

PREAMBLE

This Zoning Ordinance has been formulated and adopted to promote the health, safety and general welfare, including progressive growth, convenience and the protection of property values, of the citizens of Monroeville, Alabama.

ARTICLE I. AUTHORITY AND INTERPRETATION

Section 1 - Title

This ordinance shall be known as the *Zoning Ordinance of Monroeville, Alabama* and may be cited as the *Zoning Ordinance*.

Section 2 - Authority

This Zoning Ordinance is adopted under the authority granted by Sections 11-52-70 through 11-52-84 et seq, Code of Alabama 1975 as amended.

Section 3 - Interpretation

3.1 The requirements of this Ordinance shall be interpreted as minimum requirements.

3.2 When the requirements imposed by the Zoning Ordinance are either more or less restrictive than comparable requirements in any other applicable ordinance, code or regulation, the provisions that are more restrictive or impose higher standards shall apply.

Section 4 - Glossary of Development Terms

4.1 The Glossary of Development Terms is adopted as a part of this Zoning Ordinance to define certain words and phrases within the Zoning Ordinance.

4.2 The Glossary of Development Terms may be amended independently of this ordinance. The most recent version of the Glossary shall be considered in effect and applied with this ordinance.

DIVISION 1
ADMINISTRATIVE PROCEDURES
AND APPLICATION REQUIREMENTS

ARTICLE II. ADMINISTRATION AND ENFORCEMENT

Section 1 - Administrative Officer

The Zoning Ordinance shall be administered and enforced by the Building Official.

Section 2 - Building Permit Required

2.1 It shall be unlawful to: (i) commence the excavation for the construction of any building, accessory structure, other structure or any required on-site improvement or facility; (ii) store building materials; (iii) erect temporary field offices; (iv) commence the moving, alteration, or repair exceeding \$1,000.00 in cost (except decorating such as painting or wallpapering, replacement of appliances and temporary emergency repairs, such as holes in the roof or exterior walls caused by natural causes); or (v) other repairs, regardless of cost, that change the character of any building, accessory structure, other structure, or use until the Building Official has issued a building permit.

2.2 Each application for a building permit in a commercial, industrial, and multi-family zone; and each commercial site where the owner / developer undertakes a project that increases the square footage of the building by a cumulative total of fifty percent (50%) or more shall include a landscape plan in accordance with the tree protection and landscape requirements set forth elsewhere in this ordinance.

2.3 Other required licenses, permits, such as to move a building, structure or manufactured home, shall be obtained in conjunction with the building permit.

Section 3 – Consultation with Building Official

Prior to filing an application for a building permit the owner / developer is encouraged to consult with the Building Official to identify all the requirements that must be met.

Section 4 – Compliance with State Law Required

4.1 In accordance with the Code of Alabama and regulations of the Board for Registration of Architects and Board of Licensure for Professional Engineers and Land Surveyors:

- 1) Every development plan showing the actual shape, proportions and dimensions of the lot or land to be used or built upon shall be certified by a registered surveyor.
- 2) All work that is typically considered to be engineering work shall be stamped by a registered engineer.
- 3) All work requiring a registered architect shall be stamped by a registered Architect.

Section 5 - Complete Application Required

5.1 Every application for a building permit for excavation, alteration or construction, or application for a permit to move a building, structure or use, shall be accompanied by a plan providing adequate information to determine that the proposed action is in compliance with applicable codes, ordinances and regulations. It shall be the responsibility of the owner /

developer to provide a completed application and adequate information to fully describe the proposed development project. The application shall include any additional information required to apply for uses permitted on appeal, variances, conditional uses or development plan reviews and statutory reviews as appropriate for the proposed development.

5.2 Applications shall not be considered complete until all fees are paid. The fees shall be in the amount shown in the most recent “Schedule of Development Fees” as adopted by the Council.

Section 6 – Department and Agency Review

Upon receipt of an application the Building Official shall have the authority to submit the application and proposed development plan to appropriate departments and agencies for review and comment. Written comments from the department and agency reviews shall be made available to the appropriate boards and commissions responsible for reviewing the project.

Section 7 – Review Process

7.1 A development proposal that only requires review for compliance with the *International Building Code* shall be reviewed by the Building Official.

7.2 A development proposal for a use permitted on appeal or requiring a variance shall be reviewed by the Zoning Board of Adjustment.

7.3 A development proposal that requires a development plan review, including conditional uses or statutory reviews shall be reviewed by the Planning Commission.

7.4 Any development proposal that requires review by both the Zoning Board of Adjustment and the Planning Commission shall first be reviewed by the Zoning Board of Adjustment and the decisions of the Zoning Board of Adjustment shall be available when the development proposal is reviewed by the Planning Commission.

7.5 Any development proposal that includes a landscape plan shall first be reviewed by the City Tree Board and the results of the review shall be provided to the Planning Commission for consideration as a part of the development plan review. The City Tree Board will be available to assist in the design phases of the project and to review initial and final phases of proposed projects.

7.6 The owner / developer may appear or be represented by a duly authorized representative at any meeting where their development proposal is considered.

Section 8 - Approval of Application and Plans Required for Issuance of Building Permit

8.1 The Building Official shall not issue a building permit for any excavation, construction, moving, alteration or use of premises until the plans have been reviewed and approved by the appropriate official, board or commission.

8.2 If an application for a building permit or any related action, such as a use permitted on appeal, variance, conditional use or development plan review, is not approved, the Building

Official shall write the reason for disapproval on the application and notify the owner / developer in writing.

8.3 If the application for a building permit to excavate, construct, move, alter or establish a use, is conditionally approved by any of the boards or commissions reviewing the application and plans, the Building Official shall make the conditions a part of the building permit.

8.4 If the application and plans for excavation, construction, moving, alteration, or use, are in conformity with the provisions of all applicable codes, ordinances and regulations, the Building Official shall issue a building permit.

8.5 Issuance of a building permit shall not be construed as waiving any provision of any applicable code, ordinance or regulation.

Section 9 - Enforcement

9.1 After issuance of the building permit and prior to the issuance of a Certificate of Occupancy the Building Official and representatives of other departments and agencies shall have the right to enter upon any premises at reasonable times for the purposes of making inspections of buildings, structures, premises and uses to enforce the requirements of applicable codes, ordinances and regulations.

9.2 If any inspection finds a violation of any provision of any applicable code, ordinance, regulation or the conditions upon which the building permit was issued, the Building Official shall provide written notification to the person responsible for the violation. The notice shall indicate the nature of the violation and order action to correct the violation within a specified time period. Such orders may include, but not necessarily be limited to: discontinuance of the illegal use of the land, building or structure; removal of the illegal use, building, structure, addition, alteration or structural changes; stoppage of work; or other actions as may be required to ensure compliance with the requirements of the provisions of all codes, ordinances and regulations.

Section 10 - Inspection for Certificate of Occupancy

10.1 It shall be the responsibility of the owner / developer to provide written notification to the Building Official that an excavation, alteration, construction, moving of a building, structure or land has been undertaken in accordance with a properly issued building permit and is complete and ready for inspection prior to the occupancy and use of the premises.

10.2 Within three (3) working days after the owner / developer has notified the Building Official that a building, structure or premises is ready for inspection, the Building Official shall make and/or coordinate the required inspections.

Section 11 - Criteria for Issuance of Certificate of Occupancy

11.1 It shall be unlawful to begin a new use, to intensify an existing use of land or premises, or to occupy and begin the use of any vacant, renovated or new building, structure or premises until a Certificate of Occupancy is issued. Any violations shall be subject to the penalties and remedies as provided by law and this ordinance.

11.2 The Building Official shall not issue a Certificate of Occupancy until all improvements have been constructed in accordance with the approved application, plans, conditions of the building permit and the requirements of all other codes, ordinances and regulations have been met. If a Certificate of Occupancy is refused the owner / developer shall be given written notification of the reason for refusal.

11.3 If a Certificate of Occupancy is requested prior to completion of the required improvements the following shall apply.

- 1) All work in the area of a building, structure or improvements to the land that is to be used shall be complete.
- 2) The Building Official shall inspect the premises and determine that the use can begin without threatening the health, safety welfare of citizens.
- 3) The owner / developer shall post a financial guarantee for the incomplete on-site improvements. The financial guarantee shall be in the amount of 150% of the value of the work to be completed as determined by the City.
- 4) Finishing of any incomplete work on the interior of a building or structure, such as completing a store to meet the requirements of an undetermined tenant, shall be subject to obtaining an additional building permit to complete the work.
- 5) Any unfinished work, whether on buildings, structures or the site including landscaping, shall be sufficient reason to deny the issuing of future permits.

11.4 If the building, structure or use of the premises is found to conform with the provisions of applicable codes, ordinances, regulations and the conditions of the building permit, then a Certificate of Occupancy shall be issued.

ARTICLE III. ZONING BOARD OF ADJUSTMENT

Section 1 - Establishment of Zoning Board of Adjustment

1.1 A Zoning Board of Adjustment, hereafter referred to as the *Board*, is established. The Board shall consist of five (5) members appointed by the City Council; one of which may be a member of the Planning Commission.

1.2 Each member shall be appointed for a term of three (3) years except that in the first instance one member shall be appointed for a term of three (3) years, two for a term of two (2) years, two for a term of one (1) year. Thereafter, each member appointed shall serve for a term of three years or until a successor is appointed. Members of the Board shall be eligible for reappointment.

1.3 Members of the Board appointed under the previous Zoning Ordinance and serving on the effective date of this ordinance shall be considered as the five (5) members appointed by the City Council and shall serve the balance of their respective terms.

1.4 In addition to the five regular members, two supernumerary members may be appointed by the City Council to serve on the Board at the call of the Chairman in the absence of regular members. While serving, the supernumerary member shall have the power and authority of a regular member. Supernumerary members shall be appointed to serve for three year terms and shall be eligible for reappointment.

1.5 Appointed regular or supernumerary members may be removed for cause by the City Council after written notification of the reasons for removal and a public hearing.

1.6 Vacancies occurring for any reason shall be filled by the City Council for the unexpired term of the member being replaced.

Section 2 - Powers and Duties

The Board shall have the following powers and duties:

2.1 *Interpretation of District Boundaries:* To determine the location of zoning district boundaries when zoning maps and the rules to interpret boundaries are ambiguous or contested. Decisions of the Board concerning district boundaries shall generally conform with the rules set forth for interpreting district boundaries.

2.2 *Administrative Review:* To hear and decide on appeals where it is alleged there is error in any order, requirement, decision, or determination made by the Building Official regarding the enforcement of this Zoning Ordinance.

- 1) Any person aggrieved by an order or decision by the Building Official may appeal to the Board. The appeal shall be made by filing with the Board, within the time provided by the rules of the Board, a notice of the appeal specifying the grounds upon which the appeal is based.

- 2) Upon receipt of a notice of the appeal the Building Official shall transmit to the Board all original documents and material, or true copies thereof, constituting the record of the activities on which the appeal is based.
- 3) An appeal to the Board shall stay all proceedings, unless the Building Official certifies with a written statement of fact, that a stay would cause imminent peril to life or property. When a certification of imminent peril is filed by the Building Official the proceedings shall not be stayed except by an order of the Board or a restraining order granted by a court of competent jurisdiction.
- 4) The Board shall fix a reasonable time for hearing the appeal, give notice to the interested parties, publish public notice of the hearing, conduct the hearing and decide on the appeal within a reasonable time. At the hearing any person may appear in person or be represented by an authorized agent or attorney.

In exercising these powers, the Board may, so long as the ruling conforms with the requirements of this Zoning Ordinance, wholly or partly reverse, affirm, or modify an order, requirement, decision, or determination made by the Building Official.

2.3 *Uses Permitted on Appeal:* To hear and decide on uses permitted on appeal as listed in the district requirements of this Zoning Ordinance. The Board is authorized to:

- 1) Interpret the terms and protect the intent of this Zoning Ordinance; and
- 2) To decide:
 - a) Whether a use permitted on appeal should be granted;
 - b) To grant a use permitted on appeal with conditions and safeguards as are appropriate under this Zoning Ordinance; and
 - c) To deny a use permitted on appeal when the use would not be in harmony with the purpose and intent of this Zoning Ordinance as interpreted by the Board.

2.4 *Variances:* To authorize variances from the requirements of this Zoning Ordinance when:

- 1) The variance would not be contrary to the intent of this ordinance or the public interest, and
- 2) Due to conditions related to the size, shape or topography of the land involved, that a literal enforcement of the provisions of the requirements of this Zoning Ordinance would deny the owner / developer of rights afforded to other property in the same zoning district.
- 3) A variance from the requirements of this Zoning Ordinance shall not be granted until the owner / developer submits a written application for a variance to the Board demonstrating all of the following:
 - a) Special conditions exist that are peculiar to the land, building or structure involved that are not applicable to other lands, buildings or structures in the same district.
 - b) The special conditions that exist are not the result of actions of the applicant.
 - c) Literal interpretation of the requirements of this Zoning Ordinance would deprive the applicant of rights and utilization commonly enjoyed by other properties located in the same district. The existence of a non-conforming use of neighboring land, building or structure in the same district or in another district shall not constitute a reason for granting the variance.

- d) That granting the variance would not confer on the applicant's land, building or structure any special privilege that is denied to other lands, buildings, or structures, in the same district.
 - e) That granting the variance does not: i) violate the intent of the Zoning Ordinance to protect the health, safety and general welfare of the citizens of the City; or ii) injure either adjacent or neighborhood properties.
- 4) In granting a variance, the Board:
- a) Shall grant only the minimum variance necessary to use the land, building or structure;
 - b) May require conditions and safeguards to preserve the intent of this Zoning Ordinance. Violations of the conditions and safeguards under which the variance is granted shall be deemed a violation of this Zoning Ordinance; and
 - c) Shall not grant a variance to permit a use that is implicitly or expressly prohibited in any district.

2.5 *Abatement of Nuisances:*

- 1) The Board may require the conduct of any conforming or non-conforming use that results in objectionable noise, smoke, gas, vibration, fumes, dust, fire, radio interference, explosive hazard or other hazard or nuisance to nearby property or the community to be modified or changed to abate the nuisance.
 - a) *Noise Criteria:* Noise emanating from any use or operation shall not exceed five decibels above the ambient level of the area as measured by instruments at a distance of 100 feet from the building and shall not be normally perceptible without instruments at the property line.
 - b) *Odor, Fumes and Dust Criteria:* No use shall be permitted which creates an odor in such quantity as to be readily detectable at the boundaries of the site. All dust and fumes shall be effectively confined and disposed of in a manner to avoid air pollution.
 - c) *Waste Material Criteria:* During construction, all refuse and waste materials must be stored within buildings or screened trash receptacles prior to collection. After construction no materials or waste shall be stored in such a manner that the material can be transferred off-site by natural forces or other causes. No on-site disposal shall be permitted. and shall not be normally perceptible without instruments
- 2) The Board may direct the Building Official to issue an abatement order providing a:
 - a) Signed petition is filed by any person affected by the hazard or nuisance or the investigation is initiated by the Board;
 - b) Notice of a public hearing is (i) sent by registered mail to the owners or operators of the use causing the nuisance or hazard and (ii) advertised in a newspaper of general circulation; and
 - c) Public hearing is held by the Board to consider issuance of the abatement order.
- 3) An abatement order shall be directed by the Board after receiving reasonable evidence of the hazard or nuisance and the order shall specify the date by which the hazard or nuisance shall be abated. A copy of the abatement order shall be simultaneously submitted to the Council. Upon receipt of the order the owner or operator of the hazard shall abate the nuisance.

Section 3 - Proceedings

3.1 *Bylaws:* The Board shall adopt and publish its own rules of procedure in keeping with the provisions of this Zoning Ordinance.

3.2 *Meetings:* Meetings shall be held at such times as the Board may determine or at the call of the Chairman. All meetings of the Board shall be open to the public.

3.3 *Minutes:* The Board shall keep minutes of its examinations and other official actions showing if a member is absent, fails to vote, or the vote of each member on each question before the Board. The Board minutes shall be a public record and be filed in the office of the Building Official.

Section 4 - Decisions of the Zoning Board of Adjustment

The concurring vote of four (4) members of the Board shall be necessary to decide in favor of the applicant on any matter regarding this ordinance.

Section 5 - Appeals from ~~the~~ Decisions of the Board

Any person aggrieved by a final decision of the Board may, within fifteen (15) days, appeal to a court of competent jurisdiction by filing a written notice of appeal with the Board specifying the decision from which appeal is taken. The Board shall cause a record of the proceedings to be certified to the court.

ARTICLE IV. REVIEWS BY PLANNING COMMISSION

Section 1 - Development Plan Review

1.1 *Development Plan Review:* Upon receipt of an application for a Development Plan Review the Planning Commission shall undertake a study of the proposed development and shall approve, approve with conditions or disapprove the development plan. The development plan review process may include review and comments by appropriate departments and agencies. The Planning Commission shall provide written notification to the applicant of the Planning Commission's determination.

- 1) If the development plan is disapproved, the applicant shall be notified of any changes or modifications that are required to the proposed development plan to achieve conformity with the requirements of this ordinance. The Building Official shall not issue a building permit until the development plan is approved.
- 2) If the development plan is approved with conditions the applicant shall be notified of the conditions. The owner / developer shall have the option to revise the development plan to eliminate the conditions or to accept the conditions. If the development plan is revised it shall be resubmitted to the Building Official for review by the Planning Commission. If the owner / developer accepts the conditions, the Building Official shall issue a building permit and make the conditions a part of the terms of the permit.
- 3) If the Planning Commission approves the development plan, then the Building Official shall issue a building permit for the approved development plan.

1.2 *Approval of the Development Plan:* Upon approval of the development plan by the Planning Commission, the original and one copy will be returned to the owner / developer indicating the terms and conditions of approval. One copy of the approved development plan shall be retained by both the Planning Commission and the Building Inspector.

1.3 *Amendment or Revision of Development Plan:* A development plan may be amended upon the request of the applicant. The revised development plan shall be submitted to the Building Official for review by the Planning Commission in the same manner as the original application. The amendment shall be reviewed using the same process and subject to disapproval, approval with conditions, or approval as submitted. The applicant will be notified of the decision and have the same options as with the original submission.

1.4 *Expiration of Development Plan Certificate of Approval:* The development plan approval shall expire one year after the date of issuance of the building permit unless the applicant applies to the Planning Commission and receives an extension. A new building permit shall be issued indicating the period for which approval of the development plan was extended.

Section 2 - Statutory Review

2.1 Prior to construction, the Planning Commission shall review and authorize the location, character and extent of any street, square, park or other public way, ground or open space, or public building or structure, or public utility, whether publicly or privately owned, in accordance with Section 11-52-11 of the Code of Alabama. The purpose of the review shall be to determine if the proposed project is consistent with the goals and policies of the comprehensive plan. A two-thirds vote of the entire membership of the Planning Commission shall be required to

disapprove a proposed project. The Planning Commission's findings and recommendations shall be transmitted to the Council. Failure of the Planning Commission to act within 60 days from the date of official submission shall be deemed approval of the project.

2.2 For purposes of implementing statutory reviews the following shall apply. Public utility structures, including electrical substations, gas metering stations, sewage pumping stations, telephone switching and communication towers and other utilities; public schools, regardless of grade level; playgrounds, libraries, fire stations and other government facilities; and similar public or semi public facilities shall be reviewed in accordance with Section 11-52-11. The Planning Commission shall conduct the review in a manner similar to a development plan review.

ARTICLE V. ADMENDMENT OF ZONING ORDINANCE

The number, area and boundaries of districts or any requirement established by this ordinance may be amended, supplemented, changed, modified or repealed.

Section 1.0 – Methods to Initiate Amendments

1.1 The City Council may, from time to time, revise the requirements of the Zoning Ordinance or modify the boundaries of zoning districts based upon:

- 1) Petition by a property owner or duly authorized agent accompanied by a recommendation from the Planning Commission;
- 2) A recommendation of the Planning Commission; or
- 3) Its own motion.

1.2 Such amendment shall follow public notice and hearing requirements in accordance with the provisions of Code of Alabama of 1975, § 11-52-79 through § 11-52-84.

Section 2.0 - Method of Initiation Varies Start of Amendment Procedure

Depending on how the rezoning or amendment is initiated determines where the amendment process begins.

- 1) A rezoning or amendment initiated by petition of a property owner begins at Section 3.1 of this Article and follows all remaining steps.
- 2) A rezoning or amendment of regulations initiated by recommendation of the Planning Commission begins at Section 3.3 of this Article and follows all the remaining steps.
- 3) A rezoning or amendment of regulations initiated by action of the City Council begins at Section 3.7 of this Article and follows all the designated and remaining steps.

Section 3.0 – Description of Steps in Amendment Procedure

3.1 A property owner or duly authorized agent may initiate a petition for rezoning or an amendment of requirements by filing an application with the Building Official. This includes:

- 1) Completing the application forms provided and attaching supplemental maps, plans, documents, calculations and data as required in the *Application for Proposed Amendment to the Zoning Ordinance*. (See Exhibit A – *Sample Application for Proposed Amendment to the Zoning Ordinance* and Exhibit B – *Sample Map*)
- 2) Submitting a check payable to the City of Monroeville in the amount established in the "Schedule of Development Fees"; and
- 3) Submitting an original and seven (7) copies of all material a minimum of 25 days prior to the regularly scheduled Planning Commission meeting at which the petition for rezoning is to be considered.

3.2 Upon receipt of the application for rezoning, the Building Official shall distribute copies of the application as follows:

- 1) The original and one copy shall be sent to the Planning Commission Recording Secretary.
- 2) One copy shall be retained by the Building Official who shall review the application and submit written comments to the Planning Commission prior to the regularly scheduled Planning Commission meeting at which the application will be considered.

