

ZONING ORDINANCE

City of Creola, Alabama

Adopted May 2002 • Amended November 2014



Prepared by:

The South Alabama Regional Planning Commission

In Cooperation With:

The City of Creola Planning Commission

ZONING ORDINANCE CREOLA, ALABAMA

Prepared by:
South Alabama Regional Planning Commission
In Cooperation With
The Creola Planning Commission
And
City Council



ADOPTED: MAY 2002
AMENDMENTED: DECEMBER 2014



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Creola City Council

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ARTICLE I PURPOSE

THE CITY OF CREOLA, ALABAMA, PURSUANT TO THE AUTHORITY GRANTED BY TITLE 11, SUBTITLE 2, CHAPTER 52, ARTICLES 1 THROUGH 4, CODE OF ALABAMA, 1975 AND 1986 CUMULATIVE SUPPLEMENT, IN ORDER TO PROMOTE THE HEALTH, SAFETY, CONVENIENCE, ORDER, PROSPERITY, AND GENERAL WELFARE OF THE RESIDENTS; TO LESSEN CONGESTION IN THE STREET; TO SECURE SAFETY FROM FIRE, PANIC, AND OTHER DANGERS; TO PROVIDE ADEQUATE LIGHT AND AIR; TO PREVENT THE OVERCROWDING OF LAND; TO AVOID UNDUE CONCENTRATION OF POPULATION; TO FACILITATE THE ADEQUATE PROVISION OF TRANSPORTATION, WATER, SEWERAGE, AND PARKS; TO FACILITATE INITIATION OF THE COMPREHENSIVE PLAN, AND OTHER PUBLIC REQUIREMENTS, HEREBY ORDAINS AND ENACTS INTO LAW AN OFFICIAL ZONING ORDINANCE IN ACCORDANCE WITH THE LAWS OF ALABAMA. IN THEIR INTERPRETATION AND APPLICATION, THE PROVISIONS OF THIS ORDINANCE SHALL BE: CONSIDERED AS MINIMUM REQUIREMENTS; LIBERALLY CONSTRUED IN FAVOR OF THE GOVERNING BODY; AND DEEMED NEITHER TO LIMIT NOR REPEAL ANY OTHER POWERS GRANTED UNDER STATE STATUTES.

ARTICLE 2 ENACTMENT

An ordinance of the City of Creola, Alabama, establishing rules and regulations for zoning, classifying land; establishing zoning districts and district requirements.

ARTICLE 3 TITLE

This ordinance shall be known and may be cited as the "The Zoning Ordinance of the City of Creola".

ARTICLE 4 SEVERABILITY

That if any clause, section or other part of this ordinance shall be held invalid or unconstitutional by any court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby, but shall remain in full force and effect.



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ARTICLE 5 LEGAL STATUS

SECTION 1 AUTHORITY

The rules and regulations herein set forth are hereby adopted in accordance with Title 11, Subtitle 2, Chapter 52, Articles 1 through 4 of the Code of Alabama, 1975 and 1986 Cumulative Supplement.

SECTION 2 JURISDICTION

This ordinance shall be in force and effect for zoning purposes within the corporate limits of the City of Creola as presently or hereinafter established.

SECTION 3 CONFLICT WITH OTHER LAWS

Whenever the requirements of this Ordinance are at variance with the requirements of any other lawfully adopted statutes, rules, regulations or ordinances, the more restrictive, or that imposing the highest standards, shall govern.

SECTION 4 VALIDITY

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

SECTION 5 REPEAL OF REGULATIONS AND ORDINANCES

This is an enactment of a zoning ordinance for City of Creola. All prior zoning ordinances are hereby suspended and repealed.

SECTION 6 DISCLAIMER OF LIABILITY

These regulations shall not create liability on the part of the City of Creola or its assigns, the City of Creola Planning Commission, the City of Creola Board of Adjustment, or any officer or employee thereof for any damages that may result from reliance on this ordinance or any administrative decision lawfully made thereunder.

SECTION 7 EFFECTIVE DATE

This ordinance shall take effect and be in force from and after the date of its adoption by the City of Creola City Counsel.



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ARTICLE 6 OFFICIAL PLANS AND MAPS

- This ordinance shall be implemented in support of the City of Creola's comprehensive planning program.
- The Future Land Use Map contained in the development plan shall serve as a guide for the future development of Creola. To the extent practical, it shall be followed in the administration of this ordinance.
- The Zoning District Map is hereby adopted and made a part of this ordinance. This map shall be signed by the City of Creola mayor and attested by the City Clerk. It shall be filed in the office of the Probate Court of Mobile County, Alabama and shall show thereon the date of adoption of this Ordinance.
- If, in accordance with the provisions of this ordinance, changes are made in the district boundaries or other information portrayed on the Official Zoning District Map, changes shall be made on the map promptly after the amendment has been approved by the Creola City Council. Unauthorized alterations of the official zoning map shall be considered a violation of this ordinance and subject to penalties as prescribed under Penalties.
- The City Clerk shall maintain a file or registry of properties rezoned and variances granted under the authority of this ordinance together with all pertinent requirements and/or conditions thereto.



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ARTICLE 7
ADOPTION

This ordinance was adopted by the City of Creola, Alabama, on the _____ day of _____ 2014.

Mayor, City of Creola

City Clerk, City of Creola

I, _____, City Clerk of the City of Creola, Alabama, certify that the document described herein, identified as the "Zoning Ordinance of the City of Creola, Alabama, is a true and correct copy of the Ordinance number _____, adopted by the City of Creola, this _____ day of _____, 2014.

Seal of the City of Creola.



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ARTICLE 8 PROCEDURES FOR THE TRANSACTION OF BUSINESS

SECTION 1 IMPLEMENTING AUTHORITY

The Creola Planning Commission shall be the implementing authority for this ordinance, except that where required by law, action of the Creola City Council or Board of Adjustment is necessary. Such deliberative action of the council or the board shall take place after due consideration of recommendations made by the Planning Commission.

SECTION 2 PUBLIC HEARINGS

When the Planning Commission must hold a public hearing on any matter where its action is decisive, due notice shall be given as required by law. When the City Council or the Board of Adjustment must hold a public hearing on any matter recommended by the Planning Commission, the Planning Commission may dispense with a separate hearing and submit its recommendation to the appropriate body. The public notice of such hearing by the City Council or the Board of Adjustment may be published or posted by the City Clerk immediately upon receipt of the recommendation from the Planning Commission and consultation with the mayor or chairman of the Board of Adjustment regarding the date and time of said hearing.

SECTION 3 RULES

“Robert’s Rules of Order” shall generally govern the order of business and conduct of meetings of the Planning Commission or any committee of said commission.

SECTION 4 MEETINGS

- A. The Planning Commission shall hold at least one (1) regular scheduled meeting per month. The date, time, and place of such meeting shall be determined by the Planning Commission.
- B. Special meeting of the Planning Commission may be called by the chairman upon the giving of a forty-eight (48) hour notice to the membership.

SECTION 5 AGENDA

An agenda for each meeting shall be prepared by the commission secretary for each regular meeting of the Planning Commission.



SECTION 6 QUORUM

Unless otherwise provided by statute, a majority of the members shall constitute a quorum for the conduct of business. In case of an amendment, the affirmative vote of six members of the planning commission is required.

SECTION 7 APPLICATIONS

Applications for zoning amendments and recommendations regarding the development of land shall be filed and handled in accordance with the provisions hereinafter detailed in this ordinance.

SECTION 8 STUDY

The Planning Commission may defer action on any matter submitted to it at a regular meeting until the next regular meeting so that proper study of the matter may be made by the membership; provided, however, that the commission shall take action on any matter submitted to it within the time limitation as required by law.

SECTION 9 SIGNATURES

The chairman or in the event of his absence, the vice-chairman and/or the secretary shall be the person(s) authorized to sign documents testifying to action taken by the Planning Commission.



ARTICLE 9
DEFINITION OF TERMS

SECTION 1 USAGE

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

SECTION 2 WORDS AND TERMS DEFINED

As used in this Ordinance, the following words and terms shall have the meaning defined:

Abutting/Contiguous Property. Any property that is immediately adjacent to, touching, or immediately across any road or public right-of-way from the property in question.

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

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

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

Alley. A public street which affords only a secondary means of access to abutting property and not intended for general traffic circulation.

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



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

Atrium. An open area within a building surrounded on all four sides by the building walls and open and unobstructed from the first floor level to the roof or sky except as otherwise provided in this Ordinance.

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

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

Awning. A detachable frame work covered by cloth or other light materials, supported from the walls of a building for protection from sun or weather.

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

Beach Shelter. An accessory structure, temporary or permanent, consisting of one or more columns and a roof and not including walls or permanent facilities of any type.

Bed and Breakfast. The renting of rooms in a private residence for brief periods of time together with the provision of breakfast for the guests by the home owner.

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

Board of Adjustment. The City of Creola Board of Adjustment; a review board that may, in appropriate cases and subject to appropriate conditions and safeguards, make special exception to the terms of any adopted ordinance.

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

Boat Repair. Major overhauling or repair of boats that requires open air, partially covered or enclosed dry dock facilities and such heavy equipment, yard space and dock facilities as may be necessary.

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



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

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

Building, Coverage. The percent of total lot area covered by buildings and structures but excluding roof overhangs, unenclosed balconies and unenclosed walkways which do not project more than six (6) feet from the exterior walls of a building or from walls enclosing an atrium.

Building, Height. The vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof for flat roofs, to the deck line of mansard roofs, and the mean height between eaves and ridge for gable, hip and gambrel roofs.

Building, Line. (See Setback Line.)

Building Official. Individual appointed by the Commission to carry out inspections required by the Building Code.

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

Bulk. Height and percentage of land coverage of a building.

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

Cabana. An accessory structure usually used in connection with outdoor bathing or recreation providing enclosed space for showering or changing clothes, with recreational cooking and/or bar facilities including storage facilities, but no sleeping rooms.

Canopy. A detachable, roof-like cover, supported from the ground, or deck or floor of a building, and from the walls of a building, for protection from sun or weather.

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

Certificate of Occupancy. Official certification that a premise conforms to provisions of the Zoning Ordinance and Building Code, and may be used or occupied. Such certificate is granted for new construction or for the substantial alteration or additions to existing



structures. A structure may not be occupied unless such certificate is issued by the Building Official.

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

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

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

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

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

Coastal Construction Line (CCL). A line in coastal Alabama determined by the Alabama Coastal Area Management plan (ACAMP) seaward of which no construction is permitted.

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

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

Commission. The City of Creola Planning Commission

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

Condominium. A development where all land, including that under the buildings in the development, is held in single ownership for the common use of unit owners or tenants; also a living unit within such a development.

Convalescent or Nursing Home. A building, or portion thereof, wherein for compensation, living accommodations and care are provided for person suffering from



illness, other than mental or contagious, which is not of sufficient severity to require hospitalization, or for persons requiring further institutional care after being discharged from a hospital other than a mental hospital; includes Extended Care Facilities.

Day Care Center. A place for the day care and instruction of young or elderly persons not remaining overnight

Deck. A flat covered or uncovered area generally adjoining a house, building or pool, and which may be used as an outdoor sitting or recreation area.

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

- a. Gross Density – the number of dwelling units per acre of the total land to be developed.
- b. Maximum Density – the density allowable in a given zoning district not otherwise limited by other applicable requirements of this Ordinance.
- c. Net Density – the number of dwelling units per acre of land when the acreage involved includes only the land devoted to residential areas.

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

Drive-In Restaurant. A restaurant or public eating business so conducted that food, meals or refreshments are brought to the motor vehicles for consumption by the customer or patron.

Dry Well. A cavity of sufficient size, filled to the surface with compacted rocks to allow water storage capacity.

Dwelling. A building or portion thereof designed or used exclusively for residential occupancy,

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

- a. Single Family - a detached building designed for and occupied by one family as a home, with cooking and housekeeping facilities.
- b. Two Family - a single building occupied by or designed for occupancy by two families only, with separate cooking and housekeeping facilities for each, separated by a common wall and sharing a common roof and foundation.



- c. *Multiple Family* - a building designed for or occupied by three or more families, with separate cooking and housekeeping facilities for each.

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

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

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

Essential Services. Public utility facilities related to water, storm water sewers, sanitary sewers, solid waste disposal, telephone, cable television, gas and electrical collection or distribution systems serving the City; but not including buildings housing employees, or public safety facilities such as fire and/or police stations.

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

Fall-Out Shelter. A structure or portion of a structure intended to provide protection of human life during periods of danger from nuclear fall-out, air raids, storms, or other emergencies.

Family. One or more persons occupying a single dwelling unit and using common cooking facilities, provided that unless all members are related by blood, adoption, or marriage no such family shall contain over five persons, but that such family may also include gratuitous guests and servants in addition.

Filling Station. (See Service Station.)

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

Flashing or Intermittent Illuminating Signs. Time and temperature announcements, excluding other advertising copy, are not deemed to be flashing or intermittent illuminating signs.

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

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



Flood plain. Those areas defined by the U.S. Geological Survey or the U.S. Army Corps of Engineers as subject to flooding once in one hundred (100) years, based on topography.

Flood prone area. Any area subject to inundation by the regulatory flood.

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

Flood area, gross. The sum of the gross enclosed horizontal area of all the floors of a building, except a basement or area under the first habitable story, measured from the exterior faces of exterior walls and/or supporting columns.

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

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

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

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

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

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

Garage, Repair. (See Automobile Repair.)



Gas Station. (See Service Station)

Habitable Rooms. All living spaces within a dwelling unit (house, apartment, townhouse, condominium, mobile home) arranged in such a fashion as to be commonly described as kitchen, dining room, living room, dinette, family room, den, music room, library, bedroom and/or any other partitioned area that is designed to be used, or that may be used, in the opinion of the governing body, as a room for the carrying on of general family activities.

Height of Building. (see Building, Height)

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

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

Homeowner's Association. A group of homeowners in a geographical area banded together for a specific purpose.

Hotel. A transient commercial lodging establishment consisting of one (1) or more buildings used for this purpose, including accessory uses such as eating and drinking facilities, recreation facilities and parking. This category includes motels and motor hotels. Lodgings may consist of sleeping rooms only or may include cooking facilities also, but are not intended for long-term occupancy.

Improvement, Non-substantial. Any improvement which is not a substantial improvement.

Improvement, Substantial. Any addition to any structure; any extension, enlargement or expansion of any structure; any repair, reconstruction or improvement, the cost of which equals or exceeds 50 percent of the fair market value of the structure either before the repair, reconstruction or improvement is started, or if the structure has been damaged and is being restored, before the damage occurred.

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

Interval Occupancy Facility. A facility comprised of one or more dwelling units in which the exclusive right of use, possession, or occupancy of each dwelling unit circulates among twelve (12) or more owners or lessees thereof in accordance with a fixed time schedule on a periodically recurring basis.



Jetty or Groin. A rigid structure built out from a shore to protect the shore from erosion, to trap sand or to direct current. And which may also be used as a pier or landing wharf.

Junk Vehicle. Any vehicle that does not have a current license tag and that the owner has abandoned or left to deteriorate. This definition does not include vintage vehicles which the owner intends to restore; provided that such vehicles are properly protected by being covered or stored in a garage, barn or other enclosed area and screened from view.

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

Kennel. Any place or premises where four (4) or more dogs over four (4) months of age are kept for breeding and/or boarding for profit.

Lot. A piece, parcel, or plot of land occupied or intended to be occupied by one (1) main building, accessory buildings, uses customarily incidental to such main buildings and such open spaces as are provided in this ordinance, or as are intended to be used with such piece, parcel, or plot of land and having its principal frontage upon an existing or proposed right-of-way conforming to the requirements of this ordinance.

Legal Non-Conforming Sign. One ground-mounted sign located within the City limits prior to the enactment of the Land Use and Development Ordinance (September 21, 1987) or located on property prior to its annexation, on premises which otherwise meets the performance requirements as stated in Section 10.7. Billboards, portable signs, off-premises signs, temporary signs and all signs prohibited in Section 10.74 are excluded from being legal non-conforming signs.

Land Area. The total land area within the property lines of a lot.

Land Use Certificate. Certificate issued by the Zoning Administrator indicating that a proposed use of land is in conformity with the zoning regulations, a prerequisite to issuance of a building permit.

Lattice tower. A support structure constructed of vertical metal struts and cross braces forming a triangular structure which often tapers from the foundation to the top.

Licensee. Any person licensed under the provisions of this ordinance.



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

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

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

Lot Line, Front. The lot line of shortest length adjacent to the street right-of-way lie of the principal street on which the lot abuts

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

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

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

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

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

Major Project. Any multi-family residential development, planned unit development, shopping center or other major residential commercial or industrial use, as well as any project requiring a variance, special exception or Planning Commission approval.

Major Subdivision. (See Subdivision, Major)

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

Manufactured Home. A structure constructed in accordance with the National Manufactured Housing Construction and Safety Standards Act of 1974 as amended, U.S.C. 5401. Motor homes, house trailers, travel trailers, campers, mobile homes made to HUD standards and similar towed, transported, or self-propelled units are not manufactured homes

Manufacturing, Extractive. Any mining, quarrying, excavating, processing, storing, separating, cleaning, or marketing of any mineral natural resource._



Manufacturing, General (M2). Manufacturing, processing, assembling, storing, testing, and similar industrial uses which are generally major operations and extensive in character; require large sites, open storage and service areas, extensive services and facilities, ready access to regional transportation and normally generate some nuisances such as smoke, noise, vibration, dust, glare, air pollution, and water pollution, but not beyond the district boundary.

Manufacturing, Light (M1). Manufacturing or other industrial uses which are usually controlled operations; relatively clean, quiet, and free of objectionable or hazardous elements such as smoke, noise, odor, or dust; operating and storing within enclosed structure; and, generating little industrial traffic and no nuisances.

Marina. A harbor or boat basin providing moorage, docking facilities, supplies and minor services for boats.

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

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

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

Minor Subdivision. (See Subdivision, Minor)

Mobile Home. Any vehicle or similar portable structure having been constructed with wheels (whether or not such wheels have been removed) and capable of being towed on a public street and so constructed as to permit occupancy for dwelling or sleeping purposes.

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

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



Mobile Home Subdivision. A residential development designed for the accommodation of mobile homes on individually owned lots or in condominium or cooperative ownership, including recreation and open space areas held in common ownership, but not including developments serving tourist or vacation-oriented travel, motor home, campers, etc.

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

Motel, Motor Hotel. (See Hotel)

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

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

Nonconforming Use. A use of land existing lawfully at the time of the enactment of this ordinance, or at the time of a zoning amendment and which does not conform with the regulations of the district in which it is located.

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

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

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

Offices. Space or rooms used for professional, administrative, clerical and similar uses.

Off-Premises Sign. A billboard or other sign relating its subject matter or any portion thereof to a premises other than the premises on which said sign is located.

Oil. Crude petroleum oil and other hydrocarbons, regardless of gravity, which are produced at the well in liquid form by ordinary production methods and which are not the result of a condensation of gas after it leaves the pool.



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

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

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

Permit. Any written authorization by a duly appointed City representative for an individual, firm, trust, partnership, association or corporation to undertake activities related to subdivisions, zoning, land use, building or other actions permitted in this ordinance or by other City authorization.

Permittee. Any individual, firm, trust, partnership, association or corporation to whom a permit is granted, including any person to whom a temporary permit is issued, such as that to maintain and operate a mobile home park under the provisions of this ordinance.

Person. Any individual, firm, trust, partnership, association or corporation.

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

Planned Unit Development (PUD). An area with a specified minimum contiguous acreage to be developed as a single entity according to a plan (See Article 13)

Planning Commission. The City of Creola Planning Commission.

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

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

Public Land Uses. Any land use operated by or through a unit or level of government, either through lease or ownership, such as municipal administration and operation, county buildings and activities, state highway offices and similar land uses; and federal



uses such as post offices, bureau of public roads and internal revenue offices, military installations, etc.

Recreational Vehicle. A self-propelled vehicle used for temporary housing of individuals and families during travel. This category, in this Ordinance is assumed to include also campers, camping trailers, motor homes and smaller mobile homes (up to a length of twenty-eight (28) feet exclusive of hitch) capable of being towed by a passenger motor car.

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

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

Residential Dock or Pier. A dock or pier constructed adjacent to a residential lot for gratis recreational purposes and/or mooring of private boats.

Restrictive covenants. Private regulations recorded with the final plat, which limit or otherwise govern the use, intensity and development patterns of the land within a subdivision or parcel of land for a specified time.

Retaining wall. A wall of wood, brick, concrete or other suitable material designed to prevent erosion of soil from sharply sloping land or from around pools, decks, foundations and other similar structures.

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

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

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

Rooming house. Any building or portion thereof, other than a hotel or motel, which contains not less than three (3) or more than nine (9) guest rooms which are designed or intended to be used, let, or hired out for occupancy, more or less transiently, by individuals for compensation whether paid directly or indirectly, and without provisions for cooking by guests or meals for guests.



Satellite Receiving Dishes. A dish-shaped antenna designed to receive television broadcasts relayed by microwave signals from earth-orbiting communications satellites. This definition also includes satellite earth stations, or television dish antennas.

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

Semi-Public Land Uses. Philanthropic and charitable land uses including. Y.M.C.A.'s, Y.W.C.A.'s, Salvation Army, churches and church institutions, orphanages, humane societies, private welfare organizations, nonprofit lodges and fraternal orders, hospitals, Red Cross, and other general charitable institutions.

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

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

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

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

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

Special Exception. A land use which may be permitted, that is not similar in nature to the uses permitted in a district but that is desired in the community and for which a suitable district is not available. Such use may be permitted in the most nearly appropriate district where a location is available, upon appeal to and approval by the Board of Adjustment, which may set forth special conditions under which the use may be allowed.

Story. That portion of a building included between the surface of any floor and the surface of the next floor above it, or if there is no floor above it, then the space between such floor and the ceiling next above it.



Story, Habitable. A story having its floor elevated at or above base flood elevation, as established by the county, regardless of the intended use of the story or its floor area and complying with applicable building codes.

Street. Any public or private way set aside for common travel more than twenty (20) feet in width if such existed at the time of enactment of this Ordinance, or such right-of-way sixty (60) feet or more in width if established thereafter.

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

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

Structure Existing. Any structure the construction of which was initiated prior to the effective date of this Ordinance and for which all required state, local and federal authorizations were obtained prior to the effective date of this Ordinance.

Structure, New. Any structure which is not an existing structure.

Subdivision. A division or redivision of a parcel of land into two or more parcels as provided for in the Subdivision Regulations of the City of Creola.

Subdivision, Major. Any subdivision not classified as a minor subdivision.

Subdivision, Minor. A subdivision of land that does not involve any of the following: (1) the creating of more than the maximum number of lots specifically permitted by ordinance as a minor subdivision; (2) a planned unit development (PUD); (3) any new street; or (4) the extension of any off-tract improvements.

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

Townhouse. An individually owned single family attached dwelling unit having a separate ground floor entrance and separate private yard space, with common side walls on one or both sides of the dwelling unit, and not exceeding two and one-half (2 ½) stories or thirty-five (35) feet in height.

Travel Trailer Park. A development for the accommodation of tourists or vacationers on a short-term basis, providing rental spaces for each individual trailer, camper, motor home, etc., and recreation and service facilities for the use of the tenants, whether publicly or privately owned and whether operated for or without compensation.

