers, and Restaurants Greater than 50,000 sf.	B	B	B	A	B	A	na	na	A
Heavy Commercial, Including Repair, Contractor and Automotive Uses	B	B	B	A	B	A	na	na	A
Industry									
Warehousing, Storage, Telecommunications Towers and Public Utility Facilities	C	C	C	C	C	B	B	A	B
Other Industrial Uses	C	C	C	C	C	C	C	B	B

Buffer Class	Width	Required trees per 100 linear feet
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	With fence/wall	Without fence/wall	
A	10 ft.	15 ft.	8
B	15 ft.	20 ft.	10
C	22 ft.	30 ft.	12

11.1.3. *Design standards.*

1. Prior to occupancy of the premises, the buffer shall provide a visually impervious barrier from the ground to five ft. above grade level throughout the entire length of the buffer through the use of shrubs and trees. Fences may also be used in combination with shrubs and trees (see paragraph 3 below). Within one year after installation, the buffer shall be at least six ft. above grade throughout the entire length of the buffer.
2. Required plantings shall be evergreen.
3. The required buffer width may be reduced as, provided in table 11-1 when a fence is, provided that is five to seven ft. tall and that meets the requirements in § 11.4. With a fence, maximum shrub spacing may be reduced to not more than eight ft.

Sec. 11.2. - Landscaping for vehicular areas.

11.2.1. *Applicability.* These regulations apply to areas used for off-street parking and loading; vehicular storage, display, maneuvering and washing; and the dispensing of motor fuels.

11.2.2. A landscaping plan shall be required as part of every development application for new construction, which includes vehicular areas as herein described. This section shall apply to new vehicular areas for all uses, except single-family dwellings, duplexes and multiplexes. If the size of an existing, applicable vehicular area is increased by ten percent or ten spaces, whichever is greater, the new vehicular area shall be made to comply with the requirements of this section.

11.2.3. *Requirements.*

1. The primary landscaping materials used in vehicular areas shall be canopy trees. Shrubs and other planting materials may be used to complement the required trees.
2. Required plantings shall be set back from the edge of the planted area or as otherwise needed to prevent damage by vehicles.

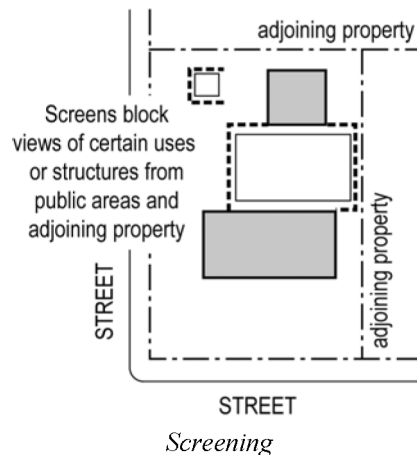
3. Interior landscaping. Each vehicular area shall have interior landscaping covering not less than five percent of the total vehicular area.
4. Street frontage landscaping.
  - a. A landscaped strip at least ten ft. wide shall be located between the vehicular area and the street line. The width may be reduced to five ft. when a fence, meeting the requirements of § 11.4 and that is between 2.5 to 3.5 ft. tall, is, provided.
  - b. Shrubs shall be evergreen and spaced no more than five ft. on center. If used in combination with a fence meeting the requirements of § 11.4, shrubs, may be deciduous and may be spaced no more than eight ft. on center.
  - c. At least one understory tree for every 40 linear ft. or one canopy tree for every 50 ft. of required landscape strip shall be planted. Only canopy and understory trees, as defined in article 2, shall be counted toward these requirements.
5. Perimeter landscaping. A five-foot-wide landscaping strip shall be, provided along the parking lot perimeter and shall be planted with evergreen shrubs and one understory tree per each 40 ft. of frontage (the width of any cross access drives may be discounted). Where this overlaps or conflicts with other landscaping requirements, the greater requirement shall govern.

Sec. 11.3. - Screening.

Screening is intended to provide visual separation of certain uses from public areas and adjoining properties.

- 11.3.1. *Applicability.* For all multifamily, nonresidential and mixed use developments, the following shall require screening:
  1. Garbage collection, recycling and refuse handling areas.
  2. Maintenance areas or utility structures associated with a building or development.
  3. Water meters, gas meters, electric meters and air conditioners/mechanical units.
  4. Loading areas.
  5. Outside runs for veterinary clinics, animal shelters, and kennels.
  6. Outdoor storage of materials, stock, equipment, and vehicles (such as those stored for repair).
  7. Any other uses for which screening may be required by the reviewing authority.
- 11.3.2. *Design requirements.* The design of screening shall be in accord with the following and as approved by the reviewing authority:

1. Location on-site should be the first consideration in providing screening. The reviewing authority may lessen screening requirements when the location of the use to be screened reduces its visibility to the public and neighboring properties. Uses requiring screening, when collocated, may be screened together.



2. Screening shall not be placed so as to impede any drainage-way and shall not block access to any aboveground, pad-mounted transformer and shall provide the minimum clear distance required by the utility company.
  3. The method of screening, including height and materials, shall be that which is sufficient to visually screen the use. The minimum height needed is preferred.
  4. Fences, berms, or landscaping used for other purposes, but that are proposed as part of a required screen and that meet the requirements of this section, may count toward these requirements.
  5. Uses that produce objectionable noise or odors shall be located so as to minimize such impacts to the public and abutting properties.
  6. Shrubs shall be evergreen and spaced no more than five ft. on center. If used in combination with a fence, shrubs may be deciduous and may be spaced no more than eight ft. on center.
  7. Trees shall be evergreen and, when used in the absence of a fence, shall be used together with shrubs to provide a continuous, opaque screen.
- 11.3.3. *Requirements for specific uses.*
1. Refuse and recycling containers shall not be located forward of the front building line. Such containers shall be screened by a combination of opaque fence and plant material on three sides. Opaque gates shall be installed for access. The fence shall be at least two ft. taller than the container.
  2. For restaurants, enclosures shall be sized, as needed, to accommodate the storage of grease containers.

3. Mechanical equipment on roofs or on-site shall be screened so as to not be visible from public streets or adjacent properties. The screening of building-mounted mechanical equipment shall be an integral component of the building design. Mechanical equipment installed on-site shall be adequately screened by plant materials and/or fences to blend in with site landscaping.
4. Outdoor storage, where permitted, shall be screened to a height of six ft. or two ft. taller than the material or equipment to be screened, whichever is greater.
5. Service areas, loading docks, work yards, and similar uses should be located to minimize their visibility to the public and to any abutting properties to which such functions would be objectionable. Where their location is insufficient to effectively screen the use, required screening shall be at least six ft. in height.

Sec. 11.4. - Design standards for fences.

Fences used as a part of any required buffer, screen, or perimeter landscaping shall comply with the following:

11.4.1. No more than 25 percent of the fence surface shall be left open. The finished side of the fence shall face abutting property.

11.4.2. Required shrubs and trees shall be planted on the exterior side of the fence.

The commission shall approve the design of fences to assure their functions, as required by this article, are properly served. In particular, the commission shall not approve a reduced buffer width pursuant to § 11.1.3.3 without also approving the design of the fence.

Sec. 11.5. - Modifications.

The planting requirements of this article shall be applied equally to similarly classified and situated properties, but may be modified or waived altogether in certain cases where a building site is subject to any of the following circumstances determined by the commission:

11.5.1. Existing natural vegetation, which meets, in whole or in part, buffer or screening requirements, may be applied toward the requirements of this article. Where natural vegetation (trees and/or shrubs) exist on a piece of property, when application is made for a building permit, such natural vegetation shall be left undisturbed until the zoning official has evaluated it for its suitability as a buffer or screen, as applicable. The zoning official may require that the developer retain such natural vegetation. However, additional planting may be required to fully achieve the requirement.

11.5.2. Where impending development of adjacent property would make these standards unreasonable or impractical.

11.5.3. Where, after inspection by the zoning official, it is found that the view from adjoining properties is blocked by a change in grade or other natural or manmade features.

11.5.4. Where planting cannot, in the professional opinion of an expert, be expected to thrive due to poor soil conditions, intense shade or similar conditions.

Sec. 11.6. - Maintenance and irrigation.

11.6.1. All plant material shall be maintained in a healthy growing condition, replaced when dead and kept free of weeds, refuse and debris.

11.6.2. All fencing shall be permanently maintained in good condition and, whenever necessary, repaired or replaced by the party required to provide such fence.

11.6.3. All required landscaping shall be drought-tolerant, native species or shall be irrigated by an automatic irrigation system.

ARTICLE 12. - ADMINISTRATIVE PROVISIONS

Sec. 12.1. - Administration.

The provisions of this ordinance shall be administered and enforced by the zoning official, except as herein, provided.

Sec. 12.2. - Administrator.

The council shall designate a zoning official to administer this ordinance. In addition, the zoning official and/or building official shall have the right to enter upon any premises during a reasonable period of time for the purpose of making inspections of the buildings or premises necessary to administer and enforce this ordinance.

Sec. 12.3. - Building permit required.

It shall be unlawful to commence the excavation for or the construction of any building or other structure, including accessory structures, or to store building materials or erect temporary field offices, or to commence the moving, alteration, or repairs (except repairs not changing the character of the structure and not exceeding \$1,000.00 in cost, or painting or wallpapering) of any structure, including accessory structures, until the building official has issued for such work a building permit including confirmation by the zoning official that the plans, specifications and intended use of such structure in all respects conform with the provisions of this ordinance., except on the written order of the board, no building permit shall be issued for any building where the construction, addition, alteration or use thereof would be in violation of any of the provisions of this ordinance. Application for a building permit shall be made to the building official on forms, provided for that purpose.

Sec. 12.4. - Application requirements.

It shall be unlawful for the building official to approve any plans or issue a building permit for any excavation or construction until such plans have been inspected in detail

and have been found to be in conformity with this ordinance. To this end, the building official shall require that every application for a building permit for excavation, construction, use of land, moving or alteration be accompanied by a plan or plat, drawn to an appropriate scale, including those materials listed in appendix 4.

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

Sec. 12.5. - Voiding of building permit.

Any building permit granted under this section shall become null and void on one year from the date of issuance of the permit. Exceptions may be made if the proposed development or construction has passed the first building inspection. The building official shall make every reasonable effort to notify a holder of a building permit, which is liable for voiding action before voidance is actually declared.

Sec. 12.6. - Inspection.

The construction or usage affected by any building permit shall be subject to four inspections: the first, when the foundation has been excavated; the second, when the foundation has been completed and the building lines have been established; the third, when all electrical and mechanical elements are in place; and the fourth, when the building or structure has been completed.

It shall be the duty of the holder of the permit to properly notify the building official as to the time when the construction will be ready for inspection. Failure to make proper notification of the time for such inspection shall automatically cancel the permit, requiring the issuance of a new permit before construction may proceed or occupancy may be permitted.

Sec. 12.7. - Certificate of occupancy.

No land or building or other structure or part thereof hereafter erected, moved, or altered in its use shall be used until the building official has issued a certificate of occupancy stating that such land or structure or part thereof is found to be in conformity with the provisions of this ordinance. Within three days after the owner or his agent has been properly notified [by] the building official that a building or premises or part thereof is ready for occupancy or use, it shall be the duty of the building official to make a final inspection thereof, and to issue a certificate of occupancy if the building or premises or part thereof is found to conform with the provisions of this ordinance, or if such certificate is refused, to state the refusal in writing with the cause.

Sec. 12.8. - 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 zoning 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 zoning official has declared a structure to be in violation of any applicable provisions of this ordinance, the owner or occupant shall, within 72 hours from receipt of notification from the zoning official to vacate such premises, accomplish such vacation of said structure or premises until such structure or premises has been made to conform to the provisions of this ordinance. Such notification shall be:

- 12.8.1. By delivery to the owner personally, or by leaving notice at the owner's residence with a person of suitable age and discretion; or
- 12.8.2. By depositing the notice as first class certified mail; or
- 12.8.3. By posting and keeping posted for 72 hours a copy of the notice in a conspicuous place on the premises to be repaired.

Sec. 12.9. - Penalties and remedies of violations.

Any person, firm, corporation, or other organization which violates any provisions of this ordinance shall be fined, upon conviction, not less than \$25.00 nor more than \$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, zoning official or any other appropriate authority or any adjacent or neighboring property owner, who would be especially damaged by such violation, in addition to other remedies, 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.

Sec. 12.10. - Amendment.

- 12.10.1. *Zoning amendment petition.* The council may amend, supplement, change, modify, or repeal the regulations, restrictions, boundaries of districts or any provisions of this ordinance. Any member of the council may introduce such amendment; or any official, board, commission or any other person may present an application to the council requesting an amendment to this ordinance.
- 12.10.2. *Commission review.* No such amendment shall become effective unless such be first submitted to the commission for its approval, disapproval, or recommendation. If the commission disapproves an amendment after such submittal, it shall require the favorable vote of the majority of the council to become effective. Within 30 days of the public hearing on the application, unless an extension of time is agreed to by the applicant, the commission shall issue a recommendation to the council. Failure of the commission to act within this time period shall constitute a positive recommendation.

The commission upon its own initiative may hold public hearings, public notice of which shall be given, for the consideration of any proposed amendment to the

provisions of the ordinance, or to the official zoning map, and then report its approval, disapproval, or recommendations to the council.

- 12.10.3. *Public hearing on proposed amendments.* Upon the introduction of any amendment to this ordinance or upon the receipt of a petition to amend this ordinance, the council shall publish notice of such request for an amendment, together with a notice of the time and place set for public hearing by the council on the requested change. Said notice shall be published in full, for one insertion, in a newspaper of general circulation. One week after the first insertion, the council shall publish a synopsis of the proposed amendment. Both insertions must be published at least 15 days in advance of passage of the amendment. After the amendment is adopted, it shall be published in the same manner as all municipal ordinances pursuant to section 11-45-8 of the Code of Alabama, 1975, [Code of Ala. 1975, § 11-45-8] as amended.

Within 30 days of the public hearing on the application, unless an extension of time is agreed to by the applicant, the council shall approve the request, approve it with conditions or deny the request. Failure of the council to act within this time period shall constitute approval.

- 12.10.4. *Time limit.* After the council has voted on an application for rezoning or other amendment of the zoning ordinance, another application for rezoning of the same tract or parcel of land, or change of the same portion of the zoning ordinance will not be considered for a period of one year from the date of such action, provided, however, that the council may adjust this time period if, in the opinion of a majority of the council, an unusual situation or circumstance exists.

#### Sec. 12.11. - Conditional use procedures.

Conditional uses are those that have some special effect, which differs from the potential impacts of permitted or special, exception uses or exceeds them in intensity, or have 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 ordinance, and any other development policies and/or regulations of the 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.

- 12.11.1. All conditional uses require the submission of an application to the commission. Such application shall be filed with the zoning official by the property owner or designee at least 30 days prior to the date on which the application is to be heard, and shall include a site plan including those materials listed in the appendix. At least 15 days prior to the hearing, the zoning 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 prepaid, addressed to such property owners at their addresses submitted with the

request. 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.

12.11.2. The 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 applicable district. In particular the commission shall determine that satisfactory provisions have been made concerning the following:

1. 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.
2. The location and accessibility of off-street parking and loading areas.
3. The location and accessibility of refuse and service areas and their potentially adverse effects upon surrounding properties.
4. The screening and buffering of potentially adverse views and activities from surrounding properties.
5. Control of noise, glare, odor, surface water runoff, and other potentially disturbing impacts upon surrounding properties.
6. The availability, location, and capacity of utilities.
7. The location and scale of signs and lighting with particular reference to traffic safety, glare, and visual compatibility with surrounding properties.
8. 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.

12.11.3. The commission may impose such conditions 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.

12.11.4. Within 60 days of the public hearing on the conditional use application, unless an extension of time is agreed to by the applicant, the commission shall approve the application for a conditional use, approve it with conditions, or deny it. The failure of the commission to act within this time period shall constitute approval of the conditional use.

#### Sec. 12.12. - Fees.

Every applicant or petitioner seeking an amendment to the zoning ordinance or official zoning map, other than amendments initiated by the city, or seeking approval of a building permit, conditional use, variance or special, exception shall pay to the city clerk at the time of filing of petition or application, a fee as set from time to time by the council

to cover the cost of technical study, investigation and publication necessary in connection with such application. No such application shall be filed for consideration until such fee has been paid.

## ARTICLE 13. - BOARD OF ZONING ADJUSTMENT

### Sec. 13.1. - Appointments, duties and responsibilities.

A board of zoning adjustment, hereinafter referred to as "the board," is hereby established. The appointment, procedure, powers and action of said board shall be governed by section 11-52-80 and section 11-52-81, Code of Alabama 1975, as amended [Code of Ala. 1975, §§ 11-52-80 and 11-52-81]. All members of the board shall be citizens and residents of the city.

### Sec. 13.2. - 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. 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.

### Sec. 13.3. - Powers and duties.

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

- 13.3.1. *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 § 3.2.
- 13.3.2. *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.
- 13.3.3. *Variances.* To hear and decide requests 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 as defined in this article, but where the spirit of the ordinance can be observed and substantial justice done.
- 13.3.4. *Special, exceptions.* To hear and decide special, exceptions, as specified in this ordinance, upon which the board is required to act.

### Sec. 13.4. - Administrative appeals.

13.4.1. Appeals to the board may be taken by any person aggrieved or affected by any provision of the ordinance or by any decision of the zoning official relating to this ordinance. Any such appeal shall be filed with the zoning official within 15 days of the date of the action being appealed. The zoning official shall forthwith transmit to the board papers constituting the record upon which the action appealed was taken.

- 13.4.2. An appeal stays all proceedings in furtherance of the action appealed from, unless the zoning official 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 zoning official's opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed other than by a restraining order, which may be granted by the board or by a court of record.
- 13.4.3. All appeals shall be filed in writing on forms, provided by the board and made available by the zoning official. At least 15 days prior to the scheduled board hearing the zoning official shall give written notice to all adjacent property owners. Such notice shall be deemed given when deposited in the United States mail, first class postage prepaid, 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 zoning official being appealed, and the time, date, and location of the board hearing.
- 13.4.4. The board may affirm, reverse wholly or in part, or modify the zoning official's decision, order, or determination as, in its opinion, ought to be done, and, to that end, shall have all the powers of the zoning official.

Sec. 13.5. - 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, exceptional topographic conditions, or other extraordinary and, exceptional 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 and unnecessary hardship upon such owner.

- 13.5.1. 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 from 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.
- 13.5.2. Applications shall be filed with the zoning official at least 30 days before the scheduled hearing date before the board. The property owner shall file the application on a form made available by the city. At least 15 days prior to the scheduled hearing, the zoning official shall give written notice to all adjacent property owners. Such notice shall be deemed given when deposited in the United States mail, first class postage prepaid, 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.
- 13.5.3. 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 of the following:

1. The variance will not permit the establishment of a use not otherwise permitted in the district.
2. 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 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.
3. There must be proof of unnecessary hardship. It must result from the application of this ordinance and must be suffered directly by the property in question, and evidence of other variances granted under similar circumstances shall not be considered. It is not sufficient proof of hardship to show that greater value or 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.
4. The variance will not impair an adequate supply of light and air to adjacent property, substantially increase congestion in the public streets, endanger the public safety, or substantially diminish or impair property values within the adjacent neighborhood.
5. The variance will not confer upon the applicant any special privilege that is denied by this ordinance to other land or structures in the same district.
6. The variance is necessary for the reasonable use of the land or building, and the variance is the minimum variance that will accomplish this purpose.
7. The variance shall be in harmony with the general purpose and intent of the regulations imposed by this ordinance on the applicable district, and shall not be injurious to the neighborhood or otherwise detrimental to the public welfare.