- 3) One copy shall be sent to the appropriate utilities to review the application and submit written comments to the Planning Commission prior to the regularly scheduled Planning Commission meeting at which the application will be considered.
- 4) One copy shall be sent to the public safety departments to review the application and submit written comments to the Planning Commission prior to the regularly scheduled Planning Commission meeting at which the application will be considered.
- 5) One copy shall be sent to the Public Works Department to review the application and submit written comments to the Planning Commission prior to the regularly scheduled Planning Commission meeting at which the application will be considered.
- 6) The Building Official shall send a copy of the application to each Planning Commission member.

Note: - The rezoning process initiated by a property owner, as described above, continues at paragraph 3.4).

3.3 Zoning amendments may be initiated at the discretion of the City Planning Commission or upon a referral from the City Council to the City Planning Commission. The amendments may be for district rezoning or amending the requirements of the Zoning Ordinance. The Planning Commission or Building Official shall:

- 1) Complete an *Application for Proposed Amendment to the Zoning Ordinance*;
- 2) Submit the material for review and comment 25 days prior to the regularly scheduled Planning Commission meeting at which the application will be considered. In lieu of written comments from city departments regarding the proposed rezoning or amendment of requirements, the matter may be discussed at the Planning Commission meeting; and
- 3) The fee for filing an application for rezoning or an amendment initiated by the Planning Commission shall be waived.

3.4 The Planning Commission Recording Secretary shall have the City Clerk publish a legal notice in the local newspaper and send registered letters to all interested parties including the owner / developer and all the immediately adjacent property owners of record. (See Exhibit C – *Sample Registered Letter Sent to Property Owners of Adjacent Property*)

- 1) The published notice and letters to the owner / developer and all adjacent property owners shall state the day, starting time, and place of the public hearing to be conducted by the Planning Commission to receive comments on the proposed amendment or rezoning;
 - 2) If the amendment is a district rezoning:
 - a) The notice shall also include: i) a description of the property to be rezoned; ii) the current zoning; and iii) the proposed zoning.
 - b) The Building Official shall place a sign on the property to advise the public of the Planning Commission's public hearing date, time and place.
 - 3) If the amendment is a change of regulations the notice shall include:
 - a) Identification of the section of the Zoning Ordinance to be amended;
 - b) A synopsis of the intent of the amendment; and
 - c) The proposed language of the amendment.
- (See Exhibit D – *Sample Legal Notice for Public Hearing by Planning Commission*)

3.5 For zoning amendments initiated by petition of a property owner, the Planning Commission shall have thirty (30) days following the public hearing to submit a recommendation to the City Council regarding any proposed rezoning or amendment. If the Planning Commission fails to submit a report to the City Council within thirty (30) days, the applicant may submit the request for rezoning or amendment to the City Council.

3.6 For re-zonings and amendments initiated by the Planning Commission, a recommendation may be forwarded to the City Council following the public hearing and approval of the proposed re-zoning or amendment during a regularly scheduled meeting of the Planning Commission.

Note: - The zoning amendment procedure for rezoning initiated by petition of a property owner or recommendation of the Planning Commission continues at paragraph 3.7 - 1).

3.7 The City Council may initiate a rezoning or amendment of regulations by requesting a recommendation from the Planning Commission or acting on its own initiative by using the following procedures.

- 1) The day, starting time and place of the public hearing to be held by the Mayor and Council shall be set.
- 2) The City Clerk shall provide written notice to all interested parties and publish a notice regarding the proposed rezoning in accordance with the requirements of state law. The written and published notice shall state the day, starting time and location of the public hearing and include information as required in Section 3.4 as appropriate. (See Exhibit E – *Sample Legal Advertisement for Public Hearing by City Council*)

3.8 The City Council conducts the public hearing on the proposed zoning amendment.

3.9 At the next regular meeting the City Council makes a decision regarding the amendment.

- 1) If the rezoning was initiated by petition of a land owner, the owner shall be given written notice of the decision regarding the proposed zoning amendment. If the zoning amendment was denied by the City Council the applicant can either: a) wait twelve (12) months and re-apply for rezoning using the same process; or b) appeal to the Circuit Court.
- 2) If the City Council denies an application for district rezoning or an amendment of zoning requirements initiated by the Planning Commission the decision can not be appealed.
- 3) When a district rezoning or amendment of requirements is approved by the City Council the City Clerk shall:
 - a) If a district rezoning, have the Zoning Map amended within sixty (60) days based on an excerpt of the Council minutes, the vicinity map, and the legal description of the property.
 - b) If an amendment of regulations, have the text of the Zoning Ordinance in the copies maintained by the Building Official and City Clerk amended within thirty (30) days.

ARTICLE VI. APPLICATION REQUIREMENTS

Section 1.0 - Application Requirements

Actions requiring applications and approval include the following.

1.1 *Building Permit:* Applications for building permits shall be filed on forms provided by the City and include the applicable administrative data, a site plan and related construction plans. The site plan shall show all applicable improvements similar to the contents required for a development plan and the building plans shall meet the requirements of the *International Building Code*.

1.2 *Uses Permitted on Appeal:* Applications for uses permitted on appeal shall be filed on forms provided by the City and include the applicable administrative data and a site plan showing the proposed development and use of the site and the existing use and development of adjacent property to evaluate the compatibility of the requested use permitted on appeal with surrounding development.

1.3 *Variances:* Applications for variances, shall be filed on forms provided by the City and include: applicable administrative data; a site plan showing the proposed development and use of the site and existing use and development of adjacent property to evaluate the compatibility of the requested variance with surrounding development; and a written statement as required by Section 2.8 of this article.

1.4 *Rezoning:* Applications for rezoning shall include a location map, applicable administrative data, the existing and proposed use of the site, appropriate plans if a building permit is required, and the existing use and development of adjacent property to evaluate the compatibility of the requested rezoning with surrounding development and the comprehensive plan.

1.5 *Development Plan Review:* Applications for development plan review, including conditional uses, shall include a location map, administrative data and a development plan.

1.6 *Statutory Review:* Statutory reviews shall be conducted using the site and building plans as prepared by licensed professional engineers and architects as submitted by the public entity proposing the development.

1.7 *Landscape Plan:* Applications for a building permit in a commercial, industrial or multi-dwelling zone; and for each commercial site where the owner / developer undertakes a project that increases the square footage of the building by a cumulative total of fifty percent (50%) or more, shall include a landscape plan for review and approval by the Tree Committee prior to approval of a development plan by the Planning Commission or issuance of a building permit by the Building Official.

Section 2.0 - Administrative Data

The administrative data section of an application shall provide the following.

2.1 Names, addresses, and methods to contact the owner, developer, engineer, architect and land surveyor. Entries for engineers, architects and land surveyors shall include their Alabama license numbers and signatures.

2.2 Completed *Certificate of Ownership* or other proof of ownership of controlling interest in the property.

2.3 Names and addresses of adjacent land owners if the proposed development requires review by the Zoning Board of Adjustment or the Planning Commission. If the proposed development abuts a street, then the names and addresses of land owners on the opposite side of the street shall be included.

2.4 *Zoning*: The application shall include information to indicate:

- 1) Existing zoning districts applicable to proposed development and adjacent property.
- 2) Proposed zoning, if rezoning is requested.
- 3) Existing on-site uses, if any, that would not conform with proposed zoning.
- 4) When requesting either a use permitted on appeal or a conditional use, the section of the Zoning Ordinance under which the use is requested shall be cited.

2.5 *Restrictive Covenants*: The application shall include:

- 1) Existing restrictive covenants, if any, applicable to a part or all of the land.
- 2) Proposed restrictive covenants, if any.

2.6 *Phasing Plan*: A phasing plan shall be submitted with any development plan when the initial use of land or proposed construction will only occur on a portion of the land. The phasing plan shall cover the entire area included in the development plan and clearly indicate the first phase of development.

2.7 *Dedications and Reservations*: The application shall show any property that is to be either dedicated or reserved. Administrative data shall be submitted that:

- 1) Indicates the entity receiving any property proposed for dedication; and
- 2) An adequate legal description of the property to be dedicated; or a
- 3) Description of the property controls, such as deed restrictions, and the entity responsible for the maintenance of any land that is to be reserved and not controlled by a public entity.

2.8 *Variances*: The developer shall be responsible for submitting a written request for each variance from any requirement of this Zoning Ordinance. The written request for each variance shall:

- 1) Identify the specific requirement from which the variance is sought.
- 2) Show or describe the physical conditions that are peculiar only to this site and demonstrate that they are beyond the control of and not caused by the owner or developer and that the strict adherence to the requirement would deny this property rights afforded to other property in the same district;
- 3) Describe the mitigating actions that will be taken to offset the effect of the variance; and
- 4) Justify why departure from the requirement will not violate the intent of the Zoning Ordinance, Subdivision Regulations, comprehensive plan or other codes and ordinances.

2.9 *Financial Guarantees:* When the proposed development requires any street or directional signs on adjacent rights-of-way or within the proposed development, the developer shall submit financial guarantees for:

- 1) Street name and traffic control signs that are required.
- 2) Any other guarantee that may be required depending on the type or status of development prior to issuing a certificate of occupancy.

2.10 A completed copy of the Review Agency Checklist.

Section 3 - Location Map

The Location Map submitted as a part of an application shall be a map of the City, or a sufficient portion of City, to locate the proposed development within the City. The Location Map shall be presented at a sufficient size and clarity to be used in the publication of any required legal notices. The location map shall show the:

3.1 Location of the proposed development in the City, approximate property boundaries and, if applicable, the proposed name of the development.

3.2 Major streets in the vicinity of the proposed development shall be shown and named.

3.3 Community facilities, such as schools and parks, and other landmarks that are in proximity of the proposed development shall be marked with symbols and labeled.

3.4 A north arrow, scale and the date of preparation.

Section 4 - Development Plan

The development plan portion of an application shall include the applicable information from the following items.

4.1 When an application for a proposed use, building or structure requires review by the Zoning Board of Adjustment (e.g. variance) or the Planning Commission (e.g. rezoning), a portion of the development plan shall include land use and development information 400 feet beyond the property line of the proposed project. Otherwise the development plan shall extend to the property line of the proposed development.

4.2 In accordance with the Code of Alabama, an architect or engineer that is licensed and registered to practice in the State of Alabama shall prepare drawings for the proposed development showing the following applicable information.

4.3 Property Lines and Data

- 1) The boundaries of the owners / developer's property if different from the property being developed.
- 2) The actual shape and proportions, including bearings and dimensions, of the exterior boundaries of the proposed development and, when necessary, sufficient bearings and dimensions to relate the proposed development to existing geodetic monuments and survey reference points.

- 3) The acreage of the property to be developed.
- 4) The names of adjacent neighborhoods and subdivisions, when applicable.
- 5) Existing property lines, including the parcels abutting the boundaries of the proposed development. (Coordinate abutting parcels with names and addresses of adjacent owners as required in Administrative Data).
- 6) Proposed property lines within the proposed development including dimensions and bearings, if applicable.
- 7) Required building setback lines.

4.4 Topography

- 1) For developments on previously undeveloped property or on land having a slope of six percent (6%) or more the existing contours shall be shown as dashed lines and proposed contours as solid lines at vertical intervals of not more than (2) feet; or
- 2) For developments on previously developed property the proposed changes in contours shall be shown.

4.5 Existing wooded areas shall be outlined and specimen trees to be preserved shall be located.

4.6 Surface and storm drainage - A map of the watershed area shall be included by use of an appropriately scaled portion of a U. S. Geological survey quadrangle map. The development plan shall show:

- 1) All areas of inundation as determined from Flood Insurance Rate Maps (FIRM) or the City of Monroeville flood area map as appropriate.
- 2) Existing and proposed water courses, bridges, culverts storm sewers and drain pipes including the direction of flow, retention ponds and other drainage improvements.

4.7 All existing and proposed easements including the location, dimensions and use.

4.8 Dedicated or reserved land:

- 1) Existing public land and facilities such as schools, parks or recreation areas.
- 2) Land to be dedicated for public purposes. (Coordinate with the legal documents for dedications included in the Administrative Data).
- 3) Land to be reserved. (Coordinate with the legal documents for reservations included in the Administrative Data.)

4.9 The shape, size and location of buildings, building sites, structures and uses, whether existing or altered, proposed or moved. Structures shall include accessory structures, fences, signs, towers and other on-site construction.

4.10 Land Use - The existing and intended land use of all buildings, structures, or land within the proposed development and the land use within 400 feet of the property boundaries, when applicable.

4.11 Streets (including all public and private streets or alleys):

- 1) Existing streets including names, widths of rights-of-way (whether developed or undeveloped), type and width of existing surface (e.g. gravel, asphalt, etc.) of all streets providing access to or existing on-site.
- 2) When streets are proposed, include the street layout, widths of rights-of-way and paving, typical cross sections of streets with differing widths or designs and profiles. A blank *Certificate for Approval of Street Plans* shall be included for signature by an authorized representative from the City department having authority for the approval of the street improvements.
- 3) Proposed street names and house numbers as coordinated with the Monroeville utility division and 911 emergency services;
- 4) If on-site circulation is proposed, include both vehicular and pedestrian movements. Vehicular movements shall demonstrate the convenience and control of traffic flow by showing: proposed points of access, driveways, turn lanes, on-site circulation, stacking lanes, parking areas, service bays, any related areas for vehicles. Pedestrian movements shall demonstrate the avoidance of conflicts with vehicles and concern for pedestrian safety by showing the system of walk and pedestrian ways.

4.12 Water:

- 1) If water lines are located on or adjacent to the site, show the location, line sizes and delivery capacity of existing water mains and nearest fire hydrant(s).
- 2) Proposed water system plans including interconnection(s) to existing system, valves, hydrants and other related improvements.
- 3) When interconnection to a public water system is not practicable, the Monroe County Health Department shall determine the lot size required for approval of an individual water supply. The development of wells shall comply with the requirements of the Monroe County Health Department and *Chapter 18, Wells*, of the Monroeville Code of Ordinances.

4.13 Sanitary Sewer:

- 1) If sanitary sewer lines are located on or adjacent to the site, show the location, line sizes and direction of flow of existing sanitary sewer, (include pump stations or force mains if on or adjacent to proposed development.
- 2) Proposed sanitary sewer plans including interconnections to existing systems, line sizes, and any necessary related improvements such as pump stations and force mains.
- 3) When interconnection to the public sanitary sewer system is not practicable, the developer shall submit percolation tests to the Monroe County Health Department. The Health Department shall certify that the soil is suitable for septic tanks and determine the lot size required for approval for an individual sewage disposal system. Blank copies of the *Certificate of Approval of Suitability of Soil for Septic Tanks* and the *Certificate of Approval for Individual Sewage Disposal* shall be included for signature by an authorized representative from the Monroe County Health Department, approving the soil conditions and lot size for the installation of on-site sanitary sewage disposal.

4.14 Electric:

- 1) If electric service is located on or adjacent to the site, show the location of existing under and above ground electric service; and

- 2) Proposed underground electrical service and locations of transformers, terminal boxes and other related improvements.
- 3) On-site lighting including lighting to serve as security lighting and the methods to shield adjacent properties and rights-of-way from glare.

4.15 Natural Gas:

- 1) If natural gas service exists on or adjacent to the site, show the location of existing natural gas lines and sizes; and
- 2) Proposed location, size of lines and other related improvements.

4.16 Telephone:

- 1) If telephone service is located on or adjacent to the site, show the location of existing under and above ground telephone service; and
- 2) Proposed location of underground service lines, switching stations and other related improvements.

4.17 Cable

- 1) If cable service is located on or adjacent to the site, show the location of existing under or above ground cable service; and
- 2) Proposed type of cable service including location of underground service and location of junction boxes.

4.18 The location, dimensions and types of screening, buffering including fencing and landscaping.

4.19 Any supplemental information that may be necessary for the full and proper consideration of the proposed development plan.

4.20 Certificate of Development Plan Approval

A blank certificate shall be included for the Chairman to sign after the Planning Commission has approved the development plan.

4.21 The development plans and related drawings shall include a north arrow, scale and date of preparation as appropriate.

Section 5 - Landscape Plan

The landscape plan portion of an application shall include the following.

5.1 Date, scale, north arrow, title and name of owner.

5.2 Location of existing boundary lines and dimensions of building site.

5.3 Location, species, size of existing trees and other vegetation the applicant proposes to retain on the site and have included as a part of the landscape development. This does not apply to masses of trees located outside the construction area that will be left undisturbed.

- 5.4 The approximate center line of existing water-courses; the approximate location of significant drainage features; and the location and size of existing and proposed streets and alleys, existing and proposed utility easements on or adjacent to the building site, and existing and proposed sidewalks adjacent to streets.
- 5.5 The location and size of proposed landscape areas, in square feet.
- 5.6 The location, number, size and name of proposed landscape materials.
- 5.7 Statistics verifying that the minimum percentage of landscaping required under this section will be met.
- 5.8 The location, species, diameter at breast height (DBH) of existing native trees indicating whether the trees are to be retained and whether they are to be counted as part of the landscaping requirements and indicating those native trees to be removed. The location and dimensions of the proposed landscape areas within the parking area(s) including a description and location of new trees and plant materials to be placed within the landscaped area.
- 5.9 An indication, using written and / or graphic information, of how the applicant plans to protect existing trees and other vegetation that are proposed to be retained from damage during construction.
- 5.10 Flagging and barrier system to be used during construction to protect landscaped areas.
- 5.11 The proposed irrigation type and design, if required.
- 5.12 The installation process for all landscape material shall be included on the landscape plan to be approved by the Monroeville Tree Board.
- 5.13 Certification that the landscape plan meets all purposes, objectives and requirements for landscaping and the plan has been prepared or reviewed by one of the following: a registered landscape architect, professional engineer, architect, landscape designers, full-time builder designer, a qualified nursery man, the County Agent, or any government agency with horticulture experience.
- 5.14 Permanent utility facility locations.

DIVISION 2
JURISDICTION, DISTRICTS AND REQUIREMENTS

**ARTICLE VII. JURISDICTION, ZONING BOUNDARIES,
DISTRICTS AND MAPS**

Section 1 - Jurisdiction

1.1 The requirements of this Zoning Ordinance shall apply within the corporate limits of the City of Monroeville as they exist at the time of adoption or as the corporate limits may be amended in the future.

1.2 All territory, which may hereafter be annexed to the City shall be considered to be in the AG-1 District until otherwise classified.

Section 2 - Districts

2.1 For the purposes of this ordinance the City is divided into: use districts that cover the entire corporate limits and overlay districts that only apply to designated areas. Where use and overlay districts overlap the requirements shall be cumulative. In the event of conflict, unless otherwise specified, the more restrictive requirements, whether set by the use or overlay district, shall apply.

2.2 The following use districts are established.

Agricultural Use District

AG-1	Agricultural District	(Agriculture)
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Residential Use Districts

R-1	Residential District	(Single Family)
R-2	Residential District	(Single Family)
R-3	Residential District	(Two-Family)
R-4	Residential District	(Multi-Family)

Commercial Use Districts

B-1	Business District	(Local Shopping)
CBD	Business District	(Central Shopping)
B-2	Business District	(General Shopping)

Manufacturing Use Districts

M-1	Manufacturing District	(Light Industry)
M-2	Manufacturing District	(Heavy Industry)
M-1 P	Manufacturing District	(Industrial Park)

2.3 The following overlay districts are established. Multiple historic residential districts with identifying names or numbers may be created under the Historic Residential (HR) overlay classification.

- MH-1 Manufactured Home Community or Park Floating District
- FH Flood Hazard Area Floating District
- HD Historic Downtown (Reserved for future use)
- HR Historic Residential (Reserved for future use)

2.5 The boundaries of the above districts are established as shown on the appropriate Zoning Map(s).

Section 3 - Zoning Maps

3.1 *General Map* - The boundaries of the above use districts are established as shown on the general Zoning Map of the City of Monroeville. The map shall be identified by name and signature of the Mayor and attested by the City Clerk. The general map may be used for display and publication.

3.2 *Map Atlas* - For purposes of maintaining a zoning map with greater detail, a map atlas containing an index and sectional maps may be used. All dimensions and explanations included on the sectional maps are adopted and made a part of this Zoning Ordinance.

3.3 *Overlay District Maps* - The boundaries of overlay districts shall be entered on supplemental zoning maps or may be interpreted from maps prepared by other agencies. The overlay district maps shall be identified by name and signature of the Mayor and attested by the City Clerk. All dimensions and explanations included on the overlay district maps are adopted and made a part of this Zoning Ordinance.

Section 4 - Location and Interpretation of District Boundaries

The exact location of zoning district boundaries on the Zoning Map(s) shall be determined using the following rules.

4.1 *Corporate Limits*: When district boundaries are indicated as following the corporate limits, the corporate limit lines shall be construed to be the district boundaries.

4.2 *Lot Lines*: When district boundaries are indicated as following lot lines, the lot lines shall be construed to be the district boundaries.

4.3 *Centerlines*: When district boundaries are indicated as following the center line of streets and alleys, railroads, waterways, or such lines extended, the centerlines or the extensions of these lines shall be construed to be the district boundaries.

4.4 *Parallel Lines*: When district boundaries are indicated approximately parallel to corporate limits, lot lines, the center lines of streets and alleys, railroads or waterways, the zoning district lines shall be construed as being parallel to and at the distance indicated on the

Zoning Map. If no dimension is given on the zoning map, the distance shall be determined by use of the scale appearing on the Zoning Map.

4.5 *Divisions of Land:* When district boundaries divide land that is in single ownership and less than four acres in area, the district lines, unless specified by dimensions, shall be determined by use of the scale appearing on the Zoning Map. The district regulation applying to the majority of the lot or land area (51% or more) shall only be extended to the entire lot or land by a ruling made by the Board of Zoning Adjustment. Any other interpretations or extensions of district boundaries involving two acres or more shall require rezoning.