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



Variance. A modification of the strict terms of the relevant regulations in a district with regard to placement of structures, development criteria or provision of facilities. Available only on appeal to the Board of Adjustment.

Waterway. Any body of water, including any creek, canal, river, lagoon, lake, bay or gulf, natural or artificial.

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

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

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

Zero Lot Line. A developmental approach in which a dwelling unit is sited along one or more lot lines.

Zoning Administrator. The administrative officer designated to administer the zoning ordinance and issue land use certificates.



Zoning Districts. A section of the City designated in this ordinance text and delineated on the zoning map where in all requirements for use of land and building and development standards must be uniform.

Zoning Map. The map or maps, which are a part of this zoning ordinance, and which delineate the boundaries of zoning districts.



ARTICLE 10 GENERAL PROVISIONS

SECTION 1 APPLICATION OF REGULATIONS

Except as hereinafter provided, the following shall generally apply:

A. Use

No building or land shall hereafter be used or occupied and no building or part thereof shall be erected, constructed, moved, or altered except in conformity with the regulations herein specified for the district in which it is or is to be located.

B. Modular Structures

Modular structures may be used for any uses permitted in the R-3, M-1 and M-2 districts, subject to the same setback, landscaping and other requirements set forth in this ordinance.

C. Lots

No lot, even though it may consist of one or more adjacent lots of record, shall be reduced in size so that lot width or depth, front, side or rear yard, inner or outer courts, lot area per family or other requirements of this ordinance are not maintained. This section shall not apply when a portion of a lot is acquired for public use.

D. Residential Uses in Business District

Residential uses established in any business district must comply with the minimum requirements set forth in Article 12 using residential setbacks.

SECTION 2 ONE PRINCIPAL BUILDING PER LOT

Every residential building, including hotels, motels, condominiums, single-family and multi-family dwellings, and duplexes hereafter erected or moved shall be located on a lot, and in no case shall there be more than one (1) principal residential building on a lot except as follows:

- A. In any district where multi-family structures, motels or hotels are permitted, two (2) or more residential structures may be permitted on a lot provided that no building shall be located closer to another building on the same lot than a distance equal to half the sum of the heights of both buildings.

SECTION 3 NONCONFORMANCE

It is the intent of this ordinance to recognize that the elimination of existing buildings and structures or uses that are not in conformance with the provisions of this ordinance is as much a subject of health, safety and general welfare as is the prevention of the establishment of new uses that would violate the provisions of this ordinance. It is also the intent of this ordinance to administer the elimination of nonconforming uses, buildings, and structures so as to avoid any



unreasonable invasion of established private property rights. Any structure or use of land existing at the time of the enactment of this ordinance and amendments thereto, not in conformity with its use regulations and provisions, may be continued subject to the following provisions:

A. Unsafe Structures

Any structure or portion thereof declared unsafe by any authority may be restored to a safe condition, provided the requirements in this section are met.

B. Alterations

Any change in a nonconforming building site or yard area is subject to the following:

1. Any improvements, alterations, repairs or installation of new fixtures or equipment for an existing nonconforming structure may be accomplished by the owner of the structure upon obtaining the proper permits from the City inspection department; provided that such improvements will not be detrimental to the area, will not increase the nonconformity, and will, in all other respects, meet the requirements of the district.
2. Should a nonconforming building be moved, all nonconforming yard areas shall be eliminated.
3. A nonconforming use of land shall be restricted to the lot occupied by such use as of the effective date of this ordinance. A nonconforming use of a building or buildings shall not be extended to include either additional buildings or land after the effective date of this ordinance.
4. A nonconforming building, structure, or improvement which is hereafter damaged or destroyed to an extent exceeding fifty (50) percent of the reasonable estimated replacement cost of the structure, building or improvement may not be reconstructed or restored to the same nonconforming use except upon approval of the Board of Adjustment. Such damaged or destroyed structures that are no longer in use shall be removed and the site cleared at the owner's expense.

C. Change in Use

A nonconforming use which is changed to a conforming use shall not be permitted to revert to the original or a less restrictive use.

D. Discontinuance

A nonconforming use which became such upon the adoption of this ordinance and which has been discontinued for a continuous period of one year shall not be reestablished and any future use shall be in conformity with the provisions of this ordinance.



E. Adjacent Land

The presence of a nonconforming use in a zoning district shall not be allowable as legal grounds for the granting of variances or zoning amendments for other surrounding properties by the Board of Adjustment.

F. Access to Public Streets

Access to public streets shall be maintained in accordance with the following requirements:

1. Each principal use shall be placed on a lot or parcel which provides frontage on a public street having a right-of-way of not less than sixty (60) feet, except where existing public rights-of-way are less than sixty (60) feet.
2. Any additional dwelling shall have access to a public street by means of a passageway open to the sky at least fifteen (15) feet in width.

G. Lots of Record

Where the owner of a lot of record or his successor to the title thereto does not own sufficient land to enable him to conform to the dimensional requirements of this ordinance, the following exceptions may be allowed:

1. Where a lot, tract or parcel of land has an area or width that does not conform to the requirements of the district in which it is located, said lot may be used for a single-family dwelling in any residential district, provided the lot to be so used has a minimum area of four thousand (4,000) square feet and a minimum lot width at the building line of forty (40) feet, provided it is located on a public sewer. In commercial and industrial districts, uses compatible with the district may be allowed by the Planning Commission.
2. When two (2) or more adjoining and vacant lots with continuous frontage are in a single ownership at the time of application and such lots have a frontage or lot area less than is required by the use district in which they are located, such lots shall be platted or re-parcelled so as to create one or more lots which conform to the minimum frontage and area requirements of the use district.

H. Yard Requirements

Yard requirements shall be modified subject to the following conditions:

1. On double frontage lots, the required front yard shall be provided on each street.
2. Whenever a rear or side property line of a lot abuts upon an alley, one-half (1/2) of the alley width shall be considered as a portion of the required yard.



3. An unroofed porch shall not project into a required front yard for a distance exceeding five (5) feet.
4. On substandard lots of record, the front, side and rear setbacks may be less than required in this ordinance; provided that, no front setback shall be less than the average setback of the existing developed lots on the same block and on the same side of the street; no side setback shall be reduced to less than five (5) feet; and no rear setback shall be reduced to less than fifteen (15) feet. The amount of reduction up to these limits shall be determined by the Building Inspector in consideration of the lot size and the size of the proposed structure.
5. The setback requirements for side yards and/or front yards on corner lots shall not apply to any lot where the average setback on residentially developed lots located, wholly or in part, one hundred (100) feet on each side of such lot and within the same block and zoning district and fronting on the same streets as such lot, is less than the minimum required setback. In such cases, the setback on such lot may be less than the required setback, but not less than the average of the existing setbacks on the existing developed lots.

SECTION 4 SCREENING, LIGHTING AND SPACE

1. In any commercial or industrial district, any operation not conducted within a building, such as drive-in businesses, outdoor storage of materials, and outdoor servicing activities, shall be enclosed by a wall or fence of solid appearance or tight evergreen hedge not less than six (6) feet in height where necessary to conceal such areas or facilities from a residential district adjoining or facing across a street in the rear or on the side of the principal building or use.
2. In any district where reference is made requiring adequate screening of a specified operation, such screening shall be a wall or fence of solid appearance or tight evergreen hedge not less than six (6) feet in height.
3. Outdoor lighting of all types shall be directed so as to reflect away from all residential dwellings, and shall be so situated as not to reflect directly into any public right-of-way.
4. All screening, lighting, space, etc. shall be in good condition and appearance. The Building Inspector may cause to be removed, replaced, repaired or corrected at the owner's expense, any screening, lighting and space improperly maintained.

SECTION 5 SURFACE DRAINAGE

Owners, particularly developers of the larger paved areas such as those in connection with apartment complexes, shopping centers, etc. shall be responsible for increased runoff resulting



from these developments which cause flood damage to neighboring property. The Building Inspector shall, in consultation with the City Engineer, determine that reasonable provisions for properly handling surface drainage have been made in the applicant's design, and report these findings for the Planning Commission's consideration in acting on building applications. If such reasonable provisions are not made in the applicant's design, the Planning Commission shall make such remedies as may be available to the applicant as a condition of the building permit issuance.

SECTION 6 EROSION AND SEDIMENT CONTROL

Where more than one acre of land will be disturbed for construction purposes, owners shall be required to comply with the regulations set forth in Article 15, Erosion and Sediment Control of this Ordinance.

SECTION 7 SEPTIC TANKS

In areas where there are no sewerage facilities, septic tanks may be used in accordance with current regulations of the Alabama Department of Public Health and the Mobile County Health Department.

SECTION 8 EXISTING COVENANTS

Where subdivisions, lots, or parcels exist which have already been recorded or which will be recorded with deed restrictions or other such restrictive covenants, such restrictions and covenants shall apply if they are more stringent than the requirements of this ordinance; otherwise, the requirements of this ordinance shall apply.

SECTION 9 GRANDFATHER CLAUSE

Any use of buildings or land existing on the date of adoption of this ordinance and not in compliance with its provisions, unless elsewhere restricted by other provisions of this ordinance, shall be allowed to continue as a nonconforming use. Any land development projects in Mobile County within the territorial and legal authority of this ordinance that are not located in a district designated for their intended use may be permitted to continue provided that:

1. The project was under construction prior to the date of adoption of this ordinance. For the purposes of this section, under construction shall mean that a legal building or construction permit has been issued and that actual construction has been or will be started within the initial period of validity of the permit, exclusive of any time extensions.
2. The City reserves the right to require compliance with the requirements of this ordinance for districts in which similar uses are permitted; and



3. Other conditions may be required by the City due to the unique circumstances of the land.

SECTION 10 WATER AND SEWER CONNECTIONS

Developments or individual lots in all districts must connect to public or private community water and sewer systems where such systems border any development or lot lines or are reasonably available and the appropriate utility has the capacity to provide the service; otherwise, lots must meet the minimum size requirements of the health department, for on-site wells and/or septic systems. Existing private wells and septic systems that are functioning properly and meet the health department requirements may continue to be used.

1. It is the intent of this ordinance to eliminate by attrition all existing private wells and septic systems in areas where public or private community water and sewer systems are available. Therefore, at such time as any private well or septic system fails to function properly or must be replaced, the owner must connect to the public or private community water and sewer system where such systems border any development or lot line or are reasonably available and the appropriate utility has the capacity to provide the service.

- See Subdivision Regulations

SECTION 11 GARBAGE AND TRASH DISPOSAL

No lot shall be used or maintained as a dumping ground for rubbish. Trash, garbage or other waste shall be kept in sanitary containers approved by the City Council.

SECTION 12 SATELLITE RECEIVING DISHES/ANTENNAS

Satellite receiving dishes are permitted accessory uses in any district, provided they comply with setback, height, and other standards of this ordinance. In any district the dish antenna shall be located to the rear of the front building line and must be setback ten (10) feet from any interior or rear lot line. Special setbacks indicated herein apply on corner lots. The dish antenna together with the principal building and accessory building may not exceed the maximum lot coverage permitted in the district in which it is located. In residential districts where the antenna is detached from the main building, its maximum height may not exceed fifteen (15) feet. When roof mounted, it must conform to the zoning district's height limits and its installation must be checked for safety by the Building Inspector. Installation and construction must also comply with the building code. No form of advertising or identification is allowed on the dish or framework other than manufacturer's small identification plates.



Radio and TV Antennas

Private radio and TV antennas for individual homes or for amateur use are permitted as accessory structures in any district and may be placed on roof or in rear or side yards so that they do not occupy more than fifty (50) percent of said yard, nor come closer than five (5) feet to any right-of-way or property line. Antennas in excess of the normal height limitations for the district in which they are located are subject to approval and permit by the Building Inspector. Said permit shall include a clause that shall indemnify, hold harmless and protect the Town against any and all liabilities that may result from the erection and use of such radio and TV antennas. Antennas must be properly constructed in compliance with the requirements of the Federal Communications Commission (FCC), the American Radio Relay League, Inc. (ARRL), or equivalent standards and good engineering practices as determined by the Town Engineer.

SECTION 13 JUNKED VEHICLE

A junked vehicle, or one that is not in use or cannot move under its own power shall not be permitted to be located on any lot. Such vehicles shall be confined to junk yards. (Note: This provision does not apply to antique vehicles.)

SECTION 14 OIL AND GAS EXPLORATION

The review of oil and gas exploration and production activities under the requirements of this ordinance shall not duplicate the regulatory activities of the Alabama Department of Environmental Management, the U.S. Army Corps of Engineers, or the Alabama State Oil and Gas Board. The Planning Commission shall permit oil and gas exploration and production in any zoning district following administrative review and assurance that all required federal and state permits have been obtained and that adequate environmental safeguards and guarantees required under the permits have been addressed.

SECTION 15 FARMLAND

Other provisions of this ordinance notwithstanding, any tracts of farmland under cultivation or pastureland and timberland presently being used for such purposes, may continue to be used for such purposes regardless of the zoning district in which they may be located.



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ARTICLE 11 ESTABLISHMENT OF DISTRICTS

SECTION 1 GENERAL

The City of Creola, Alabama, is hereby divided into zoning districts as listed and described below and as shown on the official zoning district map, for the purpose of:

1. Providing a residential environment free of incompatible uses, safe from natural and manmade hazards;
2. Promoting, where possible, planned residential, commercial, and industrial areas in appropriate locations, with appropriate standards and minimum service cost to local government;
3. Providing a compact, convenient urban pattern for urban areas;
4. Providing a level of flexibility of control sufficient to promote innovation and creativity in community development and to encourage maximum living comfort and convenience at lowest cost; and
5. Promoting the comprehensive plan for the city.

SECTION 2 RULES FOR DETERMINING BOUNDARIES

Where uncertainty exists with respect to the boundaries of any of the districts as shown on the official zoning map the following rules shall apply:

1. Unless otherwise indicated, the district boundaries are indicated as approximately following property lines, land lot lines, center lines of streets, highways, alleys, shorelines of streams, reservoirs, or other bodies of water, or civil boundaries, and shall be construed to follow such lines, as shown on the current Mobile County Property Ownership Maps.
2. Where district boundaries are approximately parallel to the center lines of streets, highways, or railroads, streams, reservoirs, or other bodies of water, or said lines extended, such district boundaries shall be construed as being parallel thereto and at such distance therefrom as indicated on the official zoning map. If no distance is given, such dimensions shall be determined by the use of the scale shown on the official zoning map.
3. Where district boundary lines as appearing on the official zoning map divide a lot which is in single ownership at the time of this enactment, the use classification of the



larger(est) portion may be extended to the remainder by the Planning Commission without recourse to amendment procedure.

4. Where a public road, street or alley is officially vacated or abandoned, the regulations applicable to the property to which it is reverted shall apply to such vacated or abandoned road, street or alley.
5. In case the exact location of a boundary cannot be determined by the foregoing methods, the Board of Adjustment shall upon application, determine the location of the boundary.

SECTION 3 USE COMPLIANCE

- A. Any use permitted in any district whether by *Right (R)*, *Requiring Review (P)*, or as a *Special Exception (S)*, must comply with the requirements of the district in which it is located, unless variance from such requirements is specifically requested and approved by the Board of Adjustment.
- B. In general, any higher use may be permitted with Planning Commission approval in a lower use district, but no lower use shall be permitted in a higher use district, except as otherwise noted in the Table of Permitted Uses or where such use exists at the time of enactment of this ordinance.

SECTION 4 DISTRICT NOMENCLATURE

To achieve the purposes of this Ordinance, the City of Creola is hereby divided into the following zoning districts:

| <u>SYMBOL</u> | <u>DISTRRICT</u> |
|---------------|-------------------------------------------------------------------------|
| R-1 | Low Density, Single Family Residential District |
| R-2 | Medium Density, Single Family Residential District |
| R-3 | High Density, Single Family, Multi-Family and Mobile Home Park District |
| B-1 | Local Business District |
| B-2 | General Business District |
| M-1 | Light Industrial District |
| M-2 | General Industrial District |
| FHD | Flood Hazard Overlay District |

The following provisions apply to all zoning districts and are listed in the Table of Permitted Uses, unless provided for elsewhere in this ordinance. They are listed in the following three categories:

1. Uses Permitted by *Right (R)*
The following sections indicate uses permitted by *Right*, unless otherwise noted, in each District and are subject to the conditions specified in this Ordinance.
2. Uses Permitted by *Requiring Review (P)*



Certain uses require the review and approval of the Planning Commission as being in harmony with the orderly and appropriate development of the District in which the use is located.

3. Permitted by *Special Exception (S)*
Uses permitted by Special Exception are subject to site plan review as to location and other features, and also require additional review and approval by the Board of Adjustment.

In any case where a use is not specifically referred to under Uses Permitted or elsewhere in the Ordinance, its status shall be determined by the Building Inspector by reference to the most clearly analogous use or uses that are specifically referred to under Uses Permitted. When the status of a use has been so determined by the Building Inspector, such determination shall thereafter have general application to all uses of the same type.

SECTION 5 RESIDENTIAL DISTRICTS

1. R-1: Low Density, Single Family Residential District
This district is provided to afford opportunity for choice of low density suburban residential environment consisting of single family homes on large parcels of land.
2. R-2: Medium Density, Single Family Residential District
This district is intended as a medium density single family urban residential district, with lots of moderate size.
3. R-3: High Density, Single Family, Multi-Family and Mobile Home Park District
This district is intended to provide for a higher density of single family structures on smaller lots than those allowed in the R-1 and R-2 districts, duplexes, apartments and mobile home parks. The intent of this district is to provide opportunity for high density residential development in specified areas. Within this district it is also considered suitable to include other uses of a type deemed to be compatible with a good high density living environment by providing for needed community services. Public or community water and sewer facilities are required.

SECTION 6 BUSINESS DISTRICTS

1. B-1: Local Business District
This district is intended to provide for limited retail convenience goods and personal service establishments in residential neighborhoods and to encourage the concentration of these uses in one location for each residential neighborhood rather than in scattered sites occupied by individual shops throughout a neighborhood. This district also provides for establishments of a professional nature and is restricted to offices and businesses which provide specific



corporation functions or professional services to the general public but not the sale of wholesale goods.

2. B-2: General Business District

This district is intended to provide opportunity for activities causing noise and heavy traffic, not considered compatible in the more restrictive business district. These uses also serve a regional as well as a local market and require location in proximity to major transportation routes. Recreational vehicle parks, very light production and processing activities are included.

SECTION 7 INDUSTRIAL DISTRICTS

1. M-1: Industrial District

The purpose of this Light Industrial District is to provide a suitable protected environment for manufacturing, research and wholesale establishments which are clean, quiet and free of hazardous or objectionable emissions, and generate little industrial traffic. Industrial parks should be encouraged. Locations should be in accordance with comprehensive plans. This district is intended for industrial uses, which are not offensive to nearby commercial or residential uses, and for business uses, which generally support and are integrated with these industrial uses. Further development of residences is prohibited from these districts to prevent residences from being established under strongly adverse conditions and to conserve the supply of industrial land.

2. M-2: General Industrial District

It is the intent of this district to provide opportunity for the location of industrial, manufacturing, processing, warehousing, or research and testing operations that, due to employment of heavy equipment or machinery or to the nature of the materials and processes employed, require special location and development safeguards to prevent pollution of the environment by noise, vibration, odors or other factors, and may also require extensive sites for storage and parking, may require extensive community facilities or generate heavy motor traffic. Access to major transportation facilities is usually needed. Prior to approval, a traffic study is recommended. Locations should be in accordance with comprehensive plans and special review is required for some.

SECTION 8 FLOOD HAZARD OVERLAY DISTRICT

1. FHD: Flood Hazard Overlay District

The objective of this District is to provide protection from the flood hazards and financial loss caused by flooding to the residents, businesses and industries and public use of the community and to protect sensitive natural environments that might be damaged by improper use of floodway and floodway fringe. This Overlay Zone is established to provide guidance to property owners with regard to potential Flood Hazards. This overlay zone is not intended to impact use restrictions that are imposed by the underlying zoning district, but rather impose



flood management controls in areas identified as the flood plain. The Flood Hazard Overlay District is shown on the Zoning Map.



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ARTICLE 12 DISTRICT REQUIREMENTS

The following limitations and requirements are placed on uses in each district established by this ordinance, in accordance with the intent of this ordinance.

SECTION 1 GENERAL DISTRICT REQUIREMENTS

The following provisions apply, unless provided for elsewhere in the Ordinance, to all zoning districts. The uses permitted in each district are listed in the Table of Permitted Uses in the following three (3) categories:

- A. Uses permitted by ***Right (R)***. Uses in the table identified by (R) are permitted by right, subject to the conditions specified in the table or elsewhere in this Ordinance.
- B. Any use ***Requiring Review (P)***, is subject to review and approval of the Planning Commission. Each application to the Planning Commission for approval must be accomplished by a site plan prepared by the applicant or his agent. The Planning Commission shall review the application at its next meeting and take into consideration all existing regulations and ordinances of the City as well as recommendations from the Zoning Administrator, the City Engineer, the Building Inspector, the health officer and any other such local officials. The Planning Commission may approve the use request as is; it may approve it with conditions; or it may deny it.
- C. Any use permitted by ***Special Exception (S)***, is subject to review and approval of the Board of Adjustment. Each application to the Board of Adjustment for approval of a use permitted by special exception shall be accompanied by a site plan which shall first be reviewed by the Planning Commission. The Board of Adjustment shall consider the recommendations of the Planning Commission, the City Engineer and the Building Inspector and make them a part of the record of any public hearing held on an application for a special exception, prior to making a decision on the application. If the decision of the Board of Adjustment is not consistent with such recommendations, the minutes of the meeting at which such decision is made shall set forth the particular reasons for deviating from such recommendations.
- D. In any case where a requested use is not specifically referred to in the Table of Permitted Uses, Section 11 of this Article, its status shall be determined by the Planning Commission by reference to the most clearly analogous use or uses that are specifically referred to in the table of Permitted Uses. When the status of a use has been so determined by the Planning Commission, such determination shall thereafter have general application to all uses of the same type and shall be added to the Table of Permitted Uses.



