

**AGENDA
NORTHPORT PLANNING AND ZONING COMMISSION
MONDAY, OCTOBER 28, 2024**

- 1. CALL TO ORDER (INCLUDING INVOCATION)**
- 2. ROLL CALL AND ESTABLISHMENT OF A QUORUM**
- 3. INTRODUCTIONS AND MEETING PROCEDURES**
- 4. APPROVAL OF MINUTES OF PREVIOUS MEETING(S)**
- 5. VERIFICATION OF NO CONFLICT OF INTEREST**
- 6. VERIFICATION OF PROPER NOTIFICATION**
- 7. DISCLOSURE OF EX PARTE COMMUNICATION**
- 8. OLD BUSINESS**
- 9. NEW BUSINESS, INCLUDING ANY PUBLIC HEARING REQUIRED WITH EACH AGENDA ITEM**
 - A. City of Northport - Public hearing for proposed amendments to the Zoning Ordinance. No action to be taken during this meeting.
- 10. COMMITTEE REPORTS**
- 11. OTHER AND MISCELLANEOUS BUSINESS**
- 12. ADJOURNMENT**

Northport Planning and Zoning Commission Meeting Procedures

- I. The Chairman calls for the next agenda item.
- II. Staff provides a summary of the case and answers any questions from the Commission.
- III. The applicant or petitioner presents his or her request and provides information in support of the application and answers any questions from the Commission.
- IV. If a public hearing is needed, the Chairman will ask for anyone present who would like to provide input regarding the request.
- V. The Commission members may discuss details and issues raised, and may ask questions of the applicant, city staff, or other parties.
- VI. The Chairman will call for a motion to be read and a second, and the Chairman may ask if further discussion by the Commission is needed.
 - i. Motions for a vote and second will be made for each item in a positive fashion. The purpose of which is to allow the Commission to vote on a motion. Members making the motion or second are not obligated to vote in the affirmative for said motion.
 - ii. Waivers may be added to the motion for approval of a preliminary plat if listed verbally in the motion. If it is requested by any member of the Commission, the waivers shall be voted on individually or in a group prior to the vote on the preliminary plat.
- VII. The Chairman will call for a roll call vote.





ZONING ORDINANCE

for the City of Northport, Alabama

Draft: October 14, 2024

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ARTICLE 1 GENERAL PROVISIONS**§1.01 Title**

This Ordinance shall be known as and may be referred to as the “Northport Zoning Ordinance,” and includes maps of the City that depict the boundaries of zoning districts.

§1.02 Purpose

- 1.02.01 The purpose of this Ordinance is the promotion of the health, safety, and general welfare of the present and future inhabitants of Northport by:
- A. Providing methods to preserve and maintain a healthful environment for the benefit of present and future generations by providing standards to control the amount of open space and impervious surfaces within a development; to control the intensity of development in areas of sensitive natural resources or natural features to reduce or eliminate adverse environmental impacts.
 - B. Controlling and regulating the growth of Northport, concentrating development in areas where adequate water and sewer infrastructure, roads, and schools can be provided, and limiting development in areas where these facilities are not and should not be provided.
 - C. Regulating and restricting the location and use of buildings, structures, and land for trade, industry, residences, and other uses.
 - D. Providing standards for all types of dwelling units so that all the people may have access to decent, sound, and sanitary housing in accordance with the goals of the Federal Housing Act of 1949, among which is the provision of adequate zoning to meet a fair share of the region’s housing needs.
 - E. Lessening the danger of congestion of traffic on the roads and highways, limiting excessive numbers of intersections, driveways, and other friction points, minimizing other hazards, and insuring the continued usefulness of all elements of the existing highway system for their planned function.
 - F. Securing safety from fire, panic, flood, and other dangers.
 - G. Providing adequate privacy, light, and air.
 - H. Securing economy in local governmental expenditures.
 - I. Conserving property values throughout Northport.
 - J. Protecting landowners from adverse impacts of adjoining developments.
 - K. Dividing the incorporated area of Northport into districts according to the use of land and buildings, the intensity of such uses (including bulk and height) and surrounding open space.
- 1.02.02 Each purpose listed above serves to balance the interest of the general public of Northport and those of individual property owners. Decisions made through the application of this Ordinance are made in conjunction with the Northport Comprehensive Plan.

§1.03 Jurisdiction

This Ordinance applies to all areas within the corporate limits of the City of Northport, Alabama.

§1.04 Establishment of Zoning Districts

The City of Northport, Alabama is hereby divided into zoning districts of such number and character as are necessary to achieve compatibility of uses within each district, to implement the Official Zoning Map of Northport, and to serve the other purposes of this Ordinance.

1.04.01 General Districts

- | | |
|--------------------------------|------------------|
| A. Residential "Single Family" | RS-1, RS-2, RS-3 |
| B. Residential "Multifamily" | RM |
| C. Office-Institutional | O-I |
| D. Commercial | C-2, C-3, C-6 |
| E. Manufacturing | M-1, M-2 |

1.04.02 Special Purpose Districts

- | | |
|--------------------------------------|---|
| A. Agricultural | AG |
| B. Recreational District | REC |
| C. Special District | SD |
| D. Special Corridor Overlay District | |
| E. Downtown Districts. | Refer to §6.05 Downtown Districts for list of individual districts. |

1.04.03 Carryover Districts. The following are zones shown on the Zoning Map, however, they may not be expanded and no new areas may be assigned these zoning designations. Existing properties within these zones may continue as they exist subject to the regulations applicable to them at the time they were assigned such zoning classifications.

- | |
|--|
| A. Residential RS-4 |
| B. Mobile Home Park MHP |
| C. The following Downtown Core Districts: Light Industrial, Working Riverfront, Multifamily, Neighborhood Center, New Urban Neighborhood, River's Edge |

1.04.04 Zoning Map

- | |
|---|
| A. Zoning districts established by this Ordinance are bounded and defined as shown on the Official Zoning Map of Northport, which, together with all explanatory materials contained thereon, is hereby made a part of this Ordinance. |
| B. Official Zoning Map |
| 1. The Official Zoning Map is kept in the office of the Director and is available at all times for inspection by the general public. An online version of the zoning map is available for public inspection; however, the Official Zoning Map is the final authority as to the current zoning status of properties in the City. |
| 2. The official zoning map, plus official records of the City Clerk regarding actions of the City Council, hereinafter "the Council," to amend district boundaries constitutes the only official delineation of zoning district boundaries. |

1.04.05 Interpretation of District Boundaries

- A. In the event of uncertainty regarding the location of a zoning district boundary, the Director interprets the location of zoning district boundaries. Such determination may be appealed to the Zoning Board of Adjustment, hereinafter “the Board,” in accordance with [§14.02 Administrative Appeals](#).
- B. The following rules are used to determine the precise location of any zone boundary shown on the Official Zoning Map:
 - 1. Boundaries shown as following, or approximately following, the limits of any municipal corporation are construed as following such limits.
 - 2. Boundaries shown as following, or approximately following, streets are construed to follow the centerlines of such streets.
 - 3. Boundary lines which follow, or approximately follow, platted lot lines or other property lines are construed as following such lines.
 - 4. Boundaries shown as following, or approximately following, section lines, half-section lines, or quarter-section lines are construed as following such lines.
 - 5. Boundaries shown as following, or approximately following, railroad lines are construed to lie midway between the main tracks of such railroad lines.
 - 6. Boundaries shown as following, or approximately following, shorelines of any lakes are construed to follow the mean high waterlines of such lakes, and, in the event of change in the mean high waterline, are construed as moving with the actual mean high waterline.
 - 7. Boundaries shown as following, or approximately following, the centerlines of streams, rivers, or other continuously flowing water courses are construed as following the channel centerline of such water courses taken at mean low water. In the event of a natural change in the location of such streams, rivers, or other watercourses, the zone boundary is construed as moving with the channel centerline.
 - 8. Boundaries shown as separated from, and parallel or approximately parallel to, any of the features listed in the preceding paragraphs are construed to be parallel to, and at such distances from, such features as are shown on the map.

§1.05 Transitional Rules

- 1.05.01 These Regulations apply to applications submitted and accepted on or after the effective date of this Ordinance. This Ordinance will not affect any complete application submitted and accepted for review, but for which no final action has been taken by the appropriate decision-making body, prior to this effective date provided that applicable permits are issued within 180 days of the effective date of this Ordinance. Such applications are subject to the zoning regulations in effect at the time of their acceptance for consideration.
- 1.05.02 Unless complying with these Regulations, any violation of the previous ordinance is a violation under this Ordinance and is subject to the penalties set out in [§13.04 Penalties](#).

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ARTICLE 2 DEFINITIONS

§2.01 Generally

Certain words and phrases used in this Ordinance have meanings ascribed to them in this Article. If not defined in this Article or elsewhere in this Ordinance, words and phrases have the meaning established by the City Code, Building Code, Subdivision Regulations other adopted City regulations or standards, the Alabama State Code, or the Alabama Administrative Code. Otherwise, the conventional meaning of the term applies.

§2.02 Word Usage

- 2.02.01 The Zoning Official is authorized to make a final determination of the meaning of any word or phrase used in this Ordinance.
- 2.02.02 In the interpretation of this Ordinance, the provisions of this Section must be observed and applied, except when the context clearly requires otherwise. In the case of any difference of meaning or implication between the text of this Ordinance and any caption, illustration, or table, the text controls. Words used or defined in one tense or form include other tenses and derivative forms. Words in the singular number include the plural number and words in the plural number include the singular number. The masculine gender includes the feminine, and the feminine gender includes the masculine.
- A. The words “must” and “shall” are mandatory and not merely directory.
 - B. The word “may” is permissive. When used in the negative, it is prohibitive (e.g., “may not” means “prohibited”).
 - C. The word “person” includes individuals, firms, corporations, associations, trusts, and any other similar entities.
 - D. The word "structure" includes the word "building."
 - E. The words "used" or "occupied," as applied to any land or structure, include all modifying words such as "intended", "arranged", or "designed" to be used or occupied.
 - F. The word “Northport” refers to The City of Northport, Alabama.
 - G. The words “City Council” or “Council” refer to the City Council of Northport.
 - H. The words “Planning Commission” or “Commission” refer to the Northport Planning Commission.
 - I. The word “Board” refers to the Board of Zoning Adjustment of the City of Northport.
 - J. The words “Planning Director” or “Director” refer to the City of Northport Director of Planning and Inspections.

§2.03 Abbreviations

The following abbreviations are used in this Ordinance and are intended to have the following meanings:

- 2.03.01 AC: Acre
- 2.03.02 ADEM: Alabama Department of Environmental Management
- 2.03.03 ADHR: Alabama Department of Human Resources
- 2.03.04 ADPH: Alabama Department of Public Health

2.03.05	ADT:	Average Daily Traffic
2.03.06	ALDOT:	Alabama Department of Transportation
2.03.07	AMCC:	Alabama Medical Cannabis Commission
2.03.08	BFE:	Base Flood Elevation
2.03.09	BR:	bedroom
2.03.10	DU:	Dwelling or Dwelling Unit
2.03.11	EIFS:	Exterior Insulation Finishing Systems
2.03.12	FAA:	Federal Aviation Administration
2.03.13	FAR:	Floor Area Ratio
2.03.14	FCC:	Federal Communications Commission
2.03.15	ft:	feet
2.03.16	GFA:	gross floor area
2.03.17	ISR:	Impervious Surface Ratio
2.03.18	LDP:	Land Development Permit
2.03.19	LID:	Low Impact Development
2.03.20	MUTCD:	Manual on Uniform Traffic Control Devices
2.03.21	NRCS:	Natural Resources Conservation Service
2.03.22	sf:	square feet

§2.04 Definitions

When used in this Ordinance, the following terms shall have the meanings herein ascribed to them:

- 2.04.01 ACCESS: Any means of ingress or egress to a property for pedestrians or vehicles.
- A. LEGAL ACCESS: The form of access which qualifies a development site for a building permit or certificate of occupancy, attesting that such property is legally accessible from a public street by means of direct road frontage or a recorded easement across one or more intervening properties. See [§3.10.06 Access](#).
- 2.04.02 ACCESSORY STRUCTURE: A detached subordinate structure or building, located on the same lot as the principal structure, the use of which is clearly incidental to that of the principal structure. See [§3.04.04 Accessory Uses and Structures](#).
- 2.04.03 ADJACENT: Either adjoining or on the opposite side of a street or other w that separates it from the subject property. Properties separated by an interstate or railroad are not considered “adjacent.”
- 2.04.04 ADJOINING: Having a common border with or being separated from such common border by an alley or easement.
- 2.04.05 ADULT NOVELTY STORE: Any business that has more than 50% of its inventory, stock-in-trade, or publicly displayed merchandise in Sexually-Oriented Novelties and does not feature live entertainment.
- 2.04.06 AGRICULTURE or AGRICULTURAL USE. Category of uses including the production, harvesting, boarding or maintenance, for sale, lease, or personal use, of plants and animals, including but not limited to: forages and sod crops; grains and seed crops; dairy animals and products; poultry and poultry products; the

keeping, raising and breeding of livestock; bees and apiary products; fur animals; trees and forest products; fruits, nuts and vegetables; plants and flowers; or lands that are devoted to soil conservation or forestry management.

- 2.04.07 AGRICULTURAL SUPPORT: Category of uses including but not limited to farm equipment sales and repair, farm produce sales and supply (feed, grain, fertilizer), and farm product processing (cider mills and dairies but not poultry or meat processing).
- 2.04.08 ALLEY: A vehicular way, other than a street, used or shown on any recorded description of the subject parcel not more than 20 ft wide and which affords a means of access to adjoining property.
- 2.04.09 Alteration or ALTERED: Any addition to the height, width, or depth of any structure; or any change in the location of any of the exterior walls. A structure is considered altered when it is repaired, renovated, remodeled or rebuilt at a cost in excess of 50% of its fair market value prior to the commencement of such repairs, renovation, remodeling, or rebuilding.
- 2.04.10 ALTERNATIVE FINANCIAL SERVICE: A check cashing business, payday advance or loan business, money transfer business, car title loan business, pawn shop, title pawn business or similar business engaged in non-traditional short-term lending. This term does not include state or federally chartered banks, savings associations, credit unions, or industrial loan companies and retail sellers that cash checks or issue money orders incidental to the main business.
- 2.04.11 AMATEUR RADIO TOWER: A tower with one or more antennas connected to radio equipment operated by a licensed amateur radio operator in accordance with applicable FCC laws and regulations.
- 2.04.12 ANIMAL SHELTER: A nonprofit or public establishment providing shelter for dogs, cats and other small domestic animals.
- 2.04.13 ANTENNA: Electronic devices, whose purpose is to receive or transmit signals directly from ground-based sources, which are freestanding or mounted on a structure.
- 2.04.14 APPEAL: A means for obtaining review of a decision, determination, order, or failure to act pursuant to the terms of this Ordinance as expressly authorized by the provisions of [§14.02 Administrative Appeals](#).
- 2.04.15 APPLICABLE DISTRICT: That zoning district in which the subject site, use or structure exists or is proposed to be located.
- 2.04.16 APPLICANT: An individual submitting an application for development, a variance, special exception, rezoning or other approval under this Zoning Ordinance and who is duly authorized to submit such application. An applicant may be the property owner or any person having written authority from the property owner, where such authorization is in a form acceptable to the Director.
- 2.04.17 APPLICATION: A form provided by and submitted to the Department of Planning for approval of a development, landscape plan, variance, special exception, rezoning or other approval under this Zoning Ordinance.
- 2.04.18 APPROVING AUTHORITY: That official or body empowered to act on a request or matter pursuant to Alabama law and the provisions of this Ordinance or the Subdivision Regulations, which includes but is not limited to: 1) for building permit applications and plans requiring only administrative approval, the Director; 2) for plans involving a special exception or variance, the Board of Adjustment; 3) for conditional uses or rezoning, the Council; 4) for subdivision plats, the Planning Commission.
- 2.04.19 ARTISANAL MANUFACTURING: A business that makes high-quality or distinctive products in small quantities, usually by hand. Application, teaching, making, or fabrication of crafts or products by an artist, artisan or

craftsperson either by hand or with minimal automation, including activities and processes such as small-scale fabrication, welding, and coating, and which may include direct sales to consumers.

- 2.04.20 ASSISTED LIVING FACILITY: A facility licensed as such by the Alabama Department of Public Health that provides rooms, meals, personal care, and supervision of self-administered medication, excluding Group Homes.
- 2.04.21 ATTIC: The non-habitable part of a building immediately below, and wholly or partly within, the roof framing.
- 2.04.22 AUTOMOBILE REPAIR
 - A. MAJOR AUTOMOBILE REPAIR: The repair and maintenance of vehicles including painting, body work, rebuilding of engines or transmissions, upholstery work, fabrication of parts and similar activities and which often involve vehicles being kept on the premises overnight.
 - B. MINOR AUTOMOBILE REPAIR: Sales, installation, and servicing of mechanical equipment and parts, including audio equipment and electrical work, lubrication, tune-ups, wheel alignment, tire replacement and balancing, brake and muffler work, battery charging or replacement and similar activities, but excluding those activities included in the definition of Major Automobile Repair.
- 2.04.23 AWNING: A roof-like structure attached to and hanging from a vertical surface of a building without any other support from the ground and consisting of a frame and a covering of cloth, vinyl or similar material.
- 2.04.24 BAKERY
 - A. MAJOR BAKERY: An establishment that bakes goods primarily for wholesale and that may include storage and distribution facilities.
 - B. MINOR BAKERY: An establishment that bakes goods for only on-premises retail sales or catering.
- 2.04.25 BAR: Any place or premises in which alcoholic beverages of all types are offered for sale for on-premises consumption other than a RESTAURANT-BAR or BREWPUB.
- 2.04.26 BARN: A building used for storing grain, hay or straw or for housing livestock.
- 2.04.27 BASEMENT: A portion of a building having one-half or more of its floor-to-ceiling height below grade level and having a floor-to-ceiling height of at least 6.5 ft.
- 2.04.28 BED AND BREAKFAST: A detached single-family dwelling or portion thereof providing short term lodging accommodations and meals for the traveling public for a fee, all in accordance with [§7.05 Bed and Breakfast](#).
- 2.04.29 BEDROOM: A room marketed, designed, or otherwise intended to function primarily for sleeping and meeting Building Code requirements for such use.
- 2.04.30 BOARDING HOUSE: A dwelling in which the proprietor supplies for a fee sleeping accommodation with board for no more than five persons exclusive of the proprietor and their family, but which does not include a Bed and Breakfast.
- 2.04.31 BORROW PIT: an area from which soil or other unconsolidated materials are removed to be used, without further processing, for construction purposes.
- 2.04.32 BREWERY: Any premises licensed by the City to engage in the manufacture of malt or brewed alcoholic beverages, including receiving, storage, or warehousing of such beverages.

- 2.04.33 **BREW PUB:** Any premises on which malt or brewed alcoholic beverages are manufactured or brewed for consumption on the premises or for sale to wholesaler licensees, all in accordance with §28-4A of the Code of Alabama, as amended.
- 2.04.34 **BUFFER:** An area of land, including landscaping, berms, walls, fences and building setbacks, or any combination thereof, located between land uses of different character and intended to mitigate negative impacts of the more intense use on the adjoining parcel.
- 2.04.35 **BUILDABLE AREA:** Designated area within a lot, as shown on a subdivision plat for zero lot line, single family attached, and twin house development, wherein all principal and accessory structures, including swimming pools, will be built, except fences or walls enclosing yards or patio areas.
- 2.04.36 **BUILDING:** A structure built, maintained, or intended for use for the shelter or enclosure of persons, animals, or business activity. The term is inclusive of any part thereof.
- 2.04.37 **BUILDING AREA:** The portion of the lot occupied by the principal building, including carports, porches, accessory buildings and other structures.
- 2.04.38 **BUILDING CODE:** The most recent building, residential construction, electrical, property maintenance and fire-related codes adopted by the City of Northport.
- 2.04.39 **BUILDING FRONTAGE:** The percentage of the lot frontage enclosed by building calculated by dividing the length of the building by the length of the lot frontage.
- 2.04.40 **BUILDING HEIGHT:** See Height of Structure.
- 2.04.41 **BUILDING LINE:** A line shown on a plat indicating the minimum allowable distance between any structure and a lot line, as established by requirements of the developer and/or this Ordinance.
- A. **FRONT BUILDING LINE:** A line, generally parallel to the front lot line, at the closest point between the principal building and the front lot line.
- B. **REAR BUILDING LINE:** A line, generally parallel to the rear lot line, at the closest point between the principal building and the rear lot line.
- 2.04.42 **BUILDING OFFICIAL:** The Chief Building Inspector of the City of Northport or their designee.
- 2.04.43 **BUSINESS or PROFESSIONAL OFFICE:** One or more rooms used for conducting the affairs of a business, profession, service, or industry and generally furnished with desks, tables and communications equipment. Includes call centers and medical, dental and similar healthcare offices for outpatient care on an appointment basis, including clinics with multiple practitioners. Governmental offices are categorized as Public Facilities.
- 2.04.44 **BUSINESS SUPPORT SERVICE:** A business which supplies support services primarily to other businesses, such as sales of office equipment, supplies and services; printing services; computer and office equipment repair; and similar services.

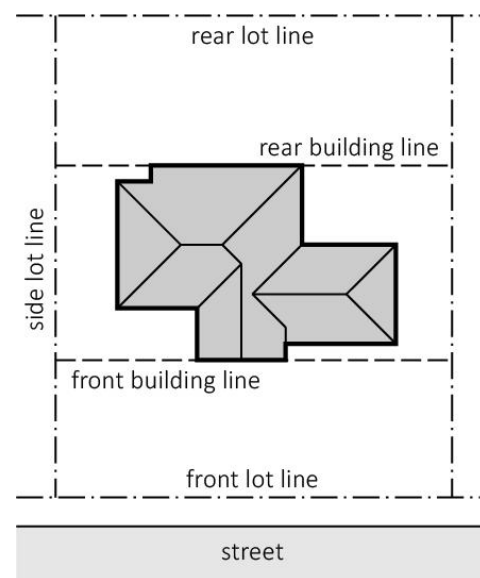


Figure 2-1 Building Lines

- 2.04.45 CALIPER: The American Association of Nurserymen standard for trunk measurement of nursery stock, as measured at six inches above the ground for trees up to and including four-inch caliper size, and as measured at 12 inches above the ground for larger sizes.
- 2.04.46 CAMPGROUND: Land on which one or more campsites are located, established or maintained for occupancy as temporary living quarters for recreation, education or vacation purposes only. See also Recreational Vehicle Park.
- 2.04.47 CANOPY: A roof-like cover extending over a pedestrian way, vehicular area or right-of-way as a shelter or shield. In contrast to Awnings, Canopies may be freestanding, typically have a flat profile and are constructed of rigid materials.
- 2.04.48 CARPORT: An unenclosed and covered space for the private use of the owner or the occupant of a principal building and situated on the same lot as the principal building, intended for the storage of motor vehicles, whether or not it is used for such purpose, with no facilities for mechanical service or repair of a commercial or public nature.
- 2.04.49 CELLAR: An uninhabited room used for storage, usually beneath the ground or under a building.
- 2.04.50 CERTIFIED SURVEY: Scaled drawing of a parcel or lot, showing property lines, dimensions, building locations, and other features of the property, which has been signed and sealed by a professional surveyor licensed in the State of Alabama.
- 2.04.51 CITY: The City of Northport, Alabama.
- 2.04.52 CITY CODE: The Code of Ordinances of the City of Northport, Alabama, as amended.
- 2.04.53 CITY COUNCIL: The City Council of Northport, Alabama.
- 2.04.54 COMMERCIAL SCHOOL: A private, gainful business providing instruction in arts, business, crafts, trades or professions.
- 2.04.55 COMMISSARY: A building or portion thereof where food is prepared for catering or mobile food vendor operations excluding on-site dining of food prepared.
- 2.04.56 CONDITIONAL USE: A use that, because of special requirements or characteristics, may be allowed in a particular zoning district only after review by the Commission and granting of conditional use approval by the Council imposing such conditions as necessary to make the use compatible with other uses permitted in the same zone or vicinity.
- 2.04.57 CONSTRUCTION SERVICE:
 - A. MAJOR CONSTRUCTION SERVICE: A business engaged in construction-related trade activities with outdoor storage such as a building contractor, electrician, plumber or similar trade.
 - B. MINOR CONSTRUCTION SERVICE: A business engaged in construction-related trade activities with only incidental outdoor storage such as a building contractor, electrician, plumber or similar trade excluding any building supply sales. For construction services, outdoor storage is considered “incidental” if it does not exceed, in area, the gross floor area of the principal structure.
- 2.04.58 COMMUNITY CENTER: A building providing space for meetings, recreation or a combination of these and that is operated by a nonprofit organization.
- 2.04.59 COUNTRY CLUB: Land or buildings containing golf courses, tennis courts, pools or similar recreational facilities for use by fee-paying private club members and their guests.

- 2.04.60 **CRITICAL ROOT ZONE:** An area on the ground around a tree that is within the drip line of a tree.
- 2.04.61 **CROSS ACCESS:** The use of a driveway within private property to interconnect two or more adjoining properties. See Figure 2-2.
- 2.04.62 **DAY CARE CENTER:** A building and premises licensed by the ADHR for the care of seven or more persons for only part of the day. This term also includes day care services for seven or more persons provided by an organization that is specifically exempted from ADHR license requirements.
- 2.04.63 **DECK:** An open, uncovered platform built above grade and attached to a building.
- 2.04.64 **DEDICATION:** The transfer of property interests from private to public ownership for a public purpose. The transfer may be of fee-simple interest or of a less than fee interest, including an easement.
- 2.04.65 **DENSITY, GROSS:** The total number of dwelling units divided by the gross area of the site, expressed as dwelling units per acre.
- 2.04.66 **DEPARTMENT:** The Department of Planning and Inspections of the City of Northport, Alabama, except where clearly intended otherwise by context.
- 2.04.67 **DESIGN CAPACITY or OCCUPANCY:** In reference to parking requirements, the maximum number of persons that may be accommodated by the use as determined by its design or by fire code regulations, whichever is greater.
- 2.04.68 **DEVELOPER:** Any person, firm, partnership, corporation or other legal entity engaged in or seeking to engage in development activity as herein defined.
- 2.04.69 **DEVELOPMENT:** The division of a parcel of land into two or more parcels; the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any buildings; any use or change in use of any buildings or land; any extension of any use of land or any clearing, grading, or other movement of land, for which an approved development plan is required pursuant to this Ordinance or other regulations, codes and ordinances of the City and any changes or improvements such as curb and gutter, storm drainage structures and facilities, public or private streets, sidewalks, and the installation of utilities.
- 2.04.70 **DEVELOPMENT PLAN, GENERAL:** A conceptual plan, meeting the requirements for Performance Residential Developments and depicting a mixture of land uses, open spaces, streets and other improvements for showing an entire development site and all component stages or phases which express the overall development concept for the site at build-out.
- 2.04.71 **DEVELOPMENT SITE:** One or more parcels of land included in a single development plan, which constitutes the entire area of development shown on a site plan or subdivision plat. The development site includes all land needed for required open space, buffers, landscaping, parking, internal access roads or driveways, and other physical design features needed to serve the proposed development.
- 2.04.72 **DIRECTOR:** The Director of Planning of the City of Northport or his/her designee.
- 2.04.73 **DRAINAGE:** The removal of surface water or ground water from land by drains, grading, or other means. Drainage includes the control of runoff to minimize erosion and sedimentation during and after

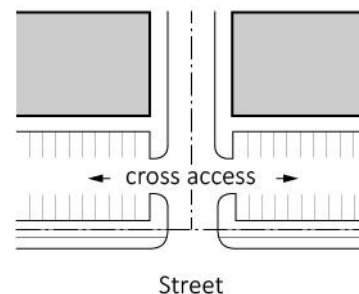


Figure 2-2 Cross Access

development and includes the means necessary for water-supply preservation or prevention or alleviation of flooding.

- 2.04.74 DRAINAGEWAY: Minor watercourses, natural or man-made, that are defined either by soil type or the presence of intermittent or perennial streams.
- 2.04.75 DRIP LINE: A vertical line extending downward from the outermost tips of the tree branches to the ground.
- 2.04.76 DWELLING or DWELLING UNIT: One or more rooms in the same building, connected and constituting a separate, independent housekeeping unit for permanent residential occupancy and with facilities for sleeping and cooking and physically separated from any other dwelling units that may be within the same building. All rooms within the dwelling unit have internal access. Each dwelling unit has no more than one electrical meter. Refer also to [§3.02.04 Standards Applicable to Certain Uses](#).

Dwellings are further categorized as:

- A. ACCESSORY DWELLING: A subordinate, independent dwelling unit located on the same lot as a Single-Family Detached Dwelling, whether attached to or detached from the principal dwelling.
- B. CARETAKER DWELLING: A residence for an on-site manager, watchman or caretaker employed on the premises and that is incidental to a principal use, including mini-warehouses, junkyards, funeral homes, places of worship, major institutional uses.
- C. DUPLEX: A residential structure, divided horizontally or vertically, and designed for or occupied by two dwelling units contained entirely under one roof on one lot.
- D. MULTIFAMILY DWELLING: A dwelling within a building containing three or more dwelling units.
- E. SINGLE-FAMILY DWELLING, DETACHED: A residential structure, completely separate from all other structures, designed to house one family as a single housekeeping unit, with each dwelling located on its own lot.
- F. TOWNHOUSE: A residential structure sharing a common wall with at least one other unit in a structure consisting of not less than three dwelling units and having no other dwelling unit directly above or below.
- G. TWIN HOUSE: A residential structure sharing a common side wall with one other unit in a structure containing no more than two units, with each dwelling located on its own lot.
- H. UPPER-STORY DWELLING: A dwelling unit located on a floor above a use of a nonresidential use in the same building.
- I. ZERO LOT LINE DWELLING: A single-family detached dwelling located on a lot so that one of the dwelling's sides rests on a lot line, with each dwelling located on its own lot.

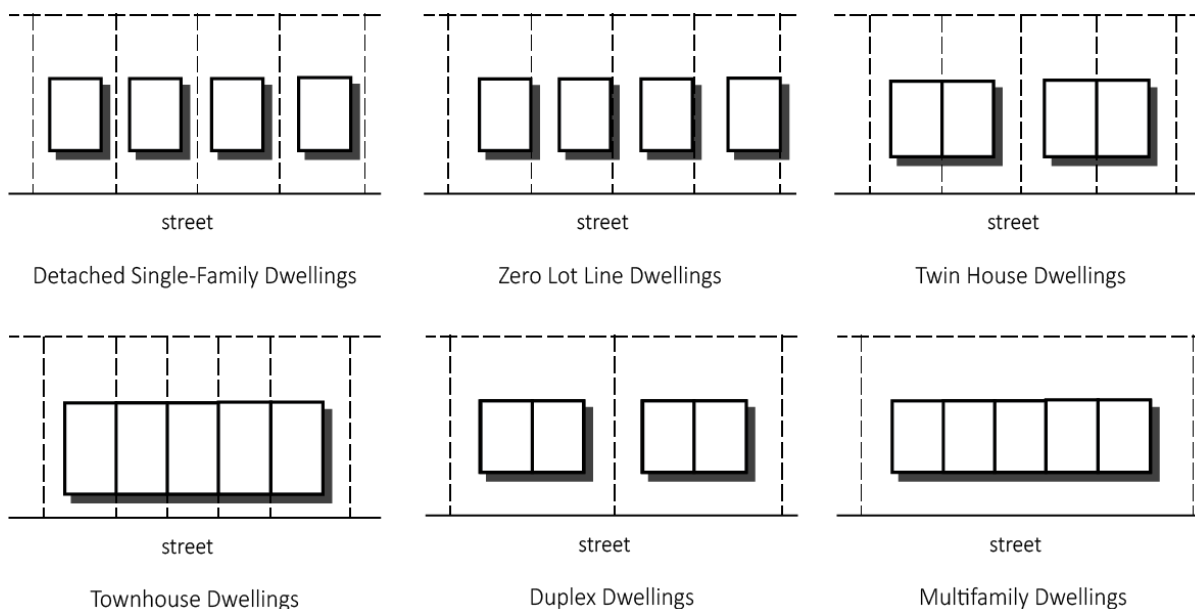


Figure 2-3 Dwelling Types

- 2.04.77 **EASEMENT:** Authorization by a property owner of the use by another and for a specified purpose of a designated part of the property. Only easements that have been created through a valid legal instrument and recorded in the Office of the Judge of Probate of Tuscaloosa County and those that have been established by the City through continuous historic use are recognized under this Ordinance.
- 2.04.78 **EMPLOYEE:** In reference to parking requirements, the maximum number of persons employed at the facility regardless of the time period during which this occurs or whether the persons are full-time employees. The major shift may be a particular day of the week or a lunch or dinner period in the case of a restaurant.
- 2.04.79 **ENGINEER:** A professional engineer registered and in good standing with Alabama Board of Licensure for Professional Engineers and Land Surveyors.
- 2.04.80 **ENTERTAINMENT**
- A. **INDOOR ENTERTAINMENT:** An establishment providing spectator entertainment within an enclosed building, including but not limited to movie theaters, playhouses and live music venues.
 - B. **OUTDOOR ENTERTAINMENT:** An establishment providing spectator entertainment in open or partially enclosed or screened facilities, including but not limited to sports arenas, racing tracks (e.g., auto, dog, harness, horse, motorcycle), amphitheaters and drive-in theaters.
- 2.04.81 **ENTERTAINMENT-ADULT:** Any business that engages for any length of time in a sexually-oriented use or any other use that emphasizes Specified Sexual Activities or Specified Anatomical Areas, including but not limited to adult arcades and movie theaters, adult cabarets, and adult bookstores that meet any of the following criteria, measured on a daily, weekly, monthly or annual basis: 1) offers live performances that involve Specified Sexual Activities or Specified Anatomical Areas, 2) has more than 25% of its inventory, stock-in-trade, or publicly displayed merchandise in Sexually-Oriented Media or Sexually-Oriented Novelties, 3) devotes more than 25% of its floor area (not including storage areas, bathrooms, basements, or any portion of the business not open to the public) to the sale, rental, display or

presentation of Sexually-Oriented Media or Sexually-Oriented Novelties, 4) derives more than 25% of its gross revenue from Sexually-Oriented Media or Sexually-Oriented Novelties.

- A. SEXUALLY-ORIENTED NOVELTIES: Any objects or devices that contain, depict, stimulate or describe Specified Sexual Activities or Specified Anatomical Areas; are marketed for use in conjunction with, or are primarily used only with or during specified sexual activities; or are designed for sexual stimulation.
- B. SEXUALLY-ORIENTED MEDIA: Books, video and other media that contain, depict, stimulate or describe Specified Sexual Activities or Specified Anatomical Areas; are marketed for use in conjunction with, or are primarily used only with or during specified sexual activities; or are designed for sexual stimulation.
- C. SPECIFIED ANATOMICAL AREAS: Less than completely and opaquely covered human genitals, pubic area, buttocks, anus, or female breast below a point immediately above the top of the areola; and human male genitals in a state of sexual arousal, whether or not completely and opaquely covered.
- D. SPECIFIED SEXUAL ACTIVITIES: Activities including actual or simulated sexual intercourse; clearly depicted human genitals in the state of arousal; touching of Specified Anatomical Areas; inflicting pain or physical restraint of a person for the purposes of sexual stimulation; or sexually oriented contact with an animal by a human being.

2.04.82 EXTENDED CARE FACILITY: A short- or long-term care facility, other than a hospital, providing skilled nursing care and related services and physical therapy services under the supervision of a doctor, to persons convalescing from illness, including nursing homes and similar homes for the aged.

2.04.83 EXTRACTION: Extraction of gas, minerals, and similar natural resources including surface, subsurface, underground and strip-mining operations and associated processing and disposal of tailings, spoils and other waste.

2.04.84 FAÇADE: A building elevation visible from and most nearly parallel to an adjoining street or that building elevation containing the primary public entrance to a building or tenant space, whether or not the building elevation is parallel to the adjoining street. Where specified, a "Street Façade" is that façade along the adjoining street.

2.04.85 FAMILY: Either of the following occupying a dwelling and living as a single housekeeping unit:

- A. One or more persons related by blood, marriage, adoption or guardianship plus one unrelated person.
- B. No more than three persons not related by blood, marriage, adoption or guardianship.

2.04.86 FAMILY DAY CARE HOME: A detached single-family dwelling licensed by the ADHR for the care of six or fewer children or adults for only part of the day.

2.04.87 FENCE: An artificially constructed barrier of any kind, other than a building, erected to enclose, delineate or screen a property or portions thereof.

2.04.88 FENESTRATION: Windows, glass curtain wall and doors on a building elevation.

2.04.89 FILLING: The depositing of sand, gravel, earth, or other materials to alter the elevation of a given site.

2.04.90 FLAG LOT: A parcel that does not meet the minimum lot width requirement at the minimum front yard setback, measured from the street right-of-way line, but has access to a public street through a narrow strip of land that is part of the same lot.

2.04.91 FORESTRY: Uses including commercial logging and pulping operations, clearing or destruction of forested or woodland areas, selective cutting or clearing for commercial or other purposes, clearing for

agriculture or other prospective land uses, and clearing of vegetation in reserved open space or resource protection areas. This does not include authorized clearing in accordance with plans approved pursuant to this Ordinance, removal of sick or dead trees, or removal of trees on non-contiguous lots of one acre or less.

- 2.04.92 **FRONTAGE OR STREET FRONTAGE:** That portion of a lot adjoining a street or the length of a lot measured along the adjoining street right-of-way line. For lots with multiple front lot lines, the combined length along all street rights-of-way.
- 2.04.93 **GARDEN CENTER:** A place of business where garden-related products and produce, including plants, nursery products and stock, fertilizers, potting soil, hardware, power equipment and machinery, garden and farm tools and utensils are sold to the retail consumer. Garden centers may include nurseries and greenhouses.
- 2.04.94 **GARAGE:** A deck or building, or part thereof, used or intended to be used for the parking and storage of motor vehicles.
- 2.04.95 **GAS STATION:** Buildings and premises where automotive fuels are dispensed at retail. Businesses that provide maintenance repair services are classified as Automobile Repair Services.
- 2.04.96 **GENERAL COMMERCIAL:** Category of commercial uses, as distinguished from retail, entertainment and recreation categories, that occur primarily within enclosed buildings, including but not limited to: blueprint and copy stores; currency exchanges; service businesses (e.g., catering, duplicating, photography, travel agency, upholstery); upholstery stores; carpet and rug cleaning plants; and equipment rentals without outdoor display.
- 2.04.97 **GRADING:** Altering the shape of the ground surfaces to a predetermined condition, including stripping, cutting, filling, stockpiling and shaping or any combination thereof and including the land in its cut or filled condition.
- 2.04.98 **GRADE LEVEL:** For buildings, the average level of the finished grade at the front building line. For trees, landscaping, light fixtures and signs, the level of finished grade at the base of the tree, plant, fixture or sign.

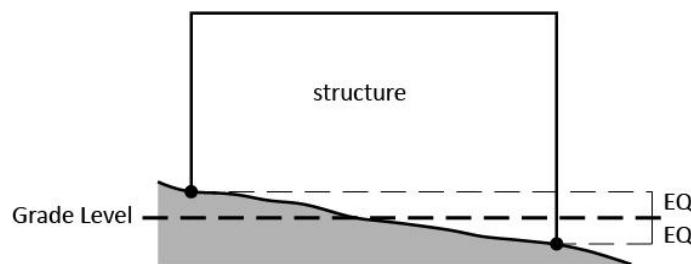


Figure 2-4 Grade Level

- 2.04.99 **GROSS FLOOR AREA (GFA):** The sum of the floor area of each story of a building measured from the exterior limits of the faces of the structure. Gross Floor Area includes owned and leased spaces but does not include common areas within multi-tenant buildings unless otherwise specified in this Ordinance. Gross Floor Area includes basements and the habitable floor area of attics as determined by Building Code standards. It does not include cellars, unenclosed porches nor any floor space designed for vehicle parking.
- 2.04.100 **GROUP HOME:** A dwelling for the care of up to ten persons living together as a single housekeeping unit under the supervision of one or more caregivers or resident managers. In addition to providing food and

shelter, Group Homes may also provide some combination of personal care, social or counseling services, and transportation. A Group Home is owned or operated under the auspices of a nonprofit association, private care provider, government agency, or other legal entity, other than the residents themselves or their parents or legal guardians. Facilities providing housing for more than ten persons are categorized as Residential Care Facilities. Dwellings providing housing for no more than three persons and where there are no resident caregivers or managers are not considered Group Homes.

- A. **FAMILY CARE HOME:** A state-licensed Group Home providing long-term housing for no more than ten socially, physically, mentally, or developmentally impaired persons, in accordance with §11-52-75.1 of the Code of Alabama, 1975 as amended. Family Care Homes for children are regulated by the ADHR. Family Care Homes for adults are regulated by the ADPH. When providing housing and care for more than ten persons, such facilities are categorized as Extended Care Facilities.

- 2.04.101 **GROUP DAY CARE HOME:** A detached single-family dwelling, licensed by the ADHR for the care of at least seven, but no more than 12, children for only part of the day.
- 2.04.102 **GUEST ROOM:** A room used or intended for use by guests for sleeping purposes in a Bed and Breakfast, Hotel, Motel or other lodging establishment.
- 2.04.103 **HEDGE:** A row of closely planted shrubs, bushes or any kind of plant forming a boundary or fence.
- 2.04.104 **HEIGHT OF STRUCTURE:** The height of a structure measured from grade level to the highest point of the parapet of a flat roof or to the deck line of a mansard roof, or to the average height between eaves and ridge for gable, hip and gambrel roofs. Spires, belfries, cupolas, chimneys, antennas, water tanks, ventilators, elevator housing, mechanical equipment or other such structures, unless otherwise specified by this ordinance, placed above the roof levels and not intended for human occupancy are not subject to the height limitations.

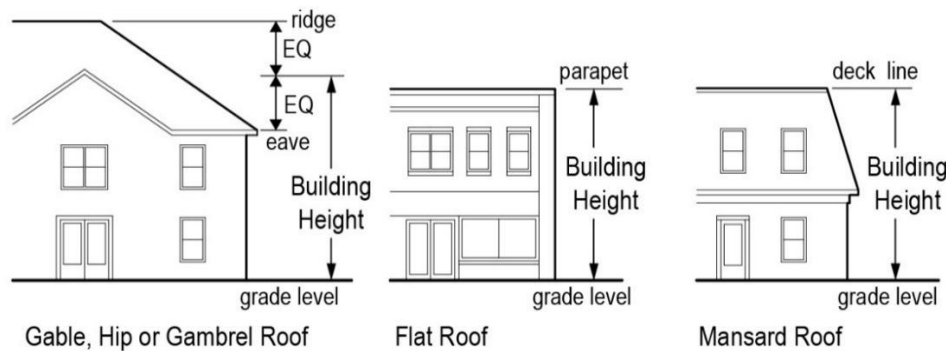


Figure 2-5 Building Height

- 2.04.105 **HISTORIC DISTRICT:** The Northport Historic District, as designated by ordinance of the Northport City Council.
- 2.04.106 **HOME OCCUPATION:** A business, profession, occupation, or trade conducted for gain or support and located entirely within a residential building, which use is accessory and incidental to the use of the building for dwelling purposes and does not change the essential residential character or appearance of such building.
- 2.04.107 **HOTEL:** A building, or portion thereof, containing sleeping units occupied on a daily or short-term basis, which are accessed from the interior of the building. A hotel may include a restaurant; meeting, banquet or ballrooms; fitness centers, and one self-contained dwelling unit for the use of a resident manager.

- 2.04.108 HUD CODE: The National Manufactured Housing Construction and Safety Standards Act of 1974 and as amended by the Manufactured Housing Improvement Act of 2000, Title VI 42 U.S. Code, Section 603(6).
- 2.04.109 INDUSTRIAL or INDUSTRIAL USE: Category of use including but not limited to asphalt or concrete mixing plants; bulk material or machinery storage (unenclosed); fuel generation plants; grain elevators; meat packing plants or slaughterhouses; recycling facilities; truck, motor, or rail terminals; dyeing plants; food processing and packing plants; lumber yards; pilot plants; scientific (e.g., research, testing, or experimental) laboratories; also, any industrial use having 30,000 or more sf of floor area or having 100 or more employees on any shift, and all other industrial uses.
- Industrial uses have potential for negative impacts on adjacent uses, including but not limited to noise, vibration, odor, smoke and dust; and may involve large amounts of exterior storage.
- 2.04.110 IMPERVIOUS SURFACE: A surface that does not absorb water. Buildings, parking areas, driveways, roads, sidewalks, and any areas of concrete or asphalt are impervious surfaces.
- 2.04.111 IMPERVIOUS SURFACE RATIO (ISR): A measure of the intensity of land use which is determined by dividing the total area of all impervious surfaces on a development site by the site area. Impervious surface measurements exclude the water surface area of swimming pools.
- 2.04.112 INDEPENDENT LIVING FACILITY: A residential facility for the elderly that may provide meals, housekeeping, linen service, transportation, social and recreational activities and similar services. Such facilities do not provide, in a majority of the units, assistance with or supervision of medication, bathing, dressing, toileting and other activities of daily living.
- 2.04.113 INSTITUTION or INSTITUTIONAL USE: Category of uses involving structures or land occupied by a group, cooperative, or other entity created for nonprofit purposes or for public use or services. Governmental facilities are separately defined as PUBLIC FACILITIES. Institutional uses are further categorized as shown in the table below. Institutions with on-premises housing and institutional facilities involving outdoor storage, work yards, or warehousing are considered Major Institutions.