4.6 *Vacated Rights-of-Way:* When a public right-of-way for a street, alley or other public land, or a private right-of-way such as a railroad, is officially vacated or abandoned through proper legal procedure as established by the Code of Alabama, 1975 as amended, the district regulations applicable to the property to which the vacated or abandoned land reverted shall apply to the vacated or abandoned land. If necessary, the zoning district boundary shall be adjusted to comply with the decision to vacate public property.

4.7 *Interpretation by Zoning Board of Adjustment:* In the case of any uncertainty, the Zoning Board of Adjustment shall determine the exact location of district boundaries. The Zoning Board of Adjustment may also order detailed maps prepared for any part of the City to interpret, following the guidelines contained in preceding paragraphs, the exact location of the zoning district boundaries.

ARTICLE VIII. REQUIREMENTS FOR ALL DISTRICTS

Section 1.0 - Uses

1.1 Uses Shall Conform With Regulations: No land, building or structure shall be occupied, altered or used unless the use of the lot, building, and structure conform with the requirements of all applicable codes, ordinances and regulations. In every district:

- 1) Uses specified in a zoning district as "permitted" shall, after filing a written application with the Building Official meeting the requirements of all other codes, ordinances and regulations, be issued a building permit except when a Development Plan Review by the Planning Commission is required.
- 2) Uses specified in a zoning district as "permitted on appeal" are required to make written application to the Zoning Board Adjustment. Applications for uses permitted on appeal may be denied, approved with conditions, or approved as requested. The Zoning Board of Adjustment may require conditions to preserve and protect the character of the district, public health, safety, convenience, prosperity and general welfare of the City as a part of the review and approval of any use permitted on appeal.
- 3) The following uses are subject to Development Plan Review by the Planning Commission:
 - a) Uses specified in a zoning district as "conditional uses;"
 - b) All uses in commercial and industrial districts;
 - c) Residential developments exceeding eight dwelling units per acre; and
 - d) Manufactured home communities.
- 4) Applications for Development Plan Review shall be prepared and processed in accordance with the requirements of this Zoning Ordinance. Development plans may be denied, approved with conditions or approved as requested. The Planning Commission may require conditions to preserve and protect the character of the district, public health, safety, convenience, prosperity and general welfare of the City as a part of the review and approval of a development plan.

1.2 Extractive Use: Exploration, extraction, or excavation of sand, clay, gravel, oil, gas, sulfur, or other mineral deposits, shall be excluded from all districts except upon written application and Development Plan Review by the Planning Commission. (see above)

1.3 Temporary Shelters: Temporary, protective shelters approved by the Alabama Emergency Management Agency (AMEA) may be used to provide temporary, emergency living quarters in the locations and for the durations as agreed to by AEMA and the Planning Commission during the Statutory Review process.

Section 2.0 - Lot Area, Width and Required Setbacks

2.1 Lot Area and Width Maintained: Lot area, width and setbacks shall be equal to or greater than the highest minimums required by any related regulations or the zoning district requirements in which the lot is located.

- 1) Existing lots shall not be reduced in dimension or area in a manner that causes a violation of the area, yard or setback requirements.
- 2) Lots, yards and setbacks created after the effective date of this ordinance shall meet or exceed the minimum requirements.

2.2 *Lot Area Calculated and Setback Measured From Future Street Lines:* The minimum required lot area, lot width, yard setbacks and building area of any lot that may be reduced in area by widening a public street to a future street line, as indicated on the Official Map or a designated street in an approved subdivision, shall be measured from the future street right-of-way line.

2.3 *Lot Area Applies to One Principal Use or Building:* No lot area, yard or open space required for the use of any portion of or a complete lot, building or structure shall be counted toward the requirements of another lot, building or structure.

2.4 *Building Projections Permitted in Yard Area:* All of the required yard area shall be open and unobstructed from the ground to the sky except for permitted accessory structures and ordinary projections of eaves, cornices and similar architectural features. Building projections shall not extend more than three (3) feet into any required yard. Open fire escapes shall not extend into any required yard more than three and one-half (3-1/2) feet. Any district or proposed development plan not requiring a building setback shall not allow building projections into the required yard and open space of any adjacent property.

Section 3.0 - Corner Lots

3.1 The street frontage with the least distance shall be considered as the front of the lot for purposes of applying other zoning requirements. When the lot frontages are approximately the same distance the owner shall declare which frontage is the front.

3.2 The lot width and secondary setback on corner lots shall be determined as follows.

- 1) Corner lots shall be 15' wider than interior lots.
- 2) The building setback line on the second (wider street) front shall be the greater of:
 - a) 25' from the street right-of-way line; or
 - b) Setback the same distance as buildings fronting on the same side street within 200' of the lot.

Section 4.0 - Double Front (Through) Lots

4.1 The street frontage with the least distance shall be considered the rear of the lot.

4.2 The building setback line on each street shall be the greater of:

- 1) 25' from the street right-of-way line; or
- 2) Setback the average of the setback of buildings within 200' on either side of the lot and fronting on the same street.

Section 5.0 - Height

5.1 *Heights Restricted:* Every part of or complete building or structure that is constructed, altered or moved shall not exceed the lowest height requirement of the zoning district in which the building or structure is located or the following height regulations unless exempted in this section.

5.2 *Heights in Airport Approach Zone:* Any areas in "Airport Approach Zones" shall be shown on a separate Zoning Map and, regardless of the zoning district, the height limitations of

landscaping, buildings or structures shall be determined by the glide angle approach to the airport as established by the Alabama State Department of Transportation, Aeronautics Board.

5.3 *Exemptions from Height Requirement:* Height limits, except in airport approach zones, shall not apply to portions of buildings and structures that are not inhabited or regularly used by people. Such portions of buildings and structures include church steeples, farm structures (e.g. silos), chimneys, flag poles, public utility poles, radio and television towers and aerials, and industrial structures (e.g. cooling towers) required by the manufacturing process.

5.4 All structures that are exempt from height requirements shall comply with the following location requirements.

- 1) Any tall structure shall be setback from all property lines a distance equal to the height of the structure.
- 2) Any tall structure that is not setback from all property lines a distance equal to the height of the structure shall provide the City with a hold harmless agreement for any subsequent damage that may be caused due to the structure falling on adjacent property or a public right-of-way.

Section 6.0 - Buildings, Manufactured Homes and Mobile Homes - General

6.1 No land building, or structure, shall be used or occupied and no building or structure shall be erected, constructed, reconstructed, moved or altered except in conformity with the regulations specified for the district in which it is located and all other applicable code, ordinances and regulations.

6.2 It is the intent of this ordinance that there shall be only one main structure and related accessory structures permitted on any lot used for residential purposes.

6.3 *Manufactured Homes:* Manufactured homes, regardless of location, shall meet all federal and state regulations for manufactured homes.

- 1) The manufactured home must be installed according to the manufacturer's instructions and comply with the regulations of the Alabama Manufactured Housing Commission. (Attention is directed to 535-X-13-.06 Minimum Blocking Standards, 535-X-13-.07 Minimum Anchoring Standards, and 535-X-13-.08 Installation of Anchors and Tie-down Devices)
 - a) When complying with 535-X-13-.06 Minimum Blocking Standards, the manufactured home shall be attached to a stable foundation as required, inspected and approved by the Alabama Manufactured Housing Commission, its successor or other similar state agency. As applied in Monroeville, the maximum height of blocking piers allowed shall be limited to three (3) feet above the ground elevation, measured at ninety (90) degrees to the frame of the manufactured home.
- 2) The manufactured home shall be connected to either a public water and / or sewer system approved by the Alabama Department of Environmental Management or provide a well and / or septic tank approved by the Alabama / Monroe County Department of Public Health.

- 3) All towing devices, wheels, axles and hitches shall be removed, if designed to be removed. Otherwise, such devices must be covered or enclosed with the type of material and method used for the underpinning (skirting) of the manufactured home.
- 4) The area beneath the manufactured home shall be enclosed around the bottom outer edge of the manufactured home. The underpinning material shall be installed in a manner and in compatible material with other structures in the area using materials manufactured for such purposes including, but not limited to brick, block, rock, or other materials that have been approved by the local Building Official.
- 5) All other site improvements shall be constructed to established minimums of the International Building Code.
- 6) The landings and stairs at all exit doors shall meet the minimum standards of the International Building Code. All front landings or porches shall have a minimum of 36 square feet of surface area and all back landings and porches shall be a minimum of 16 square feet of surface area.

6.4 *Mobile Homes:* Mobile homes are prohibited except that mobile homes that are already located in the City and inhabited may continue to be used.

6.5 *Location on Lot:* No Building, manufactured home or structure, except for paving material less than four inches (4") in thickness shall be located within five feet (5') of an easement.

Section 7.0 - Accessory Structures

Accessory structures on any lot shall conform to the following regulations:

7.1 *Location on Lot:* Detached accessory structures shall:

- 1) Not be erected in any required front yard;
- 2) Be conditional uses in side yards; and
- 3) Be at least ten (10) feet from all rear and side lot lines and fifteen (15) feet from any other structure on the same lot.
- 4) Be a minimum of five feet (5') away from any easement.

7.2 *Height:* Accessory structures shall not exceed two stories or 25' in height.

7.3 *Coverage:* Accessory structures shall not cover more than sixty (60) percent of any required side yard or thirty (30) percent of any required rear yard.

7.4 *Residential Use Prohibited:* Accessory buildings or structures shall not include living quarters except as specified in certain residential use districts. Manufactured homes shall not be used as accessory structures.

7.5 Any accessory structure, including those associated with the sheltering or housing of household pets of any kind, such as fenced pens, cable runs, or posts and tethers, shall not be located closer than twenty-five (25) feet from any property line.

7.6 Any corral or stable for confining any animal or fowl shall be a minimum of 200' from any dwelling owned or occupied by another person other than the person keeping the animals or fowl. Any person keeping fowl shall provide a minimum area of 15 square feet of space for each fowl. Pastures established prior to the establishment of Zoning Ordinance adopted March 26, 1985 shall be exempt from this area requirement. All other animals shall be kept in accordance with the provisions of *Chapter 3, Animals and Fowl*, Code of Ordinances, Monroeville, Alabama.

Section 8.0 - Temporary Buildings

Mobile buildings and temporary structures shall only be used on a temporary basis as an on-site construction office in connection with the construction or remodeling of permanent, site built buildings or structures. Temporary permits, when granted, shall only be valid as long as reasonably necessary for completion of site preparation, construction or remodeling as appropriate.

Section 9.0 - Circulation and Points of Access

9.1.1 *Points of Access and Circulation:* Safe access and egress shall be provided for building sites from designated streets. Access to all parking facilities shall be planned so that entrances and exits function to minimize traffic congestion.

9.2 *General Criteria for Access Points:*

1) General

- a) Access points for corner lots shall be located as far from the corner as possible and not less than 30' from the intersection of the property lines at the corner.
- b) Continuous access created by paving the parking area contiguous with a sidewalk or street is prohibited.
- c) Vehicular circulation shall be designed to limit access to streets used by school children and the intrusion of traffic into residential areas.

2) Residential lots are limited to one access point per lot except as follows:

- a) Residential lots in R-1 and R-2 districts may have two access points per lot provided the lot is 100' or more in width, the access points are separated by a minimum of 60' and the closest edge of the drive is offset from the side lot lines by 10' or more.
- b) Residential lots in R-3 and R-4 districts may have two access points per lot provided the lot is 120' or more in width, the access points are separated by 70', and closest edge of the drive is offset from the side lot lines by 15' or more.

3) Non-residential access points shall be minimized by sharing access to adjacent properties and linking parking areas. Reciprocal ingress, egress and parking agreements may be required to facilitate vehicular movement between areas on the same site or between adjacent properties. Curb cuts for developments shall be limited consistent with the general design criteria for access.

9.3 *Curb Cuts:* Curb cuts for truck access driveways shall not exceed 45' at the curb line (edge of paving) and 35' at the property line. All other curb cuts shall not be greater than 35' at the curb line (edge of paving) and 26' at the property line unless designated turn lanes are provided. Up to 12' in width may be added for each designated turn lane.

9.4 *Access Drives:*

- 1) A minimum access drive of ten (10) feet in width shall be provided for single and duplex residential uses.
- 2) A minimum access drive of 26 feet in width shall be provided for apartments and commercial uses.
- 3) Wider access drives or the provision of longer turning radius shall be provided to allow an unobstructed flow of traffic in industrial areas.

9.5 *Drive-Up Buildings:* Drive-up access to any building shall be provided as a part of the on-site circulation pattern. The on-site design of stacking lanes shall prevent blocking points of ingress and egress and access to off-street parking areas or adjacent properties.

Section 10.0 – Off-Street Parking and Vehicle Storage

10.1 *Off-street Parking Required:* Each use, building and structure shall be provided with the number of off-street parking spaces specified in the "Schedule of Off-street Parking Requirements" and meet the following requirements. Any use, building or structure that meets the parking requirements of this Zoning Ordinance as of the effective date or at the time of any subsequent amendment, shall continue to fully comply with all parking requirements. Any existing use, building or structure that partially meets the parking requirements of this Zoning Ordinance as of the effective date or at the time of any subsequent amendment shall not reduce the number of parking spaces provided or expand the use, building or structure in a manner that increases the deficit of off-street parking.

10.2 When the parking requirement is not specified for a particular use, the Planning Commission shall apply the requirements for a related use.

10.3 *Parking for Uses, Buildings or Structures:*

- 1) Off-street parking and storage spaces shall be located on the same lot as the use, building or structure they are intended to serve
- 2) No off-street parking space required for any use, building or structure shall be counted as off-street parking space for another use, building or structure. Off-street parking requirements for two or more uses located on the same lot are cumulative, but may be jointly used provided the total parking requirement is met. Whenever a use, building or structure qualifies under two (2) or more classifications, the classification with the larger parking requirement shall govern the number of parking spaces required.
- 3) When any use is extended or a building or structure is enlarged, the existing parking spaces shall be maintained and the required number of parking spaces to serve the expansion or enlargement of the use, building or structure shall be provided.
- 4) Off-street parking and storage space shall not be used for the sale, repair or servicing any vehicles, equipment or materials, except that a single passenger vehicle or light truck may be

displayed and offered for sale on residential off-street parking areas for time period not to exceed one month.

**Schedule for
Residential Off-Street Parking Requirements**

Type Residential	Dwelling Unit Size	Off-street Parking Spaces
Single Family Detached	1 to 3 bedrooms For every 2 bedrooms, or portion thereof, over 3 bedrooms	2.0 1.0 additional space
All Other Residential Uses and Manufactured Homes	1 and 2 bedrooms For every 2 bedrooms, or portion thereof, over 2 bedrooms	2.0 1.0 additional space

For purposes of determining compliance with off-street residential parking requirements, spaces provided in garages and carports shall be included.

10.4 Design Criteria for Off-street Parking:

- 1) Smaller parking spaces shall be allowed by conditional use in areas zoned CBD and B-2, provided the size is not less than 162 square feet (9' x 18') exclusive of access or maneuvering area, ramps, drives, entrances or exits.
- 2) The minimum width of aisles in parking lots shall be:
 - a) Ninety degree (90°) or perpendicular parking - twenty-two (22) feet.
 - b) Sixty degree (60°) parking - eighteen (18) feet.
 - c) Forty-five degree (45°) parking - fifteen (15) feet.
 - d) Parallel parking - twelve (12) feet.
- 3) Parking spaces shall be arranged in such a manner that vehicles do not extend beyond the parking space, obstruct any access or circulation drive, or protrude into required berm, landscape, screening or open space areas.
- 4) Parking shall be arranged in such a manner that no vehicle, with the exception of single and duplex residences, is required to back into a street right-of-way.
- 5) No parking shall be permitted on commercial or industrial access drives and parking shall be arranged so that no vehicle is required to back into an on-site access drive.

Note: If the required parking area, including aisles and turning areas, exceeds 15 parking spaces or 3,000 square feet of parking area, see the requirements for landscaping in parking areas.

**Schedule for
Non-Residential Off-Street Parking Requirements**

Nonresidential Land Use	Off Street Parking Spaces Required
Assembly Areas /1	1 space per 4 seats plus 1 space per 100 sq. ft. of floor area not in seating
Automobile Sales and Repair	1 space per 2 employees on largest shift plus 2 spaces per 300 square feet of repair space
Automobile Car Wash	1 space per 2 employees on largest shift plus stacking lanes or spaces equal to 15 spaces per washing lane
Automobile Service Station	2 spaces per gas pump plus 3 spaces per grease rack
Bar	1 space per 2 seats
Bed and Breakfast or Tourist Home	1 space per room plus 1 space per 10 rooms plus 2 spaces for owner
Bowling Alley	4 spaces per alley plus 1 space per employee on largest shift
Camp Area (tent or trailer)	1 space per camp site plus 1 space for every 10 camp sites
Church / Synagogue	1 space per 3 seats
Fiduciary Institutions	1 space per 300 sq. ft. GFA
Food Stores or Markets	1 space per 200 sq. ft. GLA
Funeral Home	1 space per 4 seats in chapel
Hospital	1 space per 4 patient beds plus 1 space per doctor (staff and visiting) plus 1 space per 4 employees on largest shift
Hotel	0.7 spaces per guest room plus 10 spaces per 1,000 sq. ft. GFA of non-room area
Industrial or Wholesale	1 space per 2 employees on largest shift
Library	1 space per 4 seats plus 1 space per employee
Manufacturing	1 space per 800 sq. ft. GFA
Medical Office or Clinic	6 spaces per doctor or practicing technician plus 1 space per other employee
Neighborhood Shopping Center / 2 (under 400,000 sq. ft. GLA)	5 spaces per 1,000 sq. ft. GLA
Nightclub	1 space per 3 seats
Offices Under 49,999 sq. ft. GFA 50,000 to 99,999 sq. ft. GFA 100,000 plus sq. ft. GFA	4.5 spaces per 1,000 sq. ft. GFA 4 spaces per 1,000 sq. ft. GFA 3.5 spaces per 1,000 sq. ft. GFA
Public Buildings (government buildings and post office)	1 space per 200 sq. ft. GFA
Receiving	1 space per 5,000 sq. ft. GFA
Research	1 space per 1,000 sq. ft. GFA
Rest, Convalescent and Assisted Living Homes	2 spaces per 3 patient beds plus 1 space per doctor on largest shift plus 1 space per staff employee on largest shift

**Schedule for
Non-Residential Off-Street Parking Requirements
(continued)**

Nonresidential Land Use	Off Street Parking Required
Retail and Sales Lots	3 spaces per acre plus 1 space per employee plus 1 space per vehicle displayed or stored /2
Rooming or Boarding House	1 space per guest room plus 1 space per 10 rooms plus 2 spaces for owner
Restaurant Regular eat-in Quick food establishments Drive-in	1 space per 3 seats plus 1 space per 2 employees on largest shift 1 per 30 sq. ft. GFA Five times the area of the building in parking spaces plus stacking lanes.
Schools Kindergarten / Nursery Schools Elementary Intermediate Secondary	1 space per employee plus 4 spaces for pick-up and drop-off 2.0 spaces per classroom plus 1 space per teacher and staff 2.5 spaces per classroom plus 1 per teacher and staff 3.0 spaces per classroom plus 1 per teacher and staff
Service stations	4 per service bay or work area
Shipping	1 per 5,000 sq. ft. GFA
Shopping Centers Under 400,000 sq. ft. GLA 400,000 to 599,999 sq. ft. GLA 600,000 plus sq. ft. GLA	4 per 1,000 sq. ft. GLA 4.5 per 1,000 sq. ft. GLA 5 per 1,000 sq. ft. GLA
Storage areas	1 per 5,000 sq. ft. GLA
Theater Freestanding In Shopping Center	1 per 3 seats 1 per 4 seats
Unspecified Uses Land Buildings and Structures	4 spaces per acre 1 space per 200 sq. ft. GFA
Warehouse	1 per 5,000 sq. ft. GFA

Footnotes:

- 1/ Private clubs, lodges, auditoriums, dance halls, stadiums, gymnasiums, and community centers
2/ Separate from spaces for display, maintenance or storage

Abbreviations

GFA = Gross Floor Area
GLA = Gross Lease Area

10.5 Location and Criteria for Residential Parking: Residential off-street parking shall be located within 150' of the use the parking is intended to serve. Off-street parking space, subject to these requirements and the appropriate district regulations, may be included as a portion of the required yard area. Required off-street parking facilities for residential uses may occupy a part of the front yard, but shall not be located within twenty feet of a street right-of-way or ten feet of any side or rear lot line. All off-street parking areas shall be:

- 1) Designed to prevent drainage to abutting properties;
- 2) Constructed of hard surface pavement;
- 3) Parking areas for apartments with five or more units shall be stripped; and
- 4) Any off-street parking area providing space for five (5) or more vehicles shall be screened on any side that adjoins another residential lot.

10.6 Location and Criteria for Commercial and Industrial Parking: Commercial off-street parking shall be located within 300' of the use the parking is intended to serve. Commercial and industrial parking facilities may occupy a part of the front yard, but shall not be within twenty feet of a street right-of-way or any lot line. Commercial and industrial parking facilities shall be all-weather surfaced with asphalt or concrete, have proper drainage installed to prevent ponding, and be maintained free of trash and rubbish. Parking areas for commercial and industrial uses shall be stripped. Commercial or industrial parking facilities adjoining residential property shall be screened (fence, wall, berm or planting) on any side adjoining a residential district and landscaped to meet the requirements of this ordinance along rights-of-way.