13.5.4. 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.

Sec. 13.6. - Special, exceptions.

13.6.1. All uses permitted by special, exception shall require the submission of an application to the board. Such application shall be filed with the zoning official at least 30 days before the hearing, and shall include a site plan including those materials listed in the appendix. The application shall be filed by the property owner or authorized agent on a form made available by the zoning official. At least 15 days prior to the scheduled hearing, the zoning official shall give written notice to all adjacent property owners. Such notice shall be deemed given when deposited in the

United States mail, first class postage prepaid, 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 hearing.

- 13.6.2. The board 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:
1. 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.
  2. The location and accessibility of off-street parking and loading areas.
  3. The location and accessibility of refuse and service areas and their potentially adverse effects upon surrounding properties.
  4. The screening and buffering of potentially adverse views and activities from surrounding properties.
  5. Control of noise, glare, odor, stormwater runoff, and other potentially disturbing impacts upon surrounding properties.
  6. The availability, location, and capacity of utilities.
  7. The location and scale of signs and lighting with particular reference to traffic safety, glare, and visual compatibility with surrounding properties.
  8. 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.
- 13.6.3. The board may impose such conditions that it deems necessary in the particular case to protect the public interest, and the intent of the comprehensive plan, and this ordinance regarding 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.
- 13.6.4. The board may also grant special, exceptions for business use of a manufactured home in a nonresidential district upon showing of catastrophic circumstances created by [an] act of God or casualty damage. Such special, exceptions will be valid for a period not exceeding one year and are not transferable. Such special, exception may be granted only if all of the following conditions are met:
1. At the termination of the granted period, the property owner must either remove the manufactured home from this location, or apply for another special, exception.

2. Such special, exceptions are not transferable. If there is a change of land ownership, the new property owner must apply for a new special, exception if desired.

Sec. 13.7. - Abatement of nuisance.

The board may require the conduct of any use, conforming or nonconforming, which results in unreasonable noise, smoke, vibration, fumes, dust, dirt, radio interference, or explosion hazard or nuisance to surrounding property to be modified or changed to abate such hazard to health, comfort and convenience. The board may direct the building official to issue an abatement order, but such order may be directed only after a public hearing by the said board, notice of which shall be sent by registered mail to the owners and/or operators of the property on which the use is conducted in addition to due notice of advertisement in a newspaper of general circulation. A hearing to consider issuance of an abatement order shall be held by the board either upon petition signed by any person affected by the hazard or nuisance or upon the initiative of the board. An abatement order shall be directed by the board of [zoning adjustment] only upon reasonable evidence of hazard or nuisance, and such order shall specify the date by which the hazard or nuisance shall be abated.

Sec. 13.8. - Rehearings.

13.8.1. All decisions rendered by the board shall be final and binding upon all parties. No appeal of an administrative decision, or decision on a request 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:

1. 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.
2. The decision resulted from an error in procedures required by this ordinance or state law and made by the board, the zoning official, or any other city officials.
3. The decision resulted from an error in substantive law under the provisions of this ordinance or the Code of Alabama, 1975, as amended.

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

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

Sec. 13.9. - Appeals from action of the board.

Any party aggrieved by any final judgment or decision of the board may, within 15 days thereafter, appeal therefrom 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 the 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.

## APPENDIX

### APPENDIX 1. - SITE PLAN REQUIREMENTS FOR CONDITIONAL AND SPECIAL EXCEPTION USES

1. One or more scaled drawings or maps (one inch equals 20 feet unless size dictates a more appropriate scale), clearly showing the following:
2. Vicinity map, north arrow, scale, accurate shape proportion and dimensions of the site, name of property owner, developer and person drawing map.
3. Existing and proposed topography of the site and the surrounding area [at] at least two-foot contour intervals showing the location of existing woodlands, streams, and other significant features of the land.
4. Location and dimensions of existing and proposed buildings, structures, curb cuts, driveways, off-street parking and loading areas, signs, walls, fences, screen planting, landscaping, pedestrian walks, open space, and recreational areas for use by employees, residents, tenants or the general public.
5. Proposed storm drainage plan.
6. Proposed traffic circulation system where any part of the land is to be used by motor vehicles.
7. Proposed dedication of land for public use, including streets, easements, park and school sites.
8. The location of all existing and proposed power lines, gas lines, sewer and water lines, and the location of any easements to be granted for these utilities.
9. Drawings showing the proposed appearance of the buildings, structures and grounds after the completion of all buildings and structures and the establishment of the uses proposed on the land.
10. A statement of the area of land involved in the site, the number of acres and percentage designated for each proposed land use including public facilities, the percentage of the site proposed to be covered by buildings, the total number of dwelling units proposed, the number of dwelling units proposed per acre, the area proposed to be devoted to open space, the area proposed to be paved for parking, driveways, loading space, sidewalks, the total number of parking spaces for the use proposed, the number of employees, excepted per shift, the total floor area of proposed commercial uses (or seating capacity for places of assembly, restaurants, indoor entertainment uses, etc.) and the proposed manner of illumination of signs.
11. Restrictions on the use of property including proposed restrictive covenants.
12. Plans for the protection of abutting properties.

13. Written request for, exceptions to or variations from the requirements of the zoning ordinance, if any are being requested.
14. A statement defining the manner in which the city is to be assured that all improvements and protection devices, such as buffers, fences, etc., are to be installed and maintained.
15. Such other additional information as may be reasonably required by the commission to accomplish the purpose of the site plan review function.

#### APPENDIX 2. - MASTER PLAN REQUIREMENTS FOR PLANNED DEVELOPMENTS

1. The outer boundary of the total development site, including a valid legal description;
2. A topographic map showing contours at five-foot or smaller intervals as required by the zoning official;
3. Description of the existing land uses and development adjoining the project site;
4. The rights-of-way and cross sections of all proposed streets, and proposed access to the surrounding public street system;
5. The type, number, and location of all structures;
6. The location, extent, and approximate acreage of all resources protection, recreation, and open spaces;
7. The location and nature of all common amenities such as clubhouses, swimming pools, laundries, etc.
8. A conceptual stormwater management plan identifying the proposed patterns of major stormwater runoff, and any proposed stormwater best management practices;
9. A written report, illustrated as appropriate, shall accompany the master plan addressing the following:
  - 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; and
  - e. Presentation of the method for dedicating or reserving land or facilities for public use or for ownership and maintenance of common open spaces.

#### APPENDIX 3. - LANDSCAPE PLAN SUBMITTAL REQUIREMENTS

The landscape plan shall be drawn to a scale no larger than one inch equals 50 feet and shall contain the following information:

1. The location and dimension of all areas proposed for landscaping and planting, including a description of the proposed plant materials.

2. All dimensions and distances, property lines, easements, rights-of-way and buffers.
3. Existing and proposed buildings and structures, including signs, garbage containers, utility and drainage structures.
4. Existing buildings and structures on abutting property adjacent to any required screening or buffers.
5. Bodies of water including detention and retention areas.
6. Driveways, vehicular areas, existing and proposed parking spaces, access aisles and other vehicular areas.
7. Sufficient information and detail to demonstrate compliance with the requirements of this section.

#### APPENDIX 4. - BUILDING PERMIT SUBMITTAL REQUIREMENTS

1. The location, slope, area and dimensions of the lot.
2. The location, dimensions, height and bulk of the structure to be erected, altered, or moved and any building or structures already on the lot.
3. The existing and intended use of all such buildings or other structures.
4. The proposed number of dwelling units, occupants, employees, or other similar users.
5. The setback, side yards, open spaces, parking spaces and other such requirements of the application zoning district.
6. Any other information deemed necessary to determine and provide for the enforcement of this ordinance.

#### APPENDIX 5. - LIGHTING PLAN SUBMITTAL REQUIREMENTS

The lighting plan shall be drawn to a scale no larger than one inch equals 50 feet and shall contain the following information:

1. The type of lamp to be used in each fixture, including the manufacturer's name and part number, lamp wattage, lumen output, and a copy of the manufacturer's lamp specifications;
2. Fixture heights measured from grade and locations of the same;
3. The type of fixtures, including the manufacturer's name and model number; wattage; a picture of the fixture; and the IES file name;
4. Point-to-point photometric calculations at intervals of not more than ten ft. at ground level demonstrating that the plan will provide a uniform intensity of lighting on vehicular surfaces;
5. The area of each photometric calculation, including an extra calculation to identify the light level produced at the property line, and all data used in each calculation; and

6. The seal of the qualified Alabama-registered design professional.

## Appendix C - SUBDIVISION AND SITE PLAN REGULATIONS<sup>[1]</sup>

Footnotes:

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### ARTICLE 1. - GENERAL PROVISIONS

Sec. 1.1. - Short title.

This document shall be known and may be cited as: The subdivision and site plan regulations of the City of Opp, Alabama.

Sec. 1.2. - Purpose and authority.

1.2.1. The purpose of this document is to protect the public health, safety and general welfare by establishing a process and standards for the development of sites and the subdivision of land within the subdivision jurisdiction of the city.

1.2.2. The provisions in these regulations shall be administered to ensure orderly growth and development without danger to health, or peril from fire, flood, erosion, excessive noise, air pollution, or any other menace, and facilitate the provisions in the comprehensive plan and zoning ordinance.

1.2.3. This regulation is adopted pursuant to the authority of title 11, chapter 52, article 2, sections 30-54 inclusive of the Code of Alabama 1975 [Code of Ala. 1975, §§ 11-52-30—11-52-54] and its amendments, which sections are hereby made a part of these regulations, the Opp planning commission, at its regular meeting on April 3, 2012, adopted by resolution the following regulations, a copy of which has been certified to the Probate Judge of Covington County. These regulations shall apply only to subdivisions as defined in title 11, chapter 52, article 1 of the Code of Alabama 1975 [Code of Ala. 1975, § 11-52-1 et seq.] as amended.

Sec. 1.3. - Jurisdiction.

From and after the date of adoption, these regulations shall govern all subdivisions of land within the boundary of the city; provided, however, that where the city is authorized to exercise subdivision control outside its municipal boundaries, such areas shall be included in the jurisdiction of these regulations. The site plan review and approval requirements in these regulations shall apply to all multifamily and nonresidential developments proposed within the city regardless of whether the development involves any subdivision of land or not.

1.3.1. Any owner of land within the limits of said subdivision jurisdiction wishing to subdivide land shall submit to the commission a plat of the proposed subdivision, which shall conform to the minimum requirements set forth in article 3, procedure.

- 1.3.2. No plat or part thereof shall be filed or recorded in the office of the probate judge, and no subdivider may proceed with the sale of lots in a subdivision until such subdivision plat shall have been approved by the commission and such approval entered in writing on the plat by the chairman of the commission (see article 3, procedure).
- 1.3.3. No public officer, authority or county governing body shall accept, layout, open, improve, grade, pave or light any street, lay or authorize the laying of water or sewer mains or lines, or the construction of other facilities or utilities in any street within the city unless such street shall have been accepted, opened, or otherwise received the legal status of a public street prior to the adoption of these regulations, or unless such street corresponds in its location and lines to a street shown on a subdivision plat approved by the commission, or on a street plan adopted by the commission.
- 1.3.4. No building permit shall be issued and no building shall be erected on any lot in a subdivision unless a final plat of such subdivision has been approved and recorded as required by these regulations and unless the property fronts on a public street.
- 1.3.5. No grading, excavation, or other disturbance of land; and no construction of any public or private improvements for the purpose of constructing a subdivision shall take place or be commenced except in conformity with these regulations.
- 1.3.6. Any building or structure erected or to be erected in violation of this section shall be deemed an unlawful building or structure, and the building inspector, city clerk, subdivision official, city attorney or other official designated by the city may bring action to enjoin such erection or cause it to be vacated or removed.

#### Sec. 1.4. - Interpretation, conflict and separability.

- 1.4.1. In their interpretation and application, the provisions of these regulations shall be held to be minimum requirements. More stringent provisions may be required if it is demonstrated that different standards are necessary to promote the public health, safety, and welfare.
- 1.4.2. Where any provision of these regulations is in conflict with another provision, regulation or law, the regulations that are more restrictive or impose higher standards shall prevail.
- 1.4.3. The provisions of these regulations are separable. If a section, sentence, clause, or phrase of these regulations is adjudged by a court of competent jurisdiction to be invalid, the decision shall not affect the remaining portions of these regulations.

### ARTICLE 2. - DEFINITIONS

#### Sec. 2.1. - General.

- 2.1.1. Certain terms used in these regulations shall have the meanings provided herein. Terms not defined herein shall have the meaning provided in the zoning ordinance, the City Code, or sections 11-52-30 through 11-52-36 of the 1975 Code of Alabama [Code of Ala. 1975, §§ 11-52-30—11-52-36]. Otherwise, they shall have the customary dictionary meaning. Words used or defined in one tense or form shall include other tenses and derivative forms. The singular number includes the plural, and the plural includes the singular. The word "person" includes a firm, corporation, association, organization, trust or partnership. The word "lot" includes "plot" or "parcel." The word "building" includes "structure." The word "shall" is mandatory. The word "may" is permissive.
- 2.1.2. Interpretation. The subdivision official is hereby authorized to make a final determination of any term used in these regulations. In case of a dispute over such interpretation, a written appeal of the subdivision official's determination may be filed with the commission. Such appeal must be filed within 15 days of such determination.
- 2.1.3. In case of any conflict between the text of these regulations and any caption, illustration, figure, or other graphic material, the text shall govern.

Sec. 2.2. - Specific definitions.

- 2.2.1. *Access management*: The preservation of level of service, road capacity and safety on public streets through the regulation of intersections and driveways along such streets.
- 2.2.2. *Aisle*: The traveled way by which cars enter and depart parking spaces.
- 2.2.3. *ALDOT standard specifications*: The Standard Specifications for Highway Construction of the Alabama Department of Transportation, as amended.
- 2.2.4. *Alley*: A public way providing access to the side or rear of properties.
- 2.2.5. *Applicant*: A property owner, including his or her heirs, successors and assignees, or developer authorized to represent a property submitting an application for site plan approval, subdivision, re-subdivision or development.
- 2.2.6. *Application*: The documents required when seeking approval of a subdivision plat. A complete application includes all information and materials required by these regulations.
- 2.2.7. *Approving authority*: The commission unless a different agency is designated by the city council by ordinance.
- 2.2.8. *Bicycle path*: A pathway usually separated from the roadway designed specifically to satisfy the physical requirements of bicycling in accordance with AASHTO standards.
- 2.2.9. *Bike lane*: An on-street lane designed and intended for use by bicyclists
- 2.2.10. *Bioswale*: A constructed watercourse shaped or graded in earthen materials and stabilized with specific types of vegetation for the conveyance and filtering of storm runoff.

- 2.2.11. *Block*: A tract or parcel of land entirely surrounded by public streets other than alleys or a combination of streets, public land, public parks, cemeteries, railroad rights-of-way, bodies of water or watercourses, or any other barrier to the continuity of development.
- 2.2.12. *City*: The incorporated community of Opp, Alabama.
- 2.2.13. *City clerk*: The duly designated clerk of the City of Opp, Alabama.
- 2.2.14. *City council*: The city council of the City of Opp, Alabama.
- 2.2.15. *City specifications*: All engineering and construction specifications for public improvements, which have been adopted by the city council, the planning commission, applicable city departments, and utility boards.
- 2.2.16. *Comprehensive plan*: The official public document prepared in accordance with § 11-52-8 of the Code of Alabama 1975, as amended [Code of Ala. 1975, § 11-52-8], consisting of maps, charts, and textual material, that constitutes a policy guide to decisions about future development and conservation within the city.
- 2.2.17. *Cross access*: A driveway providing access between two or more abutting lots so that a driver need not enter the public street to access one of said sites from another. In contrast to an alley, cross access is generally privately owned and maintained.
- 2.2.18. *Cul-de-sac*: A local street with only one outlet and having a vehicular turnaround at the closed end.
- 2.2.19. *Culvert*: A structure designed to convey water under a structure, street, driveway or walkway.
- 2.2.20. *Curb*: A vertical or sloping edge of a roadway intended to prevent encroachments and used in conjunction with gutters to aid in directing the flow of stormwater.
- 2.2.21. *Dedication*: The act of transmitting property or interest thereto.
- 2.2.22. *Detention basin* or *detention pond*: A basin designed to drain completely after retarding stormwater runoff by temporarily storing the runoff and releasing it at a predetermined rate.
- 2.2.23. *Drainage easement*: A right granted by a landowner to a grantee, allowing the use of private land for stormwater management purposes.
- 2.2.24. *Drainage facilities*: Structural and nonstructural elements designed to collect stormwater runoff and convey it away from structures and through the street right-of-way or off-street drainageways in a manner which adequately drains sites and streets and minimizes the potential for flooding and erosion.
- 2.2.25. *Driveway*: A means of access between a street and a property or between two adjacent properties.
- 2.2.26. *Easement*: Authorization by a property owner of the use by another and for a specified purpose of any designated part of that owner's property. These regulations recognize only those easements created through valid legal instruments and recorded

in the office of the probate judge and those established by the city through continuous and historic use.

- 2.2.27. *Engineer or registered engineer*: A professional engineer registered and in good standing with the State of Alabama Board of Registration for Professional Engineers and Surveyors.
1. *Project engineer*: That engineer retained by the applicant.
- 2.2.28. *Engineering plan*: Plans prepared by the project engineer showing details of the design and construction of required improvements in a proposed subdivision or site plan.
- 2.2.29. *Final plat approval*: The official action taken by the commission on a preliminarily approved subdivision, after all conditions, engineering plans, and other requirements have been completed or fulfilled and the required improvements have been installed, or guarantees properly posted for the completion, or approval conditioned upon the posting of such guarantee.
- 2.2.30. *Final plat*: The final map or plan or record of all or a portion of a subdivision, and any accompanying materials, which is presented for final plat approval as required in these regulations.
- 2.2.31. *Floodplain*: Any land area susceptible to inundation by water from any source including, at a minimum, that area subject to a one percent or greater chance of flooding in any given year.
- 2.2.32. *Frontage road*: See "Street, frontage road."
- 2.2.33. *Grade*: The slope of land or a built feature such as a street, specified in percentage terms.
- 2.2.34. *Grading plan*: A topographic map of a planned subdivision, prepared by a registered engineer, with sufficient perimeter area to provide a clear definition of the initial elevations, watercourses, vegetative cover and drainage patterns and which is sufficient in detail and scale to determine limits and depths of excavations, fills and removal of native vegetation.
- 2.2.35. *Gutter*: A shallow channel usually set along a curb or the pavement edge of a street for the purpose of catching and carrying off stormwater.
- 2.2.36. *Half street*: A street parallel and contiguous to a property line and of lesser right-of-way width than is required by these regulations.
- 2.2.37. *Hardship*: An unusual situation on a property, which prevents the full utilization of the property as enjoyed by others within the city. A hardship exists only when it is not self-created, or when it is not economic in nature.
- 2.2.38. *Health department*: The Covington County and/or state health department.
- 2.2.39. *Improvement bond*: Financial security filed by the applicant with the city to ensure the construction of all required improvements at a specified time in the future.
- 2.2.40. *Improvements*: Those physical additions and changes to the land that may be necessary to produce usable and desirable development, including, but not limited to,

driveways, landscaping, streets, sidewalks, and stormwater management and sewer facilities.