SECTION 2 TABLE OF PERMITTED USES

| TABLE OF PERMITTED USES | | | | | | | | |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------|------------|------------|------------|------------|------------|------------|------------|
| ZONING DISTRICT | R-1 | R-2 | R-3 | B-1 | B-2 | B-3 | M-1 | M-2 |
| Accessory buildings and uses | R | R | R | R | R | R | R | R |
| Agriculture and related farming operations, including horticulture, plant nurseries, market gardening, field crops, orchards and home gardens. | R | | | R | | R | R | R |
| Air conditioning sales and service. | | | | R | R | R | R | R |
| Airport and/or crop dusting-spraying service; need not be enclosed within a structure. | | | | S | S | S | S | S |
| Ambulance/EMS service. | S | | | R | R | R | R | R |
| Amusement and recreation services: must be so arranged that noise, vibration, lights, and all other possible disturbing aspects are enclosed, screened, or otherwise controlled so that operation of the establishment will not unduly interfere with the use and enjoyment of properties in the surrounding area: Amusement and recreation services are as follows: | | | | | | | | |
| *Amusement park | | | | R | R | R | R | R |
| *Amusement arcade, kiddie land | | | | | | | S | S |
| *Archery range | S | | | R | R | R | R | R |
| *Baseball batting range | S | | | R | R | R | R | R |
| *Billiard or pool hall | | | | R | R | R | R | R |
| *Bowling alley | | | | R | R | R | R | R |
| *Fairground, circus or carnival | | | | R | R | R | R | R |
| *Golf course | S | | | R | R | R | R | R |
| *Golf course, miniature | | | | R | R | R | R | R |
| *Golf driving range | | | | R | R | R | R | R |
| *Pistol or rifle range. | | | | R | R | R | R | R |
| *Racquet ball or tennis courts, indoor | | | | R | R | R | R | R |
| *Skating rink | | | | R | R | R | R | R |
| *Tennis courts, outdoor: need not be enclosed within a structure | | | | R | R | R | R | R |
| *Theater, indoor | | | | R | R | R | R | R |
| *Theater, outdoor/drive-in: need not be enclosed within a structure | | | | R | R | R | R | R |



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| Animal clinic/kennels for small animals: need not be enclosed within a structure | | | S | R | R | R | R | R |
| Animal raising, small animal breeding; need not be enclosed within a structure. | | | | R | R | R | R | R |
| Antique store, not including repairing and refinishing. | | | | R | R | R | R | R |
| Antique store, including repairing, restoration and refinishing. | | | | S | S | S | | |
| Apparel and accessory store. | | | | R | R | R | R | R |
| Appliance store | | | | R | R | R | R | |
| Apothecary, limited to the sale of pharmaceuticals and medical supplies. | | | | R | R | R | R | R |
| Art gallery or museum. | | | | R | R | R | R | R |
| Art supplies. | | | | R | R | R | | |
| Asphalt products manufacture. | | | | | | | R | R |
| Auditoriums, stadiums, coliseums, dance halls and other such places of public assembly. | | | | R | R | R | R | R |
| Automobile laundry, where the primary function is washing automobiles but not including trucks or trailers; operations shall be conducted only within a completely enclosed structure, and all wastes shall be discharged directly into the sewer. | | | | R | R | R | R | R |
| Automobile parts sales, except used parts. | | | | R | R | R | R | R |
| Automobile storage, including parking lots; need not be enclosed in a structure. | | | | S | S | S | S | S |
| Automobile, travel trailer, camper, farm equipment and implements and mobile home sales (new and used): need not be enclosed within a structure, but any mechanical or body repair must be done entirely within a structure which shall not have any opening, other than a stationary window, within 100 feet of a residential district. | | | | | | | R | R |
| Automobile and truck laundry, including steam cleaning | | | | R | R | R | R | R |



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| Automobile and truck repair garage, mechanical and body: must be conducted in a structure which shall not have any opening, other than a stationary window, within 100 feet of a residential district and which shall not store or otherwise maintain any parts or waste materials outside such structures. | | | | R | R | R | R | R |
| Automobile and truck sales and service: but not including commercial wrecking, dismantling, or auto salvage yard; need not be enclosed within a structure provided the unenclosed part shall comply with the requirements for maintenance of off-street parking facilities. | | | | R | R | R | R | R |
| Automobile and truck service station including minor repair, subject to the requirements listed under Special Provisions, where the primary functions retail sale of gasoline, oil, grease, tires batteries and accessories and where services are limited to installation of the items sold, washing, polishing, tire changing, greasing and minor repairs, but not including commercial wrecking, dismantling, or auto salvage yard, major mechanical overhauling or body work; fuel pumps need not be enclosed within a structure. | | | | R | R | R | R | R |
| Bait store or sales (live bait); need not be enclosed within a structure. | | | | R | R | R | | |
| Bakery, retail | | | | R | R | R | R | R |
| Bakery, wholesale | | | | R | R | R | R | R |
| Bank, including drive-in bank | | | | R | R | R | R | R |
| Barber shop or beauty parlor | | | | R | R | R | R | R |
| Barber and beauty supplies and equipment sales | | | | R | R | R | R | R |
| Bed and Breakfast. | | | S | R | | | | |
| Bicycle, lawnmower sales, service and repair | | | | S | R | R | | |
| Blueprinting and photo stating shop | | | S | R | R | R | R | R |
| Boat construction, storage, service and repair, wet and dry, major: need not be enclosed within a structure. | | | | | | | P | P |
| Boat docking only of pleasure boats as an accessory use to a permitted principal use; maximum of three (3) slips per unit. Boat service | R | R | R | R | R | R | | |



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| is prohibited. | | | | | | | | |
| Boat dry storage: pleasure boats having lengths not greater than 31 feet. | | | | | R | R | | |
| Boat sales, accessories and service. | | | | | R | R | | |
| Boat storage, service and repair, minor: a marina for docking pleasure boats and providing services thereto and the occupants thereof, including minor servicing and minor repair to boats while in the water, sale of fuel and supplies, and provision of lodging, food, beverages, and entertainment as accessory uses. May include dry storage in an enclosed structure. | | | | | R | R | | |
| Book store. | | | | R | R | | | |
| Bottling works. | | | | | S | | | |
| Building materials supply, provided that major storage areas are screened from view and that any machine operations are conducted entirely within an enclosed structure with no opening other than a stationary window within 100 feet of a residential district. | | | | | R | | | |
| Bus and railroad terminal facilities. | | | | R | R | R | P | P |
| Business machines sales and service. | | | | R | R | R | R | R |
| Business school or college. | | | | R | R | R | R | R |
| Butane or other liquefied petroleum gas products storage and sales: need not be enclosed within a structure. | | | | R | R | R | R | R |
| Cabinet or carpenter shop. | | | | R | R | R | R | R |
| Cafes, grills, lunch counter and restaurant, but not including night club, bar tavern, and drive-in restaurant. | | | | R | R | R | R | R |
| Camera and photographic supply store. | | | | R | R | R | R | R |
| Candy, nut and confectionary store. | | | | R | | | | |
| Canvas products manufacture. | | | | R | R | R | R | R |
| Carting, express, crating, hauling, storage. | | | | | | | R | R |
| Catering shop or service. | | | | | R | R | R | R |
| Cemetery, subject to requirements of the Special Provisions. | S | | | | | | | |



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| Chemicals manufacture or processing (heavy, industrial). | | | | | | | P | P |
| Churches and related accessory buildings. | R | R | R | R | R | R | R | R |
| City hall, police station, fire station, court house, federal office building and similar public building. | S | S | S | S | S | S | S | S |
| Clay and clay products manufacture: need not be enclosed within a structure. | | | | | | | P | P |
| Clinic, dental, medical or psychiatric for humans. | | | | R | R | R | R | R |
| Clothing Manufacture. | | | | | | | R | R |
| Club or lodge, fraternal, civic, charitable or similar organization, public or private, but not including any such club, lodge or organization, the chief activity of which is a service or product customarily carried on as a business. | S | S | S | R | R | R | R | R |
| Club, country club, golf, swimming or tennis club or the like, privately owned and operated community club or association, athletic field, park, recreation area, and similar uses of a recreational nature, provided that no building for such purposes is located within 100 feet of any property line. | | S | S | | S | S | R | R |
| Cold storage plant. | | | | | | | R | R |
| College or University, provided that they are located on a lot fronting on an arterial street or road and that no building is located within 100 feet of any property line. | P | P | P | P | P | P | P | P |
| College sorority or fraternity house | | | | | S | S | S | S |
| Concrete and concrete products manufacture: need not be enclosed within a structure | | | | | S | | | |
| Contractor's storage and yard for vehicles, equipment, materials and supplies: need not be enclosed within a structure but must be enclosed within a solid fence to screen view; chain link or similar open fence may be permitted if a screen planting adequate to obstruct the view is provided. | | | | R | R | R | R | R |
| Convenience store | | | | R | R | R | R | R |
| Correctional, detention or penal institution. | | | | | S | | | |
| Dairy equipment sales. | | | | R | R | R | R | R |
| Dairy products sales. | | | | R | R | R | R | R |
| Delicatessen. | | | | R | R | R | R | R |



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| Department store. | | | | R | R | R | R | R |
| Dog pound: need not be enclosed within a structure. | | | | R | R | R | R | R |
| Drive-in restaurant. | | | | R | R | R | R | R |
| Drug store. | | | | R | R | R | R | R |
| Dry cleaning shop, including self-service. | | | | R | R | R | R | R |
| Dry goods or fabric store. | | | | R | R | R | R | R |
| Dwelling, one-family. | R | R | R | R | R | R | R | |
| Dwelling, two-family. | | R | R | R | S | S | S | |
| Dwelling, multi-family. | | | | R | R | R | R | |
| Electric power generating plant. | | | | | S | S | S | S |
| Electric power substation: need not be enclosed within a structure but must be secured by a chain link or similar fence, or raised above ground so as to be inaccessible to unauthorized persons; requires visual screening in most districts. | P | P | P | P | P | P | P | P |
| Electric repair shop. | | | | R | R | R | R | R |
| Electric supply store. | | | | R | R | R | R | R |
| Elevator maintenance service. | | | | | R | R | R | R |
| Employee credit union office. | | | | | | R | R | R |
| Exterminator service office. | | | | R | R | R | R | R |
| Farm and garden equipment and supply store. | | | | R | R | R | R | R |
| Farmers' markets. | | | | R | R | R | R | R |
| Fix-it shop, including small appliance repair. | | | | R | R | R | R | R |
| Fixture sales. | | | | R | R | R | R | R |
| Floor covering sales and service. | | | | R | R | R | R | R |
| Floral shop. | | | | R | R | R | R | R |
| Food locker plant including rental of lockers for the storage of food; cutting and packaging of meats and game, but not the slaughtering of animals or fowl. | | | | | R | R | R | R |
| Food products processing plant. | | | | | | | P | |
| Food products, wholesale storage and sales. | | | | | | | R | R |
| Freight depot, railway or truck. | | | | | | | R | R |
| Frozen food manufacture and packaging. | | | | | | | R | R |
| Fruit and produce, retail. | | | | R | R | R | R | R |
| Funeral home, mortuary or undertaking establishment. | | | | R | R | | | |
| Furniture and home furnishing store, including office furniture and equipment. | | | | R | R | R | R | R |
| Furniture repair, including upholstering and | | | | R | R | R | R | R |



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| refinishing. | | | | | | | | |
| Gas regulator station. | | P | P | P | P | P | P | P |
| Gift shop. | | | | R | R | R | R | R |
| Glass products manufacture. | | | | | | | R | R |
| Grocery store, retail. | | | | R | R | R | R | R |
| Gymnasium, commercial. | | | | R | R | R | R | R |
| Hardware store, retail. | | | | R | R | R | R | R |
| Hardware store, wholesale, storage and sale. | | | | R | R | R | R | R |
| Hatchery, poultry or fish. | | | | | | | R | R |
| Heating and plumbing equipment, supplies and service. | | | | R | R | R | R | R |
| Hiking and nature trail. | R | R | R | R | R | R | R | R |
| Hobby shop and supply store. | | | S | R | R | R | R | R |
| Home occupation. | S | S | P | R | R | R | R | R |
| Hospital, clinic, convalescent or nursing home, extended care facility or sanitarium for humans. | | | | | R | R | R | R |
| Hotel, motel, or tourist home. | | | | R | R | R | R | R |
| Ice cream parlor. | | | | R | R | R | R | R |
| Ice plant. | | | | R | R | R | R | R |
| Industrial park. | | | | | | | P | P |
| Innovative Design | P | P | P | P | P | P | P | P |
| Institution for children or the aged, day care. | | | | | R | R | R | R |
| Interior decorating shop. | | | | R | R | R | R | R |
| Junk yard including storage, baling or sale of rags, paper, iron or junk: need not be enclosed within a structure but must be enclosed within a fence of sufficient height to obstruct view and noise; chain link or similar fence may be permitted if screen planting is provided. | | | | | S | | | |
| Kindergarten, playschool or day care center, public or private, provided that all activities are carried on in an enclosed building or fenced yard and that all applicable federal, state and local requirements are met. | | | S | R | R | R | R | R |
| Laboratory, scientific. | | | | R | R | R | R | R |
| Laboratory, medical or dental. | | | | R | R | R | R | R |
| Landscape garden sales: need not be enclosed within a structure. | | | | R | R | R | R | R |
| Laundry, self-service. | | | | R | R | R | R | R |
| Laundry and dry cleaning pick-up station. | | | | R | R | R | R | R |
| Laundry and dry cleaning plant. | | | | | R | R | R | R |



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| Laundry, linen supply or diaper service. | | | | | | | R | R |
| Leather goods or luggage store. | | | | R | R | R | R | R |
| Library. | S | S | S | S | S | S | S | S |
| Liquor, wine and beer sales not to be consumed on premises and meeting local and state requirements. | | | | R | R | R | R | R |
| Loan office. | | | | R | R | R | R | R |
| Locksmith. | | | | R | R | R | R | R |
| Lodging, boarding or rooming houses. | | | S | R | R | R | R | |
| Lumber yard and building materials, need not be enclosed within a structure. | | | | R | R | R | R | R |
| Machine shop. | | | | | | | R | R |
| Machinery, tools and construction equipment, sales and service. | | | | | | | R | R |
| Mail order house. | | | | R | R | R | R | R |
| Manufacturing, Light (M-1): repair, assembly or processing establishments of a LIGHT INDUSTRIAL NATURE , including, but not limited to the following: | | | | | | | | |
| *Automobile, assembly. | | | | | | | R | R |
| *Clothing and garment manufacturing | | | | | | | R | R |
| *Food products processing and packaging. | | | | | | | R | R |
| *Glass products manufacturing. | | | | | | | R | R |
| *Laboratories for testing materials, chemical analysis and photographic processing. | | | | | | | R | R |
| *Metal products and manufacturing. | | | | | | | R | R |
| *Millwork and similar wood products manufacturing. | | | | | | | R | R |
| *Musical instruments and parts manufacturing | | | | | | | R | R |
| *Paper products manufacturing. | | | | | | | R | R |
| *Plastics manufacturing. | | | | | | | R | R |
| *Scientific, optical and electronic equipment assembly and manufacturing. | | | | | | | R | R |
| *Shipbuilding and repair yard: need not be enclosed within a structure. | | | | | | | R | R |
| *Souvenirs and novelties manufacturing. | | | | | | | R | R |
| *Surgical and dental supplies manufacturing. | | | | | | | R | R |
| *Toys, sporting goods and athletic goods manufacturing. | | | | | | | R | R |



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| Manufacturing, extractive, including all natural mineral deposits except oil and gas. | | | | | | | | |
| <p>Manufacturing, General (M-2): the processing, fabrication, repair and servicing of any commodity of product that is of a HEAVY INDUSTRIAL NATURE. The following types of activities are permitted only by special exception and must have approval of the Board of Adjustment upon recommendation by the Planning Commission and must be located in accordance with the policies of the City:</p> <p>(a) Manufacturing of: acetylene gas (or storage thereof); asbestos; acid; ammonia; bleaching powder; chlorine; asphalt or asphalt products; cement; lime; gypsum; plaster-of-paris; coal tar or derivatives thereof; creosote or creosote treatment; clay tile or vitrified products; emery cloth or sandpaper; explosives or fire works (or storage thereof); fertilizer; glue; size or gelatin; linoleum; matches; paint; oil; shellac; turpentine; varnish; rubber and gutter perched products; plastics; soda compounds.</p> | | | | | | | | R |
| <p>(b) Petroleum refining; tanning, curing or storage of hides and skins; boiler works, foundry or forge operation; incineration, reduction or dumping of offal, dead animals, garbage or refuse; fat rendering; junk, iron, rags storage and baling; distillation of bones, coal or wood.</p> | | | | | | | | R |
| <p>(c) Any other use, not listed above, that by reason of the emission of odors, dust, smoke, gas, noise or vibration, is unsuitable for location in more restrictive districts. Any such use must meet all applicable local, state and federal regulations regarding permissible levels of emissions.</p> | | | | | | | | R |
| Marina, minor: see boat storage, service and repair, minor. | | | R | R | R | R | R | R |
| Marina, major: see boat construction, storage, service and repair, wet and dry, major; may also include boat sales, accessories and service. | | | R | | | | | |
| Marine stores and supplies. | | | R | | | | | |
| Mobile home. | | | R | R | R | R | R | R |



| | | | | | | | | |
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| Mobile home park. | | | R | R | R | R | | |
| Mobile home subdivision. | | | R | R | R | R | R | R |
| Motorcycle sales, service and repair. | | | | R | R | R | R | R |
| Music store. | | | | S | R | R | R | R |
| Natural preservation areas including bird and wildlife sanctuaries, nature and hiking trails, outdoor camping sites and similar uses. | | | | R | R | R | R | R |
| News stand. | | | | R | R | R | R | R |
| Nightclub, bar, tavern and cocktail lounge when separate from restaurant. | | | | | R | R | R | R |
| Office buildings, general. | R | R | R | R | R | R | R | R |
| Office buildings, professional. | | | | R | R | R | R | R |
| Office equipment and supplies, retail. | | | | R | R | R | R | R |
| Oil and gas exploration and production activities. | | | | R | R | R | R | R |
| Optician. | | | | | R | R | R | R |
| Paint and wallpaper store. | S | S | S | S | S | S | S | S |
| Painting and decorating contractor. | | | | | | | R | R |
| Paper supplies, wholesale. | | | | R | R | R | R | R |
| Park or playground including recreation centers: need not be enclosed within a structure. | | | | | R | R | R | R |
| Passenger depot, railway or bus. | | | | R | R | R | R | R |
| Pawn shop. | | | | R | R | R | R | R |
| Pet shop. | P | P | P | | | | | |
| Photographic studio and/or processing. | P | P | P | | | | | |
| Picture framing and/or mirror silvering. | | | | | | | R | R |
| Planned Unit Development, fixed dwelling. | | | | R | R | R | R | R |
| Planned Unit Development, mobile home. | P | P | P | P | P | P | P | P |
| Plastic fabrication. | S | S | S | S | S | S | S | S |
| Plumbing shop. | | | | R | R | R | R | R |
| Police substation, including Highway Patrol. | | | | | | | P | P |
| Post office. | P | P | P | P | P | P | P | P |
| Printing, blueprinting, bookbinding, photo stating, lithographing and publishing establishment. | | | | S | S | S | R | R |
| Public utility production and maintenance buildings with proper screening. | | | | R | R | R | R | R |
| Public utility substation with proper screening. | | | | R | R | R | R | R |
| Radio and television antenna (amateur). | | | | R | R | R | R | R |



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|---------------------------------------------------------------------------------------------------------------------------------------------------|---|---|---|---|---|---|---|---|
| Radio and television station and transmitting tower (commercial). | | | | R | R | R | R | R |
| Radio and television sales, service and repair store. | | | | R | R | R | R | R |
| Recreational vehicle parks. | | | | R | R | R | R | R |
| Reducing, exercise, karate, gymnastic or other body fitness type salon. | | | | | | | | |
| Restaurant. | | S | S | R | R | R | R | R |
| Restaurant supplies and sales. | | | | R | R | R | R | R |
| Riding academy: need not be enclosed within a structure. | | | | R | R | R | R | R |
| Roofing and sheet metal shop. | | | | | | | S | S |
| Rooming house and boarding house. | | | | | | P | P | P |
| Rug and/or drapery cleaning service. | S | S | S | S | S | S | S | S |
| Sand and gravel storage yard: need not be enclosed within a structure. | | | | R | R | R | R | R |
| Sawmill or planing mill. | | P | P | P | P | P | P | P |
| Schools, public and/or private, elementary and/or secondary meeting the requirements of the education laws of the State of Alabama. | | | | R | R | R | R | R |
| Seafood store, retail. | | | | R | R | R | R | R |
| Sewage disposal plant: need not be enclosed within a structure. | | | | | | R | R | R |
| Shoe repair shop. | | | | R | R | R | R | R |
| Shoe store, retail. | | | | | | | | |
| Sign shop. | | | | | | | | |
| Sporting goods store. | | | | | | | | |
| Stone monument sales, retail: may include cutting and processing merchandise sold at retail on the site; need not be enclosed within a structure. | | | | | | | | |
| Studio for professional work or teaching of fine arts, such as photography, drama, speech, painting. | | | | | | | | |
| Studio for dance or music. | | | | | | | | |
| Surgical or dental supplies retail. | | | | | | | | |
| Tailor shop. | | | | R | R | R | R | R |
| Taxi dispatching station. | | | | R | R | R | R | R |
| Taxi terminal: storage and repair of vehicles. | | | | S | S | S | R | R |
| Taxidermy shop. | | S | S | S | S | S | S | S |



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|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---|---|---|---|---|---|---|---|
| Teen club or youth center. | | | | | | | R | R |
| Telecommunications towers and facilities | | R | R | R | R | R | R | R |
| Telephone exchange. | | | | R | R | R | R | R |
| Telephone equipment storage including shops and garage: need not be enclosed within a structure but must provide adequate screening. | | | | R | R | R | R | R |
| Temporary uses, including revival tents, sale of Christmas trees, carnivals, sale of seasonal fruit and vegetables from roadside stands, and similar uses, for a period not to exceed two (2) months in any calendar year. | | | | R | R | R | R | R |
| Tire, batteries and other automotive accessories sales establishments. | | | | S | S | S | S | S |
| Tobacco store. | | | | | | | R | R |
| Toy store. | | | | | | | R | R |
| Trade school or college. | | | | R | R | R | R | R |
| Transit vehicle storage and servicing: need not be enclosed within a structure. | | | | R | R | R | R | R |
| Utility company storage facility: need not be enclosed within a structure but must provide adequate screening. | | | | | | | R | R |
| Variety store. | | | | R | | | | |
| Veterinary service. | | P | P | P | P | P | P | P |
| Warehouse and storage facilities, major. | P | P | P | P | P | P | P | P |
| Warehouse and storage facilities, minor: mini-type do-it-yourself storage facilities. | | | | R | R | R | R | R |
| Water storage: need not be enclosed within a structure. | | | | | | R | R | R |
| Water or sewage pumping station. | | | | P | P | R | | |
| Welding shop. | | | | | | P | R | R |
| Well drilling company. | | | | | | | R | R |
| YMCA, YWCA and similar institutions. | | | | R | R | R | | |
| | | | | | | | | |



SECTION 3 SITE PLAN REVIEW

Site plans shall be submitted no less than ten (10) days prior to the meeting at which they are to be reviewed.

- A. Site plans shall be the same as those submitted to the Building Inspector and at the least shall contain an accurate plot plan drawn to scale showing the actual shape and dimensions of the lot to be built upon, the exact sizes and locations on the lot of the buildings and accessory buildings then existing and the lines, within which the proposed buildings and structures that shall be erected or altered, the existing and intended use of each building or part of building, the number of families or housekeeping units the building(s) is/are designed to accommodate, the topography, the proposed drainage system, the zone or intended zone for the use proposed, the names of streets adjoining said property, and such other information as may be necessary to determine and provide for the enforcement of this ordinance.
- B. A site plan shall be required for all residential projects involving the construction of two (2) or more dwelling units; all commercial structures and other uses as required by the Planning Commission. Site plan reviews shall be accomplished by the Planning Commission to assure compliance with the provisions of this ordinance in conformity with its purpose as stated in Article I. Site plan approval must be granted prior to commencing any site preparation and/or construction activities.
- C. Upon approval of the site plan, either as submitted or with changes and/or special conditions required by the Planning Commission, the Building Inspector may issue a building permit for a portion or all of the proposed development; provided that the application is in compliance with all applicable City, County, State and Federal requirements.
- D. The Planning Commission may waive certain requirements contained in Section 9.2.9.3 of this Ordinance if, in its opinion, the requirements are not essential to a proper decision on the project; or, they may supplement the list with other requirements deemed necessary to clarify the nature of the proposed development.
- E. An application for site plan approval shall include the following information unless some or all of these requirements are waived by the Planning Commission:
 - a. The location and size of the site including its legal description and a current certified survey.
 - b. A vicinity map showing the site relation to surrounding property.