10.7 Vehicle Storage:

- 1) Travel trailers, busses, campers, recreational vehicles or any other structure built to be mobile in character, including boats and other vehicles on trailers, shall not be permitted in any district for any use other than for the purpose of transportation or storage of the vehicle. The use of vehicles for accessory structures such as tool or material sheds will not be permitted.
- 2) No vehicle over 8,000 pounds gross vehicle weight and no trucks with over six (6) wheels shall be permitted on residential off-street or on-street parking facilities except that travel trailers, campers and recreational vehicles may be stored on-site in a residential area providing the vehicle is:
 - a) Not connected to the water, sewer, gas, or electrical facilities serving the lot;
 - b) Located behind the front lot setback line; and
 - c) A minimum of 10 feet from the side and rear property lines.

Section 11.0 – Off-Street Service Bays

11.1 Off-street Service Bays Required: Off-street service bays shall be provided for: loading and unloading areas; trucks and service vehicles; areas created for customers to access services; and spaces for trash dumpsters.

11.2 General Criteria for Service Bays:

- 1) Off-street service bays shall be provided on the same lot and adjacent to the use, building or structure the service bay is intended to serve.
- 2) Service bays provided to meet the needs of one use, building or structure shall not be considered in meeting the needs of any other use or building. Service bays may be jointly or collectively located for two or more uses or buildings provided that the total area and

number of facilities provided meet or exceed the requirements of all uses and buildings and that they are arranged in a manner to be useable by all uses and buildings.

- 3) When any use is established or extended by construction or enlargement of a building or structure, the required amount of service bay area required shall be provided and maintained.
- 4) No service bay shall be provided using the space required for front yards or off-street parking.
- 5) Service bays shall not be:
 - a) Located within fifty (50) feet of a lot in a residential district;
 - b) Oriented to face residential properties or districts or street rights-of-way. In cases where this is not possible, additional landscaping or screening material or open space may be required to mitigate the effects of the service bay area and to provide adequate buffering.
- 6) Special attention shall be given to avoiding potential conflict between pedestrians and the vehicles used for delivery and shipping.

11.3 Design Criteria for Off-Street Loading and Unloading Spaces:

- 1) Each building or structure designed and erected shall provide off-street loading and unloading spaces as specified in the Schedule for Off-street Loading and Unloading Spaces.
- 2) In buildings where more than one use exists, the use consuming the most gross floor area shall be considered the primary use and shall be used to determine the basic number of loading and unloading bays. All other uses in the same building shall be calculated at 50% of their gross floor area and then the regulations for the appropriate number of loading and unloading service bays shall be applied. The number of loading and unloading service bays shall be added to the basic number of bays required for the primary use to determine the total number required.
- 3) Each required space in service bays provided for loading and unloading of material, goods and supplies delivered to or shipped from the use or building, shall be a minimum of twelve feet (12') wide by fifty-five feet (55') long and have a vertical clearance of fifteen feet (15'). Each loading and unloading space shall be provided with safe convenient access (ingress and egress) by truck and tractor trailer vehicles.
- 4) Loading docks shall be oriented in such a manner that during the process of loading and unloading the vehicle being serviced shall not block the passage of other vehicles in the service area, access drives or street (public or private) rights-of-way.

11.4 Criteria for Customer Service Bays: Service bays provided to give customers access to services, such as automotive repair, may be combined with loading and unloading spaces. The service bay shall include the number of vehicle parking spaces required in the Schedule for Parking Requirements, plus the number of required loading and unloading spaces, and sufficient space for vehicles to maneuver without blocking or unduly interfering with movement within the service bay or blocking circulation drives.

**Schedule for
Off-street Loading and Unloading Spaces**

Type of Use	Loading and Unloading Space Requirement
Residential buildings with over 20 dwelling units	1 space
Commercial Buildings with a gross square footage of:	
Less than 10,000	No requirement
10,000 to 25,000	1 space
25,000 to 60,000	2 spaces
60,000 to 120,000	3 spaces
120,000 to 200,000	4 spaces
200,000 to 300,000	5 spaces
For each additional 100,000 or fraction thereof	1 additional space
For offices, auditoriums and arenas or similar places of assembly, hotels, and institutions such as hospitals	
Under 10,000	No requirement
10,000 to 40,000	1 space
For each additional 60,000 or fraction thereof	1 space
Industrial Uses	Adequate spaces for vehicles to operate the industrial use
Other uses not specified	Spaces required for the category in which a similar use is grouped

11.5 Criteria for Trash Dumpster Service Bays: Service bays for trash dumpsters shall be 12' wide by 35' long and have sufficient vertical clearance for lifting and dumping the trash dumpster. If the dumpster has to be moved out of a confined space prior to dumping, then additional loading space length shall be provided to avoid blocking parking spaces or circulation drives.

Section 12.0 - Lighting

12.1 Height of Luminaries: The maximum height of on-site luminaries shall be thirty feet (30') unless the Planning Commission requires a lower height.

12.2 Directing and Shielding Lighting: Lighting shall be located, directed away and shielded from adjoining lots and public rights-of-way so as to not disturb, be objectionable or cause glare on the adjacent property or streets.

Section 13.3 - Security Lighting: The number of luminaries permitted for on-site security lighting shall not exceed twenty-five percent of the total luminaries used. All luminaries, except for those used for on-site security, shall be extinguished not less than one hour after the end of business hours.

ARTICLE IX. LANDSCAPING, BUFFER AND SCREENING

Section 1.0 Landscaping Policies

1.1 Every attempt shall be made to protect and save existing trees on a development site, except for those trees removed to allow for the erection of the building and / or required site improvements.

1.2 Landscaped areas shall be installed in a sound manner and in accordance with the approved landscape plan.

Section 2.0 Landscaping Requirements

2.1 *Application* - The landscaping requirements shall apply to each multi-dwelling (R-4 and MH-1), commercial (B-1, B-2 and CBD) and industrial (M-1, M-2 and M-1P) site where a building permit is required and to all commercial sites where the owner / developer undertakes a project that increases the square footage of the building by a cumulative total of fifty percent (50%) or more.

2.2 *Area of Site to be Landscaped* - Landscaping materials shall cover twelve (12) percent of the total building site. The area of the building site shall be determined by:

- 1) Calculating the square footage of the unimproved site, then
- 2) Subtracting the total square footage of the building area which is defined as the total square footage of all buildings under roof.

2.3 *Placement of Landscape Material* - At least 60% of the area to be landscaped shall be located in the front setback defined as the area between the property line and the building wall(s) facing the public rights-of-way. If the application of the percentage creates a fraction, the result as expressed in numbers shall be rounded off to the next highest whole number. Landscape materials are defined as growing vegetation, such as, grass, flowering beds, shrubbery, trees, ground cover, etc.

2.4 *Industrial Sites* - Industrial sites shall be landscaped along the front perimeter only. If the site fronts along two streets, then industrial sites shall be landscaped along both intersecting streets. All other requirements of this Tree and Landscape Ordinance shall not apply to industrial sites.

2.5 *New Development Sites* - With the exception of building sites where the developer increase the square footage of the building by fifty (50) percent or more, the developer / owner shall reserve the first twenty (20) feet of the front yard setback (adjacent to the right-of-way) for a green space where at least one native tree shall be planted for every thirty feet of road frontage. In the case of conflicting overhead utility lines, smaller species shall be substituted.

2.6 *Shade Tree Requirements* - To determine the number of shade trees required on any building lot:

- 1) Add the length of all sides (perimeter) of the lot and then
- 2) Divide the total by 30. If the result ends in a fraction, the result as expressed in numbers shall be rounded off to the next highest whole number.

- 3) No less than half, rounded to the next highest number, of the required trees shall be large shade trees.

Section 3.0 Credit for Existing Trees

Credit can be taken for an existing tree if the tree meets native tree specifications and if the tree is in good, vigorous, and healthy condition. These tree credits can go toward landscape requirements, however, the front setback must contain one native type tree for every thirty feet of frontage. Credit will not be allowed if proper protection for the credited tree has not been maintained. If the credited tree dies or fails to thrive, the owner must replace the amount of credited tree lost. Tree equivalents shall be as follows

Size of Existing Tree	Tree Equivalence or Trees Not Required to Plant
6" Caliper	1 tree
12" Caliper	2 trees
18" Caliper	3 trees
24" Caliper	4 trees
30" Caliper	5 trees
36" Caliper	6 trees
42" Caliper	7 trees

Section 4.0 Design Criteria for Landscaping

4.1 Requirements for Landscape Material:

- 1) Existing, healthy plant material that is on-site may be used as a credit toward the landscaping and screening requirements specified in these regulations.
- 2) All landscaping shall be planted with live plant material. Landscape material shall be selected and used that is appropriate for the area and drought tolerant to ensure the long term health and quality of the plant material. If drought tolerant material is not provided, a permanent, automatic irrigation system shall be installed.

4.2 Corner Site Visibility for Landscape Material - Landscape material shall not obstruct traffic visibility at intersections, parking lot interiors and driveway entrances between heights of three (3) and eight (8) feet above grade. Existing trees shall be pruned so that they do not obstruct traffic visibility at intersections and driveway entrances.

4.3 Spacing - Trees shall not be planter closer than 4.5 feet to curbs or barriers protecting trees. Large shade trees shall not be planted closer than thirty (30) feet to each other and small shade trees a minimum of ten (10) to a maximum of twenty (20) feet of each other where possible.

4.4 Size and Warranty of Trees Planted - Planted trees must have a 2 - 2 1/2" caliper and a warranty for at least two (2) years. All planted trees immediately become native trees. After the application of credits, the City Tree Board may waive any number of trees required if inappropriate for the site. If waived, the equivalent number of trees waived shall be donated to the Monroeville Tree Board to be planted as public trees.

Section 5.0 Perimeter Buffering and Screening Required:

All high and medium intensity uses shall provide on-site buffering and screening for adjacent lower intensity uses and properties.

5.1 Residential Buffering and Screening Required: All high and medium intensity residential uses (multiple dwelling developments of eight or more units, whether located in the R-3, R-4 or MH-1 districts, shall provide on-site buffering and screening for adjacent, lower intensity residential property located in R-1 and R-2 residential districts. Any portion of the perimeter of medium and high intensity development abutting a lower density residential district shall contain a buffer. The buffer shall consist of a minimum of a 10' wide open space and a continuous, unbroken barrier. The buffer shall be: i) visually obscure and separate the uses; ii) a minimum of a 10' wide including open space; and iii) a continuous unbroken barrier a minimum of 4' in height that may be provided by independent elements or a combination of berm, landscaping, or screening fence.

5.2 Commercial and Industrial Buffering and Screening Required: All industrial and commercial uses shall provide on-site buffering and screening for all adjacent residential districts. Any portion of the perimeter of any an industrial or commercial lot abutting residential properties or districts shall contain a buffer. The buffer shall consist of a minimum of a 20' wide open space and a continuous, unbroken barrier. The continuous unbroken barrier shall be a minimum of 5' in height and may be provided by independent elements or a combination of berm, landscaping, and screening fence.

Section 6.0 Parking Lot Landscaping, Buffers and Screening

Parking lot landscaping shall be provided in parking lot areas having uncovered parking at the street level. Such landscaping shall be provided in such a manner as to break up the expanse of paving, facilitate safe circulation of pedestrian and vehicular traffic, and provide valuable shade for pedestrians and / or vehicles.

6.1 Required Landscaping within Parking Areas - Landscaped areas within parking areas shall be provided to buffer the parking area when the parking area, including aisles, exceeds 15 spaces or 3,000 square feet. Landscape areas shall be provided at the rate of 200 square feet for every ten cars counting all parking spaces. The landscaped areas shall be appropriately disbursed throughout the parking area in a manner consistent with the design of the parking area. Shade trees shall be included within parking lots in accordance with this Article of the ordinance.

6.2 Shade trees shall be included around the perimeter or in parking lots at the ratio of one large shade tree for every fifteen (15) parking spaces. Landscaping for the frontage between the parking area and the right-of-way shall be provided in a manner consistent with the requirements of this section of the ordinance.

6.3 Parking Buffers and Screening:

- 1) When five or more off-street parking spaces are required in medium or high density residential (R-3 and R-4) districts that abut lower density residential districts a buffer shall be established to screen the parking area from the lower density residential areas.

- 2) When five or more off-street parking spaces are required in either industrial or commercial districts that abut residential districts, buffering and screening shall be established to separate the parking area and the adjacent residential district.
- 3) The buffer shall be appropriately separated from the parking area (see Protection of Buffers, Screening and Landscaped Areas) and shall not be located closer than 15' to the front property line or 5' to the side and rear property lines. The buffer shall include a continuous unbroken barrier that shall be a minimum of 3' in height and may be provided by independent elements or a combination of berm, landscaping, and screening fence.
- 3) The buffer shall be appropriately separated from the parking area (see Protection of Buffers, Screening and Landscaped Areas) and not be located closer than 15' to the front property line or 5' to the side and rear property lines. The buffer shall include a continuous unbroken barrier that shall be a minimum of 3' in height and may be provided by independent elements or a combination of berm, landscaping, and screening fence.

Section 7.0 Service Bay Screening:

All service bays (loading and unloading, customer service and trash containers), regardless of size, shall provide on-site screening that shall extend to a minimum height of 6'. The screening shall be a continuous, unbroken barrier that may be provided by independent elements or a combination of berm, landscaping, and screening fence.

Section 8.0 Equipment Screening:

8.1 *Ground-Mounted Equipment* - All ground mounted equipment related to a building or structure (e.g. heating, air conditioning, transformers) shall be enclosed within the building or completely screened from all surrounding properties and public rights-of-way to a sufficient height to prevent direct pedestrian views of the equipment.

8.2 *Roof Mounted Equipment* - All roof mounted equipment including, but not limited to, heating and air conditioning, shall be completely screened from adjacent properties including public streets, and to minimize visibility from on-site parking areas.

8.3 *Pad Mounted Equipment and Utility Connections* - Pad mounted transformers, meters, and junction boxes shall be shown on the site plan. If the equipment is over three feet in height it shall be screened with landscaping in such a manner as to permit access for service and repair. Power lines and other utility connections shall be installed underground whenever possible. All utility connections shall be designed to be compatible with the architectural elements of the on-site design and arranged in a manner so as not to be exposed except where necessary.

Section 9.0 Criteria for Fences and Walls

Fences and walls may be placed or erected and maintained along a lot line in any district subject to the following requirements.

9.1 Fences and walls shall be located inside the property line so they do not infringe on adjacent property.

9.2 The height of fences and walls shall be limited as follows.

- 1) Along rear and side property lines up to the front building line - 8' maximum.

- 2) Between the street right-of-way line and the front building line - 3' maximum.

Section 10.0 Supplemental Criteria for Continuous Screening Barriers

10.1 *Location* - Continuous buffering and screening barriers may be located in the required yard area provided sight triangles are preserved and appropriate setbacks for minimum open areas are maintained adjacent to property lines in districts.

10.2 *Requirements*

- 1) If landscaping is used for the continuous screening barrier, it shall be planted with appropriately spaced, durable evergreens that will grow to provide the required screening within two years.
- 2) If a fence or wall is used for screening along a public right-of-way, then a minimum of one shrub per ten lineal foot of screening shall be planted facing the right-of-way.
- 3) No fence, wall, landscaping, or sign with the exception of ground cover shall be located within five feet of an access driveway pavement and the sight triangle visibility shall be fully maintained.

Section 11.0 Protection of Landscaping, Screening and Buffers

11.1 Whenever possible, a tree or group of trees that are being preserved must have a barrier constructed to the drip line of the tree or group of trees, given the specific site considerations.

11.2 All landscape, buffers and screening areas shall be protected from parking areas, service bays and circulation drives and damage in general by tree-grates, six inch high concrete curbs, appropriately anchored wheel stops, continuous border plants or hedgerows, railroad ties or other suitable barriers to protect all areas and landscaping and equipment from damage when an area is exposed to pedestrian or vehicle traffic. This specification should be clearly marked in the landscape plan.

Section 12.0 Application and Permit for Removal of Protected Trees

12.1 *Application* - The requirement to obtain a permit to remove a native tree that is protected by the provisions established in this section shall apply to all land in the City of Monroeville except land located in the R-1, R-2 and R-3 districts, residential development in the AG-1 district, bona fide agricultural and forestry operations and public rights-of-way. Nothing herein shall affect or derogate in any way the rights of, or exercise by, any public utility of its present and future acquired rights, to clear (and keep clear) trees and other growth from lands utilized, or to be utilized, for electric or communication facilities of any type, or dangerous trees adjacent thereto whether such rights were acquired by permits, easements, agreements, deeds, documents, or otherwise from landowners, or were acquired by condemnation, franchise or the operation of State law. The utility company shall cooperate with the City Tree Board when clearing or pruning of the rights-of-way is exercised.

12.2 *Permit Required*

- 1) Any person wishing to remove or relocate a native tree shall make a written application with the City of Monroeville. The application shall include a Landscape Plan as required elsewhere in this ordinance unless waived by the City Tree Board.
- 2) Upon receipt, all applications shall be stamped with date and time.

12.3 *Permit Procedure* - An application may be field checked prior to issuance of a permit. The City must approve or deny any permit within seven (7) working days after the receipt of the application. Failure to deny the application, as provided herein, within this seven (7) day period shall result in the automatic issuance of the permit as requested in the application. The City Tree Board may request a recommendation concerning the application from any or all appropriate City departments.

12.4 *Criteria for Issuance of Tree Removal Permit*

- 1) The tree is located in any area where a structure or improvement will be placed according to an approved plan.
- 2) The tree is diseased, injured, in danger of falling too close to existing or proposed structures, interferes with existing utility service, creates unsafe vision clearance or conflicts with other ordinances or regulations.
- 3) The tree is, or will be after construction, in violation of federal, state or local laws or regulations, or cause the construction to violate federal, state or local laws or regulations including, but not limited to, laws and regulations pertaining to government programs for financing construction.

12.5 *Basis for Denial of Permit* - The City Tree Board, upon a determination that an application for tree removal does not meet criteria for issuing a permit to remove a protected tree, may within their discretion, deny the same and shall notify the applicant of the reason(s) for said denial.

12.6 *Appeal of Decision* - Appeals of either a grant or denial of permits to remove a native tree shall be to the Planning Commission and may be taken by the applicant or by any officer, department or board of the City affected by any decision of the City Tree Board with respect to the administration or enforcement of Section 12. All such appeals shall automatically be placed on the agenda of the next regularly scheduled meeting of the Planning Commission. The Planning Commission shall have the power to grant permits upon a showing by the applicant by clear and convincing evidence that the applicant will suffer extreme and extraordinary hardship. All appeals from the Planning Commission shall be to the Circuit Court of Monroe County and may be brought by any of the persons listed above.

12.7 *Time of Permit* - Any and all permits issued by the City in accordance with the requirements of this Section shall be declared null and void if commencement of work so permitted is not started within a reasonable time, not to exceed six months. Permits not used within this period will become null and void and future work will require a new application.

Section 13.0 Maintenance Requirements and Responsibility:

13.1 Landscaped areas shall be maintained in good condition and free of refuse and debris so as to maintain a healthy, orderly appearance at all times. Maintenance requirements shall apply to existing areas, plants and trees that were reserved as credits for existing landscape material and all new trees, plants and areas that were installed to meet the requirements of this ordinance. This also applies to rights-of-way or medians for developers who elect to take credits for existing landscape material to meet landscaping requirements.

13.2 Proper maintenance shall be interpreted to mean the prompt replacement of all dead or damaged landscape material to insure the continued compliance with landscaping requirements.

13.3 The owner, tenant or lessee and any active agent representing the property shall be jointly and severally responsible for the maintenance of all landscaping unless an acceptable legal entity is identified and has agreed to accept the responsibility for maintenance.

13.4 All landscaped areas shall be provided with an adequate and appropriate water supply. This may include one or more of the following: hose bibs, automatic or manual irrigation, and / or any other appropriate method of supplying water to landscaped areas.

Section 14.0 Enforcement of Landscape Requirements

The Building Official is authorized to enter property, after notice and at reasonable times, to inspect any and all landscaping that was retained or planted as a part of a required landscape area, buffer or screening. Enforcement for maintenance or replacement as appropriate of the landscaping, buffer and screening shall be by Issue of Complaint.

Section 15.0 Penalties for Violation of Landscape Requirements

Any person, firm or corporation violating or failing to comply with the landscaping requirements of this ordinance shall be subject to a fine up to one hundred dollars (\$100) per day per violation for each day the violation remains uncorrected. Proceeds of fines shall be earmarked for the buying and planting of plants in the City of Monroeville.

ARTICLE X. SIGNS

Section 1.0 - Purpose

The purposes of this article are to enable the consistent enforcement of sign regulations that: encourage the safe construction and effective use of signs as a means of communication with the public; maintain traffic and pedestrian safety; minimize adverse effects to nearby public and private property to protect property values; and protect the general welfare of the community.

Section 2.0 - Applicability

Signs shall be sized erected, placed, created, painted and maintained in the entire corporate limits of Monroeville in conformance with the requirements and procedures of these regulations.

Section 3.0 - Pre-Existing Non-Conforming Signs

Any existing signs, including billboards, erected prior to the adoption of these regulations that do not conform to these regulations, are considered non-conforming signs and shall be regulated as follows.

3.1 Non-conforming Permanent Signs

- 1) Non-conforming permanent signs may be continued and maintained after the effective date of this ordinance. It is the responsibility of the person owning a non-conforming permanent sign to document that the sign pre-existed and claim non-conforming status for the sign.
- 2) Normal maintenance, such as changes on the faces of the sign, are not subject to these requirements. Non-conforming permanent signs that are totally replaced as a part of future maintenance shall fully comply with these regulations.
- 3) When a change in use, occupancy or ownership occurs that necessitates the changing of a non-conforming permanent sign, the replacement sign shall fully comply with these regulations.
- 4) Whenever a non-conforming permanent sign is damaged to 80% of the current fair market value or destroyed, including natural acts, or becomes obsolete for any cause, any replacement sign shall fully comply with these regulations.
- 5) Non-conforming permanent signs that are relocated on the same property or moved to a different lot shall fully comply with these regulations.
- 6) A non-conforming permanent sign that has changes to either the height or surface area shall fully comply with the applicable regulations after the modification.