	Minor	Major
Places of assembly (capacity in main assembly space)	0-100	more than 100
Other institutions (floor area)	0-5,000 sf	more than 5,000 sf
Private Schools (type)	pre-k and elementary	middle, high school and above

- 2.04.114 INTERNAL ACCESS: Physical design of a dwelling unit in which the kitchen, bathrooms, and all other rooms intended for human habitation, are connected internally.
- 2.04.115 JUNKYARD: Any land or structure used for the storage, sale, dismantling or other processing of used or waste material, including but not limited to waste paper, rags, scrap metal, and discarded materials. A premises engaged in the collection, dismantlement, storage and/or sale and salvage of two or more unlicensed, inoperative vehicles and parts therefrom. Does not include Recycling Center or Recycling Plant.
- 2.04.116 KENNEL: An establishment in which domesticated animals are housed, groomed, bred, boarded, trained or sold, all for compensation. In contrast to Pet Grooming establishments, animals may be kept overnight in outside runs or other unenclosed or partially enclosed spaces overnight.

- 2.04.117 LAKES AND PONDS: The shorelines of Lakes and Ponds, defined below, are measured from the maximum condition rather than from the permanent pool in the event of any difference.
- A. LAKE: A natural or artificial body of water of two or more acres, which retains water year-round.
 - B. POND: A natural or artificial body of water of less than two acres, which retains water year-round. Artificial ponds may be created by dams or may result from excavation.
- 2.04.118 LAND DEVELOPMENT PERMIT or PERMIT (LDP): A written document which authorizes development in accordance with the provisions in this Ordinance.
- 2.04.119 LANDSCAPING: Treatment of grade with groundcover, vegetation and ornamentation for a given area; including, but not limited to, plant materials such as trees, shrubs, groundcovers, perennials and annuals; and other materials such as rocks, water, walls and fences.
- 2.04.120 LAUNDRING PLANT: An establishment engaged in high volume laundry and garment services, including commercial and industrial laundry, pressing and dry cleaning services; linen supply; diaper service; carpet and upholstery cleaners, but excluding laundromats and dry cleaning pick-up/drop-off businesses.
- 2.04.121 LOADING SPACE: Space provided for loading and unloading of delivery vehicles.
- 2.04.122 LOT, PARCEL or PROPERTY: A single, undivided portion of land that is either legally recorded in the office of the Tuscaloosa County Probate Judge or is being proposed in good faith by well-prepared plan drawings for the purpose of being legally recorded. It is the responsibility of the owner to ensure that the property is legally recorded with the office of the Tuscaloosa County Probate Judge. Lots are further categorized as:
- A. CORNER LOT: A lot adjoining two or more streets at their intersection. A lot abutting two or more streets at their intersection. If the two streets form an angle of more than 135 degrees at the intersection of their center lines, the lot is not considered a Corner Lot. See Figure 2-6.
 - B. CORNER LOT, DUAL FRONTAGE: A Corner Lot adjoined on each side by an Interior Lot.
 - C. CORNER LOT, SINGLE-FRONTAGE: A Corner Lot adjoined on one side by an Interior Lot and on the other side by another Corner Lot.
 - D. INTERIOR LOT: A lot with frontage on only one street.
 - E. THROUGH LOT: A lot other than a corner lot having frontage on two streets.

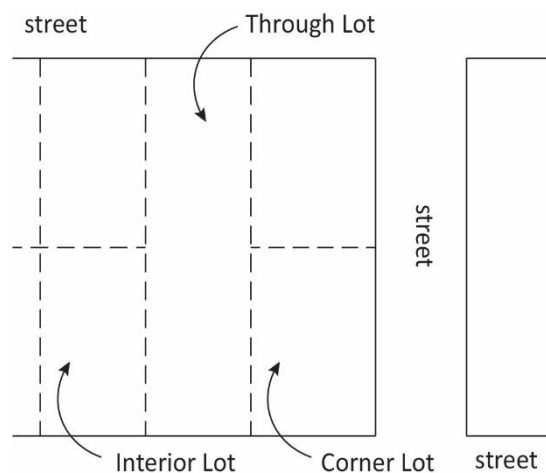


Figure 2-6 Lot Types

2.04.123 LOT AREA: The area contained within the boundary lines of a lot.

2.04.124 LOT FRONTAGE: That portion of a lot along its front lot line or its width measured at the front lot line.

2.04.125 LOT LINE: A line bounding a lot which divides it from another lot or from a street or any other public or private space. Refer to the following diagram and to diagrams under Yard.

- A. FRONT LOT LINE: The Lot Line separating a lot from a street right-of-way. Dual Frontage Corner Lots have two Front Lot Lines. Single-Frontage Corner Lots have Primary and Secondary Front Lot Lines. The Primary Front Lot Line is the Lot Line most opposite the Rear Lot Line. The Secondary Front Lot Line is the Lot Line along the Side Street and is typically longer than the Primary Front Lot Line.

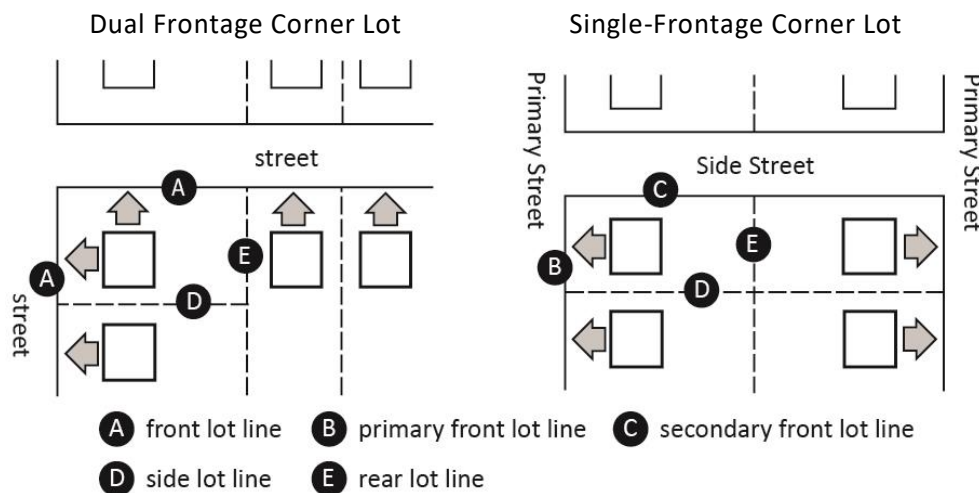


Figure 2-7 Lot Lines of Corner Lots

- B. REAR LOT LINE: The Lot Line that is generally parallel to and most distant from the Primary Front Lot Line on a Single-Frontage Corner Lot. For Dual Frontage Corner Lots, it is the Lot Line generally parallel to and most distant from the street along which the property has its address or towards which the building faces, as determined by the Director. For determining setbacks in the case of a triangular or irregularly shaped lot, the Rear Lot Line is considered to be a line at least ten feet in length, entirely within the lot, parallel to and at the maximum distance from the Front/Primary Front Lot Line.

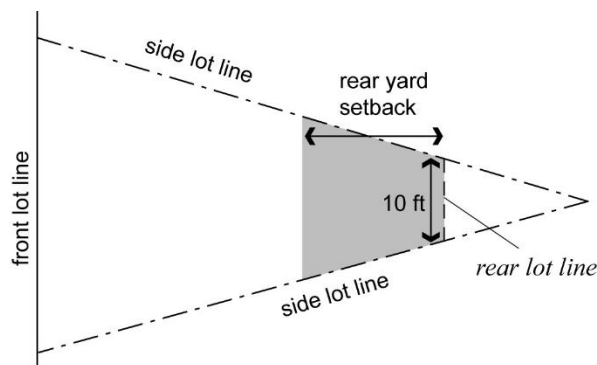


Figure 2-8 Rear Lot Line of a triangular lot

- C. SIDE LOT LINE: Any lot line other than a Front Lot Line or a Rear Lot Line.

2.04.126 LOT OF RECORD: Any validly recorded lot.

- 2.04.127 **LOT WIDTH:** The horizontal distance between side lot lines measured at the required front setback. Refer also to [§3.03.01 Lots and Yards](#).
- 2.04.128 **LOW IMPACT DEVELOPMENT (LID):** A set of approaches and practices intended to reduce runoff of water and pollutants from a site through the use of infiltration, evapotranspiration, water re-use and similar means. LID techniques manage water and water pollutants at the source and thereby prevent or reduce the impact of development on rivers, streams, lakes, coastal waters, and ground water.
- 2.04.129 **MAINTENANCE SERVICE:** An establishment providing building and yard maintenance services, such as janitorial services, exterminating services, landscape services, and window cleaning services.
- 2.04.130 **MANUFACTURED HOME:** A structure, constructed in accordance with the HUD Code, which is transportable in one or more sections, in the traveling mode, is eight body feet or more in width and 40 body feet or more in length, or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling, with or without a permanent foundation, when connected to the required utilities, including plumbing, heating, air conditioning, and electrical systems. A manufactured home bears a HUD Seal affixed to the rear of the home.
- 2.04.131 **MANUFACTURED HOME LOT:** A parcel of land for the placement of a single manufactured home and for the exclusive use of its occupants.
- 2.04.132 **MANUFACTURED HOME PARK:** A parcel of land under single management which has been planned and improved for the provisions of services for manufactured homes for transient and/or non-transient use, not platted or otherwise divided by fee simple ownership. All facilities and amenities, including roads, clubhouse or recreation facilities, and buffers, are privately owned or owned in common by residents of the park.
- 2.04.133 **MANUFACTURED HOME STAND:** Space designated within a Manufactured Home Park for the placement of one manufactured home and for the exclusive use of its occupants.
- 2.04.134 **MARINA:** An establishment for mooring, servicing, and storing recreation boats, as well as for providing supplies, provisions, and fueling facilities. A marina may include a restaurant and/or boat and motor sales store. Boat building or facilities for the dry docking or repair of watercraft exceeding two tons in weight are not included.
- 2.04.135 **MASONRY:** Brick, stone, stucco, precast and other types of concrete. Does not include EIFS or fiber cement siding.
- 2.04.136 **MEDICAL CANNABIS DISPENSARY:** An entity licensed by the Alabama Medical Cannabis Commission (AMCC), authorized to dispense and sell medical cannabis at dispensing sites to registered qualified patients and registered caregivers pursuant to the Medical Cannabis Act and the AMCC Rules.
- 2.04.137 **METAL PANEL, ARCHITECTURAL:** Building cladding consisting of prefabricated metal panels with a smooth surface without ribbing or corrugation and that have vertical and horizontal seams or joints, giving the panels a shorter appearance in contrast to corrugated, standing seam, ribbed and similar types of metal siding, which have joints or seams running in one direction along the length of the panel or sheet.
- 2.04.138 **MINI-WAREHOUSE:** One or more buildings containing individual compartments used solely for the dead storage of a customer's goods or wares, not otherwise defined as Climate-Controlled Self-Storage. See also [§7.30 Mini-Warehouses and Self-Storage](#).
- 2.04.139 **MIXED-USE DEVELOPMENT:** Development with two or more uses of different land use categories, including but not limited to, combinations of residential, commercial, institutional, or manufacturing uses.

- 2.04.140 **MOBILE HOME:** A residential structure, built prior to June 15, 1976, prior to the National Manufactured Housing Construction Safety Standards Act, designed and fabricated to be transported on its own wheels and axles arriving at the site where it is to be occupied as a dwelling, completed and ready for occupancy includes the plumbing, heating, air conditioning and electrical systems.
- 2.04.141 **MODULAR BUILDING:** A factory-fabricated building consisting of units designed to be incorporated at a building site on a permanent foundation into a permanent structure and which bears a seal of compliance from the Alabama Manufacturing Housing Commission. Modular buildings are constructed to meet the requirements of the Building Code and any other City-adopted design and construction standards applicable to conventional construction.
- 2.04.142 **MODULAR HOME:** A Modular Building designed and constructed for use as a dwelling.
- 2.04.143 **MOTEL:** An establishment providing sleeping accommodations for the travelling public, in which lodging rooms are accessed from the exterior of the building. Motels may also include dining facilities, fitness centers and other incidental services for guests.
- 2.04.144 **NIGHTTIME CARE FACILITY**
- A. **NIGHTTIME CARE CENTER:** A building and premises licensed by the Alabama Department of Human Resources (ADHR) for the care of seven or more children after 7pm.
 - B. **NIGHTTIME HOME:** A detached single-family dwelling licensed by the ADHR for the care of six or fewer children after 7pm.
- 2.04.145 **NONCONFORMING or NONCONFORMITY:** See [Article 11 Nonconformities](#) and the following:
- A. **NONCONFORMING LOT OF RECORD:** Any lot, validly recorded in the public records of Tuscaloosa County, which does not conform to minimum lot area or width requirements of the applicable district.
 - B. **NONCONFORMING STRUCTURE:** A structure that does not conform to setbacks, height limits or other area or dimensional requirements of this Ordinance.
 - C. **NONCONFORMING USE:** A use which does not conform to the use regulations of the applicable district.
- 2.04.146 **NONRESIDENTIAL USE:** Uses including agricultural, institutional, commercial, lodging and industrial activities.
- 2.04.147 **OFFICE-WAREHOUSE:** A facility combining office and warehouse functions in a single structure, for the primary purpose of wholesale trade, display, and distribution of products. Said facility is characterized by occasional truck deliveries and does not create nuisances such as dust, noise, or odors. Any warehouse activity with heavy trucking activities is categorized as Warehousing and Distribution. See also [§7.31 Office-Warehouses](#).
- 2.04.148 **ON-SITE:** Located within the boundaries of the development site.
- 2.04.149 **OPEN SPACE:** Any parcel or area of land or water, either publicly or privately owned, set aside, dedicated, designated, or reserved for the private use or enjoyment of owners or occupants of land adjoining such open space, or for the public at large.
- 2.04.150 **OPEN SPACE, COMMON:** Open space within a development, which is held in common ownership and maintained by a property owners association or other designated legal entity, for recreation or other open space uses; subject to the applicable provisions of this Ordinance; and which may be protected by covenant to ensure that it remains in such use.

- 2.04.151 **OUTDOOR STORAGE:** Outdoor storage of fuel, raw materials, vehicles, products and equipment. In the case of lumberyards, Outdoor Storage includes lumber and any other impervious materials stored outdoors.
- 2.04.152 **OWNER:** The person or persons having the right of legal title to, beneficial interest in, or a contractual right to purchase a lot or parcel of land.
- 2.04.153 **PACKAGE STORE:** An establishment in which the principal activity is the retail sales of alcoholic beverages for off-premises consumption. The retail sales of alcoholic beverages is considered the principal activity when gross receipts from the sale of alcoholic beverages exceed the gross receipts from other sales and activities on the premises during any one month.
- 2.04.154 **PARKING, FREESTANDING:** A parking lot or structure providing parking for uses not located on the same premises.
- 2.04.155 **PARKING AREA, PARKING LOT or PARKING STRUCTURE:** An improved area or a structure used exclusively for the temporary off-street storage of motor vehicles, containing access driveways, parking aisles and parking spaces. Such area or structure may be an independent business or may be used in conjunction with any other use.
- 2.04.156 **PARKING SPACE:** A delineated area reserved for the parking of a single vehicle.
- 2.04.157 **PARKING, TANDEM:** Parking design in which spaces are designed so that more than one vehicle may be parked, one in front of the other, within the same space.
- 2.04.158 **PASSIVE RECREATION AREA:** An open space intended for recreational activities that require a minimum of facilities, development and impervious surface areas, including but not limited to trails, playgrounds, dog parks, and areas for picnicking, wildlife observation and disc golf.
- 2.04.159 **PERENNIAL STREAM:** A stream channel that has continuous flow in parts of its bed all year-round during years of normal rainfall.
- 2.04.160 **PERFORMANCE RESIDENTIAL USE:** All residential developments other than detached single-family dwellings.
- 2.04.161 **PERIMETER PLANTING STRIP:** Portion of a lot between a vehicular use area and an adjoining property that is set aside and landscaped in accordance with [Article 9 Landscaping](#).
- 2.04.162 **PERSONAL SERVICE:** An establishment providing services involving the care of a person or their personal goods or apparel, including hair, nail and tanning salons, licensed massage therapists and repair of watches, phones, tablets, computers and other personal electronics.
- 2.04.163 **PET GROOMING:** An establishment providing grooming services or overnight boarding to household pets within a fully enclosed structure, which may include outside runs for keeping of animals for part of the day but not overnight.
- 2.04.164 **PLACE OF ASSEMBLY:** A facility used for the gathering of persons for religious, fraternal, recreational, social, educational or cultural activities and which may include the incidental preparation and sale of food and beverages on the premises. In addition to activities conducted within a building, Places of Assembly may also include activities conducted outdoors.
- 2.04.165 **PLACE OF WORSHIP:** A building used for regular religious worship, by the congregation or parts thereof, of an organized religion.
- 2.04.166 **PLANNED DEVELOPMENT:** A land development project comprehensively planned in accordance with [§6.03 Special District](#).

- 2.04.167 **PORTABLE BUILDING:** A prefabricated structure assembled off-site and delivered to the site as a complete unit or a building assembled on-site, which can be moved to another location without disassembly. Portable Buildings are designed and constructed in accordance with the standards for relocatable modular buildings in the Building Code. Does not include Manufactured Homes nor Modular Buildings.
- 2.04.168 **PREMISES:** One or more lots designed and improved in a unified manner to function together, including all associated structures, parking areas and other improvements thereon.
- 2.04.169 **PRINCIPAL STRUCTURE:** A structure in which is conducted or intended to be conducted the principal use of the lot on which it is located. Any structure that is connected to the principal structure by fully enclosed, habitable space is considered part of the Principal Structure.
- 2.04.170 **PRIVATE CLUB:** A place of assembly operated by an association of persons, organized or formed in accordance with the Code of Alabama, and united by some common interest such as social, educational or recreational purposes and characterized by membership qualifications, payment of fees or dues, and holding of regular meetings.
- 2.04.171 **PROPERTY LINE:** A line dividing one lot from another or from a street or any public or private space.
- 2.04.172 **PUBLIC FACILITY:** Land or buildings occupied by a federal, state or local government agency providing public services, including government offices, parks, museums, libraries, transit stations, police and fire stations, emergency service stations, civil defense operations and other government uses.
- 2.04.173 **PUBLIC IMPROVEMENT:** Any improvement, facility, or service, together with customary improvements and appurtenances thereto, necessary to provide for public needs as: vehicular and pedestrian circulation systems, storm sewers, flood control improvements, water supply and distribution facilities, sanitary sewage disposal and treatment, public utility and energy services.
- 2.04.174 **PUBLIC UTILITY FACILITY**
- A. **MAJOR PUBLIC UTILITY FACILITY:** Electric or gas generating plants, sewage treatment plants and water treatment facilities.
 - B. **MINOR PUBLIC UTILITY FACILITY:** A facility that provides utility services to the public, including water and sewer, gas distribution, electric transmission and distribution, and cable transmission and distribution facilities not otherwise defined as Major Public Utility Facility.
- 2.04.175 **RECREATION**
- A. **INDOOR RECREATION:** An establishment providing recreation or fitness services within an enclosed building, including but not limited to aquariums, gymnasiums and fitness centers, indoor skating rinks, arcades, billiard parlors, bowling establishments, indoor swimming pools; and enclosed facilities for yoga, martial arts and dance.
 - B. **MAJOR OUTDOOR RECREATION:** Establishments providing recreational activities that pose greater nuisances than Minor Outdoor Recreation, because of their size and scale, traffic volumes, noise, light, or physical hazards such as flying objects or use of weapons, including but not limited to: amusement parks, fairgrounds, golf driving ranges, miniature golf, archery ranges.
 - C. **MINOR OUTDOOR RECREATION:** An establishment providing recreation or fitness services primarily outside of a structure, including but not limited to arboretums, areas for cycling, hiking, and jogging; golf courses; nature areas; parks; picnic areas; play fields; playgrounds; outdoor swimming pools; tennis courts; and wildlife sanctuaries.

- 2.04.176 RECREATIONAL VEHICLE: A vehicular portable structure designed as a temporary dwelling for travel, recreational and vacation use, including pick-up campers, camping trailers, pop-up-trailers, travel trailers and motorized home living facilities constructed as integral parts of self-propelled vehicles.
- 2.04.177 RECREATIONAL VEHICLE PARK: An establishment designed with campsites for occupancy by recreational vehicles as temporary living quarters for purposes of recreation or vacation. All facilities and amenities, including roads, clubhouse or recreation facilities, and buffers are privately owned or owned in common by a condominium association.
- 2.04.178 RECYCLING CENTER: A premises, other than a junkyard, where recyclable materials are collected and may be separated, packed, bailed, stored and compacted before being transported to another location for processing and eventual reuse.
- 2.04.179 RECYCLING PLANT: A facility, other than a junkyard, in which recoverable resources, such as paper, plastic, glass, and metal cans are recycled, reprocessed and treated to return such products to a condition in which they may be used again in new products.
- 2.04.180 REDEVELOPMENT: The re-use of a previously developed property, which may include partial or complete demolition of existing structures and improvements, re-construction, expansion or changes in the use of existing structures or construction of new structures or improvements.
- 2.04.181 REPAIR SERVICE: An establishment engaged in the repair and maintenance of electrical, electronic and mechanical equipment, and home and business appliances, not otherwise defined as Automobile Repair.
- 2.04.182 RESEARCH LABORATORY: Facility for scientific research, investigation, testing or experimentation, but not facilities for the manufacture or sale of products, except as incidental to the main purpose of the laboratory.
- 2.04.183 RESIDENTIAL CARE FACILITY: A facility providing temporary housing and services similar to that of Emergency Care Homes or Transitional Care Homes but for more than six persons. A facility providing housing and services similar to that of a Family Care Home but for more than ten persons.
- 2.04.184 RESOURCE EXTRACTION: The removal, for commercial purposes, of native vegetation, topsoil, fill, sand, gravel, rock, petroleum, natural gas, coal, metal ore, or any other mineral and other operations having similar characteristics.
- 2.04.185 RESTAURANT
- A. FAST FOOD RESTAURANT: An establishment where food and drink may be ordered from an automobile and delivered through a drive-through window or to an ordering station.
 - B. RESTAURANT-BAR: A restaurant where alcoholic beverages, including liquor, are offered for sale for consumption on the premises.
 - C. STANDARD RESTAURANT: An establishment where food and drink are prepared, served and consumed on-premises. Standard restaurants may also offer accessory pick-up service.
 - D. TAKE-OUT/DELIVERY ONLY RESTAURANT: An establishment where food and drink are prepared and sold but consumed off-premises.
- 2.04.186 RETAIL
- A. GENERAL RETAIL: Retail sales of goods, including but not limited to, clothing, shoes, home furnishings, appliances, automobile parts and supplies, gifts, jewelry, floral goods, pharmacy and medical supplies,

hardware, musical instruments and sporting goods, which are conducted fully within a building but that may include only accessory outdoor displays and sales.

- B. UNENCLOSED RETAIL: Retail sales of goods conducted partially or fully outside of a building, including but not limited to flea markets, monument sales, lumber yards and similar activities but not including Heavy Equipment and Vehicle Sales, Rental and Service nor Vehicle and Equipment Sales, Rental and Service, which are separately classified.

2.04.187 RIGHT-OF-WAY: An area dedicated to public use for pedestrian and/or vehicular movement, which may also accommodate public utilities.

2.04.188 RUNOFF: The water from rain or melted snow that flows over the ground.

2.04.189 SELF-STORAGE, CLIMATE CONTROLLED: One or more buildings containing individual compartments that are heated and cooled and used solely for the dead storage of a customer's goods or wares. See also [§7.30 Mini-Warehouses and Self-Storage](#).

2.04.190 SETBACK: The required minimum distance between a structure and the front, side, or rear lot line.

2.04.191 SHOPPING CENTER: A group of retail and other commercial establishments planned, developed, and managed as a unit, under single ownership or control, and built in accordance with a unified architectural plan and with off-street parking provided on the property.

- A. MAJOR SHOPPING CENTER: A shopping center with more than 100,000 sf of gross floor area.

- B. MINOR SHOPPING CENTER: A shopping center with no more than 100,000 sf of gross floor area and containing commercial uses compatible with and serving the limited commercial needs of nearby residential neighborhoods, including but not limited to enclosed retail stores, banks, laundry services, personal services, restaurants, gas stations and minor automobile repair.

2.04.192 SHORT-TERM RENTAL: The use of a dwelling unit or portion thereof for lodging purposes in accordance with [§7.40 Short-Term Rentals](#) and that is not otherwise considered a Bed and Breakfast.

2.04.193 SHRUB: A low-growing usually multi-stemmed, woody plant, including any species listed in [Table 9-3](#) as either a deciduous or evergreen shrub.

2.04.194 SIGN: Refer to [Article 10 Signs](#) for all sign-related definitions.

2.04.195 SITE PLAN: A plan, drawn to scale by an engineer, with supporting documents demonstrating that a development will meet all applicable requirements of this Ordinance and the Engineering Design and Construction Manual. Refer to [§12.04 Site Plan Review](#).

2.04.196 SPECIAL EXCEPTION: Uses identified as such in the district regulations and adjustments to parking, height and other regulations that may be authorized by the Zoning Board of Adjustments subject to conditions set by the Board. Special Exceptions may not be appropriate generally or without restriction, but if controlled as to number, area, location, or relation to the surrounding area, would not harm the general public health, safety, or welfare.

2.04.197 STACKING SPACE: An off-street space for the temporary stacking of vehicles with an aisle intended to serve a drive-in teller, take-out food window, dry cleaning/laundry pick-up and similar functions.

2.04.198 STEEP SLOPES: Land area where the inclination of the land's surface from the horizontal is 30% or greater. Slope is determined from on-site topographic surveys prepared with a two-foot contour interval.

- 2.04.199 **STORY:** That portion of a building, other than a cellar or basement, 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 the floor and the next ceiling above it.
- 2.04.200 **STREET CLASSIFICATIONS**
- A. **ARTERIAL:** A major street designed to carry traffic, typically at higher speeds and over long distances, between important centers of activity or to other major streets and highways. Arterial streets are classified in accordance with the Engineering Design and Construction Manual.
 - B. **COLLECTOR:** A major street designed to carry traffic, typically at moderate speeds and over moderate distances, between local streets and major streets. Collector streets are classified in accordance with the Engineering Design and Construction Manual.
 - C. **LOCAL STREET:** A minor street designed to carry traffic at lower speeds and for relatively short distances. A street that is not classified as an arterial or collector.
- 2.04.201 **STRUCTURE:** Anything constructed or erected that requires rigid and permanent location on or attachment to the ground; including, but not limited to, buildings, signs, towers, monuments, statues, walls and fences; but not including telephone and other utility poles, overhead wires, retaining walls and terrace walls, wire fences, and any other object less than three feet in height.
- 2.04.202 **STRUCTURAL ALTERATION:** Any change in the supporting members of a building, such as the bearing walls, beams, or girders, or any change in the dimension or configuration of the roof or exterior walls. Also, see Alteration/Altered.
- 2.04.203 **STUCCO:** An exterior finish composed of some combination of Portland cement, lime, and sand, which are mixed with water, and which dries to a hard textured finish.
- 2.04.204 **STUDIO:** A building or portion thereof used for the practice or teaching of music, dancing or theatrical arts to students.
- 2.04.205 **SUBSTANCE ABUSE TREATMENT FACILITY**
- A. **IN-PATIENT SUBSTANCE ABUSE TREATMENT FACILITY:** A licensed facility meeting applicable state and federal standards that provides inpatient support services including counseling, rehabilitation and medical supervision for drug or alcohol treatment.
 - B. **OUTPATIENT SUBSTANCE ABUSE TREATMENT FACILITY:** A licensed facility meeting applicable state and federal standards that provides outpatient support services including counseling, rehabilitation and medical supervision for drug or alcohol treatment.
- 2.04.206 **TATTOO SHOP:** Any business establishment offering tattooing, branding and similar body art services.
- 2.04.207 **TELECOMMUNICATIONS FACILITIES, WIRELESS:** Any and all structures, fixtures or other accessories (e.g., electrical boxes, equipment sheds, guy wires, etc.) installed, used or intended for use in conjunction with wireless communication, including cellular, satellite and microwave transmission.
- 2.04.208 **TELECOMMUNICATIONS TOWER:** Any ground-mounted structure that is designed and constructed primarily for the purpose of supporting one or more communications antennas, including self-supporting towers (e.g., monopole and lattice) and guyed towers.
- 2.04.209 **TREE**
- A. **CANOPY TREE:** A single trunk tree whose height is greater than 35 ft at maturity.

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- B. UNDERSTORY TREE: A single trunk or multi-stem tree whose height is less than 35 ft at maturity, including those deciduous and evergreen understory trees listed in [Article 9 Landscaping](#).
- 2.04.210 USE: The purpose or activity for which land or any building thereon is designed, arranged, or intended, or for which it is occupied or maintained.
- A. ACCESSORY USE: A use which is customarily incidental and subordinate to the principal use of the land or building on the same lot. Accessory uses are subordinate in area, extent, and purpose to the principal use served. See [§3.04.04 Accessory Uses and Structures](#).
- B. PRINCIPAL USE: The primary purpose for which land is used.
- C. TEMPORARY USE: A use established for a fixed period of time with the intent to discontinue such use upon the expiration of such time. Temporary uses do not involve the construction or alteration of permanent structures.
- 2.04.211 VARIANCE: A relaxation of the terms of this Ordinance where such relaxation will not be contrary to the public interest and where, owing to conditions peculiar to the property, a literal enforcement of the ordinance would result in unnecessary hardship.
- 2.04.212 VEHICLE SALES, RENTAL AND SERVICE
- A. HEAVY VEHICLE AND EQUIPMENT SALES, RENTAL AND SERVICE: The sale or rental of trucks over one ton payload capacity, tractors and farm implements, manufactured homes, recreational vehicles, boats, and construction and similar equipment, including the storage, maintenance and servicing of the same.
- B. VEHICLE AND EQUIPMENT SALES, RENTAL AND SERVICE: The sale or rental of automobiles, light trucks, motorcycles, riding lawn mowers and similar household and gardening equipment, including accessory storage, maintenance and servicing of the same.
- 2.04.213 VENDING FACILITY
- A. ACCESSORY VENDING FACILITY: Any outdoor, automated or self-service vending structure that dispenses goods or products to customers and that is accessory to a commercial activity on the same premises, but which is detached from any other structure and has its own drive-up access.
- B. FREESTANDING VENDING FACILITY: Any outdoor, automated or self-service vending structure that dispenses goods or products to customers and that is not accessory to a commercial activity on the same premises, including but not limited to ice vending and automated teller machines.
- 2.04.214 VETERINARY OFFICE: A facility operated by a licensed veterinarian specifically for the practice of veterinary medicine, which may include overnight boarding of animals.
- 2.04.215 WAREHOUSING AND DISTRIBUTION, ENCLOSED: A place of business engaged in warehousing or distribution services within a building, including truck terminals and similar uses.
- 2.04.216 WAREHOUSING AND DISTRIBUTION, UNENCLOSED: A place of business engaged in open air warehousing or distribution services.
- 2.04.217 WHOLESALING: The selling of merchandise to or buying merchandise for other businesses or industries but not the general public. Businesses that sell merchandise on a membership basis that is not limited to other businesses or industries are categorized as Retail.
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- 2.04.218 WIRELESS COMMUNICATIONS SERVICE PROVIDER: Any private company, corporation or similar entity providing two-way interactive communications services to the general public by way of cellular communications facilities.
- 2.04.219 WOODLAND: An area of natural vegetation or planted material, at least 50 ft in depth, covering one acre or more and consisting substantially of canopy trees.
- 2.04.220 YARD: An open area of a lot, not occupied by any structure, measured from a property line to the nearest point of the structure. A required yard means a yard the depth of which is specified in the “Area and Dimensional Requirements” for the applicable district. Refer also to Lot Line and Figure 2-9.
- A. FRONT YARD: The yard extending across the entire width of the lot between the Principal Building and the front lot line or an official future street line, if established.
 - 1. PRIMARY FRONT YARD: The yard of a Single-Frontage Corner Lot that corresponds with the front yard of the adjoining interior lot.
 - 2. SECONDARY FRONT YARD: A yard of a Single-Frontage Corner Lot along the Side Street Lot Line.
 - B. REAR YARD: The yard extending across the entire width of the lot between the Principal Building and the rear lot line. On all lots the Rear Yard is opposite the Front Yard or Primary Front Yard.
 - C. SIDE YARD: A yard between the Principal Building and the Side Lot Line and extending from the required Front Yard to the required Rear Yard.
 - D. ZERO-SIDE YARD: That portion of the lot of a Zero Lot Line Dwelling where no setback is required between the dwelling and side lot line.

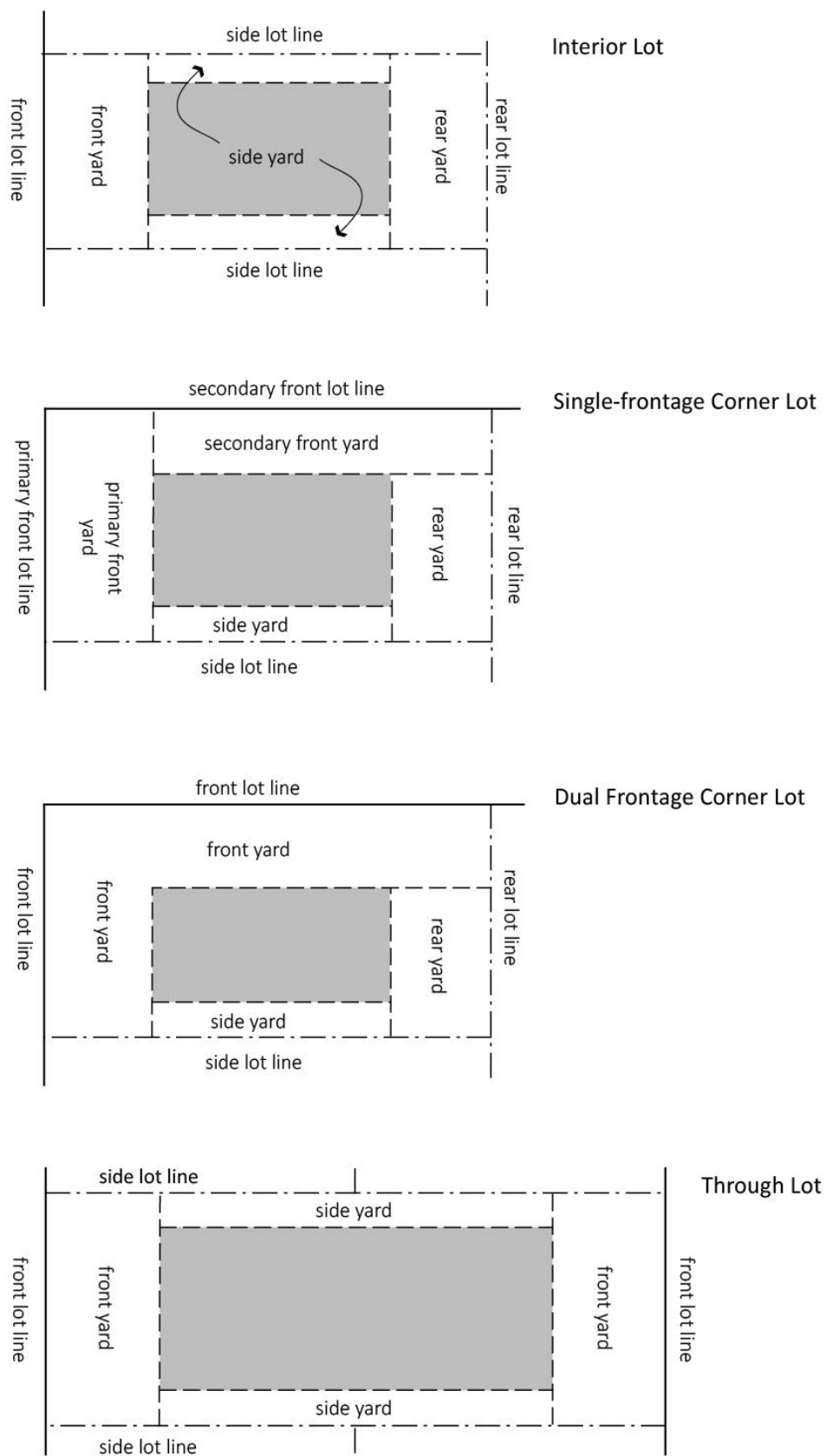


Figure 2-9 Yard Types and Locations

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ARTICLE 3 GENERAL REGULATIONS

§3.01 Introduction

The purpose of these regulations is to allow maximum utilization of land while protecting against detrimental impacts on the environment, neighboring properties, and the public interest. This protection is provided by separating the City into various zoning districts and permitting specified land uses within each, provided that a use meets all the additional criteria specified in this Ordinance.

§3.02 Use Regulations

3.02.01 Uses are permitted within each district as specified in Articles 4, 5 and 6 in accordance with the following:

- A. Except as otherwise provided by law or in this Ordinance, no land may be used nor structure erected, enlarged, reconstructed, moved, or structurally altered except for a use permitted by right or approved by the Council as a Conditional Use ([§12.05](#)) or by the Board as a Special Exception ([§14.04](#)).
- B. Certain uses identified in Articles 4, 5 and 6 are subject to “Use-Specific Regulations” in Article 7.
- C. Uses indicated as “permitted by right” are permitted provided that all applicable requirements of State law and this Ordinance have been met.
- D. Whether an unlisted use falls within a defined use category is determined in accordance with [§13.02 Interpretations](#). Otherwise, uses not listed in Articles 4, 5 and 6 as “permitted by right,” Conditional Uses or Special Exceptions are prohibited.

3.02.02 Although a use may be permitted by right or through approval of a Conditional Use or Special Exception in a particular district, no use is permissible on a parcel unless it can be located thereon in full compliance with all applicable regulations of this Ordinance.

3.02.03 In addition to the use regulations contained in this Ordinance, uses are subject to all performance criteria and other regulations governing yards, lot size, lot width, building area, easements, provisions of off-street parking and loading, and to such other provisions specified in this Ordinance and the laws of the State of Alabama and the regulations of the County Health Department regarding water supply and waste disposal. For premises not served by public water and/or sewage facilities, permits may not be issued until approval is obtained from the County Health Department.

3.02.04 Standards Applicable to Certain Uses. In addition to compliance with other regulations imposed by this Ordinance, the following standards are required of the uses enumerated below:

- A. Except as otherwise provided for group homes, no more than one family, as defined in [§2.04 Definitions](#), may occupy a dwelling unit.
- B. If any portion of a dwelling is marketed or occupied as a separate dwelling unit, then such portion is deemed to be a second dwelling unit regardless of whether it has internal access to other portions of the dwelling.
- C. Existing accessory dwellings in the RS, RCI, and HN Districts are permitted uses and may be improved within the existing structure, but the number and size of dwelling units in the structure may not be increased. New accessory dwellings are permitted only as provided in the district regulations. When existing accessory dwellings are improved, off-street, paved parking spaces must be provided and any required landscaping installed.

D. Limitations on Animals. See Chapter 14 of the City of Northport, Alabama Code of Ordinances.

§3.03 Area and Dimensional Requirements

3.03.01 Lots and Yards

- A. Each structure, hereafter erected or altered, excluding only interior changes to an existing structure, must conform to the minimum lot area, width and yard setbacks of the applicable district.
- B. No yard, open space or lot required for a building or structure may, during its life, be occupied by or counted as open space for another structure.
- C. No lot may be reduced in area so that yards and other open spaces total less than the minimum area required under this Ordinance except that when a lot is reduced in dimension or total area by 20% or less by the dedication and acceptance of a portion of such lot by the City, the area of the lot prior to the dedication is used in measuring area requirements. However, the dimensions of the lot after the dedication are used in measuring setback requirements.
- D. Common open spaces that are contained within their own lot are not subject to the minimum lot area requirements.
- E. Except as provided for Single-frontage Corner Lots, the minimum front setback applies to all frontages of lots with frontage on more than one street.
- F. The following structures may project into or be constructed in any minimum required yard as follows:
 - 1. Awnings, canopies, roof overhangs and balconies may project up to three feet but not closer than five feet to any property line. However, wherever buildings are permitted to be built closer than five feet to a side lot line, including but not limited to townhouses and zero lot line dwellings, roof overhangs may extend closer to and may project beyond side lot lines, provided a maintenance easement is secured.
 - 2. Terraces, steps, uncovered decks and porches, walls and similar features that extend no more than 30 inches above grade level may project into a required yard but no closer than five feet to any property line.
 - 3. Clotheslines, driveways and their curbs, fences, walls, and hedges may be constructed in minimum yard areas, provided that their installation does not violate any other provision of this Ordinance.
- G. Lot width. Lot width is measured along a straight line between the side lot lines at the front yard setback line. Where the lot fronts on a curved right-of-way, lot width is measured along an arc at the front yard setback line and parallel to the front lot line.
- H. The minimum front setback may be reduced where existing buildings on the same block frontage and in the same district are set back less than the front setback of the applicable district, as follows:
 - 1. On blocks up to 500 ft in length, the setback requirement is reduced to the average setback of all buildings along the frontage or the average setback of buildings within 100 ft on each side of the subject lot, whichever is less.
 - 2. On blocks longer than 500 ft, the setback requirement is reduced to the average setback of buildings within 200 ft on each side of the subject lot.
 - 3. For corner lots, the setback requirement is reduced to the average setback of all existing buildings along the same block frontage.

4. In no case may a building be constructed closer than five to a right-of-way line unless approved by the City Engineer.
 - I. On single-family residential lots, no driveway or other paved surface may be wider than 24 ft, measured at any point, forward of the front building line.
- 3.03.02 Flag Lots. The Director identifies the front, side and rear lot lines of a flag lot for determining yard requirements, allowable locations of accessory structures, and other purposes.
- A. The front setback, unless otherwise determined by the Director, is measured from that lot line along the flag portion of the lot most parallel to and nearest the adjoining street.
 - B. The land area within the access strip does not count toward the required minimum lot size.
 - C. Flag lots may only be used for single-family residential use, and no more than one dwelling unit may be authorized on any one flag lot.
- 3.03.03 Height of Structures. Each structure, hereafter erected or altered, may not exceed the maximum height for structures in the applicable district. However, maximum height regulations do not apply to barns, silos and other farm structures; steeples, spires, domes, chimneys, flagpoles, public utility poles, radio and television towers and aerials, cooling towers, water tanks, and industrial structures required for a permitted manufacturing process and other such structures not designed for human occupancy may exceed this height, provided they comply with all other applicable codes and ordinances.
- 3.03.04 Nothing contained in this Section may be construed to allow encroachment of any feature into a required buffer.

§3.04 Structures

- 3.04.01 Only buildings conforming to the Building Code and manufactured homes conforming to the HUD Code may be used for permanent residential occupancy. Recreational vehicles, tiny homes on wheels and similar portable structures may be permitted only for temporary residential occupancy in recreational vehicle parks and campgrounds.
- 3.04.02 Permanent structures and accessory structures may not be located within public utility or drainage easements.
- 3.04.03 No structure may be moved from one development site to another unless such structure complies, at the new location, with all applicable provisions of this Ordinance.
- 3.04.04 Accessory Uses and Structures
- A. Authorization
 1. Except as otherwise expressly provided or limited by this Ordinance, accessory structures and uses are permitted in any zoning district in connection with any principal use lawfully existing or permitted within such district. Any question of whether a particular use is permitted as an accessory use is determined by the Director.
 2. No accessory use or structure may be established or constructed unless a building permit, evidencing the compliance of such use or structure with all applicable provision of this Ordinance and all other City regulations, has first been issued in accordance with [§12.06 Building Permit, Certificate of Occupancy](#).

3. No accessory structure or use may be constructed or established on any lot prior to substantial completion of the principal structure. This does not apply to agriculture-related structures in the AG District.