- 2.2.41. *Lot*: A parcel of land in one ownership, used or set aside and available for use as the site of one or more buildings and accessory structures or for any other permitted purpose..
- 2.2.42. *Maintenance bond*: Financial security filed by the applicant with the city to secure the functionality and structural integrity of all required improvements for a specified period of time.
- 2.2.43. *Major subdivision*: A subdivision other than a minor subdivision.
- 2.2.44. *Master development plan*: A plan for a development within a P-1, P-2 or planned industrial district that has been approved by the council.
- 2.2.45. *Median*: That portion of a divided street separating lanes of traffic according to direction of travel.
- 2.2.46. *Minor subdivision*: A subdivision requiring no street improvements, utilities extensions or other public improvements and as otherwise described in § 3.3, minor subdivisions, procedure.
- 2.2.47. *Monument*: Any permanent object serving to indicate a limit or to mark a boundary.
- 2.2.48. *Passage, pedestrian*: A pedestrian-only or combined pedestrian and bicycle connector that provides transverse access through a long block or from the bulb of a cul-de-sac to an adjacent street.
- 2.2.49. *Planning commission*: The duly appointed planning commission of the City of Opp, Alabama.
- 2.2.50. *Planned development*: An area to be planned, developed, operated, and maintained as a single entity containing one or more structures to accommodate a mixture of uses incidental to each other. Refer also to article 8 of the zoning ordinance.
- 2.2.51. *Plat*. A map of a subdivision.
- 2.2.52. *Pre-application conference*. An initial meeting between the applicant and city representatives which affords the applicant the opportunity to present a subdivision or site plan proposal informally.
- 2.2.53. *Preliminary plat*: A map and related materials indicating the proposed layout of a proposed subdivision submitted to the planning commission for its consideration.
- 2.2.54. *Preliminary plat approval*: The conferral of certain rights prior to final plat approval after specific elements of a proposed subdivision have been agreed upon by the planning commission and the applicant.
- 2.2.55. *Probate judge*: The probate judge of Covington County, Alabama.
- 2.2.56. *Public improvement*: Any improvement, facility, or service, together with customary improvements and appurtenances thereto, necessary to provide for public needs such as: vehicular and pedestrian circulation systems, storm sewers, flood

control improvements, water supply and distribution facilities, sanitary sewage disposal and treatment, public utility and energy services.

- 2.2.57. *Reserve strip*: A strip of land, smaller than a lot, serving as a means of controlling access to land dedicated or intended to be dedicated to street or other public use.
- 2.2.58. *Re-subdivision*: A combination, recombination, or splitting of previously recorded lots or tracts of contiguous land for the purpose of creating additional lots or enlarging existing ones.
- 2.2.59. *Retention basin or retention pond*: A basin designed to capture and store stormwater runoff.
- 2.2.60. *Right of way*: A strip of land occupied by a street, pedestrian or bicycle passage, railroad, electric transmission lines, gas pipelines, water main, sanitary or storm sewer main, and/or other special uses and dedicated to the city, state or federal government in fee simple, or by other legal means such as prescription.
- 2.2.61. *Runoff*: That part of precipitation, which flows over the land.
- 2.2.62. *Setback*: The distance from the property lines to the building or projections thereof, excluding uncovered steps or other projections specified by the zoning ordinance. Depending on context, setback may refer to a minimum required distance or an as-built distance.
- 2.2.63. *Shared access*: A driveway, alley or similar accessway connecting two or more contiguous sites to a public street.
- 2.2.64. *Shoulder*: A reserved, graded portion of the right-of-way, whether paved or unpaved, that lies between the edge of the main pavement and curb line or swale.
- 2.2.65. *Sidewalk*: A paved path or walkway constructed for use by pedestrians, usually located at the side of the street and inside the right-of-way.
- 2.2.66. *Sight distance*: The length of street visible to a motorist at a given point when viewing is unobstructed by traffic.
1. *Intersection sight distance*: The length of the line of sight between a motorist, stopped at an intersection, and the nearest intersection, driveway, alley or other signalized or non-signalized access point to the left or to the right of the motorist.
  2. *Stopping sight distance*: The distance required by a motorist to stop a vehicle traveling at or near the design speed of a thoroughfare before reaching a traffic-controlled intersection or stationary object in their path.
- 2.2.67. *Significant increase in trip generation* : A change in the use of a property, including land, structures or facilities, or an expansion of the size of structures or facilities causing an increase in the trip generation of the property exceeding ten percent, either peak or daily, and 100 vehicles per day more than the existing use for all streets under city or county jurisdiction; or exceeding 25 percent, either peak or daily, and 100 vehicles per day more than the existing use for all roads under State of Alabama jurisdiction.

- 2.2.68. *Site plan*: A development plan of a multifamily residential or nonresidential development, drawn to scale, illustrating existing conditions and details of a proposed development.
- 2.2.69. *Sketch plan*: A preliminary presentation and attendant documentation of a proposed subdivision to be used for review and discussion prior to application for a preliminary plat.
- 2.2.70. *Street*: A vehicular way dedicated for public use including all land within the right-of-way. Streets are further classified as:
1. *Arterial*: A major street serving as a primary artery, intended to mainly carry through traffic and to connect major activity centers in the city, and as further classified following:
    - a. Major arterials include US 331, US 84, AL 52, and AL 134.
    - b. Minor arterials include Florala Hwy, W Cummings Ave, Business 33, and E Stewart Ave.
  2. *Collector*: A street that collects traffic from an area and moves it to the arterial network while providing some access to abutting property, including, but not limited to: Opine Road, Old Perry Store Road, Maloy St, N Jackson St, Cool Springs Road, and Barnes St.
  3. *Frontage road*: A minor street that parallels and [is] adjacent to an arterial and that provides access to abutting properties.
  4. *Local street*: A minor street used primarily for access to abutting properties.
- 2.2.71. *Street stub* or *stub street*: A portion of a street used as an extension to an abutting property that may be developed in the future.
- 2.2.72. *Subdivision*: The division of a lot, tract, or a parcel of land into two or more parcels, lots, plats, sites or other divisions of land, whether described by metes and bounds or by another description, for the purpose, whether immediate or future, of subdividing or re-subdividing or selling.
- 2.2.73. *Subdivision official*: That official, designated by the city council, to administer and enforce these regulations, including his/her designee.
- 2.2.74. *Subdivision regulations* or *these regulations*: The subdivision regulations of the City of Opp, Alabama, together with all applicable design and construction standards of the city.
- 2.2.75. *Subgrade*: The level layer of rock or earth upon which the foundation of a street is laid.
- 2.2.76. *Surveyor* or *land surveyor*: A land surveyor registered by and in good standing with the State of Alabama Board of Registration for Professional Engineers and land surveyors.
- 2.2.77. *Swale*: A constructed watercourse shaped or graded in earthen materials, grassed, and which conveys storm runoff.

- 2.2.78. *Thoroughfare plan*: That element of the comprehensive plan of the city which sets forth the freeways, arterials, and major collector streets in the city, provides for their approximate alignment, minimum right-of-way and paving width, and is to be used as a guide for all future development.
- 2.2.79. *Travel way*: That part of a street between the established curb lines, or that part of the street devoted to vehicular traffic.
- 2.2.80. *Variance*: A waiver from compliance with a specific provision of these regulations granted by the planning commission because of unnecessary hardships that would be imposed by the strict application of that provision of these regulations.
- 2.2.81. *Watercourse*: A permanent or intermittent stream, river, brook, run, creek, channel, swale or bioswale, pond, lake or other body of surface water, carrying or holding surface water, whether natural or manmade.
- 2.2.82. *Zoning ordinance*: The officially adopted ordinance and map of the city which provides for the delineation of districts, permitted uses in each district, and for controls of such factors as lot coverage and density.

Sec. 2.3. - Abbreviations used in these regulations.

- 2.3.1. AASHTO: American Association of State Highway and Transportation Officials.
- 2.3.2. ALDOT: Alabama Department of Transportation.
- 2.3.3. CAD: Computer aided drafting.
- 2.3.4. ft.: Feet.
- 2.3.5. lf: Linear feet.
- 2.3.6. max.: Maximum.
- 2.3.7. min.: Minimum.
- 2.3.8. mph: Miles per hour.
- 2.3.9. MUTCD: Manual on Uniform Traffic Control Devices.
- 2.3.10. NFIP: National Flood Insurance Program.
- 2.3.11. PDF: Portable Document Format.
- 2.3.12. ROW: Right-of-way.
- 2.3.13. sf: Square feet.
- 2.3.14. yd.: Yard.

ARTICLE 3. - PROCEDURE

Sec. 3.1. - Purpose.

The purpose of this article is to establish an orderly, expeditious procedure for review and action, by the planning commission, on applications for subdivisions and/or site plans.

Whenever any subdivision is proposed, before any contract is made for the sale of any part thereof, and before any building permit may be granted thereon, the property owner or authorized agent shall apply for and secure approval of such proposed subdivision in accordance with the following procedures:

3.1.1. Exempt subdivisions. The following types of subdivisions are exempt from any requirement for approval by the commission in accordance with these regulations. The city may require documentation to substantiate a claim of exemption:

1. Subdivision of land by testamentary or in testate provisions; and
2. Subdivision of land by court order, including, but not limited to, judgments of foreclosure.

3.1.2. For subdivisions, see § 3.2, pre-application, through § 3.7, improvements and bonding. For site plans, refer to § 3.9, site plan approval.

#### Sec. 3.2. - Pre-application.

3.2.1. Whenever a subdivision or development within the city is proposed, the applicant is urged to consult early and informally with city staff and, as appropriate, a designated member of the planning commission. This informal consultation will usually save time and money as the application proceeds through preliminary and final approvals, as applicable. No formal application is required.

3.2.2. Following such consultation, the applicant may proceed to prepare the preliminary plat. Neither the applicant nor the planning commission shall be bound by the pre-application review; and it is expressly understood that favorable consideration at the pre-application stage of the process shall not be construed as preliminary or tentative approval, nor bind either party.

3.2.3. Submittal of a sketch plan prior to the preliminary plat application is encouraged and may be required by the subdivision official for planned unit developments and similar large-scale developments. This shall not be required of minor subdivision as defined in § 3.3, minor subdivision, procedure. Following submission to the subdivision official and tentative approval, the applicant may then apply for preliminary plat review and approval. The sketch plan shall be prepared at a scale of one inch equals 100 feet and shall include the following, at a minimum:

1. A vicinity map at one inch equals 400 feet or as otherwise approved by the subdivision official.
2. Name of the proposed subdivision and adjoining subdivisions.
3. Boundary of the subdivision with approximate tie points accepted corner based upon the public land survey system.
4. Topography at five ft. contour or smaller intervals.
5. Location of existing and proposed improvements within 200 ft. of the proposed subdivision.
6. Approximate locations and widths of all existing and proposed rights-of-way.

7. Approximate locations and dimension of all proposed lots.
8. Approximate locations of all parcels of land to be set aside for public uses and common areas.

Sec. 3.3. - Minor subdivisions, procedure.

3.3.1. The following types of subdivisions shall be considered minor subdivisions and shall be subject to a streamlined review and approval process as described in this § 3.3:

1. The division of a tract of land of legal record into lots of not less than ten acres each, for the purpose of selling said lots but not for development of the same, and involving no street improvements, utilities extensions or other public improvements;
2. The division of a tract of land into no more than five lots all fronting on an existing paved public street and not requiring the construction or extension of any new streets, municipal facilities or public improvements;
3. The sale or exchange of parcels of land between owners of adjoining property in which no additional lots are created and where the resulting lots or tracts are not reduced below the minimum requirements of the zoning ordinance; or
4. Instruments correcting surveying data or other details of a previously recorded subdivision plat.

3.3.2. Procedure. Applications shall be submitted to the subdivision official 21 days in advance of the next regularly scheduled planning commission meeting. Incomplete applications shall be denied by the subdivision official, and the reasons for such denial shall be provided to the applicant. Following review of a completed application, the subdivision official shall report his findings and recommendations to the planning commission, which shall afford a public hearing on the plat. Notice of the hearing shall be provided by registered or certified mail to the applicant and owners of land adjoining the proposed subdivision at least five days in advance of the hearing. Minor subdivision applications may include a request for final approval as provided in § 3.8, combined preliminary and final plat approval.

3.3.3. The plat shall be prepared by a land surveyor and shall be drawn at a scale of not less than one inch equals 100 feet and shall provide, at a minimum, the following:

1. The name of the proposed subdivision or the words "re-subdivision of," as applicable;
2. The name, address and deed book and page of record of the legal owner and the name and address of the agent(s) acting for the legal owner, if any;
3. The name, address and seal of the project land surveyor or project engineer;
4. The names and addresses of owners of adjoining parcels of land as they appear on current tax records, including deed book and page;
5. Date, north point, graphic scale and the total acreage of the subdivision;

6. The location of the subdivision by public land survey system legal description including sufficient description to clearly define the lands; and lot, block, subdivision name, parcel numbers and legal deed book and page of all portions that are part of previously approved subdivision of legal record;
  7. A vicinity map showing the location of the proposed subdivision and all existing and approved streets within 1,200 ft. of the perimeter of the proposed plat;
  8. The exact length (to the nearest hundredth of a foot) and bearing (to the nearest tenth of a second of arc) of the exterior boundaries of the proposed plat;
  9. Dimensions and areas of all lots and other land areas and the bearings of the respective sides with all lots and blocks numbered where applicable;
  10. Approximate radii, central angle, arc distance, chord lengths and points of tangency of all curves;
  11. Zoning classification of the subject land and all adjoining tracts;
  12. The location, widths and names of all existing and platted streets, alleys, pedestrian ways or other public ways and easements, railroad and utility rights-of-way, parks, cemeteries, drainage ditches, water courses, bridges, and other permanent or temporary buildings or structures, and other public places on or adjacent to the subject land;
  13. Private property to be held in common and land intended to be dedicated to public use, or to be reserved by deed covenant for use of all property owners in the subdivision with conditions, if any, of such dedication or reservations;
  14. Floodplain boundaries, including the contour line of the floodway, the flood profile elevation (100-year flood) and the contour line two feet above the flood profile elevation.
- 3.3.4. The application shall also be accompanied by the following executed endorsements:
1. Project surveyor's or engineer's certificate and description of land platted;
  2. Notarized dedication;
  3. Any restrictions or special notations that may be required by these subdivision regulations;
  4. Certification by the City Planner that the property and the plat has been inspected and reviewed and that it is found in compliance with applicable city regulations;
  5. Certificate of approval from the electric, water, gas, and sanitary sewer providers, and any other interested city, county or state departments;
  6. Certificate of approval form for execution following approval by the planning commission; and
  7. Any additional certificates or endorsements as may be required.

3.3.5. Planning commission action. The planning commission shall approve, approve conditionally, or disapprove the plat within 30 days after the submission thereof at its regular meeting. If approved conditionally, the conditions and reasons therefor shall be stated, and if necessary, the planning commission may require the applicant to submit a revised plat. If any of the requirements are modified or waived, the reasons for such shall be specified. If the planning commission should disapprove the plat, the reasons for such action shall be stated and if possible, recommendations be made on the basis of which the subdivision may be approved. One copy of the plat as acted upon by the planning commission shall be retained at city hall, one copy forwarded to the City Planner, and one copy returned to the applicant.

Sec. 3.4. - Major subdivisions, procedure.

For approval of a subdivision not otherwise classified as a minor subdivision, the following procedure shall apply:

3.4.1. The applicant shall first submit an application for preliminary plat approval in accordance with § 3.5, preliminary plat approval. Approval of the preliminary plat is authorization that the subdivider may proceed with the staking of streets and lots in preparation for construction of improvements and for final platting pursuant to the bonding requirements set forth in § 3.7, improvements and bonding.

3.4.2. Where the site of a proposed subdivision is believed to include natural or manmade hazards or sensitive environmental features, the subdivision official may require a site assessment be prepared as part of the preliminary plat application. Site assessments shall be prepared and submitted with the preliminary plat application as follows:

1. A site assessment map shall be prepared at a scale of one inch equals 100 feet and shall include the approximate locations and indication of size and condition of all natural and manmade hazards and sensitive environmental features found within the site, including, but not limited to:
  - a. Geologic formations, soil classifications, colluvium, caves, sinkholes, landslides (active or inactive), and lineaments.
  - b. Springs, streams (perennial, intermittent and wet weather), wetlands, seeps and ground water recharge points.
  - c. Endangered or threatened species habitats as determined by the subdivision official from U.S. Fish and Wildlife Service documents.
  - d. Evidence of above or below ground mining or quarry operations.
  - e. Spoils and other dumping areas, fill and excavation areas.
  - f. Wells, above or below ground storage tanks.
  - g. Historic or archaeological features.
2. A written and illustrated report shall clearly describe:
  - a. Names and qualifications of those performing the site assessment.

- b. Methods used in the site assessment.
  - c. Findings for all features, including, where appropriate, descriptive lists of features, illustrations and photographs.
  - d. Conclusions as to how the findings may impact development of the site.
  - e. Recommendations for mitigating hazards and sensitive environmental features.
3. Site assessment certification, as provided in [the] appendix.
  4. Geotechnical investigation and testing plan. Where construction is proposed on lands or portions of land where colluvium, evidence of mine operations, dump sites, existing fill and excavation areas and similar hazards are present or when in the professional opinion of the geotechnical engineer of record, geotechnical testing should be performed, a geotechnical investigation and testing plan shall be prepared and submitted.
- 3.4.3. Clearing, grubbing, erosion control, and rough grading may be subject to permitting by the Alabama Department of Environmental Management or other agencies and, if performed prior to preliminary plat approval, shall be at the owner's risk and may require re-work. Installation of any permanent structures such as storm pipe, utility pipe, storm structures, etc., shall not be permitted without prior approval of the city.
- 3.4.4. Preliminary plat approval is revocable and is to be considered only as tentative approval of the design, with the understanding that the planning commission, the City Planner, utility providers, and health department will examine the grades of streets, the types of improvements, the layout of drainage and sewerage systems and the water system, and may modify any engineering or construction details submitted by the applicant when required for the protection of the public interest.
- 3.4.5. Upon approval of the preliminary plat, the applicant shall then submit an application for final plat approval in accordance with § 3.6, final plat approval.

**Sec. 3.5. - Preliminary plat approval.**

The planning commission review of the preliminary plat for major subdivisions shall be governed by the procedure set forth in section 11-52-31 and 32, Code of Alabama 1975 [Code of Ala. 1975, §§ 11-52-31 and 11-52-32], as amended. Prior to the cutting or grading of any street or the making of any street improvement or the installation of utilities, the applicant shall submit a preliminary plat of the proposed subdivision in accordance with the following procedure:

- 3.5.1. Following pre-application review and/or sketch plan review, if applicable, the applicant shall submit to the subdivision official, at least 30 days prior to the next regular meeting of the planning commission, a preliminary plat application. The application shall include four print copies and an electronic version (in a format acceptable to the subdivision official) of the preliminary plat and other

documents, as specified herein. The applicant shall consult with and request preliminary approval from all concerned utility providers and shall include documentation of such preliminary approval with the application.