3.2 Non-conforming, Temporary and Non-durable Signs

- 1) Non-conforming temporary and non-durable signs shall be brought into compliance with these sign regulations by taking the following actions.
- 2) All non-conforming signs made of paper, cloth and other non-durable material shall be removed within 60 days.
- 3) All other non-conforming temporary signs shall be removed within 120 days.

Section 3.5 – Definitions

Abandoned sign: A sign which no longer identifies or advertises a bonafied business, lesser, service, owner, product, or activity, and/ for which no legal owner can be found.

Administrator: The building official or his designated representative.

Animated sign: Any sign which uses movement or change of lighting to depict action or to create a special affect or scene.

Area of Sign: The total area of the sign face which is used to display a message, not including its supporting poles or structures.

Awning: A shelter projecting from and supported by the exterior wall of a building and composed of flexible materials on a supporting framework.

Awning Sign: A sign painted on, or printed, or attached flat against the surface of an awning.

Banner: A flexible substrate on which copy or graphics may be displayed.

Banner Sign: A sign utilizing a banner as its display surface.

Bench Sign: A sign painted on or affixed to any portion of a bench or seating area.

Billboard: (see “off-site sign).

Building: As defined in the Building Code or Zoning Ordinance.

Building mounted sign: A sign which is connected to a building. This includes, but is not limited to, a wall, building canopy, projection, or awning.

Canopy (building): A rigid, multi-sided structure covered with fabric, metal or other material and supported by a building at one or more points and by columns or posts at the other points.

Canopy (free-standing): A rigid multi-sided structure covered with fabric, metal or other material and supported by columns or posts.

Changeable copy sign (automatic): A sign on which the copy changes automatically on a lampbank or through mechanical means, e.g., electrical or electronic time and temperature units.

Changeable copy sign (manual): A sign on which the copy changes manually in the field, e.g., readerboards with changeable letters.

City: Unless the context clearly discloses a contrary intent, the word “city” shall mean the City of Monroeville.

Clearance (of a sign): The smallest vertical distance between the grade of the adjacent street and the lowest point of any sign, including framework, embellishments, poles and supports, extending over the grade.

Construction sign: A temporary sign identifying an architect, contractor, subcontractor, and/or material supplier participating in construction on the property on which the sign is located.

Copy: The wording on the sign surface in either permanent or removable letter form.

Direction/information sign: An on-premise sign giving directions, instructions, or facility information and which may not contain the name or logo of an establishment or any advertising copy, e.g., parking or exit and entrance signs.

Double-faced sign: A sign with two (2) faces.

Election sign: A temporary sign directly associated with national, state or local elections.

Electrical sign: A sign or sign structure in which electrical wiring, connections, or fixtures are used.

Electronic message sign or center: (see changeable copy sign, automatic).

Façade: The entire building front including the parapet.

Face (of sign): The area of the sign in which copy is placed.

Festoons: A string of ribbons, tinsel, small flags, or pinwheels.

Flashing portable or on-site sign: A sign which contains an intermittent, sequential, or rotating light source, or which through reflection or other means creates an illusion of flashing, intermittent, or rotating light. This does not include changeable copy signs.

Free-standing sign: A sign supported upon the ground by poles or braces and not attached to any building.

Frontage (property): The length of the property line of any single premise along either a public right-of-way or other properties on which it borders.

Frontage (building): The length of an exterior building wall or structure of a single premise oriented to the public right-of-way or other properties that it faces.

Government sign: Any temporary or permanent sign erected and maintained by the city, county, state, or federal government for traffic direction or for designation of or direction to any school, hospital, historical site, or public service, property, or facility.

Height (of sign): The vertical distance measured the highest point of the sign, including embellishments, to the grade of the adjacent street or surface grade beneath the sign.

Identification sign: A sign whose copy is limited to the name and address of a building, institution, or person and/or to the activity or occupation being identified.

Illegal sign: Any sign which does not meet the requirements of the article and which has not received legal nonconforming status.

Illuminated sign: A sign with an artificial light source incorporated internally or externally for the purpose of illuminating the sign.

Incidental sign: A small sign, emblem, or decal, located on the window or wall of a building, informing the public of goods, facilities, or services available on the premises, e.g., a credit card sign or sign indicating hours of business.

Interior sign: Any sign placed within a building, but not including “window signs” as defined by this ordinance. Interior signs, with the exception of window signs as defined, are not regulated by this article.

Lot: A parcel of land legally defined on a subdivision map recorded with the property tax assessment office or land registry office, or a parcel of land defined by a legal record or survey map.

Maintenance: For the purposes of this article, the cleaning, painting, repair, or replacement of defective parts of a sign in a manner that does not alter the basic copy, design, or structure of the sign.

Mansard: A sloped roof or roof-like façade architecturally comparable to a building wall.

Marquee: A permanent roof-like structure or canopy of rigid materials supported by and extending from the façade of a building.

Marquee sign: Any sign attached to or supported by a marquee structure.

Menu board: A free-standing sign oriented to the drive-through lane for a restaurant that advertises the menu items available from the drive-through window, and which has no more than 20 percent of the total area for such sign utilized for business identification.

Multiple-faced sign: A sign containing three or more faces.

Nameplate: A nonelectric on-premise identification sign giving only the name, address, and/or occupation of the occupant or group of occupants.

Nonconforming sign: (1) A sign which was erected legally but which does not comply with subsequently enacted sign restrictions and regulations; (2) A sign which does not conform to the sign regulations and requirements but for which a special permit has been issued.

Occupancy: The portion of a building or premises owned, leased, rented, or otherwise occupied for a given use.

Off-site sign: A sign structure advertising an establishment, merchandise, service, or entertainment, which is not sold, produced, manufactured, or furnished at the property on which the sign is located, e.g., “billboards” or “outdoor advertising.”

On-site sign: A sign erected, maintained or used in the outdoor environment for the purpose of the display of messages appurtenant to the use of, products sold on, or the sale or lease of, the property on which it is displayed.

Owner: A person recorded as such on legal records. For the purposes of this article, the owner of property on which a sign is located is presumed to be the owner of the sign unless facts to the contrary are officially recorded or otherwise brought to the attention of the administrator, e.g., a sign leased from a sign company.

Painted wall sign: Any sign which is applied with paint or similar substance on the face of a wall.

Parapet: The extension of a building façade above the line of the structural roof.

Political sign: For the purposes of this article, a temporary sign used in connection with a local, state, or national election or referendum.

Portable sign: Any sign designed to be moved easily and not permanently affixed to the ground or to a structure or building.

Projecting sign: A sign, other than a flat wall sign, which is attached to and projects from a building wall or other structure not specifically designed to support the sign.

Real estate sign: Any temporary sign advertising the real estate upon which the sign is located as being for rent, or sale.

Roofline: The top edge of the roof or building parapet, whichever is higher, excluding any cupolas, pylons, chimneys, or minor projections.

Roof sign: Any sign erected over or on the roof of a building.

Rotating sign: Any sign in which the sign itself or any portion of the sign moves in a revolving or similar manner. Such motion does not refer to methods of changing copy.

Sign: Any device, structure, fixture, or placard using graphics, symbols, and other written copy designed specifically for the purpose of advertising or identifying any establishment, product, goods, or services.

Sign, area of: The area of the smallest geometric figure, or the sum of the combination of regular geometric figures, which comprise the sign face. The area of any double-sided or “V” shaped sign shall be the area of the largest single face only. The area of a sphere shall be computed as the area of a circle. The area of all other multiple-faced signs shall be computed as 50 percent of the sum of all faces of the sign.

Subdivision identification sign: A free-standing or wall sign identifying a recognized subdivision, condominium complex, or residential development.

Temporary sign: A sign not constructed or intended for long-term use.

Under-canopy sign: A sign suspended beneath a canopy, ceiling, roof, or marquee.

Use: The purpose, for which a building, lot, sign or structure is intended, designed, occupied, or maintained.

Wall sign: A sign attached parallel to and extending not more than twelve (12) inches from the wall of a building. This definition includes painted, individual letter, and cabinet signs, and signs on a mansard.

Window sign: A sign installed on or in a window and intended to be viewed from the outside.

Section 4.0 - Sign Regulations Applying to All Districts

Section 4.1 - Maintenance of Signs:

- 1) All signs and related sign structures shall be kept in a proper state of repair and preservation.
- 2) The Building Official, or an appropriately designated representative is authorized to inspect and order:
 - a) the painting, repair or alteration of poorly maintained or dilapidated signs, and
 - b) the removal of signs that have been abandoned (in an obvious state of disrepair or in which there is no longer an on-going business interest in) for a period of six consecutive months, subject to the requirements of these regulations, or signs that constitute a physical hazard to public safety.

Any repair, painting, alteration or removal shall be at the sign owner's expense.

- 3) Weeds and grass shall be kept cut beneath and for a distance of 10' in all directions from the perimeter of a sign. This area shall also be maintained free of debris and rubbish that would constitute a fire or health hazard or be construed as a nuisance.

- 4) Written orders for sign maintenance shall be sent to the person owning or using the sign or advertising structure or the owner of the building or premises on which the sign is affixed or erected. The person responsible for the sign shall have thirty (30) days to maintain the sign in accordance with the written notice. If no action is taken, a second thirty (30) day notice will be issued by the City. Failure to take the required maintenance action in response to the second notice shall be considered a violation of these regulations and grounds for the imposition of penalties and remedies as provided by law.

Section 4.2 - Permitted Signs:

- 1) Signs required for legal notices and other official instruments.
- 2) Flags and insignias of governmental, religious, charitable or fraternal organizations with an area of less than 50 square feet and mounted on a single pole.
- 3) Decorative flags and bunting as authorized by the Council for a city-wide celebrations, commemorations or conventions.
- 4) Memorial signs, tablets or cornerstones, names of buildings and dates of erection when included as an integral part of the building plans and constructed of bronze or other durable non-combustible material or cut into masonry surfaces.
- 5) Small, not to exceed two square feet, directional signs and symbols (eg. entrance, exit, handicapped) located on buildings and property to comply with other codes and ordinances and to advise the public of non-advertising information.
- 6) One bulletin board and identification sign per site for public, educational, charitable and religious buildings that shall be located on-site, not to exceed 32 square feet in area or 5' in height, and be located a minimum of 15' from the right-of-way.
- 7) Holiday lights and decorations during customary holiday periods.

Section 4.3 - Temporary Event Signs:

- 1) Political Signs - Political signs are temporary signs that may be placed on private property. Any political sign placed in a public right-of-way may be removed by the City and the candidate billed for each sign removed. Political signs shall be mounted no higher than four feet above ground level, and be less than 9 square feet in area in all residential districts and 24 square feet in all other districts. It shall be the responsibility of the candidate's sponsor and the private property owners to place political signs in conformance with this requirement and erect and remove them in a timely manner.
- 2) Community Functions and Special Events - Signs to notify the public of community functions and special events are temporary signs that may be placed or erected following approval by the Council. Prior to requesting approval by the Council, the sponsor of the event shall meet with a designated representative of the office of the Building Official and develop a plan for locating the signs and preparing a description of the signs. Special event signs shall not be more than 12 square feet in area per sign face and shall be placed or erected in conformance with the plan approved by the Council. Community function and special event signs shall not be placed more than 45 days prior to an event and must be removed not more than 14 days after the last day of the event. Identification of a responsible legal entity for the placement and removal of the signs is required.
- 3) All temporary signs such as yard sale signs, political signs, or other like signs shall be removed by' parties involved after their usefulness has been fulfilled or upon notification of the Building Official

Section 4.4 - Prohibited Signs:

- 1) Any sign that use words such as "stop" or "caution" or similar words or that emulates the shape and/or color in a manner to copy or imitate a traffic control sign.
- 2) Any sign or sign structure placed in any public right-of-way including sidewalks or on any public land except informational and directional signs placed by an appropriate public entity or at the direction of the City of Monroeville.
- 3) Signs that flash, illuminate intermittently or are animated to change physical position by movement or rotation, except for date, time, temperature and public service electronic bulletin board type signs.
- 4) Signs that emit any detectable smoke, vapor, odor, particles or that include any lighting or control mechanism that interfere with radio, television or electronic means of communication.
- 5) Any sign painted on or attached to an object to be placed near the public right-of-way shall be located a minimum of five feet (5') behind the right-of-way and maintain clear sight triangle(s) required for all access drives to the property and along the right-of-way.
- 6) No banners, pennants, streamers or other types of temporary signs shall be hung over a public rights-of-way.
- 7) Signs attached to or painted on trees, fences, fire escapes, elevated water storage tanks (stand pipes), utility poles, or traffic sign standards, except that advertisement signs attached to the fences of municipal baseball fields are permitted with approval of the City Council.
- 8) Signs painted on a sloping roof or wall of a building.
- 9) Tethered inflatable signs of all types.
- 10) Obsolete signs such as those that advertise an activity, business, product or service no longer conducted on or off the premises on which the sign is located.
- 11) Signs that are of such intensity or brilliance as to cause glare or impair the vision of motorists, cyclists, or pedestrians: or that illuminate adjacent residential developments.
- 12) Multi-vision displays, defined as any portion of the sign where the display surface is comprised of rotating elements that permit the display of different messages by the rotation of the elements.
- 13) Video displays, defined as an electronic display sign upon which multiple-color pictures or graphics are displayed in a series of frames which give the illusion of motion. This definition includes, but is not limited to, television screens, plasma screens, LED screens, and holographic displays used to display video images.

Section 4.5 - Placement of Signs

- 1) Signs and advertising structures shall not obstruct any window, door, fire escape, stairway, or opening intended to provide light, air, or access or circulation driveways intended for ingress or egress to any building or structure.
- 2) No sign or advertising structure shall be placed or erected, permanently or temporarily, that obstructs the sight triangle associated with any public or private street, road, highway or alley within the City.
- 3) Any sign exceeding fifty (50) square feet, exclusive of necessary structural support, shall be placed a minimum of ten (10) feet from all property lines and street (public or private) rights-of-way.

Section 4.6 - Design Criteria

- 1) Illuminated signs and service wiring shall be in compliance with the electrical code currently being enforced by the City of Monroeville..
- 2) Sign illumination shall be so designed so that that the intensity and characteristics of the lighting shall not interfere with adjoining properties or create either a danger or distraction for motorists and street traffic.

Section 5.0 - Sign Regulations for Residential Districts

Section 5.1 On-site Signs Required: All signs in a residential district shall be limited to on-site signs except for subdivision identification markers. Off-site signs displaying information or advertising products or services at other locations are prohibited in all residential districts.

Subdivision Identification Markers - Each subdivision shall be allowed one monument style sign to identify the name of the subdivision at each entrance to the subdivision. The subdivision identification marker shall be setback or located to maintain a clear sight triangle at the intersection. Subdivision identification markers shall be monument style signs having an average height of not higher than six feet (6') and having a total surface area, including architectural features and signage, of 80 square feet. An acceptable legal entity, other than the City, shall be identified to provide the maintenance for each subdivision identification sign. Subdivision identification marker signs may be illuminated with shielded lights that prevent glare and distractions to adjacent properties and rights-of-way.

Section 5.2 - Electric Signs Prohibited: No electric signs shall be permitted in residential districts.

Section 5.3 - Attached Signs:

- 1) Attached signs, such as house numbers and the name of the residents are permitted.
- 2) One (1) sign shall be permitted for approved home occupations. The sign shall not exceed two (2) square feet in area and shall be non-illuminated and mounted flat against the wall of the principal building. Other signs or displays of goods on the property are prohibited.

Section 5.4 - Detached Signs:

1) Multiple Family Complex Identification Markers - Each apartment complex or manufactured home community of sixteen (16) units or more shall be allowed one sign to identify the name of the complex at each entrance provided the entrances are from different streets. Each sign shall not be more than 6' in height nor have an aggregate area of more than 80 square feet when including the architectural features and signage. The multiple family complex identification marker may be illuminated by indirect lighting that is shielded to prevent glare and distractions to adjacent properties and rights-of-way.

- 2) Mailboxes and Street Numbers - Each dwelling unit receiving mail at a curb side mail box may attach one sign to the mail box to identify the name of the resident and provide the street address. Such signs shall be limited to the length of the mail box and shall not extend either higher than 9" above the mail box or hang lower than 1' below the mailbox.
- 3) Detached Signs Prohibited - All other detached signs are prohibited in all residential districts.

Section 5.5 - Temporary Signs:

1) Construction Signs

a) Subdivisions - A maximum of two temporary construction signs shall be permitted at the primary entrance to a subdivision. Each sign may be up to 32 square feet in area and shall not be mounted higher than 6' above ground. The subdivision construction sign shall not be located within the rights-of-way or the required sight triangle for the intersection. Temporary subdivision signs shall be removed no more than 30 days following the completion of the development of the subdivision, but not including the construction of houses.

b) Home Sites in New Subdivisions - A maximum of six on-site signs per lot may be posted at any time to indicate that the lot is for sale and to identify contractors and suppliers. Each individual sign shall not exceed 9 square feet in area; be posted no higher than 3' above ground level; and shall be located behind the right-of-way line. Home site signs posted by contractors and suppliers shall be removed not more than 7 days after the completion of construction. Home site signs posted to identify the lot and offer is for sale shall be removed not more than 7 days after sale closing for the home or lot.

2) Repair Signs - A maximum of one on-site sign per lot may be posted for a period of not to exceed 30 days to identify the contractor conducting repairs or performing construction at a residential property. The sign shall not exceed 9 square feet in area; be posted higher than 3' above ground level; and shall be located behind the right-of-way line. Home repair signs shall be removed not more than 7 days after completion of the home repair or construction.

3) Real Estate Signs - A maximum of one sign per interior lot and two signs per corner lot may be posted to indicate a property or home is for sale or rent. Each sign shall not exceed 9 square feet in area, be more than 3' above ground level, and shall be located behind the right-of-way line. "For rent" signs shall be removed the day after rental. "For sale" signs shall be removed not more than 7 days following the sale closing for the home or lot.

4) Yard Sale Signs - One sign, not to exceed 9 square feet or be mounted more than 3 feet above ground level, may be located in the yard (not on the public right-of-way) of the premises where the sale is being held. Yard sale signs shall not be posted on the property for more than three periods within a calendar year and not for more than three consecutive days during each period.

Section 6.0 - Sign Regulations for Commercial Districts

Section 6.1 - General Requirements: These sign requirements shall apply to all land, buildings, and structures in commercial zones.

Section 6.2 - Attached Signs for Businesses: Each use shall be permitted either one attached flat sign or one projecting sign subject to the following limitations.

1) Sign Contents - Identification can be by letter, numeral, symbol or design or nature of use and include the name and address.

2) Allowable Sign Area

- a) The sign area shall be computed at one and one-half square feet of sign per lineal foot of wall on which the business, or individual tenant, has a main entrance.
 - b) Window signs shall be limited to 20 percent of the total glass area of the window in which the sign is placed or near. Neon tubing outlining a window shall be included in the sign area and measured by multiplying the length of tubing by 0.5 feet. Illuminated window signs within five feet of any window shall be included in the computation of sign area.
- 3) Buildings With Increased Setback - Signs for buildings exceeding 25,000 square feet of gross floor area that are significantly setback from the front building line shall be allowed larger attached signs in accordance with the Schedule for Attached Sign Size Adjustment for Additional Setback Distance.

Schedule for Attached Sign Size Adjustment for Additional Setback Distance

Setback Distance	Sign Area (sq. ft.) Per Lineal Building Foot
Over 200' and up to 299'	2 square feet
Over 300' and up to 399'	3 square feet
Over 400'	4 square feet

- 1) Multiple Frontage
 - a) Properties located at the intersection of major streets, as identified by designation as a United States or Alabama highway, shall be allowed one additional attached sign on the secondary building face that shall not be more than 65% of the sign area on the primary face of the building.
 - b) If the intersecting street provides access to residential development immediately behind the lot or if residential development is directly across the intersecting street, then no additional sign shall be permitted on the second frontage.
- 2) Projecting Signs - No sign shall project more than five feet from the face of the building.
- 3) Sign Height - The height of an attached sign shall be the lesser of: five feet (5') above the parapet of the building; or the building height allowed in the district in which the structure is located.
- 4) Illumination - Attached signs in commercial districts may be illuminated subject to the general requirements for all signs.
- 5) Canopy or Marquee Signs - In developments with multiple businesses, each business shall be allowed two canopy or marquee signs, with each such sign limited to a maximum of three square feet unless otherwise regulated by restrictive covenants of the developer.

Section 6.3 - Detached Signs for Businesses: Each development shall be allowed one detached on-site sign subject to the following conditions.

- 1) General Criteria - Detached sign regulations are intended to increase visibility for individual developments by controlling the size, height and number of detached signs. Low "eye level" monument and ground-mounted type signs are encouraged over signs mounted on poles or structures.
- 2) Sign Contents - Identification can be by letter, numeral, symbol or design or nature of use and include name and address.

- 3) Allowable Sign Area - The allowable sign area for monument and ground-mounted signs shall be computed at two square feet per lineal foot of street frontage based on lot width or street frontage for the entire development up to a maximum of 300 square feet of sign area. Multiple tenant developments may add an additional 20 square feet of detached sign per tenant up to a maximum of an additional 200 square feet of sign area. The square footage shall include the area identified by color or construction for signage, but exclude the architectural features. The allowable sign area for pole mounted signs shall be limited to 40% of the sign area calculated for monument and ground-mounted type signs.
- 4) Secondary Signs on Through Lots - A second detached sign may be located on the second front of a through lot subject to the following conditions. The maximum area of the second sign shall be limited to 24 square feet if the through lot is located across from or within 75' distance of any residential district; otherwise the maximum area of the sign shall be 48 square feet. The second sign shall be incorporated in a landscaped area having a minimum of 50 square feet. The landscaping shall consist of shrubs, ground cover, or other suitable plant materials and exclude grass and impervious surfaces.
- 5) Sign Height - The maximum height of a detached sign shall be set in relation to the setback provided as shown in the following Schedule for Sign Height and Setback.