B. Size, Lot Coverage and Placement

1. The principal use or structure, together with any accessory use or structure, may not jointly exceed applicable, ISR nor exterior storage limitations.
2. On residential lots, accessory structures may not exceed the height of the principal residential building nor 25 ft in height, whichever is less, except as provided for antennas in [§3.04.04.F](#). If taller than 15 ft, they must be set back one additional foot from side and rear lot lines for each two feet in height above 15 ft.
3. On residential lots, the total floor area of all accessory structures may not exceed 50% of the floor area of the principal structure. This includes open carports, gazebos and greenhouses, but not swimming pools. This does not apply to lots of three acres or larger in the AG District.
4. Accessory structures may not be located within any required front yard or within a required buffer. However, freestanding gazebos, arbors, trellises and similar open structures other than antennae that are no larger than 50 sf in area are permitted in required front yards provided they are set back at least ten feet from the nearest front lot line.
5. Except as provided for open structures in Paragraph 4 above, accessory structures serving residential uses must be set back at least ten feet behind the front building line.
6. Accessory structures serving nonresidential uses must comply with the yard setbacks required of principal structures in the applicable district.
7. Accessory structures may not be closer than ten feet to a principal structure nor five feet to any other accessory structure. If attached to another structure by means of fully enclosed habitable area, the two structures are considered one.

C. Number of Structures in Rear Yard. Within the rear yard of residential lots, the maximum number of accessory structures, other than swimming pools, is permitted as follows:

- a. Established rear yard of 1,500 sf or less: one accessory structure
- b. Established rear yard of 1,501-4,000 sf: two accessory structures
- c. Established rear yard of 4,001-10,000 sf: three accessory structures
- d. Established rear yard of more than 10,000 sf: four accessory structures.

D. Design

1. Enclosed accessory structures must be constructed of materials compatible with those of the principal structure. At least one exterior material used in the design of the accessory structure must be the same type and similar color as that used on the principal structure. Trim material alone does not satisfy this requirement.
2. In residential districts one metal or prefabricated accessory structure not exceeding 200 sf in area is permitted in the rear yard regardless of the compatibility of its exterior materials with that of the dwelling.

- E. Residential Swimming Pools and Recreational Facilities. The following standards apply to swimming pools, tennis courts and all other similarly improved recreational fields and courts, whether on an individual residential lot or in a common area of a residential subdivision or multifamily development.
1. Recreational fields and courts and swimming pools are subject to the side and rear setback requirements applicable to other accessory structures and may not extend forward of the front building line of the principal building. For measurement purposes, swimming pools and recreational facilities include all surrounding decking or paving and vertical supports for screen enclosures.
 2. Stationary swimming pools with a depth of one foot or more in any portion of the pool must be enclosed by a fence of at least four feet in height, which must be in place prior to the filling of the pool. Pools must meet all applicable requirements of the most currently adopted City Property Maintenance Code.
 3. Swimming pools must be set back at least five feet from any covered or uncovered patio or deck that is unenclosed on all sides except where attached to the dwelling. Otherwise, swimming pools must be set back at least ten feet from the dwelling.
 4. No swimming pool or recreational facility on a residential lot or residential common area may be operated as a business.
 5. Lighting for pools and recreational facilities must be located and installed so that no direct light is visible from adjoining properties.
- F. Antennas. For Telecommunication Towers, refer to [§7.06 Broadcast/TV/Radio and Telecommunication Towers](#).
1. Antennas may not be the principal use of any property.
 2. Residential TV antennas may not exceed 30 ft in height. All other antennae may not extend above 60 ft in height, unless otherwise specified by this Ordinance.
 3. Antennas may not be located forward of the front building line or within a required front yard.
 4. Antennas not mounted on or affixed to a principal structure, including amateur radio antennas, must be set back from all property lines a distance equal to its height.
 5. No more than two attached antennas and one freestanding antenna are permitted on any lot or development site.

3.04.05 Manufactured Housing

- A. Purpose. The purpose of this section is to provide standards and procedures specifically relevant to the location and development of manufactured housing and manufactured home communities.
- B. Compatibility Standards: Manufactured homes must be compatible to site-built and other housing in the immediate general area within the same zoning district. Approval in accordance with [§14.04 Special Exceptions](#) is required and may only be granted when the manufactured home is substantially similar in size, siding material, roof material, foundation and general aesthetic appearance to: (1) site-built or other forms of housing permitted in the same general area under this Ordinance; (2) existing development; or (3) proposed development in the same zoning district. Items subject to compatibility comparison will include the following:

1. Exterior Finish. Any material may be used for exterior finish that is generally used in areas near the location where the manufactured home is sited.
2. Size and Appearance. The general appearance and square footage of the home must be consistent and compatible with housing in adjacent locations to ensure compatibility.
3. Site-orientation. Manufactured homes must be placed on lots in a manner compatible with and reasonably similar in orientation to other residential structures in the area.
4. Utilities. The home must be connected to water and sewage systems (including well and septic tank, if applicable) approved by the Alabama Department of Public Health or the Alabama Department of Environmental Management.
5. Underpinning. The type of material and method used for underpinning must be consistent with and compatible to site-built homes in adjacent locations.

C. Standards for All Manufactured Homes

1. All manufactured homes that do not conform to this §3.04.05 on its effective date are treated as nonconforming uses. All manufactured homes placed after the effective date must comply with this §3.04.05 and any other applicable requirements of this Ordinance.
2. It is unlawful for any person to place, replace or relocate a manufactured home within the City without first being granted a permit.
3. Prior to installation, each manufactured home must bear a seal certifying compliance with the HUD Code. Any existing manufactured or mobile home not bearing such a seal is deemed and treated as a nonconforming structure and use in accordance with [Article 11 Nonconformities](#).
4. All manufactured homes must be set up, installed and anchored in compliance with the requirements of the Alabama Manufactured Housing Commission.
5. All manufactured homes must be skirted with a weather-resistant material. Skirting must be adequately vented.
6. Once a manufactured home has been placed and prior to occupation, all tow bars and axles must be removed and either removed from the property or stored on the lot where they will not be visible.
7. Prior to occupation, a landing, porch or deck must be installed on all entrances. At least one of said landings, porches or decks must be at least five feet in depth (measured outward from the exterior of the home), at least eight feet in length and must contain a railing along all exterior sides. Stairs must be at least three feet wide and must have exterior railing. All required stairs, landings, porches and decks must be constructed of treated or cedar wood or masonry or some combination of both. Required railing may be constructed of wood or metal material.

D. Temporary Use of Manufactured Homes

1. The Board, in accordance with [§14.04 Special Exceptions](#), may grant permission to use a manufactured home upon the premises on which a building or home is being constructed during the time of construction and may qualify, limit or terminate such permission at any time.
2. Such permits are issued for a specified time period to allow for the construction of the permanent building. If construction is not started by the allotted start date or if the construction does not continue

on a reasonable basis, as determined by the Council, the permit will be revoked unless an extension is granted by the Board upon request of the applicant.

- E. Manufactured Homes as Infill Dwellings. Manufactured Homes may be permitted in accordance with [§14.04 Special Exceptions](#) on a vacant lot within the AG and RS districts, subject to the following compatibility standards:
1. The proposed manufactured home will not be located on a vacant lot that is within a designated local, state or federal historic district, or a vacant lot that is between two or more structures that have been listed on or are eligible for addition to the National Register of Historic Places.
 2. The combined value of the proposed manufactured home and subject property must be at least 90% of the average appraised value of all adjoining, developed single-family properties.

§3.05 Resource Protection Standards

3.05.01 Generally

- A. All development must be preceded by the identification of any environmental or natural feature described below and must meet the specified standards for environmental protection.
- B. Site alterations, grading, filling and clearing or planting vegetation prior to approval of the plans for development is a violation of this Ordinance.
- C. As used in this section “open space” is as defined in [§2.04 Definitions](#) and as described in [§3.08 Common Open Spaces and Amenities](#).

3.05.02 Perennial Streams. 50 ft from the top of a perennial stream bank, on both sides, must remain undisturbed unless otherwise permitted by the City Engineer.

3.05.03 Steep Slopes

- A. Developments should be designed to minimize impact on areas with steep slopes. When a site contains existing slopes of 3:1 or greater, disturbance of such areas should be minimized to the extent practicable. When they are disturbed, the slope must be flatted to be no steeper than 3:1 and resulting slopes must be consistent with the recommendations of a geotechnical report prepared by an engineer. The report should, at a minimum, evaluate the need for benching, as well as construction and permanent erosion control best management practices.
- B. When identifying steep slope areas, contour intervals of two feet or better must be used to determine changes in elevation. Unless otherwise approved by the Director, a length of not more than 100 ft must be used to calculate the approximate slope of the area under consideration.
- C. When a proposed development will not meet the standards of Paragraph A above, a development plan must be submitted for review by the City Engineer and approving authority. Approval of the development plan is determined with consideration of its consistency with the intent of this Ordinance.

3.05.04 Areas Subject to Flooding. Development in any flood hazard area identified by FEMA is subject to the Flood Damage Prevention Ordinance #1368, as amended.

3.05.05 Lakes and Ponds

- A. All such areas that serve a stormwater or flood retention purpose must be reserved as permanent open space and must be maintained by the developer, property owner or other legally bound and authorized agent. No development or diverting of these bodies of water may be permitted without a development

plan approved by the City Engineer. Alteration of lakes and ponds is permitted only if surface area and flood retention volumes remain unchanged or are enlarged.

- B. Lake Shorelines. The shorelines of lakes, consisting of the area within 100 ft from the shorelines, may contain no more than 15% impervious surfaces. At least 75% of all such areas must be permanent open space.
- C. Pond Shorelines. The shorelines of ponds, consisting of the area within 50 ft from the shorelines, may contain no more than 15% impervious surfaces. At least 75% of all such areas must be permanent open space.

- 3.05.06 Drainageways. Re-grading, stripping of vegetation, or filling in drainageways is permitted only after review and written approval by the City Engineer, provided that the resultant drainageway has less velocity than existed previously or reduces stream bank erosion through the provision of erosion control measures.

§3.06 Reclamation of Undeveloped Land

- 3.06.01 If construction of a development has not been completed within one year of the date of approval of the construction plan; said development is reviewed by the Director to determine if reasonable progress toward completion of the development is being made. Evidence of reasonable progress may include, but is not limited to, installation of streets, utility lines and stormwater management facilities; laying of structural foundations; or completion of any phase of a development approved under a phasing plan pursuant to [§12.04 Site Plan Review](#). However, the clearing and grading of land, in the absence of other improvements, does not constitute evidence of reasonable progress.
- 3.06.02 Upon a determination that reasonable progress is not being made, the approving authority may require the owner of the development site to restore the land to the same condition that existed prior to the initiation of the development and place a time limit on completion of said restoration.
- 3.06.03 If such restoration is not feasible, the City Engineer and the Director, in consultation with the owner, will determine an acceptable condition or degree of reclamation. At a minimum, the site must be sodded or planted in grass and appropriate measures taken to prevent or eliminate soil erosion. In all cases, restoration activities must be consistent with appropriate best management practices as recommended by the Alabama Forestry Commission, the ADEM and the NRCS.

§3.07 Fences and Walls

- 3.07.01 A fence permit must be obtained prior to construction or installation of any fence or wall, except in the following cases:
- A. Maintenance and repairs that do not change the original dimensions of the fence or wall
 - B. Replacement or alteration of less than 50% of the fence or wall materials, provided the location of the fence or wall does not change.
- 3.07.02 Relationship to Streets
- A. No fence or wall may project into the unobstructed space required at a street intersection, as determined by the City Engineer.
 - B. No part of a fence or wall may be within a public right-of-way or easement adjoining such right-of-way. Fences and walls must be set back at least 15 ft from the nearest edge of pavement of a street.

- C. If visible from a public street, the finished side of the fence must face the street, and any chain link fencing must be black, vinyl-coated.

3.07.03 Height and Materials

- A. In nonresidential zones, no wall or fence may exceed ten feet in height.
- B. Chain link and similar wire fencing is prohibited in O-I, C-2, C-3, C-6 and REC Districts except that black, vinyl-coated chain link fencing may be used for recreational fields and to secure detention and retention basins.
- C. Chain link and similar wire fencing are prohibited in all Downtown Districts (see [§6.05 Downtown Districts](#)).
- D. Special Corridor Overlay District:
1. Chain link and similar wire fencing material may not be used forward of the front building line.
 2. Fences in front yards may not exceed four ft in height.
- E. In residential zones:
1. No wall or fence may exceed eight feet in height and no fence located in a front yard along which a dwelling has its entrance may exceed four feet in height. If taller than four feet, fences must be set back from the nearest front lot line a distance equal to or greater than the side setback in the applicable district. See Figure 3-1.
 2. Chain link and similar wire fencing may not be used forward of the front building line.
- F. In a front yard, walls and fences must be architecturally compatible with the style, materials, and colors of the principal building.
- G. Solid walls and fences may not be installed in the front yard along which a dwelling has its entrance.
- H. In residential, commercial, Office-Institutional and mixed-use zones, fences located forward of the front building line may not be solid or opaque, unless required for screening or buffering. All portions of such fences above three feet from grade level must be at least 25% open.

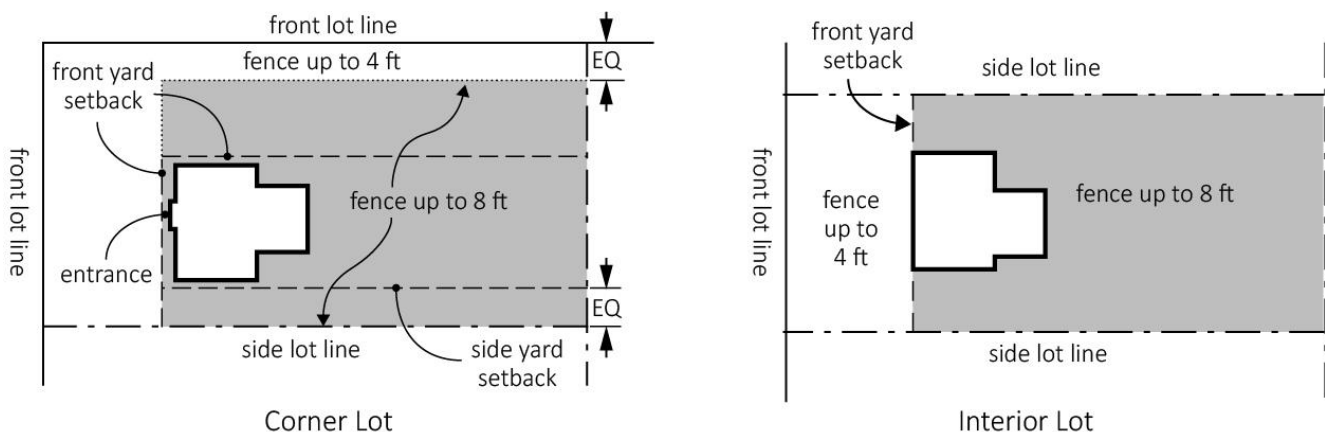


Figure 3-1 Residential Fence Heights

§3.08 Common Open Spaces and Amenities

- 3.08.01 Common open space, parking areas and amenities must be maintained as such and may not be separately sold, subdivided, or developed, and no structures may be built on such land, except as provided in this Section. All such properties must be owned and maintained by the developer, owner of the development site, condominium or property owners association (hereinafter “association”), or other private entity approved by the City Attorney.
- 3.08.02 Common open spaces, parking areas and amenities may be owned, preserved, and maintained by any of the following mechanisms or combinations thereof:
- A. Common ownership of the open space or amenity by an association, which assumes full responsibility for its maintenance.
 - B. Deed-restricted private ownership that prevents development and subsequent subdivision of the open space or amenity and provides maintenance responsibility. This arrangement must be noted on the site plan or subdivision plat, as applicable. Full and proper written legal documentation of said ownership and maintenance responsibilities must be submitted to the Director and approved by the City Attorney prior to commencement of development activities.
- 3.08.03 Common open spaces and amenities must be maintained so that their use and enjoyment as such is not diminished or destroyed.
- Within a subdivision, required open spaces must be subdivided from other parcels. On the subdivision plat, parcels containing common open spaces, parking areas and amenities must be given a sequential lot number, their intended use labeled, and entity having ownership and maintenance responsibility indicated.
- 3.08.04 Where common open spaces, parking areas or amenities provided within a development site, which is the subject of a site plan, and is under different ownership than the rest of the site, it must nevertheless remain part of the development site pursuant to [§12.04.11 Development Site to Be Unified](#). Unless the site plan is modified or terminated in accordance with [§12.04.08 Modification or Termination](#), such common open spaces, parking areas and amenities must be used only as provided in this Ordinance. The site plan must note the entity having ownership and maintenance responsibility.

§3.09 Clear View of Intersections

On any portion of a lot that lies within the triangular area of an intersection as specified in the City Engineering Design and Construction Manual, nothing may be erected, planted, placed, or allowed to grow in such a manner that impedes vision between a height of two and one-half feet and ten feet above grade at the intersection of the streets.

§3.10 Traffic Management

- 3.10.01 Transportation Impact Report. In the following cases and where otherwise deemed necessary by the City Engineer, a transportation impact report must be prepared and submitted with the Site Plan or Preliminary Plat, as applicable and must include that information specified in the Engineering Design and Construction Manual:
- A. Any development with proposed access along any collector or arterial road.
 - B. Any proposed development of 30 or more dwelling units.

- C. Any use that will generate more than either 100 trips per acre per day or 250 trips per day. Trip generation rates for proposed uses is determined by consulting the latest edition of Trip Generation published by the Institute of Transportation Engineers, and/or the City Engineer.
- 3.10.02 Traffic control devices. Whenever it is determined that there is a need for, as the result of additional traffic generated by a proposed development, a traffic signal, traffic signs, additional right-of-way or acceleration/deceleration lanes, the developer must make such planned improvements a part of the development plan and propose a schedule to the Planning Commission, hereinafter “the Commission,” or other approving authority for making such improvements. Anticipated improvements required by future development and the developer’s share in those improvements are listed in the following paragraphs.
- A. Traffic signs, including stop, yield, caution, and street signs must be placed by the developer at their expense. Special signs such as “watch for traffic entering”, “blind hill” and “pedestrian crossing” may also be required. All traffic signs must be specified, installed, and maintained in accordance with the MUTCD.
 - B. Traffic signals must be placed at the direction of the agency having jurisdiction. This includes signalization and improvement of railroad crossings. Because of the timing of the actual installation of signals by authorized agencies, the developer must post a bond guaranteeing the estimated cost of traffic signal improvements.
 - C. Acceleration and deceleration lanes or other improvements, if determined necessary based on the findings of a required transportation impact report, must be provided by the developer at the direction of the City Engineer. Such improvements must be designed and constructed to the standards of the agency having jurisdiction. The cost of such improvements will be borne entirely by the developer.
- 3.10.03 Cross Access Requirements. The City Engineer may require cross access and permanent access easements for adjoining lots with frontage on collector or arterial roads to provide access between such lots in the interest of access management, public safety and facilitating vehicular traffic.
- 3.10.04 Median Cuts. Any alteration of existing or planned roadway medians requires approval of the City Engineer and/or ALDOT; and only where such alteration is in the interest of public safety. Where such alterations are allowed, the entire cost must be borne by the applicant. The improvement of other medians or similar traffic control devices in proximity to the proposed development may be required in consideration for any allowed median alteration.
- 3.10.05 Additional right-of-way required by a specific governmental plan for the improvement of an existing or proposed roadway must be dedicated to the City. Said right-of-way may be required at the time of subdivision or site plan review.
- 3.10.06 Access
- A. Except as otherwise provided herein and in [§7.10 Cottage Developments](#), development sites must have legal access to a publicly owned and maintained street or road. Physical access alone does not qualify any development site for such permits. Legal access must consist of the required length of street or road frontage, a flag lot approved by the Commission in accordance with the requirements of this Ordinance and the Subdivision Regulations, or access easements under this Section. For developments other than single family residential, legal access includes street frontage shown in an approved preliminary plat; however, no certificate of occupancy for any structure may be issued without recordation of the corresponding final plat.

- B. Access Easements. Access by easement must be expressly approved by the Commission, in the case of subdivisions, or by approval of a Special Exception by the Board in all other cases. In all such cases, the following conditions apply:
1. Direct access to a street or provision of minimum street frontage is not practicable.
 2. The property owner seeking a permit must possess a valid legal instrument, recorded in the Office of the Judge of Probate, indicating ownership of an access strip or easement at least 15 ft in width connecting the subject property with a public road.
 3. No such access may serve more than one building site.
 4. No development may be authorized on any such building site other than one single-family dwelling and permitted accessory structures. However, other uses may be considered through Special Exception by the Board when an easement is provided and has been approved by the City Engineer and City Attorney.
 5. Prior to issuance of a certificate of occupancy, the access must be graded and/or covered with a suitable surface so as to be passable to emergency vehicles.
 6. The permit applicant must sign a statement indicating that the City of Northport has no obligation to repair nor maintain the access in a usable condition, and that the City is not liable for injuries to persons or damage to property resulting from the lack of direct access to a public road.

§3.11 Lighting

- 3.11.01 Light or glare from any operation and all lighting for parking areas or for the external illumination of buildings or grounds must be directed, shielded, and located to focus lighting onto the use and away from adjacent property and pedestrian and vehicular areas (See Figure 3-2). Fixtures with light sources of 100 watts or less do not require shielding.

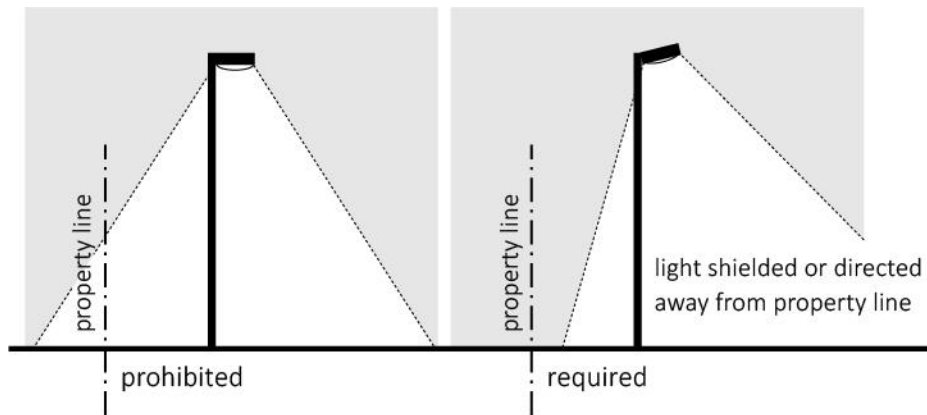


Figure 3-2 Control of Light Glare

- 3.11.02 The intensity of light may not exceed 0.3 footcandles beyond any adjoining residential property line nor three footcandles otherwise. However, nonresidential uses may share fixtures along property lines or allow light to trespass onto adjoining properties with written approval of the subject property owners.
- 3.11.03 The following lighting standards apply to parking lots of ten or more spaces serving residential, institutional and commercial uses:

- A. Minimum horizontal illuminance of 0.2 footcandles, measured on the parking surface
 - B. Minimum vertical illuminance of 0.1 footcandles, measured at five feet above the parking surface at the point of lowest horizontal illuminance, excluding facing outward along the site boundary
 - C. Uniformity ratio of 20:1, the highest horizontal illuminance point divided by the lowest horizontal illuminance point or area
- 3.11.04 All lighting fixtures incorporated into non-enclosed structures (e.g., gas pump canopies, car washes, etc.) must be fully recessed into the underside of such structures.
- 3.11.05 A lighting plan must be provided with all development plans and must show, at a minimum, placement and height of all lighting structures and illumination levels taking into account landscaping and other possible obstructions. The lighting designer must certify that the lighting plan meets the above requirements.

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ARTICLE 4 RESIDENTIAL DISTRICTS

§4.01 Generally

- 4.01.01 All uses must comply with the use regulations in [Table 4-1](#) and the area and dimensional requirements in [Table 4-2](#). When a lot size exceeds the minimum required area, all other standards applicable to residential lots nevertheless apply.
- 4.01.02 Certain nonresidential uses are permitted in residential districts in accordance with [Table 4-1](#) subject to provisions intended to preserve and protect the residential character of the district.

§4.02 Residential Single-Family Districts (RS)

The RS-1, RS-2 and RS-3 Districts are intended to preserve the character of existing and developing neighborhoods and to prevent such areas from becoming nonconforming under the terms of this Ordinance. These districts are also intended to provide for future residential development and for in-filling of existing neighborhoods on vacant lots with dwellings of like kind.

§4.03 Residential Multifamily (RM)

- 4.03.01 This district is intended for medium and high-density residential areas characterized by single-family detached, twin houses, duplexes and multifamily dwellings.
- 4.03.02 Any new manufactured home developments, where permitted, are subject to [§3.04.05 Manufactured Housing](#) and the applicable standards in [Article 7 Detailed Use Regulations](#).

§4.04 Performance Residential Developments

- 4.04.01 Purpose. The purpose of performance residential development is to provide innovative development types that make efficient use of land, utilities and/or protect natural features.
- 4.04.02 Performance residential developments may contain one or more of the following housing types, where permitted in accordance with [Table 4-1](#), subject to the applicable requirements in Article 7 and approval of a General Development Plan: duplexes, manufactured home parks, manufactured home subdivisions, multifamily dwellings, townhouses, twin houses and zero lot line dwellings.
- 4.04.03 A General Development Plan must be submitted and approved for all Performance Residential Developments requiring Conditional Use approval. See also [§12.03 General Development Plan](#).
- 4.04.04 For purposes of calculating density, the development site includes all platted lots, together with streets, drainage facilities, utility sites and any other common property within the perimeter of the subdivision plat, whether or not such facilities will be dedicated to the City.
- 4.04.05 Each Performance Residential Development must meet the requirements of this Ordinance within the boundaries of the development. Each phase of a performance residential development must meet the requirements of this Ordinance within the boundaries of each such phase.

§4.05 Open Space Requirements for High Density Residential Developments

- 4.05.01 To provide for active and passive recreational activities, improve the quality of life for residents and increase property values and desirability of high-density residential development, standards are set out here for the provision of common open spaces.

4.05.02 All Performance Residential Developments, unless otherwise approved as part of the General Development Plan, and any single-family residential developments, including any phases thereof, which contain lots of 9,000 sf or less must include common open space totaling a minimum of 20% of the entire development site or phase thereof.

4.05.03 Open Space Plan

- A. An open space plan must be submitted as a part of the site plan or subdivision approval application, indicating the boundaries of all common open spaces. The plan must:
 - 1. designate areas to be reserved as common open space.
 - 2. designate the type of common open space to be provided;
 - 3. specify the manner in which the common open space will be owned and maintained in accordance with [§3.08 Common Open Spaces and Amenities](#); and
 - 4. include proof of a mandatory and functioning association and contact information for same, if applicable. Annual updates of contact information must be provided to the Director.
- B. Prior to final plat approval, the Director must verify that all parcels or tracts proposed as common open spaces or amenities are clearly delineated on the plat or site plan and their purpose, size and dimensions indicated. Unless specifically accepted by the Council, the City is not responsible for maintenance or repair of any common facility or properties.

4.05.04 Open Space Types

- A. Common open spaces must have qualities making it useful for passive or active recreation and must be developed to serve such purposes. In addition, open spaces should serve an environmental or resource protection purpose, visually separate the development from existing public ways or from other developments; or be of value in dividing the development into coherent sub-areas.
- B. The types of common open space that satisfy the requirements of this Ordinance, together with the maintenance required for each type, are as follows:
 - 1. Natural areas, including undisturbed vegetation or areas replanted with vegetation after construction. Natural watercourses are to be maintained as free flowing and devoid of debris. Stream channels must be maintained so as not to alter the base flood elevation;
 - 2. Agricultural uses other than those which occur primarily within a structure;
 - 3. Community gardens divided into plots for use by residents of the development;
 - 4. Recreational areas designed for specific, active recreational uses having minimal requirements for structures, such as but not limited to playgrounds; parks; courts or fields for sports such as tennis, pickleball, softball, basketball, and volleyball; swimming pools; pavilions; and golf courses. An enclosed structure may be permitted only where it directly supports a specific amenity and its use does not require off-street parking in addition to that of the open space use; and
 - 5. Passive recreation areas and improved paths for walking, hiking, exercise, bicycling, equestrian use and similar activities. The use of greenways to connect residences and recreational areas is encouraged.
- C. Any change in type of a required common open space must be submitted for approval by the approving authority, subject to any public hearings as may normally be required.

4.05.05 Open Space Standards for Performance Residential Developments. The approving authority may approve common open spaces and amenities only upon receipt of a scaled drawing showing all proposed improvements and only upon finding such open space and amenities comply with the requirements listed below. Those not complying with the following requirements are evaluated as principal uses and, as such, are subject to all other applicable regulations.

- A. Amenities within any required open space are limited to those allowed under §4.05.04 Open Space Types. Golf courses, golf driving ranges, and miniature golf are not permitted.
- B. All amenities must be located on parcels whose purpose is clearly identified on the recorded subdivision plat. Any amenity proposed on an existing parcel not designated for open space purposes must be approved through amendment of the General Development Plan.
- C. Enclosed, recreational structures must be set back 25 ft from all lot lines and may not exceed 10,000 sf including any restroom facilities. Any amenity parcel containing an enclosed structure must have frontage on a public or approved private street within the development.

4.05.06 Planning and Design Standards

- A. The design of common open spaces must be sensitive to the physical characteristics of the site and design characteristics of the development.
- B. Common open spaces must be appropriately located and large enough to address the open space characteristics of this Section.
- C. Common open spaces must be accessible to all residents of a development, as applicable. However, access to agricultural uses may be restricted to those engaged in agricultural pursuits.
- D. No dwelling may be located more than 750 ft from a common open space. The approving authority may waive this distance requirement where the development includes a major recreational facility, which will occupy at least 50% of the required common open space for the development. No more than ten percent of the dwellings in the development may be occupied before this facility is completed and available for use.
- E. Where non-recreational properties separate dwellings from a common open space, the Director may require an easement or other means of access to avoid the need for pedestrians to cross or travel on streets.
- F. No property or portion thereof, less than 40 ft wide and 7,500 sf in area, may be counted toward common open space requirements. Common open spaces containing paths for pedestrians or bicycles are exempt from this width requirement if such paths are part of a comprehensive circulation system serving all or a portion of the development or are included in connecting greenways. When provided, paths must be paved except those traversing wooded, natural areas.
- G. Non-recreational buildings, except those related to agricultural open space uses, may not occupy required common open spaces.
- H. All common open spaces must be easily visible from public view and freely accessible.
- I. Parking lots serving subdivision amenities must be landscaped in accordance with [§9.03 Vehicular Area Landscaping Standards](#).
- J. Parking for community pools and active recreation amenities must be provided in accordance with [§8.01 Off-Street Parking Requirements](#). Parking is not required for playgrounds and passive recreational areas.

The Director may reduce parking requirements by up to 50% if the recreation amenities are for the use of residents of the development. Further reductions may be considered in accordance with [§14.04 Special Exceptions](#) or in accordance with [§12.05 Conditional Uses](#), if required for the associated development.

- K. Any equipment used by maintenance or other employees must be stored in an enclosed structure or an area screened from public view.

4.05.07 Calculation of Open Space

- A. Lakes, ponds, and other permanent water bodies may not constitute more than 25% of the total required common open space. Where permitted, golf courses may not constitute more than 60% of the total required common open space.
- B. The following may not be counted toward common open space requirements:
 - 1. platted lots for residential use or designated sites for manufactured homes or recreational vehicles;
 - 2. private streets and driveways, public or private rights-of-way or easements for roads, driveways or any other use which is not consistent with the purposes of common open space established in this Section;
 - 3. parking areas, including any landscaping required within and at the perimeter of such parking areas;
 - 4. required setbacks or spacing between structures, manufactured homes or recreational vehicles;
 - 5. commonly owned lawns consisting of grass with or without trees. (e.g. condominiums, townhouses, patio homes, etc.)
 - 6. areas which have been cleared of vegetation, excavated, filled, or otherwise altered from their natural state unless such alteration is consistent with the approved use of the open space;
 - 7. any development site, as established by a site plan, containing a clubhouse or a non-recreational use including, but not limited to, office, restaurants, gift shops, and groundskeeper storage buildings;
 - 8. any other areas which the Director finds to be inconsistent with the intent of this Section.

Table 4-1 Use Regulations, Residential Districts

	RS-1	RS-2	RS-3	RM
Residential Uses				
Assisted and independent living facilities				C
Boarding house				C
Cottage development, subject to §7.10				P
Duplex, subject to §7.12				P
Manufactured home subdivision				C
Manufactured home park, subject to §7.28				C
Multifamily dwellings, subject to §7.31				P
Single-family dwelling, detached	P	P	P	P
Single-family dwelling, Zero Lot Line, subject to §7.49				P
Townhouse, subject to §7.45				P
Twin houses, subject to §7.46				P
Nonresidential Uses				
Amateur radio tower, subject to §3.04.04.F	P	P	P	
Bed and breakfast, subject to §7.05	C	C	C	
Cemetery, accessory to place of worship	C	C	C	C
Cemetery, as a principal use				C
Community center	C	C	C	P
Country club	C	C	C	C
Day care and Nighttime care centers	C	C	C	C
Extended care facility				C
Family day care and Nighttime homes, subject to §7.14	P	P	P	P
Family care home, subject to §7.19				P
Golf course	P	P	P	P
Group day care home, subject to §7.14	C	C	C	C
Group homes, other than Family Care Homes, subject to §7.19				C
Home occupation, subject to §7.21	P	P	P	P
Park, playground, nature preserve	P	P	P	P
Parking, freestanding	C	C	C	C
Place of worship, subject to §7.34	C	C	C	P
Public facility	P	P	P	P
Public utility facility, major	C	C	C	C
Public utility facility, minor	P	P	P	P
Recreational facilities, accessory (swimming pools, tennis courts)	P	P	P	P
Schools, private	C	C	C	C
Short-term rental, subject to §7.40	P	P	P	P

P – The use is permitted by right
 C – The use requires Conditional Use approval, see [§12.05](#)

A blank cell indicates the use is prohibited.

Table 4-2 Area and Dimensional Requirements Residential Districts

Zone	Minimum Lot Area	Minimum Lot Width	Minimum Yard Setback				Maximum ISR	Maximum Building Height
			Front or Primary Front ¹	Secondary Front ¹	Rear	Side		
RS-1	15,000 sf	95 ft	40 ft	25 ft	50 ft	14 ft	0.40	35 ft
RS-2	12,000 sf	85 ft	35 ft	25 ft	35 ft	12 ft	0.40	35 ft
RS-3	9,000 sf	75 ft	30 ft	20 ft	35 ft	10 ft	0.45	35 ft
RM ^{2, 3}	6,000 sf	60 ft	20 ft	15 ft	20 ft	7 ft	0.50	35 ft

- 1 The front or primary front setback applies on both frontages of dual-frontage corner lots. Secondary front setbacks apply to single-frontage corner lots only.
- 2 Common open space is required for developments containing lots of 9,000 sf or less in area subject to [§4.05](#) Open Space Requirements for High Density Residential Developments.
- 3 Applies only to detached single-family dwellings, lots in manufactured home subdivisions and any permitted nonresidential uses. For other permitted dwelling types, refer to the standards in [Article 7 Detailed Use Regulations](#).

Table 4-3 Performance Residential General Requirements

Housing Type	Subdivision Plat Required	Buildable Area On Plat	Site Plan Required, see §12.04	Common Open Space Required
Single-family dwellings, detached	X			See §4.05
Cottage Development (subdivision)	X	X	X	
Cottage Development (on one lot)		X	X	
Zero Lot Line dwellings	X	X	X	
Townhouse	X	X	X	
Twin House	X	X	X	
Duplex	X		X	
Multifamily Development			X	
Manufactured Home Park		X	X	
Manufactured Home Subdivision	X	X	X	

ARTICLE 5 NONRESIDENTIAL DISTRICTS

§5.01 General Provisions

- 5.01.01 All uses must comply with the use regulations in [Table 5-1](#), the area and dimensional requirements in [Table 5-2](#) and any applicable requirements for specific uses indicated in [Table 5-1](#).
- 5.01.02 Retail displays outside of a structure must be set back at least 20 ft from the nearest point of a public right-of-way.
- 5.01.03 Material Standards. Metal siding is prohibited on all facades visible from any public street except under the following conditions:
1. Metal siding is allowed in M-1 or M-2 Districts under the following conditions:
 - a. A minimum base of four feet or 30% of wall height, whichever is greater, of brick, stone, split face block, or other durable material (not smooth finish concrete masonry units or smooth concrete) must be located on street facades; if a multi-story building, the first story must meet this material requirement
 - b. No exterior wall plane facing a public street may exceed 30 ft without articulation, such as but not limited to, recesses, projections, material changes, pilasters, columns/posts, roofline or cornice line changes, projecting bays, porches, or fenestration. Change in color alone is not sufficient to meet this requirement.
 - c. If the premises is adjacent to a residential district, the front or main façade may not have any metal siding. However, architectural metal panels are allowed.
 2. Architectural metal panels are allowed in C-2, C-3, or C-6 Districts under the following conditions:
 - a. A minimum base of four feet or 30% of wall height, whichever is greater, of brick, stone, split face block, or other durable material other than smooth finish concrete masonry units or concrete, must be located on all street facades; if a multi-story building, the first story must meet this material requirement
 - b. No exterior wall plane visible from a public street may exceed 30 ft without articulation, including recesses, projections, material changes, pilasters, columns/posts, roofline or cornice line changes, porches, or fenestration. Change in color alone is not sufficient to meet this requirement.

§5.02 Neighborhood Commercial Districts (C-2)

The District is intended to provide areas that offer convenient access to goods and services from existing and developing residential areas, lessening the need for longer vehicular trips by residents and promoting walkability.

§5.03 General Commercial District (C-3)

The District is intended to provide areas for general retail sales, personal and professional services, and other compatible commercial activities serving a citywide customer base.

§5.04 Highway Commercial District (C-6)

The District is intended for properties adjacent to McFarland Boulevard to accommodate a wide range of commercial activities, some of which require a high degree of visibility and vehicular access afforded by location along the highway, including business uses that serve the traveling public.

§5.05 Office-Institutional District (O-I)

This district is intended to provide areas for the development of public, semi-public and private offices; schools, healthcare and childcare facilities; places of worship and other institutional uses. Such uses are supportive of the surrounding residential community.

§5.06 Limited Manufacturing District (M-1)

This district is intended to provide areas for commercial and light industrial uses that must be segregated because of negative impacts that cannot be made compatible with other uses through the application of performance standards. The creation of this district recognizes not only nuisances, but also infrastructure and operational incompatibilities between its permitted uses and those of other districts. Location criteria for this district focus on transportation, requiring that sites have access to a railroad, an airport or a major highway.

§5.07 General Manufacturing District (M-2)

This district is intended to provide areas for intensive commercial and industrial uses that must be segregated because of negative impacts that cannot be made compatible with other uses through the application of performance standards. The creation of this district recognizes not only nuisances, but also infrastructure and operational incompatibilities between its permitted uses and those of other districts. Location criteria for this district focus on transportation, requiring that sites have access to a railroad, an airport or a major highway.

Table 5-1 Use Regulations, Nonresidential Districts

P: The use is permitted by right

C- The use requires Conditional Use approval, see [§12.05](#)

A blank cell indicates the use is prohibited.

	O-I	C-2	C-3	C-6	M-1	M-2
Agricultural Support						
Farm equipment sales and repair				P	P	C
Farm produce supply				P	P	C
Farm product processing					C	C
Residential Uses						
Caretaker dwelling, accessory to a permitted use				C	C	C
Cottage developments, subject to §7.10		C	C	C		
Group home	P	P	P			
Multifamily dwellings, subject to §7.31		C	C	C		
Residential care facility	C					
Single-family dwelling, detached		C	C			
Townhouses, subject to §7.45		C	C	C		
Upper-story dwellings		C	C	C		
Commercial Uses						
Adult novelty store, subject to §7.13					C	
Alternative financial services, subject to §7.03				C		
Artisanal manufacturing		C	C	P	P	P
Auto accessory store			P	P		
Automobile repair, Major, subject to §7.23				C	P	P
Automobile repair, Minor, subject to §7.18			C	P	P	P
Bank or financial services	P	P	P	P	C	
Bar		C	P	P	P	C
Brewery				C	P	P
Brewpub		C	C	P		
Building material sales			C	P	P	P
Business and professional offices	P	P	P	P	C	C
Business support service	P		P	P	P	P
Car wash, subject to §7.08		C	C	P	P	P
Commercial school, fully enclosed	C	C	P	P	P	P
Commercial school, unenclosed or partially unenclosed					P	P
Commissary	P		P	P	P	P
Construction service, Major				C	P	P
Construction service, Minor			C	C	P	P
Entertainment-Adult, subject to §7.13					C	C
Dry cleaning pick-up/drop-off business		P	P	P		
Farm produce sales				P	P	
Funeral home	P		P	P		
Garden center or nursery		C	P	P	P	P
Gas station, subject to §7.18			C	P	P	P
General retail, Enclosed		P	P	P		

Table 5-1 Use Regulations, Nonresidential Districts

P: The use is permitted by right

C- The use requires Conditional Use approval, see [§12.05](#)

A blank cell indicates the use is prohibited.

	O-I	C-2	C-3	C-6	M-1	M-2
Heavy equipment sales, rental or repair, subject to §7.20				C	P	P
Home improvement center			C	P	P	P
Hotel			P	P		
Kennel					C	
Laundromats			C	C		
Maintenance service	C		P	P	P	P
Medical cannabis dispensing site				P		
Mini-warehouse, subject to §7.30				C	P	
Motel				C		
Nursery, Wholesale			C	C	C	C
Office-warehouse, subject to §7.32			C	C	P	
Outdoor storage as a principal use					C	C
Package Store			P	P		
Personal service	P	P	P	P		
Repair services, subject to §7.41			P	P	P	P
Restaurant, Fast food		C	P	P	P	
Restaurant-bar		C	P	P		
Restaurant, Standard		P	P	P	P	C
Restaurant, Take-out/delivery only		P	P	P	P	
Retail, Unenclosed, including flea markets, subject to §7.16			C	C	C	
Sales/minor storage of gaseous fuels, subject to §7.38				P	P	P
Self-storage, Climate-controlled, subject to §7.30			C	C	P	
Shopping center, Major, subject to §7.39			P	P		
Shopping center, Minor, subject to §7.39		P	P	P		
Studio (dancing, music, art)	C	P	P	P		
Tattoo shops, subject to §7.43				P		
Tobacco/vape shops				C		
Towing service					P	P
Vehicle sales or rental			C	P	P	
Veterinary office, Pet grooming, subject to §7.48	C	P	P	P	P	
Vending facility, Freestanding, subject to §7.47			P	P		
Wholesaling				C	P	P
Entertainment and Recreation Uses						
Entertainment, Indoor		C	P	P		
Entertainment, Outdoor			C	P	C	C
Fairground, subject to §7.25					C	C
Golf Course		P	P	P		
Outdoor or drive-in theatre, subject to §7.33				C	C	
Park	P	P	P	P	P	P
Racetrack					C	C

Table 5-1 Use Regulations, Nonresidential Districts

P: The use is permitted by right

C- The use requires Conditional Use approval, see [§12.05](#)

A blank cell indicates the use is prohibited.

	O-I	C-2	C-3	C-6	M-1	M-2
Recreation, Indoor		C	P	P	C	
Recreation, Outdoor-Major, subject to §7.25				P	C	
Recreation, Outdoor-Minor		P	P	P	P	P
Recreational vehicle park and campgrounds, subject to §7.35					C	C
Institutional Uses and Utilities						
Ambulance service, subject to §7.04	P	P	P	P	P	P
Assisted living facility	P	P	P			
Cemetery	P	P	P			
Community center	P	P	P			
Day care center	P	P	P			
Extended care facility	P	P	P			
Hospital	C	C	C	C	C	
Institutional uses, major, subject to §7.24	P	C	P			
Institutional uses, minor	P	P	P			
Place of worship, subject to §7.34	P	P	P			
Public facility	P	C	P	P	P	
Public utility facility, Major	C	C	C	C	C	C
Public utility facility, Minor	P	P	P	P	P	P
Public utility service yard or garage	C	C	P	P	P	C
Recycling center, subject to §7.36				C	P	P
Schools, public or private	P	P				
Substance abuse treatment, In-patient	P		P			
Substance abuse treatment, Outpatient	P	P	P	P	C	C
Telecommunication tower, subject to §7.06	P		C	P	P	P
Industrial Uses						
Bakery, Major				P	P	P
Bottling plant				C	P	P
Borrow pit					C	C
Bulk storage of chemicals or fuels, subject to §7.07					C	C
Commercial incinerator, subject to §7.09					C	C
Food processing and packaging, subject to §7.17					C	C
Junkyard, subject to §7.22					C	C
Manufacture of building materials, subject to §7.26					C	P
Manufacture or storage of explosives, subject to §7.27					C	C
Manufacturing, General					C	P
Meat or poultry processing					C	P
Printing and publishing plant				P	P	P
Recycling plant					C	C
Research laboratory					C	P
Resource extraction (mines and quarries), subject to §7.29					C	C

Table 5-1 Use Regulations, Nonresidential Districts

P: The use is permitted by right

C- The use requires Conditional Use approval, see [§12.05](#)

A blank cell indicates the use is prohibited.