For multi-phase subdivisions, the preliminary plat shall include all proposed phases of [the] subdivision, which shall include a phasing plan. The phasing plan shall show the order of the phases and the requirements to be satisfied in each phase. The phasing plan must show that the degree and extent of streets, water supply, sewage disposal, stormwater management, and other required improvements must be sufficient to serve or handle all development within each phase, in the event that subsequent phases are abandoned or remain undeveloped for an extended period of time. After preliminary plat approval, an individual phase may be modified, if approved by the planning commission, at the time of final plat approval for that phase as provided in § 3.8, combined preliminary and final plat approval.

- 3.5.2. The subdivision official shall check the proposed plat for conformance with applicable city regulations. Incomplete applications shall be denied by the subdivision official, and the reasons for such denial shall be provided to the applicant. Following review of a completed application, the subdivision official shall report his findings and recommendations to the planning commission, which shall afford a public hearing on the preliminary plat. Notice of the hearing shall be provided by registered or certified mail to the applicant and owners of land adjoining the proposed subdivision at least five days in advance of the hearing.
- 3.5.3. Planning commission action. The planning commission shall approve, approve conditionally, or disapprove a preliminary plat within 30 days after the submission thereof at its regular meeting unless the applicant agrees to an extension of that time. If approved conditionally, the conditions and reasons therefor shall be stated, and if necessary, the planning commission may require the applicant to submit a revised preliminary plat. If any of the requirements are modified or waived, the reasons for such shall be specified. If the planning commission should disapprove the preliminary plat, the reasons for such action shall be stated and if possible, recommendations be made on the basis of which the proposed subdivision may be approved. One copy of the preliminary plat as acted upon by the planning commission shall be retained at city hall, one copy forwarded to the City Planner, and one copy returned to the applicant. The approval of the preliminary plat shall not be deemed final acceptance, but rather an expression of approval of the subdivision layout as proposed on the preliminary plat.
- 3.5.4. Time limit. Preliminary plat approval shall be null and void if the final plat is not approved by the planning commission within 12 months after the date of approval, unless application for an extension of time is made in writing during said period to the planning commission and granted. If the final plat is not submitted within this time limit, the preliminary plat must be resubmitted for approval as a new application. However, if a final plat of a part of the subdivision has been approved within said period, approval of the preliminary

plat shall automatically be extended for 12 months from the date of final plat approval of that part of the subdivision, and the same automatic extension shall apply in subsequent cases of submission of a final plat of part of the subdivision. In such cases and at any time after the initial 12 months during which the preliminary plat approval is effective, the planning commission may notify the applicant of changes it may require to meet new or changed conditions. A corrected preliminary plat with all conditions fulfilled shall be submitted prior to the construction or installation of any improvements.

- 3.5.5. The preliminary plat shall be prepared by a land surveyor or engineer and shall contain, at a minimum, the following information:
1. A vicinity map showing the location of the proposed subdivision and all existing and approved streets within 1,200 ft. of the perimeter of the proposed plat.
  2. The name of the proposed subdivision or the words "re-subdivision of," as applicable.
  3. The location of the subdivision by public land survey system legal description including sufficient description to clearly define the lands; and lot, block, subdivision name; parcel numbers and legal deed book and page of all portions that are part of [the] previously approved subdivision of legal record.
  4. The name, address and deed book and page of record of the legal owner and the name and address of the agent(s) acting for the legal owner, if any.
  5. The name, address and seal of the project land surveyor or engineer.
  6. Date, north point, a graphic scale and the total amount of acreage in the subdivision.
  7. The exact length (to the nearest hundredth of a foot) and bearing (to the nearest tenth of a second of arc) of the exterior boundaries of the proposed plat.
  8. The location of existing platted property lines, streets, driveways, buildings, watercourses, railroads, sewers, bridges, culverts, drain pipes, water mains, and any public utility easements, both on the land subdivided and on the adjoining land.
  9. The names of adjacent subdivisions and the names and addresses of owners of adjoining parcels of land as they appear on the current tax records, including deed book and page.
  10. The names, locations, widths, and other dimensions of proposed streets, alleys, easements, parks and other open spaces, reservations, lot lines, and buildings. Dimensions, bearings and area in acres shall be provided for each lot and other land area.
  11. Profiles of all streets showing natural and finished grades to a scale of not more than one inch equals 100 feet horizontal and one inch equals ten feet

vertical when required by the planning commission, and such plans as may be specifically required under another section of these regulations.

12. Proposed plans or utility layouts (sewer, water, gas, electricity and street lights) showing connections to existing and proposed systems.
  13. If the proposed subdivision does not lie within the jurisdiction of the zoning ordinance, the preliminary plat shall be accompanied by a plan which indicates the restrictions and proposed use of the lots.
  14. Minimum building front, rear, and side yard setbacks.
  15. The present and proposed (if applicable) zoning classification on the land to be subdivided and on adjoining properties.
  16. Contour lines shown at five-foot intervals, except that where deemed necessary, the planning commission may require contour lines at two-foot intervals.
  17. Drainage plan showing existing drainage conditions and proposed improvements and including engineering calculations on which the drainage design is based.
  18. Street cross sections with right-of-way and pavement widths.
  19. Approximate radii, central angles, arc distances, chord lengths and points of tangency of all curves.
  20. The boundaries of any regulatory floodplain on the site with FIRM panel number and effective date. If the property is overlaid by a special flood hazard district A (unstudied), the applicant shall conduct a flood study delineating a floodway and base flood elevations. Minimum finished floor elevations shall be provided for all lots located within a 100-year floodplain
  21. Lot numbers and block letters.
  22. Inscription stating "NOT FOR FINAL RECORDING."
  23. Certificates. The following certificates and any additional endorsements as may be required (refer to samples provided in the appendix):
    - a. If the proposed subdivision will not be served by municipal sewer facilities, a certificate from the state and/or county health department indicating their approval
    - b. Certificate of approval from the electric, water, gas, and sanitary sewer providers, and any other interested city, county or state departments
    - c. Certificates of approval shall be inscribed on the plat, (refer to samples provided in the appendix), which shall be signed by the planning commission chairperson, subdivision official, City Planner and others as may be required.
- 3.5.6. One copy of the preliminary plat shall be retained in the planning commission files.

Sec. 3.6. - Final plat approval.

- 3.6.1. Following preliminary plat approval of a major subdivision, the subdivider shall submit to the subdivision official an application requesting review and approval of a final plat of the proposed subdivision. The request for final plat approval shall be submitted within one year of preliminary plat approval and 30 days prior to the next regular meeting of the planning commission. The final plat shall consist of the original plat and five printed copies with signed certifications, one copy of the final plat in reproducible form and any other documents specified herein. Submission of electronic copies of the proposed final plat in CAD, PDF or similar formats is encouraged as well.
- 3.6.2. The subdivision official shall review the plat for conformance with the approved preliminary plat and these regulations and report his findings and recommendations to the planning commission. The planning commission shall afford a public hearing on the final plat notice of the time and place shall be sent by registered or certified mail to the applicant, not less than five days prior to the date of the hearing.
- 3.6.3. Improvements. Prior to the approval of the final plat, an agreement shall be reached between the applicant and the city with regard to the installation of any street improvements or utility construction called for on the subdivision plat. The applicant shall be required to have installed at his expense the improvements specified in article 5, Improvements standards, except as otherwise approved in accordance with § 3.7, improvements and bonding.
- 3.6.4. Planning commission action. The planning commission shall approve or disapprove of the final plat within 30 days after the date of submission unless the applicant agrees to an extension of that time. If the final plat is disapproved, the grounds for disapproval shall be stated in the records of the planning commission. The action of the planning commission shall be shown on the final plat with the date of action shown over the signature of the person authorized by the planning commission to sign such plats.
- Final plat approval carries with it the condition that the planning commission must be notified in writing by the subdivision official that either: (1) all required improvements have been satisfactorily installed and completed by the applicant, or (2) a bond has been posted to secure the same, before such final plat is signed as approved by the planning commission and before any public ways or lands are accepted by the city.
- 3.6.5. Time limit. Final plat approval shall be null and void if the plat is not recorded in the office of the probate judge within 60 days after the date of approval, unless application for an extension of time is made in writing during said period to the planning commission and granted.
- 3.6.6. Final plat specifications. The final plat shall conform to and meet the specifications of the preliminary plat with the following additions, which shall be sufficient to readily determine and reproduce on the ground the location, bearing and length of every street line, lot line, boundary line, block line, easement line and

building setback line whether straight or curved. Curves shall be described by radius, central angle, point of tangency, tangent distance, arc and chord:

1. Bearings and distances to the nearest existing street lines or benchmarks or other permanent monuments (not less than three shall be accurately described on the plat).
2. Exact boundary lines of the tract, determined by a survey, giving distances to the nearest second, which shall be balanced and closed with an error closure not to exceed one to 10,000.
3. Exact location, widths and names of all streets and alleys, including those within adjoining tracts.
4. Street centerlines showing angles of deflection, angles of intersection, radii, and lengths of tangents.
5. Lot lines with dimensions, to the nearest 1/100 of a foot, and bearings.
6. Lots numbered in numerical order and blocks lettered alphabetically.
7. Locations, dimensions and purposes of easements and any areas to be reserved or dedicated for common or public use.
8. Accurate location, material and description of existing and proposed monuments and markers.
9. A statement, either directly on the plat or in an identified attached document, concerning any private covenants.
10. If any portion of the land being subdivided is subject to flooding, as defined in the flood damage prevention ordinance, the limit of such area(s) and minimum finished floor elevations for all lots within a 100-year floodplain.
11. Any modifications, limitations and approval by the health department.
12. Certificates. The following endorsements, certificates and dedications shall be placed on the final plat:
  - a. Certification of title showing that applicant is the landowner.
  - b. Certificate of land surveyor and description of plat.
  - c. Mortgage holder's certificate.
  - d. Where a street or alley has been vacated, a note shall be shown on the plat indicating such and referring to the recorded instruments of vacation by deed book and page number.
  - e. Notary's acknowledgment of dedication certificates, surveyor's certificate and mortgage holder's certificate.
  - f. Certification from project engineer that all public improvements, including streets and drainage improvements, have been designed in accordance with these and all other applicable regulations and have been constructed in accordance with the approved plans.

- g. Certificate of approval by the planning commission.
- h. Certificates of approval by the City Planner and streets superintendent.
- i. Certificate for utility providers.
- j. Certificate of approval for recording by probate judge.
- k. Certificate of dedication, indicating whether there is a dedication of property for public purposes or not.
- l. Where an improvement bond is posted, a certificate of bond approval signed by the City Planner and city clerk.

3.6.7. As-built engineering plan. At the time of final plat approval, if applicable, the applicant shall also submit an as-built engineering plan, along with copies of all required permits, inspections and test data (including compaction test data for subgrade, base and core thickness), giving details of construction and locations of the improvements which have been installed. The as-built engineering plan provides the city with a record of the location, size, and design of streets, drainage facilities, utilities and other improvements for the city's use in the course of maintaining such improvements. Said as-built plan shall be presented in an electronic file format acceptable to the subdivision official and a paper hard copy. If the installation of improvements is completed under an improvement bond, the plan shall be submitted to the city upon request of release of the improvement bond by the applicant and/or the developer's request for city acceptance of the improvements. No improvements shall be accepted for city maintenance until all such materials have been received.

3.6.8. Recording of final plat. Planning commission approval of the final plat shall be null and void if the final plat is not recorded in the office of the probate judge within 60 days after approval, unless a request for extension is made in writing and is granted by the planning commission during said period. No lot in the subdivision shall be sold prior to recording of the final plat with the probate judge. Five copies of the final plat as recorded with the probate judge and a copy of any protective covenants or deed restrictions shall be provided by the applicant to the city for the records of the planning commission. An electronic copy of the final plat, covenants and deed restrictions, in a format acceptable to the subdivision official, shall also be provided.

Sec. 3.7. - Improvements and bonding.

3.7.1. Improvements. No final plat shall be approved by the planning commission or accepted for recording by the probate judge until one of the following conditions has been met and certified by the city clerk:

- 1. All required improvements have been constructed or installed in a manner satisfactory to the appropriate department and approved by the planning commission; or
- 2. The planning commission has accepted an improvement bond in the form of a cashier's check, or irrevocable letter of credit from a bank or lending institution, or an escrow account with the City of Opp in accordance with the following:

- a. The bond method shall be approved by the city attorney and city council.
- b. The applicant and any guarantor(s) shall be severally and jointly liable for completing the improvements according to specifications.
- c. The request to post an improvements bond shall be made in writing at least 30 days prior to the planning commission meeting at which the final plat is to be considered.
- d. Improvement bonds shall be equal to 125 percent of the estimated cost of the installation of the required improvements.
- e. A schedule of estimated costs for all items to be bonded shall be submitted by the project engineer for review by the City Planner. This schedule shall clearly describe the items, quantities, unit cost and total cost of the remaining improvements.
- f. Bonds shall be retained by the city clerk until the council accepts dedication of the improvements and maintenance bonds have been filed.
- g. All improvement bonds required to be posted must be posted and accepted within 30 days after the date of final plat approval or the final plat shall automatically be voided.

3.7.2. Completion and acceptance of improvements.

1. Upon completion of required improvements, the City Planner and utilities providers shall file with the planning commission a statement either certifying that the improvements have been completed in the specific manner or listing the defects in those improvements.
2. Upon completion of the improvements, the applicant shall file with the planning commission a statement stipulating the following:
  - a. That all required improvements are complete.
  - b. That the improvements are in compliance with the standards specified for their construction.
  - c. That the applicant knows of no defects from any cause in those improvements.
  - d. That the improvements are free and clear of any encumbrances or liens.
3. If the project engineer has certified that the contracted improvements are complete and free from defect, and said improvements have passed inspection, then upon receipt of the other statements and agreements detailed above, the city shall accept the dedication of those improvements. The city may, at its discretion, accept the dedication of any portion of the improvements, provided that all statements and agreements specified above have been received for that portion of the improvements. Improvements to be dedicated to the Opp Utilities shall be accepted by the board according to its rules. In no instance, however, shall the city accept improvements within any subdivision or part thereof until after water and sanitary sewer improvements have been accepted by said board.

4. Failure to be accepted. If any portion of required improvements fails to be accepted for dedication within the allocated time period, either for reason of incompleteness or for reason of substandard construction, then the planning commission shall take the following action:

Where improvements have been guaranteed, the planning commission shall declare whatever bond has been pledged to be forfeit. Where the planning commission is not already in possession of said bond, it shall immediately take the actions necessary to obtain it. Upon receipt, the planning commission shall use them, or receipts from their sale if necessary, to finance the completion of contracted improvements or the rebuilding of such improvements to the proper specifications. Unused portions of these securities shall be returned to the applicant, bonding company, or crediting institution, as appropriate.

- 3.7.3. Maintenance bond. In the event the subdivider has constructed all of the required improvements and no improvement agreement is required, the subdivider shall execute a maintenance agreement. Such agreement shall be on a form furnished by the planning commission and shall warrant all materials and workmanship on the requirements and shall provide for maintenance on the requirements for a period of one year after the acceptance of such improvements by the city, provided that for major streets and subdivision entrance streets, a longer period may be required by the planning commission.

A bond shall be required to ensure the fulfillment of such agreement and shall be in the form provided by the planning commission. Such maintenance bond shall be in an amount of \$5,000.00 or 25 percent of the total cost of all improvements, whichever is greater. A schedule of costs for all items to be bonded shall be submitted by the project engineer for review and approval by the subdivision official. This schedule shall clearly describe the items, quantities, unit cost and total cost of the required improvements.

Sec. 3.8. - Combined preliminary and final plat approval.

An applicant may submit a combined request for both preliminary plat and final plat approval. In such cases all requirements for both preliminary and final plat approval shall be met.

Sec. 3.9. - Site plan approval.

- 3.9.1. Whenever any multifamily or nonresidential development or change or expansion of such uses of a site is proposed or whenever any changes are proposed that differ from an existing approved site plan before any construction, land clearing, building development or change in use is begun and before any building permit or authorization for development on such site shall be granted, the property owner or his authorized agent shall apply for and secure from the planning commission site plan approval in accordance with the procedures outlined herein.

1. The following shall require site plan approval (Where there is any doubt as to whether or not site plan review is required, the affected party should request a determination from the subdivision official.):

- a. New construction of nonresidential or multifamily development.
  - b. Any change of an existing use to multifamily or nonresidential.
  - c. A development proposal involving external modifications or construction, including parking lots (except for single-family or duplex residential).
  - d. A development proposal involving expansion of a building or intensification of multifamily or nonresidential uses that would result in a change in traffic volume or patterns in the area, noise, parking, lighting, etc.
  - e. A development involving a property that has never received site plan approval for previous nonresidential or multifamily use.
2. The following shall not require site plan approval:
    - a. Single-family and duplex residential developments.
    - b. Proposals that involve no change in use or level of activity.
    - c. Internal building modifications that do not affect the scale or impact of the existing use.
    - d. Re-use of a premises with an approved site plan, provided the new use is not different in type or impact.
- 3.9.2. Procedure, planning commission action.
1. The subdivision official shall review the plan for conformance with applicable regulations and report his findings and recommendations to the planning commission.
  2. The planning commission shall approve or disapprove of the site plan within 30 days after the date of submission unless the applicant agrees to an extension of that time. If the site plan is disapproved, the grounds for disapproval shall be stated in the records of the planning commission. The action of the planning commission shall be shown on the approved site plan with the date of action shown over the signature of the person authorized by the planning commission to sign such plans.
  3. Site plan approval shall become null and void if within one year from the date of approval, a building permit has not been applied for, unless a request for extension is made in writing and is granted by the planning commission during said period.
- 3.9.3. Clearing, grubbing, erosion control, and rough grading may be subject to permitting by the Alabama Department of Environmental Management or other agencies and, if performed prior to site plan approval, shall be at the owner's risk and may require re-work. Installation of any permanent structures such as storm pipe, utility pipe, storm structures, etc., shall not be permitted without prior approval of the city.
- 3.9.4. Submittal requirements. A site plan application shall contain the following, at a minimum:

1. The name, address and deed book and page of record of the legal owner and the name and address of the authorized agent, if any.
2. The name, address and seal of the project land surveyor, engineer, or other designer as applicable.
3. Names and addresses of all owners of abutting property as they appear on current tax records.
4. Names and addresses of all holders of restrictions and easements on the property.
5. A vicinity map showing the location of the development and all existing and proposed streets within 1,200 ft. of the perimeter of the development site.
6. Date, north point, a graphic scale and the area of the premises in square feet and acres.
7. Locations of property lines, streets, driveways, sidewalks, buildings, watercourses, railroads, sewers, bridges, culverts, drain pipes, and water mains on the site and on abutting property.
8. The names, locations, widths, and other dimensions of proposed drives, lot lines, buildings and other improvements.
9. Location, dimensions, and design of garbage collection areas.
10. Grading plan including existing and proposed contour lines shown at one ft. intervals, unless otherwise permitted by the subdivision official.
11. Drainage plan showing existing drainage conditions and proposed improvements and including engineering calculations on which the drainage design is based.
12. Identification of all accesses to the site, sight distance at access points, dimensions of curb cuts and distances from intersections and driveways on adjacent properties.
13. Proposed utility layouts.
14. If not to be served by municipal sewer facilities, a certificate or letter from the state and/or county health department indicating their approval
15. Certificate of approval from the electric, water, gas, and sanitary sewer providers, and any other interested city, county or state departments.
16. All existing and proposed easements, deed restrictions, and reservations on the site.
17. Minimum building front, rear, and side yard setbacks.
18. The zoning classification of the site and on abutting properties.
19. Location and total number of parking and loading spaces.
20. A landscape plan, describing the number, location, types and size of all landscape elements, buffers and screening.