Schedule for Sign Height and Setback

Height of Sign	Setback Requirement
Up to 10'	10' setback from all property lines
Above 10'	10' setback from all property lines plus approval by Planning Commission, indemnification of City and certification by registered engineer.

- 6) Illumination - Detached signs may be illuminated subject to the general requirements for all signs.
- 7) Sign Location - Detached primary and secondary signs on all lots shall be located to maintain clear sight triangles at all intersections and driveways.

Section 6.4 - Temporary Signs:

- 1) Repair Signs
 - a) Residential - Repair signs at residential uses in commercial districts shall comply with requirements for residential repair signs as established elsewhere in this ordinance.
 - b) Commercial - A maximum of one on-site sign per lot or building may be posted for a period of not to exceed 60 days to identify the contractor conducting repairs or performing construction on the property. The sign shall not exceed 32 square feet in area; be posted higher than 6' above ground level; and shall be located behind the public right-of-way line and maintain clear sight triangles at all intersections and access drives. Business repair signs shall be removed not more than 7 days after completion of the business repair or construction.
- 2) Real Estate Signs

- a) Residential - Real estate signs on residential uses shall comply with requirements for residential real estate signs as established elsewhere in this ordinance.
 - b) Commercial - A maximum of one sign per interior lot and two signs per corner lot may be posted to indicate a property or business is for sale or lease. Each sign shall not exceed 32 square feet in area, be posted higher than 6' above ground level, and shall be located behind the public right-of-way line and maintain clear sight triangles at all intersections and access drives. Lease and rent signs shall be removed the day after leasing. For sale signs shall be removed not more than 7 days following the sale closing for the business or lot.
- 3) Other Temporary Signs
- a) Residential - Residential temporary signs shall comply with the residential temporary sign requirements as established elsewhere in this ordinance.
 - b) Commercial - Any other temporary sign shall not be posted on the property for more than four periods within a calendar year and not for more than 10 consecutive days during each period. Such signs shall not exceed 20 square feet in area. Unless attached to the building the sign shall not be more than 6 feet above ground level, and shall be located behind the public right-of-way line and maintain clear sight triangles at all intersections and access drives.

Section 6.5 - Off-site Signs: Off-site signs, including billboards, are prohibited in the CBD and B-1 districts; and shall not be located within 100' of any residential district or existing residential development in a commercial district. Off-site signs in commercial districts are subject to the requirements of Section 8.0 of this article.

Section 7.0 - Sign Regulations for Industrial District

Section 7.1 – General Requirements: These sign requirements shall apply to all land, buildings and structures in industrial districts.

Section 7.2 - Attached Signs for Industries:

- 1) Each industrial use may have one surface mounted sign that shall not exceed 300 square feet. The sign may be internally illuminated, subject to the general requirements, or lit by external spot or flood lights. All external lighting fixtures shall be directed away from or shielded so as not to disturb or be objectionable to adjacent properties, public-rights-of-way and on-site access drives.
- 2) Roof mounted signs are prohibited.

Section 7.3 - Detached Signs: Each industry may have one detached monument style sign to identify the name of the industry. The sign shall adhere to the yard setback requirements of the Industrial district and shall not be located in a sight triangle. The sign shall not be over 8 feet in height or exceed 150 square feet, excluding architectural features.

Section 7.4 - Temporary Signs:

- 1) Real Estate Signs - A maximum of two signs per industrial lot may be posted to indicate a property or industry is for sale or lease. Each sign shall not exceed 32 square feet in area,

be mounted over 6 feet in height, and shall be located behind the right-of-way line and maintain clear sight lines at all intersections and access drives. Lease signs shall be removed the day after leasing. For sale signs shall be removed not more than 7 days following the sale closing for the industry or lot.

- 2) All other temporary signs are prohibited in industrial districts.

Section 7.5 - Off-site Signs

Off-site signs displaying information or advertising products or services at other locations are permitted in the M-1 and M-2 industrial districts subject to the requirements of Section 8.0 of this article. Off-site signs displaying information or advertising products or services at other locations are prohibited in the M-1P industrial district.

Section 8.0 - Off-site Sign Requirements

Section 8.1

- 1) Off-site signs shall not be located in the public right-of-way and shall not be located more than 300 feet from the right-of-way of a designated highway. Off-site signs located along United States and Alabama Highways shall be approved by the Alabama Department of Transportation. Off-street signs are prohibited along all other streets.
- 2) Off-site signs located on the same side of a highway or road shall have a minimum of a 2,000 foot interval between signs.
- 3) No off-site sign shall exceed 672 square feet in area, per face, excluding the base and trim.
- 4) Any illumination within 100 feet of residential areas will be directed away from the residential area
- 5) Off-site signs shall meet the following area and dimension requirements:

Maximum Lot Area: To be determined by the set back requirements for the sign.

Minimum Setbacks: As required by the Schedule for Sign Height and Setback included in Paragraph 5 of Section 6.3.

- 6) Off-site signs (billboards) shall comply with the following lighting restrictions:

All lighting of off-site signs (billboards) shall be done in a manner that will not interfere with the vision of motorists. The light intensity of digital off-site signs shall be adjusted for daylight and dark so as not to impair motorist's vision.

Section 9.0 - Administrative Requirements and Procedures

Section 9.1 - Sign Permits Required: A sign permit is required for any permanent sign having one or more of the following characteristics:

- 1) Exceeding 50 square feet in area;
- 2) Elevated more than 10 feet above ground level or the height of the sign, as measured from the outer base of the sign along the ground, indicates that if the sign fell it could fall on another parcel or obstruct a public right-of-way;
- 3) Projecting over (e.g. a sidewalk) or located in (e.g. bench sign) a public right-of-way;
- 4) The sign requires a building permit due to exceeding \$1,000.00 in cost; and
- 5) All off-site signs.

Section 9.2 - Application for Sign / Building Permit: Written application for a sign / building permit shall be made to the Building Official on the forms provided by the City and be supplemented by a location map, site map and a complete description of materials and the structural details of the sign.

- 1) The site map shall show the location of the sign on the lot and adjacent property for a distance equal to the height of the sign plus 10'. The map shall indicate the property lines, existing buildings, signs and structures within the area required to be shown.
- 2) The description and details of the sign shall include, but not be limited to, complete structural specifications including footings, anchoring and support for projecting signs and outdoor advertising structures. All sign structures shall conform to the requirements of the International Building Code.
- 3) Additional information as needed to fully describe the sign and determine that the sign will be in compliance with the requirements of these regulations.

Section 9.3 - Indemnification of City: Every sign / building permit application shall include an agreement of indemnification and hold the City harmless from any damages or expenses caused by the sign and related structure.

Section 9.4 - Certification by Registered Engineer: All signs requiring permits shall be certified by an registered engineer regarding compliance with the provisions of all Alabama and local codes and ordinances and the use of current engineering structural design criteria and practices.

Section 9.5 - Fees: A permit fee shall be paid to the office of the Building Official at the time an application for a sign permit is filed. The fee shall be in the amount specified in the schedule adopted by the Council.

Section 9.6 - Review of Application: Upon receipt of a complete application the Building Official shall review the plans, specifications and other data. If the application is determined to meet all requirements, the Building Official shall issue a sign / building permit. If the application is denied the Building Official shall state in writing the reasons for disapproval. The applicant will be notified of approval or disapproval.

Section 9.7 - Duration of Sign / Building Permit: A sign / building permit shall be valid for a period of six months following the date it was issued. If the sign /building is not erected within six months a new application for a sign /building permit shall be submitted.

Section 9.8 - Identification Tag: The sign contractor shall attach a weatherproof identification tag to all signs requiring sign /building permits. The tag shall have the following information permanently printed or impressed:

- 1) "City of Monroeville Sign Permit" followed by the sign / building permit number;
- 2) Year the sign was put in place; and
- 3) The name and address of the sign contractor.

The erection, placement or construction of a sign requiring a permit without a proper identification tag shall be evidence that the sign is in violation of these requirements.

Section 9.9 - Modification of Permitted Signs: No permitted sign may be structurally altered without obtaining another sign / building permit and providing complete information regarding the proposed modification.

ARTICLE XI. AGRICULTURE USE DISTRICT REQUIREMENTS

Section 1 - AG-1 District

1.0 Purpose

The purpose of the AG-1 use district is to preserve the rural character of areas that are located outside the urbanized portion of the city by promoting agriculture related uses.

2.0 Permitted Uses

2.1 *Uses of Land:* Farming including horticulture, dairying, apiaries, livestock and similar farm uses that do not create odors, health or safety hazards within the community.

2.2 *Uses of Buildings:* Residential, single detached dwelling units.

2.3 *Accessory Uses and Structures:* Accessory buildings customary to single dwelling residences and those accessory uses and structures used in the production of farm crops or sales.

3.0 Conditional Uses

3.1 *Uses of Land:* Manufactured home communities, subject to the provisions of the Subdivision Regulations. Recreational areas, public utilities, uses that will not impact any existing or potential future residential neighborhood.

3.2 *Uses of Buildings, Structures:* Home occupations and instruction provided they meet the requirements set forth elsewhere in this ordinance. Manufactured homes provided the lot size for each unit meets the lot requirements established by this ordinance or the County Health Department as applicable. Churches, animal hospitals and kennels, and nursing homes.

3.3 *Accessory Uses and Structures:* Uses and structures customarily related to the primary use.

4.0 Prohibited Uses

Any use that may create a hazard to public health, safety or general welfare. Commercial and industrial uses.

5.0 Dimensions

5.1 *Lot Area for Uses of Land:* There are no minimum lot area or width requirements for open space, gardens, agricultural uses of land without buildings or structures.

5.2 *Lot Area for Land with Buildings:*

1) Within the yard setbacks specified below, each residential lot or area for a manufactured home shall have a minimum of 25,000 square feet or the area required by the Monroe County Health Department, whichever is greater.

2) Within the yard setbacks specified below, each non-residential lot shall have a minimum of 35,000 square feet or the area required by the Monroe County Health Department, whichever is greater.

5.3 *Yard Setbacks for Uses of Land:* There are no minimum required yard setbacks for open land uses, such as pasture and row crops. Orchards and forest timber shall be setback sufficient distance to allow the full growth of trees without overhanging adjacent property. Sight triangles shall be maintained along streets as required elsewhere in these regulations.

5.4 *Yard Setbacks and Separation for Uses of Land with Farm Buildings and Structures:* All yard setbacks for farm buildings and structures shall be the greater of 50' plus height of building

or structure, or the buildings or structures shall be setback sufficient distance to prevent odor, fumes, dust or noise from being detectable at the property or right-of-way lines. Any structure used for the keeping of livestock or poultry, whether temporary or permanent, shall not be located closer than two hundred (200) feet to any property line. Agricultural uses of land do not require separation of farm buildings.

5.5 Yard Setbacks and Building Separation for Residential Structures: The yard setbacks and building separation for residential structures shall be:

- 1) Front yard - 50'
- 2) Side yards - 30'
- 3) Rear yard - 40'.
- 4) Residential structures shall be separated from residential accessory structures by 20'. Residential structures shall be separated from farm buildings and structures by 20' plus the height of the farm structure. Agricultural uses of land, except gardens, shall be separated from residential structures by 30'.

5.6 Yard Setbacks and Building Separation for Non-residential structures: The yard setbacks and building separation for non-residential buildings shall be:

- 1) Front yard - 70'
- 2) Side yard - 50'
- 3) Rear yard - 50'.
- 4) Non-residential buildings and structures shall be separated by 20'.

5.7 Building Height: The maximum height of buildings and structures, unless exempted elsewhere in these regulations, is:

- 1) Farm - 50'
- 2) Residential - 2-1/2 stories or 35'
- 3) Non-residential - 2 stories or 25'

ARTICLE XII. RESIDENTIAL USE DISTRICTS

Section 1 - R-1 District

1.0 Purpose

The purpose of the R-1 district is to protect existing, detached single dwelling unit residential areas, to promote the development of new, low population density residential areas and to ensure the long-term, continued stability of these areas. In some areas where public water and sewer are not available, the density in this district may be lower as a result of meeting health department requirements for lot area.

2.0 Uses Permitted

2.1 Uses of Land - Children's play areas and play equipment, private swimming pools and other residential related activities.

2.2 Uses of Buildings - Residential, detached single dwelling units.

2.3 Accessory Uses and Structures - Private garages, tool houses and garden sheds, private barbecue pits, and similar residential related accessory uses.

3.0 Conditional Uses Subject to Development Plan Review by Planning Commission

3.1 Uses of Land - Country clubs and golf courses. This shall be extended to include the club house, golf related structures and recreational facilities associated with golf courses, but shall exclude miniature golf courses or practice driving tees operated for commercial purposes.

3.2 Use of Buildings - Bath and guest houses that are not leased or rented and are clearly incidental to the principle residence. Home occupations and instruction provided they meet the requirements set forth elsewhere in this ordinance. Churches and similar places of worship; and day care homes.

3.3 Accessory Uses and Structures - Public utility structures, including electrical substations, gas metering stations, sewage pumping stations, and similar structures.

4.0 Uses Prohibited

4.1 Use of Land - Open storage of material or goods. Any commercial or industrial uses including parking of recreational vehicles, campers or similar vehicles owned by persons other than the primary occupant of the property.

4.2 Use of Buildings - Manufactured housing, commercial (including fruit and vegetable stands) and industrial buildings and structures.

4.3 Accessory Uses and Structures - All accessory uses and structures customarily associated with prohibited uses.

5.0 Required Lot Area and Minimum Lot Width at Building Line

5.1 Minimum Lot Area - The minimum lot area shall be the larger of the lot area specified below or as required by the health department if public water and sewer are not available.

Interior Lot - 15,000 square feet

Corner Lot - 18,750 square feet

- 5.2 *Minimum Width at Building Line*
 - Interior Lot - 100 feet
 - Corner Lot - 125 feet

6.0 *Required Setbacks, Maximum Coverage, Building Separation and Height*

- 6.1 *Minimum Depth of Front Yard* - 40 feet
- 6.2 *Minimum Depth of Rear Yard* - 40 feet
- 6.3 *Minimum Width of Side Yard* - 15 feet
- 6.4 *Maximum Building Area and Impervious Coverage*
 - Maximum Building Area - 25%
 - Maximum Impervious Coverage - 50%
- 6.5 *Minimum Building Separation* - 20 feet
- 6.6 *Maximum Height*
 - Principle Building - 2-1/2 stories or 35 feet
 - Accessory Buildings and Structures - 1-1/2 stories or 25 feet

Section 2 - R-2 District

1.0 *Purpose*

The purpose of the R-2 district is to provide protection of existing, detached single dwelling unit residential areas, promote the development of new moderate density residential areas and ensure the long-term, continued stability of these areas. The ability to achieve the moderate density development anticipated in this district is primarily contingent on both public water and sanitary sewer service being available.

2.0 *Uses Permitted*

- 2.1 *Uses of Land* - Children's play areas and play equipment, private swimming pools and other residential related activities.
- 2.2 *Uses of Buildings* - Residential, detached single dwelling units.
- 2.3 *Accessory Uses and Structures* - Private garages, tool houses and garden sheds, private barbecue pits and similar residential related accessory uses.

3.0 *Conditional Uses Subject to Development Plan Review by Planning Commission*

- 3.1 *Uses of Land* - Country clubs and golf courses. This shall be extended to include the club house, golf related structures and recreational facilities associated with golf courses, but shall exclude miniature golf courses or practice driving tees operated for commercial purposes.
- 3.2 *Use of Buildings* - Bath and guest houses that are not leased or rented and are clearly incidental to the principle residence. Home occupations and instruction provided they meet the requirements set forth elsewhere in this ordinance. Day care homes, day nurseries and group day care homes. Churches and similar places of worship. Private schools having curricular substantially the same as that ordinarily given in such public schools and provided they are located on residential collector or arterial streets. Nursing homes provided they are located on residential collector or arterial streets.
- 3.3 *Accessory Uses and Structures* - Public utility structures, including electrical substations, gas metering stations, sewage pumping stations, and similar utility uses and structures, and communication towers provided they meet the policies of the Planning Commission.

4.0 Uses Prohibited

4.1 *Use of Land* - Open storage of and material or goods. Any commercial or industrial uses including parking of recreational vehicles, campers or similar vehicles owned by persons other than the primary occupant of the property.

4.2 *Use of Buildings* - Manufactured housing, commercial (including fruit and vegetable stands) and industrial buildings and structures.

4.3 *Accessory Uses and Structures* - All accessory uses and structures customarily associated with prohibited uses.

5.0 Required Lot Area and Minimum Lot Width at Building Line

5.1 *Minimum Lot Area*

Interior Lot - 12,000 square feet

Corner Lot - 14,250 square feet

5.2 *Minimum Width at Building Line*

Interior Lot - 80 feet

Corner Lot - 95 feet

6.0 Required Setbacks, Maximum Coverage, Building Separation and Height

6.1 *Minimum Depth of Front Yard* - 35 feet

6.2 *Minimum Depth of Rear Yard* - 40 feet

6.3 *Minimum Width of Side Yard* - 15 feet

6.4 *Maximum Building Area and Impervious Coverage*

Maximum Building area - 25%

Maximum Impervious Coverage - 55%

6.5 *Minimum Building Separation* - 15 feet

6.6 *Maximum Height*

Principle Building - 2-1/2 stories or 35 feet

Accessory Buildings and Structures - 1-1/2 stories or 25 feet

Section 3 - R-3 District

1.0 Purpose

The purpose of the R-3 district is to protect existing medium density residential areas and promote the development of medium density residential areas in a manner that encourages owner occupancy and provides lower density residential housing, for lease and rent, to residents of the city in areas served by both public water and sanitary sewer service.

2.0 Uses Permitted

2.1 *Uses of Land* - Children's play areas and play equipment, private swimming pools and other residential related activities.

2.2 *Uses of Buildings* - Residential, single and duplex dwelling units. Day care homes.

2.3 *Accessory Uses and Structures* - Private garages, tool houses and garden sheds, private barbecue pits and similar residential related accessory uses.

3.0 Conditional Uses Subject to Development Plan Review by Planning Commission

3.1 *Uses of Land* - Country clubs and golf courses. This shall be extended to include the club house, golf related structures and recreational facilities associated with golf courses, but shall exclude miniature golf courses or practice driving tees operated for commercial purposes.

3.2 *Use of Buildings* - Bath and guest houses that are not leased or rented and are clearly incidental to the principle residence. Residential apartments of up to four dwelling units per building provided the site is located on a residential collector or arterial street. Home occupations and instruction provided they meet the requirements set forth elsewhere in this ordinance. Group day care homes and day nurseries and day care centers. Churches and similar places or worship. Private schools having curricular substantially the same as that ordinarily given in such public schools and provided they are located on residential collector or arterial streets. Nursing homes provided they are located on residential collector or arterial streets.

3.3 *Accessory Uses and Structures* - Public utility structures, including electrical substations, gas metering stations, sewage pumping stations, and similar utility uses and structures, and communication towers provided they meet the policies of the Planning Commission.

4.0 Uses Prohibited

4.1 *Use of Land* - Open storage of and material or goods. Any commercial or industrial uses including parking of recreational vehicles, campers or similar vehicles owned by persons other than the primary occupant of the property.

4.2 *Use of Buildings* - Manufactured housing, commercial (including fruit and vegetable stands) and industrial buildings and structures.

4.3 *Accessory Uses and Structures* - All accessory uses and structures customarily associated with prohibited uses.

5.0 Required Lot Area and Minimum Lot Width at Building Line

5.1 Minimum Lot Area

Interior Lot

10,500 square feet single dwelling unit
12,600 square feet duplex
Plus 2,000 square feet per dwelling unit over duplex

Corner Lot

12,600 square feet single dwelling unit
14,700 square feet duplex
Plus 2,000 square feet per dwelling unit over duplex

5.2 Minimum Width at Building Line

Interior Lot

75 feet single dwelling unit
90 feet duplex
Plus 15 feet per additional dwelling unit over duplex

Corner Lot

90 feet single dwelling unit
105 feet duplex
Plus 15 feet per additional dwelling unit over duplex

6.0 Required Setbacks, Maximum Coverage, Building Separation and Height

6.1 *Minimum Depth of Front Yard* - 35 feet

6.2 *Minimum Depth of Rear Yard* - 35 feet

6.3 *Minimum Width of Side Yard* - 10 feet

6.4 *Maximum Building Area and Impervious Coverage*

Maximum Building Area - 30%

Maximum Impervious Coverage - 60%

6.5 *Minimum Building Separation* - 15 feet

6.6 *Maximum Height*

Principle Building - 2-1/2 stories or 35 feet

Accessory Buildings and Structures - 1-1/2 stories or 25 feet

Section 4 - R-4 District

1.0 Purpose

The purpose of the R-4 district is to protect existing medium-high density residential areas and promote the development of medium-high density residential areas in a manner that would encourage owner occupancy of in buildings and provide a variety of medium to high density lease and rental housing for residents of the city in areas where both public water and sanitary sewer service are provided.

2.0 Permitted Uses

2.1 *Uses of Land* - Children's play areas and play equipment, private swimming pools, swimming pools for the exclusive use of apartment residents and other residential related activities.