	O-I	C-2	C-3	C-6	M-1	M-2
Slaughterhouse, subject to §7.41					C	C
Storage of sand, gravel, blocks, subject to §7.42					C	P
Warehousing and distribution, Enclosed				C	P	P
Warehousing and distribution, Unenclosed					C	C

Table 5-2 Area and Dimensional Requirements, Nonresidential Districts

Zoning District	Minimum Yard Setback				Min. Lot Area ³	Minimum Lot Width ³	Maximum ISR	Maximum Height of Structures
	Front	Rear	One Side	Total Both Sides				
O-I	25 ft	25 ft	10 ft ¹	20 ft	7,500 sf	50 ft	.85	50 ft
C-2	20 ft	20 ft	10 ft ¹	20 ft ¹	7,500 sf	50 ft	.70	40 ft
C-3	20 ft	20 ft	10 ft ¹	20 ft ¹	7,500 sf	50 ft	.80	40 ft ^{4, 5}
C-6	40 ft	25 ft	10 ft ¹	20 ft ¹	5,000 sf	100 ft	.90	50 ft ^{4, 5}
M-1	2	2	2	n/a	10,000 sf	100 ft	.90	60 ft
M-2	2	2	2	n/a	10,000 sf	100 ft	.90	60 ft

1 May be reduced to zero (0) feet by Special Exception, see [§14.04](#).

2 Equal to height of structure

3 No minimum lot size or width is required for public utility facilities.

4 Hotels are permitted a maximum height of 75 ft.

5 Additional height may be considered through conditional use request, see [§12.05](#).

ARTICLE 6 SPECIAL PURPOSE DISTRICTS

§6.01 AG Agricultural District

6.01.01 This district is intended to provide areas for agricultural uses, low-density, rural living and compatible uses, protected from encroachment of urban development.

Table 6-1: Permitted Uses, AG District

P: The use is permitted by right

C- The use requires Conditional Use approval, see [§12.05](#)

Agricultural and Agricultural Support Uses		Commercial Uses	
Agricultural and farming	P	Artisanal Manufacturing	C
Farm equipment sales and repair	C	Bed and Breakfast, subject to §7.05	C
Farm produce sales	P	Greenhouse	P
Farm produce supply	P	Kennel	C
Farm product processing (dairies, cider mills)	C	Nursery, Wholesale	C
Forestry	P	Veterinary Office without outdoor pens	P
Residential Uses		Veterinary Office with outdoor pens	C
Single-family dwellings, detached	P	Recreation and Entertainment Uses	
Institutional Uses and Utilities		Campground	C
Cemetery	P	Fairground, subject to §7.25	C
Place of Worship, subject to §7.34	P	Golf course and driving ranges	C
Public Facility	C	Park	P
Public utility facility, Major	C	Recreational vehicle park, subject to §7.35	C
Public utility facility, Minor	P	Industrial Uses	
Telecommunication Tower, subject to §7.06	P	Resource extraction, subject to §7.29	C
Utility service yard or garage	C		

6.01.02 Use Regulations. Uses are permitted in accordance with Table 6-1 and the following:

A. Farm product processing

1. Farm product processing must be located on properties of five acres or more and which front on an arterial road.
2. The total floor area of all nonresidential structures is limited to 10,000 sf. All machinery must be kept within a fully enclosed structure.
3. The keeping and raising of livestock, rabbits and fowl are subject to the applicable regulations in the City Code, Chapter 14 Animals. Outdoor pens and cages for animals must be set back at least 150 ft from all property lines.
4. Processing facilities may not operate between 11 p.m. and 7 a.m.

B. Retail sales of gardening supplies

1. Property must front on an arterial road.
2. Buffers must be provided along all property lines as required.

C. Farm produce sales are limited to the sales of produce grown on the same property.

D. Forestry

1. Forestry uses may not be conducted on property within the area bounded by U.S. Highway 82 to the north, Black Warrior River to the south, and the Northport city limits to the east and west.
2. Forestry operations may only be conducted on properties of 25 acres or more.
3. No trees may be harvested within 50 ft of the perimeter of the site.
4. Harvesting activities must conform to the best management practices of the Alabama Forestry Commission.

6.01.03 Area and Dimensional Requirements. See Table 6-2 and the following.

1. Accessory structures on lots of three acres or more must be set back at least 100 ft from front lot lines.

Table 6-2: Area and Dimensional Requirements, AG District

Minimum Setbacks				Maximum Height of Structures	
Front	Rear	Side	Total Both Sides		
50 ft	50 ft	50 ft	100 ft	35 ft	
Uses				Maximum ISR	Minimum Site Area
Agriculture and nurseries				0.05	3 ac
Single-family dwellings, detached				0.10	3 ac
Outdoor recreation				0.40	3 ac
Institutional Uses and Utilities ¹				0.50	3 ac
Agricultural Support				0.50	40,000 sf
All Other Uses				0.30	3 ac

- 1 No minimum lot size is required for public utility facilities. For communication towers, refer to [§7.06 Broadcast/TV/Radio and Telecommunication Towers](#).

§6.02 REC Recreational District

6.02.01 This district is intended to provide areas for entertainment and recreational uses.

6.02.02 Use Regulations. See Table 6-3 and the following:

- A. Enclosed and unenclosed retail, medical facilities, restaurants, and places of assembly are permitted by right when accessory to a permitted use.

6.02.03 Area and Dimensional Requirements. See Table 6-4.

Table 6-3: Permitted Uses, REC District

P: The use is permitted by right

C- The use requires Conditional Use approval, see [§12.05](#)

Uses			
Amusement parks, subject to §7.25	C	General retail, enclosed	C
Arenas, stadiums	C	Hotels	P
Artisanal manufacturing	C	Place of assembly	C
Bars	C	Race tracks	C
Community center	P	Recreational vehicle parks and campgrounds, subject to §7.35	P
Entertainment, indoor	P	Recreation, Indoor	P
Entertainment, outdoor	P	Recreation, Outdoor	P
Fairgrounds, subject to §7.25	C	Restaurant, Standard and Fast Food	C

Table 6-4: Area and Dimensional Requirements, REC District

Maximum Height of Structures	Minimum Setbacks		
	Front	Rear	Side
50 ft ^{1,2}	20 ft	20 ft	10 ft
Uses	Maximum ISR	Minimum Site Area	Minimum Lot Width
Outdoor Entertainment	0.80	n/a	75 ft
Indoor Recreation	0.90	40,000 sf	100 ft
Outdoor Recreation	0.40	n/a	n/a
Other enclosed uses	0.85	40,000 sf	100 ft

1 Hotels are permitted a maximum height of 75 ft.

2 Additional height may be considered through conditional use request, see [§12.05](#).

§6.03 SD Special District

6.03.01 Purpose. Special districts are hereby authorized to provide optional methods of land development, which encourage imaginative solutions to environmental design problems. Development with Special Districts must be characterized by unified building and site development programs providing for coordinated open space and architectural treatment. Special Districts are intended to:

- A. achieve a high quality of development, environmental sensitivity and energy efficiency, and adequate provision of public services;
- B. provide greater freedom and flexibility in:
 - 1. the form and design of development;
 - 2. choice in housing type, lot size and neighborhood design
 - 3. residential developments with integrated mixed-use centers, in which businesses, institutions and amenities are accessible on foot and bike from surrounding housing;
 - 4. how development will be located and designed to respect the natural features of the land and protect the environment;
- C. allow more efficient use of land, with coordinated and appropriately sized networks of streets and utilities;
- D. provide pedestrian connections within the same development, and to the public right-of way;
- E. encourage the provision of centrally-located open space amenities within the development;
- F. promote development forms and patterns that respect the character of established surrounding neighborhoods and other types of land uses;
- G. promote development form that respects and takes advantage of a site's natural and manmade features, such as rivers, lakes, wetlands, floodplains, trees, and historic resources.
- H. preserve trees, slopes, wetlands, flood prone areas and natural drainage patterns and limit disruption of natural features;
- I. promote efficient development patterns that result in economically designed infrastructure.

6.03.02 Applicability

- 1. The establishment of a Special District will be for the express purpose of improving, development and uses of the tract in accordance with its approved plan of development. All properties in an approved planned development are bound by the standards in its Special District Plan, even if subsequently sold, until the Special District Plan is voided by the City. In the case of multiple ownership, the approved Special District Plan is binding on all owners. No use of the property, nor construction, modification or alteration of any use or structure is permitted in conflict with the approved Special District Plan.
- 2. No amendment of this Section affects a planned development approved prior to such amendment. Planned developments with an approved Special District Plan may continue in accordance with the Zoning Ordinance in effect at the time of such prior approval. For properties zoned SD but for which there is no approved Special District Plan, a plan must be approved in accordance with this Section before any development permit or subdivision may be approved. Should the Special District Plan

approval expire or be voided, any newly submitted Special District Plan must conform to the regulations in effect at the time of the new submittal.

3. Since the Special District Plan is an essential element of the rezoning itself, the Zoning Board of Adjustments should not grant variances or special exceptions that would have the effect of amending an approved Special District Plan, as such action would constitute rezoning.
4. All provisions of the Zoning Ordinance and Subdivision Regulations apply except where specifically addressed in this Section or within the approved Special District Plan. Unless specific variations are noted in the Special District Plan and approved by the Council, the most restrictive requirements for parking, loading, yards, signage, landscaping and dimensional regulations applicable to the development under this Ordinance apply.

6.03.03 General Requirements

- A. Minimum area. Each planned development must contain at least ten acres of contiguous land. A smaller land area may be permitted provided evidence that:
 1. the project is consistent with the developmental goals of the Comprehensive Plan for the particular location;
 2. the minimum acreage requirement is impractical due to ownership, existing development patterns and similar constraints;
 3. the design concept fully integrates the development into the surrounding neighborhood or business area;
 4. the arrangement of uses, buildings, streets, parking, open spaces and amenities could not be reproduced on the site under conventional zoning regulations.
- B. Community benefits. The applicant must demonstrate that, in exchange for the flexibility conferred by SD designation, the development will feature the following benefits:
 1. All buildings will feature quality, durable materials.
 2. Driveways, garages and parking areas will not dominate public views along streets. Parking garages along residential blocks will be varied, set back behind the front building line, oriented away from street view, accessed from alleys, or a combination of these methods.
 3. Residential developments will feature a range of housing types and sizes appropriate to different stages in life.
 4. Usable open spaces will be provided in accessible locations throughout the development. A greater amount of common open space will be provided in more intensively developed portions of the development.
 5. Paths will be provided to enable the safe movement of residents, on foot or bike, throughout the development and to adjoining neighborhoods and community destinations.
- C. Where a planned development requires subdivision for single-family dwellings lots to be held under individual ownership, a plat of the development must be approved and recorded in accordance with the Subdivision Regulations.
- D. The proposed development must be designed to produce an environment of stable and desirable character not out of harmony with its surrounding neighborhood.

E. Common property. Provisions must be made for the ownership and perpetual maintenance of common open spaces and facilities in accordance with [§3.08 Common Open Spaces and Amenities](#).

6.03.04 Development Standards. The following standards may be modified by the Council, including upon request by the applicant, with approval of the SD rezoning. Each modification from the standards must be specified in the Special District Plan.

A. Subdistrict, Permitted Uses. Planned developments are composed of residential subdistricts, mixed-use subdistricts or a combination of these. Industrial uses are prohibited. Uses or use categories must be stated in the Special District Plan. Any use or use category are permitted as approved by Council with the adoption of the plan. Other substantially similar uses that meet the intent of the Special District Plan may be approved by the Director. Any other proposed uses would require an amendment to the Special District Plan.

B. Density, building height and setbacks must conform to the standards in Table 6-5. Lot width, area and setbacks for uses and structures not specified in Table 6-5 are proposed by the applicant and established through the plan approved with rezoning by the Council. The area and dimensional requirements for uses in [Article 7 Detailed Use Regulations](#) apply unless other standards are expressly approved with the Special District Plan approved by Council.

Table 6-5 Development Standards for SD Subdistricts

	Residential	Mixed-Use		
Maximum Residential Density	9 du per gross acre	12 du per gross acre		
Minimum Common Open Space	20%	20%		
Minimum Land Area Designated for Commercial Uses	n/a	40%		
Maximum Building Height	3 stories	4 stories		
Detached Single-Family Dwellings, Residential Subdistrict				
Minimum Lot width	Minimum Lot Area	Minimum Yard Setbacks		
		Front	Side	Rear
50 ft	4,000 sf	20 ft	7 ft	25 ft

C. All buildings must be set back from the boundary of the planned development as required for side and rear setbacks in the adjoining district.

D. Open Space Standards. Common open space must be provided in each subdistrict as shown in Table 6-5 and in accordance with [§4.05 Open Space Requirements for High Density Residential Developments](#). No designated common open space may be subdivided in the future, nor may it be reduced in area or used for any other purpose unless approved through Council amendment of the Special District Plan. The following are excluded from calculation of required common open space:

1. open spaces that may only be accessed by way of individual residential lots;
2. land encumbered by any substantial structure, enclosure or parking facility;
3. remnant strips of land less than 40 ft in width, except those provided for pedestrian or bicycle trails; and
4. land to be used as or be in any required drainage area or easement unless such area is designed and maintained for recreational use.

5. land that is not developed as lots because of steep terrain or other topographic limitations, unless trails or other amenities are included to activate the land for recreational use.
- E. Signage. Signage in planned developments is subject to [Article 10 Signs](#) unless specific modifications are approved by the Council. Billboards are prohibited.
- F. Exterior Materials. Unless an alternative set of materials standards is specifically approved by the Council, the standards in this subsection and in Table 6-6 apply. Materials standards must be included within covenants for all applicable property within the planned development.
 1. Where brick is used on residential buildings, it may not exceed 75% of the area of each façade.
 2. Area of window and door openings are not included in calculation of exterior material requirements.
 3. Above the building foundation, concrete block must be split-face, split-rib or scored. Cement block foundations along front facades must be screened with shrubs or other landscaping.
 4. Metal or vinyl may only be used for trim.
 5. Architectural metal panels may only be used on nonresidential buildings and must be used in combination with other materials. R-panel or “rib” metal siding is prohibited on any portion of a building visible from a public right-of-way.
- G. No exterior wall plane visible from a public street may exceed 30 ft without articulation, such as but not limited to: wall recesses or projections, material changes, pilasters, columns, posts, roofline or cornice line changes, porches, fenestration.

Table 6-6 Materials Standards

	All exterior walls	Front Facade
Detached Single-family dwellings	Min. 30% masonry	Min. 40% masonry
Attached Single-family and Multifamily Dwellings	Min. 50% masonry	Min. 60% masonry
Nonresidential Buildings	Min. 30% masonry	Min. 40% masonry

For the purposes of this §6.03, masonry includes brick, stone, terra cotta, decorative concrete block, precast concrete, fiber cement, hard-coat stucco or a combination of these.

6.03.05 Procedure. Special Districts are established in accordance with the procedure set out in [§13.03 Amendments](#) and the following:

- A. Any petition for the establishment of a Special District must be submitted to the Director for preliminary review, in accordance with the following criteria:
 1. That the proposed development is consistent with the Comprehensive Plan and the intent and purpose of this Ordinance to promote public health, safety, and welfare.
 2. That the final plan for the proposed development meets the requirements of this Ordinance and the requirements of all other regulating bodies.
 3. That an approved method of sewage disposal is available to the tract under consideration.
- B. The application must be accompanied by a Special District Plan showing the uses, residential densities, proposed streets, open spaces and amenities, and approximate locations and sizes of residential and nonresidential buildings, and other information necessary to adequately determine that the proposed

development meets the purpose of this Ordinance and SD Zoning. See Appendix A-3 for submittal requirements. Where referred to herein, the Special District Plan includes all plans, maps, illustrations and written materials required to be submitted.

C. Commission, Council Action

1. The Commission reviews the proposed development for conformity with the Comprehensive Plan and the intent of this §6.03 employing recognized principles of design and land use planning. The Commission will make a recommendation for approval, approval with changes, or denial to the Council; or, with consent of the applicant, table its recommendation to allow time for further review or for the applicant to make requested changes.
 2. After the Commission has held a public hearing and made its recommendation, no substantive changes may be made to the Special District Plan to be presented to the Council other than those made to comply with Commission recommendations. Additional information may be submitted provided such does not represent an alteration of the proposed plan.
 3. Upon receipt of the Commission's recommendation, the Council will conduct a public hearing on the rezoning request. Zoning approval by the Council establishes the zoning standards for the development, including but not limited to the maximum density, maximum number of dwelling units, quantities of common open space and amenities, and uses in each subdistrict and phase, as shown in the Special District Plan.
 4. The applicant has 180 days from zoning approval to submit the site plan or preliminary plat, whichever is applicable, for review and approval. Upon the applicant's request, the Director may extend this time period by 60 days. If not submitted within this period, the City may take action to void the SD zoning and rezone, as appropriate.
 5. The planned development must conform to the density and uses approved with the SD rezoning and must incorporate any modifications required as conditions by the Council. How such conditions are to be addressed must be clearly indicated in the proposed site plan or preliminary plat, whichever is applicable.
 6. If, within two years from the effective date of Council approval of the SD zoning, construction has not commenced, the Council may take action to void the SD zoning and rezone the tract, as appropriate.
- D. Changes and Amendments. Approval of changes must be in accordance with Table 6-7. Any deviation from the Special District Plan in conflict with these limits constitutes a violation of this Ordinance. Any change not specifically listed in Table 6-7 constitutes a significant change and must be submitted using the same procedure as a new Special District Plan. Preliminary plats and site plans are evaluated by the Director for consistency with the approved Special District Plan. Minor changes in layout that are consistent with the intent of the approved plan, as determined by the Director, do not require amendment of the Special District Plan.

Table 6-7 Special District Plan Changes and Amendments

	Staff	Planning Commission	Amendment by Council
Increases in open space, setbacks or lot sizes and reduction of overall density or total number of dwelling units in each subdistrict or phase	X		
Increase in overall density or total number of dwelling units in each subdistrict or phase			X
Reduction in the overall amount of open space			X
Change in subdistrict boundaries		X	
Rearrangement of streets and any reduction in pedestrian and bicycle facilities		X	
Changes to the development schedule or phasing		X	

§6.04 Special Corridor Overlay District

- 6.04.01 Purpose. Recognizing the special nature of certain thoroughfares and the impacts of the appearance of these roadways and their importance to the local economy, this Section sets forth regulations to ensure that development in these critical areas is visually pleasing and economically viable. This Section applies to all land in the corridor, regardless of the underlying zoning district designation. In the event of a conflict between the requirements herein and those of the underlying zoning classification, the more restrictive requirement applies.
- 6.04.02 Applicability. These regulations apply to development and redevelopment on all lots, parcels and tracts with frontage on the following corridors:
- A. McFarland Blvd (U.S. Highway 82)
 - B. Lurleen Wallace Blvd.
 - C. US Highway 69
 - D. US Highway 43
 - E. Rose Blvd.
 - F. Watermelon Road
 - G. Rice Mine Road
 - H. Martin Luther King, Jr. Blvd.
- 6.04.03 Submission Requirements. All design elements required by this Section, including building cladding materials, must be illustrated or described within the application materials. Any submission made without such requirements is deemed incomplete and will not be reviewed.
- 6.04.04 Building Materials. Facades of principal and accessory buildings visible to pedestrian and vehicular traffic are subject to the following materials standards:
- 1. Exterior materials must include wood, fiber cement siding, masonry, glass curtain wall, or a combination of these. Other cladding materials, subject to the standards herein, may be used but may not exceed 40% of the total area of the façade.

2. Only the following types of concrete block may be used above the building foundation: split-face, split-rib and scored.
 3. Vinyl siding is prohibited; however, vinyl may be used for soffits, window frames, doors, downspouts and similar applications.
 4. Metal siding is prohibited.
 5. All structural supports (e.g., columns) for vehicular canopies must be clad in one or more of the same materials as the building facade.
 6. The facades of principal buildings must include at least 25% fenestration, unless otherwise approved by Special Exception.
- 6.04.05 Sign Design. The location of freestanding signs must be illustrated on the site plan. Sign materials must be coordinated with the exterior cladding of the principal structure. Size and height of sign must conform to the standards set out in [Article 10 Signs](#).
- 6.04.06 Setbacks and Landscaping
- A. A landscape strip at least 15 ft in width must be installed along the entirety of thoroughfares listed in [§6.04.02](#). This landscape strip must contain one canopy trees, two understory trees, and eight shrubs per 50 ft of corridor frontage, in accordance with Table [9-3 Approved Plant List](#). Variation from these requirements may be considered in accordance with [§9.10.03 Alternative Compliance](#).
 - B. All structures must be set back at least 20 ft from the right-of-way line of the corridors listed in §6.04.02.
 - C. All garages, car washes or other service bays must be set back at least 40 ft from the front property line and all garage, car wash, and service bay openings must be oriented at not less than right angles to the primary public street frontage, or must be screened, as determined by the Director, to limit view from the public street. Other orientations of buildings and service bays may be considered in accordance with [§14.04 Special Exceptions](#).
- 6.04.07 Awnings and Canopies. Rigid or fixed awnings and canopies must be maintained and kept free from dirt, mildew and tears. Worn, faded or torn awnings and canopies must be replaced. Awnings may not be longer than 40 ft. See Figure 6-1.

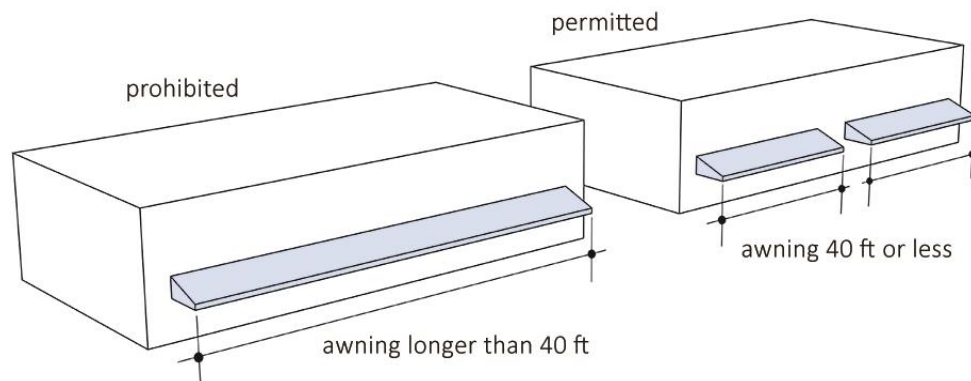


Figure 6-1 Awning length

6.04.08 Residential Development. To provide protection and privacy to residential developments backing up to special corridors, one of the following screening methods must be provided:

- A. An earth berm meeting the following standards (see Figure 6-2):
 1. Berms must have a minimum height of four feet and a maximum height of eight feet above the toe of the berm.
 2. Berms must have a base width of at least ten feet and a top width at least one-half the berm height.
 3. Berms, regardless of size, must be stabilized with a ground cover or other vegetation suitable to the slope used. See also [§9.02.04 Plant Material Standards](#).
 4. Berms may not exceed a slope of four-to-one.
 5. Berms may not obstruct sight distances at intersections.
 6. Berms may not damage the roots or trunks of existing healthy vegetation designated to be preserved.
- B. A planting screen must be provided consisting of a minimum of two staggered rows of evergreen shrubs (refer to [Table 9-3 Approved Plant List](#)) such as, but not limited to, Ligustrum, Burford Holly, Elaeagnus, Boxwood, or Juniper with a minimum height of three feet installed and a maximum spacing suitable to the particular plant used but forming an effective visual screen. Shrubs may not obstruct sight distance at intersections.
- C. Alternative forms of screening may be considered by the approving authority subject to detailed drawings supporting said alternative being provided at the time of submission.

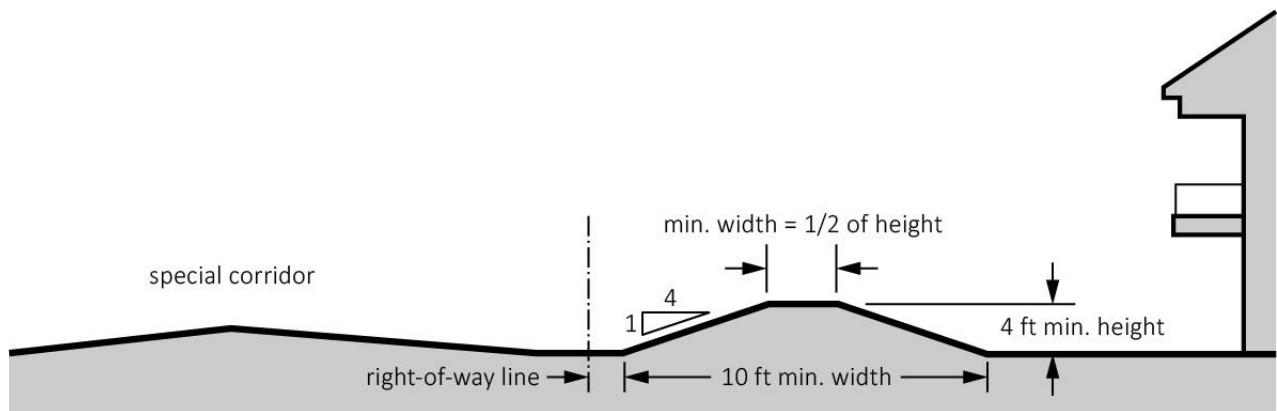


Figure 6-2 Berm separating residential development from major roadway

§6.05 Downtown Districts

6.05.01 General Provisions

A. Purpose. It is the intent of the Downtown District regulations to help implement the 2008 Downtown and Riverfront Plan, as amended.

B. Districts

1. Urban Mixed-Use (UMX) District
2. Limited Mixed-Use (LMX) District
3. Historic Downtown Core (HDC) District
4. Residential/Commercial/Institutional (RCI) District
5. Suburban Mixed-Use (SMX) District
6. Historic Neighborhood (HN) District
7. Conservation (CON) District

6.05.02 Streetscape Improvements. For any developments in which improvements within the street right-of-way are required, such improvements must be in accordance with the Engineering Design and Construction Manual. When a property abutting Main Avenue, First Street, or Bridge Avenue is developed or redeveloped in a manner that requires site plan approval per [§12.04 Site Plan Review](#), right of way improvements must be constructed in a way that is consistent with the Downtown Streetscape Typical Section in the Engineering Design and Construction Manual. For small street frontages, where it is determined by the City Engineer that full construction of the streetscape typical section is not practical, sidewalk, storm drains and other improvements must be constructed to be compatible with future construction of the streetscape typical section.

6.05.03 General Provisions

A. Uses

1. Uses are permitted as shown in [Table 6-8](#) subject to any limitations specified in the district regulations. Refer to the district regulations for uses permitted in the Conservation District. Uses listed in other permitted use tables in this Ordinance that are not listed in [Table 6-8](#) are considered prohibited.
2. Caretaker dwellings. Where permitted as a Conditional Use, the Council may require that the dwelling not be located at ground level between the nonresidential use, to which it is accessory, and the street frontage.

B. Area and Dimensional Requirements. Development in all districts is subject to the requirements in [Table 6-9](#) and any additional requirements or modifications in the district regulations.

Table 6-8 Permitted Uses, Downtown Districts

P – Permitted by Right	C – Conditional Use, see §12.05	SE – Special Exception, see §14.04	A blank cell indicates the use is prohibited			
Nonresidential Uses	UMX	LMX	HDC	RCI	SMX	HN
Ambulance service, subject to §7.04					P	
Artisanal manufacturing	C	C	C	C	C	
Bank or Financial services, excluding Alternative Financial Services	P	P	P	P		
Bar	P	P	C		P	
Brewpub	P		P		P	
Business or Professional office	P	P	P	P	P	
Business support service	P	P			P	
Cemetery						C
Commercial school, fully enclosed	P		P	P	P	
Commissary	P	P	C		P	
Communication tower, subject to §7.06					C	
Cottage developments, subject to §7.10				P		
Day care center	P	P	P	P	P	
Dry cleaning pick-up/drop-off business	P	P	P		P	
Entertainment, Indoor	P	P	P	C	P	
Entertainment, Outdoor	C				C	
Extended care facility				P	P	
Garden center or Nursery	C				P	
General retail, Enclosed	P	P	P	P	P	
Home occupation, subject to §7.21	P	P	P	P	P	P
Hotel	P	P	P		P	
Institutional uses, Major, subject to §7.24	C	C	C	P	C	
Institutional uses, Minor	P	P	P	P	P	
Package Store	C		C		C	
Parking, Freestanding	P	P	P	C	P	
Parking, Structured (also refer to district regulations)	P	P	P	P	P	
Passenger terminal	C				C	
Personal services	P	P	P	P	P	
Public facility	P	P	P	P	P	P
Public utility facility, Minor	C	C			C	C
Recreation, Indoor	P	P	P	P	P	
Recreation, Outdoor	C				C	
Recycling center, subject to §7.36	C				C	
Repair services, subject to §7.37					P	
Restaurant-bar	P	P	P		P	
Restaurant, Standard	P	P	P	P	P	
Restaurant, Take-out or delivery only	P	P	P		P	
Short-term rental, subject to §7.40	P	P	P	P	P	P
Studio (dancing, music, art)	P	P	P	P	P	
Veterinary office, Pet grooming, no outdoor pens, subject to §7.48	P	C			P	

Table 6-8 Permitted Uses, Downtown Districts

P – Permitted by Right	C – Conditional Use, see §12.05	SE – Special Exception, see §14.04	A blank cell indicates the use is prohibited			
Residential Uses	UMX	LMX	HDC	RCI	SMX	HN
Accessory dwellings, subject to §7.02				SE		
Caretaker dwelling, subject to §6.05.03.A.2	C	C		C	C	
Duplex, subject to §7.12				P		P
Single-family dwelling, detached				P		P
Townhouses, subject to §7.45		C		C	C	
Upper-story dwellings	P	P	P	P	P	

Table 6-9 Area and Dimensional Requirements, Downtown Districts

District	Building Setbacks				Building Frontage ¹	Minimum Lot Size		Maximum Height of Structures	Min. Nonresidential Ground Floor Height ²
	Front (min.)	Front (max.)	Side (min.)	Rear (min.)		Width	Area		
UMX	0 ft	10 ft	n/a	5 ft	75%	n/a	2,000 sf	60 ft ^{3,4,5}	15 ft
LMX	0 ft	10 ft	n/a	5 ft	75%	n/a	2,000 sf	45 ft ^{4,5}	15 ft
HDC	0 ft	10 ft	n/a	5 ft	75%	n/a	2,000 sf	40 ft ^{4,5}	15 ft
SMX	15 ft	n/a	10 ft	5 ft	n/a	n/a	2,000 sf	40 ft ^{4,5}	15 ft
RCI	20 ft	n/a	5 ft	5 ft	n/a	50 ft	5,000 sf ⁶	30 ft (flat roof) 35 ft (pitched roof)	n/a
HN	20 ft	40 ft	5 ft	5 ft	n/a	50 ft	5,000 sf ⁶	2 stories or 35 ft	n/a

1 Minimum percentage of the lot width, within the area defined by the minimum and maximum front yard setbacks, that must be enclosed by the principal building.

2 Measured between finished floor elevations of ground floor and second floor.

3 Between Main Avenue and the railroad, buildings may not exceed 75% of the height of the railroad tracks, as measured from the average elevation along the property line adjacent to the railroad right-of-way.

4 Hotels are permitted a maximum height of 75 ft.

5 Additional height may be considered through conditional use request, see [§12.05](#).

6 Applies to detached single-family dwellings only.

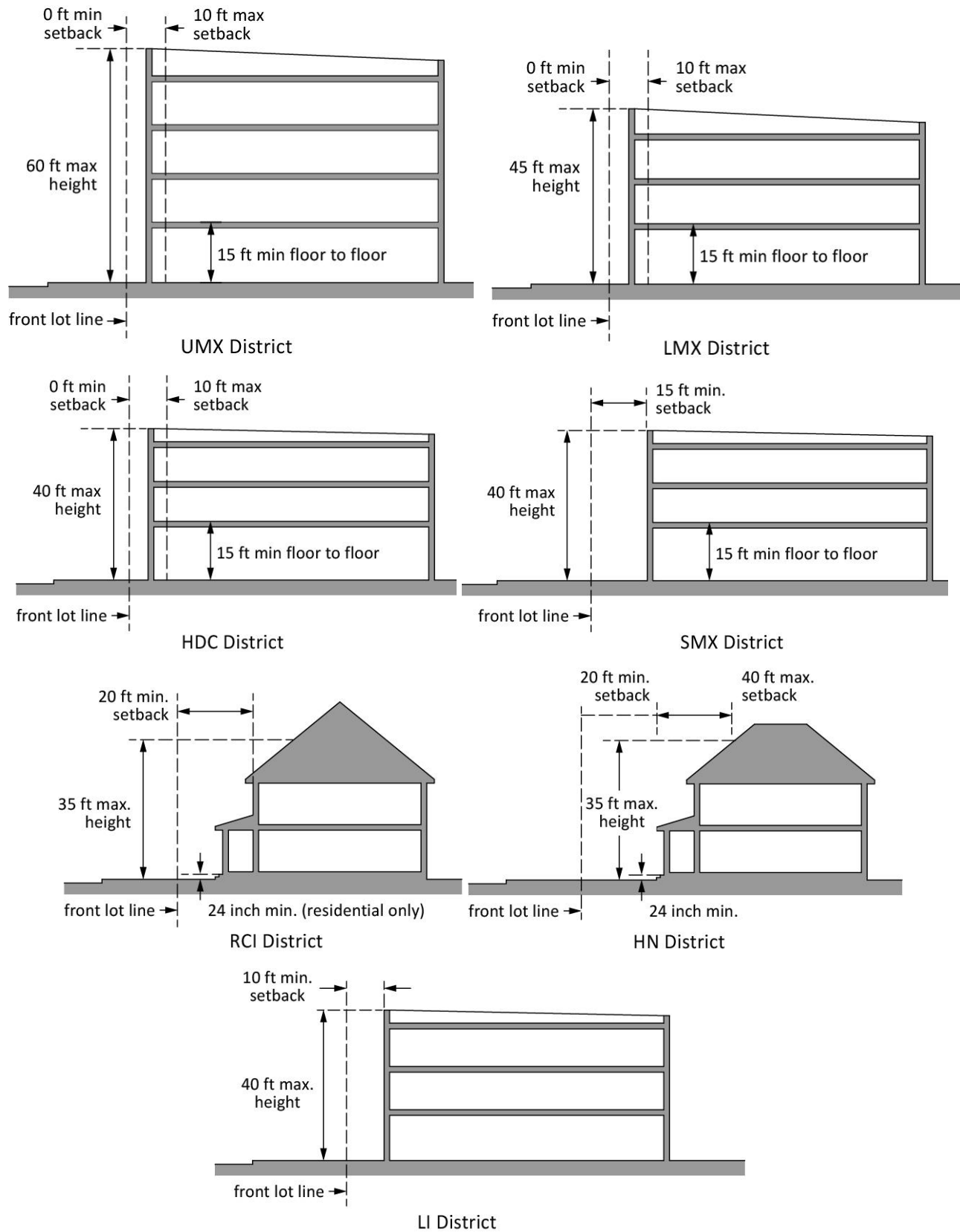


Figure 6-3 Dimensional Requirements, Downtown Districts

Table 6-10 Façade Cladding Material Standards, Downtown Districts

District	Primary Materials	Secondary Materials	Prohibited Materials
UMX	Wood, masonry and materials identical in appearance including, but not limited to, masonry veneer and EIFS	concrete	metal siding, vinyl, smooth-finished concrete block, non-drainable EIFS and other materials not specifically permitted
LMX			
HDC			
SMX			
HN			
CON			
RCI Nonresidential buildings		masonry, and materials identical in appearance if not panelized	
RCI Residential buildings	Wood, masonry and materials identical in appearance if not panelized		

C. Building Design. The following apply to buildings, including parking structures fronting on and visible from a street:

1. Façade articulation: Where required, street facades must be broken into a series of vertical bays no wider than specified in the applicable district using any of the following elements: recesses or projections of at least six inches in depth, material changes, columns or posts (including as part of a porch and/or balcony), roofline or cornice line changes, porches, and front steps or stoops (see Figure 6-4.). More than one form of articulation may be necessary to comply with applicable requirements. Use of only one of the following forms of articulation is not sufficient to meet these requirements: material changes, changes in the roofline or cornice line, and front steps or stoops.
2. Façade Cladding Materials are subject to [Table 6-10](#) and the following:
 - a. Primary materials must constitute, individually or collectively, at least 75% of the exposed surface area. Permitted secondary materials may not exceed, individually or collectively, 25% of the exposed surface area of the façade.
 - b. Changes in primary materials may not occur within two feet of outside corners (see Figure 6-5). Changes in primary materials must occur along a horizontal line with the heavier material used below the lighter material, e.g., siding above masonry.
 - c. Wood cladding is limited to lap siding and other forms of horizontal boarding, board-and-batten and other forms of vertical boarding, and wood shingles. Horizontal boards may not have an exposed width greater than eight inches.
 - d. Exterior Insulation Finishing System (EIFS) is limited to no more than 60% of exposed surface area on buildings taller than 40 ft. On buildings 40 ft and under, EIFS is limited to 20%. Only a water management EIFS system may be used.

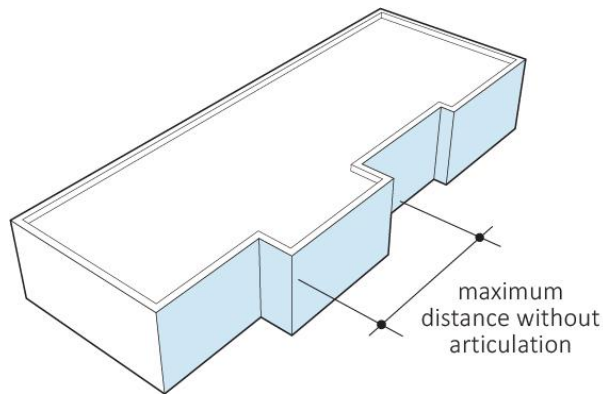


Figure 6-4 Façade Articulation

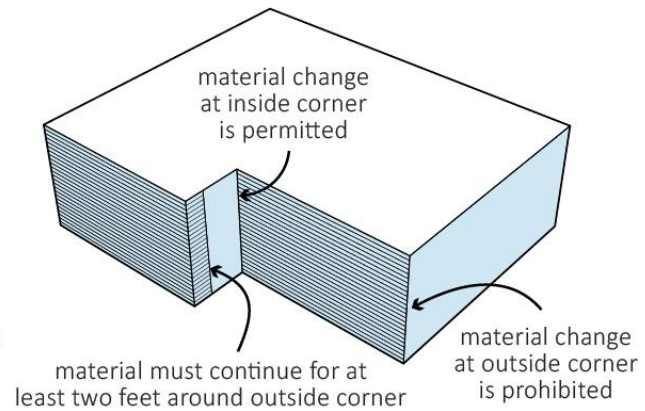


Figure 6-5 Material Change at Corners

3. Pipe vents, air conditioning units, and similar roof top penetrations and equipment, other than chimneys, must be located or screened to conceal from public view. Flat roofs must have a parapet wall sufficient to visually screen such penetrations and equipment from view along any public street.

D. Access, Parking and Driveways

1. As used in this Section, a “primary street” is that street along a lot with multiple street frontages, which is designed for or experiencing the higher level of traffic relative to the “secondary street.”
2. Where practicable, vehicular access between adjoining nonresidential properties must be provided as an alternative to direct access via the associated street.
3. Parking Lot Landscaping. The following requirements apply to parking lots of attached and multifamily dwellings, nonresidential uses and any combination of these. Variation from these requirements may be considered in accordance with [§9.10.03 Alternative Compliance](#).
 - a. Frontage Landscaping: The minimum landscaping strip normally required by [§9.03 Vehicular Area Landscaping](#) is reduced to five feet in width, except along any Special Corridors, which are subject to [§6.04.06 Setbacks and Landscaping](#). While it should visually obscure pavement and vehicles and provide shade, for security purposes, it should not completely preclude views into the parking lot. Such landscaping must include a combination of understory and canopy trees with an average maximum spacing of 30 ft; a low fence or wall or shrubs with a minimum height of three feet at the time of planting. Fences and walls must comply with [§9.07 Design Standards for Required Fences](#). Shrubs must be evergreen.
 - b. Interior Landscaping: One or more trees must be provided at the end of all parking rows. For each parking row, there may be no more than ten consecutive parking spaces between landscape islands or peninsulas.
 - c. Trees used for landscaping must have a minimum caliper of 2.5 inches at the time of planting.

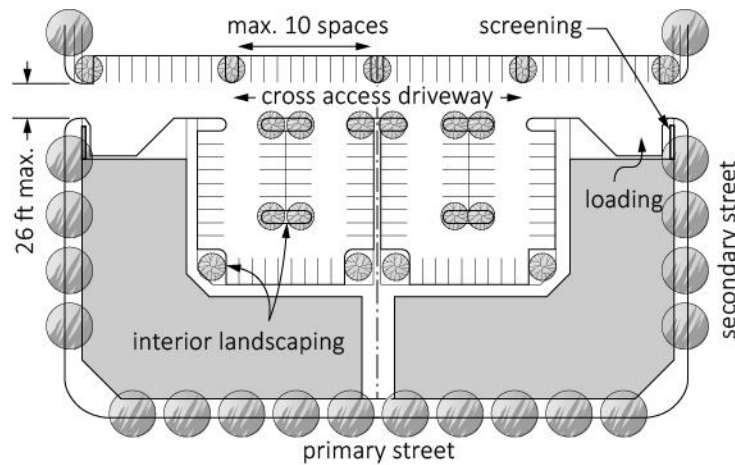


Figure 6-7 Parking Lot Landscaping

E. Other Site Standards

1. Loading and refuse storage areas must be located behind buildings and screened from public view along streets.
2. Lighting. Exterior lighting is subject to [§3.11 Lighting](#). See district regulations for allowable height.
3. Stormwater retention and detention basins are not permitted. Alternate methods or stormwater management must be used.

6.05.04 UMX, LMX, RCI and HDC Districts

A. General Standards. The following standards apply to the UMX, LMX, RCI and HDC Districts unless expressly indicated otherwise in the district regulations.

1. Building Design

- a. Minimum Foundation Heights. The finished floor elevation of ground floor dwellings fronting on a street, where permitted, must be at least 24 inches from finished grade at the front building line.
- b. Façade Design and Materials. Exterior building materials are subject to the material standards in [Table 6-10](#). The following standards apply to buildings in the UMX, LMX and HDC Districts, including parking structures that front on a public street:
 - 1) Glazing: At least 50% of the ground floor portion of the street façade must be comprised of doors, windows or a combination thereof. The ground floor portion of a façade is the area between finished floor level and the same floor's ceiling. The maximum sill height for ground floor windows is three feet. Minimum head height is eight feet. At least 25% of the upper portions of the street façade must be comprised of windows. No reflective or heavily tinted glass may be used on street facades.
 - 2) Awnings, Canopies and Balconies. Awnings, canopies and balconies are encouraged but not mandatory.
 - a) Awnings must be canvas.
 - b) Canopies must be wood or a composite material. Canopies must be perpendicular to the façade and flat OR must feature a shed roof or a hipped shed roof with standing seam metal

and a slope no greater than 4:12. V-crimp roofing imitating standing seam metal is permitted.

- c) Balconies must be wood, metal or a combination thereof and six feet or more in depth. Balcony roofs are subject to the standards for canopies.



Figure 6-8

Building Standards in the UMX, LMX and HDC Districts

- c. Door and window design: The primary entrance to each building must face the adjoining street. All windows, with the exception of storefront windows, must have a vertical orientation. However, individual vertically-oriented windows may be grouped to collectively have a horizontal orientation. Doors and windows with muntins must feature real muntins or simulated divided lites on both sides of the glass, rather than “snap-in” and similar imitations. Shutters, if provided, must be sized to fit the window and appear to be operable.
- 2. Vehicular Access. Access to parking areas must be from rear alleys where possible to avoid the proliferation of driveways along streets. When driveways are deemed necessary, access must be from secondary streets rather than primary streets, when possible. Driveways must be located along the edge of the lot. Shared driveways must be provided along shared property boundaries where practicable. Multiple adjacent driveways must be avoided. No more than one driveway is allowed per property unless the parking lot’s size and traffic projections warrant a second driveway as determined by the City Engineer.
 - a. Cross access must be located within the rear half of the lot and may be in the form of an alley or an internal driveway connecting the parking areas.
 - b. No driveway may have more than two lanes at their point of intersection with the street.
- 3. In the UMX, LMX and HDC Districts, outdoor dining may be located between the building and front lot line when a low wall is provided to define the street wall and the setback is no greater than 50 ft from the public right-of-way line. Such walls must be architecturally compatible with the principal building and must be between two and three feet in height. Iron fencing may be incorporated provided it does not exceed a combined height of four feet.
- 4. Drive-through facilities are permitted only if they are not visible from a public street.