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- c. The recorded ownership interests, including liens, encumbrances, title certification in the form of a current title policy, title opinion or title report and the nature of the developer's interest, if the developer is not the owner.
 - d. The relationship of the site to existing development in the area including streets, utilities, residential, and commercial development, and physical features of the land including significant ecological features.
 - e. The density or intensity of land use to be allocated to all parts of the site together with tabulations by acreage and percentages thereof itemized by use and density.
 - f. The location, size and character of any common open space, commonly owned facilities and form of organization which will own and maintain any common open space and such facilities.
 - g. The use and maximum height, bulk and location of all buildings and other structures to be located on the site.
 - h. The substance of covenants, grants of easements or other restrictions which will be imposed upon the use of the land, buildings and structures, including proposed easements or grants for public utilities or other purposes.
 - i. The provisions for disposition of open space, including tree protection, landscaping provisions and buffering requirements.
 - j. In the case of plans which call for development over a period of years, a schedule showing the proposed times within which applications for building permits are intended to be filed.
 - k. Any additional data, plans or specifications which the applicant or the City believes is pertinent and which will assist in clarifying the application including, but not limited to plans for: Screening, Lighting and Open Space; Surface Drainage; and Water and Sewer Connections.
 - l. A traffic impact analysis and corrective measures to address detrimental conditions brought about by the development.
 - m. Architectural renderings, elevations and representative floor plans in preliminary form.
 - n. The location and size of all signs to be located on the site. In the event that a sign is pre-existing and fails to conform to the requirements as set forth in this ordinance, site plan approval will be granted only under the condition that all signs will comply with the regulations as set forth in this ordinance.



SECTION 4 LOT AREA AND WIDTH

Requirements for Lot Area, Lot Width, Coverage and Other Factors.

1. Public and Semi-Public Buildings

- a. *Minimum lot area and lot width.* None specified only that the lot be large enough to provide the yards specified herein.
- b. Yard regulations.
 1. *Front yard.* Each lot shall provide a front yard with a minimum depth of forty (40) feet.
 2. *Side yard.* Each lot shall have a side yard of a minimum of thirty-five (35) feet on each side.
 3. *Rear Yard.* Each lot shall have a rear yard with a minimum depth of thirty-five (35) feet.
- c. *Maximum building height.* No structure shall exceed a height of thirty-five (35) feet, except a church may have a maximum height of fifty (50) feet, provided that one (1) foot shall be added to all minimum yard requirements for each additional foot of height in excess of thirty-five (35) feet. (Does not apply to church sanctuary.)
- d. *Maximum building coverage.* The maximum land covered by a building shall be fifty (50) percent of the total lot area; a minimum of twenty (20) percent of the lot area shall be maintained as a landscaped open area.

2. Accessory Buildings

- a. *Minimum lot area and lot width.* None specified, only that the lot be large enough to accommodate the principal building plus the accessory building or buildings and meet the yard and other requirements specified in this ordinance.
- b. Yard regulations.
 1. *Front yard.* Detached accessory buildings shall not be located or extended in the front yard.
 2. *Side yard.* Detached accessory buildings shall maintain a side yard of not less than five (5) feet.
 3. *Rear yard.* Detached accessory buildings shall maintain a rear yard of not less than five (5) feet.
- c. *Maximum building height.* Detached accessory buildings shall not exceed one (1) story or fifteen (15) feet in height.



- d. *Maximum building coverage.* None specified, only that the principal building together with accessory buildings must comply with the requirements applicable to maximum building coverage specified in this ordinance.
- e. Accessory buildings must be compatible with the main structure and with the general character of the neighborhood.
- f. A detached accessory building shall not be located on a lot by itself

3. Off-Street Parking Regulations

See Parking Requirements for All Districts, Article 14, Section 10

SECTION 5 REQUIREMENTS FOR LOT AREA,WIDTH, COVERAGE, DENSITY AND OTHER FACTORS

The following shall apply in each residential district as listed:

| ZONING DISTRICT | Minimum Lot Area (Sq. Ft.) | Minimum Lot Width At Set-back Line | Maximum Lot Coverage (%) * | Maximum Density** | Maximum Height |
|----------------------------------------------------------------------------------------------------|-----------------------------------|-------------------------------------------|-----------------------------------|--------------------------|-----------------------|
| <i>R-1 Low Density Residential</i> | | | | | |
| Single Family w/septic tank & well | 20,000 | 100 | 25 | 2.0 | 35' |
| w/septic tank & public water | 15,000 | 100 | 25 | 2.0 | 35' |
| w/both public sewer & water | 15,000 | 100 | 25 | 2.5 | 35' |
| <i>R-2 Medium Density Residential</i> | | | | | |
| Single Family | 15,000 | 100 | 25 | 4.0 | 35' |
| Two Family (per unit) | 7,500 | 100 | 25 | 40 | 35' |
| <i>R-3 High Density Residential</i> | | | | | |
| Single Family | 15,000 | 100 | 40 | 4.0 | 40' |
| Two Family (per unit) | 7,500 | 100 | 40 | 4.0 | 40' |
| Multiple Family (per unit) | 5,000 | 100 | 40 | 15.0 | 40' |
| <i>Mobile Home Parks</i> (see Article 14) | | | | | |
| *Does not apply to lots of record smaller than required in the district in which they are located. | | | | | |
| ** Dwelling units per gross acre to be developed. | | | | | |
| ^a Minimum of 15,000 for two family dwelling | | | | | |



SECTION 6 MINIMUM SETBACKS YARD REQUIREMENTS

The following front, rear and side yard setbacks shall apply in districts as listed:

| | Front Yard | | Rear Yard | Side Yard | Corner Lot Side Yard | |
|------|--------------------------------|---------------------------------|-----------|-----------|--------------------------------|---------------------------|
| | Arterial and Collector Streets | Local Streets and Service Roads | | | Arterial and Collector Streets | Local Streets and Service |
| R-1 | 35 | 35 | 30 | 10 | 30 | 25 |
| R-2 | 35 | 35 | 35 | 10 | 35 | 35 |
| R-3* | 35 | 35 | 35 | 10 | 35 | 35 |
| B-1 | 20 | 20 | 20 | b | 20 | 20 |
| B-2 | 20 | 20 | 20 | b | 20 | 20 |
| M-1 | 20 | 20 | c | c | 20 | 20 |
| M-2 | 20 | 20 | c | c | 20 | 20 |

* Mobile Home Parks see Article 14

- a- Ten (10) feet plus two (2) additional feet for each floor above two stories, but not exceeding twenty (20) feet; and when dwelling unit faces side yard, the dwelling unit must not be less than twenty-five (25) feet from the side lot line.
- b- None, except it will be five (5) feet if abutting an alley, and when abutting a residential district it shall be not less than twenty (25) feet.
- c- None, except it will be five (5) feet if abutting an alley, and when abutting a residential district it shall be not less than fifty (25) feet.

A. Yards

No part of a yard or other open space required for any building for the purpose of complying with the provisions of this ordinance shall be included as part of a yard or other open space similarly required for another building. Every part of a required yard or court shall be open from its lowest point to the sky unobstructed, except for the ordinary projection of sills, cornices, buttresses, ornamental features, chimneys, flues, and eaves, provided such projections shall not extend more than two (2) feet beyond the yard area requirements.



SECTION 7 MAXIMUM BUILDING HEIGHT

Except as provided for elsewhere in this ordinance, no structure shall exceed two and one-half (2 ½) stories or thirty-five (35) feet in any R-1 or R-2 residential district or more than four (4) stories or forty (40) feet in any R-3, business or industrial district. Structures of more than four (4) stories may be permitted subject to the approval of the City Council.

A. Building Heights

No building shall hereafter be erected, constructed or altered so as to exceed the height limit specified in the regulations herein for the district in which it is located except as otherwise provided in this ordinance.

1. Height Exceptions

The height limits for the various districts shall not apply to church spires, belfries, cupolas, penthouses, or domes not used for human habitation, nor to chimneys, ventilators, skylights, water tanks, parapet walls, cornices, radio and television transmitting and receiving antennas, or necessary mechanical appurtenances usually carried above the roof level, provided that such features are limited to that height necessary for their proper functioning.

2. In flood hazard areas identified on the National Flood Insurance Rate Maps (FIRM), the height of a building shall be measured from the floor level of the first habitable story for purposes of this section. In addition, the front or rear of any building may be no closer to the front or rear of any other building than forty (40) feet. The side of any building shall be no closer to the side, front or rear of any other building than thirty (30) feet.

SECTION 8 PERFORMANCE STANDARDS FOR NONRESIDENTIAL DISTRICTS

In all nonresidential districts where facilities are permitted, they shall comply with the following minimum standards:

- A. Lots shall be of sufficient size to accommodate the intended use, including adequate parking and loading facilities in addition to space required for the conduct of other operations of the business, and to otherwise comply with the provisions of this ordinance.
- B. Where a business district abuts any part of a residential district, a buffer zone twenty-five (25) feet wide shall be required; where an industrial district abuts any part of a residential or business zone, a buffer zone of twenty-five (25) feet shall be required. Said buffer zones shall be in addition to the yard requirements and shall be fenced or screened subject to the following regulations:
 1. *Wall or fence.* If a wall or fence is provided as a protection buffer, it shall be six (6) feet high and of a construction and a design approved by the Planning Commission. Said wall or fence shall be maintained in good repair by the owners of the property.
 2. *Screen planting strip.* If a screen planting strip is provided as a protection buffer, it shall be at least twenty-five (25) feet in width, shall be planted with materials in sufficient density and of sufficient height (but in no case less than six (6) feet high at the time of planting) to afford protection to the residential or business district from the glare of



lights, from blowing papers, dust and debris, from visual encroachment, and to effectively reduce the transmission of noise. Screen planting shall be maintained, by owner, in a clean and neat condition and in such manner as to accomplish its purpose continuously.

- C. No primary entrances or exits shall direct traffic into adjacent residential or business districts. Adequate parking as required in Article 14 shall be provided. Adequate space for service and supply vehicles to get in and out or turn around shall also be provided.
- D. Noise, air pollutants including dust emissions, and surface runoff shall not exceed background levels by more than ten (10) percent.

SECTION 9 LANDSCAPING

A landscaping plan may be required for any development within the City of Creola, but is mandatory for all multi-family developments including apartments, townhouses, condominiums, and for all business and industrial developments. Such plan shall be submitted to the Building Inspector prior to commencing any stripping of land or construction activities. The plan shall clearly show what existing trees will remain, as well as what shrubbery and other vegetation will be added to complete the final landscaping of the property. No trees greater than six (6) inches in diameter shall be removed unless it can be shown that the tree is a safety hazard to pedestrians, property or vehicular traffic; that it is diseased or weakened by age, storm, fire or other injury; that it is absolutely necessary to construct proposed improvements without incurring significant additional costs; or that it is necessary for the installation of solar energy equipment. In such case, the developer's landscape plan shall indicate replacement trees at least six (6) feet tall and one (1) inch in diameter for each tree removed and the landscaping plan shall show the placement of the proper number of required new trees. The plan shall include renderings by a landscape architect and any other documentation required by the Planning Commission.

- A. All new developments along major arterials shall be set back thirty-five (35) feet from the right-of-way and shall maintain a minimum of five (5) feet of the required thirty-five (35) foot setback as a greenbelt along the entire front width of the property except where curb cuts provide ingress and egress. Said greenbelt shall be planted with trees, shrubs and grass or other ground cover so that an attractive appearance is presented as detailed in the developer's required landscape plan.
- B. A minimum of five- (5) feet side and rear landscaping may be required in the landscape plan depending on the topography and arrangement of parking facilities. If required, such areas shall be planted with a combination of trees, shrubs and grass or other ground cover adequate to break the expanse of contiguous parking areas and to present an attractive appearance as determined by the Building Inspector. Adjacent property owners may jointly agree on the establishment of a common landscaped area between their properties that meets the requirement of this section; provided that such agreement and the planting and maintenance of the common area shall be binding upon both parties and their successors, interests and assigns.
- C. All new businesses related to car, truck or other vehicle service and repair shall be so designed and constructed that no service or repair bays shall be visible from the roadway on which the building fronts; and so that cars, trucks or other vehicles stored on the premises prior to and after service or repair are properly screened from view. All existing businesses related to car, truck or other vehicle



service and repair, regardless of orientation of the service and repair bays, shall have in place within three (3) years of the adoption of this ordinance adequate screening so that cars, trucks or other vehicles stored on the premises prior to and after service or repair are not visible from the roadway.

D. Special Exceptions

More stringent design and landscape standards may be required by the Planning Commission for special exceptions permitted in any district.

SECTION 10 COMPLIANCE WITH HEALTH AND SAFETY STANDARDS

Uses in all business districts must comply with all applicable health and safety standards, including sanitary facilities, paved and landscaped parking areas, and other requirements of this ordinance and of state and federal regulations.

SECTION 11 NON-PERMANENT STRUCTURES

Non-permanent structures such as trailers, sheds and other such buildings used for business purposes may be permitted in business districts on a temporary basis pending construction of a permanent building. Such structures may be permitted for three-month periods, renewable, upon written request from the business owner, up to a maximum of one (1) year.

SECTION 12 APPEARANCE OF BUSINESS STRUCTURES

All business structures shall be so designed as to present an aesthetically pleasing appearance, as determined by City officials, that is generally compatible with existing buildings in the district, except those less desirable in appearance that have been grandfathered under Section 7.9 of this ordinance.

SECTION 13 METAL BUILDINGS

Metal buildings may be used for any purpose in M-1 and M-2 Districts, but are subject to review as special exceptions in the B-2 District.



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ARTICLE 13
PLANNED UNIT DEVELOPMENT (PUD)

SECTION 1 PURPOSE

The intent of this Article is to provide an opportunity for the best use of land, protection of valuable natural features in the community, provision of larger areas of recreational open space, more economical public services and to encourage the unified development of tracts of land by permitting within the confines of an overall density limitation, much more creative, and flexible concepts in planning.

SECTION 2 TYPES OF DEVELOPMENT

1. Fixed Dwelling Planned Unit Developments:

A group of two (2) or more fixed dwelling structures, together with other permitted uses, on a parcel of property of adequate size that is suitable for the intended use and in single ownership, with not less than sixty (60) feet of frontage on a public street which frontage shall serve as the principal means of access to the property.

2. Ownership:

A person, partnership or corporation. A property owners' association, legally bound to one another, to carry out the provisions of this Article for the development and operation of a Planned Unit Development, likewise legally bound to execute the agreements as provided hereinafter.

The property owner' association of a condominium project, established under the provisions of Alabama law which has the power to execute the agreements as provided for hereinafter.

SECTION 3 GENERAL REGULATIONS

The following regulations shall apply to all Planned Unit Developments and require that such developments:

1. Shall be in conformity with the Comprehensive Plan or portion thereof as it may apply.
2. Shall be consistent in all respects with the purposes and intent of this Ordinance.
3. Shall advance the general welfare of the City and immediate vicinity.
4. Shall provide, through desirable arrangement and design, benefits which justify the deviations from development standards which would otherwise apply.



5. Shall also be reviewed and approved according to the criteria as set forth in the Subdivision Ordinance, if it is determined that the development is a subdivision according to the laws of Alabama.

SECTION 4 DEVELOPMENT REGULATIONS

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

1. Provisions of residential districts as applicable shall generally be adhered to in Planned Unit Developments.
2. All land proposed in the project for residential use, including outdoor use, off-street parking, interior drives, and other circulation ways may be counted in complying with the density requirements.
3. For any single family, two-family dwelling, any dwelling unit in a townhouse, or condominium building there shall be a private common area. Such common area shall include the space occupied by such dwelling or dwelling unit, with adjoining common area assigned exclusively to such dwelling unit of not less than six hundred (600) square feet in addition to private parking area.
4. All common area not assigned to private occupancy as set forth above shall be assigned to the common use of all residents of the development, with such use assured in perpetuity as provided for above. Assignment and development of such common area shall be as follows.
 - A. Access driveways.
 - B. Landscaped areas, comprising not less than ten (10) percent of all common area Required by this Article, shall include the following:
 - a) Pedestrian access walkways
 - b) Children play areas.
 - c) General landscaped areas, flower gardens, and areas for passive recreation.
 - d) Swimming pools, including accompanying accessory structures, and areas for organized sports.
 - e) Any other areas suitable for the common area enjoyment of the residents.
 - C. Every residential structure in a development shall be within two hundred (200) feet of a hard-surfaced access drive no less than twenty (20) feet wide or a parking lot connected with such a drive. In addition, every dwelling or ground floor dwelling unit shall be directly accessible to service and emergency vehicles.



- D. Private streets on common easements may be used to provide vehicular access to not more than thirty (30) dwelling units on any one such drive. In all other respects, the system of vehicular circulation for a development shall be provided by dedicated streets complying in all respects with the standards of the subdivision regulations; the easement therefore may be counted as a part of the net area in complying with density limits, but may not be counted as a part of required landscape or recreation area.
- E. Private streets shall be constructed in accordance with the subdivision regulations. No part of the streets may be used for the parking of vehicles.
- F. Off-street parking spaces for dwelling units may be provided in group garages or parking lots within one hundred fifty (150) feet of the dwelling units to be served. Curb indented parking bays or courts may be permitted within the easement or street right-of-way, but not within the required street or sidewalk. Such parking shall be landscaped and shall be permitted only along easements or streets internal to the project and not along a street or major thoroughfare serving other uses. Such off-street parking spaces may be counted as part of the net area in calculating density, but shall not be counted as part of the required recreation area.
- G. Housing units shall have a five (5) minimum single car garage.

SECTION 5 USES PERMITTED

Principal Uses:

1. Dwelling units of a permanent nature, for ownership or rental, including non-transient mobile homes.
2. Public parks and specialized recreation centers.

Accessory Uses:

1. Home occupations.
2. Facilities for use of residents of the development:
 - a) Recreation, children's nursery, kindergarten, Laundry or similar services, any similar facility.
 - b) Off-street parking lots or garages.
 - c) Stores of the "local family shopping" or "convenience" nature provided for the use, primarily, of the residents, in any development comprising three hundred (300) or more dwelling units, with such commercial facilities subject to requirements in the B-1, Local Business, district. Maximum area devoted to such commercial uses shall be one (1) acre or five (5) percent of total acreage in the project, whichever is greater.



SECTION 6 OTHER REQUIREMENTS

1. Locational Requirements:

Each Planned Unit Development shall comply with the following:

- a) Shall be free of objectionable environmental characteristics, such as poor drainage, air pollution, undue noise, unsightliness, and similar problems.
- b) Shall be so located as to assure a maximum of compatibility with other types of development.
- c) Shall be connected to public or private community water and sanitary sewer facilities. No Planned Unit Development shall be approved without written certification from the appropriate utilities that adequate water and sewer services are available.
- d) Shall provide underground electrical utilities.

2. Open Space, Site Size, and Density:

Around every principal building, there shall be a minimum required open space, unobstructed by any other building; there shall be a minimum size for projects; there shall be a maximum density. The following rules apply:

- a) Minimum site size:
Adequate for the intended use as determined by the Planning Commission. Lot width 60 feet.
- b) Maximum density:
Ten (10) units per acre.
- c) Property line setback:
The minimum setbacks shall be compatible with the minimum setbacks as required in an R-3, High Density Single and Multi-Family Residential district.
- d) Minimum Usable Open Space:
Twenty-five percent (25%)
- e) House size:
1600 square feet. This does not include required garage footage.

SECTION 7 DEVELOPMENT REVIEW PROCEDURE

The following review procedures shall apply to all Planned Unit Developments:



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

SECTION 8 APPLICATION PROCEDURE

The Sketch Plan:

Upon completion of initial discussions, the developer proposing a planned development should complete an application form requesting initial general review and approval of the project by the Planning Commission.

This stage of review is often called sketch plan stage, although, if he wishes, the developer may submit items from the preliminary plan stage.

All sketches for planned development projects shall be submitted to the Planning Commission for review to ascertain the plan for any project complies with the conditions set forth in this Article and other applicable Sections of this Ordinance.

The following items shall be submitted with the initial application:

1. A letter of transmittal officially submitting the proposal for development, signed by the developer or his authorized representative. If submitted by someone



other than the current owner of the property, the letter should include or be accompanied by satisfactory evidence of the existence of a purchase or lease agreement or other instrument, to ensure the current owner is in agreement with the proposed development.

2. Three (3) copies of a scaled general site development plan of the proposal showing the following information:
 - (a) Boundary lines of the property, including dimensions
 - (b) Location and names of all public streets adjoining or traversing the site. In the event no public street now adjoins the site, sufficient description by metes and bounds to identify the location of the site.
 - (c) Identification of the name, plat book, and page number of any recorded subdivision comprising all or part of the site.
 - (d) Identification and location of any existing easements, water courses, lakes, or other significant natural features upon the site.

SECTION 9 PRELIMINARY PLAN

The developer, after review and discussion of the sketch plan, shall prepare and submit a preliminary plan for review by the Planning Commission.

The purpose of a preliminary plan is to provide an opportunity for somewhat detailed showing of the intent of the developer with regard to compliance with the requirements as outlined in this Article and to provide an initial hearing on the proposal.

The following items shall be submitted with the preliminary plan application.

- A. The preliminary plan shall be received by the Planning Commission and if a rezoning of land will be necessary to accommodate any project, this plat can be used for the public hearing to be held in accordance with Alabama law.
- B. Maps and written statement setting forth the details of the proposed development shall be included in the preliminary plan. The maps must show enough of the area surrounding the proposed development to demonstrate the relationship of the Planned Unit Development to the adjoining uses, both existing and those proposed by the developer.
- C. The facilities are to be identified as public or private. The maps shall be in a general schematic form and contain the following information:

Maps should include the following information:

- a. The approximate topography at two (2) foot intervals.
- b. Proposed land uses and the approximate location of existing and proposed buildings and other structures and uses adjacent to the site.
- c. The character and approximate density of the dwellings.



- d. The approximate location of all streets and rights-of-way, and walkways, and parking facilities.
- e. Public uses including schools, parks, playgrounds and other open spaces.
- f. Number of parking spaces.
- g. Amount of impervious surface.
- h. Generalized drainage plan.
- i. Development staging, if appropriate.

D. The written statements shall contain an explanation of:

- i. The character of the proposed development and the manner in which it has been designed to take advantage of the Planned Unit Development concept.
- ii. The proposed sewage disposal facilities.
- iii. Water supply and surface drainage provisions.
- iv. Evidence of adequate financial stability to complete the proposed project.
- v. The present ownership of all of the land included within the Planned Unit Development project.
- vi. The method proposed to maintain private common open areas, buildings or other facilities, including copies of all legal documents necessary to accomplish this.
- vii. The general indication of the expected schedule of development.