2.2 *Uses of Buildings* - Residential development including single and duplex dwelling units and apartments up to four dwelling units per acre. Group day care homes and day nurseries.

2.3 *Accessory Uses and Structures* - Private garages, tool houses and garden sheds, private barbecue pits, and similar residential related accessory uses. Laundromat and exercise room provided for the exclusive use of apartment residents.

3.0 Conditional Uses Subject to Development Plan Review by Planning Commission

3.1 *Uses of Land* - Uses customarily associated with the primary use.

3.2 *Use of Buildings* - Townhouses and condominiums. Bath and guest houses that are not leased or rented and are clearly incidental to the principle residence. Residential apartments of up to eight dwelling units per acre provided the site is located on a residential collector or arterial street and up to sixteen dwelling units per acre provided the site is located on an arterial street. One office per apartment complex for the manager in apartments of eight or more units. Churches and similar places of worship. Private schools having curricular substantially the same as that ordinarily given in such public schools and provided they are located on residential collector or arterial streets. Nursing homes provided they are located on residential collector or arterial streets. Rooming and boarding houses. Nursing homes. Home occupations and instruction provided they meet the requirements set forth elsewhere in this ordinance. Group day care homes and day nurseries. Day care centers provided they are located on residential collector or arterial streets.

Single manufactured homes placed on individual lots, where lot is not necessarily owned by the same owner. The manufactured home shall be positioned on the lot in accordance with all district requirements and in a reasonably similar orientation to other residential buildings in the area. Each manufactured home shall contain a minimum of 720 square feet and shall be attached to a stable, blocked foundation meeting state requirements. All towing devices, hitches, wheels and axles shall be removed or fully enclosed with material used for underpinning of the manufactured home. Underpinning shall be installed, using a compatible material, around the bottom outer edge of the manufactured home.

3.3 *Accessory Uses and Structures* - Public utility structures, including electrical substations, gas metering stations, sewage pumping stations, and similar utility uses and structures, and communication towers provided they meet the policies of the Planning Commission.

4.0 Prohibited Uses

4.1 *Use of Land* - Open storage of and material or goods. Any commercial or industrial uses including parking of recreational vehicles, campers or similar vehicles owned by persons other than the primary occupant of the property.

4.2 *Use of Buildings* - Commercial (including fruit and vegetable stands) and industrial buildings and structures.

4.3 *Accessory Uses and Structures* - All accessory uses and structures that are customarily associated with prohibited uses.

5.0 Required Lot Area and Minimum Lot Width at Building Line

5.1 Minimum Lot Area

Interior Lot - 8,500 square feet

Corner Lot - 10,500 square feet

Each additional dwelling unit above duplex - 2,000 square feet

5.2 Minimum Width at Building Line

Interior Lot

Single dwelling unit - 70 feet

Duplex dwelling unit - 85 feet

Each additional dwelling unit above duplex - 15 feet

Corner Lot

Single dwelling unit - 85 feet

Duplex dwelling unit - 100 feet

Each additional dwelling unit above duplex - 10 feet

6.0 Required Setbacks, Maximum Coverage, Building Separation and Height

6.1 *Minimum Depth of Front Yard* - 30

6.2 *Minimum Depth of Rear Yard* - 35

6.3 *Minimum Width of Side Yard* - 10

6.4 *Maximum Building Area and Impervious Coverage*

Maximum Building Area - 30%

Maximum impervious coverage - 65%

6.5 *Minimum Building Separation* - 15 feet

6.6 *Maximum Height* - 2-1/2 stories or 35'

ARTICLE XIII. COMMERCIAL USE DISTRICTS

Section 1- B-1 District

1.0 Purpose

The B-1 District is intended to provide business areas to meet the most frequent shopping needs of an immediate neighborhood. Because these shops and stores will be most clearly associated with residential uses, more restrictive requirements for air, light, open space etc., are necessary.

2.0 Uses Permitted

2.1 Uses of Land - All uses that are customarily associated with the primary uses permitted in this district.

2.2 Uses of Buildings - Neighborhood retail stores, shops, markets and services such as grocery, food, general merchandise, apparel, household and hardware, radio and television, drugs and sundries, jewelry and gifts, florists, pet shops, pickup laundry or cleaning, barber or beauty shops and similar types.

2.3 Accessory Uses and Structures - All accessory uses and structures customarily associated with the primary use.

3.0 Conditional Uses Subject to Development Plan Review by the Planning Commission

3.1 Uses of Land - All uses that are customarily associated with the conditional uses allowed by the Planning Commission in this district.

3.2 Uses of Buildings - Churches and similar places of worship. Libraries, hospitals (excluding animal hospitals), banks, professional offices (doctor, dentist, architect, lawyer), planned shopping centers limited to five acres in size, restaurants but excluding drive-in restaurants, laundromats, and apartments with five or more units. Other neighborhood service type businesses not specifically named which in the opinion of the Planning Commission comes within the spirit or intent of the zoning district.

3.3 Accessory Uses and Structures - All accessory uses and structures customarily associated with the primary use.

4.0 Prohibited Uses

4.1 Uses of Land - Open lot sales of any kind including new or used cars, trailer or manufactured homes and drive-in restaurants.

4.2 Uses of Buildings - New residents and apartments of four or less units, auto repairs, cleaning plants, manufacturing, motels or motor courts, cabarets, night clubs and places of entertainment or amusement, whether or not operated by non-profit organizations.

4.3 Accessory Uses and Structures - Curb markets, fruit stands, truck terminals or truck parking except for loading or unloading freight and manufactured homes or other transportable buildings except for temporary construction offices.

5.0 Required Lot Area and Minimum Lot Width at Building Line

It is the intent of the ordinance that lots of sufficient size be used for all permitted or conditional uses and to provide adequate parking, loading space, yard space and drive area that

are necessary for normal operations of the business. Exceptions are subject to the review and approval of the Planning Commission.

6.0 Required Setbacks, Maximum Coverage, Building Separation and Height

- 6.1 Minimum Depth of Front Yard
 - Business - 25 feet
 - Residential - 25 feet
- 6.2 Minimum Depth of Rear Yard
 - Business - 20 feet
 - Residential - 25 feet
- 6.3 Minimum Width of Side Yard
 - Business - 20 feet
 - Residential - 10 feet
- 6.4 Maximum Building Area and Impervious Coverage
 - Maximum Building Area - 30%
 - Maximum Impervious Coverage - 60%
- 6.5 Maximum Building Separation - 30 feet
- 6.6 Maximum Height - 2 stories or 30 feet

7.0 Other Requirements

Outside storage is prohibited in the B-1 District except for refuse containers scheduled for regular collection. Refuse containers shall be screened as required elsewhere in this Zoning Ordinance.

Section 2 - CBD Central Business District

1.0 Purpose

This district is designed to provide: (a) a concentrated central core of retailing and services, and; (b) areas accommodating central administrative business, financial, general, and professional offices and related services. The district regulations are designed to preserve and/or remodel existing structures and to promote a convenient pedestrian shopping and the stability of retail development by encouraging continuous retail frontage in a concentrated area.

2.0 Permitted Uses

2.1 *Uses of Land* - All uses that are customarily associated with the primary uses permitted in this district.

2.2 *Uses of Buildings* - Retail or wholesale business where over-the-counter sales are made and not specifically restricted or prohibited provided, however; that not over 50% of the establishment's floor area is used for warehousing purposes. Residential structures existing at time of adoption, and residential uses on upper floors of commercial structures. Antiques, auto accessories, appliances, clothing, drugs, dry goods, florist, foods, furniture, hardware hobby and craft supplies, sporting goods, jewelry, leather goods and repair, notions, office supplies, paint and wall paper, toys, reading material, seed and feed, bakery retail, banks, offices, barber or beauty shops.

2.3 *Accessory Uses and Structures* - All accessory uses and structures customarily associated with the primary use.

3.0 Conditional Uses

3.1 *Uses of Land* - All uses that are customarily associated with the conditional uses allowed by the Planning Commission in this district.

3.2 *Uses of Buildings* - Apartments of five or more units, dry cleaners, electrical or heating supply where no outside storage is required. Manufacturing incidental to retail sales where articles are sold on premises, funeral parlors, places of amusement or assembly, service stations and bus stations. Any business use not specifically named which, in the opinion of the Planning Commission, comes within the spirit or intent of this zoning district.

3.3 *Accessory Uses and Structures* - All accessory uses and structures customarily associated with the primary use. Temporary structures for special events upon approval by the Planning Commission.

4.0 Prohibited Uses

4.1 *Uses of Land* - Stockyards, live animals, coal yard, lumber yard or mill, manufactured home communities and automobile wrecking. All outside storage of junk, including but not limited to, any vehicle or vehicle parts, rubber tires, appliance, dilapidated furniture, machinery, equipment, second-hand building materials, scrap materials or other items which are either wholly or partially rusted, junked, dismantled or inoperative.

4.2 *Uses of Buildings* - New residences and apartments with less than five units except for residential uses on upper floors of commercial buildings. Manufactured homes, Tattoo Parlors and Adult Novelty Shops.

4.3 *Accessory Uses and Structures* - Gasoline or oil storage above ground in excess of 500 gallons.

5.0 Dimensions

It is the intent of the ordinance that lots of sufficient size be provided for all permitted or conditional uses including adequate parking, loading space, yard space and circulation areas that are necessary for normal operations of the business. Exceptions are subject to the review and approval of the Planning Commission.

6.0 Other Requirements

6.1 Where a lot in this district abuts a lot in a residential district a continuous visual buffer shall be provided and maintained along the property line of the two lots.

6.2 All outside storage of permitted materials will be enclosed by a six foot (6') obscure fence, including containers for normal refuse scheduled for regular collection.

Section 3 - B-2 District

1.0 Purpose

This district is designed primarily to accommodate existing and future development of mixed commercial uses that are complementary to each other and contribute to commerce of the city.

2.0 Permitted Uses

2.1 *Uses of Land* - Open lot sales including automobile, trailer and manufactured home sales lots.

2.2 *Uses of Buildings* - Residential structures existing at time of adoption. Retail or wholesale business or service, provided that not over 80% of the establishments floor area is used for warehousing. Indoor automobile service, auto car wash, building supplies, farm equipment and supply sales or service, laundries, repair service shops, restaurants including drive-ins, wholesale excluding volatile uses, motels, hotels, service stations, tire repair, mini-warehouses with offices on-premises.

2.3 *Accessory Uses and Structures* – Accessory uses and structures that directly support permitted uses.

3.0 Conditional Uses Subject to Development Plan Review by the Planning Commission

3.1 *Uses of Land* - Uses of land customarily associated with the conditional uses approved by the Planning Commission.

3.2 *Uses of Buildings* - Major auto repair, places of amusement and assembly, funeral homes, public or semi-public building, manufacturing incidental to wholesale or retail business where articles are sold at retail on the premises, dry cleaners and laundry. Cabarets, night or clubs, whether or not operated by non-profit organizations. Tattoo Parlors and Adult Novelty Shops. Apartments with eight or more units and manufactured home communities. Any business use not specifically named which, in the opinion of the Planning Commission comes within the spirit or intent of this zoning district.

3.3 *Accessory Uses and Structures* - Accessory uses and structures that directly support the primary conditional use approved for the site.

4.0 Prohibited Uses

4.1 *Uses of Land* - All outside storage of junk, including but not limited to, any vehicle or vehicle parts, rubber tires, appliances, dilapidated furniture, machinery, equipment, second-hand building materials, scrap materials or other items which are either wholly or partially rusted, junked, dismantled or inoperative. All outside storage of discarded material or scrap paper, rags, or baling. Stockyards, live animal sales, freight terminals, trucking yard, public or private transportation yards or terminals, coal yard, and log yard or mill.

4.2 *Uses of Buildings* - New residences and apartments of seven or less units. Blending or mixing plants, automobile wrecking, concrete plant, feed mill, flour mill and other industrial uses. Any use not conforming to clean air, clean water, noise standards, or the Fire Code.

4.3 *Accessory Uses and Structures* - Parking of trucks or equipment, except in authorized areas.

5.0 Dimensions

5.1 Lots shall be of sufficient size be used for all permitted or conditional uses and to provide adequate space for parking, loading, yard setbacks and circulation areas that are necessary for normal operations of the business. Exceptions are subject to the review and approval of the Planning Commission.

5.2 A rear yard set back is not required where a minimum twenty (20) foot alley exists.

6.0 Other Requirements

6.1 Where a lot in this district abuts a lot in residential district, a continuous visual buffer shall be provided and maintained along the property line of the two lots.

6.2 All outside storage of permitted materials will be enclosed by a six foot (6') obscure fence including containers for normal refuse scheduled for regular collection.

ARTICLE XIV. MANUFACTURING USE DISTRICTS

Section 1.0 General Requirements

1.0 Development Plan Review

All industrial development and expansion proposals are subject to development plan review by the Planning Commission. As a part of the development plan review process the Planning Commission is authorized to require various site improvements to maintain the spirit and intent of the Zoning Ordinance.

2.0 Unidentified Industrial Uses

Industrial uses not specifically named in the designated industrial districts shall only be allowed in the M-2 district as conditional uses until the use has been submitted to the Planning Commission to determine the industrial district in which the use can be located and the Zoning Ordinance is amended. The Planning Commission shall consider the types of uses allowed in each industrial district, site improvements, such as buffers and landscaping, and other appropriate factors to determine the compatibility of the proposed use with other uses in the industrial district.

3.0 Compliance with Requirements for All Districts

All industrial uses shall provide adequate space to meet the requirements for parking, service bays, including refuse containers even if a regular collection of waste material is scheduled, lighting, landscaping and buffering as required in other sections of this ordinance.

4.0 Dimensional Requirements

4.1 Lot Size - It is the intent of this ordinance that lots of sufficient size to be provided for the proposed industrial and related uses and to provide ample space for required site improvements in addition to the space required for the normal operations of the industry, business or service.

4.2 Front Yard - The first 20' of front yard setback immediately adjacent to the right-of-way shall be maintained for landscaping as required elsewhere in this ordinance. In the event an industrial site is located on a corner lot, then 20' setbacks adjacent to each street frontage shall be maintained for landscaping.

4.3 Side and Rear Yard Setbacks Waiver for Rail Service - The required side or rear yard setback may be waived by the Planning Commission provided the industry is to be served by a rail siding. However, the rail siding shall not extend into the required front yard of any industrial site.

5.0 Buffering and Landscaping Requirements

When a lot in any industrial district abuts a lot in a residential district, a continuous buffer shall be provided and maintained along the property line between the two lots.

Section 2.0 M-1 District

1.0 Purpose

The M-1 General Industrial District is established to create areas within the city where light industrial and major office activities can be located in proximity to efficient transportation services and be readily accessible to employees.

2.0 Conditional Uses

2.1 Uses of Land - Access and circulation drives, parking, loading and storage areas for the vehicles incidental to operation of the business provided they meet the setback requirements and are properly screened and landscaped as required elsewhere in this ordinance.

All exterior storage shall be screened and buffered from public rights-of-way and adjacent properties. The screening shall be a minimum of six feet in height and a maximum of 10 feet in height. Stored materials or goods shall not be taller than the screening provided.

2.2 Uses of Buildings - Light industrial uses such as industrial supplies, farm machines and supplies, machine tool manufacturing, sheet metal shops, electrical appliance manufacturing and repairs and baking plants. Combination offices associated with warehousing, wholesaling and storage plants. Major office complexes and research laboratories located on sites of five acres or more.

2.3 Accessory Uses and Structures – All uses and structures typically associated with the industrial, warehousing and wholesaling permitted as conditional uses provided all other requirements set forth elsewhere in this ordinance are met.

3.0 Prohibited Uses

3.1 Uses of Land - All open, bulk or any exterior screened storage of a material or supply that is considered a hazardous material, volatile, or commonly recognized as having adverse characteristics. Characteristics, such as noise, vibration, dust, fumes, smoke, gas, effluent discharge or run-off, fire, or emissions that interfere with the reception or transmission of electronic signals will be considered adverse if one or more occur during the placement, storage or retrieval of the supply materials or goods.

3.2 Uses of Buildings – All residential and commercial uses. Any industrial use that is commonly viewed as having adverse characteristics or that is deemed detrimental to neighboring property during the development plan review.

3.3 Accessory Uses and Structures - The storage or use of volatile, hazardous materials or goods or any material, good or process having commonly recognized adverse characteristics is prohibited in the M-1 district.

4.0 Required Lot Area and Minimum Lot Width at Building Line

4.1 Minimum Lot Area – 22,500 square feet

4.2 Minimum Width at Building Line – 150 feet

4.3 It is the intent that lots of sufficient size be provided by increasing, when necessary, the area and / or width required for any industrial related use to provide adequate parking and

loading space in addition to the space required for the normal operations of the business or service.

5.0 Required Setbacks, Maximum Coverage, Building Separation and Height

5.1 *Minimum Depth of Front Yard* - The minimum front setback to the building line shall be 65 feet. The first 20 feet adjacent to the right-of-way shall be used to meet landscaping requirements. The next 45 feet of the front yard may be used for access drives and parking. When an industrial use is developed on a single lot located between two existing industries, the front yard setback shall be the greater of: a minimum of 20 feet; or the average setback of the immediately adjacent industrial uses.

5.2 *Minimum Depth of Rear Yard* - The rear setback to the building line, for both primary or accessory buildings, is 45 feet. The first 20 feet adjacent to the rear property line shall be used for utility easements and to meet buffering, screening and landscaping requirements. The next 25 feet of the rear and side yards can be used for access drives, parking, loading and outside storage areas provided they are screened and buffered in accordance with the requirements of this ordinance.

5.3 *Minimum Depth of Side Yards* – The side yards shall be a minimum of 40 feet. The first 10 feet adjacent to the property line shall be maintained for utility easements, buffering, screening and landscaping. Access drives, parking, loading and storage areas may be located in the remaining side yard area provided the uses are appropriately screened and buffered.

5.4 *Maximum Building Area and Impervious Coverage*

Maximum Building Area - 40%

Maximum Impervious Coverage - 70%

5.5 *Minimum Building Separation* - 30 feet

5.6 *Maximum Building Height* - 40 feet or three stories

6.0 Other Requirements

When any lot in this district abuts a residential or commercial district a continuous buffer shall be provided and maintained along property line of this lot and the adjoining districts. All outdoor storage of permitted materials shall be screened from public rights-of-way. Buffers and screening shall form a continuous barrier six foot in height composed of obscure fencing, landscaping or a combination of the two, and effectively screen the view of the stored material when viewed from a distance of 25 feet.

Section 3.0 M-2 District

1.0 Purpose

The M-2 Heavy Industrial District is established to create areas within the city where heavy industrial activities can be located in proximity to high capacity transportation services and be readily accessible to employees. Heavy industrial uses, due to their nature, may include activities that require large stockpiles of materials or the exterior storage of bulky and / or large volumes of materials. The operating characteristics of heavy industry might cause objectionable conditions that could affect a considerable portion of the city if not properly located, buffered and screened.

2.0 Conditional Uses Subject to Development Plan Review by Planning Commission

2.1 Uses of Land

Access and circulation drives, parking and loading areas provided they meet the setback requirements and are properly screened and landscaped as required elsewhere in this ordinance.

Open stockpiles of materials related to the industry and the open storage of products and partially finished goods are permitted on-site provided the storage area is fenced for security and landscaped on every side of the storage area that faces an adjacent property or public right-of-way. The security fencing shall be a minimum of six feet in height. The screening and landscaping shall meet the criteria set forth later in this section.

Auto salvage, cotton waste reclaiming, and similar types of operations, and other salvage yards shall be screened and landscaped to meet the same requirements as open storage. Additional requirements, such as increased setbacks, may be required by the Planning Commission during the development plan review.

Any industry that manufactures, uses or stores hazardous, volatile or products, goods or materials commonly recognized as having adverse characteristics shall be required to demonstrate compliance with applicable environmental and safety requirements and be subject to additional requirements as determined by the Planning Commission during the development plan review. This shall include, but not be limited to: acetylene, acid, alcohol, ammonia bleaching powder, candles, disinfectant, dyestuffs, fertilizers, illuminating or heating gas, paint, turpentine, varnish, soap, and other materials or products.

2.2 Uses of Buildings - Combination dwellings included in an industrial building providing quarters for a watchman or custodian.

Contractor plants, concrete and asphalt plants, rubber processing, feed and grain mills, food processing plants, lumber mills and, block plants, warehousing. Meat processing, stockyard, bag cleaning, central mixing plant for cement, mortar, plaster, or paving material. Curing, tanning or storage of hides, distillation of bones or fat rendering. Coal, tar, tar products or wood storage and treatment. Brick, pottery, terra cotta or tile and concrete blocks, Forge plant and other metal operations including fabrication.

2.3 Accessory Uses and Structures - All accessory uses, buildings and structures normally associated with the primary principal use of the property.

2.4 Unclassified Industrial Uses - All industrial uses not classified elsewhere shall be subject to development plan review for location in a M-2 industrial district until the Planning Commission has made a determination regarding the appropriate district for location of the proposed use and the Zoning Ordinance has been amended.

3.0 Prohibited Uses

3.1 Uses of Land - Any outside storage considered to be a health hazard or public nuisance is prohibited.

3.2 Uses of Buildings – All residential and commercial uses.

4.0 Required Lot Area and Minimum Lot Width at Building Line

4.1 Minimum Lot Area – 15,000 square feet.

4.2 Minimum Width at Building Line – 100 feet

4.3 It is the intent that lots of sufficient size be provided by increasing, when necessary, the area and / or width required to enable the proper development and use of the primary and

accessory uses, related structures and the required site improvements for the normal operation of the industry or service.

5.0 Required Setbacks, Maximum Coverage, Building Separation and Height

5.1 *Minimum depth of Front Yard* - The front yard setback shall be the greater of: 20' as required for landscaping; or the average setback of existing establishments located within 500' on each side of the property as measured from the outer property lines.