21. The location, type and nature of all exterior lighting and signage.
22. Base flood elevations and flood hazard areas, based on available FEMA maps.

For multi-phase developments, grading, drainage and similar plans for each phase may be required by the subdivision official for review and approval by the planning commission.

#### ARTICLE 4. - SUBDIVISION DESIGN STANDARDS

All proposed subdivisions shall conform to all applicable state and local regulations, including the zoning ordinance where in effect. The design standards of this article shall be the minimum standards allowable for development. Standards above the minimum may be required by the planning commission or the subdivision official. Detailed construction specifications and engineering requirements may be obtained from the subdivision official. Prior to the planning commission's consideration of any request for a variance, modification, or waiver of the requirements of this article, the subdivision official shall provide its recommendation to the planning commission regarding such request.

##### Sec. 4.1. - Purpose.

The purpose of good subdivision and site design is to ensure functional and attractive developments, to minimize adverse impacts, and make projects assets to the community. To promote this purpose, the subdivision and/or site plan shall conform to the following standards, which are designed to result in a well-planned community without adding unnecessarily to development costs.

##### Sec. 4.2. - General subdivision design standards.

- 4.2.1. Site analysis. An analysis shall be made of characteristics of the proposed site, such as site context; geology and soil; topography; existing vegetation; structures and street networks; visual features; and use of the site. Development of the site shall be based on the site analysis. To the maximum extent practicable, development shall be located so as to preserve the natural features of the site, to avoid or protect areas of environmental sensitivity, and to minimize negative impacts and alteration of natural features.
- 4.2.2. Suitability of the land. The planning commission may not approve the subdivision of land, if from adequate investigation conducted by all public agencies concerned, it has been determined that in the best interest of public health, safety and welfare, the site is not suitable for platting and development as proposed. However, an applicant may nonetheless propose a new plat with a different layout, change in use or intensity, or other change in response to the issues raised by the applicable public agencies during review of a previous plat proposal.
- 4.2.3. Stormwater drainage design. The rate of stormwater runoff from any development resulting from the 25-year rainfall occurring within the space of one hour shall not exceed the predevelopment stormwater runoff rate for a 25-year rainfall occurring within the space of one hour.

- 4.2.4. Development in flood zones. The development of land, subject to flooding, shall be done in accordance with the flood damage prevention ordinance and the applicable regulations of the national flood insurance program (NFIP). Development in a designated floodway is prohibited unless certification by the project engineer is provided demonstrating that such encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.
- 4.2.5. Conformity with other plans and regulations. Design of the development shall take into consideration all existing local and regional plans and shall conform to the zoning ordinance where in effect.
1. No final plat of land within the force and effect of the zoning ordinance shall be approved unless the building restrictions to be established conform to the applicable regulations of the zoning ordinance.
  2. Public uses. If public sites are shown in the comprehensive plan to be set aside or if such sites are recommended as essential by the planning commission or city council, such sites shall be reserved for such purpose for a period of two years from the date the subdivision is recorded. If at the end of two years the city has not taken action to acquire the property, the applicant may request a hearing before the planning commission to waive the reservation or to otherwise determine the fate of said site.
- 4.2.6. Preservation areas. The following specific areas should be preserved as undeveloped open space, to the extent consistent with the reasonable use of the land and in accordance with applicable state or local regulations:
1. Significant trees or stands of trees;
  2. Lands in the flood plain, as defined and or depicted on the flood maps provided by the Federal Emergency Management Agency, and as outlined in the flood damage prevention ordinance.
  3. Steep slopes in excess of 20 percent as measured over a ten-foot interval unless appropriate engineering measures concerning slope stability, erosion, and resident safety are taken.
  4. Habitats of endangered wildlife.
  5. Historically significant structures and sites, as listed on federal, state or local registers of historic places.
- 4.2.7. The development shall be laid out to avoid adversely affecting ground water; to reduce cutting and filling; to avoid unnecessary impervious cover; to prevent flooding; to provide adequate access to lots and sites; and mitigate adverse effects of noise, odor, traffic, drainage, and utilities on neighboring properties.
- 4.2.8. The street, parcel and block pattern of all proposed developments shall be adapted appropriately to the uses anticipated.
- 4.2.9. Where applicable, a proposed phasing plan shall provide for continuity of development through phases of reasonable proportions.

- 4.2.10. Lot and block size, shape and orientation shall be appropriate for the location of the subdivision, its environmental systems and for the type of development anticipated.
- 4.2.11. When land is subdivided into parcels larger than ordinary building lots, such parcels should be arranged and designed so as to allow for future resubdivision and extension of future streets.
- 4.2.12. The proposed street layout shall be appropriate for the type of development proposed and appropriately integrated with the surrounding street system.
- 4.2.13. The proposed street layout shall conform substantially to a development pattern for the subject and surrounding area that will be in accord with the comprehensive plan, as interpreted by the planning commission.
- 4.2.14. Where community or public facilities, existing or as proposed in the comprehensive plan, are to be located in whole or in part in a proposed subdivision or development, such area(s) necessary to accommodate these facilities shall be reserved.

Sec. 4.3. - Residential subdivision design standards.

- 4.3.1. All residential lots shall abut a public street unless otherwise permitted for planned developments in accordance with the zoning ordinance.
- 4.3.2. Every lot shall have sufficient access to it for emergency vehicles, as required by the adopted fire code.
- 4.3.3. The placement of dwelling units shall take into consideration topography, privacy, building height, orientation, drainage, and aesthetics.
- 4.3.4. Buildings shall be spaced so that adequate privacy is provided for units.

For the purposes of applying subdivision standards in a manner that is sensitive to the type of development proposed, residential subdivisions are hereby classified as: low density (R-1 zoning or minimum average lot size of 15,000 sf.); medium density (R-2 zoning or a minimum average lot size between 10,500 and 15,000 sf.) and high density (all other residential zoning classifications or any multifamily or townhouse development or single-family lots less than 10,500 sf.).

Sec. 4.4. - Nonresidential subdivision design standards.

Except as otherwise specified, all commercial and industrial subdivisions shall be subject to all design standards in this article 4 and shall be designed according to the same principles governing the design of residential developments; namely, that buildings and streets shall be located according to topography, with environmentally sensitive areas avoided to the maximum extent practicable; factors such as drainage, noise, odor, and surrounding land uses shall be considered in siting buildings; sufficient access shall be provided; and adverse impacts buffered or otherwise mitigated.

Following subdivision of the land, nonresidential developments shall also be reviewed in accordance with § 3.9, site plan approval, and the site design standards in

article 6 to ensure that the subdivision will accommodate the requirements of the uses contemplated and the requirements of the zoning ordinance.

Sec. 4.5. - Circulation system design.

The street system shall be designed to permit the safe, efficient, and orderly movement of traffic; to meet the needs of the present and future population served; to have a simple and logical pattern; to respect natural features and topography; and to present an attractive streetscape.

4.5.1. Streets.

1. Whenever land to be subdivided embraces any part of a highway or street so designated on any county or regional plan, such part of the proposed public way shall be platted by the same width as indicated on the county or regional plan.
2. All streets shall be platted along contour elevations, which will result in minimum grades and greater visibility wherever practical, with consideration given to the anticipated use of the land.
3. The proposed street layout shall be made according to good land planning practices for the type development proposed and shall be coordinated with the street systems of the surrounding areas.
4. Proposed new streets shall extend existing streets or their projections at the same or greater width, but in no case less than the minimum required width.
5. To ensure proper circulation and emergency response, all residential subdivisions containing 50 or more lots shall have a minimum of two access points on external streets.
6. To ensure future street connections where a proposed development abuts unplatted land or a future development phase of the same development, street stubs shall be provided for access to abutting properties or to logically extend the street system as determined by the planning commission.
  - a. All street stubs shall be provided with temporary turnarounds except where the street stub is 200 feet or less in length. The area necessary for the temporary turnaround outside the normal right-of-way shall be contained within a temporary easement, which shall automatically dissolve when the street is extended and approved by the city. The length of the turnaround shall be in accordance with § 4.5.4.4, dead end streets.
  - b. Street improvements shall extend to within five ft. of the boundary of the property. Rights-of-way shall extend to the boundary.
  - c. Paving and utilities shall be extended far enough to serve the developing lots and, unless approved otherwise by the City Planner, shall be extended the same distance.

- d. The restoration and extension of the street shall be the responsibility of the future developer of the abutting land.

The planning commission may waive this provision if in their determination, there is no feasible way to continue the street in the foreseeable future.

4.5.2. The platting of any land, the purpose of which is to deny access to rights-of-way, is prohibited, except as otherwise provided herein. There shall be no reserve strips controlling access to streets, except where the control of such strips is specifically placed with the city and under conditions approved by the planning commission.

4.5.3. Private streets. There shall be no private streets platted in any subdivision.

4.5.4. Street design requirements. Minimum street right-of-way, pavement width, and cross section elements shall be as provided in table 4-1 and as illustrated in figure 4.1. All streets shall include curb and gutter.

1. *Additional widths on half streets.* Subdivisions that adjoin existing half streets shall dedicate additional right-of-way to meet the minimum street width requirements. The entire right-of-way shall be dedicated where any part of the subdivision is on both sides of the half street; and where the subdivision is located on only one side of a half street, the amount of right-of-way to be dedicated is as follows:
  - a. If the land across the roadway from the proposed subdivision has not been subdivided or developed, the subdivider is only required to dedicate one-half of the required right-of-way, measured from the center line of the existing roadway.
  - b. If the land across the roadway has been subdivided or developed, the subdivider is required to provide enough additional right-of-way on his side of the roadway to bring the total right-of-way to the required width.
2. *Topographic conditions and street grades.* In general, streets shall be planned to conform to existing topographic conditions. Unless a steeper grade is approved by the Fire marshal, maximum street grades shall be: six percent on arterials and ten percent on collectors, local streets and alleys, with no grades exceeding the maximum for any length of street. Grades of dead-end streets shall not exceed five percent for the cul-de-sac bulb or hammerhead. To allow for proper drainage, no tangent street grade shall be less than one percent.
3. *Street intersections.* Insofar as practical, acute angles at street intersections shall be avoided. Where an acute angle of less than 75 degrees occurs between streets at their intersections, the planning commission may require the property lines to be rounded or otherwise setback to permit curb construction of desirable radius without curtailing the sidewalk at the street corner to less than normal width. Submission of a grading plan showing

existing and proposed contours at intervals of one foot and a detailed design for the intersection may be required by the subdivision official.

4. *Dead end streets.* Streets designed to have one end permanently closed (cul-de-sac) shall be provided at the closed end with a turnaround with a minimum right-of-way radius of 50 feet, and a minimum driving surface radius of 40 feet. The maximum permitted length of a cul-de-sac is 600 feet.
  5. *Medians.* Medians, where provided, shall have a minimum width of five ft. to allow for planting.
  6. *On-street parking.* Lanes for on-street parking shall be provided on streets as required or as approved by the planning commission in accordance with the requirements in table 4-1 and the following:
    - a. Generally, on-street parking is appropriate along local streets serving nonresidential, mixed-use, and high density residential uses.
    - b. Parking lane width shall be measured from the face of curb.
  7. *Planting strips.* Planting strips shall be provided between the curb and sidewalk, or in the absence of sidewalk, between the curb and right-of-way line. Along residential streets, the planting strip shall be grassed or otherwise vegetative. Along nonresidential streets, the planting strip may include regularly spaced street tree wells and an extension of the sidewalk to the curb. On nonresidential streets with minimal pedestrian traffic expected, the planning commission may approve a continuous grassed or vegetative planting strip between the curb and sidewalk.
  8. *Street elevations.* The planning commission may require, where necessary, profiles and elevations of streets in areas subject to flood, as defined in these regulations and the flood damage prevention ordinance and as identified on the flood maps provided by the Federal Emergency Management Agency (FEMA). Fill may be used, except within identified floodways, where such fill does not increase flood heights.
- 4.5.5. *Street names.* Proposed street names shall be subject to approval of the planning commission. Proposed streets obviously in alignment with existing and named streets shall bear the names of the existing streets. In no case shall the name for the proposed streets duplicate existing street names.
- 4.5.6. *Horizontal curvature.* The minimum radii of centerline curvature shall be as provided in table 4-2 and as necessary to meet the applicable minimum sight distance. See also figure 4.2. Between reverse curves there shall be a tangent having a length of not less than 100 feet.
- 4.5.7. *Vertical alignment.* Vertical alignment shall be such that the minimum stopping and intersection sight distances in table 4-2 are met. Stopping sight distance shall be determined using a height of eye of 3.5 feet and two feet object height. The intersection sight distance shall be determined using a height of eye of 3.5 feet and 4.25 feet object height. See also figure 4.2.

Table 4-1. Street Design Standards		
Specifications are based on two-lane road sections. The planning commission, upon a recommendation by the city planner, may require a median, turn lanes, acceleration and deceleration lanes, or additional travel lanes where trips generated by anticipated uses or where city, county, or regional plans require increased design improvements (see also figure 4.1).		
<i>Street Type</i>	<i>Residential Local</i>	<i>Residential Collector</i>
Posted Speed	15-25	25-35
Design Speed	20-30 mph	30-40 mph
Drainage Facility Width/Type	18 inches; curb/gutter	18 inches; curb/gutter
Min. Planting Strip	4 ft. both sides	4 ft. both sides
Parking Lane Width <sup>1</sup>	7 ft.	7 ft.
Actual Curb Radius	15-18 ft.	20-24 ft.
Effective Turning Radius <sup>2</sup>	20-24 ft.	20-24 ft.
Travel way Width <sup>3</sup>	26 ft.	26 ft.
Min. ROW <sup>4</sup>	50 ft.	60 ft.
Travel Lane Width <sup>5</sup>	10-12 ft.	11-12 ft.

<sup>1</sup> On-street parking, where required or approved by the planning commission, shall be parallel and may be placed on one or both sides as determined by the planning commission.

<sup>2</sup> Effective turning radius is determined by adding the width of an adjacent parking lane, if present, to the corner curb radius. Where a bulb-out is provided, the effective turning radius is the radius of the bulb-out.

<sup>3</sup> Travel way width is measured from face-of-curb to face-of-curb. Widths shown do not include on-street parking. Where on-street parking, medians or additional travel lanes (including turn, acceleration, and deceleration lanes) are approved or required by the planning commission, travel way widths shall be calculated based on the minimum requirements for each cross section element to be included.

<sup>4</sup> Additional ROW width may be required when parking lanes, medians, or additional travel lanes (including turn, acceleration or deceleration lanes) are included, or when other design elements require a greater width.

<sup>5</sup> Lane widths shall be within the range specified, except that lanes of up to 13 ft. on local streets and 14 ft. on collectors may be required in areas of steeper topography where horizontal curves are more frequent. This may require additional right-of-way width. Lane striping is not required on local residential streets but may be required by the City Planner on residential collectors and for any street segment with more than two lanes.

<i>Street Type</i>	<i>Mixed-Use or Nonresidential Local</i>	<i>Mixed-Use or Nonresidential Collector</i>	<i>Frontage Road</i>	<i>Industrial Access Road</i>
Posted Speed	20—25 mph	25—35 mph	20—35 mph	20—30 mph
Design Speed	25—30 mph	30—40 mph	25—40 mph	25—35 mph
Curb Width/Type	18 inches; curb/gutter	18 inches; curb/gutter	18 inches; curb/gutter	18 inches; curb/gutter
Min. Planting Strip	4 ft.; both sides	4 ft.; both sides	4 ft.; developed side	4 ft.; developed side
Parking Lane Width <sup>1</sup>	7 ft.	7 ft.	n/a	n/a
Actual Curb Radius	12—15 ft.	15—18 ft.	18—21 ft.	25—30 ft.
Effective Turning Radius <sup>2</sup>	19—22 ft.	22—25 ft.	25—28 ft.	25—30 ft.
Min. Travel	26 ft.	26 ft.	26 ft.	30 ft.

Way <sup>3</sup>				
Min. ROW <sup>4</sup>	50 ft.	60 ft.	50 ft.	60 ft.
Travel Lane Width <sup>5</sup>	10—12 ft.	11—12 ft.	11—12 ft.	11—13 ft.

<sup>1</sup> On-street parking, where required or approved by the planning commission, shall be parallel and may be placed on one or both sides. Angled parking may be permitted by the planning commission on mixed-use and nonresidential streets. In such cases, minimum parking lane width shall be 18 ft. and the travel way and ROW widths increased accordingly.

<sup>2</sup> Effective turning radius is determined by adding the width of an adjacent parking lane, if present, to the corner curb radius. Where a bulb-out is provided, the effective turning radius is the radius of the bulb-out.

<sup>3</sup> Travel way width is measured from face-of-curb to face-of-curb. Widths shown do not include on-street parking. Where on-street parking, medians or additional travel lanes (including turn, acceleration, and deceleration lanes) are approved or required by the planning commission, travel way widths shall be calculated based on the minimum requirements for each cross section element to be included.

<sup>4</sup> Additional ROW width may be required when parking lanes, medians, or additional travel lanes (including turn, acceleration or deceleration lanes) are included, or when other design elements require a greater width.

<sup>5</sup> Lane widths shall be within the range specified, except that lanes of up to 13 ft. on local streets and 14 ft. on collectors may be required in areas of steeper topography where horizontal curves are more frequent. This may require additional right-of-way width.

Street Design Speed (mph)	Minimum centerline radius (ft.)	Stopping Sight Distance (ft.)	Intersection Sight Distance (ft.)
20	125	115	225
25	150	155	280
30	275	200	335

35	300	250	390
40	500	305	445
45	650	360	500
50	820	425	555

Distances are intended as a minimum guideline. Site conditions, such as grades, traffic volumes, additional lanes, signalization types, etc., may warrant increases in desired sight distances.

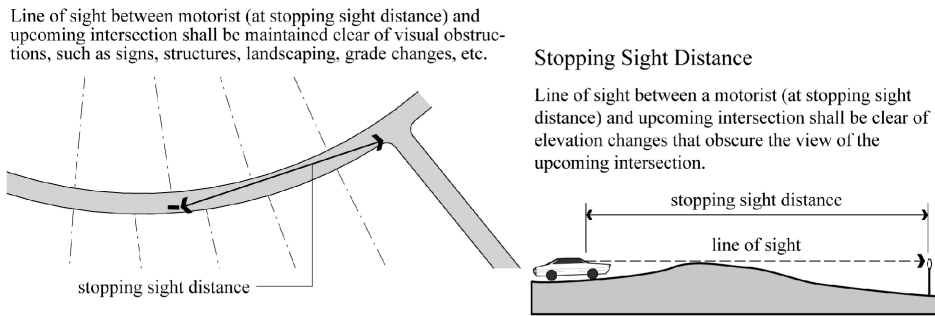


Figure 4.2 Stopping Sight Distance and Street Curvature

4.5.8. Alleys. The planning commission may, at its discretion, require that alleys be provided for any or a combination of the following: alternative access to lots, placement of and access to aboveground utilities, garbage collection, loading and unloading, and mail service. Where alleys are to be provided, they shall be designed in accordance with the requirements in table 4-3 and paved as required by the City Planner. Where an alley is designated as a fire apparatus access road by the fire marshal, the minimum pavement width shall be 20 ft.