E. If, after a public hearing, the Planned Unit Development project is approved, any rezoning needed shall be instituted subject to revocation and reversion to the original zoning designation of the land, if the final plan is not approved.

F. In the event approval has been conditioned on modification to the plan, then such preliminary plan approval shall not be effective until the developer has filed written consent to the modifications as required.

G. If the developer wishes to develop the Planned Unit Development project in stages, the final plat submitted for review and approval may cover only the first stage to be developed, but succeeding stages of the final plan must be in substantial conformance to the approved preliminary plan.

H. If a plan covering at least a portion of the area in the approved preliminary plat has not been filed within one (1) year. The preliminary plan approval shall expire.

SECTION 10 FINAL PLAN

The plan provides a specific and particular plan by which development and construction will take place. The final plan serves as the plan on which the Planning Commission and local government



base a decision.

In addition to those items specified for the preliminary plan, the final plan must include:

1. A map showing:

- (a) Street location and nature of improvement.
- (b) Lot lines and lot designs.
- (c) The landscaping and tree planting plan.
- (d) Surface drainage system.
- (e) Peripheral setback forty (40) feet.
- (f) Easements.
- (g) Areas proposed to be conveyed, dedicated, or reserved for parks, parkways, playgrounds, school sites, public buildings and similar public and semi-public uses.
- (h) A plot plan for each building site, except single family residential lots and the common area, shall show the approximate location of all buildings, structures, improvements, and indicate the common area surrounding the buildings and structures.
- (i) Elevations or perspective drawings of all typical proposed structures and improvements, except single family residences and their accessory building. The drawings need not be in construction detail.

2. A development schedule indicating;

- (1) The approximate date when construction of the project can be expected to begin.
- (2) The stages in which the project will be built and the approximate date when construction of each stage can be expected to begin.
- (3) The approximate dates when the development of each of the stages in the development will be completed.
- (4) The location of common area that will be provided for each phase.



3. The following plans and diagrams will be provided when the Planning Commission finds that the Planned Unit Development creates special problems of traffic or parking:
 - (1) An off-street parking and loading area plan.
 - (2) A circulation diagram indicating the proposed movement of vehicles, goods and pedestrians within the Planned Unit Development and to and from existing thoroughfares.
 - (3) Any special engineering features and traffic regulation devices needed to facilitate or ensure the safety of this circulation pattern must be shown.

4. The plat shall be accompanied by written legal documents on behalf of the owner, his heirs, successors, and assigns shall include:
 - (1) Provisions of the proposed development, as shown on the plans and as set forth in specifications, shall be completed in detail within such time frame as agreed upon by the Planning Commission.
 - (2) Provisions of all land improvements intended for the common use of all residents, including drives, walks, parking areas, recreation facilities, equipment, all landscaped or other common areas shall be maintained in perpetuity including such servicing as may be required for the use of such land improvements.
 - (3) Provisions of no future changes in the development shall be made which would encroach upon the land used to comply with the provisions of this Article as to density, common area, yard, courts, vehicular access, automobile parking, building coverage, or other outdoor requirements.
 - (4) Provisions of all easements for private drives, utility lines, and similar purposes shall be open at all times for access by publicly employed personnel and equipment for police and fire protection, for inspection of utility systems, and for any other public purpose.
 - (5) Articles of Incorporation and By-Laws for the formation of a property Owners' Association for the Planned Unit Development.
 - (6) A Declaration of Restrictions and Covenants which shall include agreements and provisions to govern the use, maintenance and continued protection of the Planned Unit Development, and all of its common areas. Such declarations shall be consistent with Fannie Mae, Freddie Mac, or other similar Federal or State requirements. The Developer shall be responsible for restriction and covenant



- enforcement until 75% of the Planned Unit Development has been occupied at such time when the Home Owners Association shall assume restriction and covenant enforcement.
- (7) A written legal opinion from the Applicant/Owner's Attorney stating the above legal documents comply with applicable federal and State Laws.
 - (8) Provisions of all land improvements intended for the common use of all residents, including drives, walks, parking areas, recreation facilities, equipment, all landscaped or other common areas shall be maintained in perpetuity including such servicing as may be required for the use of such land improvements.
 - (9) Provisions of no future changes in the development shall be made which would encroach upon the land used to comply with the provisions of this Article as to density, common area, yard, courts, vehicular access, automobile parking, building coverage, or other outdoor requirements.
 - (10) Provisions of all easements for private drives, utility lines, and similar purposes shall be open at all times for access by publicly employed personnel and equipment for police and fire protection, for inspection of utility systems, and for any other public purpose.
 - (11) Articles of Incorporation and By-Laws for the formation of a property Owners' Association for the Planned Unit Development.
 - (12) A Declaration of Restrictions and Covenants which shall include agreements and provisions to govern the use, maintenance and continued protection of the Planned Unit Development, and all of its common areas. Such declarations shall be consistent with Fannie Mae, Freddie Mac, or other similar Federal or State requirements. The Developer shall be responsible for restriction and covenant enforcement until 75% of the Planned Unit Development has been occupied at such time when the Home Owners Association shall assume restriction and covenant enforcement.
 - (13) A written legal opinion from the Applicant/Owner's Attorney stating the above legal documents comply with applicable federal and State Laws.

SECTION 11 FINAL PLAN APPROVAL

The following shall govern approval of a final plan:

- (1) The Planning Commission shall compare the final plan with the preliminary plan and with the standards set forth in this Article to assure that the final plan conforms to said standards. The Planning Commission may place conditions upon the granting of approval which, in its judgment, will ensure conformance to



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- the plan as approved.
- (2) The approval of the final plan or any stage of it shall be valid for a period of one (1) year following the date of such approval.
 - (3) Factors to be considered by the administrative staff and the Planning Commission in reviewing any Planned Unit Development are that the development is in harmony with the Comprehensive Plan and with the character of the neighborhood and will provide and overall density and standard of open space as required by this ordinance.
 - (4) The final plan or any stage of the Planned Unit Development shall not be approved if the average of the allowable dwelling units per acre, up to and including the stage which is to be approved, exceeds by more than ten percent (10%) of the average number of dwelling units per acre which is allowable for the development.
 - (5) A report of its findings and recommendations on a proposed Planned Unit Development shall be prepared for and acted on by the Planning Commission. Such report shall constitute a recommendation to the City council for action should rezoning be necessary.
 - (6) Upon final approval and after all conditions have been met, the Planning Commission shall approve the recording of the Final Plan in the deed records of the County. When no parcels are to be sold, the developer will process and have recorded the subdivision plat in the manner designated by the Commission.

SECTION 12 SUBSTANTIAL CONFORMANCE

The determination of substantial conformance between the preliminary plan and the final plan shall be at the discretion of the Planning Commission.

Variation in conformance is intended solely to facilitate the minor adjustments which may be necessary as the plans approach a final construction stage. The Commission may refuse to grant approval of substantial conformance if, in their opinion, the adjustments are being used to significantly modify the approved plan.

Site Improvements:

- (1) The developer, at his option, may place street improvements, sidewalks, utilities, and other permanent site improvements after preliminary plan approval or stake the location of the buildings and make application for building permits. Under no circumstances, however will any building permit be issued until final approval has been granted and the necessary portions of the final plan recorded.



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- (2) The placing of improvements will not obligate the local government to approve such improvements on the final plan if not in conformance with the terms of this Article.

Public Record:

The final plan is the permanent public record of the Planned Unit Development and will be the manner in which the development is constructed as provided herein.

Contents:

The final plan shall contain, in final form, the information required above. In addition, the following will apply:

- (1) If parcels of land are to be sold, a subdivision plat shall be filed for approval in the appropriate manner.



ARTICLE 14
SPECIAL PROVISIONS

SECTION 1 RECREATIONAL VEHICLES

The following regulations apply to all developments provided for the accommodation of transient recreational vehicles, including travel trailers, campers, small mobile homes used for vacation purposes, motor homes and similar transient residential vehicles.

- A. Recreational vehicle parks are uses permitted in B-2 and M-1 Districts subject to the approval of the Planning Commission and the requirements of the following provisions.
- B. No recreational vehicle park shall be located except with direct access to a county, state or federal highway, with a minimum lot width of not less than fifty (50) feet for the portion used for entrance and exit. No entrance or exit shall be through a residential district.
- C. The minimum lot area per park shall be two (2) acres.
- D. Use of spaces in recreational vehicle parks shall be limited to travel trailers, mobile homes, motor homes, and campers with a maximum length, exclusive of hitch, of forty (40) feet.
- E. Users of the spaces shall meet all other applicable laws. Spaces shall be rented by the day or week only and an account of such space shall remain in the same trailer park for a period of not less than ninety (90) days.
- F. Management headquarters, recreational facilities, toilets, showers, laundry facilities and other uses and structures customarily incidental to operation of a trailer park are permitted as accessory uses in any district in which trailer parks are allowed, provided:
 - 1. Such establishments and the parking area primarily related to their operations shall not occupy more than ten (10) percent of the area of the park.
 - 2. Such establishments shall be used in compliance with local regulations determined by the park management.
 - 3. Minimum sanitary facilities shall include one (1) toilet, one (1) shower, and one (1) lavatory basin per twenty-five (25) camp sites in the park.
- G. No space shall be so located that any part intended for occupancy for sleeping purposes shall be within thirty (30) feet of the right-of-way line of any major, or collector street, or of any minor street.



- H. In addition to meeting the above requirements, the recreational vehicle park site plan shall be accompanied by a certificate of approval of the county health department.

SECTION 2 MOBILE HOMES

Mobile homes shall not be permitted in any district except R-3 as specified hereafter, and the City Council shall not spot zone individual lots in other districts for mobile home use; except that a mobile home or other structure may be used temporarily as a construction shack in any district but must be removed immediately upon completion of the construction.

A. Maintenance of Mobile Homes

All mobile homes, whether on wheels or on piers or other type of foundation, shall be skirted and maintained.

SECTION 3 MOBILE HOME PARKS

Mobile home parks as defined herein are uses permitted in an R-3 Zoning District subject to the provisions of this ordinance.

A. License

It shall be unlawful for any person to maintain or operate a mobile home park within the limits of the City of Creola, Alabama, unless such a person shall first obtain a license therefor.

B. License Fees and Temporary Permit Fees

The annual license fee schedule for mobile home parks shall be as adopted by the City Council and reviewed periodically for amendment and updating. The fee for a transfer of a license shall be twenty-five dollars (\$25.00). Transfer of license shall be pre-approved by the Town Council.

C. Application for License

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

- a. The name and address of the applicant.
- b. The location and legal description of the mobile home park;
- c. The complete plan of the park in conformity with the requirements of this ordinance;
- d. Plans and specifications of all buildings, improvements and facilities constructed or to be constructed within the mobile home park;
- e. Such further information as may be required by the Planning Commission to enable it to determine if the proposed park will comply with legal requirements. Four (4) copies of the application



and all accompanying plans and specifications shall be filed with the Town Clerk. Upon application in writing by a licensee for renewal of a license and upon payment of the annual license fee, the City shall issue a certificate renewing such license for another year, provided that the park is still in compliance with the requirements of this ordinance.

D. Location

Mobile home parks may be located in the R-3 Zoning District as established in this ordinance. Where any boundary of a park directly abuts property which is improved with a permanent residential building located within twenty-five (25) feet of such boundary, or directly abuts unimproved property which may under existing laws and regulations be used for permanent residential construction, a six-foot fence, wall, hedge or shrubbery screen shall be provided along such boundary.

E. Mobile Home Park Plan The mobile home park, with minimum lot requirements, shall conform to the following requirements:

- a. The park shall be located on a well-drained site, properly graded to insure rapid drainage and free from stagnant pools of water.
- b. Each park shall provide mobile home spaces, and each such space shall be clearly defined or delineated. Each space shall have an area of not less than five thousand (5,000) square feet and a width of not less than thirty (30) feet, and the average width of all spaces shall not be less than forty (40) feet; provided, however, that mobile home parks which, at the time of adoption of this ordinance, existed lawfully with mobile home spaces that do not comply with any of the foregoing minimum area and width or minimum average width requirements, may continue to operate and shall be excused from such compliance.
- c. Mobile homes shall be so located on each space that there shall be at least a twenty-foot clearance between mobile homes.
- d. All mobile home spaces shall abut a driveway of not less than twenty-four (24) feet in width, which shall have unobstructed access to a public street, alley or highway.
- e. Walkways not less than two (2) feet wide shall be provided from the mobile home spaces to the service buildings.
- f. Each mobile home space shall be provided with two (2) off-street parking spaces.



- g. All driveways and walkways within the park shall be hard-surfaced and lighted at night with electric lamps of not less than two hundred and fifty (250) watts each, spaced at intervals of not more than one hundred (100) feet or placed on electric poles set at intervals designed by the electric company.
- h. An electrical outlet supplying at least 120/140 volts, 100 amperes shall be provided for each mobile home space.

F. Water Supply

An adequate supply of pure water for drinking and domestic purposes shall be supplied by pipes to all buildings and mobile home spaces within the park, to meet the requirements of the park. Each mobile home space shall be provided with a cold water tap at least four (4) inches above the ground.

G. Sewage and Refuse Disposal

- a. Each mobile home space shall be provided with a sewer at least four (4) inches in diameter, which shall be connected to receive the waste from the shower, bathtub, flush toilet, lavatory and home harbored in such space and having any or all of such facilities. The sewer in each space shall be connected to discharge the mobile home waste into a public sewer system in compliance with any applicable ordinance or into a private sewer and disposal plant or septic tank system of such construction and in such a manner as will comply with the county health department requirements and present no health hazard.

- b. Garbage receptacles

Garbage and trash disposal shall be in compliance with applicable City ordinances.

H. Fire Protection

Every park shall be equipped at all times with fire extinguishing equipment in good working order of such type, size and number and so located within the park as to satisfy applicable reasonable regulations of the fire department. No open fires shall be permitted at any place which may endanger life or property. No fires shall be left unattended at any time. A six-inch water line with a fire plug shall be provided for each thirty (30) mobile homes (e.g. 31 require 2 fire plugs).

I. Animals and Pets

Ownership and care of dogs, cats or other pet animals shall be in compliance with applicable Town ordinances.



J. Tie-downs and Anchors

It shall be unlawful for any persons including, but without limitation, owners of mobile home parks and owners and/or occupants of mobile homes within the park, to place, maintain, or occupy any mobile home unless such mobile home is equipped with tie-downs and anchors meeting or exceeding standards of the Building Code.

K. Common Recreation Facilities

Not less than ten (10) percent of the total area of any mobile home park shall be devoted to common recreational areas and facilities, such as playgrounds and swimming pools. Ways for pedestrians and cyclists shall be away from streets, and play areas for small children or other recreational areas in block interiors.

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

L. Supervision

The licensee or permittee, or a duly authorized attendant or caretaker shall be in-charge at all times to keep the mobile home park, its facilities and equipment in a clean, orderly and sanitary condition. The attendant or caretaker shall be answerable, with the licensee or permittee, for the violation of any provision of this ordinance to which the licensee or permittee is subject.

M. Revocation of License

The City of Creola, Alabama, may revoke any license to maintain and operate when the licensee has been found guilty by a court of competent jurisdiction of violating any provision of this ordinance. After the correction of such condition and the payment of the penalties imposed by law and assurance given to the Building Inspector that such condition will not be repeated, then the Building Inspector may issue a new license.

SECTION 4 MANUFACTURED HOMES

Manufactured homes not meeting HUD standards (U.S.C. 5401) and not having the HUD Stamp Certification permanently attached shall not be installed, erected or permitted. A manufactured home which otherwise meets the definition of a single family dwelling unit, shall be allowed to be placed or erected in certain residential zones upon compliance with the following requirements:

- A. A manufactured home may be located within any residential zone.
- B. The manufactured home shall be reviewed and approved or disapproved by the Planning Commission as to compatibility standards.



- C. It is intended that manufactured homes be designed and erected to be similar in appearance to permanent houses - not mobile units - generally with pitched roofs, eaves overhanging six inches or more, and typical to an on-site conventionally built single family permanent dwelling as built in accordance with the Standard Housing Code. Manufactured homes shall be erected on permanent foundations meeting HUD standards (U.S.C. 5401) or Standard Building Code standards and conforming to Title 24, Housing Code of Alabama, Chapter 535-X-13 and are deemed to be real property and taxed as such. Manufactured homes are subject to all elements of the zoning district in which it is allowed and all other regulations of this Ordinance.
- D. Contractors doing any and all work required by this Ordinance in the siting of a manufactured home shall be licensed by the State and licensed by the City of Creola. Licensing by the State is required prior to receiving a license from the City of Creola. Compliance with this Ordinance and other Ordinances of the City of Creola, as is the same for erecting other types of structures, is a requirement prior to the issuance of a Building Permit.
- E. Manufactured homes shall be installed according to the current regulations of the Alabama Manufactured Housing Commission Statutory Law, Title 24, Housing Code of Alabama.
- F. Be constructed according to standards established either by the Alabama Manufactured Housing Commission Statutory Law, Title 24, Housing Code of Alabama as amended from time to time or the Standard Building Code, or the National Manufacturing Housing Construction and Safety Standards Act of 1974 as amended, U.S.C. 5401.
- G. Manufactured homes placed in residential zoning districts or areas shall meet the minimum compatibility standards herein set.
- H. Placement of a manufactured home may be permitted after it has been reviewed and determined that the manufactured home is compatible with the general appearance of homes in the surrounding area and has received Planning Commission Approval.
- I. Manufactured homes shall be compared to site-built and other homes in the immediate general areas within the same zoning or residential district or area. Approval shall be granted upon the finding that the manufactured home is substantially similar in size, siding material, roof material, foundation enclosure and general aesthetic appearance to: existing development or proposed development in the same zoning district or area. Items subject to compatibility comparison will include the following:
 - a. Minimum Width



The general shape, width, and appearance of the manufactured home shall conform to housing in adjacent or nearby locations to ensure compatibility of site-built houses and manufactured housing.

b. Roof pitch, overhang and materials

The general shape and appearance of the roof of the manufactured home shall be compatible with the exterior appearance of the roofs of housing in adjacent or nearby locations. Any roofing material may be used that will be compatible with other housing in adjacent or nearby areas.

c. Exterior Finish

Any material may be used for exterior finish that is generally used in areas near the location where the manufactured home is to be sited.

d. Site Orientation

Manufactured homes shall be placed on lots in a manner compatible with and reasonably similar in orientation to other structures in the area.

e. Garages, carports, etc.

Garages and/or carports, landings, stairs, porches, entrance platforms, ramps or other means of entrance for manufactured homes shall be compatible with the manufactured home and site-built garages and/or carports of site-built houses in adjacent or nearby locations and constructed in accordance with the Standard Building Code at the time the manufactured home is sited.

f. Towing Devices

All towing devices, including but not limited to wheels, axles, hitches and transportation lights must be removed.

g. Foundation Enclosure

The manufactured homes foundation forms an enclosure under exterior walls, unpierced except for ventilation and access, and conforms to Title 24, Housing Code of Alabama, Chapter 535-X-13. The type of material and method used for underpinning shall be consistent with the compatible to the underpinning for site-built houses in adjacent or nearby locations.



SECTION 5 APARTMENTS, TOWNHOUSES AND CONDOMINIUMS

Within the R-3 District permitting apartments, townhouses and condominiums the following requirements shall apply:

- A. No more than eight (8) continuous apartments, townhouses and condominiums per floor shall be built in a row with approximately the same front line.
- B. No side yard is required except that on corner and interior lots the end of the building in any grouping shall conform to the side yard requirements of the district.
- C. No more than thirty-five (35) percent of the lot area shall be occupied with buildings.
- D. Insofar as practicable, off-street parking facilities shall be located under habitable floors of buildings or grouped in bays, either adjacent to streets or in the interior of blocks, and no off-street parking shall be more than one hundred (100) feet by the most direct pedestrian route from a door of the dwelling unit it intends to serve.
- E. All multi-family developments shall be in compliance with applicable Town ordinances and/or health department regulations for public or private water and sanitary sewer systems.
- F. All other requirements within the district in which the apartments, townhouses or condominiums are located shall prevail.

SECTION 6 ACCESSORY USES, TEMPORARY BUILDINGS, FALLOUT SHELTERS

Any use may be established as an accessory use to any permitted principal use in any district provided that such accessory use:

- A. Is customarily incidental to and is maintained and operated as a part of the principal use;
- B. Is not hazardous to and does not impair the use or enjoyment of nearby property in greater degree than the principal use with which it is associated;
- C. Does not create levels of noise, odors, vibration and lighting, or degrees of traffic congestion, dust or pollutants, in a greater amount than customarily created by principal use;
- D. Is not located in minimum exterior yard; and,



E. In residential districts an accessory use will conform to the following requirements:

- a. Where an accessory building is attached to the main building, a substantial part of one wall of the accessory building shall be an integral part of the main building or such accessory building shall be attached to the main building in a substantial manner by a roof, and therefore, such requirements applicable to the main building shall apply.
- b. A detached accessory building shall not be closer than twenty (20) feet to the main building, nor closer than five (5) feet to the lot line.
- c. A detached accessory building, not more than one (1) story in height, may be constructed on not more than thirty (30) percent of the rear yard.
- d. No detached accessory building may be located on the front yard of a lot nor on a lot by itself.
- e. Attached or detached accessory structures less than one-third the area of the principal residence may be used for living quarters provided such structures do not contain kitchen facilities. Such accessory residences may also be constructed above a garage or other storage building provided they do not exceed the height limitation for the zoning district in which they are located.

F. Temporary Buildings

Temporary buildings or mobile type trailers used in conjunction with construction work only, may be permitted in any district and shall be removed immediately upon completion of construction.

G. Fallout Shelters

Fallout shelters are permissible as principal or accessory uses and structures in any district, subject to the following conditions:

- a. If any portion of the structure extends above the ground, that portion above the ground must comply with the yard and lot coverage regulations of the district in which it is located, and the site plan for such shelter must be approved by the Building Inspector.
- b. If the structure is completely underground, it need not comply with yard requirements or percentage of lot coverage requirements.
- c. Fallout shelters may contain or be contained in other structures or may be constructed separately.



SECTION 7 HOME OCCUPATIONS

Home occupations shall be clearly incidental to the residential use of the dwelling and shall not change the essential residential character of the dwelling or adversely affect the uses permitted in the district of which it is a part. No home occupation shall be permitted which might interfere with the general welfare of the surrounding residential area due to potential noise, increased pedestrian and vehicular traffic or any other condition which would constitute an objectionable use of residentially zoned property.

A. Limitations on type of home occupations are as follows:

- a. Area used for a home occupation shall not exceed twenty (20) percent of the gross floor area in the principal building.
- b. The home occupation shall be confined entirely to the principal building or to an accessory building or outside storage with the twenty (20) percent of gross floor area applying.
- c. Employment shall be limited to members of the family residing in the dwelling, and there shall be no employment of help other than members of the resident family. In no case shall more than two (2) persons be engaged in the home occupation.
- d. No internal or external addition, alteration, or remodeling of the dwelling is permitted in connection with the home occupation.
- e. No chemical, mechanical or electrical equipment that creates odors, light, glare, noises, or interference in radio or television reception detectable outside of the dwelling shall be permitted.
- f. No display of products shall be visible from the street and only articles made on the premises may be sold; except that non-durable articles (consumable products) that are incidental to a service, which service shall be the principal use in the home occupation, may be sold on the premises.
- g. Instruction in music, dancing, and similar subjects shall be limited to two (2) students at a time.
- h. The activity carried on as a home occupation shall be limited to the hours between 7:00 a.m. and 10:00 p.m.
- i. One professional or announcement sign may be used to identify the customary home occupation. Such sign shall not exceed one and one-half (1 ½) square feet in area exposed to view and must be mounted flat to the



main wall of the principal building. No such sign shall be directly illuminated.