5. Parking Amounts

- a. See [Article 8](#) for parking standards. Within UMX and LMX districts, 75% of the amount of parking otherwise required for nonresidential uses, other than lodging, must be provided. 100% of parking required for residential and lodging uses must be provided. Except for public, freestanding and shared parking facilities, no more than 125% of the amount of parking otherwise required by [Article 8](#) is allowed. Within the HDC District and the RCI District, minimum parking requirements apply to lodging and residential uses but are waived for other uses.
- b. The Director, upon a recommendation of the City Engineer, may reduce parking requirements for properties within 600 ft of a public parking facility but only to the extent that parking will be available in such facility during the highest parking demand period of the subject use. Parking requirements for residential uses may not be reduced.
- c. Designated on-street parking directly adjoining a property is credited toward parking requirements. Only those spaces within the property frontage are counted.

6. Parking Location

- a. Parking lots may not be located between a building and a street or between a building and the riverfront unless they are located to not be visible from the street or the riverfront (e.g., below grade).
 - b. Parking lots may not front on Main Avenue, First Street, Fifth Street, nor Bridge Avenue south of Rice Mine Road. In the case of corner lots on Main and Fifth, parking may front onto Fifth but not onto Main Avenue.
 - c. Where parking lots front onto secondary streets, they must be landscaped as required in [§6.05.03.D.3 Parking Lot Landscaping](#).
 - d. Parking location requirements do not apply to properties fronting Rice Mine Road.
7. Lighting. Freestanding lights used to illuminate streets, parking and pedestrian areas may not exceed 16 ft in height.

B. Historic Downtown Core (HDC) District

1. Purpose. It is the intent of this district to preserve and reinforce the physical character and architectural integrity of the historic downtown. This district should accommodate a mixture of land uses and maintain a physical environment that is urban in form, pedestrian-friendly, and human scaled.
2. Land Uses. See [Table 6-8](#) and the following:
 - a. Institutional uses may not have a building footprint larger than 5,000 sf.
 - b. Parking structures may not front onto Main Avenue.
 - c. Townhouse buildings and buildings containing upper-story dwellings must contain at least four dwelling units per building.
3. Building Scale and Placement. See [Table 6-9](#). Exceptions from the maximum front setback standards are permitted as follows:
 - a. Buildings featuring ground floor residential may exceed the maximum front setback other than along Main Avenue provided no parking is located between the building and front lot line. Such exceptions

must feature a front courtyard in which at least one third of the building's frontage adheres to ten-foot maximum setback requirement, and the courtyard depth does not exceed 50 ft from the public right-of-way line.

- b. Institutional buildings may be set back greater than the maximum setback provided the building fronts onto a lawn, courtyard, park, plaza or similar open space and provided off-street parking does not extend forward of the front building line.
- 4. Building Design. Refer to the building design standards in [§6.05.03.C](#) and [§6.05.04.A](#). See [Table 6-10](#) for façade material standards.
 - a. Façade Design. No front façade plane may exceed 25 ft in width without articulation (see [§6.05.03.C](#)).
 - b. Parking Structures
 - 1) Sloping interior floors of parking structures should not be visible and may not be expressed on street facades. Along other streets, cars parked at street level must be screened from view.
 - 2) Access points to parking structures must be from secondary streets or alleys to the degree practicable. Pedestrian access must be clearly visible from and connected to adjoining sidewalks. Stairs and elevators should be expressed on the applicable elevation.

C. Urban Mixed-Use (UMX) District

- 1. Purpose. It is the intent of this district to provide a mixed-use area that is urban in form, pedestrian friendly; human-scaled and provides visual and physical access to the river.
- 2. Land Uses. See [Table 6-8](#) and the following:
 - a. Institutional uses fronting on Main Avenue and First Street may not exceed a 5,000 sf building footprint.
 - b. Parking structures must be located behind a building OR fronted with ground floor retail or services.
 - c. Multifamily and townhouse buildings must include at least four dwelling units per building.
- 3. Building Scale and Placement. See [Table 6-9](#) and the following:
 - a. Between Main Avenue and the railroad, no building may extend higher than 75% of the height of the railroad tracks, as measured from the average elevation along the property line adjoining the railroad right-of-way.
 - b. Exceptions from the maximum front setback standards are permitted as follows:
 - 1) Buildings featuring ground floor residential may front onto a street other than Main Avenue provided no parking is located between the building and front lot line. Such exceptions must feature a front courtyard in which at least one third of the building's frontage adheres to ten-foot maximum setback requirement, and the courtyard depth does not exceed 50 ft from the public right-of-way line.
 - 2) Institutional buildings may be set back greater than the maximum setback provided the building fronts onto a lawn, courtyard, park, plaza or similar open space and provided off-street parking does not extend forward of the front building line.

4. Building Design. Refer to the building design standards in [§6.05.03.C](#) and [§6.05.04.A](#). See [Table 6-10](#) for façade material standards.
 - a. Articulation: No front façade plane may exceed 30 ft in width without articulation (see [§6.05.03.C](#)).
 - b. Parking Structures
 - 1) Parking structures fronting onto any street must be designed to have the general appearance of a building along its street frontage with respect to materials and façade massing. Sloping interior floors of parking structures may not be expressed on street facades. Along Main Avenue and First Street, parking structures must be set behind other buildings so as not to be visible from the right-of-way except at the point of vehicular access. Along other streets, cars parked at street level must be screened from view.
 - 2) Parking structures fronting on Bridge Avenue must have commercial space along the full Bridge Avenue frontage except for vehicular and pedestrian access points.
 - 3) Vehicular access must be from secondary streets or alleys to the degree practicable.
 - 4) Pedestrian access must be clearly visible from and connected to adjoining sidewalks. Stairs and elevators should be expressed on the applicable elevation.

D. Limited Mixed-Use (LMX) District

1. Purpose. It is the intent of this district to provide a mixed-use area that is urban in form, pedestrian friendly; human-scaled and provides a transition from the more intensive UMX District along Bridge Avenue.
2. Land Uses. See [Table 6-8](#).
3. Building Scale and Placement. See [Table 6-9](#) and the following:
 - a. Exceptions from the maximum front setback standards are permitted as follows:
 - 1) Buildings featuring ground floor residential may front onto a street provided no parking is located between the building and front lot line. Such exceptions must feature a front courtyard in which at least one third of the building's frontage adheres to ten-foot maximum setback requirement and the courtyard depth does not exceed 50 ft from the public right-of-way line.
 - 2) Institutional buildings may be set back greater than the maximum setback provided the building fronts onto a lawn, courtyard, park, plaza or similar open space and provided off-street parking does not extend forward of the front building line.
4. Building Design. Refer to the building design standards in [§6.05.03.C](#) and [§6.05.04.A](#). See [Table 6-10](#) for façade material standards.
 - a. Articulation: No front façade plane may exceed 30 ft in width without articulation (see [§6.05.03.C](#)).
 - b. Parking Structures
 - 1) Parking structures fronting onto any street must be designed to have the general appearance of a building along its street frontage with respect to materials and façade massing. Sloping interior floors of parking structures should not be visible and may not be expressed on street facades. Cars parked at street level must be screened from view.
 - 2) Vehicular access must be from secondary streets or alleys to the degree practicable.

- 3) Pedestrian access must be clearly visible from and connected to adjoining sidewalks. Stairs and elevators should be expressed on the applicable elevation.

E. Residential Commercial Institutional (RCI) District

1. Purpose. It is the intent of this district to preserve and reinforce its residential and institutional character, while allowing for a mixture of residential, institutional, and low-impact commercial uses within a pedestrian-friendly, historic environment.
2. Land Uses. See [Table 6-8](#) and the following:
 - a. Townhouses may not exceed four dwelling units per building.
 - b. Institutional uses may not have a building footprint larger than 10,000 sf.
 - c. Parking structures are permitted for institutional uses only. Such structures may not front on a street and must be located behind their associated building.
 - d. Drive-through windows are prohibited for any use.
3. Building Scale and Placement. See [Table 6-9](#).
4. Building Design. Refer to the building design standards in [§6.05.03.C](#) and [§6.05.04.A](#). See [Table 6-10](#) for façade material standards.
 - a. Roofs. Residential buildings must have pitched roofs.
 - b. Façade Design
 - 1) Glazing: Glass anywhere on the street façade may not be reflective or heavily tinted.
 - 2) Porches: All residential building types must have a front porch. The porch must extend across at least 50% of the façade and must have a minimum depth of six feet. All porch posts, columns, handrails and balustrades must be wood or a composite material.



Figure 6-9 RCI and HN District Building Standards

6.05.05 Suburban Mixed-Use (SMX) District

- A. Purpose. It is the intent of this district to provide a mixed-use area that is suburban in form, functions efficiently, and has a high level of aesthetic quality.
- B. Land Uses. See [Table 6-8](#).
- C. Building Scale and Placement. See [Table 6-9](#).
- D. Building Design. Refer to the building design standards in [§6.05.03.C](#). See [Table 6-10](#) for façade material standards.
 1. No front façade plane may exceed a width equal to its height without articulation (see [§6.05.03.C](#)).
 2. The primary entrance of each building must face the adjoining street. Shutters, if provided, must be sized to fit the window.
- E. Site Design Standards. Refer to [§6.05.03.D-E](#) for additional requirements.
 1. Vehicular Access. To preserve the capacity of existing streets and promote vehicular and pedestrian safety, the number and spacing between driveways along streets must be limited. Access to parking areas must be from alleys whenever practicable. Driveways must be along secondary streets rather than primary streets, whenever possible. Driveways must be located along the edge of the lot. Shared access driveways must be provided along property boundaries when practicable. Multiple adjacent driveways must be avoided. No more than one driveway is allowed per property unless the parking lot's size and traffic projections warrant a second driveway as determined by the City Engineer.
 2. Driveways may not exceed 13 ft in width per lane at the front lot line. No driveways may have more than three lanes at their point of intersection with the street.
 3. Drive-through facilities may not be located between the principal building and a primary street.
 4. Parking Amounts. See [Article 8](#) for required parking. No more than 125% of the amount of parking otherwise required is allowed.
 5. Lighting. Freestanding lights illuminating streets, parking and pedestrian areas may not exceed 20 ft in height.

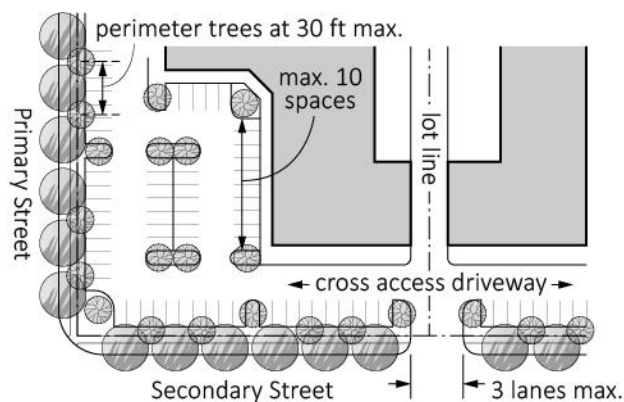


Figure 6-10 Suburban Mixed-Use District Site Standards

6.05.06 Historic Neighborhood (HN) District

- A. Purpose. It is the intent of this district to protect the historic integrity and physical character of a historic neighborhood, keeping it urban in form, pedestrian-friendly, human scaled, and residential in land use.
- B. Lot Design
 - 1. Lots must have a perpendicular orientation to the street with a minimum width-to-depth ratio of 1:1.5, but not more than 1:3.
 - 2. Lots must have a minimum width of 50 ft.
- C. Building Scale and Placement. See [Table 6-9](#) and the following:
 - 1. Buildings may not exceed a width of 60 ft measured parallel to the street frontage.
 - 2. On block faces where the majority of existing buildings have the main axis parallel to the street, new buildings must have the same alignment. Where the majority of existing buildings have their main axis perpendicular to the street, new buildings must have the same alignment.
 - 3. The front façade of each building must face the adjoining street. In the case of corner lots, the primary façade must face the primary street unless the existing development pattern dictates otherwise. Except for permitted corner entrances, the primary entrance to the building must be along its street façade. Street facades must contain porch steps, stoops, other architectural treatments or a combination of these.
 - 4. Accessory buildings must be set back at least three feet from rear and side lot lines. Garages opening onto an alley must be set back at least five feet.
- D. Building Design Standards. Refer to the building design standards in [§6.05.03.C](#). See [Table 6-10](#) for façade material standards.
 - 1. When duplexes are developed on corner lots, they must be designed so that one unit has its entrance along one street and the other unit has its entrance along the other street.
 - 2. Minimum foundation heights: The finished floor elevation must be at least 24 inches from finished grade at the front building line.
 - 3. Articulation: No front façade plane may exceed a width of 30 ft without articulation (see [§6.05.03.C](#)).
 - 4. Door and Window Design
 - a. All windows must have a vertical orientation, except that individual vertically-oriented windows may be grouped to have a horizontal orientation.
 - b. Doors and windows with muntins must have real muntins or simulated divided lites on both sides of the glass, rather than “snap-in” and similar imitations. Shutters, if provided, shall be sized to fit the window and appear to be operable.
- 5. Roof Form
 - a. Roofs may be flat or pitched. Pitched roofs must have a slope between 6:12 and 12:12. However, steeper roofs are permitted for Tudor Revival style buildings if a case can be made for historic precedents of this style within this district.
 - b. Prohibited roof types include mansard, gambrel, and flat roofs.

6. Porches

- a. All buildings must have a front porch except for building styles or types historically found in the district that traditionally lacked a porch.
 - b. The porch must extend across at least 50% of the façade and have a minimum depth of six feet. All porch posts, columns, handrails and balustrades must be wood or composite material. Porch roofs must be shed or hipped shed in form with a roofing material that matches the building or standing seam metal, and a slope no greater than 4:12. V-crimp roofing imitating standing seam metal is permitted.
 - c. For buildings constructed prior to 1950, front porches may not be removed or enclosed with glass, walls or other solid materials. Screens are allowed.
7. Building Additions. Additions to existing buildings must be subservient in appearance to their original structure. They should be smaller in scale than their original structure, and they should appear as a distinct component of the building rather than extending the building's original planes or lines.
- a. Additions must be set back at least three feet from the front building line of the original structure.
 - b. Additions may not exceed the height of the original building.
 - c. Additions must utilize wood cladding, or a material with an identical appearance, that is consistent in form with that of the original structure. For example, an addition to a clapboard structure must use clapboard with the same board width.
 - d. Roofs of additions must be the same general form, pitch and materials as the original roof.
 - e. Foundations of additions must have the same general elevation level, design and materials as the original structure.

E. Site Design Standards

1. Access must be from rear alleys when present. When permitted, driveways, must be on secondary streets rather than primary streets, when possible. Driveways must be located along the edge of the lot. Shared driveways must be provided along property boundaries when practicable. Multiple adjacent driveways must be avoided. No more than one driveway is allowed per property unless the parking lot's size and traffic projections warrant a second driveway as determined by the City Engineer.
2. Driveways for detached single-family dwellings are only permitted where the majority of existing dwellings on the block face have driveways.
3. When provided, cross access must be located within the rear half of the lot and may be in the form of an alley or shared driveway connecting the parking areas.
4. Driveway Widths
 - a. Townhouses and Multifamily. No driveway may be wider than two lanes at the front lot line.
 - b. Detached Single-Family. Driveway widths may not exceed 12 ft between the street and the rear building line of the dwelling.
5. Parking
 - a. Parking Amounts: See [Article 8](#) for required parking. For townhouses and multifamily, no more than 125% of the amount of parking otherwise required is allowed.

- b. **Parking Location.** Parking lots may not be located between the building and adjoining street. Parking lots may not front onto streets, with the exception of corner lots, in which case parking may front onto the secondary street. Where parking areas front onto secondary streets, they must be landscaped per the parking design standards below.
- c. **Garage design for detached single-family dwellings**
 - 1) If visible from the primary street, garage doors may not exceed nine feet in width and must be separated by at least two feet. No more than two garage doors are permitted.
 - 2) A covered walkway may connect a detached garage to the dwelling.
 - 3) Exterior materials, finishes and roof slope must match the primary structure.
 - 4) Detached garages may not exceed 20 ft in height as measured from the garage floor to the top of the eave.
- 6. **Lighting.** Freestanding lights illuminating streets, parking and pedestrian areas may not exceed 16 ft in height.
- 7. **Fencing and Walls.** If provided, fencing and walls between the front building line and the front lot line, are subject to the following standards:
 - a. **Permitted fence and wall types**
 - 1) Fences: Wood picket, wood horizontal board, and metal with vertical pickets
 - 2) Walls: Brick, stone, and other masonry clad in smooth stucco or plaster
 - 3) Combined fence and wall: masonry wall and piers with metal vertical pickets
 - b. **Permitted fence and wall heights**
 - 1) Fences may not exceed a height of 42 inches.
 - 2) Walls may not exceed a height of 32 inches.
 - 3) Combined fence and wall may not exceed a height of 42 inches

6.05.07 Conservation (CON) District

- A. **Purpose.** It is the intent of this district to protect the scenic beauty, environmental integrity, and recreational value, of the core city's most environmentally sensitive areas. Physical improvements should be limited to those necessary for the public's enjoyment of the lands, and they should be done in a manner that minimizes any negative impacts to the environment.
- B. **Land Uses**
 - 1. **Permitted Uses.** passive recreation (hiking, picnicking, fishing, etc.). Marinas and boat and barge docks are permitted only along the riverfront.
 - 2. **Conditional Uses:** dining, retail and services associated with a marina or boat or barge dock may be permitted through Conditional Use approval only along the riverfront.
- C. **Building Design.** Refer to the building design standards in [§6.05.03.C](#). See [Table 6-10](#) for façade material standards.
 - 1. **Articulation.** No front façade plane may exceed a width of 30 ft without articulation (see [§6.05.03.C](#)).

2. Reflective glass and glass tinted over 50% may not be used on the front façade.
3. Doors and windows. Only real muntins or simulated divided lites on both sides of the glass may be used. “Snap-in” and similar imitation muntins. Shutters, if provided, must be sized to fit the window and appear to be operable.

D. Site Design Standards

1. No more than one driveway is allowed per property.
2. No driveways may have more than two lanes at the front lot line.
3. Parking is not required within these districts. Parking, when provided, may not exceed 100% of the amount of parking normally required for the subject use in [Article 8 Parking and Loading](#).
4. Parking areas visible from the river must provide perimeter landscaping as required in [§6.05.03.D.3 Parking Lot Landscaping](#) along the parking area’s river side. However, walls and fencing may not be part of the required landscaping materials. The perimeter landscaping must create a complete and year-round screening.
5. Lighting. Freestanding lights illuminating vehicular and pedestrian areas may not exceed 16 ft in height.

ARTICLE 7 DETAILED USE REGULATIONS

§7.01 Purpose

- 7.01.01 The purpose of this Article is to specify the detailed regulations that apply to specific land uses. Certain uses have unique characteristics that require the imposition of development standards beyond those minimum standards applicable throughout a zoning district.
- 7.01.02 These standards must be met in addition to all other standards of this Ordinance, unless specifically exempted. See [§12.04 Site Plan Review](#) for additional information.

§7.02 Accessory Dwellings

Accessory Dwellings may only be permitted as an accessory use to a permitted single-family detached dwelling in accordance with the following:

- 7.02.01 Permit Required. An Accessory Dwelling Permit is required for all accessory dwellings. Accessory dwellings may be maintained in perpetuity but only in compliance with these regulations. Any accessory dwelling permit will automatically expire whenever required off-street parking is no longer provided on the premises.
- 7.02.02 Area and Dimensional Requirements
- A. Accessory dwellings are permitted only on lots of at least 10,000 sf. If the principal dwelling is not connected to sanitary sewer service, minimum lot requirements of the health department or similar authority apply to each dwelling.
 - B. Accessory dwellings must be set back from lot lines as required for the principal dwelling.
 - C. The habitable floor area of an accessory dwelling must be at least 200 sf but not more than 50% of the gross floor area of the principal dwelling or 1,000 sf, whichever is more restrictive.
- 7.02.03 Additional Requirements
- A. No more than one accessory dwelling is permitted on the lot of a single-family detached dwelling.
 - B. Separate water, sewer and gas utility meters are not permitted.
 - C. One parking space, in addition to that required for the principal dwelling, must be provided.
 - D. Accessory dwellings must comply with the Building Code and be installed on a permanent foundation.
 - E. Accessory dwellings may not have separate vehicular access along the same street frontage as the principal dwelling.
 - F. An accessory dwelling may not be sold separately from the principal dwelling unless there is sufficient lot area to subdivide the property into lots meeting the area and dimensional requirements of the district.
- 7.02.04 If an existing residential garage is converted to an accessory dwelling, off-street parking requirements for the principal dwelling and accessory dwelling must be met concurrently with the conversion.

§7.03 Alternative Financial Services

Alternative financial services are subject to the spacing and other requirements of City of Northport Ordinance No. 1814, as amended and Ordinance No. 1975, as amended.

§7.04 Ambulance Service

Ambulance services must front on an arterial roadway.

§7.05 Bed and Breakfast Establishments

The following standards apply to Bed and Breakfast establishments in residential districts only:

- 7.05.01 Bed and Breakfasts are permitted only in detached, single-family dwellings and must be operated by the owner and resident of the dwelling.
- 7.05.02 Bed and breakfasts may provide lodging for not more than 14 consecutive days and may contain no more than four guest rooms.
- 7.05.03 No meals other than breakfast may be provided by the proprietor.
- 7.05.04 Guest rooms may not contain cooking facilities and do not constitute separate dwelling units.
- 7.05.05 One parking space must be provided for each guest room, in addition to the spaces required for the dwelling. Recreational vehicle parking is prohibited except on lots one acre or larger in size. If permitted, recreational vehicle parking must be located away from view from public rights-of-way and from neighboring properties to the maximum extent practicable. Recreational vehicles may not be used for overnight lodging.

§7.06 Broadcast/TV/Radio and Telecommunication Towers

- 7.06.01 Except where otherwise stated herein, the following standards apply to all types of broadcast and communication towers.
 - A. Site Plan Required. All requirements for site plan approval, as set out in Article 12, must be met at the time of application for site of new towers.
 - B. Safety and Structural Design of Towers. All broadcast towers must comply with requirements as set out in the latest edition of the EIA-222 code "Structural Standards for Steel Antenna Towers and Antenna Supporting Structures," as amended, published by the Electronic Industries Association and all other applicable structural safety standards, building and technical codes having jurisdiction, so as not to endanger the health and safety of residents, employees or travelers in the event of structural failure of the tower due to extreme weather conditions or other acts of God.
 - C. Security. A security fence or wall must be installed around the perimeter of the compound, with a minimum height of eight feet as measured to the top of the fence (or barbed wire, if applicable). Such fence is to be located on the perimeter of the compound unless otherwise approved as part of the site plan. Guy anchors may be fenced separately from the main compound. Climbing pegs must be removed from the lower 20 ft of all broadcast towers.
 - D. Lighting Restrictions
 - 1. No lighting is permitted on any tower except as required by the Federal Aviation Administration (FAA) or Federal Communications Commission (FCC). In cases where the FAA or FCC does require a tower to be lighted, any such lighting must be the minimum necessary to comply with federal regulations. Written documentation of any FAA or FCC directives to light a tower differently than provided herein must be submitted with the site plan application.

2. Any security lighting used at the facility must be of low intensity, may not be directed or reflected away from the site, and must not illuminate any portion of the site higher than ten feet.

E. Maintenance. The owner of a broadcast tower is responsible for maintaining the structural integrity, safety, appearance, screening, buffers, security and other installations required by this Section, and by any other applicable codes, ordinances, regulations, statutes or conditions of approval imposed by the City of Northport or its authorized representatives, in perpetuity for as long as said tower remains on a site.

F. Landscaping. Broadcast towers constructed in conjunction with a principal structure (e.g., radio/TV station) must comply with all buffer and landscape requirements in [Article 9 Landscaping](#).

G. Abandoned Facilities

1. Any broadcast facility that ceases to be used for its original communications purpose must be removed at the owner's expense. The owner of the facility must provide the Director with a copy of the notice to the FCC of the intent to cease operations and has 120 days from the date of such ceasing to remove the obsolete tower and all accessory structures and to restore the site to its natural condition.
2. In the case of multiple providers sharing use of a single tower, notice will still be required from each provider as to their cessation of operations, and such provider must remove its facilities within the 120-day period prescribed above. At such time as all providers sharing use of a tower cease operation of their facilities located thereon, the owner of the tower must complete the removal and restoration process as set forth herein.

H. Area and Dimensional Requirements

1. Minimum Setbacks: Each tower must be set back from all property lines a distance equal to 50% of its height. When site is a leased portion of a larger parcel, setbacks are measured from the property lines, not the leased site. Maintenance and equipment buildings must meet the setback requirements as specified for the applicable district.
2. All structures, facilities and accessories associated with the proposed tower must be wholly within the required security fence. Guy anchors may be fenced separately from the main compound.
3. Buffer Requirements: See [§9.05 Buffers](#).

I. Height and Location Restrictions

1. No tower may exceed a height of 300 ft.
2. No broadcast tower site boundary may be located closer than 200 ft to any residence.
3. No tower may be located less than a distance equal to its height, as measured from the base of the tower, from any RS District boundary.
4. Any new towers must be a monopole or self-supporting design.
5. Where such facility is constructed in conjunction with a principal structure, it must be sited behind the front building line of said structure. This requirement does not apply in the AG District.

7.06.02 Telecommunications Towers. In addition to the standards set out in §7.06.01 above; the following standards apply to telecommunication towers.

A. Application and Justification. All requirements for site plan approval, as set out in [§12.04 Site Plan Review](#), must be met at the time of application for siting of new telecommunications towers. In addition, the following information must be provided when applying for approval of a telecommunication tower:

1. A current USGS quadrangle map (1:24,000), or equivalent, showing the proposed site location and at least a two-mile radius around the site;
2. A scaled elevation diagram of the facility, showing the type, height, finish, lighting, site improvements and other such details as necessary to convey an image of the facility at the proposed location;
3. A study prepared by a radio frequency specialist that includes a mapped coverage analysis of the proposed facility and its relationship to the next nearest adjacent cell and an inventory and evaluation of existing towers, alternative sites and available structural facilities (e.g., buildings, billboards, water towers, or other structures that could be used for support in lieu of a new tower) considered within a two-mile radius of the proposed location.
4. An inventory of all the provider's existing telecommunications towers and communications antenna sites in Tuscaloosa County, including those located in municipalities within Tuscaloosa County. This inventory must include:
 - a. The location, parcel identification number, and ownership of the telecommunications tower
 - b. Name of co-locators
 - c. Height of tower
 - d. Type of tower or nature of other structure where antenna is located
 - e. Name of Wireless Communication Service Provider co-location coordinator
 - f. Copy of Wireless Communication Service Provider's FCC license

In the event such inventory has already been provided, each successive application must include an update such that said inventory will be completely current and accurate.

5. Written documentation justifying the need for a new telecommunications tower site to be located on the proposed site. This documentation must address, at a minimum, how the proposed tower is justified in relation to the following points:
 - a. a list, description and map of the potential co-location, nonresidential use or alternative location sites that are located within the geographic service area of the proposed site;
 - b. documentation that requests for co-location have been made at least 30 days prior to the filing of application for site plan approval
 - c. a detailed explanation of why each such site was not technologically, legally or economically feasible, or why such efforts were otherwise unsuccessful;
 - d. an analysis of how and why the proposed site is essential to meet service demands for the geographic service area and the countywide network;

6. Certification that the proposed telecommunications tower is structurally and technically designed and capable, and will be so constructed, to meet the co-location requirements set forth in this Section. Immediately upon completion of construction, as-built certifications of same must be submitted.

B. Co-location Requirements

1. Maximum Utilization of Existing Sites. No new telecommunications tower may be constructed if space is structurally, technically, and economically available for the proposed telecommunications antenna and related facilities on an existing tower; or on an alternative site (e.g. a structure), where such alternative location would cover the required service area without creating undue signal interference.
2. All towers constructed subsequent to the adoption of this Section, and their associated compounds, must be designed and built to accommodate additional wireless communication service providers based on the height of the tower as follows:
 - a. Towers 80 to 159 ft in height must accommodate a minimum of two providers.
 - b. Towers 160 to 209 ft in height must accommodate a minimum of three providers.
 - c. Towers of 210 to 300 ft in height must accommodate a minimum of four providers.
3. Carriers wishing to co-locate on an existing tower may receive administrative approval of their request.

C. Pre-Existing Towers

1. Any communications antenna locating on a pre-existing, properly permitted telecommunications tower subsequent to adoption of this Section is exempt from the restrictions of [Article 9 Landscaping](#) when the provisions below are met:
 - a. If structural strengthening is necessary to accommodate co-location, the tower type will remain the same as previously permitted.
 - b. There will be no increase in the total height or type of lighting of the facility, including the tower, antennas and all other associated facilities.
 - c. All setback and buffer requirements applicable to the existing tower, at the time its permit was issued will continue to apply to such tower.
2. The Department permits such facilities through administrative review and approval.

7.06.03 Exemptions

A. The following wireless communications facilities are exempt from the requirements of this Section:

1. Amateur radio antennas and receive-only antennas not more than 60 ft in height, and satellite earth station antennas two meters or less in diameter, are exempt as provided for in the Federal Telecommunications Act of 1996 when no supportive tower is to be constructed.
2. Accessory facilities used exclusively for dispatch communications by public emergency agencies or government agencies.
3. Accessory facilities used exclusively for dispatch communications by private entities, or for internal communications by public utilities, provided such facilities do not exceed a total of 60 ft in height whether mounted to a structure or ground mounted.

- B. Any waiver from the regulations in this Section for facilities exceeding the foregoing dimensions may only be approved as Special Exceptions from the Board.

§7.07 Bulk storage of chemicals or fuels

- 7.07.01 Minimum lot size is 100,000 sf.
- 7.07.02 Storage tanks or structures must be at least 100 ft from all property lines.

§7.08 Car Wash

- 7.08.01 Noise levels may not exceed 80 dB at any lot line adjoining a residential use or district.
- 7.08.02 A Class B buffer (see [§9.05 Buffers](#)) must be provided between vacuuming facilities and any adjoining residential use or district. If not adjoining a residential use or district, vacuums must be located on site to provide the greatest separation from any nearby residential uses.
- 7.08.03 A Class A buffer must be provided between vacuuming facilities and any adjoining commercial or institutional use.

§7.09 Commercial Incinerator

- A. Minimum lot size is 100,000 sf.
- B. Structures must be at least 100 ft from all property lines.

§7.10 Cottage Developments

7.10.01 General Standards

- A. Cottage Developments are permitted only on sites served by public water and sewer services.
- B. Each dwelling must be on its own lot. However, this does not apply when cottages are developed in condominium format and does not apply in districts in which multifamily dwellings are permitted.
- C. The number of allowable dwellings is determined by dividing the total tract size by the minimum lot size in the applicable district. Any fraction is rounded down to the nearest whole number. In no case may the number of units be less than four nor more than twelve.
- D. Not all lots are required to have street frontage, subject to the following:
1. Each lot must front on and have a main entry facing the Common Open Space, except those lots, nearest the fronting street, may front on the street or Common Open Space.
 2. The rear of dwellings may face toward a public alley. The rear of dwellings may not face toward a street, except in the case of a double-frontage tract, the rear of cottage lots may be oriented toward the street of higher classification.

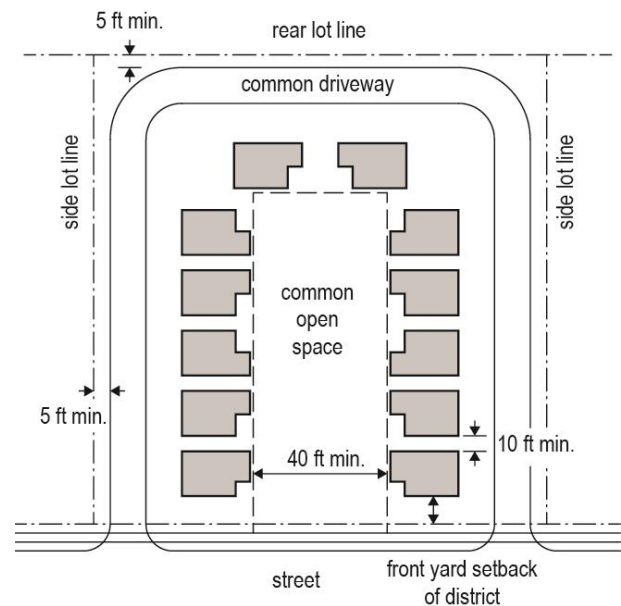


Figure 7-2 Cottage Development

3. Lots must be readily accessible for fire suppression purposes as determined by the Fire Chief or their designee during subdivision plat review.

7.10.02 Area and Dimensional Requirements

- A. The minimum lot size, lot width and side setback prescribed for detached single-family dwellings in the applicable district do not apply, except in determining the number of allowable dwellings (§7.10.01.C). Spacing between cottage dwellings must be at least ten feet, which may include zero-lot line arrangements.
- B. Minimum Common Open Space: 250 sf per unit and not less than 40 ft in width at any point.
- C. Maximum Floor Area per Dwelling: no more than 1,600 sf per floor
- D. Maximum Height: three stories
- E. Minimum Building Setbacks
 1. Dwellings must be set back at least 20 ft from the exterior lot lines of the overall development and must observe the front setback for the district along all street frontages.
 2. No setback is required between a dwelling and the common open space; however, no portion of a building may encroach into or over the common open space.

7.10.03 Ownership and Management of Open Space. See [§3.08 Common Open Spaces and Amenities](#).

7.10.04 Parking. Parking must be provided as required for detached single-family dwellings and may be clustered together or provided individually at the rear of each home. Clustered parking areas must be screened from the common open space and from streets and adjacent residential uses.

§7.11 Driving Ranges

- 7.11.01 The site plan, required pursuant to [§12.04 Site Plan Review](#), must show the layout of the property and indicate the location of all driving ranges, putting greens, fences, and structures.
- 7.11.02 Accessory uses are limited to a clubhouse, refreshment stands, maintenance shed, a miniature golf course, and a pro shop.

§7.12 Duplexes

- 7.12.01 In no case may any duplex lot or development site be subdivided to create separate lots for dwelling units within a duplex structure. While ownership of the dwelling units may be separated on a condominium basis, the land on which the structure is built must remain undivided common property.
- 7.12.02 Duplex lots may not take access from an arterial road. Duplex lots may be accessed via alleyways to the rear of the lots or from common parking areas.
- 7.12.03 Duplexes are subject to the standards in Table 7-1.

Table 7-1 Duplex Subdivision Standards

Minimum Lot Area	Minimum Lot Width	Maximum ISR on individual lots	Minimum Yards		
			Front	Side	Rear
7,000 sf	75 ft	.45	25 ft	10 ft	20 ft

§7.13 Entertainment-Adult and Adult Novelty Stores

7.13.01 Entertainment-Adult

- A. Such businesses are recognized, particularly when several are concentrated in a given area, to have deleterious effects upon adjacent areas, detract from property values and can have adverse effects on the general welfare. Therefore, no such uses are hereafter permitted within 1,500 ft of each other, as measured between the nearest property lines. Nor may an Entertainment-Adult use or Adult Novelty Store be located closer than 500 ft to the nearest boundary of any residential district or the nearest property lines of the following uses to be protected: child day care center or learning center; place of assembly or worship; or any public or private school offering pre-kindergarten through high school education programs. The expansion of a residential district or location of a protected use in conflict with these separation requirements will not cause an existing, permitted Entertainment-Adult use or Adult Novelty Store to become nonconforming.
- B. No alcohol of any kind may be offered for sale, sold, served or consumed on the premises of an Entertainment-Adult establishment. Entertainment-Adult establishments may not be located closer than 200 ft to the nearest Bar or any business offering alcohol sales for off-premises consumption.

7.13.02 Adult Novelty Stores. Separation is required between Adult Novelty Stores and between Adult Novelty Stores and protected uses as is required of Entertainment-Adult businesses in this Section.

§7.14 Family and Group Day Care Homes

7.14.01 The following provisions are intended to regulate the operation of family day care homes and group day care homes so that the average neighbor, under normal circumstances, will not be aware of their existence.

7.14.02 All day care homes must receive a business license before commencement of such use:

- A. The day care home must be licensed to and operated by a resident of the dwelling in which it is located. The day care home must, at all times, possess an appropriate license issued by the State of Alabama. A copy of such license must be furnished to the Director upon request. Revocation or expiration of the state license automatically voids any business license issued by the City.

7.14.03 Standards

- A. The day care activity must be clearly incidental to the use of the structure as a residence.
- B. Family day care homes are limited to a maximum of six non-resident children at any one time. Group day care homes are limited to a maximum of 12 non-resident children at any one time.
- C. The appearance of the dwelling and premises may not be altered, nor the day care activity conducted, in any manner which would cause the premises to differ from its residential character or from the character of the neighborhood.
- D. The day care home must be operated in the existing dwelling. No new or existing accessory structure may be built or used for the purpose of the day care activity.
- E. The operation of a day care home on a residential premises does not afford additional signage beyond that otherwise permitted for dwellings in the applicable district.
- F. No more than four persons may be engaged in the operation of the day care home, including no more than two persons not residing in the dwelling.

- G. Off-street parking space must be provided for each non-resident employee in addition to that required for the dwelling.
- H. The operation of a day care home may not create any nuisance such as excessive traffic, on-street parking, or noise to any greater extent than that normally experienced in the residential neighborhood or be present or noticeable beyond the property boundaries of the day care premises.

§7.15 Farm Equipment Sales and Repair

- 7.15.01 All structures and equipment storage areas must be located at least 200 ft from the nearest residential structure under different ownership.
- 7.15.02 All repairs must be performed within a fully enclosed structure.

§7.16 Flea Markets

- 7.16.01 Flea markets are permitted only on property fronting on an arterial road.
- 7.16.02 At least one enclosed building of 300 sf or more in size must be constructed on the property.
- 7.16.03 The minimum site for flea markets is five acres with a minimum width of 200 ft and a minimum depth of 300 ft.
- 7.16.04 No merchandise may be sold or displayed less than 100 ft from adjoining residential property.
- 7.16.05 Parking areas must have a smooth, stabilized and dustless surface, provided that no more than 50% of the required parking spaces may be grass or other suitable material in overflow and remote locations. Unpaved spaces and driving aisles must be organized for efficient traffic flow, using tire stops approved by the City Engineer. Parking spaces within 150 ft of any structure on the development site must be paved with asphalt, concrete or other rigid paving material.
- 7.16.06 A Class A buffer must be provided along all property lines adjoining nonresidential uses. A Class B buffer must be provided along all property lines adjoining residential uses. See [§9.05 Buffers](#).
- 7.16.07 Frontage and perimeter landscaping must be provided as required in [§9.03 Vehicular Area Landscaping Standards](#).

§7.17 Food Processing and Packaging

- 7.17.01 Minimum lot size is 100,000 sf.
- 7.17.02 Buffers must be provided from all non-industrial uses as required in [§9.05 Buffers](#).

§7.18 Gas Stations and Minor Automobile Repair

- 7.18.01 Gas Stations and Minor Automobile Repair businesses may be located on arterial and collector streets only. If located on an arterial street, such businesses must have at least 150 ft of frontage along the arterial street.
- 7.18.02 Pits, hoists, and all lubricating, washing, and repair equipment and workspace must be enclosed within a building. All parts, oils, fuels, and tools must be stored within an enclosed structure.
- 7.18.03 Liquid petroleum fuels must be stored in underground tanks.

- 7.18.04 Vehicular canopy structures must comply with applicable building setbacks. The maximum height of all such structures must be noted on the site plan. The area under such canopies counts toward the allowable Impervious Surface Ratio.
- 7.18.05 Pump islands and underground fuel storage tanks must be set back at least 20 ft from all property line.
- 7.18.06 Vehicles kept overnight for repair purposes must be stored within an enclosed structure or an area that is screened from views off-site.

§7.19 Group Homes

- 7.19.01 The following limitations apply in the RCI District and all residential districts:
 - A. No more than ten unrelated persons plus any caregivers may reside in a Group Home.
 - B. There may be no exterior entrances to bedrooms.
- 7.19.02 Documentation of the following criteria must be provided to the Department before a business license may be issued:
 - A. A parking plan showing sufficient off-street parking to accommodate residents and caregivers
 - B. A certified letter from the property owner, if not the applicant, approving the operation of a group home on the property must be provided.

§7.20 Heavy Equipment Sales, Rental and Repair

- 7.20.01 All repair work must be performed within a completely enclosed structure.
- 7.20.02 Equipment or vehicles under repair or not operational must be screened from public view or stored indoors at all times.

§7.21 Home Occupations

- 7.21.01 Purpose. It is the purpose of this Section to provide residents with opportunities in the use of their residences in profitable activities while preserving the character of the City's residential areas. Therefore, these regulations are intended to ensure that such activities remain limited in scope so as not to interfere with the principal use of any residential neighborhood or development.
- 7.21.02 General Regulations. All home occupations must meet the following criteria:
 - A. The home occupation must be clearly secondary and incidental to the use of the dwelling unit as a residence. No more than 25% of the total floor area of the dwelling and accessory structures may be used for the home occupation, to a maximum of 500 sf.
 - B. The Director may require a floor plan of the residence, indicating the specific location and extent of the business activity.
 - C. The exterior appearance of the dwelling and premises may not be altered, nor the occupation within the dwelling conducted, in any manner that would cause the premises to differ from its residential character nor from the character of the neighborhood. Outdoor display associated with a home occupation is prohibited.
 - D. The home occupation must be operated in the existing dwelling, which may not be enlarged to accommodate the business activity.

- E. No new accessory structure may be built for the purpose of operating the home occupation.
- F. There may be no visible evidence that the dwelling is being used to operate a home occupation. The conduct of a home occupation does not afford additional signage for dwellings as permitted in accordance with [§10.08 Temporary Signs](#).
- G. No more than two company or commercial vehicles may be parked at the premises at any time, including but not limited to cars, vans, trucks, and utility trailers. Off-street parking must be provided on the premises, as required by [§8.01 Off-Street Parking Requirements](#). Parking of commercial vehicles is subject to the regulations of the City Code and may not be forward of the front building line.
- H. A maximum of one person not residing in the dwelling may engage in the operation of the home occupation.
- I. No merchandise may be distributed to customers on the premises, nor may any goods be exchanged for the purposes of alterations or repairs on the premises.
- J. The operation of a home occupation may not create any nuisance such as excessive traffic, on-street parking, noise, vibration, glare, odors, fumes, smoke, dust, heat, fire hazards, electrical interference or fluctuation inline voltage, or hazards to any greater extent than that normally experienced in the residential neighborhood, or be present or noticeable beyond the property boundaries of the home occupation premises.
- K. The on-site repair of vehicles is prohibited as a home occupation.

7.21.03 Application Procedures

- A. Each applicant for a home occupation approval must submit an application, together with any required fees and attachments, to the Director. The Director must, within five days, approve or deny the application, or inform the applicant that more information is needed to reach a decision.
- B. Each applicant for home occupation approval must submit a deed to the subject property. If the applicant does not own the property, a signed and notarized letter of authorization from the owner must be provided with the application.
- C. No more than one home occupation may be approved in any one dwelling unit. Home occupations which involve no employees other than those living in the dwelling and no on-premises customers, clients or patrons are exempt from this provision. For the purposes of this Section, a fraternity, sorority, or boarding house constitutes a single dwelling unit.
- D. If an applicant fails to provide sufficient information to determine compliance with this Section, the application will be denied.

7.21.04 Other Provisions

- A. Child and adult day care and nighttime care services are not considered home occupations under this Section but are regulated under [§7.14 Family and Group Day Care Homes](#). These businesses, if previously approved as home occupations, may continue operating as such until the expiration of the current business license.
- B. The Director must be permitted, upon reasonable request, to enter and inspect the premises of an approved home occupation at any time to verify compliance with these regulations.

- C. Any existing home occupation not in compliance with these regulations may continue operating as a nonconforming home occupation under the following conditions:
1. the home occupation was approved prior to the effective date of these regulations;
 2. the home occupation complies with all regulations in effect at the time of its approval;
 3. the business activity has continued since the effective date of these regulations without ceasing for a period in excess of 30 days;
 4. the home occupation holds a valid business license issued by the City;
 5. the home occupation has operated in a lawful manner at all times prior to adoption of these regulations;
 6. Signs not in compliance with [§10.08 Temporary Signs](#) must be removed immediately;
 7. Limitation on company vehicles and outside display and storage of materials must be complied with upon the effective date of this Section;
 8. Home Occupation licenses are not transferrable from one property owner to another. Upon sale of property the existing nonconforming home occupation must cease operation. New owners wishing to conduct the same or a different home occupation must obtain a new home occupation license and must come into compliance with all home occupation regulations in place at that time.