	Min. ROW Width	Min. Pavement Width	Curb Radius at Street	
			Local	Collector
Single-family	20 ft.	12 ft.	10—13 ft.	13—16 ft.

Multifamily and Nonresidential	24 ft.	20 ft.	10—13 ft.	13—16 ft.
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4.5.9. Roadside drainage facilities. Roadside drainage facilities shall be used as needed to channel stormwater runoff away from private property and away from streets. The type of drainage facility shall be as required in table 4-1.

1. The planning commission may approve the use of "bioswales" as an alternative to conventional drainage techniques in accordance with § 4.10, experimental subdivisions.
2. Owing to unique topographic and soil characteristics, roadside drainage improvements may not be required for stormwater runoff in some medium and low density residential developments. In such cases the planning commission may modify these requirements upon a recommendation by the City Planner.

Sec. 4.6. - Access management.

The purposes of this section are to promote the overall safety of motorists, bicyclists, and pedestrians; to reduce interference with through traffic by other vehicles entering, leaving, and crossing streets; to ensure safe access to and from streets by emergency vehicles; and to preserve the traffic capacity of streets.

4.6.1. *General conditions and requirements.* The location and design of vehicular accesses from arterial, collector, and local streets proposed with a subdivision shall be specified in an access plan submitted to the subdivision official for review and recommendation to the planning commission for action. No curbs or rights-of-way shall be cut, paved, or otherwise altered until a permit for the access has been secured from the city and/or any other governmental agency owning or controlling the street right-of-way.

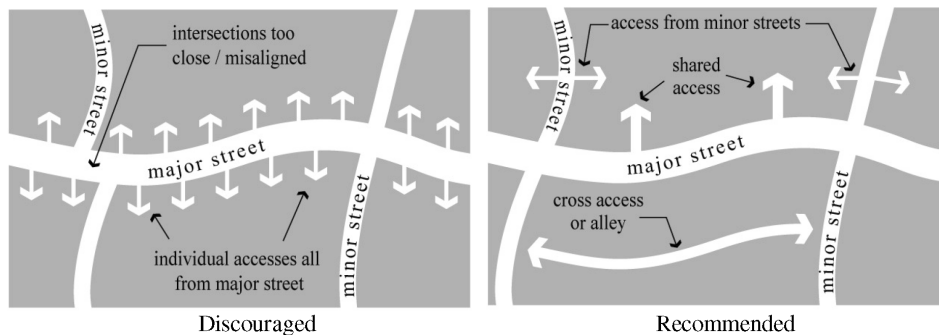


Figure 4.4 Access Management Patterns

4.6.2. *Approval for specific use.* Accesses existing as of the effective date of these standards are approved for the existing use only. Accesses approved under these standards shall be approved for the use specified in the access plan. Changes in

use that would increase traffic or change the types of vehicles accessing the site shall require a new approval of access. When a site existing at the time of these standards is redeveloped so as to create a significant increase in trip generation, the existing driveways shall be brought into conformity with these requirements.

- 4.6.3. *Expiration of approval.* Access plans, including related off-site street improvements, shall be constructed within two years of approval, or the approval shall terminate.
- 4.6.4. *Prohibition of unsafe access.* Notwithstanding any other provisions of these standards, an access, which demonstrates a potential threat or danger to the public and/or which could affect the safe, efficient flow of traffic, may be denied, based on commonly accepted and applied traffic engineering principles.
- 4.6.5. *Access plan.* The access plan shall be submitted as part of the preliminary plat or site plan.
- 4.6.6. *Traffic impact study.* The subdivision official may require a traffic impact study by an engineer, using the standard format specified by the latest edition of the Institute of Transportation Engineers (ITE) publication Traffic Access and Impact Studies for Site Development to assess the traffic impacts of a proposed access to adjacent and nearby streets and intersections when the expected number of trips generated by the proposed use exceeds an estimated 1,000 vehicle trips per day or 100 peak hour vehicle trips per day. In addition, the subdivision official may require a traffic impact study for sites that generate less than 1,000 vehicle trips per day, or 100 peak hour vehicle trips per day, if the sites are located at or near high-volume intersections or other locations where the use may constitute a threat or danger to the safe and efficient flow of traffic. The subdivision official may waive this provision if a recent, valid traffic study has been completed from which needed traffic data can be extrapolated.

Unless otherwise specified by the subdivision official, the study shall address trip generation and directional distribution, traffic assignment to streets and access locations, 24-hour and a.m. and p.m. peak hour traffic forecasting (on-site and off-site), capacity analysis and level of service for adjacent streets and nearby intersections before and after the proposed full development, and recommendations for street improvements and traffic control installation and/or modifications to existing signals. The traffic data used in the study shall be consistent with the use and density data as referenced in the latest edition of trip generation, published by ITE; current city and state traffic counts for surrounding streets; and the marketing study for the proposed use.

- 4.6.7. *Guidelines.* For all developments, redevelopments, and changes in use, the City Planner shall provide a recommendation to the planning commission regarding requests for access:
  1. Access to a corner lot should be permitted only from the street of lesser classification or lower average daily traffic, except as otherwise specified herein. Where the classification of both streets is the same, access may be provided along either or both subject to table 4-4.

2. Access to streets shall be provided to lots by means of shared access (alleys or shared driveways), frontage roads, or direct access (non-shared driveways). The number and location of access points shall be in accordance with table 4-4 and measured as shown in figure 4.5.
3. Frontage roads shall normally only be required along major arterials and only when they can be designed properly to provide safe and efficient access for properties.
4. Single-family and duplex lots:
  - a. Should not front on nor have direct access from a major arterial;
  - b. May have frontage along minor arterials though access should generally be from a local street, frontage road or alley;
  - c. May have frontage and access along a collector subject to table 4-4.
5. For local streets, minimum separation distance may be reduced, provided that, if approved by the City Planner, the following conditions exist, based on commonly accepted and applied traffic engineering principles:
  - a. Shared access is not possible;
  - b. Exceptional topographic or site conditions exist at the driveway location (such as in-place utility or drainage features) which would make strict application of the standard exceptionally and/or practically difficult or unduly harsh;
  - c. Application of these requirements would conflict with other provisions of these regulations; and
  - d. The reduction would not constitute a threat or danger to the safe and efficient flow of traffic.

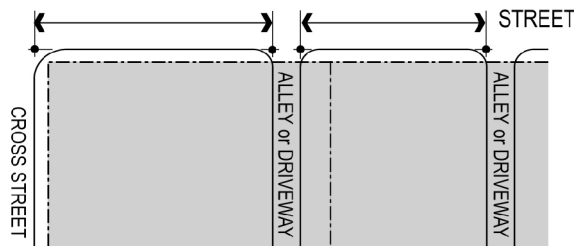


Figure 4.5 Measuring Driveway separation

Table 4-4. Access Management Criteria				
Use and Street Type	Number of Accesses Permitted	Minimum Required Spacing		
		From	Between driveways on	Between driveways on

		intersection	same lot	separate lots
Major Arterials regardless of use	1 access for lots with street frontage < 600 ft. <sup>1</sup>	250 ft.	200 ft.	200 ft.
Minor Arterials regardless of use	1 access for lots with street frontage < 400 ft.	200 ft.	150 ft.	150 ft.
Nonresidential and Multifamily uses on Collectors	1 access for lots with street frontage < 125 ft. <sup>1</sup>	150 ft.	125 ft.	125 ft.
Single-family and duplex dwellings on Collectors	1 access for lots with street frontage < 100 ft. <sup>1</sup>	125 ft. <sup>2</sup>	50 ft.	25 ft.
Nonresidential and Multifamily uses on Local Streets	1 access for lots with street frontage < 75 ft. <sup>1</sup>	100 ft.	75 ft.	75 ft.
Single-family and duplex dwellings on Local Streets	1 access per lot with street frontage < 100 ft. or 2 access per lot with street frontage >= 100 ft.	75 ft. <sup>2</sup>	50 ft.	10 ft.

<sup>1</sup> Lots with greater street frontage may have a second driveway, provided that the planning commission may approve additional driveways based on trip generation or topography, and it is determined that the impact to traffic safety and movement on the street will be minimal.

<sup>2</sup> A corner lot abutting two local streets may have a driveway with less than the above-required distance from the intersecting street, if, in the opinion of the City Planner, the driveway will not adversely affect traffic safety and movement on the streets.

4.6.8. *Access easements.* The planning commission may require shared access easements or other conditions that require multiple lots to have shared access to arterials or collector streets such as through the use of alleys, shared driveways,

or marginal access roads. Such requirements shall be considered for both residential and nonresidential subdivisions where application of the access spacing standards of this subsection would prevent direct access along arterials and collector streets.

1. Shared access easements should be provided wherever it is possible to construct a continuous access drive or alley connecting one street to another. In such cases, the shared access drive shall be constructed by the developer and may be considered for maintenance by the city. Where it is not feasible to create such an easement, the planning commission may require a private access easement as described below.
2. Where private access easements are used, the subdivision plat shall state that the transfer of lots shall be subject to the provision of such easements, which shall provide for a guaranteed, unrestricted, right of access to all other owners providing such easements and that the owners of lots subject to private access easements shall be required to execute an agreement specifying responsibility for construction and perpetual maintenance of the easements and drives in accordance with the approved access plan. The agreement shall specify that the parties thereto shall hold the city harmless from liabilities resulting from unsafe conditions on private access easements. Copies of the agreements shall be filed with the city clerk. Construction on private access easements shall not be commenced until all agreements are filed. Copies of all subsequent amendments to the agreements shall also be filed with the city clerk.

4.6.9. *Throat length.* At access points, adequate throat length shall be provided for stacking space. Driveways for nonresidential uses should extend a minimum of 60 feet into the property from the front lot line before the edge of the driveway is crossed by an aisle or another drive and 30 feet before the edge of the driveway intersects an off-street parking space. See figure 4.6 below.

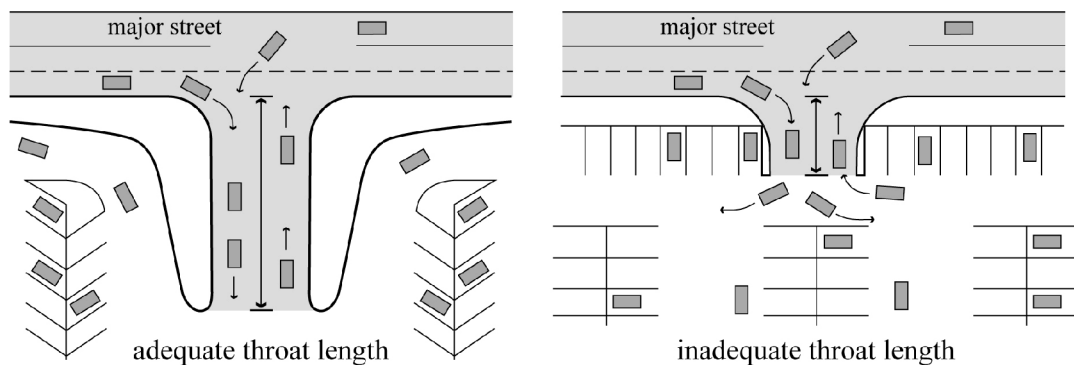


Figure 4.6 Throat Length

4.6.10. *Acceleration and deceleration lanes, storage and turn lanes.*

1. *Acceleration lanes for nonresidential uses.* In instances of unusual topography or for traffic safety considerations, the City Planner may require the construction of an acceleration lane for nonresidential uses. The length

of taper and total length shall be determined based on commonly accepted and applied traffic engineering principles.

2. *Deceleration lanes.* Deceleration lanes shall be required for each access to arterial or collector streets where the proposed use will increase traffic volumes on the existing street to a total in excess of 1,000 vehicle trips per day or 100 peak-hour vehicle trips per day.
  - a. The deceleration lane, a minimum of 11 feet wide, measured from the face of the curb (for curb sections without a monolithic gutter), the edge of the gutter (for a monolithic curb and gutter section), or the edge of the shoulder line (for a non-curbed section to the center of the lane line), shall be constructed with the length measured from the centerline of the access point according to the criteria in table 4-5.
  - b. The minimum dimensions of the deceleration lane may be reduced, provided that it is determined by the City Planner that the following conditions exist, based on commonly accepted and applied traffic engineering principles: exceptional topographic constraints or unusual site conditions at the driveway location (such as in-place utility or drainage features) which would make strict application of the standard exceptionally and/or practically difficult or unduly harsh; and the reduction would not constitute a threat or danger to the safe and efficient flow of traffic.

Table 4-5 Minimum Deceleration Lane		
Speed Limit	Length of Taper	Total Length
35 mph or less	75 ft.	200 ft.
40 to 45 mph	110 ft.	250 ft.
50 to 55 mph	150 ft.	300 ft.

3. *Left-turn storage lanes.* Approval of access to an arterial or to a collector may be conditioned upon the provision of a left-turn storage lane. The requirement and design of each storage lane, including the paved approach, bay, and departure tapers, shall be determined from the recommendations of a traffic study and approved by the City Planner based on commonly accepted and applied traffic engineering principles.
4. *Turn lanes on collectors and local streets.* Right and left-turn lanes at intersections may be required by the City Planner based upon existing or required traffic studies. Such lanes shall be accommodated in the dedication

of additional right-of-[way] widths on existing streets or in the planned right-of-way of proposed streets. Design requirements, including width and storage length, shall be determined from the recommendations of the applicable traffic study and approved by the City Planner based on commonly accepted and applied traffic engineering principles. Continuous two-way left-turn lanes shall be discouraged, and a median shall be provided to control access between intersections on collector streets.

Sec. 4.7. - Blocks and lots.

4.7.1. *Blocks.* Blocks shall not be more than 1,200 feet in length. In blocks over 800 feet in length the planning commission may require one or more public pedestrian passages with not less than a ten-foot right-of-way. The planning commission may require a minimum block length of 400 feet.

4.7.2. *Lot arrangement.*

1. Insofar as practical, side lot lines shall be at right angles to straight street lines or radial to curved street lines.
2. Each lot shall front a public street for a consecutive distance as required by the zoning ordinance.
3. Lots shall not be platted such that they, by virtue of topography, flooding, or other environmental hazards, may not reasonably be built upon without variance from dimensional and other requirements of the zoning ordinance.

4.7.3. *Double and reverse frontage lots.* Double frontage lots in residential developments should be avoided, except where essential to separate residential development from traffic arteries or to overcome specific disadvantages of topography and orientation. Reverse frontage lots shall have a depth of not less than 150 feet. A planted evergreen buffer and easement at least ten feet wide, across which there shall be no right of access, shall be provided along the line of lots abutting the street right-of-way or other incompatible land use.

Sec. 4.8. - Sidewalks, pedestrian facilities.

Sidewalks and pedestrian facilities shall be provided as determined by the planning commission in accordance with the following. Where not required, such facilities may be provided at the option of the applicant, provided minimum design and construction requirements are satisfied:

4.8.1. *Guidelines.*

1. Whenever land to be subdivided embraces any part of a sidewalk or pedestrian facility so designated on a city sidewalk master plan, such facility shall be provided as part of the subdivision.
2. Sidewalks should be provided on at least one side of streets within 1,000 ft. of an existing or planned school, library, park, place of assembly or commercial area.

3. Sidewalks should be provided along streets that presently or in the future will contain uses that are specifically intended to serve children or the aged.
  4. Pedestrian facilities should be placed along collector streets to provide a safe walking environment, adequately separated from higher speed vehicular traffic, connecting one or more subdivisions to nearby destinations.
  5. Sidewalks shall not be required where the proposed grade of a street frontage is steeper than would be reasonable for pedestrian use.
  6. A permanently dedicated greenway, walking trail, pedestrian passage or similar pedestrian facility may be required as an alternative to sidewalks to provide pedestrian access to nearby commercial centers, schools, parks, or places of assembly. In such cases, the pedestrian facility should be located so as to be accessible to the greatest number of users within the proposed development.
  7. Where the planning commission determines there is a need to provide pedestrian access, pedestrian passages may be required to provide access across the depth of a block that exceeds 800 feet in length.
  8. Cul-de-sacs within medium or high density residential subdivisions or districts may be required to provide a permanent pedestrian passage to nearby destinations. Such passage may be an alternative to or in addition to sidewalks within the subdivision. In determining whether a passage should be required, the planning commission shall consider the degree to which the passage would increase the safety and convenience of pedestrians in reaching such destinations compared to other feasible routes within the subdivision.
- 4.8.2. A planting strip shall be provided between the back of curb and sidewalk, except where the planning commission determines that topography; tree preservation or conservation; right-of-way characteristics; or other conditions dictate that this requirement be modified or waived.
- 4.8.3. Pedestrian ramps in accordance with the requirements of the Americans with Disabilities Act (ADA) shall be provided at intersections of streets requiring sidewalks.
- 4.8.4. Pedestrian passages. Where required, pedestrian passages shall be provided as follows:
1. The easement or right-of-way shall not be less than ten ft. and the minimum width of the walkway shall be four ft. in residential areas and five in nonresidential areas. The design and surfacing of the passage shall be as approved by the subdivision official.
  2. If located in a right-of-way, the passage shall be subject to acceptance by the city.

3. If located within an easement, maintenance shall be the responsibility of the developer or property owners' association consistent with the provisions of § 4.9.4, deed restrictions and ownership.

Sec. 4.9. - Open space and recreation in residential developments.

- 4.9.1. *Open space.* Planned unit developments, conservation subdivisions and multifamily housing developments shall provide open space as required the zoning ordinance and as specified herein. Developed open space shall be designed to provide active recreational facilities to serve the residents of the development. Undeveloped open space shall be designed to preserve important site amenities and environmentally sensitive areas, usually left in its natural state.
- 4.9.2. *Multifamily subdivision, size of open space.* For multifamily subdivisions, unless otherwise specified in the zoning ordinance, at least five percent of the site shall be set aside for developed and undeveloped open space, adjusted, as appropriate, for conditions such as population density, existing municipal facilities, topography, socioeconomic characteristics of the prospective population, and other appropriate site- and development-specific factors. The area of each parcel of open space designed for active recreational purposes shall be no less than 40 ft. wide at any point or other such minimum dimensions as to be functionally useable for the type of recreation proposed.
- 4.9.3. *Location of open space.* Open spaces shall be convenient to the dwelling units they are intended to serve. However, because of the possibility for noise generation, they may be sited with consideration given to such impacts on surrounding residential development.
- 4.9.4. *Deed restrictions and ownership.*
  1. Lands dedicated for open space purposes shall contain appropriate covenants and deed restrictions approved by the city attorney ensuring that:
    - a. The open space area will not be further subdivided in the future;
    - b. The use of the space will continue in perpetuity for the purpose specified;
    - c. Appropriate provisions will be made for the maintenance of the open space; and
    - d. Common undeveloped open space shall not be turned into a commercial enterprise which charges an admittance fee.
  2. Open space ownership. The type of ownership of land dedicated for open space purposes shall be selected by the applicant, subject to the approval of the planning commission. Types of ownership may include, but not necessarily [be] limited to, the following:
    - a. Shared, undivided interest by an owners association of all property owners in the subdivision, i.e., a homeowner, condominium, group, or cooperative association of organization;
    - b. The City of Opp, subject to acceptance by the city council; or

- c. Other public or quasi-public jurisdiction, organization or agencies, subject to their acceptance.
- 3. The provisions of § 5.18, ownership and maintenance of common open spaces and facilities of the zoning ordinance are hereby made a part of these regulations and shall apply throughout their jurisdiction.