- j. Customary home occupations shall not include the following:
1. Uses which do not meet the provisions listed above.
 2. Automobile and/or body and fender repairing.
 3. Barber shops and beauty parlors.
 4. Food handling on a large-scale basis, processing or packing.
 5. Repair, manufacturing and processing uses; however this shall not exclude the home occupation of a dressmaker where goods are not manufactured for stock, sale or distribution.
 6. Restaurants.
 7. Uses which entail the harboring, training, raising or treatment of dogs, cats, birds or other animals.

SECTION 8 AUTOMOBILE SERVICE STATIONS

Within the districts permitting automobile service stations, the following requirements shall apply:

A. Location

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

B. Site Requirements

An automobile service station shall have a minimum frontage on the primary street of one hundred twenty (120) feet and a minimum lot area of twenty-three thousand (23,000) square feet. All buildings shall be setback forty (40) feet from all street right-of-way lines, fifty (50) feet for major arterials, and all canopies shall be setback fifteen (15) feet from all street right-of-way lines.

C. Access to Site

Vehicular entrances or exits at an automobile service station:

1. Shall not be provided with more than two (2) curb cuts for the first one hundred twenty (120) feet of street frontage or fraction thereof.
2. Shall contain an access width along the curb line of the street of not more than forty (40) feet as measured parallel to the street at its narrowest point and shall not be located closer than ten (10) feet to the adjoining property.



3. Shall not have any two driveways, or curb cuts, any closer than twenty (20) feet at both the right-of-way line and the curb or edge of the pavement along a single street.

D. Gasoline Pump Islands

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

E. Off-Street Parking

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

F. Other Site Improvements

In addition to the above requirements, the following additional site improvements shall be adhered to:

1. A raised curb of at least six (6) inches in height shall be erected along the street property lines, except for driveway openings.
2. A solid fence or wall not less than six (6) feet nor more than eight (8) feet in height plus a hedge or shrubbery screen shall be erected along all adjacent property lines facing any adjacent residential lot.
3. Exterior lighting shall be arranged so that it is deflected away from adjacent properties.
4. Signs, whether permanent or temporary, shall not be placed within the public right-of-way and shall be arranged so that they do not obstruct visibility for drivers or pedestrians.
5. All driving, parking storage, and service areas shall be paved and curbed and a good stand of grass shall be maintained on the remainder of the lot.

G. Storage of Flammable Products

Outside above ground tanks for the storage of gasoline, liquified petroleum gas, oil or other flammable liquids or gases shall be restricted to the requirements set forth in this ordinance and state regulations.



SECTION 9 SIGNS

All signs shall encourage a positive visual environment in harmony with the natural beauty of Creola.

A. General Provision

The following shall apply:

1. No sign, unless herein excepted shall be erected, constructed, posted, painted, altered, maintained, or relocated, until a permit has been issued by the Building Inspector.
2. Any permitted sign shall be subject to the size and height limitation imposed by this Ordinance for the use district in which said sign is located, except as otherwise provided herein.
3. No outdoor advertising sign or sign structure shall be placed upon any street or highway right-of-way except as otherwise provided herein.
4. No outdoor advertising sign or sign structure shall be located in such a manner as to materially impede the view of any street or highway intersection.
5. No outdoor advertising sign shall be erected, relocated or maintained so as to prevent free ingress or egress from any door, window or fire escape.
6. No portion of any projecting outdoor advertising sign shall be less than eight (8) feet above the level of a sidewalk or other pedestrian thoroughfare, nor shall be less than fifteen (15) feet above the level of a public driveway, alley or street.
7. Signs shall be harmonious with the environment and with the nature of our special local characteristics of site, aesthetic tradition, and development potential. Signs made of natural woods and materials featuring earth tones and indirect external lighting are encouraged.
8. No sign shall be larger than seventy-five (75) square feet, except where the name of a building or firm is to be attached across the front of a building.
9. A sign permit shall be null and void if the sign for which the permit was issued has not been completed and erected within a period of six (6) months from the date of issuance of the permit.



B. Nonconforming Signs

Any sign in existence on the date of adoption of this ordinance that is not in conformance with the requirements of this ordinance shall be considered a nonconforming sign and shall be permitted to continue to exist subject to the following conditions:

1. If any nonconforming sign is removed or destroyed or becomes fifty (50) percent or more structurally deteriorated, or repair/replacement costs exceeds 50% of the appraised value of the sign, as determined by the Building Inspector, then the replacement sign shall be in conformance with the requirements of this ordinance.
2. Where a change in use, occupancy or ownership occurs which necessitates the altering of a sign in any manner, the altered or changed sign shall be in conformance with the requirements of this ordinance.
3. Any nonconforming sign prohibited under Section 10.7.4 of this ordinance shall be removed or made to conform within ninety (90) days of the date of adoption of this ordinance.
4. The Board of Adjustment may, in special cases and for good reason, and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the ordinance would result in unnecessary or unique hardship, permit the erection of a sign not in conformance with the requirements of this ordinance, and at its discretion, may require the posting of a bond in sufficient amount to protect the Town against all liabilities that may result from the erection and use of such sign.
5. No permits for additional signs shall be issued for any premises on which there are nonconforming signs.

C. Exempt Signs

The following signs are exempt from the provisions of this ordinance and may be erected or constructed without a permit but in accordance with the structural and safety requirements of the current building codes:

1. Official traffic signs or sign structures, or municipal information signs and provisional warning signs or sign structures, when erected or required to be erected by a governmental agency.
2. Changing the copy on a bulletin board, poster board, display encasement, marquee, or changeable copy type sign.
3. Temporary non-illuminated signs not more than thirty-two (32) square feet in area, erected in connection with new construction work and displayed



on the premises during such time as the actual construction work is in progress. One such sign, which shall not exceed ten (10) feet in height, is allowed for each street frontage. Such signs shall be removed upon completion of the project.

4. Any sign on a truck, bus or other vehicle that is used in the normal course of a business for transportation and not for the sole purpose of advertising, except where a vehicle is offered for sale.
5. Weather flags for providing information on weather conditions; one (1) set for each premises.
6. Real estate signs, temporary in nature, non-illuminated, not exceeding six and one-half (6 ½) square feet in area, advertising real estate for sale or lease or rent, or announcing contemplated improvements of real estate; one (1) sign for each street frontage.
7. Temporary decorative flags, bunting, banners, pennants, streamers, and signs for recognizing holidays, conventions, grand openings, and other commemorative occasions authorized by the Building Inspector for Town-wide celebration. Said temporary decorations and signs shall be removed as soon as the commemorative occasion is over; otherwise temporary decorations and signs shall be subject to the requirements of Section 10.7.7.5, Note 5, of this ordinance.
8. Political signs, are exempt from the permit requirements of this Ordinance but are subject to the following regulatory controls:
 - a. Political signs shall not be erected, constructed, posted or painted on any public right-of-way, utility pole, tree, bench, fence, awning, stand pipe, nor attached to any City, County, State or Federal roadway marker, directional sign or informational sign.
 - b. Political signs shall not be attached to any existing identification announcement or pricing signs for any business or commercial establishment
 - c. Political signs shall not be located in such a manner as to materially impede the view of any street or highway intersection or to adversely affect ingress or egress from parking lots or driveways.
 - d. Political signs may be placed on private property in any zoning district within the jurisdiction of the Town.



- e. Political signs in residential districts shall not exceed four (4) square feet in area or four (4) feet in height
 - f. Political signs in business, commercial and industrial districts shall not exceed fifteen (15) square feet in area or eight (8) feet in height.
 - g. Political signs not more than four (4) square feet in area may be attached to private or commercial vehicles used for transportation or business purposes.
 - h. Customary size party balloons imprinted with a political ad may be tethered to any political sign, provided such balloons do not rise more than four (4) feet above the sign to which they are attached and that not more than two (2) such balloons are attached to any one (1) sign.
 - i. Political signs may be placed only after a candidate has qualified to run for office and must be removed within five (5) days after the election.
9. National flags and flags of political subdivisions of the United States and flags of bona fide civic, charitable, fraternal, and welfare organizations, when displayed from one (1) flag staff per premises in accord with United States Public Law 623 (Flag Display Practice); except when displayed in connection with a commercial promotion.
 10. Non-advertising directional signs or symbols (e.g., entrance, exit, caution, slow, no trespassing) located on and pertaining to a parcel of private property, not to exceed two (2) square feet.
 11. One (1) identification sign, with or without bulletin board per street frontage for public, charitable, educational or religious institutions, located on the premises of said institution and not exceeding seventy-five (75) square feet.
 12. Memorial signs and historical markers, constructed of bronze, stone, or other incombustible material, after historical authentication and location is approved by the Building Inspector.
 13. One (1) each professional, announcement, or occupational sign non-directly illuminated and flat wall mounted, and/or one (1) each outdoor advertising sign for privately owned premises or business location, provided the area of the sign or the combined areas of both signs, if two



(2) signs are erected, does not exceed five (5) square feet, and provided the premises or business location is without a permitted sign.

14. Noncommercial yard or garage sale temporary signs not exceeding eight (8) square feet erected on private property and which display the date(s) and address of the sale. Said signs shall be removed as soon as the sale is concluded.
15. Signs attached to machinery or equipment which advertise only the product or service dispensed by the machine or equipment, such as signs customarily affixed to vending machines, newspaper racks, telephone booths, and gasoline pumps, provided the combined area of such signs does not exceed eight (8) square feet.
16. Window signs which identify or advertise activities, services, goods, or products available within the building .
17. One (1) each business or professional identification sign mounted to extend vertically below a marquee or canopy, provided its area does not exceed six (6) square feet nor exceed the width of the marquee or canopy nor provide less than nine (9) feet of clearance above the sidewalk or pedestrian thoroughfare.

D. Signs Prohibited in All Districts

The following signs are prohibited in all use districts:

1. Any sign erected or painted upon a fence, tree, standpipe, fire escape or utility pole, except the manufacturer's or installer's ID plate which shall not exceed 5x8 inches in size.
2. Any sign which uses the word "Stop" or "Danger" prominently displayed and/or which is a copy or imitation of official traffic control signs except where such words are a part of an attraction title for a theater or other similar event or purpose.
3. Signs which contain flashing or intermittent illuminations, except as required for traffic control. Changing the copy on a bulletin board or changeable copy type sign which displays customary public information, such as time, date, temperature or other such information is deemed not to be flashing or intermittent illuminations.
4. Portable signs, snipe signs, sandwich signs, or ladder type signs.
5. Permanent signs that produce sound or noise; cause interference with radio, telephone, television or other communication transmissions;



produce or reflect motion pictures; emit visible smoke, vapor, particles, or odor; are animated or produce any rotation, motion or movement.

6. Billboards and off premises signs.

E. Maintenance and Removal of Signs

1. All signs shall be maintained in good condition and appearance. The Building Inspector, after due notice in writing to the owner, may cause to be removed, at owners expense, any sign which shows neglect or which appears abandoned or which becomes dilapidated or dysfunctional, or where the area for a distance of ten (10) feet around such sign is not kept free of weeds, rubbish, debris, or uncut grass.
2. Any sign associated with premises that have been vacated shall be either removed from the premises by the owner or lessee within three (3) months of the time of the vacation, or said sign shall be altered or resurfaced by the owner or lessee within the same time period so that it does not display letters, numerals, symbols, figures, designs, or any other device for visual communication that would pertain to the activity formerly associated with the vacated premises.
3. The Building Inspector shall remove or cause to be removed any sign erected or maintained on any public right-of-way within the city, or which is in violation of any of the provisions of this ordinance.
4. The erection or maintenance of any sign in violation of this ordinance is a misdemeanor and shall be subject to the penalties set forth.

F. Traffic Control Devices on Private Property

When the owner of real property allows it to be used by the public for the purpose of vehicular traffic and/or as a public or quasi-public parking lot for the use of customers, tenants or employees of said property, the owner shall erect and maintain all traffic control signs and other devices in accordance with the Alabama Manual on Uniform Traffic Control Devices, and any revisions thereof. In addition, the owner shall meet the requirements of Section 32-5-31(a) of the Code of Alabama, 1975, with respect to local authorities in their respective jurisdictions.

G. Permitted Signs

Unless otherwise specified in this ordinance, requirements for signs permitted in each district are as follows:

1. Signs indicating the name of any fixed dwelling or mobile home subdivision; mobile home park; apartment, townhouse, condominium, office park, shopping center, industrial park or other residential or business complex permitted in any district; and signs for any use permitted



by Right, with planning approval or as a special exception in any residential district, are permitted. Such signs shall not exceed fifty (50) square feet in area per face, two (2) faces, twenty-one (21) feet in height, and one (1) such sign per street frontage.

2. Permitted signs shall require a permit unless otherwise excepted elsewhere in this ordinance.
3. Gasoline or other motor vehicle fuel pricing signs, in addition to permitted name or identification signs, are permitted in any business or industrial district. Such signs shall not exceed twelve (12) square feet in area and must comply with the other sign requirements for the district in which they are located.

H. Schedule of Permitted Sign Requirements

| Zoning District | Type of Use | Maximum Area/Face | Maximum Number of Faces | Maximum Height | Maximum Number of Signs Permitted |
|-----------------|---------------------------------------|-------------------------|-------------------------|----------------|-----------------------------------------------------------------------------------------------------|
| R-1 | SF Residential | 6 sq. ft. | 1 | 6 ft. | 1 per premises |
| R-2 | SF Residential | 6 sq. ft. | 1 | 6 ft. | 1 per premises |
| R-3 | High Density Multi-Family Residential | 6 sq. ft. | 1 | 6 ft. | 1 per premises |
| B-1 | Neighborhood Professional Business | 35 sq. ft. per premises | 2 | 10 ft. | 1 per street frontage |
| B-2 | General Business | 75 sq. ft. per premises | 2 | 21 ft. | 1 per street frontage; 2 if the premises frontage is greater than one thousand (1,000) linear feet. |
| M-1 | Light Industrial | 75 sq. ft. per premises | 2 | 21 ft. | 1 per street frontage |
| M-2 | Heavy Industrial | 75 sq. ft. per premises | 2 | 21 ft. | 1 per street frontage |

Savings Clause. If any section, clause, provision, or portion of this Ordinance shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect



any other section, clause, provision, or portion of the Ordinance which is not in and of itself invalid or unconstitutional.

Amendment and Repealer. This Ordinance shall amend the Zoning Ordinance of the City of Creola, Alabama so as to replace former Section 10.7 governing Signs of the Zoning Ordinance of the City of Creola, Alabama and said Section of said Ordinance is hereby repealed, however, any repeal of said former Section shall not affect any rights and privileges for enforcement of any violation thereof which existed at the time of the adoption of this Ordinance which would remain a violation under this Ordinance.

2. *Effective Date.* This Ordinance shall take effect upon adoption and shall be published as required by law.

NOTES

- 1) Signs for any residential use permitted in any nonresidential district must comply with the requirements for signs permitted in residential districts.
- 2) Each establishment in a shopping center or each business premises in G-B and M-1 districts may acquire an additional permit for one front or side wall mounted sign of a size not to exceed the lesser of three hundred (300) square feet or twenty (20) percent of the front or side surface area of the building or portion of building. Signs mounted on mansards, marquees, and awnings are deemed to be wall signs.
- 3) A temporary advertising sign will be permitted to the owner for the development for each individual business premises, shopping center premises, commercial/industrial business, subdivision, mobile home park, and mobile home subdivision, provided the area of each sign shall not exceed thirty-two (32) square feet, is non-illuminated, mounted from the ground within the confines of the development and the height no greater than ten (10) feet for no more than one (1) sign, either single or double faced, per street frontage. Permits shall be issued for a period of one (1) year. An additional one (1) year permit may be issued if the Building Inspector has determined that the promotion of the development is active and the temporary sign meets the maintenance requirements in Section 10.75 of this ordinance. The temporary sign will be removed when a permitted permanent sign is erected.
- 4) A temporary sign will be permitted on each premises for a new business or a business starting a new location where the premises is without a permitted permanent sign for a period of not more than sixty (60) days or until mounting of a permanently permitted sign, whichever occurs first, provided the temporary sign does not exceed thirty-two (32) square feet, is non-illuminated, mounted from the ground to a height not to exceed ten (10) feet. Said sign may be single or double faced.
- 5) Temporary decorative signs, flags, pennants, banners, streamers, bunting, flying paraphernalia, and tethered inflatable signs may be permitted to a premises owner



for no more than fourteen (14) continuous calendar days in any six (6) month period.

- 6) A permanent or temporary sign, erected on private or public property, not exceeding six (6) square feet to denote the route to any city, town, village, historic or religious place, shrine, public building or facility, school, hospital, healthcare facility, public meeting or public event when authorized by the City of Creola.
- 7) All existing off-premise signs and billboards are hereby grandfathered and protected. At such time as any existing off-premise sign or billboard is removed or destroyed, any replacement signs or billboard shall be in conformance with the provisions of this Ordinance. No new off-premise signs or billboards will be permitted in any zone, nor shall a permit be issued for any permitted on-premises sign for any premises on which there exists a grandfathered off-premises sign or billboard unless the off-premises sign or billboard is first permanently removed.

SECTION 10 CEMETERIES

Within the districts permitting cemeteries, the following requirements shall apply.

1. The site proposed for a cemetery shall not interfere with the development of a system of collector or larger streets in the vicinity of such site. In addition, such site shall have direct access to a thoroughfare.
2. Any new cemetery shall be located on a site containing not less than twenty (20) acres and must meet the State of Alabama Health Department Regulatory Requirements.
3. All structures shall be set back no less than twenty-five (25) feet from any property line or minor street right-of-way.
4. All graves or burial lots shall be set back not less than twenty-five (25) feet from any property line or minor street right-of-way lines, and not less than fifty (50) feet from any collector or arterial street.
5. The entire cemetery property shall be landscaped and maintained.
6. An application must be made to the Board of Adjustment for any extension of existing cemeteries.

SECTION 11 PARKING

General parking regulations shall apply to all zoning districts.



1. Off-street automobile storage or parking space shall be provided with vehicular access to a street or alley, and shall be equal to at least the minimum requirements for the specific land use set forth or as otherwise provided in this ordinance.
2. The required number of parking spaces for any number so separate uses may be combined in one lot, but the required space assigned to one use may not be assigned to another use at the same time, except that portion of the parking space required for an existing church whose peak attendance will be at night or on Sundays, may be assigned to a use which will be closed at night or on Sundays.
3. Areas reserved for off-street parking in accordance with the requirements of this ordinance shall not be reduced in area or changed to any other use unless the permitted use which it serves is discontinued or modified, except where equivalent parking space is provided to the satisfaction of the Planning Commission.
4. Off-street parking existing on the effective date of this ordinance in connection with the operation of an existing building or use shall not be reduced to an amount less than hereinafter required for a similar new building or use.
5. For existing commercial uses in any business district and other similar areas desiring to expand but unable for good and sufficient reason to provide parking at the standard required in the following schedule, the Board of Adjustment may grant relaxation of the strict application of these requirements on appeal, subject to the regulations governing appeals and variances.
6. Parking Decks. Where business and multi-family unit developments require large numbers of parking spaces, such spaces may be accommodated in parking decks provided that no such parking deck shall exceed three (3) levels above ground or twenty-five (25) percent of the height of the principal structure, whichever is greater.
 - a. Parking deck design shall be compatible with the design of the principal structure. Parking deck plans must be submitted together with the building site plan and must be approved by the Town Engineer and the Planning Commission.
 - b. Required landscaping and additional parking, if required, shall be provided at ground level around the parking deck and principal structure so that the entire development is aesthetically pleasing. In no case shall the ratio of impervious surface to open space exceed 1.5.



7. Parking Schedule.

| Land Use | Parking Requirement |
|-------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <i>Dwellings:</i> | |
| a. One and two families: | Two (2) spaces for each dwelling unit. |
| b. Multiple: | One and one-half (1.5) spaces for each unit. |
| c. Hotels: | One and one-fourth (1.25) spaces for each guest bedroom: |
| d. Motels, tourist courts and tourist homes: | One and one-half (1.5) spaces for each guest bedroom: |
| e. Mobile home courts and parks: | Two (2) spaces per unit. |
| f. Boarding and rooming houses, dormitories: | One (1) space for each guest bedroom. |
| <i>Public Assembly:</i> | |
| a. Churches or other places of worship: | One (1) space for each four (4) seats in the main auditorium or sanctuary. |
| b. Private clubs, lodges and fraternal buildings not providing overnight accommodations: | One (1) space for each 100 square feet of building under roof. |
| c. Theaters, auditoriums, coliseums, stadiums and similar places of assembly: | One (1) space for each four seats. |
| d. Libraries, museums: | One (1) space for each 500 square feet of gross floor area. |
| e. Schools, including kindergartens, play-schools and day care centers. | One (1) space for each four (4) seats in assembly hall, or one (1) space for each employee, including teachers and administrators, whichever is greater, plus five (5) spaces per classroom for high schools and colleges. |
| f. Skating rinks, dance halls, exhibition halls, pool rooms and other places of amusement or assembly without fixed seating arrangements: | One (1) space for each 200 square feet of floor area. |
| g. Bowling alleys: | Four (4) spaces for each alley. |



Land Use

Parking Requirements

Health Facilities:

| | |
|-----------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------|
| a. Hospitals, sanitariums, nursing homes, homes for the aged and similar institutional- uses. | One (1) space for each four (4) beds, plus one (1) space for each employee on the maximum shift. |
| b. Kennels and animal hospitals: | A parking area equal to thirty (30) percent of the total enclosed or covered area. |
| c. Medical, dental and health offices and clinics. | One (1) space for each 200 square feet of floor area used for offices and similar purposes. |
| d. Mortuaries and funeral parlors: | Ten (10) spaces per parlor chapel unit, or one (1) space per two (2) seats, whichever is greater. |

Business.

| | |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| a. Commercial establishments and offices, including but not limited to the following: Food stores, furniture stores, general business, commercial or personal service establishments catering to the retail trade, but excluding food stores. Governmental offices, office buildings, including banks, businesses, commercial and professional offices and buildings but excluding medical, dental and health offices, and clinics. Public utilities, such as telephone exchanges and substations, radio and TV stations. Restaurants, including bars, grills, diners, cafes, taverns, night clubs, lunch counters, and all similar dining and/or drinking establishments. | Four (4) parking spaces for up to 400 square feet of gross floor area, plus one (1) parking space for each additional 800 square feet of gross floor area, up to 5,000 square feet plus one (1) parking space for each additional 300 square feet of gross floor area over 5,000 square feet. One and one-fourth (1.25) spaces for each four (4) seats. |
| b. Shopping centers: | One (1) space per 400 square feet gross floor area. |
| c. Marinas: | Two (2) spaces per berth. Also applies to dry storage. |



Land Use

Parking Requirements

Industries:

| | |
|-----------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| a. Commercial, manufacturing and industrial establishments, not catering to the retail trade: | One (1) space for each employee on the maximum working shift, plus one (1) space for each vehicle operating from the premises. |
| b. Wholesale establishments: | One (1) space for every fifty (50) square feet of customer services area, plus two (2) spaces for each three (3) employees on the maximum working shift, plus one (1) space for each company vehicle operating from the premises. |
| c. Electric power and gas substations: | Twenty-five (25) percent of the parcel on which located or four (4) spaces, whichever is smaller. |

Any use not specified by these regulations shall require one parking space for each three hundred (300) square feet of gross floor area in the building. Where the use is mixed, total requirements for off-street parking shall be the sum of the requirements for the various uses computed separately.