5.2 *Minimum Depth of Rear Yard* - The rear yard setback for primary and accessory structures shall be a minimum of 55 feet. A minimum of 15' adjacent to the property line shall be maintained for utility easements, buffers, screening and landscaping.

5.3 *Minimum Width of Side Yard* - The side yard setback shall be a minimum of 45 feet. A minimum of 10' adjacent to the side property line shall be maintained for utility easements, buffers, screening and landscaping. Only access drives and parking areas may be located in the side yard of minimal width. Accessory uses may be located in side yards, at the discretion of the Planning Commission, provided the side yard is widened.

5.4 *Maximum Building Area and Impervious Coverage*

Maximum Building Area – 55 percent of the total lot area.

Maximum Impervious Coverage – 70 percent of the total lot area.

5.5 *Minimum Building Separation* – 30 feet.

5.6 *Maximum Building Height* – 45 feet or three stories

6.0 Other Requirements

When any lot in this district abuts a residential or commercial district a continuous buffer shall be provided and maintained along property line of this lot and the adjoining districts. All outdoor storage of permitted materials shall be screened from public rights-of-way. The buffer and screening shall be a continuous buffer six foot in height composed of obscure fencing, landscaping or a combination of the two, and effectively screen the view of the stored material when viewed from a distance of 50 feet.

Section 4 - M-1P District

1.0 Purpose

The M-1P district is established for lands located in planned industrial parks that are regulated by restrictive covenants. The land in M-1P industrial parks shall be publicly owned prior to development and subdivided in accordance with subdivision regulation reviews by the Planning Commission and coordinated with the Industrial Development Board.

2.0 Requirements

All requirements that are typically regulated by zoning, such as use, lot area, building setbacks, maximum coverage, building separation and height, shall meet the requirements established in the restrictive covenants.

ARTICLE XV. MANUFACTURED HOUSING COMMUNITY FLOATING DISTRICT

Section 1.0 Purpose

The purpose of the manufactured housing community floating district is to establish the requirements for planning, locating and developing manufactured home communities in the city. Manufactured housing communities can be developed at higher intensities due to the smaller lot sizes and are more compatible with areas where utility services, especially water and sewer, and high degrees of accessibility are available. In addition, certain facilities and services are typically desirable within the community to provide convenient access to the residents.

Section 2.0 Compliance with Other Requirements

- 1) A permit to move a manufactured home shall be acquired in accordance with the requirements of the City ordinance, "House Moving and Moving of Manufactured Homes."
- 2) A license to establish, operate or maintain a manufactured housing community shall be acquired in accordance with the current licensing requirements of the City.
- 3) Manufactured homes, regardless of where they are sited, shall comply with federal and state requirements. (See "Requirements for All Districts, Section 6 - Buildings, Manufactured Homes and Mobile Homes - General" for requirements applicable to individual manufactured homes.)
- 4) Site improvements for manufactured homes shall comply with local regulations as set forth in codes and ordinances including this ordinance and the International Building Code as enforced by the City.

Section 3.0 Applicability

No mobile home community shall be developed, redeveloped, altered or expanded except in compliance with these regulations regardless of where they are located. Two or more manufactured homes located on a single lot, tract or parcel constitutes a manufactured home community. Manufactured home communities shall not be established until the Planning Commission has reviewed and approved the development plans for the manufactured home community and the Building Official has issued a permit for construction, redevelopment, alteration or expansion.

Section 4.0 Required Lot Area, Minimum Width, and Buffers for Manufactured Home Communities

- 4.1 Minimum Lot Area - Four acres (174,240 square feet)
- 4.2 Minimum Lot Width at the front building line - 300 feet
- 4.3 Minimum Front Buffer Width - 30 feet
- 4.4 Minimum Side and Rear Buffer Width - 20 feet
- 4.5 The front, side and rear buffer area around a manufactured housing community shall not be developed, used for parking, on-site circulation, or constitute the yard requirement for any individual manufactured home site within the manufactured home community. The buffer area may be used to provide screening for the manufactured home community and meeting the landscaping requirements of this ordinance.

4.6 The front buffer area may include a maximum of two access drives to serve the manufactured home community and a site identification sign in accordance with the requirements of the Article of this ordinance regulating signs. Additional access drives may be considered by the Planning Commission as a part of the development plan review.

Section 5.0 Required Lot Area, Minimum Lot Width and Yard Setbacks for Manufactured Home Sites

Individual manufactured home sites shall be located inside the manufactured home community buffer area and have minimum lot areas and yard setbacks as follows:

LOT AREA AND SETBACK REQUIREMENTS FOR MANUFACTURES HOME SITES

Minimum Lot Dimensions Yard Requirements	Single Wide Lots 50' x 110'	Double Wide Lots 60' x 120'
Front	30 feet	30 feet
Rear	15 feet	20 feet
Sides	10 feet	10 feet

Double wide manufactured housing is prohibited on manufactured housing sites sized for single wide manufactured housing.

Section 6.0 Building Heights in Manufactured Home Communities

The height of all structures, including the office or service buildings (laundromat) in a manufactured home community shall be limited to one story and a maximum of 18 feet.

Section 7.0 Accessory Structures

- 1) Accessory structures shall not be located in the front yard of a manufactured home site.
- 2) Accessory structures that are enclosed (e.g. storage buildings) shall be located to meet all setback requirements, be separated from the manufactured home by a minimum of 10 feet and shall not cover more than 25% of the remaining building area after the manufactured home has been located on the manufactured home site.
- 3) Accessory structures that are open, but raised above ground level (e.g. decks, etc.) shall be located to observe all setback requirements. Accessory structures that are open, but at ground level, such as patios, shall be located a minimum of five feet (5') inside the manufactured home site lot line.

Section 8.0 Parking

A portion of the required yard area for a manufactured home site, including the front yard, may be used to provide the required off-street parking for the resident's vehicles. The parking area shall be paved with an all weather surface.

Section 9.0 Storage

- 1) Outdoor open storage on individual manufactured home sites is prohibited.
- 2) Storage facilities with a minimum capacity of two hundred (200) cubic feet per manufactured home site shall be provided at each site or within a compound located within the manufactured home community. Storage facilities shall be designed in a

manner that will enhance the appearance of the manufactured home site and community and shall be faced with masonry, porcelain or baked enameled steel or other materials equal in fire resistance, durability and appearance, or of an equal material and be approved as a part of the development plan review.

- 3) A secured storage facility for recreational vehicles, campers, boats and similar equipment owned by the residents shall be provided within the manufactured home community and shall be screened from adjacent uses.

Section 10.0 Required Improvements in a Manufactured Home Community:

- 1) Access and on-site circulation drives shall:
 - a) Intersect adjoining public streets at ninety (90) degrees and at locations that will eliminate or minimize interference with the traffic on public streets.
 - b) An eighteen by twenty-four inch (18" x 24") sign shall be posted at each entrance stating "Private Drive, No Thru Traffic, Privately Maintained". The licensee may also post a speed limit sign on this same post.
 - c) Provide access to all sites, parking areas and facilities within the community.
 - d) Include a private right-of-way that is a minimum of 40 feet in width.
 - e) Have an all weather surface of asphalt or concrete and be paved to a minimum width of 28 feet and shall be constructed to meet the minimum specifications for City streets.
 - f) Internal streets shall be continuous or shall be provided with a cul-de-sac having a minimum all weather turning radius of sixty (60) feet. No internal street ending in a cul-de-sac shall exceed four hundred (400) feet in length.
 - g) Internal streets shall be maintained in good condition. (free of cracks, holes, and other hazards) at the expense of the licensee.
 - h) All streets within the manufactured home community shall be named and individual manufactured home sites shall be house numbered as approved by the Planning Commission in coordination with the Monroe County 911 emergency system..
- 2) *Utility Requirements:*
 - a) All utilities shall be placed underground whenever possible.
 - b) Each manufactured home site shall be connected to the municipal water system and to the municipal sewage disposal system if available. The design and specifications of the utility systems shall meet city specifications and shall be approved by the City Department or Board. If either municipal utility system is not available, then a private system shall be required that meets Health Department specifications and shall be installed under inspection of the appropriate City Department.
 - c) Each manufactured home site shall be provided commercial gas, electric, telephone and cable service connections.
 - d) Adequate street lighting shall be provided in a manner approved by the Building Official.
- 3) *Drainage:* The ground surface in all parts of the manufactured housing community shall be graded and provided with adequate drainage facilities to drain all surface water in a safe, efficient manner. The adequacy of drainage facilities shall be certified by a licensed professional engineer retained by the licensee.
- 4) *Soil and Ground Cover:* Parking areas shall be paved, walks shall be paved, concreted or graveled; and all yard areas shall be grassed.

- 5) *Recreation Area*: Recreation area(s) equal to ten (10) percent of the gross area of the manufactured housing community shall be provided. The area shall be free of traffic hazards and easily accessible to all residents. The recreation area shall be maintained in a usable and sanitary condition by the licensee.
- 6) *Buffers and Screening*: Permanent buffers, screening and landscaping shall be provided and maintained for the manufactured housing community.

Section 11.0 Development Plan Approval Requirements

No manufactured home community shall be permitted until a Development Plan, providing the information required, has been approved by the Planning Commission. An application for a permit shall be made on forms furnished by the City and be supplemented with the following information.

- 1) The applicant must submit a copy of the applicant's deed or other proof of ownership of the property to be used.
- 2) Location of manufactured home sites and stands and the dimensions of each.
- 3) Location, size and number of common facilities, such as laundries or recreation areas, to be used by the residents.
- 4) Roadways and driveways including the width and the type of surface treatment, curbs, and other physical characteristics.
- 5) A typical manufactured home stand detail showing the patio, if any, and the location of all utility connections including gas, water, sewer and electric in relation to the stand.
- 6) Location, size and type of landscape material in the buffer area around the manufactured home community.
- 7) Any area within or adjacent to the proposed manufactured housing community subject to periodic inundation by storm drainage, overflow, or ponding, shall be clearly shown and identified on the plan.
- 8) Any and all other physical improvements required by these regulations.

ARTICLE XVI. FLOOD HAZARD FLOATING DISTRICT

Section 1 - Delineation of Flood Hazard Districts

Flood Hazard Districts shall be coincident with areas of inundation as determined by the current Flood Insurance Rate Maps (FIRM) and the City of Monroeville Flood Areas map.

Section 2 - Requirements

Development in Flood Hazard Districts shall be in accordance with Chapter 9.5, Flood Damage Prevention, Code of Ordinances, City of Monroeville.

ARTICLE XVII. HISTORIC FLOATING DISTRICTS

Section 1 - HD Historic Downtown Classification

- Reserved for Future Use -

Section 2 - HR Historic Residential Classification

- Reserved for Future Use -

ARTICLE XVIII. SPECIAL REGULATIONS

Section 1 - Home Occupations and Instruction

All home occupations must fully comply with the requirements for business licenses. A home occupation or home instruction, conducted entirely within one dwelling unit, shall meet the following requirements.

1.1 No person other than a person permanently residing in the dwelling unit shall be employed in the home occupation;

1.2 The use of a portion of the dwelling unit for a home occupation shall be clearly incidental and subordinate to the residential use and shall not occupy more than twenty-five percent (25%) of the floor area of the dwelling unit. There shall be no change in the outside appearance of the building, structure or premises. One (1) non-illuminated sign, not exceeding two (2) square feet in area, may be mounted flat against the wall of the principal building. All other signs or displays of goods on the premises are prohibited.

1.3 No home occupation shall be conducted in an accessory building, in yards or open space with the following exception. Yard, garage and similar temporary sales are permitted a maximum of three times per year for a period of three (3) consecutive days during each occurrence. All goods and articles for sale shall be used items derived from the premises where the sale is conducted.

1.4 Traffic shall not be generated by a home occupation or instruction that is greater in volume than would normally be expected in a residential neighborhood. Any parking or vehicle storage need that is generated by the conduct of a home occupation shall be provided off-street and is prohibited in the front or side yard.

1.5 No equipment or process shall be used by a home occupation that creates noise, vibration, glare, fumes, odor, or electrical interference detectable to the normal senses at the perimeter of the lot on which the home occupation is located. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio, television or communication devices off the premises, or causes fluctuations in line voltage off the premises.

1.6 The giving of instruction to an individual person, such as teaching art or piano lessons, shall be deemed a home occupation or home instruction. These uses cease to be home occupations and home instruction when the class size is three or more: instruction of any type, band instrument instructor, swimming instructor and studio group instruction.

1.7 Fabrication of articles commonly classified under the terms arts and handicrafts may be deemed a home occupation providing there is no commercial use such as retail sales, wholesaling, warehousing or distribution of goods at the premises.

1.8 The following uses, listed for emphasis, are not considered home occupations: beauty shops, barbershops, public dining facilities or tea rooms, food preparation services, antiques, gift shops, pet shops, veterinarians, kennels or places keeping caged animals, fortune tellers or similar activities, professional services or learned professions (doctors, lawyers, insurance, real estate, theology), photographic studio, wholesale or retail sales, outdoor sales or service, nursery school or kindergarten, or similar type uses.

ARTICLE XIX. NON-CONFORMITIES

Section 1.0 Purpose

1.1 Non-conformities are existing uses, lots, buildings and structures that were previously lawful, but that would be prohibited or subject to more stringent regulation under the zoning districts and related requirements established by this Zoning Ordinance or subsequent amendments.

- 1) Legally established buildings, structures and uses in existence at the time of adoption of this Zoning Ordinance shall be permitted to continue as non-conforming uses subject to the provisions of this Article.
- 2) Uses that were illegally established prior to the adoption of this Zoning Ordinance shall remain illegal and be subject to all penalties and remedies that may be pursued.

1.2 It is the intent of this Zoning Ordinance that legal non-conformities be allowed to continue, in accordance with the requirements of this Article, but not be enlarged or used as the grounds for additional non-conformities. This article provides for the regulation of legally non-conforming lots, uses, buildings and structures; specifies the conditions under which a legal non-conformity can be continued, expanded or modified; and specifies the circumstances under which a legal non-conformity shall be terminated

Section 2.0 Non-Conforming Vacant Lots of Record

2.1 *Non-conforming Vacant Lot of Record:* When a lot exists that does not consist of sufficient land to comply with the lot, yard and setback requirements at the time of adoption of this Zoning Ordinance or any subsequent amendment, it shall be considered a non-conforming vacant lot of record.

2.2 *Effect of Single Owner:* If two or more contiguous vacant lots of record are in single ownership at the time of adoption of this Zoning Ordinance, or any subsequent amendment, that makes one or more of the lots a non-conforming lot of record, then the land involved shall be considered an undivided tract of land. No portion of the tract of land shall be divided, sold or developed in a manner that diminishes the ability of all lots to comply with the requirements of this Zoning Ordinance or any subsequent amendment.

2.3 *Appeal to Build on Non-conforming Vacant Lot of Record* A non-conforming vacant lot may be used as a building site for any use permitted in the zoning use district in which the lot is located provided:

- 1) Other requirements of this ordinance are complied with; or
- 2) Application is made to the Zoning Board of Adjustment for a variance from applicable dimensional requirements that cannot be met.
- 3) A variance for a non-conforming vacant lot of record shall conform, as closely as possible to the lot area, yard and building setback and other requirements and:
 - a) The front yard set back shall not be less than the average of the setbacks of existing buildings within two hundred (200) feet on each side of the lot; except, no front yard shall be less than twenty (20) feet;

- b) One side yard shall not be reduced to less than ten (10) feet in width and access to the rear yard shall be maintained and the other side yard shall not be not less than five (5) feet in width;
- c) The rear yard setback shall not be less than twenty (20) feet in depth, and
- d) No more than one principal use and building shall be allowed on a non-conforming vacant lot of record.

Section 3.0 Construction Prior to Adoption or Amendment of Zoning Ordinance

Nothing in this Zoning Ordinance shall be interpreted as requiring a change in plans, construction, use or occupancy of land, buildings or structures on which construction was lawfully begun and has been diligently continued prior to the adoption this ordinance or any subsequent amendment that would make a use, building, structure or occupancy non-conforming.

- 1) Construction shall mean the erection and fastening of building materials in a permanent manner in accordance with approved plans.
- 2) Where demolition and removal of an existing building has begun in preparation for rebuilding, or where excavation has begun for building, construction shall be deemed to have begun provided the work is diligently continued.
- 3) The storage of building materials or location of a temporary office on a lot shall not be deemed as having begun construction.

Section 4.0 Non-Conforming Developed Lot of Record

4.1 Non-conforming Developed Lot of Record: When the use complies with the requirements of the district in which the use is located, but the lot has been developed in a manner that does not comply with the lot, yard and setback requirements at the time of adoption of this Zoning Ordinance, or any subsequent amendment, it shall be considered a non-conforming developed lot of record.

4.2 Expansion of Conforming Use: Provided a proposed use is permitted in the zoning district in which the lot is located, the use, building or structure may be expanded, in accordance with all other requirements, within the buildable area defined by this Zoning Ordinance or any subsequent amendment.

Section 5.0 Non-Conforming Use of Land

5.1 When a use of land exists at the time of adoption of this Zoning Ordinance, or any subsequent amendment, that does not comply with these regulations, that use of land is considered a non-conforming use and shall be allowed to continue subject to the following conditions.

5.2 An existing non-conforming use of land shall not be:

- 1) Extended to occupy greater land area; or
- 2) Relocated, in whole or part, to another part of the land.

5.3 If a nonconforming use of land ceases for any reason for 180 consecutive days, the non-conforming use of the land shall not be reestablished and all future uses shall conform with these regulations.

Section 6.0 Non-Conforming Uses of Buildings and Structures

6.1 When a building or structure and related use exists at the time of adoption of this Zoning Ordinance, or any subsequent amendment, that does not comply with these regulations, that building or structure and related use shall be considered a non-conforming use of building or structure and shall be allowed to continue subject to the following conditions.

- 1) A non-conforming use of a building or structure shall not be enlarged, intensified, or altered in a manner that increases the non-conformity, but may be altered to decrease the non-conformity.
- 2) The expansion of non-conforming use within an existing building or structure shall be allowed provided the use will be expanded in a building space contiguous with the existing use. The expansion shall be limited to within the existing building or structure. A non-conforming use shall not be expanded or relocated, in whole or part, to a non-contiguous part of a building or structure. All required on-site improvements, such as parking, loading and buffer areas shall be provided before the use is expanded within the building.

6.2 *Exception for Expansion of Residential Uses:* A residential building may be extended in any zoning district provided the expansion:

- 1) Complies with all other requirements and results in safe and sanitary housing; and
- 2) Does not result in additional dwelling units.

6.3 *Effect of Relocation:* If a use, building or structure is relocated on the existing site or moved to another location, the lot, use, building or structure shall comply with all zoning and applicable development regulations after it is moved.

Section 7.0 Repair and Restoration of Non-conforming Buildings and Structures:

7.1 Nothing in this Zoning Ordinance shall:

- 1) Prevent the continuous maintenance, internal renovations, strengthening, or restoration of any building or structure to a safe and sanitary condition; or
- 2) Prevent repairs ordered by a proper authority charged with the duty of protection of health and safety.

7.2 A non-conforming building or structure or use shall not be rebuilt or restored except in conformance with the provisions of this Zoning Ordinance after being damaged by natural acts (e.g. fire, wind, flood, etc.) to the extent of seventy-five (75) percent or more of the assessed value at the time the damage occurred. If a non-conforming building is damaged less than seventy-five (75) percent of its assessed value at the time of damage it may be rebuilt or restored and used provided the rebuilding or restoration is started within twelve (12) months following the date of such damage and that restoration work is diligently continued.

Section 8.0 Changes and Reversions to Non-Conforming Uses Prohibited

A non-conforming use of land, buildings or structures shall not be changed to another non-conforming use. A non-conforming use of land, buildings or structures that is changed to a conforming use shall not be permitted to revert to a non-conforming use.

Section 9.0 Termination of Use of Non-conforming Buildings and Structures

Any non-conforming use of buildings and structures, except a sign, that has been discontinued for any reason for a period of twelve (12) consecutive months shall not be reestablished. The future use of the building or structure shall comply with all applicable regulations. Non-conforming signs shall be regulated in accordance with the requirements of the Article of this ordinance regulating signs.

ARTICLE XX. LEGAL PROVISIONS

Section 1.0 Penalties

Any person violating any provision of this ordinance shall be fined, upon conviction, not more than five hundred dollars (\$500.00) and costs of court for each offense. Each day the violation continues shall constitute a separate offense.

Section 2.0 Remedies

If any use, building or structure is initiated, erected, constructed, reconstructed, altered, repaired, converted, moved or maintained, or any building, structure or land is used in violation of this ordinance, the Building Official, any other appropriate authority, or any property owner who would be damaged by the violation, in addition to other remedies, may institute injunction, mandamus, or other appropriate action or proceedings to prevent the unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use, or to correct or abate the violation or to prevent the illegal use and occupancy of the buildings, structure, or land.

Section 3.0 Saving Clause

If any article, section, sub-section, paragraph, clause, or provision of this ordinance is declared invalid or unconstitutional by a court of competent jurisdiction, the declaration shall be limited to the part declared invalid or unconstitutional. The declaration shall not affect the validity or constitutionality of the Zoning Ordinance as a whole or any other article, section, sub-section, paragraph, clause, or provision of this ordinance.

Section 4.0 Amendment of Existing Zoning Ordinance

As of the effective date of this ordinance the text of the existing Zoning Ordinance is repealed, but the existing Zoning Maps are retained.

Section 5.0 Effective Date

This ordinance shall take effect and be in force from and after its adoption and publication as required by law.

Section 6.0 Adoption

Adopted this _____ day of _____, 2002.

Mayor

ATTEST:

City Clerk