Sec. 4.10. - Experimental subdivisions.

The planning commission may waive, vary or modify the standards and requirements of these regulations if, in its judgment, an unusual experimental subdivision might prove of considerable merit toward:

- 4.10.1. The use of unusual materials in constructing required improvements; or
- 4.10.2. A new or untried design concept in the Opp area, which appears promising. The planning commission may require that the applicant provide a written proposal stating the nature of the project, and a cost-benefit study on the implementation of the project.

In granting approval for experimental subdivisions, the planning commission may require such conditions as will in its judgment, secure substantially the objectives of the standards or requirements so varied, modified, or approved. These may include, but not be limited to: personal, surety, performance, or maintenance bonds; affidavits; covenants; or other legal instrument.

Sec. 4.11. - Name of development.

The name of the subdivision or development must have the approval of the planning commission. The name shall not duplicate or closely approximate the name of an existing subdivision or development in the county.

ARTICLE 5. - IMPROVEMENTS STANDARDS

Sec. 5.1. - Utility easements.

There shall be an easement a minimum of ten ft. wide along the front and rear lot line of each lot for poles, wires, conduits, storm and sanitary sewers, gas, water, and heat mains, telephone lines, television cables, and/or other utility lines and drainage ditches. The planning commission may also require easements along side lot lines. If the utilities are underground, the utility plans must include design location for all utilities, including light poles and street lights. Final plat approval signatures must include all utilities, including cable and telephone. Although not mandatory, it is recommended that all utilities be installed in the required rear utility easements.

Sec. 5.2. - Monuments.

Monuments, the type of which shall be in accordance with current surveying practice, shall be placed at all points where the street ROW lines intersect the exterior

boundaries of the subdivision, and at all angle points of curves in each street. All lot corners shall be marked with reinforcing bar not less than one-half inches in diameter and 18 inches long. All monuments and markers shall be set flush with the finished grade and detectable with conventional instruments for finding ferrous or magnetic objects.

Sec. 5.3. - Streets.

5.3.1. A geotechnical investigation of soil conditions shall be required for all streets serving nonresidential uses and as may otherwise be required by the City Planner. Such report shall be prepared by a registered geotechnical engineer and shall ensure adequate bearing capacity and quality of subgrade materials.

5.3.2. Grading. All streets and alleys shall be graded to the required cross section and in accordance with city specifications. Except as specified otherwise by the City Planner, where streets are to be constructed under or adjacent to existing major electric transmission lines, the nearest edge of the roadway surface shall be set back from any transmission line structure as may be required by the electric utility provider, and all grading for the street shall be done in a manner that will not disturb the structure or result in erosion endangering the structure. The clearance from the street to the nearest conductor of electricity shall meet the requirements of the National Electric Safety Code.

1. Preparation. Before grading is started, the entire right-of-way area shall be first cleared of all stumps, roots, brush, and other objectionable materials and all trees not intended for preservation.
2. Cuts. All tree stumps, boulders and other obstructions shall be removed to a depth of two feet below the subgrade. Rock, when encountered, shall be scarified to a depth of 12 inches below the subgrade. This provision applies to the roadway and not necessarily to the entire right-of-way width.

5.3.3. Subgrade.

1. All subgrade shall be cut to the grade as shown on the plan and profile.
2. Soil deeper than six inches below subgrade shall be compacted to 95 percent standard proctor density. The top six inches shall be compacted to 100 percent standard proctor density.
3. A test shall be made on all fill sections by a testing agency satisfactory to the City Planner. Additional tests shall be performed at the rate of not less than one test per 500 linear feet of street.
4. Tests shall be performed on all lifts.
5. The top six inches shall be modified, with the work being performed under section 230, Roadbed processing, of the ALDOT standard specifications. It shall be compacted to 100 percent standard proctor density for the full width of the roadway section.
6. The road bed shall be proof rolled after placement of final subgrade and the final base layer.

7. A copy of all lab reports shall be submitted to the City Planner.
- 5.3.4. Base material, paving.
    1. *Base.* Base course shall meet the requirements for crushed aggregate as set forth in section 301, Soil, soil aggregate, and aggregate, base and subbases, Type 825 A or B, plant mixed with water, of the ALDOT standard specifications. Base course shall have a minimum thickness of eight inches for local streets and ten inches for major, commercial and industrial streets compacted thickness and extend 12 inches outside of curb sections. The density requirements for compaction shall be in accordance with section 306, Density requirements for compaction, of the ALDOT standard specifications. The project engineer may submit an alternate base design method for approval by the City Planner. Design should be based on a proven and accepted engineering test or method.
    2. *Roadway pavement.* All streets shall be paved and comply with the following:
      - a. Prior to the placement of pavement, a bituminous treatment A (Prime) shall be placed in accordance with section 401, Bituminous surface treatments, of the ALDOT standard specifications and be approved by the City Planner.
      - b. Bituminous pavement requirements shall be a minimum of 225 pounds per square yard (two-inch depth) of bituminous concrete binder and 100 pounds per square yard (one-inch depth) of bituminous concrete wearing surface. All design mixes shall meet the requirements of section 424, Superpave bituminous concrete base, binder, and wearing surface layers, of the ALDOT standard specifications.
  - 5.3.5. *Fill.* All suitable material for the roadway cuts may be used in the construction of fills, approaches, or at other places as needed. Excess materials, including organic materials, soft clays, etc., shall be removed from the development site. The fill shall be spread in layers not to exceed eight inches loose depth, and compacted by a sheep's foot roller. The filling of utility trenches and other areas not accessible to a roller shall be mechanically tamped. Compaction test results must be provided to the streets superintendent before paving can begin.
  - 5.3.6. *Fire apparatus access roads.* Any street, alley or other access designated by the fire marshal as a fire apparatus access road shall meet the load requirements of the fire code. Such shall be certified by the project engineer.
  - 5.3.7. *Culverts and bridges.* Culverts, bridges and all materials shall be designed and constructed in accordance with the ALDOT Standard Specifications.
  - 5.3.8. *Sidewalks and pedestrian passages.*
    1. Where required, all sidewalks shall be four inches thick with a minimum width of four feet. Sidewalks shall generally run parallel to the street, however, the planning commission may approve an alternate location to preserve topographical or natural features or to provide visual interest, if the developer shows that an alternate arrangement provides safe and convenient circulation.
    2. Pedestrian passages, where required, shall be designed and constructed in a manner acceptable to the City Planner.

Sec. 5.4. - Storm drainage.

An adequate drainage system, including necessary curbs and gutters, pipes, culverts, drop inlets, intersectional drains, bridges, etc., shall be provided for the proper drainage of all surface water in accordance with table 5-1. See appendix for specifications.

Table 5-1. Drainage Design Criteria		
Structure Type	Flood Event	Overtopping Analysis
Bridge	100-yr.	Yes
Roadway Culvert	25-yr.	Yes
Open Channel	25-yr. 100-yr.	Floodplain delineation
Storm Sewer System Arterials, Collectors Local, Frontage	25-yr. 10-yr.	Max. Spread -½ lane + gutter Max. Spread -½ lane + gutter
Detention/Retention Primary, Secondary	25-yr. 100-yr.	

- 5.4.1. Water will be taken from the street via drop inlets in accordance with city specifications. In no case will the water be allowed to drain across the sidewalk. The exposed ends of all drain tile shall be finished with concrete headwalls.
- 5.4.2. For curb and gutter systems, drop inlets shall be spaced frequently enough to adequately remove water from the street. The location and design must be approved by the planning commission.
- 5.4.3. Corrugated steel pipe shall not be used in any swale, driveway or other stormwater drainage culvert. All street cross drains shall be reinforced concrete pipe. All other pipes installed in any swale, driveway, or stormwater drainage culvert shall be reinforced concrete pipe, HDPE type "S" drainage pipe or corrugated aluminum pipe as approved by the City Planner and streets superintendent. All pipe shall meet applicable AASHTO requirements.

Installation shall be in accordance with city specifications. Prior to installation, approval shall be obtained from the streets superintendent and City Planner.

Sec. 5.5. - Utilities.

5.5.1. *Water supply system.*

1. The water supply system must be connected to the community water supply system and shall be designed and constructed in such a manner as to adequately serve required uses for all lots shown on the subdivision plat or development site plan, including reasonably anticipated future needs. The system shall be designed and constructed in accordance with the Opp Utilities Standard Water Specifications and regulatory requirements, and the design and installation must be approved by the Opp Utilities Board.
2. Fire hydrants. Fire hydrants shall be installed along each street at intervals of 500 feet, or at the ends and center, of each block and tied to the water system. Dwellings shall not be located more than 400 ft. from the nearest fire hydrant and nonresidential buildings shall not be located more than 250 ft. from the nearest fire hydrant. The water supply and pressure shall be sufficient to adequately serve the potential needs of the intended land use and have the approval of the Opp Waterworks, Sewer, and Gas Board and the Opp Fire Department.

5.5.2. *Sanitary sewer.*

1. The sanitary sewer system must be connected to the community sanitary sewerage system and shall be designed and constructed in such a manner as to adequately serve required uses for all lots shown on the subdivision plat or development site plan, including reasonably anticipated future needs. The system shall be designed and constructed in accordance with the Opp Utilities Standard Sanitary Sewer Specifications and regulatory requirements, and the design and installation must be approved by the Opp Utilities Board.
2. Where lots cannot be economically connected to the Opp Utilities Board's sanitary sewerage system, individual on-site wastewater disposal systems shall be permitted, provided the disposal plan for each lot has written approval of the Covington County health department, as evidenced by the health department official's signature on the final plat.

5.5.3. *Natural gas system.*

When gas mains are connected with the community natural gas distribution system, the system shall be designed and constructed in such a manner as to adequately serve required uses for all lots shown on the subdivision plat or development site plan. The system shall be designed and constructed in accordance with the

Southeast Gas Board Standard Natural Gas Specifications and regulatory requirements, and the design and installation must be approved by the Southeast Gas.

5.5.4. *Electricity.*

1. The applicant is encouraged to place all electrical lines under ground and utilize pad mounted transformers. All plans for electrical utilities must be approved by the Opp Utilities Board.

2. Street lighting. For reasons of safety and convenience the applicant shall provide street lights at each street intersection. Where blocks exceed 800 feet in length, the planning commission may require additional lighting. All street lighting plans must be approved by the Opp Utilities Board and City Planner.

Sec. 5.6. - Signs.

- 5.6.1. *Street name signs.* All streets shall be designated by name on a metal street sign post, in accordance with city specifications, with name plates of metal set one above the other with a minimum clearance of seven feet from grade to the lowest edge of the sign. The post shall be so located as to be visible for both pedestrian and vehicular traffic. At four-way intersections, two street sign posts shall be located diagonally across the intersection from each other. One street sign post shall be required at "T" street intersections.
- 5.6.2. *Traffic control signs.* The developer shall install, at his cost, all necessary traffic control signs and devices as shown on the approved preliminary plat, which shall be in compliance with the Manual on Uniform Traffic Control Devices as adopted by the State of Alabama.

ARTICLE 6. - SITE DESIGN STANDARDS

For developments subject to site plan review, the following standards shall be considered by the planning commission:

Sec. 6.1. - General site design standards.

- 6.1.1. *Access management.* Generally, driveways should be fewer and farther apart on major streets while a larger number of driveways spaced more closely together are more tolerable on local streets.
  1. Site plans shall conform with the access management requirements in § 4.6, access management.
  2. Shared driveways, alleys and cross access drives are encouraged where appropriate.
  3. For corner lots, access should be provided along the street of lesser classification and any driveways should be located as far from the intersection as possible.
- 6.1.2. *Sight lines.* Structures and landscaping should be placed to ensure clear sight lines for motorists that allow safe ingress and egress to properties and safe movements within the site.
- 6.1.3. *Building location.*
  1. Buildings should be located on site in keeping with adjacent buildings on the same side of the street and to create useable exterior spaces.
  2. Buildings should be oriented such that entrances face the street.
- 6.1.4. *Parking location.*

1. Parking areas for multifamily developments should be located internally to the site rather than between buildings and the street.
  2. Large surface parking lots should be broken up into multiple spaces through landscaping.
  3. Some parking should be placed to the sides and rear of the building to avoid oversized parking in front of the building. This strategy can be helpful in matching shallower setbacks of adjacent buildings.
- 6.1.5. *Storage, service and loading areas.*
1. Storage, service and loading areas should be located so as to minimize their visibility to the public and/or shall be screened as required by the planning commission.
  2. Storage, service and loading areas should be located to so as not to disrupt the efficient flow of on-site and off-site traffic.
- 6.1.6. *Refuse collection areas (multifamily and nonresidential).*
1. Refuse collection areas should be located to minimize their visibility to the public and/or screened as required by the planning commission in accordance with the zoning ordinance.
  2. Refuse collection areas shall be designed and of a size to contain all refuse (and recycling, if applicable) generated on-site and deposited between collections.
- 6.1.7. *Mechanical and electrical equipment.* Mechanical and electrical equipment should be located to minimize their visibility to the public and/or screened as required by the planning commission.

Sec. 6.2. - Landscaping standards.

- 6.2.1. *Buffering.* Buffers shall be provided as required in the zoning ordinance wherever a use of higher intensity is developed abutting a use of lower intensity (i.e., a commercial use is developed next to a residential use or a multifamily use is developed next to a single-family use).
- 6.2.2. *Parking lot landscaping.* Landscaping shall be provided within and at the perimeter of parking lots and other vehicular areas as required by § 11.2, landscaping, for vehicular areas of the zoning ordinance.
- 6.2.3. *Screening.* Location on-site, plant materials, fences, walls, berms or a combination thereof shall be used to visually screen certain site elements and activities, including, but not limited to outdoor storage and garbage collection areas, from public view as required in § 11.3, screening, of the zoning ordinance.

ARTICLE 7. - VARIANCES, ENFORCEMENT, LEGAL STATUS PROVISIONS

Sec. 7.1. - Variances.

Where an applicant can show that a provision of these regulations would cause an unnecessary hardship if strictly adhered to and where, because of topographical or other

conditions peculiar to the site, in the opinion of the planning commission a departure may be made without destroying the intent of such provision, the planning commission may authorize a variance. Any variance thus authorized is required to be entered in writing in the official minutes of the planning commission and the reason which justified the departure to be set forth. In determining whether a modification, reduction or waiver of a requirement of these regulations is warranted, the planning commission must find that all of the following criteria are met:

- 7.1.1. Owing to extraordinary circumstances, literal enforcement of the provisions of this resolution will result in undesirable characteristics, including, but not limited to, poor traffic movement, unsuitable lot design, or unnecessarily expensive utility extensions.
- 7.1.2. That the variance, if granted, will not cause any off-site problems such as traffic, utilities, drainage, water, and sanitation on other properties.
- 7.1.3. That the variance, if granted, will not substantially or permanently injure any adjacent conforming property.
- 7.1.4. That the variance, if granted, is the minimum variance and the least modification that will afford the relief sought.
- 7.1.5. That the variance, if granted, will be in harmony with the spirit of these regulations and will not adversely affect the public health, safety or welfare.

Sec. 7.2. - Transferring lots in unapproved subdivisions, penalties.

Whoever, being the agent of the owner or owner of any land located within a subdivision, transfers or sells or agrees to sell any land by reference to or exhibition of or by other use of a part of a subdivision, before such plat has been approved by the planning commission and recorded in the office of the probate judge, shall forfeit and pay a penalty of \$100.00 for each lot or parcel so transferred or sold or agreed or negotiated to be sold. The description of such lot or parcel by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from such penalties or from the remedies herein provided.

The city may enjoin such transfer or sale or agreement by action for injunction brought in any court of equity jurisdiction or may recover the same penalty by a civil action in any court of competent jurisdiction.

Sec. 7.3. - Fees, fines.

- 7.3.1. *Fees.* All applicants shall pay a \$150.00 fee to the City of Opp at the time of submission of any request for minor plat, preliminary plat, or final approval of a proposed subdivision.

7.3.2. *Fines.* Any person violating any provisions of this regulation shall be charged a fine, upon conviction, of not more than \$100.00 and court costs for each offense. Each day such violation continues shall constitute a separate offense.

Sec. 7.4. - Conflict with other laws.

Wherever the requirements of this regulation conflict with the requirements of any other lawfully adopted statutes, rules, regulations, ordinances, the most restrictive, or that imposing higher standards, shall govern.

Sec. 7.5. - Validity.

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

Sec. 7.6. - Effective date.

These regulations shall take effect and be in force from and after the date of adoption.

#### Sample Certificates and Acknowledgments

Surveyor's Certificate.

Sketch Plan Certificate (City Planner).

Site Assessment Certificate (City Planner).

Certificate of Approval, preliminary plat (subdivision official).

Certificate of Approval, preliminary plat (planning commission).

Certificate of Approval, preliminary plat (City Planner).

Certificate of Approval, preliminary plat (streets superintendent).

Certificate of Approval of Water Distribution System, preliminary plat (waterworks, sewer and gas board).

Certificate of Approval of Sewer Distribution System, preliminary plat (waterworks, sewer and gas board).

Certificate of Approval of Gas Distribution System, preliminary plat (waterworks, sewer and gas board).

Certificate of Approval of Electric Distribution System, preliminary plat (Opp Utilities Board).

Certificate of Approval, preliminary plat (county health department).

Dedication.

Notary's Acknowledgment.

Notary's Acknowledgment.

- Mortgage Holder's Certificate.
- Certificate of Approval, final plat (planning commission).
- Certificate of Approval, final plat (City Planner).
- Certificate of Approval, final plat (streets superintendent).
- Certificate of Approval, final plat (Opp Utilities Board).
- Certificate of Approval, final plat (Southeast Gas).
- Certificate of Approval, final plat (county health department).

Subdivision Procedural Flowchart

PLAT CHECKLISTS

- Minor Subdivision Plat Checklist.
- Preliminary Plat Checklist.
- Final Plat Checklist.

SPECIFICATIONS

- Standard Street Cross Sections (local street, collector, industrial access road).

Surveyor's Certificate

Surveyor's Certificate and Description of Land Platted

State of Alabama

County of Covington

I, (name of surveyor), an Alabama registered Surveyor, hereby certify that I have surveyed the property of the (name of company of proprietor), a (corporation or proprietor), situated in the city of Opp, Covington County, Alabama and described as follows:

(Insert Legal Description)

And that the plat or map contained hereon is a true and correct map, meeting the current standards of practice set forth by the Alabama State Board of Registration for Professional Engineers and land surveyors, showing the subdivision into which the property described is divided giving the length and bearings of the boundaries of each lot and its number and showing the streets, alleys and public grounds and giving the bearings, length, width, and name of the streets, said map further shows the relation of the land so platted to the Government Survey, and that permanent monuments have been placed at points marked thus (0) as hereon shown.

WITNESS my hand this \_\_\_\_\_, 20 \_\_\_\_\_ .

_____	_____
(Name of Surveyor)	Registration Number

Sketch Plan Certificate (City Planner).