8. Design Standards and Improvement Requirements.

Any off-street parking space is an all-weather surfaced area not in a street or alley and having an area of not less than one hundred seventy-one (171) square feet and minimum dimensions of 9'x19', exclusive of driveways, permanently reserved for the temporary storage of one automobile and connected with a street or alley by an all-weather surfaced driveway which affords unobstructed ingress and egress to each space.

9. Permit. A parking area permit approved by the Building Inspector shall be required for any parking area with a design capacity for six (6) or more vehicles.



10. Parking area dimensions. The design and dimensions of the parking area shall be in accordance with the following dimensions table:

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

11. Width of two-way access driveways. The minimum width of two-way access driveways within parking areas shall be twenty-four (24) feet.

12. Paving standards. Parking spaces and driveways shall be paved to standards established by the City of Creola.

13. Drainage. Off-street parking facilities shall be drained to prevent damage to abutting property and streets and to prevent pollutants from draining onto the adjacent lots. Landscaped areas and perimeter areas shall be so graded as to receive a reasonable portion of the rainfall from the surrounding pavement. Protective curbing around landscaped areas will leave openings for the flow of water onto unpaved areas.

14. Landscaping. The design and appearance of parking areas is intended to be compatible with the character of the community. Toward this objective the following standards shall be observed in the construction of off-street parking areas accommodating six (6) or more parking spaces.

- a. At least ten (10) percent of the total interior area intended for off-street parking shall be suitably landscaped;
- b. Such landscaping to include the placement of shade trees at intervals of approximately twelve (12) parking spaces; such trees shall be a minimum height of eight (8) feet at planting;
- c. Interior portions of the parking area shall be broken by provision of landscaped islands;
- d. A maximum of twelve (12) parking spaces in a row will be permitted without an island.



- e. Each separate landscaped area must be a minimum of twenty-five (25) square feet if it is to be counted toward the minimum landscaped area requirements.
- f. Landscaped areas shall be protected from vehicular encroachment by the use of curbing or wheel stops;
- g. The owner, tenant and/or agent, if any, shall be jointly and severally responsible for watering and maintaining all landscaping in a healthy, neat, and orderly condition, replacing it when necessary, and keeping it free of refuse and debris.

15. Off-street Loading and Unloading Space. Off-street loading/unloading spaces shall be provided as hereinafter required by this ordinance.

- a. Size of spaces. Each off-street loading/unloading space shall have minimum dimensions of fourteen (14) feet in height, twelve (12) feet in width, and fifty-five (55) feet in length. However, upon sufficient demonstration that a particular loading space will be used exclusively by shorter trucks, the Planning Commission may reduce the minimum length accordingly to as little as thirty-five (35) feet.
- b. Connection to street or alley. Each required off-street loading/unloading space shall have direct access to a street or alley or have a driveway which offers satisfactory ingress and egress for trucks.
- c. Floor area over 10,000 square feet. There shall be provided for each hospital, institution, hotel, commercial, or industrial building or similar use requiring the receipt or distribution of materials or merchandise and having a floor area of more than ten thousand (10,000) square feet, at least one off-street loading/unloading space for each ten thousand (10,000) square feet of floor space or fraction thereof. Such space shall be so located as not to hinder the free movement of pedestrians and vehicles over a sidewalk, street or alley.
- d. Floor area less than 10,000 square feet. There shall be provided for each commercial or industrial building requiring the receipt or distribution of materials or merchandise and having a floor area of less than ten thousand (10,000) square feet, sufficient off-street loading/unloading space (not necessarily a full space if shared by an adjacent establishment) so located as not to hinder the free movement of pedestrians and vehicles over a sidewalk, street or alley.
- e. Bus and trucking terminals. There shall be provided sufficient space to accommodate the maximum number of buses or trucks to be stored or to be loaded at the terminal at any one time.
- f. Location. All required off-street loading/unloading spaces shall be located on the same lot as the building which they are intended to serve, or an adjacent lot when shared with the use occupying said adjacent lot.
- g. Permanent reservation. Areas reserved for off-street loading/unloading in accordance with the requirement of this ordinance shall not be reduced in



area or changed to any other use unless the permitted use which is served is discontinued or modified except where equivalent loading/unloading space is provided and approved by Planning Commission.

16. Off-Street Parking. Loading/Unloading Spaces for Mini-Warehouses.

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

17. Controlling Curb Cuts; Vision Clearance. The requirements for controlling curb cuts and maintaining vision clearance shall be as follows:

- a. Curb cuts. No curb cut shall exceed fifty (50) feet in length, nor shall curb cuts be closer than fifty (50) feet to other curb cuts or closer than fifty (50) feet to any intersection of two (2) streets measured along the curb line.
- b. Vision clearance. In all use districts, no fence, wall, shrubbery, sign, marquee, or other obstruction to vision between the heights of two and one-half (2 ½) and ten (10) feet from the street level shall be permitted within twenty (20) feet of the intersection of the right-of-way lines of two (2) streets or railroad lines, or of a street intersection with a railroad line.

18. Storage and Parking of Trailers and Commercial Vehicles.

A. Commercial vehicles and trailers of all types, including travel, boat, camping and hauling, shall not be parked or stored on any lot occupied by a dwelling or any lot in any residential district except in accordance with the following requirements:

- a. No more than one commercial vehicle per dwelling shall be permitted if parked or stored behind the front building set back line; and in no case shall a commercial vehicle used for hauling explosives, gasoline or liquified petroleum products be permitted.
- b. Travel trailers, hauling trailers, or boat trailers shall be permitted if parked or stored behind the front building setback line.
- c. A travel trailer shall not be occupied either temporarily or permanently while it is parked or stored in any area except in a trailer park authorized under this ordinance.



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

SECTION 12 FIRE HAZARDS

The storage, utilization or manufacture of solid materials or products ranging from incombustible to moderate burning is permitted. The storage, utilization or manufacture of solid materials or products ranging from free or active burning to intense burning is permitted, provided the following condition is met:

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

TOTAL CAPACITY OF FLAMMABLE MATERIALS PERMITTED-GALLONS*

| <i>Industries Engaged in Storage and Distribution of Such Materials</i> | | Above Ground | Below Ground |
|----------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------|--------------|
| 1 | Materials having a flash point above 190 degrees Fahrenheit (87.7878 Centigrade) | Prohibited | 100,000 |
| 2 | Materials having a flash point from and including 105 degrees Fahrenheit (40.5556 Centigrade) to and including 190 degrees Fahrenheit (87.7878 Centigrade) | Prohibited | 40,000 |
| 3 | Materials having a flash point below 105 degrees Fahrenheit (40.5556 Centigrade) | Prohibited | 20,000 |
| <i>Industries Engaged in Utilization and Manufacture of Such Materials</i> | | Above Ground | Below Ground |
| 1 | Materials having a flash point above 190 degrees Fahrenheit (87.7878 Centigrade) | 10,000 | 50,000 |
| 2 | Materials having a flash point from and including 105 degrees Fahrenheit (40.5556 Centigrade) to and including 190 degrees Fahrenheit (87.7878 Centigrade) | 1,000 | 20,000 |
| 3 | Materials having a flash point below 105 degrees Fahrenheit (40.5556 Centigrade) | 500 | 10,000 |



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

SECTION 13 WATER POLLUTION

No operation shall discharge, or cause to be discharged, liquid or solid waste into public waters unless in conformance with the provisions of the Alabama Department of Environmental Management and the Alabama State Board of Health Statutes and any regulations promulgated thereunder. Plans and specifications for proposed sewage and industrial waste treatment and disposal facilities shall be submitted to and approval obtained from the county health department and appropriate permitting agency.

SECTION 14 TELECOMMUNICATIONS TOWERS AND FACILITIES

The purpose of this section is to establish minimum standards for wireless telecommunications facilities. The underlying principals of these standards are to:

- a. Achieve a balance among the number, height, and density of wireless telecommunications facilities that is appropriate for our communities;
- b. Encourage and maximize the use of existing and approved towers, buildings and other structures to accommodate new wireless telecommunications facilities;
- c. Ensure the compatibility of towers with, and avoid adverse impacts to, nearby properties; and
- d. Discourage the proliferation of towers throughout the City of Creola.

Definitions.

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

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

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



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

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

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

FAA. Federal Aviation Administration.

FCC. Federal Communications Commission.

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

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

Procedures and standards.

- a. *Where permitted.* Wireless telecommunications facilities shall be permitted by special exception in all zoning districts. Antennas



located on existing towers (co-location antennas) and antennas located on alternative support structures shall be permitted by right.

b. *Height.*

1. Antennas located on alternative support structures shall not exceed 15 feet in height above the existing structure on which they are placed.
2. Tower height shall be limited to 180 ft.

c. *Setbacks.* Towers (but not guys and accessory structures) may be placed no closer than a distance equal to the height of the wireless telecommunications facility from any residential structure on adjacent property. Where a tower is permitted in a zoning district adjacent to any residential district the required setback from all residentially zoned property lines shall be a distance equal to the height of the tower.

d. *Co-location.*

1. No new antenna support structure shall be permitted unless the applicant demonstrates that no existing antenna support structure can accommodate the applicant's needs.
2. No signage, symbols, or advertisements may be attached to the pole, tower or antenna.
3. Monopole structures shall have the ability to accommodate at least one (1) additional set of antennas. Guyed structures and self supporting towers shall have the ability to accommodate at least two (2) additional sets of antennas..

e. *Aesthetics.* The aesthetic properties of each individual wireless telecommunications facility shall be approved as part of the site plan review process.

1. *Appearance.* The design of the tower shall be of a type that has the least visual impact on the surrounding area.
 - (a) Towers and antennas shall be painted a neutral or blending color so as to reduce visual obtrusiveness, unless subject to any applicable FAA standards. If an antenna is installed on a structure other than a tower, the antenna and supporting telecommunications facilities must be of a neutral



color that is identical to, or closely compatible with, the color of the supporting structure.

- (b) No signage, symbols, or advertisements may be attached to the pole, tower or antenna.
- (c) Towers camouflaged to resemble woody trees or indigenous vegetation in order to blend in with the native landscape will be subject to administrative review, as are types of concealment techniques (see *Concealment techniques*).

2. *Accessory structures.*

- (a) The design of the compound and its accessory structures shall, to the extent possible, maximize use of building materials, colors, textures, screening and landscaping that effectively blend the tower facilities within the surrounding natural setting and built environment.
- (b) In or adjacent to developed properties, accessory structures must be aesthetically and architecturally compatible with the surrounding environment. Materials such as wood, brick, and stucco should be used as appropriate. The use of metal or metallic-looking materials shall be prohibited.

3. *Non vegetative screening.*

- (a) Non vegetative screening will be required when it is necessary to reduce the visual impact of a wireless telecommunications compound on adjacent public ways, properties or the neighborhood in which it is located. In or adjacent to developed properties, non vegetative screening shall be provided in a manner that is compatible with the surrounding character of development, buildings, natural vegetation, and landscaping. Such screening, as required and subject to site plan review, shall have a minimum height of 8 feet, and may consist of one of the following: brick masonry walls, solid wood fencing, berms, or opaque barriers. All non vegetative screening shall be properly maintained by the property owner or lessor.
- (b) In certain locations where the visual impact of the tower would be minimal, such as remote,



agricultural or rural locations or developed heavy industrial areas, the non vegetative screening requirement may be reduced.

- (c) Wireless telecommunications facilities utilizing underground vaults rather than above ground equipment buildings may be exempted from screening requirements.

4. *Landscaping.*

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

f. *Lighting.*

- 1. Towers shall not be artificially lighted unless required by the FAA or other authority for safety purposes. If lighting is required, "dual lighting" (red at night/strobe during day) shall be preferred unless restricted by the FAA. Lighting



must be shielded or directed upward to the greatest extent possible so as to minimize the amount of light that falls onto nearby properties, particularly residences.

2. Basic security lighting for the compound may be permitted, but shall be focused only on the compound itself, and shall be directed away from any adjacent property.
- g. *Environmental impact.* All wireless telecommunications facilities shall comply with the National Environmental Policy Act. If an environmental assessment is required by the Federal Communications Commission (FCC), a copy of the assessment, as well as documentation of the FCC's subsequent approval thereof, must be submitted at the time of application.
- h. *Safety.*
1. *Radio frequency.* The applicant shall be required to submit documentation that the proposed wireless telecommunications facility complies with the FCC standards for radio frequency emissions, as adopted by the FCC on August 1, 1996.
 2. *Structural.* A Professional Engineer shall certify that all antenna support structures and wireless telecommunications equipment are erected and/or installed so as to comply with the co-locations requirements of this ordinance, wind loading and other structural standards contained in the building Code as adopted by the City of Creola and the applicable technical codes established by the Electronic Industries Association (EIA/TIA 22-E "Structural Standards for Steel Antenna Towers and Antenna Supporting Structures) or the Telecommunications Industry Association. This shall apply to new and modified structures and facilities.
 3. *Security of site.* Fencing shall be required to ensure that antenna support structures and their accessory buildings are fully secured. Sufficient anti-climbing measures must be incorporated into each facility, as needed, to reduce potential for trespass and injury.
- i. *Obsolete towers.* In the event the use of any wireless telecommunications facility has been discontinued for the period of 180 days, the wireless telecommunications facility shall be deemed to be abandoned. Determination of the date of the abandonment shall be made by the Building Official. Upon such abandonment, the owner/operator of the wireless telecommunications facility



shall have an additional 180 days within which to reactivate the use of the wireless telecommunications facility to another owner/operator who makes actual use of the wireless telecommunications facility, or dismantle and remove the wireless telecommunications facility.

SECTION 15 SWIMMING POOLS AND POOL ENCLOSURES

1. Aboveground pools in residential districts may be allowed with the following conditions:
 - a. Aboveground pools must be properly permitted by the Building Official and meet all requirements of the Standard Swimming Pool Code and all other applicable codes and ordinances as adopted by the City of Creola.
 - b. Pool pumps and related equipment visible from the street must be properly screened from view.
 - c. Barriers must be installed to prevent unauthorized access to the pool and pool area during all hours. Barriers for aboveground pools must meet the requirements of Section 315.2.1.10 of the Standard Swimming Pool Code.
 - d. Setback requirements for aboveground pools shall be the same as that required for detached accessory structures with the exception that pools may be located no closer than five feet from the primary residence.
2. Below or in-ground pools in residential districts may be allowed with the following conditions:
 - a. In-ground pools must be properly permitted by the Building Official and meet all requirements of the Standard Swimming Pool Code and all other applicable codes and ordinances as adopted by the City of Creola.
 - b. Pool pumps and associated pool equipment visible from the street must be properly screened from view.
 - c. Setback requirements for in-ground pools shall be the same as that required for detached accessory structures with the exception that pools may be located no closer than five feet from the primary residence.
 - d. Material that has been excavated to allow installation of an in-ground pool shall be disposed of properly.
 - e. Screened enclosures or other types of structures surrounding or enclosing in-ground pools must meet the same property line setback requirements as detached or attached accessory structure.



ARTICLE 15 EROSION AND SEDIMENT CONTROL

SECTION 1 PLAN REQUIREMENT

An erosion and sediment control plan shall be required for all developments in Creola's corporate limits. Such plan shall be required prior to the commencement of any land-disturbing activity.

SECTION 2 PLAN SUBMISSION AND REVIEW

Whenever the area to be disturbed comprises more than one acre, a copy of the plan shall be filed with the Building Inspector and the City Engineer a minimum of thirty (30) days prior to beginning any land-disturbing activity. A copy of the plans shall also be on file at the job site. If the Building Inspector and/or the City Engineer determines, either upon review of such plan or on inspection of the job site, that a significant risk of off-site sedimentation or erosion exists, he will require that a revised plan be prepared. Pending the preparation of the revised plan, the work shall be either suspended or continued under conditions outlined by the Building Inspector or the City Engineer.

SECTION 3 PLAN CONTENT

Erosion and sediment control plans shall contain architectural and engineering drawings, maps, assumptions, calculations, and narrative statements as needed to describe accurately the proposed development of the site and the measures planned to meet the basic control objectives. Plan content may vary to meet the needs of the specific site conditions.

SECTION 4 PROTECTION OF PROPERTY

Persons engaged in land-disturbing activities shall take all reasonable measures to protect all public and private property, including roadways, from damage by such activities.

SECTION 5 BASIC CONTROL OBJECTIVES

The basic control objectives which should be considered in developing and implementing an erosion and sediment control plan are to:

1. Identify Critical Areas. On-site areas which are subject to severe erosion, and off-site areas which are especially vulnerable to damage from erosion and/or sedimentation, are to be identified and receive special attention.
2. Limit Exposed Areas. All land-disturbing activities should be planned and conducted to minimize the size of the area to be exposed at any one time.

3. Limit Time of Exposure. All land-disturbing activities should be planned and conducted to limit exposure to the shortest feasible time.
4. Control Surface Water. Surface water runoff originating upgrade of exposed areas should be controlled to reduce erosion and sediment loss during the period of exposure.
5. Control Sedimentation. All land-disturbing activities should be planned and conducted so as to minimize off-site sediment damage.
6. Manage Storm Water Runoff. When the increase in the peak rates and velocity of stormwater runoff resulting from a land-disturbing activity is sufficient to cause damaging accelerated erosion of the receiving ditch or channel stream, plans are to include measures to control both the velocity and rate of increase so as to minimize accelerated erosion and increased sediment deposition in the ditch or stream channel.

SECTION 6 STANDARDS

1. Mandatory Standards. No land-disturbing activity subject to these provisions and guidelines shall be undertaken except in accordance with the following requirements:
 - a. No land-disturbing activity shall be permitted in proximity to a lake, natural watercourse, or adjacent property where applicable unless a buffer zone is provided along the boundary of sufficient width to confine visible siltation and/or prevent erosion, provided that the land-disturbing activity is not in connection with the construction of facilities to be located on, over, or under a lake, natural watercourse, or adjacent property.
 - b. The angle for graded slopes and fills shall be no greater than the angle which can be retained by vegetative cover or other adequate erosion control devices or structures. In any event, slopes left exposed will, within thirty (30) working days of completion of final grading, be planted or otherwise provided with ground cover, devices, or structures sufficient to restrain erosion.
 - c. Whenever land disturbing activity is undertaken on a tract comprising more than one acre, if more than one contiguous acre is uncovered, a ground cover sufficient to restrain erosion must be planted or otherwise provided within thirty (30) working days on that portion of the tract upon which further active construction is not being undertaken, provided, that this activity shall not apply to cleared land forming the basin of a reservoir later to be inundated.



2. Design and Performance Standards. Erosion and sediment control measures, structures, and devices shall be so planned, designed, and constructed as to provide control from the calculated peak rates of runoff from a ten-year frequency storm. Runoff rates may be calculated using the procedures in the USDA, Soil Conservation Services "National Engineering Field Manual for Conservation Practices," or other acceptable calculation procedures. Runoff computations shall be based on rainfall data published by the National Weather Service for the area.

SECTION 7 OTHER REQUIREMENTS

1. Permanent Downstream Protection of Stream Banks and Channels. Provision shall be made for the permanent protection of off-site stream banks and channels from the erosive effects of increased volume of storm water runoff resulting from certain land-disturbing activities.
 - a. A combination of storage and controlled release of storm water runoff shall be required for all highway construction; commercial, industrial, educational, institutional developments of one acre or more; and for all residential developments.
 - b. Detention, storage and controlled release will not be required in those instances where the person planning to conduct the activity can demonstrate that the storm water release will not cause an increase in accelerated erosion or sedimentation of the receiving ditch, stream channel, or other drainage facility, taking into consideration any anticipated development of the watershed in question.
2. Borrow and waste areas. When the person conducting the land-disturbing activity is also the person conducting the borrow or waste disposal activity, areas from which borrow is obtained shall be considered as part of the land-disturbing activity where the borrow material is being used or from which the waste material originated. When the person conducting the land-disturbing activity is not the person obtaining the borrow and/or disposing of the waste, these areas shall be considered a separate land-disturbing activity.
3. Access and haul roads. Temporary access and haul roads, other than public roads, constructed or used in connection with any land-disturbing activity shall be considered a part of such activity.
4. Operations in Lakes or Natural Watercourses. Land-disturbing activity in connection with construction, in, on, over, or under a lake or natural watercourse shall be planned and conducted in such a manner as to minimize the extent and duration of disturbance of the stream channel. The relocation of a stream, where relocation is an essential part of the proposed activity, shall be planned and executed so as to minimize

changes in the stream flow characteristics. except when justification for significant alteration to flow characteristic is provided.

SECTION 8 RESPONSIBILITY FOR MAINTENANCE

The person engaged in or conducting the land-disturbing activity shall be responsible for maintaining all temporary and permanent erosion and sediment control measures and facilities during the development of a site. The responsibility for maintaining all permanent erosion and sediment control measures and facilities, after site development is completed shall lie with the landowner.

SECTION 9 GUIDANCE FOR CONTROL PRACTICES

Persons engaged in planning, designing, installing and maintaining erosion and sediment control measures may use generally accepted references on the subject following standard engineering and/or agricultural practices. All plans will be subject to review by the Building Inspector and the City Engineer.

SECTION 10 ADDITIONAL MEASURES

Whenever the Building Inspector and/or the City Engineer determines that significant erosion or sedimentation is occurring as a result of a land-disturbing activity, despite application and maintenance of protective practices, the person conducting the land-disturbing activity or the person responsible for maintenance will be required to take additional protective action.



ARTICLE 16
ZONING ADMINISTRATION

SECTION 1 POWERS AND DUTIES OF ZONING OFFICER

The Zoning Enforcement Officer shall be the Municipal Building Inspector as designated by the City Council whose duties shall be as follows:

1. The zoning enforcement officer is authorized and empowered on behalf and in the name of the Council to administer and enforce the provisions of this Ordinance to include receiving applications, inspecting premises, and issuing Certificates of Zoning Compliance and Certificates of Occupancy for uses and structures which are in conformance with the provisions of this Ordinance.
2. The zoning enforcement officer does not have the authority to take final action on applications or matters involving variances, non-conforming uses, or other exceptions which this Ordinance has reserved for public hearings before the Board of Adjustment, the Planning Commission, and/or the City Council.
3. The zoning enforcement officer shall keep records of all and any permits, the Certificates of Occupancy issued, maps, plats and other documents with notations of all special conditions involved. He shall file and safely keep copies of all sketches and plans submitted, and the same shall form a part of the records of the office and shall be made as a public record.