§7.22 Junkyards

7.22.01 Storage of Materials

- A. Material that is not salvageable may not accumulate, except in bins or containers, and must be disposed of in an approved sanitary landfill. Facilities may not accumulate materials for more than 30 days, unless otherwise allowed through Conditional Use approval.
- B. Material that is not salvageable may not be buried or used as fill.
- C. Junkyard operators are responsible for compliance with all applicable Federal and State regulations pertaining to the handling, storage, and disposal of waste fluids. Disposal of waste fluids is prohibited on-site.
- D. Ice boxes, refrigerators, deep-freeze lockers, clothes washers, clothes dryers, and similar air-tight units having an interior storage capacity of 1.5 cubic feet or more may not be kept in any open storage area unless the door has been removed.

7.22.02 Screening

- A. All outdoor storage facilities must be screened as required in [§9.06 Screening](#) by a continuous, opaque fence or wall without openings of any type, except as needed for vehicular access. The vehicular access may not exceed 25 ft in width. The access gate must be of a solid, opaque material.
- B. The screening wall or fence must comply with [§9.07 Design Standards for Required Fences](#) and must be of the same type of material throughout.

§7.23 Major Automobile Repair

- 7.23.01 Vehicles undergoing repair, painting or bodywork must remain inside an enclosed structure at all times. Vehicles, which are not actively undergoing repair, painting or bodywork, must be stored in an enclosed structure or within an area screened from public view in accordance with [§9.06 Screening](#).
- 7.23.02 Unlicensed, untitled vehicles are not permitted on the site at any time. No body or chassis may be stored on the site at any time.
- 7.23.03 All parts, including body parts, oils, fuels, and tools must be stored within a completely enclosed structure.

§7.24 Major Institutional Uses

All major institutional uses must front on a collector or arterial roadway.

§7.25 Major Outdoor Recreational Uses

- A. No major outdoor recreational use may be located within 100 ft of existing residential development.
- B. Minimum lot size is 40,000 sf or as required in the applicable district.

§7.26 Manufacture of building materials

- 7.26.01 Minimum lot size is two acres.
- 7.26.02 All outdoor work and storage areas must be screened as required in [§9.06 Screening](#) by a continuous, opaque fence or wall, which must comply with [§9.07 Design Standards for Required Fences](#).

§7.27 Manufacture of explosives

- 7.27.01 Minimum lot size is 150,000 sf.
- 7.27.02 Structures must be at least 150 ft from all property lines.

§7.28 Manufactured Home Parks

- 7.28.01 Manufactured Home Parks are subject to site plan approval under [§12.04 Site Plan Review](#). No structures or facilities may be installed or constructed until a site plan has been approved by the City. All improvements, regardless of timing or project phasing, must be substantially consistent with the approved site plan. Where an existing manufactured home park has no site plan, such a plan must be prepared and submitted to the City prior to the addition, improvement, rearrangement or replacement of park facilities or manufactured homes. All manufactured home stalls must be shown on the site plan.
- 7.28.02 In no case may a manufactured home park be separated into lots in fee simple ownership. All facilities, including roads, must be privately owned and may not occupy parcels of land which are deeded separately from the common facilities within any manufactured home park.
- 7.28.03 Allowable accessory uses:
 - A. Clubhouse, laundry, swimming pool, and other shared facilities for the common use of the residents of the manufactured home park.
 - B. No more than one dwelling unit of conventional construction, at least 600 sf in size, for the use of a resident manager.

- C. Storage area for boats, recreational vehicles, and other types of vehicles that exceed 30 ft in length. The storage area must be for the use of park residents only and must be fenced and landscaped. Storage of such vehicles is prohibited on individual manufactured home stalls and on streets and drives within the manufactured home park. Recreational vehicles may not be used for residential purposes.
- D. Storage sheds and other freestanding accessory structures are prohibited in required open space areas. Accessory structures must be at least ten feet from any other structure.

7.28.04 Manufactured home parks are subject to the standards in Table 7-2.

Table 7-2 Manufactured Home Park Standards

Minimum size for development site	Minimum number of home stands	Maximum ISR		Minimum area for home stand	Minimum width for home stand	Maximum building height (conventional buildings)
		for entire stand	on a home stand ¹			
10 ac	25	.35	.60	4,500 sf	45 ft	35 ft

1 For purposes of site plan review, it shall be assumed that impervious surfaces cover 60% of each designated manufactured home stand unless the site plan specifies a lesser amount.

7.28.05 Landscaping and Yards

- A. All manufactured home parks must be separated from other land uses by a buffer in accordance with [§9.05 Buffers](#).
- B. Manufactured homes and structures must be set back at least 20 ft from the pavement edge of any streets and drives within the manufactured home park.
- C. Manufactured homes must be separated from freestanding structures serving as common facilities by at least 30 ft. No carport or other attached structure may be installed on a manufactured home less than 20 ft from another manufactured home or attached structure. This distance is measured between the closest points of the units or structures.

7.28.06 Access and Internal Circulation

- A. Internal park streets and drives must be paved and must be owned and maintained by the developer or owner of the park property.
- B. Two paved off-street parking spaces must be provided for each manufactured home stall. Required parking may be provided on each home stall or in common parking areas.
- C. No individual manufactured home stand may have direct access to a public right-of-way.

7.28.07 Occupancy. No manufactured home may be installed, stored, or otherwise located within a manufactured home park, nor may utility service be authorized, until the park has received a Certificate of Occupancy.

7.28.08 Storm Shelter

- A. Storm shelters must be provided on-site, as provided herein:
 1. a new manufactured home park
 2. an existing park is expanded to include more manufactured homes

3. an existing manufactured home park replaces, cumulatively within a five-year period, 10 homes or 50% of the homes, whichever is more restrictive.
- B. Storm shelter must have a minimum floor area of seven sf for each home stand and be located no more than 1,320 linear feet from the furthest home stand in the park.
- C. Shelters must be designed and constructed in conformance with State of Alabama Emergency Management Agency standards and installed as approved by the Building Official. Shelters must meet all applicable requirements of the Americans with Disabilities Act and, if located within a floodplain, must meet all FEMA requirements.
- D. The park operator is responsible for making the storm shelter accessible and usable in times of need. Storm shelters may not be used for storage purposes if such storage reduces the minimum floor area required herein.

§7.29 Mines and Quarries

- 7.29.01 Minimum parcel size is 100 acres.
- 7.29.02 A 300-foot buffer zone must be established around the perimeter of the property, in which the natural or existing vegetation must be maintained or improved. No digging, dredging, blasting, storage of tailings, or other mining-related activities is allowed within the 300-foot buffer. Where no natural vegetation exists, plantings and other buffer improvements must be provided in accordance with [§9.05 Buffers](#).
- 7.29.03 No structures, vehicles, equipment, or parking areas may be located within 100 ft of a property line.

§7.30 Mini-Warehouses and Self-Storage

- 7.30.01 Requirements applicable to Mini-warehouse and Climate Controlled Self-Storage
 - A. No storage bay or unit may be used as a place of business or any use other than storage. No storage bay or unit may contain plumbing nor more than one electrical outlet.
- 7.30.02 Requirements applicable to Mini-warehouses only
 - A. No business license may be approved for that portion of the property containing the mini-warehouse other than for the mini-warehouse use. Where an applicant proposes additional uses on the same development site, the mini-warehouse use must be physically separated from all other uses. Conditional use approval of the mini-warehouse, if applicable, will be assigned to a specific portion of the site, established by an internal boundary shown on the site plan.
 - B. The mini-warehouse facility must be surrounded by a fence at least six feet in height and that restricts access to the site. An opaque wall or fence, subject to [§9.07 Design Standards for Required Fences](#), may be required as part of Conditional Use approval, if applicable.
- 7.30.03 Requirements applicable to Climate-Controlled Self-Storage only
 - A. Other than that portion of the ground floor of the building used for office and other support functions of the self-storage use, the remainder of the ground floor must be used for retail, dining, office or some combination of these uses.
 - B. Ground floor must have a floor to ceiling height of at least ten feet.

§7.31 Multifamily Development

7.31.01 General Standards

- A. Multifamily developments are subject to site plan approval pursuant to [§12.04 Site Plan Review](#).
- B. Separate ownership of dwelling units is permitted on a condominium basis only; however, in no case may the development site be platted or otherwise divided for the purpose of assigning specific lots or parcels to particular dwelling units.
- C. No existing single-family dwelling or lot in a single-family residential subdivision may be used for multifamily development unless expressly approved under [§12.05 Conditional Uses](#).

7.31.02 Site Development Standards. Multifamily developments are subject to the standards in Table 7-3 and the following:

- A. The arrangement of buildings, open spaces, parking areas and drives must be suitable to existing topography to avoid extensive grading.
- B. Buildings must be spaced no less than the sum of their lengths divided by three ((A+B)/3), or 90 ft whichever is less (see Figure 7-1). In no case may buildings be placed closer together than 20 ft. Building spacing is measured perpendicularly from the longer of the two building walls at the closest point between them.

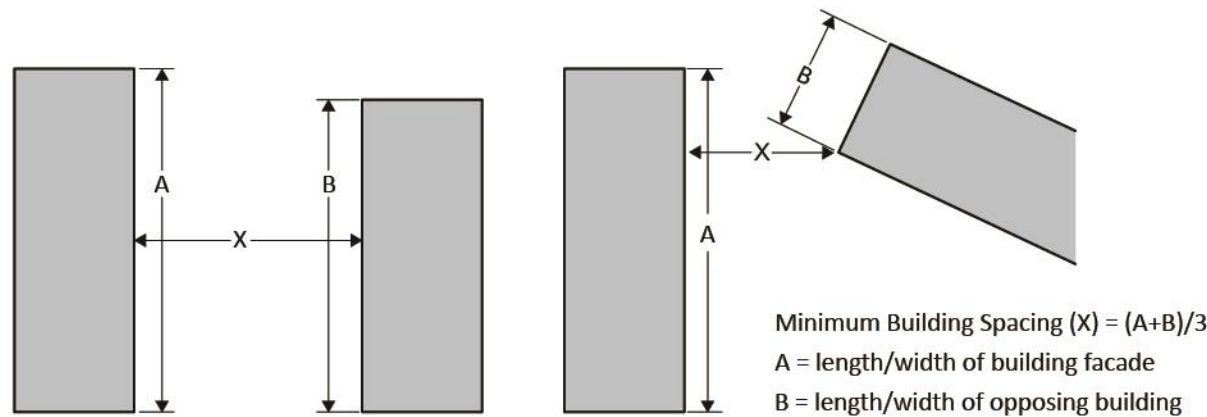


Figure 7-1: Minimum Building Spacing

Table 7-3 Multifamily Development Standards

Minimum Lot Area	Minimum Lot Width	Maximum ISR on individual lots	Minimum Yards			Height Restriction
			Front	Side	Rear	
10,000 sf	70 ft	.75	25 ft	10 ft	25 ft	40 ft

- C. Multifamily buildings may not be surrounded on all sides by parking and driveways. On at least one side of each multifamily building, there must be an open space of at least 40 ft in depth, another building or the property boundary.
- D. Parking and Driveways
 - 1. Common and individual garages, if provided, must be oriented so that the garage doors do not face public street views.

2. Boats and recreational vehicles may not encroach into required parking and may not be kept forward of the front building line.
 3. The number and location of access points to a public street must comply with the Building Code.
- E. Open Space. For the purposes of this section, “improved open space” means open space created or modified for resident use, including but not limited to parks, playgrounds, swimming pools, ball fields, plazas, and landscaped common areas.
1. At least 20% of the site must be permanently reserved as open space. All common open spaces and recreational areas must be well maintained in a safe and orderly condition.
 2. At least 50% of the required open space must be improved and maintained as open space for the use of residents and guests. Improved open spaces should be consolidated into one or a few central locations to assure accessibility and usability and must be oriented to receive adequate sunlight.
 3. Required setback and buffer areas do not count toward open space requirements. Spaces must be large enough to support leisure and recreational activity; no dimension may be less than 15 ft. Gazebos, pavilions and similar open structures for the use of residents are permitted in improved open spaces.
 4. Improved open space must be graded and sodded, at a minimum, to accommodate use by residents, and must be adequately drained to prevent ponding.
- F. Stormwater Management. Stormwater retention or detention facilities should be integrated into the design of parking areas and open spaces as landscape amenities. Stormwater facilities located within an open space may be counted as improved open space if designed so that it need not be fenced and is appropriately landscaped as an amenity.
- G. Waste Collection, Service and Loading Areas. Each development must be provided with service areas for waste collection. Each such area must be located away from public views but accessible to residents and to vehicles for collection purposes. Each such area must be paved with concrete.
- H. Fire Protection. Every multifamily building must be accessible to fire trucks and equipment as approved by the Fire Chief or their designee.
- I. Pedestrian Access Standards
1. Walkways must connect the pedestrian circulation system to adjacent public streets.
 2. If not already provided, a publicly accessible sidewalk at least five feet wide must be provided along all public street frontages and within the right-of-way.
 3. Walkways must connect the main entrances of all buildings. For buildings fronting on a public street, a public sidewalk may be counted toward this standard. Walkways must be provided that connect building entrances to parking areas and common areas and facilities.
 4. Walkways must be provided to connect to any public trails or similar bicycle-pedestrian facilities adjoining the site.

§7.32 Office-Warehouses

- 7.32.01 That portion of an office-warehouse development used for warehousing may not exceed 75% of the gross floor area of all structures on the premises.

- 7.32.02 No single building may contain more than five tenant spaces.
- 7.32.03 No equipment other than standard two-axle vehicles may be parked long term in required parking or in front of the tenant spaces.
- 7.32.04 All equipment and materials must be housed inside the structure or located to the rear of the building and screened as required in [§9.06 Screening](#), including an opaque fence or wall at least eight feet in height.

§7.33 Outdoor and Drive-in theatres

Accessory uses are limited to a refreshment stand or booth, a souvenir stand or booth, and a children’s playground, which are for the exclusive use of patrons of the drive-in theater.

§7.34 Places of Worship

The addition of any new buildings to an existing place of worship in RS zones requires the installation of all required buffers and landscaping, as well as compliance with all other applicable regulations.

§7.35 Recreational Vehicle Parks

- 7.35.01 Recreational vehicle parks may not be platted or otherwise divided by fee simple ownership.
- 7.35.02 Allowable Accessory Uses.
 - A. Clubhouse, bathhouse, camp store, laundry, swimming pool, and other shared facilities for the common use of park guests.
 - B. No more than one dwelling unit of conventional construction, at least 600 sf in size, for the use of a resident manager.

Table 7-4 Recreational Vehicle Park Development Standards

Requirements for RV Park						
Minimum Area	Minimum Street Frontage	Maximum ISR	Maximum gross density	Minimum open space		Maximum building height
3 acres	50 ft	.35	10 RV sites/acre	20% of the entire tract area or 20,000 sf, whichever is greater		35 ft
Requirements for RV Spaces						
Minimum RV site Area	Minimum Width	Minimum Depth	Maximum ISR	Minimum Yards		
				Front	Side	Rear
1,200 sf	20 ft	40 ft	.60	25 ft	10 ft	25 ft

- 7.35.03 RV Parks and RV spaces must comply with the standards in Table 7-4 and the following:
 - A. For purposes of site plan review, it is assumed that impervious surfaces cover 60% of each designated RV site unless the site plan specifies a lesser amount.
 - B. One or more open space areas must be provided, must meet the requirements of [§3.08 Common Open Spaces and Amenities](#) and must be easily accessible from all RV spaces.
 - C. The minimum distance between recreational vehicles is 10 ft. The minimum distance between a recreational vehicle and any structure is 20 ft. The minimum distance between recreational vehicles, for

the purpose of this section, is measured from and between the outermost structural parts or attached accessory features.

7.35.04 Other Regulations

- A. Site Plan. Any applicant for the required permits to establish, construct, alter or extend a recreational vehicle park must submit a site plan in accordance with [§12.04 Site Plan Review](#). All RV spaces must be shown on the site plan.
- B. Buffers. See [§9.05 Buffers](#).
- C. Access and Internal Streets. RV spaces must be served by internal streets and may not have direct access to public streets.
- D. Off-Street Parking and Maneuvering Space. The internal circulation system of a RV park must be designed so that parking, loading and maneuvering of vehicles does not necessitate the use of any public street, sidewalk, or right-of-way, or any private grounds not part of the designated parking, loading or maneuvering area. Sufficient maneuvering space must be provided at each space to accommodate a towing vehicle.
- E. Duration of Stay. Vehicle sites may be rented by the day or week only. From August 15 to December 15, no RV may remain in a park longer than 100 consecutive days. From December 16 to August 14, no RV may remain in a park longer than 60 consecutive days.
- F. Ground Cover. All vehicle sites and vehicular use areas must be paved. All other exposed ground surfaces must be grassed or otherwise planted to prevent soil erosion. See also [§9.02.04 Plant Material Standards](#).
- G. Ownership. All facilities, including streets, must be privately owned, and may not occupy parcels of land which are deeded separately from the rest of the park. Any maintenance or repair of internal streets and any other common facilities within any recreational vehicle park is the responsibility of the owner, not the City.
- H. The addition or attachment of any accessory structures such as awnings, porches, carports, or individual storage facilities not specifically designed and included as a standard part of the original RV is expressly prohibited.
- I. The removal of wheels and the installation of skirting materials around the base of recreational vehicles is prohibited. Recreational vehicles may not be permanently affixed to the ground or any structure.

§7.36 Recycling Centers

- 7.36.01 Materials collected for recycling purposes are limited to inert solids such as plastic, glass, paper and metal. No liquids or objects containing liquids may be stored on the site. Toxic chemicals and hazardous materials of any kind are prohibited.
- 7.36.02 All materials collected for recycling purposes must be stored within a completely enclosed structure.

§7.37 Repair Services

Equipment that is under repair or not operational must be stored indoors or screened from public view at all times.

§7.38 Sales and minor storage of gaseous fuels

Where permitted as an accessory use, no more than 500 gallons of gaseous fuels may be stored on the site at any time.

§7.39 Shopping Centers, Major and Minor

- 7.39.01 In addition to the following requirements, gas stations are subject to [§7.18 Gas Stations and Minor Automobile Repair](#).
- 7.39.02 Shopping centers must have frontage on an arterial roadway.
- 7.39.03 A combination of two or more of the following materials must be used on the facades of all structures: wood, brick, stone, or stucco.
- 7.39.04 Buildings must have articulated roof lines and varying façade elevations.
- 7.39.05 A master signage plan for the overall proposed development must be approved in conjunction with the required site plan.

§7.40 Short-term Rentals

The following regulations apply to short term rental of dwellings in residential districts only. For purposes of this section, "Short-Term Rental (STR)" means the rental of a dwelling unit for less than 30 days per rental period.

- 7.40.01 Licensing and taxation. Short-term rentals are subject to all applicable licensing and taxation requirements of the City.
- 7.40.02 Standards
 - A. The dwelling or portion thereof approved for short-term rental use may only be rented for lodging use. It may not be rented for weddings, concerts or similar events or used for such events during any short-term rental period.
 - B. Occupancy. The dwelling or portion thereof approved for short-term rental use may not be rented to more than one guest party simultaneously. Occupancy is limited to the most restrictive of the following:
 - 1. No more than two persons per bedroom plus two persons
 - 2. No more than four persons per parking space

The number of bedrooms and parking spaces are determined by the Director. The Director may inspect the dwelling to verify information submitted with the business license application. The owner must, by written agreement with the renter, limit overnight occupancy of the STR to the maximum occupancy approved with the business license.
 - C. The short-term rental must comply with all applicable City regulations.
 - D. There must be adequate off-street parking to accommodate all guest parking needs. No recreational vehicles, buses or trailers may be stored on the street or forward of the front building line.
 - E. A copy of the business license, emergency contact information and house rules that comply with this section must be posted in a conspicuous place in the dwelling.

- F. Upon notification that a renter or a renter's guest has violated any provisions of this Section or any noise, garbage, or other applicable provision of the City Code, the owner or emergency contact must promptly notify the renter of the violation and take such action as is necessary to prevent a recurrence.

§7.41 Slaughterhouse

- 7.41.01 The minimum lot size is five acres.
- 7.41.02 Structures must be at least 150 ft from all property lines.
- 7.41.03 No outdoor pens, cages or runs are permitted.
- 7.41.04 No structure may be located within 500 ft of any residential property or residential district.

§7.42 Storage of sand, gravel or blocks

- 7.42.01 Stored materials may not exceed in height their distance from the property line. In no case may stored materials exceed 15 ft in height above grade level.
- 7.42.02 Stored materials must be screened in accordance with [§9.06 Screening](#). An opaque fence must be used as part of the screening, which is no less than ten feet in height and which complies with [§9.07 Design Standards for Required Fences](#). Said fence may be constructed along side and rear property lines but must be set back no less than 25 ft from street rights-of-way.

§7.43 Tattoo Shops

Tattoo shops are subject to the spacing and other requirements in City of Northport Ordinance 1814, as amended and Ordinance 1975, as amended.

§7.44 Temporary Uses

Temporary uses are permitted only as expressly provided in this Section. No temporary use may be established unless a permit evidencing the compliance of such use with the provisions of this Section and other applicable provisions of this Ordinance has first been issued.

- 7.44.01 General Regulations. Temporary uses are subject to the following, unless otherwise provided for in this Section:
- A. Notarized, written authorization from property owner with deed to property must be provided with the application.
 - B. Documentation from the Tuscaloosa County Health Department must be provided that adequate arrangements for temporary sanitary facilities have been made.
 - C. No permanent or temporary lighting may be installed without an electrical permit and inspection.
 - D. All uses must be confined to the dates and hours of operation specified in the permit.
 - E. The site must be cleared of all debris at the end of the special event and cleared of all temporary structures within seven days after the closing event.
 - F. Public parking for the exclusive use of the facility must be provided, and a stabilized drive to the parking area must be maintained. It is the responsibility of the applicant to guide traffic to these areas and to prevent patrons from unlawful parking.

- G. Traffic control arrangements required by the Northport Police Department in the vicinity at major intersections are the responsibility of the applicant.
- H. Property owners are responsible for restitution and repair of any damage resulting to any public right-of-way or property as a result of the event.
- I. Serving of alcoholic beverages requires a permit from the Council.
- J. Outdoor lighting must comply with [§3.11 Lighting](#).

7.44.02 Use Limitations

- A. The principal use or structure, together with any other temporary uses or structures, may not jointly exceed the ISR or any standard of the application district.
- B. No signs in connection with a temporary use are permitted except as specified in [Article 10 Signs](#).

7.44.03 Particular Temporary Uses Permitted. The following are temporary uses, which are subject to the specified regulations and standards, in addition to the other requirements specified in this Ordinance.

A. Carnival or circus

- 1. Permitted only in C-3 and C-6 Districts.
- 2. Maximum length of permit is 15 days.
- 3. No structure or equipment is permitted within 500 ft of any residential property line.

B. Christmas tree sales

- 1. Permitted only in Commercial and Agricultural districts.
- 2. Maximum length of permit for display and open-lot sales is 45 days.

C. On-Site Contractor's office and construction equipment sheds

- 1. Permitted in any district where the use is incidental to a construction project. Such structures may not contain sleeping or cooking accommodations.
- 2. Maximum length of permit is one year.
- 3. Offices and sheds must be removed upon completion of construction project.
- 4. Signs are permitted only in accordance with [Article 10 Signs](#).

D. Events of public interest

- 1. Permitted only in Commercial, Office-Institutional and Agricultural Districts, and the following Downtown Districts: UMX, LMX, RCI, HDC, SMX, LI and C Districts.
- 2. Events may include but are not limited to outdoor concerts, auctions and athletic events and associated concessions and activities.

E. Portable Buildings for Temporary Business Uses

- 1. Permitted only in C-3 and C-6 Districts and only while a permanent structure is actively being constructed.
- 2. Maximum length of permit is six months. Subsequent 90-day extensions may be granted by request to the Director.

F. Real estate sales office

1. Permitted in any district for any new subdivision. The office may not contain sleeping or cooking accommodations, unless approved within a model home, which may be used as a temporary sales office for the duration of the temporary use permit.
2. Maximum length of permit is one year.
3. Other than when located in a model home, such offices must be removed upon completion of the development of the subdivision.

G. Religious tent meeting

1. Permitted only in O-I, C-2, C-3, C-6 and AG Districts.
2. Maximum length of permit is 15 days.

H. Sale of farm produce

1. Permitted in C-2, C-3, C-6, AG, and the following Downtown Districts: UMX, LMX, HDC, and SMX. Prohibited in M-1, M-2 and residential districts.
2. Maximum length of temporary use permit is one year. Temporary use permits are not required for farms in the AG District.
3. Sales areas, including the produce stands, must be set back a minimum of 20 ft from the nearest right-of-way of any street or highway.
4. No permanent structures are permitted without an approved site plan meeting all the requirements in [§12.04 Site Plan Review](#).

I. Temporary shelter

When fire or natural disaster has rendered a single-family residence unfit for human habitation, the temporary use of a manufactured home located on the single-family lot during rehabilitation of the original residence or construction of a new residence is permitted subject to the following additional regulations:

1. Appropriate permits must be issued prior to location of temporary shelter on the site. An expedited approval process may be established through a disaster declaration by the Council.
2. Water and sanitary facilities must be provided.
3. Maximum length of permit is six months, but the Building Official may extend the permit for a period not to exceed 60 days in the event of circumstances beyond the control of the owner. Requests for the extension must be made in writing at least 15 days prior to expiration of the original permit. In no case may the length of the original permit plus all extensions exceed one year unless otherwise established through a disaster declaration by the Council.
4. The manufactured home must be removed from the property within 14 days of issuance of the Certificate of Occupancy for the new or rehabilitated residence.

J. Tent sale/outdoor sales activity

1. The outdoor storage or display of merchandise is exempted from these requirements under either of the following conditions:

- a. merchandise occupies an outdoor display area, which is permanent in nature and designated as such on an approved site plan;
 - b. merchandise is located in a temporary display area which does not occupy required parking spaces, driveway aisles, or required buffers, and customers must enter the building to make a purchase.
2. Tent sales and similar activities are permitted only in Commercial Districts on property developed with a principal commercial use with proper pedestrian and vehicular access. They are prohibited on vacant property.
 3. Where the temporary sales activity constitutes a conditional use in the applicable district, it must be approved in accordance with [§12.05 Conditional Uses](#).
 4. The applicant must submit a site plan specifying the location of all tents, temporary structures, equipment, and merchandise on display.
 5. All electrical connections must be inspected and approved by the Building Inspections Department.
 6. The Director and City Engineer may establish additional requirements as necessary to minimize hazards and promote efficient traffic circulation on the site.
 7. The maximum duration is 15 days. A maximum of four permits per calendar year may be authorized, and at least 30 days must elapse between the expiration of one permit and the approval of another.
- K. Yard and Garage Sales
1. Sales may last no longer than two consecutive days.
 2. Sales may not be held on the same premises more than four times per year. There must be an intervening time period of at least 30 days between sales on the same premises.
 3. Yard and garage sales may only be conducted on a property upon which one of the sale event participants is an owner or resident.
 4. Only household goods may be offered for sale. Goods purchased for the sole purpose of resale may not be offered for sale. No consignment goods may be offered for sale.
 5. All temporary signs must be removed immediately upon completion of the sale.

§7.45 Townhouses

7.45.01 Townhouses are subject to the standards in Table 7-5 and the following:

- A. Townhouses must have individual entrances, not used by other units, in the front and rear. They must be placed on their own lots unless developed in condominium form.
- B. Townhouse structures must contain at least three and not more than six contiguous dwelling units.
- C. Such units may have multiple stories or combinations of one- and two-story sections; however, in no case may one unit be above or behind another.
- D. Side and rear yards may be enclosed by a masonry wall not exceeding six feet in height.
- E. Townhouse lots may be accessed via alleyways to the rear of the lots or from common parking areas. Parking on individual townhouse lots may not have direct access from any public street.

Table 7-5 Townhouse Standards

Minimum Lot Area	Minimum Lot Width	Maximum ISR on individual lots	Minimum Yards			
			Front	Secondary Front	Side (end units)	Rear
2,000 sf	18 ft	.60	15 ft	20 ft	5 ft ¹	15 ft

¹ or width of any easement along the side lot lines, whichever is greater.

§7.46 Twin Houses

7.46.01 Twin houses are subject to the standards in Table 7-6 and the following:

- A. Each twin house must have individual entrances, not used by other units, in the front and rear.
- B. Twin house dwellings may have multiple stories or combinations of one-and two-story sections; however, in no case may one dwelling be above or behind another.
- C. side and rear yards may be enclosed by a masonry wall not exceeding six feet in height.
- D. Twin house lots may be accessed via alleyways to the rear of the lots or from common parking areas. Parking on individual Twin house lots may not have direct access from any public street.

Table 7-6 Twin House Standards

Minimum Lot Area	Minimum Lot Width	Maximum ISR on individual lots	Minimum Yards			
			Front	Secondary Front	Side	Rear
3,500 sf	25 ft	.45	25 ft	20 ft	10 ft	20 ft

§7.47 Vending Facilities

7.47.01 The following standards apply to accessory vending and freestanding vending facilities:

- A. Vending machines and structures may not encroach into any required setback.
- B. Vending machines and structures may not exceed ten feet in height.
- C. Perimeter and frontage landscaping must be provided in accordance with [§9.03 Vehicular Area Landscaping Standards](#).
- D. Drive-up access may not be located between the adjoining street and the vending machine or structure.

7.47.02 Freestanding signs are not permitted on lots with only vending machines and no principal building.

§7.48 Veterinary Offices and Pet Grooming

No outdoor pens, runs or cages are permitted except with Conditional Use approval in the M-1 and AG Districts. Outdoor exercise areas are allowed and must be designated as such on the site plan.

§7.49 Zero Lot Line Dwellings

7.49.01 Zero Lot Line Dwellings are subject to the standards in Table 7-7 and the following:

- A. No windows, doors, air conditioning units or other openings or projections of any kind are permitted where the structure meets the side lot line. However, a window may face the zero-side yard provided it does not project or swing outward over the lot line and otherwise complies with the Building Code.

- B. An easement of five feet in width must be created on the property adjoining the zero-side yard to permit maintenance and repair of the structure along its zero-side yard. No fence, patio, deck, or structure of any kind may be placed within a maintenance easement.
- C. Zero lot line dwellings may not take access from an arterial road.

Table 7-7 Zero Lot Line Dwelling Standards

Minimum Lot Area	Minimum Lot Width	Maximum ISR on individual lots	Minimum Yards			
			Front	Secondary Front	Side opposite zero setback line	Rear
4,500 sf	45 ft	.55	20 ft	20 ft	5 ft ¹	20 ft

1 or width of any easement along the side lot line, whichever is greater.

ARTICLE 8 PARKING AND LOADING

§8.01 Off-street Parking Requirements.

- 8.01.01 Off-street parking must be provided as specified in [Table 8-1](#).
- A. When the requirement is not readily determinable, the Director determines parking requirements using the table as a guide.
 - B. When calculating the number of required spaces, any fraction is rounded up to the next higher whole number.
- 8.01.02 Except as provided in [§8.03 Shared Parking](#), no off-street parking required for one use or structure may, during its life, be occupied by or counted as off-street parking for another use or structure.
- 8.01.03 Except as provided in [§8.03 Shared Parking](#), all required parking spaces must be provided on the same development site for which they are required. Locating required spaces on adjoining property or across a public right-of-way may only be permitted in accordance with [§14.04 Special Exceptions](#) and the following:
- A. All spaces within the freestanding parking lot must be no more than 300 ft from a public entrance from the building for which the parking is provided.
 - B. The street frontages of the freestanding parking lot and the building for which the parking is provided must be improved with sidewalks if not present. The public entrance to the building must be connected to the sidewalk by an accessible pedestrian path at least four feet wide.
 - C. The freestanding parking must be secured by a deed restriction or other enduring shared parking agreement approved by the City Attorney.
- 8.01.04 With the exception of lodging uses, off-street parking is not required for nonresidential uses in the HDC district.

§8.02 Design Standards

- 8.02.01 For all required off-street parking, parking spaces and aisles must comply with the dimensional standards set out in the Engineering Design and Construction Manual.
- A. Stacking spaces must be at least nine feet wide by 24 ft long.
 - B. Alternate sizes of parking spaces (e.g., compact spaces) may be considered by the staff on a case-by-case basis. Under no circumstances may such parking comprise more than 15% of the overall required parking.
 - C. Tandem parking spaces, though they may accommodate two vehicles, count only as one space toward off-street parking requirements.
- 8.02.02 All off-street parking spaces, driveways, and maneuvering areas must be improved with a suitable, hard surface, permanent type of pavement. Gravel may be used for maneuvering areas only in M-1 and M-2 Districts provided such maneuvering areas are not visible from public view. If a gravel maneuvering area is visible from an adjoining non-industrial use, it must be screened from such view.
- 8.02.03 All parking spaces must be delineated by appropriate fixed curbing, painted lines (a minimum of four inches wide), **or** other fixed markers except as follows:

- A. Fixed curbing and striping are not required for off-street parking for detached single-family, duplex, townhouse, twin house, nor zero lot line dwellings unless provided in common or clustered parking areas with more than three parking spaces.
- B. The City Engineer may waive or modify these requirements for development projects using low-impact development design techniques for stormwater management.

Table 8-1 Parking Requirements

Agricultural and Agricultural Support Uses ¹	
Agricultural support uses	1 per 750 sf of GFA OR 1 per 1.5 employees plus 1 per company vehicle, whichever is greater
Farms and similar agricultural uses	1 per 1.5 employees
Kennels and Stables	3 plus 1 per employee
¹ The Director may, based upon the type and intensity of the use, waive the requirement for parking to be of hard surface pavement.	
Commercial and Entertainment Uses	
Amusement center	1 per 100 sf of GFA
Auction house	1 per four seats at design capacity, whether indoors or outdoors
Auto parts store	1 per 300 sf of GFA
Auto rental	1 per 400 sf of GFA
Automobile repair service, Major	1 per employee plus 1 stacking space per service bay plus 1 parking space per bay
Automobile repair, Minor	1 per 400 sf of office and indoor display area plus 2 stacking spaces per service bay
Banks	1 per 300 sf of GFA plus four stacking spaces per drive-in lane
Bank, drive-through only	1 per 2 employees plus 3 stacking spaces per teller
Bars, dance halls, nightclubs	1 per 75 sf of GFA
Beauty, barber, and tattoo shops and nail and tanning salons	2 per chair OR 1 per 150 sf of GFA, whichever is larger
Bed and Breakfast	1 per guest room plus parking required for the dwelling
Bicycle sales and repair shop	1 per 300 sf of GFA
Bowling alley	4 per lane
Broadcast studio (e.g., radio or television)	1 per 1,000 sf of GFA
Business and professional offices	1 per 250 sf of GFA
Business support service	1 per 500 sf of GFA
Call Center, Telemarketing Office	1 per 150 sf of GFA OR 1 per employee, whichever is greater
Car wash (full service)	5 per employee plus 4 stacking spaces per stall
Car wash (self-serve)	1 stacking space per stall plus 1 drying space per stall
Carpet store	1 per 750 sf of GFA
Construction service	1 per 250 sf of office area plus 1 per 1,500 sf of indoor storage area plus 1 per 4,000 sf of outdoor storage area
Day care center	1 per 250 sf of GFA; plus 1 stacking space per 10 children. Maximum enrollment and number of employees must be noted on the site plan. Pick-up and drop-off spaces must be located such that there is direct pedestrian access into the facility without crossing streets or driveways.
Drive-in theater	1 per automobile station plus 1 per employee
Dry cleaning facility	1 per 1,000 sf of GFA, but in no case less than three

Table 8-1 Parking Requirements

Extended care facility	1 per 4 beds plus 1 per employee
Flea market	1 per 50 sf of sales area, as designated on an approved site plan
Funeral home	1 per 4 seats in each chapel or viewing area plus 1 per employee plus 1 per company vehicle
Furniture store	1 per 750 sf of GFA
Garden center or nursery	1 per 300 sf of GFA plus 1 per 2,000 sf of outdoor display area
Gas Station	1 per 150 sf of GFA of indoor retail sales area plus required parking for any accessory restaurant or dining. Service areas at pumps may be counted toward required parking spaces. Required parking spaces may not obstruct access to vehicle fueling areas and required stacking spaces.
Gas station with automobile repair services	1 per 150 sf of GFA of indoor retail sales area plus 1 per service bay plus 1 per 250 sf of office space. Required parking spaces may not obstruct access to vehicle fueling areas and required stacking spaces. Service areas at pumps are counted toward required parking spaces.
Grocery or supermarket	1 per 250 sf of GFA
Health club, spa, gymnasium	1 per 275 sf of GFA
Heavy Vehicle and Equipment Sales, Rental and Service	1 per 400 sf of GFA plus 2 per service bay plus 1 per 2,500 sf of outdoor display and storage areas
Home Improvement Center or Appliance Store	1 per 500 sf of GFA plus 1 per 1,500 sf of outdoor storage and display areas
Hotel or motel	1 per sleeping room plus 1 per employee plus 50% of parking normally required for restaurant, bar, or meeting rooms
Laundromat	1 per 250 sf of GFA
Lumberyard	1 per 500 sf of GFA plus 1 per 1,500 sf of outdoor storage and display areas
Maintenance Service (e.g., exterminator)	1 per 800 sf of GFA plus 1 per company vehicle
Medical and dental offices	1 per 250 sf of GFA OR 5 per practitioner
Mini-warehouse	3 adjacent to the office and a minimum 27-foot drive aisle serving all storage units accessed from the exterior
Office-warehouse	1 per 250 sf of office area plus 1 per 1,500 sf of warehouse GFA
Parcel delivery service	1 per 750 sf of GFA
Plumbing and heating supply	1 per 750 sf of GFA
Pool hall or billiards	2 per 3 tables
Restaurant, fast food	1 per 100 sf of GFA. 4 stacking spaces must be provided in advance of the order board, 2 stacking spaces from the order board to the service window; and 1.5 stacking spaces from the service window to the exit to a public right-of-way. In no instance may stacked vehicles block access to the site.
Restaurant, standard	1 per 4 seats at design capacity OR one space per 150 sf of GFA, whichever is greater, both including outdoor seating
Restaurant, Take-out or delivery only	1 per employee plus 1 per 350 sf of GFA
School, commercial	1 per 3 students at design capacity plus 2 spaces per 3 employees
Shopping Center, Major	1 per 300 sf of GFA, including food courts but excluding other common areas
Shopping Center, Minor	1 per 250 sf of GFA

Table 8-1 Parking Requirements

Unenclosed Retail (not otherwise listed)	1 per 600 sf of display area plus 1 per employee
Vehicle and equipment sales, rental and service	1 per 2,000 sf of interior or exterior sales, display, or storage area up to a total of 20 spaces
Vending facility, freestanding	1 per facility plus one stacking space
Veterinary office or pet grooming	1 per 500 sf of GFA
Wholesale business	1 per 1,000 sf of GFA plus 1 per employee
Other commercial and entertainment uses	1 per 250 sf of GFA; for uses exceeding 100,000 sf, 1 per 300 sf of GFA
Industrial Uses	
Airport	1 per four aircraft that can be parked or stored at the facility, whether indoors or outdoors, plus 1 per four seats in waiting areas and restaurants plus 1 per 250 sf of office and other administrative or support uses
Distribution facility or truck terminal	1 per truck normally parked on the premises plus 1 per 500 sf of office floor area
Extraction uses	1 per employee
Junkyards	2 per acre of land area
Printing and publishing plant	1 per 1,000 sf of GFA
Warehouse	1 per 2,000 sf of GFA plus 1 per company vehicle normally stored on the premises
Other Industrial uses not listed	1 per 1000 sf of GFA plus 1 per company vehicle normally stored on premises
Institutional Uses and Utilities	
Assisted living facility	1 per 4 residents plus 1 per employee
Community or Civic Center	1 per 4 persons at maximum occupancy
Hospital	1 per patient bed plus 1 per emergency room examination table or bed plus 1 per employee
Place of assembly, not otherwise listed	1 per four seats at maximum occupancy
Private club	1 per 4 persons at maximum capacity
School, elementary and middle	5 spaces, plus one space per classroom or one space per six seats of largest assembly room, whichever is greater.
School, senior high	10 spaces plus 1 per classroom plus 1 per 5 students OR 1 per 5 seats of largest assembly room, whichever is greater
School, College or University	1 per 5 students at design capacity plus 2 per 3 employees
Substance abuse treatment facility, in-patient	1 per 2 beds and 1 per staff member, based on state licensing requirements and design capacity
Telecommunications tower, with unoccupied structure	1 space to accommodate a maintenance vehicle
Telecommunications tower, with occupied structure	1 per employee plus 1 per vehicle owned by the institution or business normally stored on the premises
Other Institutional uses not listed	1 per employee plus 1 per vehicle owned by the institution or business normally stored on the premises
Recreational and Outdoor Entertainment Uses	
Athletic field	20 per field OR 1 per 4 seats at design capacity, whichever is greater
Campgrounds	1.5 per rental site plus 1 per employee

Table 8-1 Parking Requirements

Golf courses (nine and eighteen hole)	35 per 9 holes plus 50% of parking normally required for other uses (e.g., restaurants, pro shops, driving ranges)
Golf driving range	1.5 per tee
Golf, par three	25 per 9 holes
Miniature golf	1.5 spaces per hole
Outdoor theater	1 per four patrons at design capacity including indoor and outdoor occupancy areas
Recreation center	1 per 250 sf of GFA
Recreational vehicle park	1 per recreational vehicle site plus 1 per 2 employees
Skating rink, ice or roller	1 per 4 patrons at design capacity
Swimming facility	1 per 200 sf of gross water area
Tennis, racquetball, and handball courts	2 per court
Other uses not listed	1 per four patrons at design capacity
Residential Uses	
Boarding house	1 per guest room plus 1 space for the resident manager
Duplex	2 per DU
Group Home	1 per 4 beds plus 1 per employee
Independent Living Facility	.5 per DU plus 1 per employee
Manufactured home park	1 per DU plus 1 per 200 sf GFA of permanent habitable structures
Multifamily	1 per efficiency or 1-BR unit plus 1.5 per 2-BR unit plus 2 per 3-BR unit plus 3 per four or more bedroom unit plus 2 visitor spaces per 10 DU
Senior-only housing	1 per DU
Single-family dwelling, detached	2 per DU
Townhouse	2 per DU plus 2 visitor spaces per 10 DU ²
Twin House	2 per DU plus 2 visitor spaces per 10 DU ²
Zero Lot Line dwelling	2 per DU plus 2 visitor spaces per 10 DU ²
² On-street parking, if permitted by the Planning Commission or other approving authority, may be counted toward visitor parking spaces. Otherwise, visitor parking must be provided within an off-street parking area.	

§8.03 Shared Parking and Reductions

8.03.01 Shared Parking on Adjoining Properties

- A. To reduce impervious surface and resulting stormwater runoff, establishments on adjoining properties may share up to 20% of required parking spaces. In all such cases, the subject parcels or lots must have adequate cross access.
- B. To share parking facilities, a written agreement between the various property owners, or in the case of a single owner, an overall shared parking plan for the properties or development sites must be presented to the Director prior to site plan approval. Said agreement or plan must be binding upon all subsequent purchasers, inheritors, subjects and assigns. Should there be a change in the use within any individual structure or location which is bound by a shared parking agreement or plan, the transfer of the shared parking agreement is subject to the review and approval of the Director and City Attorney.

8.03.02 Parking Reductions for Mixed-uses. Parking requirements for uses on the same premises that experience different parking demand periods may be reduced by calculation of shared parking requirements using

Table 8-2. That time period with the highest calculated parking demand, using the percentages in Table 8-2, establishes the minimum number of required parking spaces.

Table 8-2: Typical Shared Parking Demand by Use and Time of Day*

Parking Demand by Use	Weekday 8am-5pm	Weeknight 5pm-8am	Weekend 8am-5pm	Weekend Night 5pm-8am
Residential	60%	100%	80%	100%
Office	100%	20%	5%	5%
Commercial	90%	80%	100%	70%
Lodging	70%	100%	70%	100%
Restaurant	70%	100%	70%	100%
Entertainment	40%	100%	80%	100%
Movie Theater	40%	80%	80%	100%
Institutional	100%	20%	10%	10%
Place of Worship	10%	5%	100%	50%

* Different parking demands other than those shown may be used if documented in a parking demand study approved by the Director.