The sketch plan for \_\_\_\_\_ has been reviewed by the City Planner for the city of Opp.

_____	_____
Date	City Planner
	City of Opp, Alabama

Site Assessment Certificate.

I, \_\_\_\_\_, the project engineer, do hereby certify that the information shown hereon is complete and in compliance with all applicable regulations of the City of Opp, Alabama to the best of my knowledge.

_____	_____
Date	Project Engineer

Certificate of Approval, preliminary plat (subdivision official).

In that all the requirements of Preliminary Approval have been fulfilled, this subdivision plat was given Preliminary Approval by the Opp planning commission on \_\_\_\_\_, 20 \_\_\_\_\_.

\_\_\_\_\_  
 Subdivision Official  
 City of Opp, Alabama

Certificate of Approval, preliminary plat (planning commission)

In that all the requirements of Preliminary Approval have been fulfilled, this subdivision plat was given Preliminary Approval by the Opp planning commission on \_\_\_\_\_, 20 \_\_\_\_\_. Preliminary Approval does not constitute approval of the final plat.

\_\_\_\_\_  
 Chairperson

Opp Planning Commission

Certificate of Approval, preliminary plat (City Planner)

In that all the requirements of Preliminary Approval have been fulfilled, this subdivision plat was given Preliminary Approval by the Opp planning commission on \_\_\_\_\_, 20 \_\_\_\_\_.

\_\_\_\_\_  
City Planner

City of Opp, Alabama

Certificate of Approval, preliminary plat (streets superintendent)

In that all the requirements of Preliminary Approval have been fulfilled, this subdivision plat was given Preliminary Approval by the Opp planning commission on \_\_\_\_\_, 20 \_\_\_\_\_.

\_\_\_\_\_  
Streets Superintendent

City of Opp, Alabama

Certificate of Approval of Water Distribution System, preliminary plat (waterworks, sewer and gas board)

The undersigned, as authorized by the Opp Utilities Board, hereby approved the water distribution system design as shown on this preliminary plat on \_\_\_\_\_, 20 \_\_\_\_\_.

\_\_\_\_\_  
Opp Utilities

Certificate of Approval of Sewer Distribution System, preliminary plat (waterworks, sewer and gas board)

The undersigned, as authorized by the Opp Utilities Board, hereby approved the sewer distribution system design as shown on this preliminary plat on \_\_\_\_\_, 20 \_\_\_\_\_.

\_\_\_\_\_  
Opp Utilities

Certificate of Approval of Gas Distribution System, preliminary plat (waterworks, sewer and gas board)

The undersigned, as authorized by the Opp Utilities Board, hereby approved the gas distribution system design as shown on this preliminary plat on \_\_\_\_\_, 20 \_\_\_\_\_.

\_\_\_\_\_  
Opp Utilities

Certificate of Approval of Electric Distribution System, preliminary plat (Opp Utilities Board)

The undersigned, as authorized by the Opp Utilities Board, hereby approved the electric distribution system design as shown on this preliminary plat on \_\_\_\_\_, 20 \_\_\_\_\_.

\_\_\_\_\_  
Opp Utilities Board

Certificate for Lots with On-Site Septic Systems, preliminary plat (county health department)

The lot(s) on this plat are subject to approval or deletion by the Covington County health department. The approvals may contain certain conditions pertaining to the onsite wastewater treatment system(s) that could restrict the use of the lot(s) or obligate owners to special maintenance and reporting requirements. These conditions are on file with said health department and are made a part of this plat as if set out hereon. The undersigned, as authorized by the Covington County health department, Alabama, hereby approved the onsite wastewater treatment system for this plat, on \_\_\_\_\_, 20 \_\_\_\_\_.

\_\_\_\_\_  
Health Officer, Covington County, Alabama

Dedication

I/We (Land Owner or developer, address), as proprietor(s), have caused the land embraced in the within plat to be surveyed, laid out and platted to be known as (Subdivision Name), a part of (Section Call Out), City of Opp, Covington County, Alabama, and that the (Streets, Drives, Alleys, etc.) as shown on said plat are hereby dedicated to the use of the public.

Signed and sealed in the presence of:

_____	_____
Witness	Property Owner
_____	_____
Witness	Property Owner

Notary's Acknowledgment

Acknowledgment

State of Alabama

County of Covington

I, \_\_\_\_\_, a Notary Public in and for said County, in said State, hereby certify that (individual's name), whose name as (title) of the (corporation name), is signed to the foregoing instrument, and who is known to me, acknowledged before me on this day that, being informed of the contents of the instrument, he as such officer and with full authority, executed the same voluntarily for and as the act of said corporation.

GIVEN under my hand and official seal this \_\_\_\_\_, 20 \_\_\_\_\_.

NOTARY PUBLIC

Notary's Acknowledgment

Acknowledgment

State of Alabama

County of Covington

I, \_\_\_\_\_, a Notary Public in and for said County, in said State, hereby certify that (owner's name), whose name is signed to the foregoing instrument, and who is known to me, acknowledged before me on this day that, being informed of the contents of the instrument, executed the same voluntarily.

GIVEN under my hand and official seal this \_\_\_\_\_, 20 \_\_\_\_\_.

NOTARY PUBLIC

Mortgage Holder's Certificate

We, (name of institution and location), by (name and title of officer), holders of a mortgage on the above described property do hereby consent to the plat of (name of plat), in the City of Opp, Covington County, Alabama on \_\_\_\_\_, 20 \_\_\_\_\_.

(Name of Institution and Location)

\_\_\_\_\_

Name and Title, Mortgagee Representative

Certificate of Approval, final plat (planning commission)

In that all the requirements of final approval have been fulfilled, this subdivision plat was given final approval for recording of same in the Probate Office of Covington County, Alabama by the Opp planning commission on \_\_\_\_\_, 20 \_\_\_\_\_.

\_\_\_\_\_

Chairperson

Opp Planning Commission

Certificate of Approval, final plat (City Planner)

In that all the requirements of final approval have been fulfilled, this subdivision plat was given final approval for recording of same in the Probate Office of Covington

County, Alabama by the Opp planning commission on \_\_\_\_\_, 20  
\_\_\_\_\_.

\_\_\_\_\_  
City Planner

City of Opp, Alabama

Certificate of Approval, final plat (streets superintendent)

In that all the requirements of final approval have been fulfilled, this subdivision plat was given final approval for recording of same in the Probate Office of Covington County, Alabama by the Opp planning commission on \_\_\_\_\_, 20  
\_\_\_\_\_.

\_\_\_\_\_  
Streets Superintendent

City of Opp, Alabama

Certificate of Approval, final plat (Opp Utilities Board)

The undersigned, as authorized by the Opp Utilities Board, hereby approved this plat for recording of same in the Probate Office of Covington County, Alabama on \_\_\_\_\_, 20 \_\_\_\_\_.

\_\_\_\_\_  
Opp Utilities Board

Certificate of Approval of Water System, final plat (waterworks, sewer and gas board)

The undersigned, as authorized by the Opp Utilities Board, hereby approved the water distribution system for this plat for recording of same in the Probate Office of Covington County, Alabama on \_\_\_\_\_, 20 \_\_\_\_\_.

\_\_\_\_\_  
Opp Utilities

Certificate of Approval of Sewer System, final plat (waterworks, sewer and gas board)

The undersigned, as authorized by the Opp Utilities Board, hereby approved the sewer distribution system for this plat for recording of same in the Probate Office of Covington County, Alabama on \_\_\_\_\_, 20 \_\_\_\_\_.

\_\_\_\_\_  
Opp Utilities

Certificate of Approval, final plat (waterworks, sewer and gas board)

The undersigned, as authorized by the Opp Utilities Board, hereby approved the gas distribution system for this plat for recording of same in the Probate Office of Covington County, Alabama on \_\_\_\_\_, 20 \_\_\_\_\_.

Opp Utilities

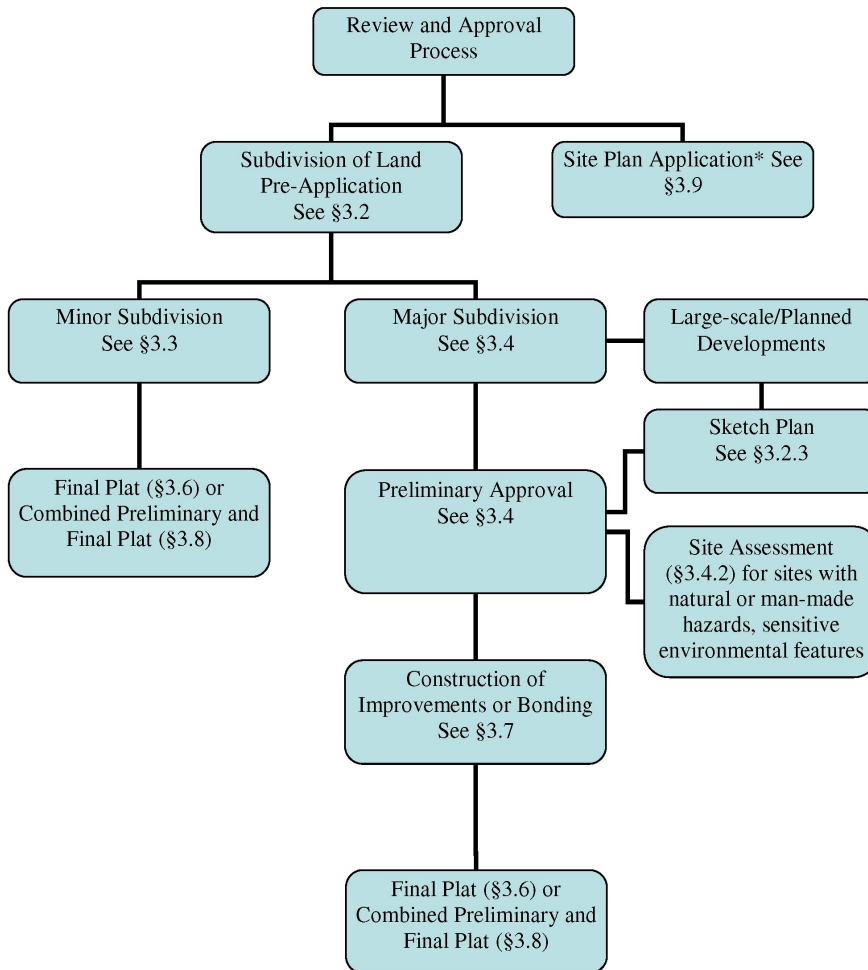
Certificate for Lots with On-Site Septic Systems, final plat (county health department)

The lot(s) on this plat are subject to approval or deletion by the Covington County health department. The approvals may contain certain conditions pertaining to the onsite wastewater treatment system(s) that could restrict the use of the lot(s) or obligate owners to special maintenance and reporting requirements. These conditions are on file with said health department and are made a part of this plat as if set out hereon. The undersigned, as authorized by the Covington County health department, Alabama, hereby approved the within plat for recording of same in the Probate Office of Covington County, Alabama, on \_\_\_\_\_, 20\_\_\_\_\_.

Health Officer, Covington County, Alabama

Subdivision and Site Plan Procedure Flowchart

Subdivision and Site Plan Procedure Flowchart



## MINOR SUBDIVISION PLAT CHECKLIST

- Name of subdivision.
- Graphic scale (not less than one inch equals 100 feet).
- North point.
- Date.
- Total acreage.
- Name, address and seal/registration no. of surveyor.
- Location (legal description, lot, block, subdivision name, parcel numbers, deed book and page).
- Vicinity map.
- Name of adjacent subdivisions.
- Name, address and deed book and page of record of owners and adjoining owners.
- Name, address of agents, if applicable.
- Location of existing property lines.
- Location and width of existing rights-of-way and easements.
- Name, location and widths of existing streets, alleys and driveways.
- Length (1/100 ft.) and bearing (one-tenth sec. of arc) of exterior boundaries.
- Location of existing buildings, watercourses, railroads, sewers, bridges, culverts, drain pipes, water mains (on-site and adjoining).
- Dimensions and area of lot lines, reservations, open spaces and parks.
- Approximate radii, central angle, arc distance, chord lengths and points of tangency of all curves.
- Restrictions and proposed use of lots (as required).
- Certificate of approval (water, sewer, gas, electric, and health dept. if not on sanitary sewer).
- Additional certificates as required.
- Present and proposed zoning (as applicable).
- Regulatory floodplain boundaries with FIRM panel number and effective date.
- Flood study with floodway and base flood elevations (if in Special Flood Hazard District A).
- Minimum finished floor elevations for all lots in 100-year floodplain.
- Inscription: "NOT FOR FINAL RECORDING" (except for combined Preliminary/final approval).

## PRELIMINARY PLAT CHECKLIST

- Name of subdivision.
- Graphic scale.
- North point.
- Date.
- Total acreage.
- Name, address and seal/registration no. of surveyor.
- Location (legal description, lot, block, subdivision name, parcel numbers, deed book and page).
- Vicinity Map.
- Name of adjacent subdivisions.
- Name, address and deed book and page of record of owners and adjoining owners.
- Name, address of agents, if applicable.
- Topography (USGS, geodetic Survey Sea Level Datum, etc.).
- Five foot intervals (two foot may be required).
- Source of Topography.
- Location of existing property lines.
- Location and width of existing rights-of-way and easements.
- Name, location and widths of existing streets, alleys and driveways.
- Length (1/100 ft.) and bearing (one-tenth sec. of arc) of exterior boundaries.
- Location of existing buildings, watercourses, railroads, sewers, bridges, culverts, drain pipes, water mains (on-site and adjoining).
- Location and dimensions of proposed rights-of-way, streets, alleys, easements; lot and block numbers.
- Dimensions and area of lot lines, reservations, open spaces and parks.
- Street profiles (natural and finished grade; scale 1=100' H, 1'=10' V as required).
- Street cross sections.
- Approximate radii, central angle, arc distance, chord lengths and points of tangency of all curves.
- Proposed utility layout.
- Restrictions and proposed use of lots (as required).
- Certificate of approval (water, sewer, gas, electric, and health dept. if not on sanitary sewer).

- Additional certificates as required.
- Present and proposed zoning (as applicable).
- Minimum building front, rear and side yard setback lines.
- Drainage plan.
- Regulatory floodplain boundaries with FIRM panel number and effective date.
- Flood study with floodway and base flood elevations (if in Special Flood Hazard District A).
- Minimum finished floor elevations for all lots in 100-year floodplain.
- Inscription: "NOT FOR FINAL RECORDING."

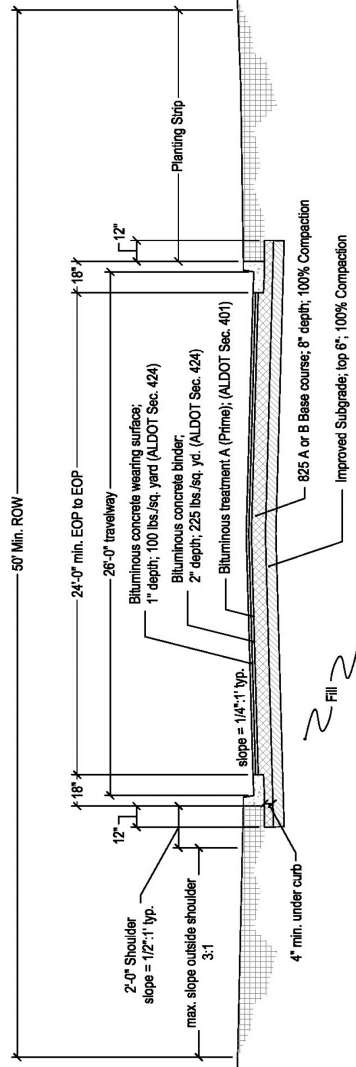
#### FINAL PLAT CHECKLIST

- Name of subdivision.
- Graphic scale.
- North point.
- Date.
- Total acreage.
- Name, address and seal/registration no. of surveyor.
- Location (legal description, lot, block, subdivision name, parcel numbers, deed book and page).
- Name of adjacent subdivisions.
- Name, address and deed book and page of record of owners.
- Name, address of agents, if applicable.
- Bearings and distances to nearest street lines, benchmarks, monuments (at least three).
- Boundary lines from survey (to one sec.; error closure 1:10,000).
- Location and dimensions of rights-of-way, streets, alleys, including on adjoining tracts.
- Dimensions and area of lot lines, reservations, open spaces and parks.
- Street centerlines with angles of deflection and intersection, radii, lengths, tangents.
- Dimensions of lot lines (to 1:100 ft. and bearings); lot and block numbers.
- Location, dimension and purpose of easements, reservations, common or public use spaces.
- Location, material and description of monuments.
- Statement of covenants (on or attached to plat).

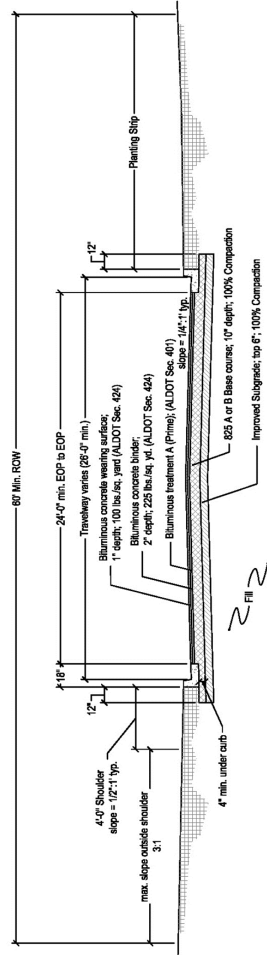
- Regulatory floodplain boundaries with FIRM panel number and effective date.
- Flood study with floodway and base flood elevations (if in Special Flood Hazard District A).
- Minimum finished floor elevations for all lots in 100-year floodplain.
- Dedication for public lands.
- Notary's Acknowledgment (where developer and owner are not the same).
- Certificate of Approval of final plat (planning commission).
- Certificate of Approval of final plat (City Planner).
- Certificate of Approval of final plat (streets superintendent).
- Certificate of Approval of final plat (Opp Opp Utilities BoardBoard).
- Certificates of Approval of final plat (waterworks, sewer and gas board).
- Certificate of Approval (county health department).

#### STANDARD STREET CROSS SECTIONS

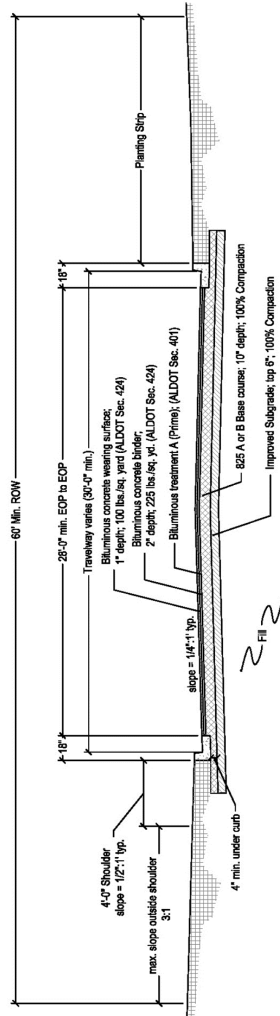
Local Street: Standard Cross Section  
 Residential, Non-Residential and Mixed-Use Contexts



Collector Street - Standard Cross Section  
 Residential, Non-Residential and Mixed-Use Contexts



Industrial Access Road: Standard Cross Section



STATE LAW REFERENCE TABLE

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