SECTION 2 PERMITS AND CERTIFICATES

Permits and certificates shall be issued in accordance with the following provisions:

1. **Building Permits:** It shall be unlawful to commence the excavation for or the construction of any building or other structure, including accessory structures, or to store building materials or erect temporary field offices, or to commence the moving, alteration, or repair of any structure, including accessory structures, until the Building Inspector of the municipality has issued for such work a building permit including a statement that the plans, specifications and intended use of such structure in all respects conforms with the provisions of this Ordinance. Application for the building permit shall be made to the Building Inspector of the municipality on forms provided for that purpose.
 - A. **Approval of Plans and Issuance of Building Permit:** It shall be unlawful for the Municipal Building Inspector to approve any plans or issue a building permit for any excavation or construction until he has inspected such plans in detail and found them in conformity with this Ordinance. To this end, the Municipal Building Inspector shall require that every application for a building permit for excavation, construction, use of land,



moving or alteration be accompanied by a plan or plat drawn to scale and showing sufficient detail to enable the Municipal Building Inspector to ascertain whether the proposed excavation, construction, use of land, moving or alteration is in conformance with this Ordinance:

- (a) To actual shape, proportion and dimensions of the lot to be built upon.
- (b) The shape, size and location of all buildings or other structures to be erected, altered or moved and of any building or other structure already on the lot.
- (c) The existing and intended use of all such buildings or other structures.
- (d) The location of off-street parking spaces, and, wherever applicable, off-street loading areas.
- (e) The adequacy of provisions to control surface drainage.
- (f) The provision for control of traffic, if required.

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

The Building Inspector is authorized to issue building permits for single-family residences without referral to the Planning commission but shall not issue any building permit for structures other than single-family residences without the prior approval of the Planning Commission in the manner herein after described.

B. Building Permits for Structures Other than Single-Family Residences: Filing for and issuance of building permits shall conform to the following:

C. Filing for Permit: The filing deadline for consideration at the next regular or specially scheduled meeting of the Planning Commission can be determined by consulting the Building Inspection Department of the City, which may require filing ten(10) days prior to such scheduled meeting in order to carry out its responsibilities of examining the life-safety factors, and Health Department requirements. During this ten (10) day period, all members of the Commission shall try to familiarize themselves with all aspects of the application for a building permit so that they may be in a position to act on it with dispatch when the Building Inspection department provides them with its findings and recommendations.



2. Issuance of Permit: Approval by the Commission on any project shall be in the form of two (2) stamped and signed sets of drawings and specifications returned to the Building Inspection Department (one for its files and one for the owner). Either the chairman or the secretary of the Commission shall sign the approval. Only the Building Inspection Department may issue the building permit. Conditions may be applied under the approval when the proposed building or structure does not comply with the criteria in this ordinance and shall be such as to bring said structure or project in to conformity.
3. Expiration of Building Permit: A building permit shall not be transferable and shall be issued only to the applicant. It shall expire if the foundation work for the entire scope of the permitted project has not been completed within one (1) year after issuance of the building permit. Request for a single one-year extension will be considered upon the applicant's request if made prior to the permit expiration.
4. Certificate of Occupancy: No land or building or other structure or part thereof hereafter erected, moved or altered in its use shall be used until the building Inspector of the municipality shall have issued a certificate of Occupancy stating that such land or structure or part thereof is found to be in conformity with the provisions of this Ordinance. Within three (3) days after the owner or his agent has notified the Building Inspector of the municipality that a building or premises or part thereof is ready for occupancy or use, it shall be the duty of the Building Inspector of the municipality to make a final inspection thereof, and to issue a Certificate of Occupancy if the building or premises or part thereof is found to conform with the provisions of this Ordinance or, if such certificate is refused, to state the refusal in writing with the cause.

SECTION 3 ESTABLISHMENT OF THE BOARD OF ADJUSTMENT

The Board of Adjustment of the City of Creola, Alabama, is hereby established, and the following rules set forth to govern its operation:

1. Membership: The Board of adjustment shall consist of five (5) members, appointed by the Council of Creola, Alabama, for overlapping terms of three (3) years. In addition, two supernumerary members shall be appointed to serve at the call of the chairman only in the absence of regular members. Such members shall be appointed for three years and shall be eligible for reappointment.
2. Initial Appointment: The initial appointment of the Board of Adjustment shall be as follows: two members for one year; two members for two years; and one member for three years.
3. Vacancies: Any vacancy in the membership shall be filled for the unexpired term in the same manner as the initial appointment. Members shall be removable for cause by the City Council upon written charges and after public hearing thereon.



4. Public Offices Held: No members shall hold any other public office or position, except that one member may be a member of the City Council.
5. Rules of Procedure: The Board of Adjustment shall observe the following procedures:
 - a. Said Board shall adopt rules in accordance with the provisions of this Ordinance for the conduct of its affairs.
 - b. Said Board shall elect one of its members, other than a member of the Planning Commission, as Chairman, who shall serve for one year or until he is re-elected or his successor is elected. Said Board shall appoint a Secretary.
 - c. The meetings of said Board shall be held at the call of the Chairman and at such other items as said Board may determine. The Chairman, or in his absence, the acting Chairman, may administer oaths and compel the attendance to witnesses by subpoena.
 - d. All meetings of said Board shall be open to the public.
 - e. Said Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions all of which shall be immediately filed in the Office of the Clerk and shall be a public record.
6. Duties and Powers: The Board of Adjustment shall have the following duties powers:
 - a. Administrative Powers: To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by rezoning enforcement officer, or other administrative official, in the enforcement of this Ordinance.
 - b. Special Exceptions: To hear and decide special exceptions of the terms of this Ordinance upon which said Board is required to pass under this Ordinance.
 - c. Variances: to authorize upon appeal in specific cases such variance from the terms of this Ordinance as will not be contrary to the public interest where owing to special conditions, a literal enforcement of the provisions of this Ordinance will, in an individual case, result in unnecessary hardship, so that the spirit of this Ordinance shall be observed, public safety and welfare secured, and substantial justice done. Such variance



may be granted in such individual case of unnecessary hardship upon a finding by the Board of Adjustment that:

- (a) There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography;
- (b) The application of this Ordinance to the particular piece of property would create an unnecessary hardship;
- (c) Such conditions are peculiar to the particular piece of property involved; and,
- (d) Relief, if granted, would not cause substantial detriment to the public good or impair the purpose and intent of this Ordinance; provided, however, that no variance may be granted for a use of land or buildings or structure that is prohibited by this Ordinance.

- d. Uses Not Provided For: Whenever, in any District established under this Ordinance, a use is neither specifically permitted or denied and an application is made by a property owner to the zoning officer for such use, the zoning officer shall refer the application to the Board of Adjustment which shall have the authority to permit the use or deny the use. The use may be permitted if it is similar to and compatible with permitted uses in the district and in no way is in conflict with the general purpose and intent of this Ordinance.

SECTION 4 PROCEDURE FOR REQUESTING A HEARING

Request for a hearing before the Board Adjustment for an administrative review, special exception or a variance shall observe the following procedure:

- 1. A completed application form must be filed with the zoning enforcement officer from whom the appeal is taken and the Board of Adjustment, at least two (2) calendar weeks prior to the regular meeting of the Board of Adjustment. The application must include all specified pertinent data including an explanation of the grounds on which the appeal is being made.
- 2. An application shall be accompanied by an acceptable site plan with such reasonable information shown thereon as may be required by the zoning enforcement officer. Such site plan shall include, as a minimum, the following: lot dimensions with property line monuments located thereon; location and size of existing proposed structures; yard dimensions and the use of structures; easements (private and public), water course, and if existing and proposed, fences, street right-of-way lines; and such other information regarding abutting property as directly affects the application.



3. The Board of Adjustment shall hear the appeal of its next regularly scheduled meeting, or, if for good reason this is not feasible, shall fix a reasonable time within twenty (20) days after the date of its regularly scheduled meeting for hearing the appeal. Public notice of the hearing shall be given by all of the following methods:
 - a. A printed notice in one or more newspapers of general circulation in the area affected by the appeal, in conformance with applicable state law and at least fifteen (15) days prior to the date of the hearing; such notice shall be printed in a type size easily readable by a person with normal vision, and,
 - b. Notice by registered mail to the owners of all property within three hundred (300) feet of the affected property on the same side of the street, across the street, and to the rear of the affected property.
4. The Board of Adjustment shall render a decision on any appeal or other matter before it within forty-five (45) days from the date of the public hearing on it.
5. An appeal stays all legal proceedings in furtherance of the action appealed from, unless the zoning enforcement officer certifies to the board of Adjustment after the notice of appeal shall have been filed with him that, by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life and property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by said Board or by a court of record on notice to the official from whom the appeal is taken and on due cause shown.
6. In exercising the powers granted the Board of Adjustment said Board may, in conformity with the provisions of this Ordinance, reverse or affirm, wholly or in part, or may modify the order, requirements, decisions or determination of the zoning enforcement officer and may issue or direct the issuance of a Zoning Compliance Permit.
7. Limitation, Withdrawal, Citizen Appeals:
 - a. A property owner, or his appointed agent, shall not initiate action for a hearing before the Board of Adjustment relating to the same parcel of land more often than one every year or twelve (12) months on the same variance.
 - b. Any petition for a hearing before the Board may be withdrawn prior to action thereon by the Board at the decision of the person initiating such a request upon written notice to the Secretary of the Board.
 - c. Any person or persons severally or jointly aggrieved by any decision of the Board of Adjustment may take, within fifteen (15) days thereafter appeal to the circuit court or like jurisdiction, by filing with such Board a



written notice of appeal specifying the judgment of decision from which appeal is taken.

SECTION 5 PROCEDURE FOR REQUESTING A ZONING AMENDMENT

The City Council may, from time to time, after examination, review and hold public hearing thereon, amend, supplement or change the regulations and zoning districts herein or subsequently established. Proposals for zoning amendments, whether initiated by the City Council, the Planning and Zoning Commission, or any person, firm or corporation, shall be treated in accordance with the following procedure:

1. An application must be submitted on appropriate forms and in writing at least twenty (20) days prior to the regular monthly meeting of the Planning Commission and must be accompanied by a site plan of the proposed use included in any petition for a zoning amendment.
2. The application shall be sent to the Commission for review and recommendation, and said Commission shall have forty-five (45) days within which to submit the results of its review to the City Council. If the Commission fails to submit a report within the forty-five (45) day period, it shall be deemed to have approved the proposed amendment.
3. Before enacting any amendment to this Ordinance, a public hearing thereon shall be held by the Planning Commission with proper legal notice published in a newspaper of general circulation in the jurisdiction, at least fifteen (15) days prior to the said public hearing. In addition, the subject property is to be posted by the City building Inspector fifteen (15) days before the Planning commission meeting stating the property's present zoning, proposed zoning, and the date, time, and place of the public hearing. The posting shall remain in place until such time as the City Council makes its final determination.
4. The Council shall hold a public hearing at the earliest possible time under the time limits spelled out above to consider the proposed zoning amendment, and shall take action on said proposed zoning amendment within 45 days from the date of the public hearing.
5. Any petition for zoning amendment may be withdrawn prior to action thereon by the Council or Planning Commission at the discretion of the person, firm or corporation initiating such a request upon written notice to the Clerk.
6. A property owner, or his appointed agent, shall not initiate action for a zoning amendment affecting the same parcel of land more than once every twelve (12) months.



SECTION 6 CONTINUACE OF PREVIOUSLY ISSUED PERMITS

All permits which were previously issued shall not be affected by the provisions of this Ordinance, except as otherwise provided herein.

SECTION 7 PROCEDURE FOR ZONING NEWLY ANNEXED LAND

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

SECTION 8 DUTIES AND POWERS OF THE PLANNING COMMISSION

1. The commission is charged with the responsibility to review, apply, and monitor the enforcement of this Ordinance in accordance with the adopted comprehensive plan or portion thereof which are adopted.
2. The Planning commission shall hear matters "on review" or require Commission "approval" as herein specified.
3. The Commission shall hear and recommend to the City Council on all matters of zoning, rezoning (and in the case of municipalities, all cases of annexation).
4. Requests before the Commission shall adhere to the requirements specified herein and as may be established by the Commission for the lawful rendering of its duty.

SECTION 9 PENALTIES AND REMEDIES

Any person violating any provision of this Ordinance shall be fined upon conviction, not less than five dollars (\$5.00) nor more than one hundred dollars (\$100.00) and costs of court for each offense. Each day such violation continues shall constitute a separate offense.

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



SECTION 10 REVERSIONARY CLAUSE

Any parcel or parcels of land rezoned to another use classification under the amendment authority of this ordinance, shall revert back to the prior zoning classification after one (1) year from the date of approval of the rezoning if, by that time, said land is not actually being used for a permitted use in the classification to which it was rezoned, provided that an extension of such time not to exceed six (6) months, may be granted by the Building Inspector under special circumstances upon written request by the applicant.

SECTION 11 FEES

1. A fee of fifty dollars (\$50.00) shall accompany each request for appeal or zoning amendment.
2. A fee of one hundred dollars(\$100.00) for site plans review shall accompany each request.
3. Fees for sign permits shall be forty cents (\$0.40) per square foot per face, but in no case less than twenty-five dollars (\$25.00).
4. In addition the fees identified here, the actual costs for legal advertisement of the request and notification of parties in interest shall be paid by the applicant prior to any decision by the Board of Adjustment or the Building Inspector.



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Appendix A

Official Forms

Application For Zoning Variance

Board of Adjustment

Page 1 of 2

STATE OF ALABAMA)
COUNTY OF MOBILE)
CITY OF CREOLA)

Name of Applicant(s)

Complete Mailing Address

Telephone Numbers

Home

Work

| |
|--|
| |
|--|

| |
|------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p style="text-align: center;">This Application Requires a Filing Fee To Be Presented To the City Clerk or A Duly Authorized Representative</p> |
|------------------------------------------------------------------------------------------------------------------------------------------------------------|

| | | |
|-----------------|----------------------|------|
| Amount Received | City Clerk Signature | Date |
|-----------------|----------------------|------|

Pertinent Information

1. **Locational Information.** (If not in a platted subdivision, attach a legal description.)

Subdivision Name

Section

Township

Range

Property Address

Block

Lot Number

2. **Nature of the Variance Requested.** (Describe generally the nature of the variance.)

Application For Zoning Variance

Board of Adjustment

Page 2 of 2

2. Nature of Variance Requested (continued).

In addition, plans in triplicate and drawn to scale must accompany this application showing dimensions and shape of the lot, the size and locations of existing buildings, the locations and dimensions of proposed building or alterations, and any natural or topographic peculiarities of the lot in question.

3. **Justification of Variance.** In order for a variance to be granted, the applicant(s) must prove to the Board of Adjustment that the following items are true. (Attach comments which address each of the following on separate sheets.)

- a. Special Conditions which exist that are peculiar to the land or the building(s) in question.
- b. A literal interpretation of rights enjoyed by other property owners.
- c. Special conditions do not result from previous actions of htre applicant(s).
- d. The requested variance is a minimum variance that will allow a reasonable use of the land or building(s).

I (we) certify that the information contained in this application and its supplements is true and correct.

Applicant Date

Applicant Date

Applicant Date

Application For Special Exception

Board of Adjustment

Page 1 of 2

STATE OF ALABAMA)
COUNTY OF MOBILE)
CITY OF CREOLA)

Name of Applicant(s)

Complete Mailing Address

Telephone Numbers

Home

Work

| |
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| |
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| |
|------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p style="text-align: center;">This Application Requires a Filing Fee To Be Presented To the City Clerk or A Duly Authorized Representative</p> |
|------------------------------------------------------------------------------------------------------------------------------------------------------------|

| | | |
|-----------------|----------------------|------|
| Amount Received | City Clerk Signature | Date |
|-----------------|----------------------|------|

Pertinent Information

1. **Locational Information.** (If not in a platted subdivision, attach a legal description.)

Subdivision Name

Section

Township

Range

Property Address

Block

Lot Number

2. **Nature of the Special Exception.** (Describe generally.)

Application For Zoning Variance

Board of Adjustment

Page 2 of 2

2. Nature of Special Exception (continued).

In addition, plans in triplicate and drawn to scale must accompany this application showing dimensions and shape of the lot, the size and locations of existing buildings, the locations and dimensions of proposed building or alterations, and any natural or topographic peculiarities of the lot in question.

3. Reason(s) for Request. (Attach additional sheets if necessary.)

I (we) certify that the information contained in this application and its supplements is true and correct.

Applicant

Date

Applicant

Date

Applicant

Date

Application For Zoning Ordinance Amendment

STATE OF ALABAMA)
COUNTY OF MOBILE)
CITY OF CREOLA)

This is to certify that I (we), the undersigned, do hereby request the City of Creola, Alabama to grant a zoning ordinance amendment for the property as indicated below, and for the reason(s) stated.

Description of Property

Address: _____

Name of Subdivision Plat: _____

Lot Numbers Involved in Change: _____

Total Acreage of Change: _____

Plat Book / Page Number: _____

Owned in Whole By The Undersigned? _____

If Owned In Part, Name(s) of Co-Owner(s) _____

Zoning Change Requested.

Present Classification Of Property: _____

Reclassification Desired: _____

Character of Neighborhood: _____

Reason For Request.

The following must accompany the request for zoning ordinance amendment.

- ! Two copies of a list of the names and addresses of the owners of all properties lying within 300 feet of any part of the property proposed to be rezoned.
- ! Two copies of a map or plat, drawn to scale, showing the existing and proposed zoning reclassification and other pertinent information.
- ! Two copies of the legal description of the property to be rezoned.
- ! Filing fee.

Applicant's Name, _____

Address, and _____

Telephone Number _____

Date _____

Owner _____ Owner _____

Appendix B

Overview

APPENDIX B

Article I – Objectives

The objectives of the Planning and Zoning Board are to assist the Mayor and Council in the preparation, maintenance and implementation of plans, regulations and ordinances for the orderly development of the Town.

Article II – Members

The Planning and Zoning Board shall consist of nine members as follows: The Mayor; one of the administrative officials of the City selected by the Mayor; a member of the Council selected by the Council; and six citizens appointed by the Mayor. All members of the Board shall be full-time residents of the City of Creola.

Article III – Terms of Office

The terms of Office of the Planning and Zoning Board members shall be as follows: The Mayor and the administrative official selected by the Mayor shall have terms of office on the Board corresponding to the Mayor's current elected term of office. The Council member shall have a term of office corresponding to his/her current elected term of office on the Council. The six citizens appointed by the Mayor shall each have a six-year term of office on the Board.

Article IV – Vacancies

Any vacancy among the Planning and Zoning board membership caused by death, resignation or removal for cause shall be filled for the unexpired term by appointment by the Mayor; except for the Council member whose unexpired term shall be filled by selection by the Council from among its remaining members.

Article V – Compensation

All members of the Planning and Zoning Board serve without compensation, but may be reimbursed for actual expenses incurred in connection with their official duties. The Mayor, administrative official and Council member receive no extra compensation for their work on the Board over and above the regular salaries of their respective municipal offices.

Article VI – Officers

The Planning and Zoning Board shall elect a Chairman and a Vice-Chairman from among the six members appointed by the Mayor. The terms of office of these two elected members shall be one year with eligibility for re-election.

The Chairman shall preside at all meetings of the Board; call special meetings as required in accordance with the By-Laws; sign documents of the Board; and see that all actions of the Board are properly taken. He/she shall also, after consultation with the Mayor, appoint a Secretary for the Board. If the Chairman and Vice-Chairman are not able to preside at any meeting of the Board and a quorum is present, an Acting Chairman to serve only at that meeting shall be elected by a majority of the quorum present.

The Vice-Chairman shall, during the absence, disability or disqualification of the Chairman, exercise and perform all the powers and duties and be subject to all responsibilities of the Chairman. The Vice-Chairman shall succeed the Chairman if the Chairman vacates his office before his term is completed. In that event, a new Vice-Chairman shall be elected by the Board members at the next regular meeting of the Board.

The Secretary shall see that the minutes of all meetings of the Board are recorded and kept in an appropriate minute book; give or serve all notices required by law or these By-Laws; prepare an agenda for all meetings; inform the Board members of any correspondence relating to the business of the Board and see that such correspondence and all actions of the Board are dealt with as directed by the Board.

Article VII – Meetings

The regular meeting of the Planning and Zoning Board shall be the third Tuesday of each month at 6:00 P.M. at the Creola City Hall, or as otherwise determined by a majority in advance as required by law for transaction by the Board, the Chairman may dispense with the regular meeting and have the Secretary notify the members to that effect. Special meetings may be called by the Chairman at any time upon the giving of a twenty-four hour notice to each member. All meetings of the Board are open to the general public. The regular meeting in October of each year shall be the annual meeting at which the election of officers shall take place.

Article VIII – Quorum

A quorum for the official transaction of business by the Planning and Zoning Board shall consist of five members. Except as specifically otherwise provided by law, a majority vote of the members present shall suffice to take official action on matters presented to the Board. Each member of the Board shall have one vote.

Article XI – Powers and Duties

The Planning and Zoning Board shall have authority to see to the preparation of a comprehensive plan for the development of the City and for the preparation of the necessary ordinances and subdivision regulations to implement the plan, It shall review and make recommendations from time to time to the Mayor and Council for the adoption of the plan as a whole or any parts, revisions or amendments of the plan or its implementing regulations.

The Board shall have authority to review all applications for zoning or rezoning and to recommend approval or disapproval of these applications to the Mayor and council who alone

have statutory powers to zone. The Board may also review all applications for zoning variances or special exceptions and make recommendations on these applications to the Board of Adjustment. The Planning and Zoning Board may, at its discretion, hold public hearings on zoning matters presented to it for review and recommendation.

The Board shall review and take action on all plans for shopping centers, mobile home parks, planned unit developments and other such proposals as may affect the orderly development of the City; provided that where such plans or proposals involve zoning, the Board recommendations shall be forwarded to the appropriate authority as noted above. The Board shall have the authority to take decisive action on all subdivision plats presented to it.

Article X – Order of Business

The order of business at Planning and Zoning Board meetings, unless otherwise altered at the discretion of the Board, shall generally be as follows:

- A. Call to order
- B. Roll call
- C. Approval of minutes of previous meeting
- D. Consideration of applications and requests
- E. Old business
- F. New Business
- G. Reports and announcements
- H. Adjournment

During the consideration of subdivision applications that involve a Public hearing the following procedure shall normally be observed; however, it may be rearranged at the discretion of the Chairman for the expeditious conduct of business.

- A. The applicant will be asked to present his proposal.
- B. The Board members may ask questions concerning the presentation.
- C. The Board consultant and advisory staff will be asked to present their findings and recommendations.
- D. Statements or questions will be accepted from adjacent property owners.
- E. Statements or questions will be accepted from the general public.
- F. The Board members may ask any final questions they may have of the applicant, consultant, staff or public and then public participation is closed.
- G. The Board members then deliberate and vote on the issue at hand.

Roberts Rules of Order shall normally govern the conduct of business by the Board.

Article XI – Amendment

These By-Laws may be amended at any regular or special meeting of the Planning and Zoning Board by a concurring vote of a majority of the full board membership; provided that five days advance notice of any proposed change shall be given to all the members.

Article XII – Adoption

These By-Laws were reviewed, approved and officially adopted by the Creola Planning and Zoning Board. All previous By-Laws of the Board are hereby repealed.

Date of Adoption: January 23, 1992