- 8.03.03 Administrative Reduction of Required Parking. If not eligible for parking reductions in accordance with §8.03.02, to prevent the establishment of a greater number of parking spaces than are needed required off-street parking may be reduced subject to the following conditions:
- A. A maximum reduction of one parking space per every 1,000 sf of GFA or 20% of the total spaces required may be approved by the Director. The site plan must include a detailed calculation or study justifying the number of parking spaces eliminated which otherwise would have been required. Methodology for this study must be approved by the City Engineer.
 - B. In approving such reductions, the Director may require that sufficient area be reserved to provide for the total number of required parking spaces to ensure adequate area to meet future parking needs.
 1. Prior to site plan approval, the applicant must sign a written statement agreeing to provide additional spaces up to the full amount normally required upon notification by the Director that such spaces are needed. This statement must be provided to the Director and City Attorney in letter form and reproduced on the site plan.
 2. The reserved parking area must be shown on the site plan and must be grassed, landscaped or otherwise covered in vegetation. It may not include signs or other structures, drainage or percolation fields for sewage disposal, areas exceeding 12% slope, required landscaping or buffers, setbacks, or areas which would otherwise be unsuitable for parking spaces due to the physical characteristics of the land or other requirements of this Ordinance.

8.03.04 Reductions for Tree Preservation. Refer to [§9.08 Off-Street Parking and Tree Preservation](#).

§8.04 Loading

- 8.04.01 Nonresidential uses must provide off-street space for the loading and unloading of materials or goods, as specified in Table 8-3, without encroaching upon or interfering with the use of adjoining properties, streets, alleys, required parking areas and sidewalks. Off-street loading requirements do not apply in the

Historic Downtown Core District. When calculating required loading spaces, a fraction is rounded up to the nearest whole number.

- 8.04.02 Loading space for two or more uses on the same lot may be shared as long as the amount of space meets the combined requirements of all uses to be served.
- 8.04.03 Loading spaces may not be located forward of the front building lines except in the M-1 and M-2 Districts.
- 8.04.04 If any structures or uses are enlarged, expanded or changed to a use requiring more loading space, additional loading space must be provided to meet the total requirements of the enlarged, expanded or changed use. If it is not practicable to meet the full requirement, the Director may approve a reduction of 10%. A reduction of more than 10% of the loading requirement may only be approved by the Board as a Special Exception.
- 8.04.05 Loading spaces must be at least 12 ft wide and 40 ft long with a minimum vertical clearance of 15 ft.

Table 8-3 Off-Street Loading Standards

Use	Space Required
Retail and wholesale businesses; warehousing and distribution; industrial uses; restaurants; funeral homes; laundering and dry-cleaning plants; and similar uses	Less than 8,000 sf GFA: no space required unless the Zoning Official determines that the specific use requires such space
	8,001-20,000 sf of GFA: 1 space
	20,001-60,000 sf GFA: 2 spaces
	Over 60,000 sf GFA: 2 spaces plus 1 additional space for every 50,000 sf GFA or fraction thereof over 60,000 sf
Auditoriums and assembly uses; office uses; stadiums; lodging; assisted living and extended care facilities; and similar uses	Less than 10,000 sf GFA: no space is required unless the Zoning Official determines that the specific use requires such space
	10,001-40,000 sf GFA: 1 space
	Over 40,000 sf GFA: 1 space plus 1 additional space for every 50,000 sf or fraction thereof over 40,000 sf

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ARTICLE 9 LANDSCAPING

§9.01 General Provisions

- 9.01.01 This article recognizes the importance of trees and landscaping throughout the city and their relationship with the economic, ecological and cultural processes that give Northport its tradition and identity. Through preservation, replacement, and maintenance of the urban forest, this ordinance will provide a better quality of life for the citizens of Northport.
- 9.01.02 Urban landscaping aids in preventing soil erosion, siltation of streams and reservoirs and flood damage. Trees are essential in providing shade and natural cooling, preventing air and noise pollution, as well as preserving community character.
- 9.01.03 The purpose of this Article is to:
- A. protect the public health, safety and welfare by mitigating incompatibility between adjacent uses through the establishment of buffers between non-compatible land uses;
 - B. improve the quality of life for Northport citizens through the reduction of noise, glare, heat and air pollution;
 - C. preserve, protect and maintain the healthy existing vegetation and encourage, where possible, the incorporation of native plant materials and ecosystems into landscape design and discourage the proliferation of invasive plant species;
 - D. establish and maintain sustainable amounts of tree canopy on public and private lands in the City;
 - E. improve community character by encouraging aesthetically pleasing sustainable design practices, while allowing innovative, diverse and cost conscious approaches for design, installation and maintenance of landscaping;
 - F. promote the conservation of local waterways and aquifers by encouraging the planting of native species, or site specific species;
 - G. provide means for natural aquifer recharge and prevent excess runoff through the provision of landscaping and buffers;
 - H. facilitate compliance with Local, State and Federal legislation relative to water and air quality, including, but not limited to, the Clean Air Act (Title 42, Chapter 85 of the U.S. Code) and the Clean Water Act (Title 33, Chapter 26 of the U.S. Code).
- 9.01.04 Scope, Applicability
- A. The provisions of this Article apply to all land development projects and development activities, including the development of subdivisions, but not individual single-family dwellings or duplexes.
 - B. The provisions of this Article apply to all new construction, redevelopment, or change of use for any multifamily residential, commercial, institutional, or industrial use and any property for which any land development permit is required. The requirements are applicable at all times once land has become subject to these provisions.
 - C. Redevelopment
 - 1. Redevelopment of an existing built site, which involves the complete removal of existing structures, must meet all applicable requirements of this Article.

2. When an existing building is increased in habitable floor area, the existing vehicular area must be made to comply with all applicable requirements of this Article.
3. In the event that the site has size or topographic constraints, the Director may authorize the use of the standards in [§9.10.03 Alternative Compliance](#).
- D. Downtown Districts. Within the Downtown Districts, all perimeter and interior landscaping must meet those requirements set out in [§6.05 Downtown Districts](#).
- E. Special Exception and Conditional Uses. As part of any Special Exception or Conditional Use Approval, landscaping requirements, in addition to those specified in this Article may be required by the approving authority.

9.01.05 Legal aspects, other Regulations

- A. All local, state and federal laws and regulations must be considered when interpreting provisions of, or technical specifications published pursuant to, this Article. In each instance, the more restrictive requirement governs unless sound engineering judgment can determine and prove that the more restrictive requirement would be otherwise unnecessary. Laws and regulations that are phrased more explicitly govern over those phrased more generally.
- B. Nothing in this Article authorizes a person to engage in development or land disturbance in a manner inconsistent with zoning or subdivision regulations or other applicable codes or ordinances. All development and land disturbance activity must conform to current zoning, subdivision and all other applicable regulations and ordinances.
- C. A landscape plan does not authorize any person to engage in any activity that would violate any other applicable code, ordinance, regulation or state or federal laws nor substitute for obtaining any licenses or permits otherwise required.

§9.02 General Requirements

9.02.01 Planting areas in public rights-of-way or on adjoining property do not count toward required landscaping.

9.02.02 Site protection and general planting requirements

- A. Topsoil. To the extent needed and practicable, topsoil moved during the course of construction must be preserved and stockpiled for re-use on the site.
- B. Existing trees. Preservation of each existing healthy tree of an approved species (See [Table 9-3](#)), within required landscape areas, may count toward fulfillment of these requirements.
 1. Upon approval of the Director an existing area of native vegetation meeting the definition of woodland, may be deemed to satisfy planting of a specific area or buffer required by this Ordinance regardless of the mix of plant materials otherwise required.
 2. Each existing tree that is credited towards meeting the requirements of this Article may reduce the number of required parking spaces in accordance with [§9.08 Off-Street Parking and Tree Preservation](#).
- C. Wherever a required buffer overlaps or coincides with perimeter or other required landscaping, the buffer requirements take precedence.
- D. Slope plantings. Landscaping of all cuts, fills, and terraces must be matted or protected until plant cover is adequate to control erosion.

9.02.03 Utility Easements. Plantings within utility company easements must comply with the following:

- A. Minimum distances measured horizontally from mature trees to overhead utility lines must be:
 - 1. Canopy Trees: 30 ft
 - 2. Understory Trees: 15 ft
- B. The location and species of trees proposed for location in utility easements must be approved before installation.
- C. Any part of a tree growing within 15 ft of an overhead utility line requires maintenance by a certified line trimmer approved by any affected utility companies.
- D. This Article may not be construed to impair:
 - 1. the right of eminent domain granted by State laws to utilities, whether public or private, or
 - 2. a utilities' right to design, locate, erect, construct, re-construct, alter, protect or maintain utility poles, towers, lines, conduits, pipes or mains reasonably required as part of the utility service or
 - 3. a utilities' right to exercise authority conferred by statute, franchise, certificate of convenience and necessity, license or easement. Maintenance, repair, and extension of any public and private utility lines or related infrastructure are expressly allowed. The preceding will apply to work done by the utility's employees, agents and contractors doing work for the utility.
- E. Trees and shrubs may only be planted within underground utility easements with approval of the Director and the affected utility.

9.02.04 Plant Material Standards

- A. All plant materials must meet minimum standards of caliper, fullness of form, height, root ball and vigor as prescribed by the American Association of Nurserymen standards published in the current edition of American Standards for Nursery Stock.
- B. Canopy Trees must have an average mature crown spread of at least 25 ft. At planting, Canopy Trees must be a minimum of eight feet in height and have a caliper of at least two inches.
- C. Understory Trees must have an average mature crown spread of at least 15 ft. At planting, Understory Trees must be a minimum of five feet in height and have a caliper of at least one and one-half inches.
- D. No more than 30% of plant material may consist of crepe myrtle.
- E. Shrubs must be a minimum size of three-gallon containers and must be of a species that will obtain a height of 24 inches within two years.
- F. Required landscaping areas are to be sodded, seeded, mulched or planted with shrubs or ground cover so as to leave no bare ground after landscape materials have been installed and permitted to grow for two years. Where mulch is used, the area must be kept free of weeds. Neither hay nor seed may be used as ground cover within 50 ft of any curb line or the perimeter of any vehicular use area.

9.02.05 Stormwater Management. Perimeter planting strips must incorporate Low Impact Development (LID) techniques consistent with the requirements of the Alabama Department of Environmental Management (ADEM) Low Impact Development Handbook. Such LID elements include rain gardens, bioswales or other approved stormwater mitigation techniques to promote infiltration and reduce stormwater runoff and non-point source pollution. Rain gardens must include at least one tree.

Alternative designs that accomplish the intent of this ordinance may be permitted subject to approval of the Director and the City Engineer.

9.02.06 Ground Cover. Gravel may be used in required landscape areas but may not otherwise be used as ground cover.

§9.03 Vehicular Area Landscaping Standards

9.03.01 Applicability

- A. These regulations apply to vehicular areas in nonresidential, multifamily and mixed-use developments used for off-street parking and loading; vehicular storage, display, maneuvering and washing; and the dispensing of motor fuels as specified in Table 9-1. These regulations do not apply to parking areas on single-family residential lots but do apply to common parking areas in single-family residential developments.
- B. If an existing vehicular area is increased in size, the new vehicular area must comply with this Section.

9.03.02 Plant Materials. Species from [Table 9-3](#), which are appropriate to the locations in which they will be planted, must be used for required vehicular area landscaping.

Table 9-1 Applicability of Vehicular Area Landscaping Requirements

Number of Spaces in Parking Lot	Type of Landscaping		
	Frontage	Perimeter	Interior
Parking area less than 20 spaces	X	X	
Parking area of 20 or more spaces	X	X	X
Parking structures	X	X	
Any other vehicular use area	X	X	

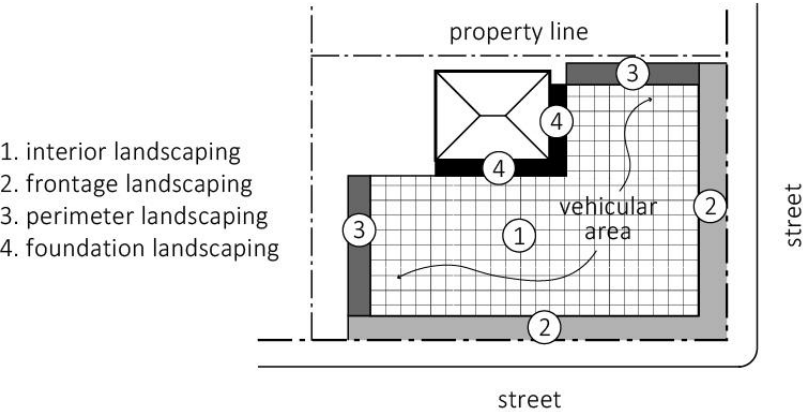


Figure 9-1 Vehicular Landscaping Areas

9.03.03 Frontage Landscaping

- A. Except as required in [§6.04 Special Corridor Overlay District](#), frontage landscaping must be, at a minimum, ten feet in depth along all adjoining public rights-of-way. Frontage landscaping must include a minimum of one canopy tree, one understory tree and six shrubs per 50 linear feet of the frontage, or

fraction thereof. Trees and shrubs must be well distributed, though not necessarily evenly spaced. The Director may reduce frontage shrub requirements for developments in which a portion of the site, from the frontage to the opposite lot line, will not be developed for buildings, vehicular areas or other uses.

- B. Frontage landscaping strips must be at least ten feet deep along local streets and collector streets and at least 20 ft deep along arterial streets. Additional depth may be necessary to comply with planting requirements, such as when required trees are staggered or when berms are used.
- C. For developments with frontage of 250 ft or more, a berm may be used as part of frontage landscaping. The berm may not have a slope of greater than one foot of rise per three feet of run and must not be less than four feet in height at its apex. Normally required shrubs are optional in areas where a berm at least four feet in height is used.
- D. Frontage landscaping must observe sight distance requirements at the intersections of streets, alleys and driveways in accordance with Engineering Design and Construction Manual.

9.03.04 Perimeter Landscaping

- A. Perimeter landscaping must be provided within the property lines between vehicular areas and adjoining properties.
- B. Perimeter landscaping areas must be at least ten feet in depth, excluding walkways, measured perpendicularly from the adjoining property to the back of curb, and must contain one canopy tree, three understory trees, and four shrubs per 100 linear feet of property, or fraction thereof.
- C. Driveway connections to adjoining properties are encouraged and are subtracted from calculation of perimeter landscaping requirements.
- D. Perimeter landscaping requirements may be reduced, in accordance with [§9.10.03 Alternative Compliance](#), along the applicable portions of a lot line if perimeter landscaping or a landscaped buffer has been installed adjacent to such lot line on the adjoining property. Such reductions may only be approved if the normally required perimeter landscaping, due to its proximity to the existing landscaping or buffer on the adjoining property, would be redundant.

9.03.05 Interior Landscaping

- A. Each island or peninsula, to count toward interior landscape requirements, must be at least 180 sf in area; however, the maximum contribution of any individual island or peninsula to interior landscaping requirement is 500 sf.
- B. Island and peninsulas must be at least eight feet in their least dimension exclusive of curbs.
- C. Islands and peninsulas must be as uniformly distributed as practicable, to subdivide large expanses of parking areas, to regulate traffic flow, to protect pedestrians, and to permit access by emergency vehicles. When practicable, islands and peninsulas must be placed at the end of parking rows or between circulation drives and parking rows, to channel traffic safely around the parking areas and to demarcate parking rows.
- D. The interior landscaped area must contain at least an average of one tree and four shrubs per 100 sf of landscaped area. Each island and peninsula must contain at least one understory tree.
- E. There may be no more than ten contiguous parking spaces in one row without a landscape island or peninsula.

F. Excavation

1. All interior planting areas must be excavated to remove all parking lot base material and back filled with quality topsoil, except those areas where existing vegetation is to be preserved. Excavation must be to at least 24 inches and freely allow penetration of hand-held probe to at least 24 inches. Topsoil must be high in organic matter and allow water to percolate.
2. Inspection of planting areas will be conducted during the construction process. Failure to comply with these requirements can result in a stop work order.

§9.04 Foundation Landscaping

- 9.04.01 Applicability. All nonresidential, mixed-use and multifamily buildings must provide foundation landscaping along facades containing public or common entrances if adjoining a vehicular area.
- 9.04.02 Landscape beds must be placed between the front of the principal structure and the adjoining parking area and must have a minimum depth of seven feet.
 - A. Beds must contain both understory trees and shrubs. Plant material must be well distributed throughout the bed, though not necessarily evenly spaced.
 - B. A minimum of one shrub must be planted per four feet of façade length with a minimum height at planting of 23 inches. Shrubs of varying height at maturity must be used.
 - C. A minimum of one understory tree must be planted per 30 ft of façade length. Trees may be installed in planters.

§9.05 Buffers

- 9.05.01 Purpose. Landscape buffers are required to screen incompatible land uses to protect property values and to afford protection from the glare of lights, blowing paper, dust and debris, visual encroachment and noise. See Figure 9-2.

- 9.05.02 Applicability.

- A. Buffers must be provided as specified in [Table 9-2](#) and as described in this Section. Buffers are the responsibility of the developing land use. Buffer requirements are based on the developing land use and the existing, adjoining use. Required side and rear yards, when corresponding with the buffer area, may overlap and be counted toward buffer width requirements.
- B. Whenever the proposed use adjoins vacant land, buffer requirements are based on the zoning of the adjoining property or the use projected by the Comprehensive Plan, whichever requires a lesser buffer.

- 9.05.03 Modifications. Buffer requirements may be modified by the approving authority as follows:

- A. When the proposed use will adjoin an existing, nonconforming use on a property that is designated for another use in the Comprehensive Plan and is zoned accordingly, the buffer requirement may be modified to be consistent with the use of the neighboring property projected by the Comprehensive Plan.

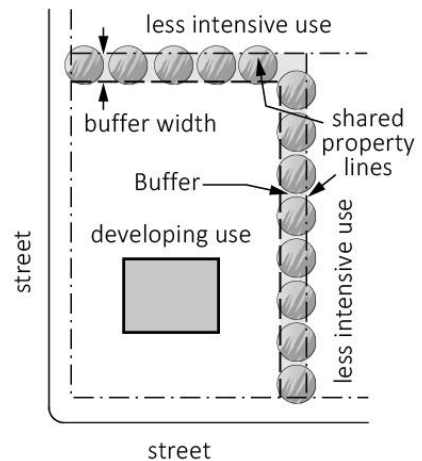


Figure 9-2 Buffers

- B. If the land use relationship between two adjoining lots changes so that a lesser buffer would be required, the previously provided buffer may be reduced.
- C. Where topography provides a more effective buffer than the above-described buffer, or where topography renders the above described buffer ineffective, the Director may:
 - 1. Reduce the width of the required buffer by no more than 50%,
 - 2. Reduce or waive the required undisturbed or planted buffer,
 - 3. Allow reforestation with native vegetation in lieu of all or a portion of the required planted buffer,
 - 4. Require any combination of the above stated measures.

9.05.04 Buffers may not be used for parking, recreational use or any other purpose, except as follows:

- A. The approving authority may permit a walkway through a buffer.
- B. Public utilities and storm drainage facilities may be constructed in a buffer if the buffer otherwise complies with this Section.

9.05.05 Design Standards

- A. Prior to occupancy of the premises, buffer plantings must be of a size and spacing to provide an opaque visual barrier from the ground to at least three feet above grade throughout the length of the buffer. Plantings must be spaced as closely as possible while accommodating healthy growth.
- B. Shrubs and trees used to meet buffer requirements must be evergreen but may be supplemented with deciduous plants.
- C. Within one year after installation, the buffer must provide an opaque visual barrier from the ground to at least six feet above grade throughout its length. When a fence is provided that is at least six feet tall and meets the requirements of this Section, shrubs need not be taller than four feet above grade and the buffer width may be reduced as provided in [Table 9-2](#).
- D. Buffer areas must be maintained in clean and neat condition and kept free from weeds, litter and refuse.

9.05.06 Buffers constitute an integral part of a development site, and may not be subdivided, sold, dedicated, or otherwise conveyed separately from the development site of which they are a part. The City will not approve any development plan in which any portion of a required buffer lies on land, which is not part of the development site.

Table 9-2 Buffer Requirements by Use

	Existing Adjoining Use							
	Single-family		Multi-family	Lodging	Public Facilities and Institutional Uses		Business/Commercial	Parks and greenways
	detached	attached			minor	major		
Developing Land Use								
Residential and Lodging	Buffer Class Required							
Detached, single-family and duplex	-	-	-	-	-	-	-	-
Townhouse, Triplex and Quadplex	A	-	-	-	-	-	-	-
Multifamily	B	-	-	-	-	-	-	-
Lodging	B	A	A	-	-	-	-	-
Manufactured home parks, campgrounds	B	B	B	B	A	A	A	A
Institutional								
Minor	A	-	-	-	-	-	-	-
Major	B	B	B	A	-	-	-	A
Business/Commercial								
Offices	A	A	A	-	A	-	-	-
Outdoor entertainment and recreation	B	B	B	A	A	-	-	A
Mixed-use building containing dwellings	B	B	A	-	-	-	-	-
Minor shopping centers, restaurants, retail no larger than 100,000 sf GFA	B	A	A	-	-	-	-	-
Major shopping centers	B	B	A	-	-	-	-	-
Mini-storage facilities	B	B	B	-	-	-	-	A
Heavy commercial, including repair, contractor and automotive uses	B	B	B	A	B	-	-	A
Industry and Utilities								
Warehousing, storage and public utility facilities	C	C	C	C	C	B	A	B
Other industrial uses	C	C	C	C	C	C	B	B
Heavy industry	D	D	D	D	D	D	C	C
Planting Requirements by Buffer Class								
Buffer Class	Width with fence/wall		Width without fence/wall			Required trees ¹		
A	10 ft		20 ft			1 tree per 20 ft		
B	20 ft		30 ft			1 tree per 15 ft		
C	30 ft		40 ft			1 tree per 12 ft		
D	40 ft		50 ft			1 tree per 12 ft		

¹ Trees may need to be staggered, depending on species and spacing, to support healthy growth.

“ - ” means no buffer is required.

§9.06 Screening

9.06.01 Purpose. Screening provides visual separation of certain site elements from public areas and adjoining properties.

9.06.02 Applicability

A. For all multifamily, nonresidential and mixed-use developments, the following must be screened from public view and view from adjoining properties:

1. Waste collection, recycling and refuse handling areas
2. Service areas and work yards associated with a building or development, including lot areas within which repair of vehicles of any type occurs.
3. Utility meters, air conditioners and other mechanical units, all of which may not be located forward of the front building line.
4. Outdoor storage of materials, stock, and equipment, not including retail display. Storage areas of vehicles that are visibly damaged or under repair must be similarly screened.
5. Outdoor animal exercise areas for veterinary clinics, animal shelters, and kennels.

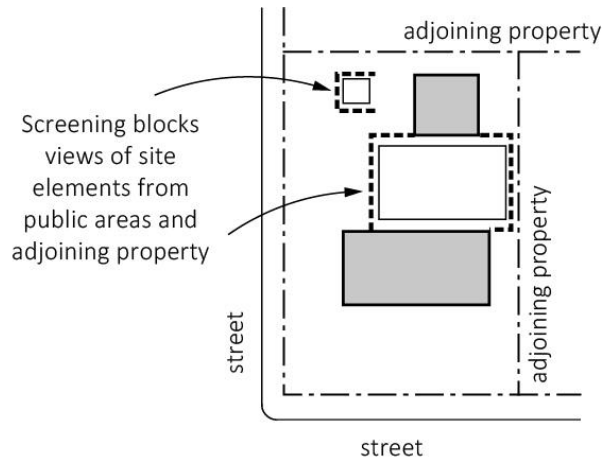


Figure 9-3 Screening

B. Exceptions.

1. In agricultural zones, screening is not required for areas where animals are kept outdoors, including outdoor runs, pens, cages and exercise areas of veterinary offices, animal shelters and kennels.
2. In industrial zones, screening of the above site elements from views from adjoining, industrially-zoned property is not required though they must nonetheless be screened from public view.
3. The Director may reduce or waive screening requirements between similar site elements on adjoining properties though they must be screened from public view.

9.06.03 Design Requirements. Screening must comply with the following and as required by the approving authority:

- A. Location of the site element should be the first consideration in providing required screening. The approving authority may reduce requirements when the location of the element obscures it from public view and from adjoining properties.
- B. The method of screening, including height and materials, must sufficiently screen the site element from view. Screening may be provided through evergreen plantings, an opaque enclosure meeting the requirements of [§9.07 Design Standards for Required Fences](#) or a combination of these. The minimum height needed is preferred.
- C. Multiple elements may be screened together.
- D. Elements that produce objectionable noise or odors may be required to be so located as to minimize any nuisance to the public and adjoining properties.

- E. Shrubs, if used as the primary screening material, must be evergreen and spaced so that, at maturity, they create a solid, opaque screen. If used in combination with an opaque fence, shrubs may be deciduous and are not required to create a solid hedge.

9.06.04 Requirements for Specific Uses

A. Four cubic yard and larger refuse and recycling receptacles

1. Refuse and recycling receptacles may not be located forward of the front building line nor within required landscape areas. This applies to all front building lines on lots with more than one street frontage.
2. Receptacles must be placed on a pad approved by the City Engineer that allows for pick-up and maintenance as needed.
3. Receptacles must be screened on all sides, including an opaque, latching gate. The enclosure must be at least as tall as the container and must be of wood, masonry or a combination of these or otherwise consistent with the architectural materials of the primary structure.

B. Outdoor storage must be screened to a height of two feet taller than the material or equipment to be screened.

C. Service areas, work yards, and similar uses should be located to minimize their visibility to the public and to any adjoining properties to which such functions would be objectionable. Where location on site is insufficient to screen the element, required screening must be at least six feet in height.

- 9.06.05 Nonconforming provisions. In addition to the requirements of [§9.01.04.C Redevelopment](#), any existing site element that does not meet screening requirements, must be screened in accordance with this Section whenever there is a change in use with which the site element is associated.

§9.07 Design Standards for Required Fences

Fences used to meet landscaping requirements are subject to the following:

- A. Fences must be metal, vinyl, masonry, cedar or treated wood, cement-fiber or a combination thereof. Untreated wood (other than cedar), chain-link, plastic or wire fencing and non-architectural grade cement block walls cannot be used to meet landscaping requirements. Any metal used as part of a screening fence or wall must be galvanized. No screen may be constructed of metal that will rust.
- B. The finished side of the fence must face adjoining property or public views.
- C. Shrubs and trees required for buffers, screening or landscaping must be planted on the exterior side of the fence.
- D. If a fence extends more than 100 ft in one direction, it must have columns or similar articulating elements, which project outward from the fence surface and which must be spaced no more than 50 ft on center.

§9.08 Off-Street Parking and Tree Preservation Credits

To encourage the preservation of existing trees and reduce the amount of impervious surface, the following off-street parking reduction may be utilized.

- 9.08.01 Parking requirements may be reduced by one space for each existing tree that is preserved and that meets perimeter planting requirements. In no case may the combination of all reductions in commercial parking exceed the following:
- A. 10% for parking lots containing 1-74 spaces,
 - B. 15 % for parking lots containing 75-125 spaces, or
 - C. 20% for parking lots containing 126 or more spaces.
- 9.08.02 General Requirements
- A. Each existing tree to be preserved must be approved by the Director to receive credit.
 - B. Preserved trees are subject to the same maintenance and replacement requirements as newly planted trees.
- 9.08.03 Protection of Preserved Trees during Construction. Existing trees may only be credited where the following management standards are met:
- A. During construction, the critical root zone of the trees to be preserved must be fenced and protected from compaction, trenching, harmful grade changes and any other injury and be shown on an approved landscape plan.
 - B. Pavement, building foundations and other impervious surfaces may not encroach into the critical root zone, unless preservation practices are followed to ensure exchange of oxygen, water and nutrients to the root system. Said preservation practices must be specified in written and/or graphic form to the Director for approval.
 - C. Sidewalks or other forms of hard surfaces that do not require soil compaction and are not intended for vehicular use may be located within the critical root zone only if preservation practices are followed to ensure exchange of oxygen and water to the root system.

§9.09 Ownership and Maintenance

- 9.09.01 The owner of the property is responsible for maintaining all required landscaping in good condition. Required maintenance includes the prompt replacement of all dead or damaged landscaping material, to ensure continued compliance with the requirements of this ordinance. All buffer materials must be maintained so that the purpose and effect of the buffers is not diminished.
- 9.09.02 The following minimum maintenance activities are required:
- A. Replacement of plant materials destroyed by any cause. In the case of any canopy tree removed or otherwise destroyed by the willful act of the property owner, tenant or contractor, a tree of the same or larger caliper must be used as a replacement. Where replacement at the same or larger caliper is not feasible, the Director may provide alternative replacement criteria.
 - B. Repair or replacement of fences and walls that deteriorate or are damaged by any cause.
 - C. Restoration of berms that are altered by erosion, construction, or other causes.
 - D. Irrigation of landscape materials is strongly recommended, particularly for larger development sites. Landscaping lost due to lack of rainfall or irrigation must be replaced.

§9.10 Administration

- 9.10.01 Landscape Plan. A landscape plan along with all other required submission materials must be approved for all developments for which landscaping is required before any building or other land development permits may be issued.
- A. If setbacks are requested to be reduced through a special exception, alternative landscape designs that accomplish the intent of this Article must be approved by the Director.
 - B. Approval. The architect, landscape architect, engineer, surveyor of record, horticulture professional, or landscape contractor must certify that the landscape plan submitted meets the requirements of this Article.
 - C. Format and materials. The landscaping plan and details must be drawn to the same standard scale as the Site Plan or a scale which shows all landscaping accurately.
 - D. Complete landscape plans submitted for review and approval must include those materials identified in the Appendix A-1
- 9.10.02 Compliance
- A. The architect, landscape architect, engineer, surveyor of record, horticulture professional, or landscape contractor must certify, to the Director, that the landscaping has been installed to meet the minimum requirements of this Article. The site will be inspected before a final certificate of occupancy will be issued.
 - B. No certificate of occupancy may be issued for any new development that has not met the requirements of this Article or an approved landscaping plan. Additions or renovations to existing parking areas must also receive a certificate of occupancy prior to usage. When circumstances preclude immediate planting, the Director may approve a certificate of occupancy after:
 - 1. All curbing, irrigation systems and other non-planting components of the landscaping plan have been completed; and
 - 2. A completion bond or certified check in an amount equal to 125% of the total cost, including labor, of the remaining landscaping installation has been posted. Such surety must be made payable to the City of Northport and submitted to the Director or City Engineer. The Director or Engineer will set the time limit for completion and approval of any guaranteed landscaping. In no case may the time period exceed six months after the date the certificate of occupancy is issued.
- 9.10.03 Alternative Compliance
- A. Intent. The landscape requirements of this Ordinance are intended to encourage development practices supportive of the character of the City and its ecological processes. Alternative methods of compliance may be approved when unique conditions associated with individual sites make strict compliance with these regulations impracticable or impossible. Conditions may arise where achievement of the purposes of the landscape requirements in this Ordinance can only be obtained through alternative compliance. If such conditions are present, the Director may adjust the requirements in accordance with this Subsection. Alternative compliance is not intended to be allowed on the basis of economic hardship.
 - B. Request. Requests for alternative compliance must be made in writing at the time of application and may be granted when one or more of the following conditions are met:
 - 1. Improved environmental quality would result from alternative compliance.

2. Topography, soil, vegetation, drainage or other site conditions are such that full compliance is impractical.
3. Spatial Limitations, unusually-shaped pieces of land, or conflict with other zoning requirements may justify alternative compliance.
4. Public safety considerations make alternative compliance appropriate.
5. Public Improvement (e.g., streets, water, sewer, etc.) projects make alternative compliance appropriate.
6. The site is part of a development for which a master plan has been submitted which makes adequate provision for landscaping.
7. Literal application of landscaping regulations, in the particular situation, would not achieve the intended purposes of the requirements.

The above conditions must be substantiated as part of the written request.

C. The Director may authorize one or more of the following methods of alternative compliance:

1. Reduction in the amount, or variation in types, of required landscaping
2. Reduction of buffer widths
3. Modification of required structures (e.g. fences, walls, berms, etc.)
4. Modification in configuration or amount of required parking to accommodate landscaped islands

In all instances, at the discretion of the Director, such requests for alternative compliance may be referred to the Board in accordance with [§14.03 Variances](#).

- 9.10.04 **Penalty for Violation.** Failure to comply with the requirements of this Article is a violation of the Ordinance and subject to penalties as set out in [§13.04 Penalties](#). Violators will be given written notice of the violation and permitted 15 days to correct the violation before a citation is issued. Thereafter, each day the violation continues is considered a separate offense punishable by the maximum fine established by the Council.

Table 9-3 Approved Plant List

Trees and shrubs contained in the following list are preapproved for use and meet the requirements of this article. Any tree which is not on this list may be submitted for approval to the Director prior to the approval of a Land Development Permit. Trees and shrubs which exhibit poor health characteristics, are not native to the climate range in Northport or are considered invasive will not be approved for installation.

Canopy Trees			
Scientific Name	Common Name	Scientific Name	Common Name
<i>Acer rubrum</i>	Red Maple	<i>Metasequoia glyptostroboides</i>	Dawn Redwood
<i>Acer saccharum</i>	Sugar Maple	<i>Nyssa sylvatica</i>	Black Tupelo (Black Gum, Sour Gum)
<i>Acer freemanii</i>	'Autumn Blaze'	<i>Ostrya virginiana</i>	Hophornbeam
<i>Acer x freemanii</i>	Freeman Maple	<i>Pinus elliotii</i>	Slash Pine
<i>Betula nigra</i>	River Birch	<i>Pinus glabra</i>	Spruce Pine; Walter's Pine
<i>Carpinus caroliniana</i>	American Hornbeam		Longleaf Pine
<i>Carya ssp.</i>	Hickory		Loblolly Pine
<i>Cedrus deodora</i>	Deodor Cedar	<i>Pinus virginiana</i>	Virginia Pine
<i>Celtis laevigata</i>	Sugarberry	<i>Pistacia chinensis</i>	Chinese Pistache
<i>Celtis occidentalis</i>	Hackberry	<i>Platanus occidentalis</i>	Sycamore
<i>Cornus x 'Rutican'</i>	Constellation Dogwood	<i>Quercus spp.</i>	Oak Tree
<i>Cryptomeria japonica</i>	Japanese Cedar	<i>Salix babylonica</i>	Weeping Willow
<i>Fagus grandifolia</i>	American Beech	<i>Sequoia sempervirens</i>	Redwood
<i>Fraxinus americana</i>	White Ash	<i>Taxodium distichum</i>	Bald Cypress
<i>Fraxinus pennsylvanica</i>	Green Ash	<i>Tsuga canadensis</i>	Eastern Hemlock; Canadian Hemlock
<i>Ginkgo biloba</i>	Ginkgo; Maidenhair	<i>Ulmus alata</i>	Winged Elm
<i>Liquidambar styraciflua</i> 'Rotundaloba'	Fruitless Sweetgum	<i>Ulmus parvifolia</i>	Chinese Elm; Lace Bark Elm
<i>Liriodendron tulipifera</i>	Tulip Tree; Tulip Poplar; Yellow Poplar	<i>Zelkova serrata</i>	Japanese Zelkova
<i>Magnolia grandiflora</i>	Southern Magnolia		

Table 9-3 Approved Plant List

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Understory Trees			
Scientific Name	Common Name	Scientific Name	Common Name
Acer barbatum	Florida Maple	Magnolia grandiflora 'Bracken's Brown Beauty	Bracken's Brown Beauty Magnolia
Acer buergeranum	Trident Maple	Magnolia grandiflora 'Little Gem'	Little Gem Magnolia
Acer palmatum	Japanese Maple	Magnolia grandiflora 'D.D. Blanchard	D.D. Blanchard Magnolia
Amalanchier x 'Autumn Brilliance'	Autumn Brilliance Serviceberry	Magnolia grandiflora "Margaret Davis"	Margaret Davis Magnolia
Cercis canadensis	Eastern Redbud	Magnolia stellata	Star Magnolia
Cornus florida	Flowering Dogwood	Magnolia x soulangiana	Saucer Magnolia
Cornus kousa	Kousa Dogwood	Magnolia virginiana	Sweet Bay Magnolia
Crataegus phaenopyrum	Washington Hawthorn	Malus spp.	Crabapple
Ilex latifolia	Lusterleaf Holly	Myrica cerifera	Southern Wax Myrtle
Ilex x attenuate fosteri	Foster Holly	Osmanthus fortunei	Fortune's Osmanthus
Ilex x 'Emily Bruner'	Emily Bruner Holly	Osmanthus fragrans	Tea Olive
Ilex x attenuate 'Savannah'	Savannah Holly	Oxydendrum arboreum	Sourwood; Lily of the valley tree; Sorrell tree
Ilex x attenuate 'East Palatka'	East Palatka Holly	Prunus serrulata	Japanese Flowering Cherry
Ilex verticillata	Winterberry; Holly; Black Alder	Prunus subhirtella	Higan Cherry
Juniperus virginiana	Eastern Red Cedar	Prunus x yedoensis	Yoshino Cherry
Juniperus virginiana 'Idylwild'	Idylwild Juniper	Thuja occidentalis	Eastern White Cedar
Lagerstroemia indica	Crape Myrtle	Vitex agnus-castus	Lilac Chaste Tree
Magnolia grandiflora 'Claudia Wannamaker'	Claudia Wannamaker Magnolia		

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Deciduous Shrubs			
Scientific Name	Common Name	Scientific Name	Common Name
<i>Abelia x grandiflora</i>	Glossy Abelia	<i>Kolkwitzia amabilis</i>	Beautybush
<i>Aesculus parviflora</i>	Bottlebrush Buckeye	<i>Lagerstroemia indica/fairiei</i>	Crape Myrtle
<i>Berberis thunbergii</i> <i>atropurpurea</i> 'Crimson Pygmy'	Crimson Pygmy Barberry	<i>Magnolia stellata</i>	Star Magnolia
<i>Buddleia davidii</i>	Butterfly-Bush	<i>Spiraea x bumalda</i> 'Anthony Waterer'	Anthony Waterer Bumalda Spirea
<i>Chaenomeles speciosa</i>	Common flowering quince	<i>Spiraea cantoniensis</i>	Reeves Spirea; Double Reeves Spirea
<i>Cotinus coggygria</i>	Common Smokebush	<i>Spiraea prunifolia</i>	Double Bridalwreath Spirea
<i>Euonymus alatus</i> <i>compactus</i>	Burning Bush; winged euonymus	<i>Spiraea thunbergii</i>	Thunberg Spirea
<i>Exochorda racemosa</i>	Pearlbush	<i>Spiraea x vanhouttei</i>	Vanhoutte Spirea
<i>Forsythia xintermedia</i>	Border Forsythia	<i>Viburnum x burkwoodi</i>	Burkwood Viburnum
<i>Hibiscus syriacus</i>	Shrub althea; Rose of Sharon	<i>Viburnum carlesii</i>	Korean Spicebush
<i>Hydrangea macrophylla</i>	Big Leaf Hydrangea	<i>Viburnum dentatum</i>	Arrowwood viburnum; Southern arrowwood
<i>Hydrangea quercifolia</i>	Oakleaf Hydrangea	<i>Viburnum prunifolium</i>	Blackhaw Viburnum
<i>Ilex x 'Nellie R. Stevens'</i>	Nellie R. Stevens Holly	<i>Viburnum plicatum</i>	Japanese Snowball
<i>Jasminum floridum</i>	Showy Jasmine	<i>Viburnum plicatum</i> var. <i>tomentosum</i>	Doublefile viburnum
<i>Jasminum nudiflorum</i>	Winter Jasmine	<i>Vitex agnus-castus</i>	Lilac Chastetree
<i>Kerria japonica</i>	Japanese kerria	<i>Weigela florida</i>	Old Fashioned Weigela

Table 9-3 Approved Plant List

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Evergreen Shrubs			
Scientific Name	Common Name	Scientific Name	Common Name
<i>Ilex attenuate</i> 'Fosteri'	Foster Holly	<i>Illicium parviflorum</i>	Small Anise-tree
<i>Ilex cassine</i>	Dahoon	<i>Juniperus chinensis</i> spp.	Juniper
<i>Ilex cornuta</i> 'Burfordii'	Burford Chinese Holly	<i>Juniperus conferta</i> 'Blue Pacific'	Shore Juniper; Blue Pacific Juniper
<i>Ilex cornuta</i> 'Carissa'	Carissa Holly	<i>Juniperus horizontalis</i> 'Bar Harbor'	Bar Harbor Juniper
<i>Ilex cornuta</i> 'Needlepoint'	Needlepoint Holly	<i>Juniperus horizontalis</i> 'Plumosa compacta'	Andorra juniper
<i>Ilex cornuta</i> 'Rotunda'	Rotunda Chinese Holly; Dwarfed horned holly	<i>Juniperus horizontalis</i> 'Wiltoni'	Blue Rug Juniper
<i>Ilex cornuta</i> 'Burfordii Nana'	Dwarf Burford Holly	<i>Juniperus parsoni</i>	Parsons Juniper
<i>Ilex crenata</i> 'Hetzii'	Hetz Japanese Holly	<i>Leucothoe populifolia</i>	Rainbow Leucothoe
<i>Ilex crenata</i> 'Rotundifolia'	Roundleaf Japanese Holly	<i>Ligustrum japonicum</i>	Japanese Privet
<i>Ilex crenata</i> 'Helleri'	Heller Japanese Holly	<i>Ligustrum japonicum</i> 'Rotundifolium'	Curlyleaf Ligustrum
<i>Ilex crenata</i> 'Compacta'	Compacta Japanese Holly	<i>Lonicera fragrantissima</i>	Winter Honeysuckle
<i>Ilex crenata</i> 'Convexa'	Convexleaf Japanese Holly	<i>Mahonia bealei</i>	Leatherleaf Mahonia
<i>Ilex glabra</i>	Inkberry	<i>Michelia figo</i>	Banana Shrub
<i>Ilex latifolia</i>	Lusterleaf Holly	<i>Myrica cerifera</i>	Southern Waxmyrtle
<i>Ilex vomitoria</i>	Yaupon Holly	<i>Nandina domestica</i>	Nandina
<i>Ilex vomitoria</i> 'Pendula'	Weeping Yaupon	<i>Osmanthus heterophyllus</i>	Holly Osmanthus; Holly Tea Olive; False Holly
<i>Ilex vomitoria</i> "nana"	Dwarf Youpon Holly	<i>Osmanthus x fortunei</i>	Fortunes Osmanthus/Tea Olive

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ARTICLE 10 SIGNS

§10.01 Purpose, Findings, and Scope

- 10.01.01 The City of Northport recognizes that signs perform an important function in identifying properties, businesses, services, residences, events, and other matters of public interest. Signs also have a direct impact on the health, safety, and welfare of the public. For example, crash data analysis at 18 study sites in Alabama and Florida revealed that the presence of digital billboards is correlated with an increase in crash rates. Intentional and appropriate regulation is essential to balance these competing needs of the public.
- 10.01.02 It is the intent of this Article to:
- A. Set standards and provide controls that permit reasonable use of signs and enhance the character of the City;
 - B. Support and promote the use of signs to aid the public in the identification of businesses and other activities, to assist the public in its orientation within the City, to express the history and character of the City, to promote the community's ability to attract sources of economic development and growth, and to serve other informational purposes;
 - C. Avoid excessive competition for large or multiple signs, so that permitted signs provide identification and direction while minimizing clutter, unsightliness, confusion, and hazardous distractions to motorists
 - D. Protect the public from the danger of unsafe signs, and from the degradation of the aesthetic qualities of the City and
 - E. Provide for the establishment of signs where the area, height, type, and design of signs is based on the context and character of the neighborhood and zoning district;
 - F. Encourage sign design that builds on the traditional town image and visual environment the City of Northport seeks to promote.
 - G. Limit billboards within the City of Northport.
- 10.01.03 This Article uses content-neutral time, place, and manner restrictions that are narrowly tailored to achieve these significant public goals. Nothing in this Article shall inhibit an individual's right to express non-commercial messages as protected by the First Amendment of the United States Constitution. This Article provides many alternative channels for communicating speakers' messages, regardless of content, and includes a substitution clause to ensure content neutrality.
- 10.01.04 These regulations shall apply to all signs erected, constructed, displayed, painted, maintained, altered, and/or installed in every zoning district in the City, which are designed or intended to be seen by or attract the attention of the public. No sign shall be erected or installed unless it is in compliance with the regulations of this Article.

§10.02 Definitions

10.02.01 [Generally]

- A. Words and phrases used in this Article shall have the meanings defined in this Section. Words and phrases not defined in this Article but defined elsewhere in the Zoning Ordinance shall be given the meaning set forth in the [§2.04 Definitions](#) Section.

- B. Where terms are related to measurements and calculations set out in this article (e.g., sign height, setbacks, sign area, etc.), such terms are defined in [§10.03 Calculations and Measurements](#).
- 10.02.02 Banner Sign: A temporary sign composed of cloth, canvas, plastic, fabric or similar lightweight, non-rigid material that can be mounted to a structure with cord, rope, cable, or a similar method. Banner signs attached to posts and mounted in a yard or landscaped area shall be considered a “temporary yard sign.”
- 10.02.03 Building: Where the term “building” is used in reference to the location of a sign it means a primary building on a lot and does not include accessory buildings or accessory structures. In those districts that do not have side yard setback requirements and buildings share a common wall, then a change from one building to another shall occur when there is a firewall separating the buildings.
- 10.02.04 Building Sign: A permanent sign attached directly to an exterior wall of a building and which does not extend more than a certain distance from the façade, as established in this chapter, nor above the roof line or beyond the limits of the outside wall. The exposed face of the sign in a plane parallel to the building wall.
- 10.02.05 Building Unit: A stand-alone building or a building divided into separate units or spaces that are individually owned or leased by different enterprises, businesses, firms, or other nonresidential occupants, and which meets the following conditions:
- A. Where a building is divided into individual spaces, each space with its own exterior entry or access point directly into the space shall be consider a building unit.
 - B. Where a building contains individual spaces that are all accessed from the interior through a joint entry, such building shall be considered one building unit.
 - C. Where a lot contains multiple principal buildings, each building shall be considered a building unit.
- “Building unit” shall not be used to define an apartment building or similar residential-only building that is divided into individual dwelling units. For a mixed-use building, as defined in this article, the number of building units on any given lot shall be determined by the number of nonresidential enterprises, businesses, firms, or other nonresidential occupants.
- 10.02.06 Detached Sign. Any sign affixed to or supported upon the ground by a monument, pedestal, pole, bracing, or other permanent structural element and not attached to any building.
- 10.02.07 Driveway Sign. A small permanent sign located near driveway access points or at the intersection of internal access drives.
- 10.02.08 Electronic Reader Board or Digital Sign. A sign designed so that the characters, letters, or illustrations can be changed or rearranged automatically on a lamp bank or through mechanical means (e.g., electronic or digital signs).
- 10.02.09 Erect. To construct, reconstruct, build, relocate, raise, assemble, place, affix, attach, create, paint, draw, or in any other way establish, re-establish, or structurally alter a sign. It shall not include any of the foregoing activities when performed as an incident to change a message on a reader board or maintain the sign.
- 10.02.10 Façade. The exterior wall on the front, side, or rear elevation of the building regardless of whether the building side faces a street.
- 10.02.11 Freestanding Sign. Any sign supported by structures or supports that are placed on or anchored in the ground and that are independent from any building or other structure. The posts or other supporting

structures shall be considered as part of the sign, except that they shall not be included in computing the sign display area.

- 10.02.12 Lot. A lot is a parcel of land. For the regulatory purposes of this ordinance a lot may consist of a single lot of record, a portion of a lot of record, combinations of adjacent individual lots or portions of lots, or a parcel described by metes and bounds, provided that in no case of division or combination by private action shall any residual lot be created which does not meet the requirements of this ordinance and other applicable regulations.
- 10.02.13 Main or Entry Façade. Generally, the façade or side of the building that faces the public street, road, or highway. In cases where the building is oriented in a manner not parallel to the street, the primary entrance façade is used as the main façade.
- 10.02.14 Monument Sign. A permanent detached sign, other than a pylon or ground sign, not attached to a building, which is placed upon or supported by the ground independently of any other structure, typically on a monument or pedestal structure.
- 10.02.15 Nonconforming Sign. Any sign that was erected legally prior to the adoption of this ordinance, or amendment thereto, but which does not comply with subsequently enacted sign restrictions and regulations or a sign which does not conform to the regulations of this chapter.
- 10.02.16 Permanent Sign. A sign permitted by this ordinance to be located on the premises and designed to be permanently attached to a structure or the ground. Such sign is constructed of rigid, non-flexible materials.
- 10.02.17 Pole Sign. A permanent, detached sign other than a pylon or monument sign, which is affixed to the ground by no more than two poles, columns, or uprights permanently imbedded in the ground.
- 10.02.18 Portable Sign. Any sign not attached to a building or the ground that is designed to be transported, including signs designed to be transported by means of wheels. This definition shall not include “sidewalk sign” or other defined temporary sign types.
- 10.02.19 Projecting Sign. A sign that is affixed perpendicular to a building or wall and extends more than eight inches beyond the face of such building or wall and the lowest point of which sign is not less than 12 ft above the sidewalk or ground level. A projecting sign shall be considered an “attached sign”.
- 10.02.20 Reader Board. A sign designed so that the characters, letters, or illustrations can be changed or rearranged manually or electronically without altering the sign display surface. May also be known as reader boards.
- 10.02.21 Right-of-Way. A strip or area of land dedicated for use as a public roadway, railroad, or dedicated for other public uses. For streets, the right-of-way typically includes the paved roadway, curbs, lawn strips, sidewalks, lighting, drainage facilities and utilities and may include special features (required by the topography or treatment) such as grade separation, landscaped areas, viaducts, and bridges.
- 10.02.22 Sidewalk Sign. A temporary sign that may be placed on a public sidewalk or on a private sidewalk/walkway, during business hours in accordance with this article and which may include an “A-frame sign” or a “T-frame sign” as defined below:
- A. A-Frame Sign means a detached temporary sign that is ordinarily in the shape of an “A” or some variation thereof, which is readily moveable, and is not permanently attached to the ground or any structure.

- B. T-Frame Sign means a detached temporary sign that is ordinarily in the shape of an upside down “T” or some variation thereof, which is readily moveable, and is not permanently attached to the ground or any structure.

10.02.23 Sign. A structure, device, or surface that contains, supports, or displays sign copy.

10.02.24 Sign Area. The total area of a sign face as measured pursuant to [§10.03.03 Sign Area](#).

10.02.25 Sign Copy. Letters, numerals, figures, symbols, logos, pictorial, or graphic elements comprising the content or message of a sign.

10.02.26 Sign Face. The surface of the sign upon, against, or through which the message of the sign is exhibited.

10.02.27 Street Frontage: The distance for which a lot line adjoins a public street, from the lot line intersecting said street to the furthest distant lot line intersecting the same street. Alternatively, where the number of signs is based on the number of street frontages, a street frontage means a continuous border between the subject property and a public street or road.

10.02.28 Temporary Sign. A non-permanent sign that is neither permanently anchored to the ground, nor permanently affixed to a structure, nor mounted on a chassis.

10.02.29 Temporary Yard Sign. A temporary sign that is placed in a yard, grass, or other landscaped areas that requires two posts or supporting elements. Banner signs mounted on two posts and placed in a yard shall be defined as a temporary yard sign.

10.02.30 Window Sign. A sign attached to, in contact with, placed upon or painted on the window or door of a building which is intended for viewing from the outside of such building. This does not include merchandise located in a window.

§10.03 Calculations and Measurements

For the purpose of this chapter, the following shall be the method for determining and interpreting any form of calculation or measurement.

10.03.01 Sign Setback. All required setbacks for signs shall be measured as the distance in feet from the applicable lot line, or other stated point of measurement, to the closest point on the sign structure.

10.03.02 Sign Height

- A. The height of a sign shall be computed as the distance from the base of the sign at normal grade (average grade at the base of the sign) to the top of the highest attached component of the sign. Normal grade shall be construed to be the newly established grade after construction, exclusive of any filling, berming, mounding, or excavating undertaken for the purpose of locating or increasing the height of sign.
- B. The filling of a pre-existing hole or depression to create an average grade at the same level as that surrounding the hole or depression is permitted, provided such filling is allowed by other ordinances.
- C. In cases where the normal grade is below grade at street level, sign height shall be computed on the assumption that the elevation of the normal grade at the base of the sign is equal to the elevation of the nearest point of the crown of a public or private street. See Figure 10-1.

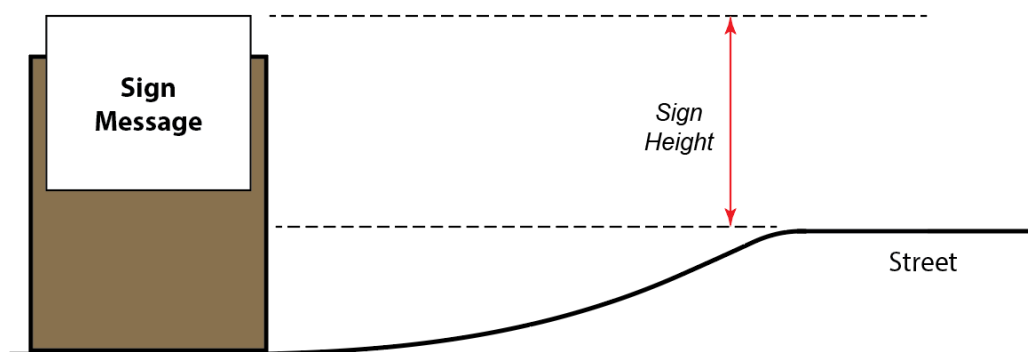


Figure 10-1: Illustration of the measurement of sign height when the grade at the bottom of the sign is below the grade of the adjacent street.

- D. Any material whose major function is providing structural support for a sign shall be considered part of the sign for purposes of determining sign height.
- E. Where a distance is established for the clearance of a sign, such measurements shall be made from the normal grade of the ground, directly under the applicable sign or structure supporting the sign, and the bottom most point of the sign or the structure supporting the sign, whichever is closest.

10.03.03 Sign Area. The surface of a sign to be included when computing maximum allowable square footage of sign area shall be calculated as follows:

- A. For sign copy mounted or painted on a background panel, cabinet, or surface distinctively painted, textured, lighted, or constructed to serve as the background for the sign copy, the sign area shall be computed by means of the smallest square, circle, rectangle, triangle, or combination thereof that encompasses the extreme limits of the background panel, cabinet, or surface. See Figure 10-2 and Figure 10-3.

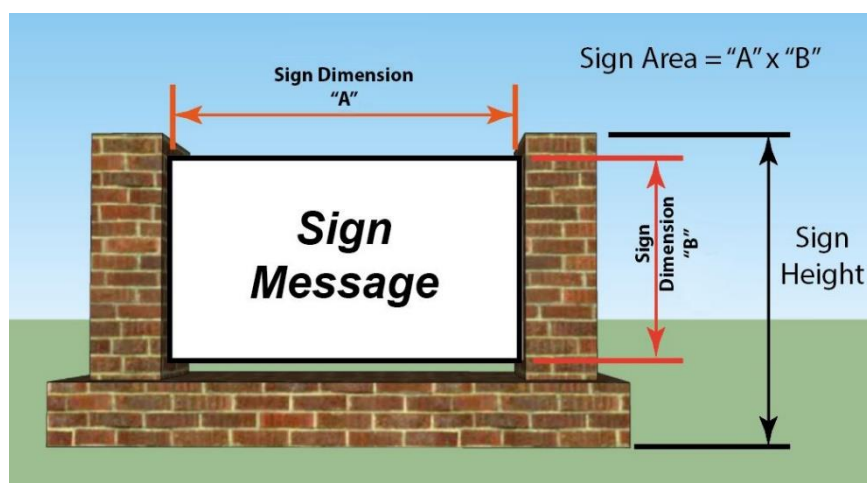


Figure 10-2: Illustration of sign area calculation for a monument sign with copy on a distinct cabinet.



Figure 10-3: Illustration of computing the sign area for wall signs with a background panel or cabinet.

- B. For sign copy where individual letters or elements are mounted on a building façade where there is no background panel, cabinet, or surface distinctively painted, textured, lighted, or constructed to serve as the background for the sign copy, the sign area shall be computed by means of the combination of the smallest square, circle, rectangle, triangle, or combination thereof that encloses all the letters or elements associated with the sign. See Figure 10-4.

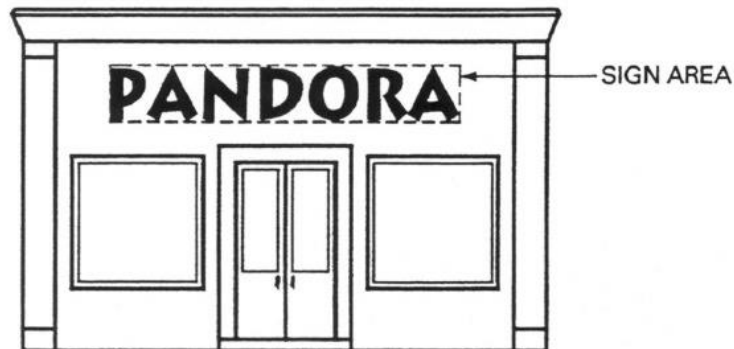


Figure 10-4: Illustration of sign area calculation for wall sign with individual letters.

- C. In cases where there are multiple elements of sign copy on the same surface, any areas of sign copy that are within two feet of one another shall be calculated as a single sign area that shall be computed by means of the smallest permitted shape that encloses all sign copy within two feet of one another, otherwise the sign area shall be computed for each separate piece of sign copy. See Figure 10-5.

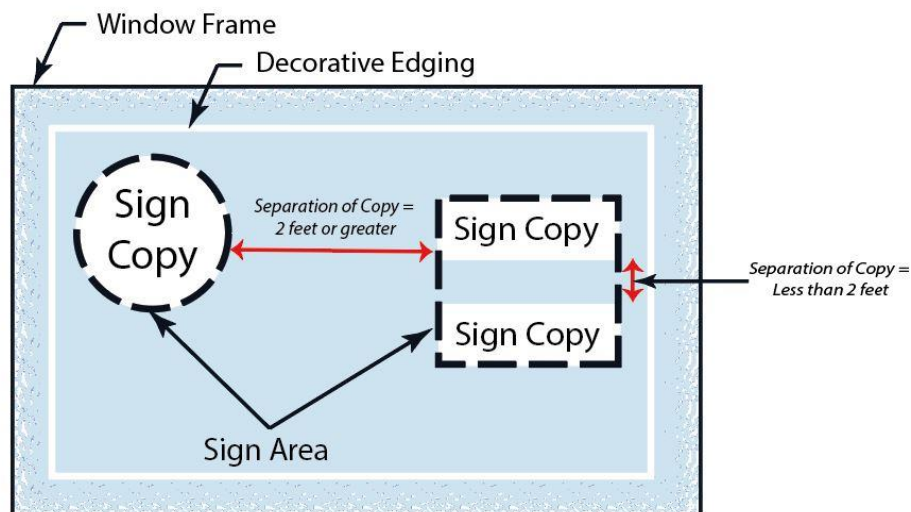


Figure 10-5: Illustration of sign area calculations for multiple sign areas on a window sign.

- D. Decorative edging or other window treatments that are not an integral part of the sign copy shall not be considered a part of the sign for the purposes of this chapter. See Figure 10-5.
- E. In cases where there are multiple sign elements on the same surface, the Planning Director shall have the authority to determine the outermost boundaries of individual sign elements based on the shape of the sign and the distance separating various elements of sign copy. Decorative edging or other window treatments that are not an integral part of the sign copy shall not be considered a part of the sign for the purposes of this article.
- F. The calculation of sign area shall not include any supporting framework, bracing, or decorative fence or wall unless such structural support is determined to constitute an integral part of the sign design by means of any form of sign copy, as determined by the Planning Director.
- G. In the case of a three-dimensional sign where the sign faces are not mounted back-to-back, the sign area shall be calculated by the smallest square, circle, rectangle, triangle, or combination thereof that encompasses the profile of the sign message, multiplied by two. The profile used shall be the largest area of the sign face visible from any one point.
- H. Except for three-dimensional signs, the sign area for a sign with more than one face (multi-faced signs) shall be computed by adding together the area of all sign faces unless two sign faces are mounted back-to-back.
- I. When two flat sign faces are placed back-to-back and when such sign faces are part of the same sign structure and are not more than 24 inches apart, the sign area shall be computed by the measurement of one of the faces. If the two faces are unequal, the sign area shall be calculated based on the larger of the two faces.

10.03.04 Determining Width of Building Facades

- A. For the purposes of this chapter, the length of the building wall that faces a public street shall be considered the main building facade unless otherwise stated.
- B. The calculation of the width or lineal measurement of any main building façade shall be the measurement of the main building façade between two side facades. The calculation shall be based on

viewing the façade from a 90-degree angle (i.e., straight on), regardless of façade insets, offsets, or angles. See Figure 10-6.

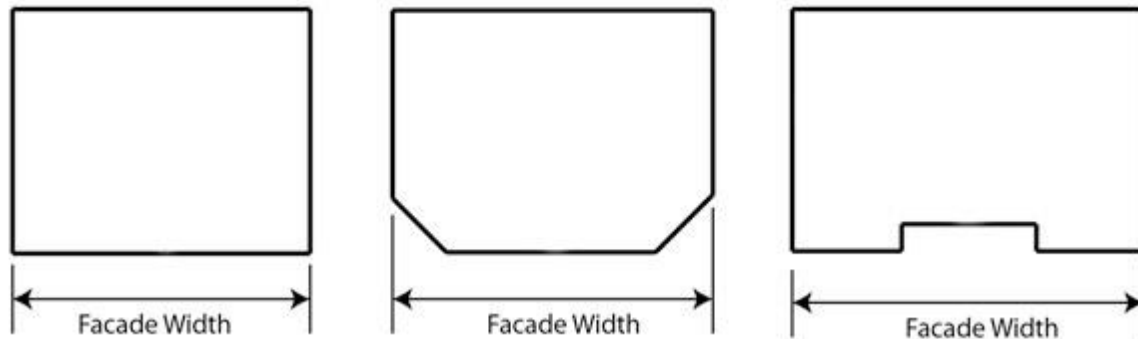


Figure 10-6: Illustration of façade width measurement on varied façade shapes.

§10.04 General Provisions

10.04.01 Compliance and Applicability

- A. No premises within the corporate limits of the City of Northport shall be used to construct or erect a sign that does not meet the requirements of this chapter, and it shall be unlawful for any person to use premises in the corporate limit of the city to construct or erect a sign that is not in conformity with the requirements of this chapter.
- B. This chapter shall only apply to any sign, in any zoning district, that is outdoors and displaying sign copy that is visible from a public right-of-way or otherwise visible to the general public. This chapter is not intended to, and does not, regulate signs inside of homes or other buildings.
- C. Any sign legally established prior to the effective date of this chapter, or amendments thereto, and which sign is rendered nonconforming by the provisions herein, shall be subject to the nonconforming sign regulations of [§10.09 Nonconforming Signs](#).

10.04.02 Coverage

- A. Nothing in this chapter shall be construed to affect the franchise authority of the city.
- B. Nothing in this chapter shall be construed to allow or give permission to any person to install a sign on private property without the consent of the owner of the property or the person otherwise in possession or control of the property. Where a sign has been placed on premises without proper consent, the sign shall constitute a trespass.
- C. Nothing in this chapter shall be construed to exempt from or except the application of the building and other technical codes of the city to the installation of signs.

10.04.03 Exclusions from this Chapter

- A. In some cases, federal and state law preempt or otherwise limit or prohibit the City's regulatory authority over signs, which may include, signs required by state or federal law including signs ordered in the case of bankruptcies and government-function signs. It is not the intent of this ordinance to challenge or create conflicts with or act contrary to such law and thus this article shall not apply in such cases.

- B. Exclusion from this article does not relieve a person from complying with other applicable laws, including the building and electrical codes of the city.

10.04.04 Severability Clause

If any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this chapter is declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this chapter.

10.04.05 Reclassification of Signage

If the type of any sign that legally existed prior to the effective date of this amendment is reclassified by this amendment, such sign shall be classified as the sign type defined in this chapter and shall be subject to the applicable standards for such sign type from the effective date of this amendment. Such reclassification shall be regardless of any variances that were approved prior to the effective date of this amendment.

10.04.06 Design, Construction, and Maintenance of Signs

- A. Compliance with Building and Electrical Code Requirements. All permanent signs and the illumination thereof, shall be designed, constructed and maintained in conformity with the applicable provisions of the adopted building code and electrical code of the City of Northport. Wherever there is inconsistency between this Ordinance and the building or electrical code, the more restrictive requirement shall apply.
- B. Illumination Standards.
 - 1. Sign lighting shall not be designed or located to cause confusion with traffic signals.
 - 2. Devices that illuminate a sign or signs shall be placed and shielded so that direct light shall not be cast into the eyes of pedestrians, cyclists or motorists entering or using a street, road or highway.
- C. Placement and Clearance Standards.
 - 1. Signs shall be located such that there is at every intersection and driveway clear sight distance for pedestrians, cyclists, and motorists traveling on or entering any street, road, or highway. The applicant shall use the national standards in "A Policy on Geometric Design of Highways and Streets" to demonstrate that such a sign does not create an obstruction.
 - 2. No sign structure shall be erected that impedes use of any fire escape, emergency exit, or ventilation opening.
 - 3. No freestanding sign shall project into a public right-of-way.
- D. Maintenance
 - 1. All signs, including their supports, braces, guys and anchors, electrical parts, and lighting fixtures, and all painted and display areas, shall be maintained in accordance with the building and electrical codes adopted by the City of Northport. All signs and their components shall be maintained in good repair, free of rust, peeling, fading, broken, or cracked panels, and broken or missing letters. Vegetation must be properly maintained and no condition shall be allowed that would constitute a fire or health hazard. The general area in the vicinity of any sign shall be kept free and clear of any unnecessary or discarded sign materials.

2. No sign shall be allowed to deteriorate to a condition in which it is unsightly in appearance or to a condition in which it requires repairs or renovations in an amount which exceeds 50 percent of its current replacement cost. Signs which deteriorate to such a condition are deemed to be in violation of this ordinance, and as such must either be removed or improved (if permitted) by the person responsible for maintaining the sign.

§10.05 Permitting and Enforcement/Administration

10.05.01 Permit Procedure

- A. All signs shall require a sign permit unless exempted from this permit requirements in [§10.05.03 Permit Exceptions](#).
- B. A written application shall be submitted to the Planning Director for review and processing. The Planning Director, only upon determination that all requisite documentation and fees accompany the application form, will accept the application. The application shall include supplementary information as may be specifically requested by the Planning Director to determine compliance with these regulations.
- C. The Planning Director shall review the application, plans, and specifications to determine whether the proposed sign conforms to all applicable requirements of these regulations.
- D. Following review and determination as to conformance with these regulations, the Planning Director shall either approve or deny the application for the sign permit within 30 days. In case of denial, the Planning Director shall specify the Section or Sections of these regulations with which the proposed sign is not in conformance. Appeals may be made in accordance with the procedures provided in this Zoning Ordinance at [§14.02 Administrative Appeals](#).
- E. An application may be amended within 30 days of the original application date to include additional signs up to the allowable maximum. The Planning Director shall either approve or deny the application for the amended sign permit within 30 days of the date of the complete amendment. Additional fees shall be charged if the additional signs exceed the size limitations for fee category. After 30 days, a new sign permit shall be required for any sign constructed and all fees shall be required.

10.05.02 Submission Requirements. No request for a sign permit shall be considered complete until all the following has been submitted to the Planning Director.

- A. The application form shall be submitted with all required information completed by the applicant. The application form is available from the Planning Director.
- B. Plans and specifications for the proposed sign shall be submitted, drawn to scale, and include the following:
 1. Site plan of development site showing location of any freestanding sign(s) including any easements, public rights-of-way, property lines, buildings, sight distance triangles and other signs on the property;
 2. Main or entrance façade including linear dimension;
 3. Dimensions and elevations of all signs;
 4. Dimensions and locations of any supporting structures;
 5. Maximum and minimum height of sign, and any measurements of clearance distances when a sign is mounted above a pedestrian or vehicular area;

6. For illuminated signs, indicate type and placement of illumination;
 7. Inventory of number, type, location, and display area of all existing signs on the same property and/or building on which the sign is to be located.
- C. The applicant shall be required to pay an application fee according to the current schedule of fees established by the Northport City Council for the particular category of application. This fee is nonrefundable irrespective of the final disposition of the application.
 - D. A sign permit shall be valid for a period of 180 days after issuance. Failure to place the sign within the allotted time period shall void the permit and necessitate reapplication.

10.05.03 Permit Exceptions

The following signs are allowed by this chapter but do not require a sign permit or fee. Additionally, any sign area for these signs does not count toward the sign area allowances specified in this chapter for all other permitted signs. Permit-exempt signs may still be subject to the building code, electrical code, or other applicable code requirements. Signs exempted in this Section must conform to the standards enumerated herein and shall not be placed or constructed so as to create a hazard of any kind.

- A. Signs or notices issued by any court, officer, or other person in performance of a public duty, or required by other laws or ordinances. Any such sign shall be removed no later than seven days after the last day it is required to be displayed;
- B. Any public safety sign that is installed by the City of Northport or other governmental agency having jurisdiction that are intended to protect the health and safety of the public that includes traffic control, street name, directional signs, and other signs that may or may not be located in the right-of-way.
- C. Signs that are located within a stadium, open-air theater, park, arena or other similar outdoor use that can only be viewed by persons within such stadium, open-air theater, park, arena or other similar outdoor use provided that any structure on which the sign is attached is permitted, as may be required by the city;
- D. Signs that are an integral part of the original construction of vending or similar machines, drive-through facilities, automated teller machines, or similar devices that are not of a size or design as to be legible from a street or by any person other than those using the machine or device;
- E. Sign face changes where the sign structure is designed with interchangeable panels and one of the panels is replaced without changing the structure, including any changes to the total sign face area, height or alteration of the sign cabinet;
- F. Changes of copy on signs with changeable copy, including electronic message signs and electronic display signs;
- G. Certain temporary signs as established in [§10.08 Temporary Signs](#);
- H. No more than four flags located on flagpoles or on wall-mounted posts provided that the following shall apply:
 1. There shall be a maximum of one flagpole on any lot. The remaining flags may be wall-mounted. Where there is no flagpole, there shall be a maximum of four wall-mounted flags.

2. The maximum height of flag poles shall not exceed the maximum building height for structures in the applicable zoning district, and a maximum sign area of area of 40 sf for any individual flag attached to the pole.
3. The maximum projection for wall-mounted flag post is six feet and a maximum sign area of 15 sf per flag.
- I. Driveway Signs. Driveway signs are allowed without a sign permit in accordance with the following:
 1. Driveway signs are only permitted in nonresidential zoning districts. Driveway signs shall also be permitted in residential zoning districts only when permitted as part of a permitted nonresidential use.
 2. A maximum of two signs shall be permitted for any one driveway.
 3. Driveway signs shall be set back at least five feet from all lot lines but in no case shall the sign be set back more than 25 ft from the edge of the driveway where it intersects with the public street.
 4. Each driveway sign shall not exceed five square feet in area and three feet in height.
 5. Driveway signs may be internally or externally illuminated.
 6. The sign area of driveway signs shall not be counted as part of any other sign allowance in this chapter.
- J. One wall sign, mounted flush to the façade of an individual residential dwelling unit or any building unit that contains a nonresidential use, that is not illuminated and does not exceed two square feet in area.
- K. The posting of the E-911 address for a house or building due to its nature as serving the purpose of protecting a public safety issue or meeting the requirements of applicable building code;
- L. Signs that are an integral part of the historic character of a structure that has been designated an official landmark or historic structure by any agency or body of the governments of the United States, State of Alabama, Tuscaloosa County, or the City of Northport, or that otherwise forms an original part of the structure and has only historic significance;
- M. Any signs located on umbrellas, seating, or similar patio furniture;
- N. Any warning signs or traffic safety signs required by public utility or infrastructure providers;
- O. Hand-held signs not set on or affixed to the ground;
- P. Window Signs. Window signs are allowed without a sign permit in accordance with the following:
 1. Window signs shall not occupy more than 25% of the window area in the Core City Zoning Districts or 50% of the window area in all other nonresidential zoning districts.
 2. The sign area is based on the total window area, regardless of the presence of an awning. Window areas separated by piers, architectural elements, or similar features that are not glass or window framing or support shall be considered separate and distinct window areas. See Figure 10-7.



Figure 10-7 The window area is illustrated within the dashed line area for the two storefronts in the above image. The dashed lines highlight two separate window areas due to the separation by an architectural feature not related to the windows.

3. Window signs may be temporarily or permanently attached to the window surface.
 4. The sign area of window signs shall not be counted as part of any other sign allowance in this chapter.
 5. Window signs are not permitted in any window of a space used for residential uses or purposes unless allowed as a temporary sign in accordance with [§10.08 Temporary Signs](#).
 6. Window signs shall not be illuminated except when illuminated by an external lighting source, or up to one square foot of window signage may be internally illuminated, provided there is no blinking, flashing, or other movement of the lighting source.
- Q. Maintenance. General maintenance, painting, repainting, cleaning, and other normal maintenance and repair of a sign or any sign structure is allowed without a sign permit unless a structural change is made.

10.05.04 Variances and Waivers

It is the explicit intent that this Section be enacted to accomplish the purposes as set forth in [§10.01](#) and any variance granted by the Zoning Board of Adjustment (ZBA) may be detrimental to these purposes. Accordingly, the ZBA shall only grant a variance in the case of demonstrated unnecessary hardship, as permissible under Alabama law. Generally, mere financial loss, personal hardship, and economic conditions alone are not considered unnecessary hardships under Alabama law. Under Alabama law, the ZBA generally cannot grant a variance to establish a use that is prohibited within a zoning district by this Zoning Ordinance.

10.05.05 Appeals

In accordance with [§14.02 Administrative Appeals](#) of this Zoning Ordinance, appeals to the ZBA may be made in accordance with applicable state law. Full procedures are provided in the above-mentioned Section.

§10.06 Prohibited Signs

It shall be unlawful to erect, cause to be erected, maintain or cause to be maintained, any sign not expressly authorized by, or exempted from, these regulations. The signs listed below are expressly prohibited in the City of Northport.

- 10.06.01 Signs that are in violation of the building code or electrical code adopted by the City of Northport;
- 10.06.02 Portable signs;
- 10.06.03 Beacons and searchlights;
- 10.06.04 Wind signs consisting of one pennants, ribbons, spinners, streamers, captive balloons, inflatable figures or other objects or material fastened in such a manner as to move freely upon being subjected to pressure by wind (whether the sign contains a commercial message or not);
- 10.06.05 Inflatable signs and tethered balloons;
- 10.06.06 Any sign which simulates or imitates in size, color, lettering or design any traffic sign or signal, or which makes use of words, symbols, or characters in such a manner to interfere with, mislead or confuse pedestrian or vehicular traffic;
- 10.06.07 Any signs, other than official traffic control devices, highway identification markers, warning signs, and other official signs, which are erected within the right-of-way of any street or alley. Any sign that is erected or maintained outside the right-of-way and obstructs the vision of pedestrians, cyclists, or motorists traveling on or entering a street, road, or highway. The national standards for sight-distance triangles utilized by the City of Northport Engineering Department shall be utilized to determine if a sign is creating an obstruction;
- 10.06.08 Freestanding signs which project into the public right-of-way unless otherwise authorized by this chapter.
- 10.06.09 Signs consisting of any moving, rotating, flashing, or otherwise animated light or component, except for reader boards;
- 10.06.10 Abandoned signs pursuant to [§10.09.02 Abandoned Signs](#);
- 10.06.11 Strips or strings of lights outlining property lines, sales area, rooflines, doors, windows, wall edges or other architectural features of a building. This prohibition does not include neon lighting on buildings. If neon is used to depict wording or logos, it will be calculated as part of the overall allowable signage;
- 10.06.12 Signs on public land, other than those erected at the direction or with the permission of the appropriate public authority;
- 10.06.13 Signs that emit audible sound, odor, visible matter such as smoke or steam, or involve the use of live animals;
- 10.06.14 Signs or sign structures that interfere in any way with free use of any fire escape, emergency exit, or standpipes, or that obstruct any window to such an extent that light or ventilation is reduced to a point below that required by any provision of these regulations or any other applicable law;
- 10.06.15 Signs that are of such intensity or brilliance as to cause glare or impair the vision of motorists, cyclists, or pedestrians; or that illuminate adjacent residential development;
- 10.06.16 Signs that contain any lighting or control mechanism that causes unreasonable interference with radio, television, or other communication signals;
- 10.06.17 Signs erected on public utility poles, even if they are located on private property other than signs erected by a public authority for public purposes;
- 10.06.18 Signs, other than historical markers or those identifying a natural feature, painted on or attached to trees, rocks, or other natural features.

- 10.06.19 Any sign mounted to the structural roof or applied to the roof including painted signs;
- 10.06.20 Signs projecting above the building roof or parapet line;
- 10.06.21 Signs that have become deteriorated or damaged to such an extent that the cost of the reconstruction or restoration of said signs is in excess of 50% of its replacement value exclusive of foundations;
- 10.06.22 Signs incorporating any noisy mechanical device are expressly prohibited;
- 10.06.23 Any sign not specifically authorized by this chapter.

§10.07 Permanent Signs

10.07.01 Signs at Entrances

- A. A sign marking an entrance to a residential subdivision, office park, or industrial park shall be permitted in accordance with this Section. The subdivision, office park, or industrial park shall have a minimum area of ten acres in order to have a sign at the entrance.
- B. A sign marking the entrance of a multi-family residential use shall also be allowed in accordance with this Section provided there are a minimum of five units in the building.
- C. For subdivisions or parks, the sign shall be located along the perimeter of the subdivision or park and shall not be located within the public right of way, except for those located in a landscaped traffic island. For multi-family residential uses, the sign shall be located adjacent to the street frontage and not within the public right-of-way.
- D. A maximum of one freestanding monument sign or two wall signs (attached to walls, fences, or other architectural features for subdivision or parks, or attached to the building wall of a multi-family residential use) shall be allowed. Where a monument sign is placed, there shall be no wall signs and vice versa.
- E. The maximum sign area of each sign shall be 36 sf.
- F. The maximum height shall be eight feet.
- G. For signs at an entrance that are to be located in traffic islands as mentioned above, the following criteria shall apply:
 - 1. The sign must be placed in a designated curbed median.
 - 2. The sign must be constructed of a durable material such as brick.
 - 3. The developer must indicate the location of sign on a site plan and provide construction details for review and approval.
 - 4. Any utilities involved with construction of the sign shall be permitted through the Northport Building Inspections Office.
 - 5. If the sign is ever damaged by natural or human causes the sign will not be repaired or replaced at the expense of the City, nor shall it be allowed to remain in a damaged condition.
 - 6. The developer's engineer must certify that [sight] distance around the sign meets minimum requirement established by the City.
- H. All such signs shall be maintained perpetually by the developer, the owner of the sign, a pertinent homeowners association or some other person who is legally accountable. Such accountability is

required before a permit shall be issued. If, following the issuance of a permit and subsequent erection of such signs, no accountable person accepts legal responsibility to maintain the signs and no other provision has been made for maintenance, the signs shall be removed by the developer or owner.

10.07.02 Freestanding Signs

- A. All support systems and structural components for freestanding signs shall consist of, or be covered entirely in masonry, stone, wood, or other decorative surface treatment such that metallic structural elements, including poles, are not visible. For the purpose of this Section, paint of any kind, including textured or rubberized paint shall not qualify as a cladding material.
- B. All monument style signs must have a base with a minimum height of one foot, covered as described above.
- C. Freestanding Signs in Nonresidential Zoning Districts. The following freestanding signs shall be permitted in all nonresidential zoning districts:
 - 1. Freestanding signs may be pole signs or monument signs.
 - 2. The following provisions shall apply to freestanding signs on lots with buildings that contain three or fewer building units or that contain less than 10,000 sf in gross building area:
 - a. The maximum sign area for any individual freestanding sign shall be 100 sf.
 - b. There shall be a maximum of one freestanding sign permitted on any lot.
 - c. For corner lots or double frontage lots, one additional freestanding sign shall be permitted on the second frontage. However, the aggregate maximum sign area of all freestanding signs on a corner lot or double frontage lot shall be 160 sf. Such signs shall be a minimum distance of 50 linear feet apart and located outside of any applicable site distance triangle.
 - d. The maximum height of a freestanding sign shall be ten feet for monument signs and 20 ft for pole signs.
 - e. Freestanding signs shall be set back a minimum of ten feet from any side lot line, as measured from the edge of the sign face.
 - f. Where reader boards are to be used, such reader boards shall be integrated into the structure of the freestanding sign and count toward the maximum allowable sign area. Such reader boards shall be subject to the provisions of [§10.07.02.D Reader Boards](#).
 - 3. The following provisions shall apply to freestanding signs on lots with buildings that contain four or more building units and that contain more than 10,000 sf in gross building area:
 - a. The maximum sign area for any individual freestanding sign shall be as established in [Table 10-1](#).
 - b. There shall be a maximum of one freestanding sign permitted on any lot.
 - c. For corner lots or double frontage lots, one additional freestanding sign shall be permitted on the second frontage. However, the aggregate maximum sign area of all freestanding signs on a corner lot or double frontage lot shall be as established in [Table 10-1](#). Such signs shall be a minimum distance of 50 linear feet apart and located outside of any applicable sight distance triangle.
 - d. The maximum height of a freestanding sign shall be as established in [Table 10-1](#)

- e. Freestanding signs shall be set back a minimum of ten feet from any side lot line, as measured from the edge of the sign face.
- f. Where reader boards are to be used, such reader boards shall be integrated into the structure of the freestanding sign and count toward the maximum allowable sign area. Such reader boards shall be subject to the provisions of [§10.04 General Provisions](#).

Table 10-1: Maximum Freestanding Sign Area and Height

Gross Building Area	Maximum Sign Area for Any one Freestanding Sign	Maximum Aggregate Sign Area for Two Signs on Corner or Double Frontage Lots	Maximum Sign Height
10,000-20,000 sf	100 sf	150 sf	25 ft
20,000-65,000 sf	150 sf	200 sf	25 ft
65,000 sf and over	250 sf	350 sf	35 ft

4. Freestanding signs in the Core City Zoning Districts shall match the architectural features of downtown historic businesses as defined in the design standards for the Historic Downtown Core District of this Zoning Ordinance [§6.05.04.B](#).

D. Reader Boards

1. A reader board is a permanent sign displaying changeable copy in the form of either removable letters or electronic (LED or Digital) format.
2. A reader board may be a building sign or an integral part of a freestanding sign and will be counted toward the overall allowable sign area for either.
3. In no case shall a reader board exceed 32 sf in sign area and no more than one such sign shall be permitted per site.
4. An electronic Reader Board shall comply with the following additional requirements:
 - a. No more than seven messages per minute may be displayed on the sign.
 - b. Except for the changing of the message there shall be no movement (i.e., video, flashing backgrounds, etc.) involved with the message display.
 - c. All lighting shall be done in a manner that will not interfere with commuters' vision. The light intensity shall be programmed for daylight and dark so as not to impact commuters' nighttime vision.

10.07.03 Building (Wall) Signs

- A. Building signs on any single development site in nonresidential zoning districts shall not exceed a total of two square feet per linear foot of the main or entry façade of a building or, where there are multiple building units, for each individual building unit that has an exterior entrance. The exception to that rule shall be in the Downtown Historic District where the total amount of building signs shall not exceed a total of one square foot per linear foot of the main or entry façade or, where there are multiple building units, for each individual building unit that has an exterior entrance.
- B. Each individual building or building unit with an exterior entrance shall be allowed a minimum of 32 sf of building sign area, except the Downtown Historic District, where there shall be a minimum of 24 sf of

sign area. No individual building or building unit shall be allowed more than 500 sf of building sign area, and no single sign shall exceed 300 sf.

- C. Building signs may include wall signs or projecting signs.
- D. Wall signs may be mounted to the wall or to a raceway.
- E. Projecting signs shall not project into the public right-of-way, except in the Downtown Historic District. Signs in the Downtown Historic District may project into a public pedestrian way no more than six feet. Signs projecting over pedestrian ways shall provide a minimum of eight feet vertical clearance.
- F. Signs in the Downtown Historic District may project into an alley no more than six feet. Projections greater than one foot and up to six feet shall be reviewed and approved by the City Engineer to ensure the sign does not cause sight distance issues. Signs projecting over public alleyways shall provide a minimum of 16 ft of vertical clearance.
- G. When determining the allowable exterior sign area for buildings or building units where it cannot be determined which facade is the main or entry facade, the longest single exterior elevation of the building or building unit shall be used.
- H. Historic District. Permanent wall signs for those businesses having no frontage on primary streets may be mounted to the wall of another business in the historic district subject to the approval of the property/building owner of the host building. Said wall signs shall be calculated using the parent structures facade frontage as set out in above and count toward the overall allowable signage of the same. Said wall signs shall not count toward the host building's overall allowable wall signage. In no case shall the wall sign on the host building cover more than 25% of the surface of a building's facade.

§10.08 Temporary Signs

10.08.01 Standards Applicable to All Temporary Signs. Unless provided for otherwise, each of the following conditions shall apply to all temporary signs:

- A. Temporary signs shall not be mounted, attached, affixed, installed, or otherwise secured in a manner that will make the sign a permanent sign.
- B. Temporary signs shall not be illuminated.
- C. No temporary sign shall be installed that requires a foundation, support, wiring, fittings, or elements that would traditionally require a building permit or electrical permit.
- D. Temporary signs as allowed in this Section shall be prohibited on any lot where there is a digital sign permitted.
- E. All temporary signs shall be secured in such a manner as to prevent swinging or other significantly noticeable movement resulting from the wind that could pose a danger to people, vehicles, or structures.
- F. Mobile signs on wheels, runners, casters, parked trailers, parked vehicles, or other temporary or movable signs shall not be permitted unless otherwise specifically stated in this article.
- G. Temporary signs shall be constructed of durable fabric, plastic, paper, or other light pliable material. Because of the nature of materials typically used to construct temporary signs and to avoid the unsightliness of deteriorating signs and all safety concerns which accompany such a condition, temporary signs shall be removed or replaced when such sign is a deteriorated sign.

- H. Temporary signs shall be located outside the public right-of-way, which shall be presumed if the sign is located at least ten feet from the back of curb or the edge of pavement if there is no curb.
- I. No part of any temporary sign shall be erected closer than ten feet to any overhead electric, cable, telephone, or other transmission line nor closer than five feet to any property line.
- J. Temporary signs may be located in a required yard provided that they do not create a visibility obstruction or violate the visibility obstruction regulations established in this chapter.
- K. Pursuant to Section 23-1-6 of the Code of Alabama, it is unlawful to erect or display political signs on any property owned or controlled by the City of Northport or on School Board property. This shall include public rights-of-way, trees, light poles, sidewalks, streets, benches, fire hydrants, public parks or playgrounds, libraries, fire stations, City Hall, and schools.
- L. Temporary signs shall not be placed on utility poles, light poles, or other similar structures.
- M. The general sign standards set forth in Section 803 of this chapter shall apply to temporary signs, unless this Section provides otherwise.

10.08.02 Temporary Yard or Window Signs

- A. The total combined sign area of all temporary signs on any lot shall not exceed 40 sf. No individual temporary sign shall exceed 32 sf in sign area.
- B. On vacant lots that are five acres or larger, the total combined sign area may be increased to a total of 40 sf of temporary sign area along each street frontage and no individual temporary yard [sign] shall exceed 40 sf.
- C. The maximum height of any sign shall be four feet.
- D. No sign permits shall be required for such signs.
- E. The signs shall be limited to temporary yard signs with a maximum height of six feet or temporary signs placed inside a window, facing outdoors.

10.08.03 Temporary Banner Signs. Banner signs are permitted in all nonresidential zoning districts in accordance with the following:

- A. For each building unit, one temporary banner sign with a maximum sign area of 32 sf shall be allowed.
- B. In no case shall any banner sign be located closer than 100 ft from another such banner sign on the same site.
- C. Banner signs shall be located outside of the public right-of-way of any public street and outside of the sight distance triangle of any intersection.
- D. Banner signs shall only be permitted for a period of 30 days per calendar year.
- E. A sign permit shall be required for the installation of a banner sign.

§10.09 Nonconforming, Illegal, and Abandoned Signs

10.09.01 Nonconforming Signs

- A. A nonconforming sign is any sign within the jurisdiction of the Zoning Ordinance of the City of Northport on the effective date of this article or any sign existing within any area added to such jurisdiction after

the effective date of this article, which is prohibited by, or does not conform to the requirements of, these regulations. See also [§10.06 Prohibited Signs](#).

- B. A nonconforming sign may be continued and shall be maintained in good condition as required by these regulations; however, it shall not be:
1. Structurally changed to another nonconforming sign, but the message may be changed provided such changed does not require any structure alterations. For the purposes of this Section, converting a static sign to a digital sign is a structural change;
 2. Structurally altered to prolong the life of the sign, except to meet safety requirements;
 3. Expanded or altered in any manner that increases the degree of nonconformity;
 4. Re-established after damage or destruction if the estimated cost of reconstruction exceeds 50% of the appraised replacement cost as determined by the Planning Director;
 5. Continued if the sign is defined as a temporary sign and has been in use for more than one year following the effective date of this amendment;
 6. Continued in use when a conforming sign or sign structure shall be erected on the same parcel or unit; or
 7. Continued in use when the structure housing the occupancy is demolished or requires renovations the cost of which exceeds 50% of the assessed value of the structure.

10.09.02 Abandoned Signs

- A. Except as otherwise provided in this chapter, any permanent sign that is located on property where the principal building or structure is demolished or removed shall be deemed to have been abandoned. Any abandoned sign shall be prohibited and shall be removed by the owner of the sign or the owner of the property. The frame of an abandoned sign shall not be required to be removed if it conforms to all applicable terms contained in these regulations (including the sign face area for sign replacement yielded by such frame).
- B. Any sign structure which supported an abandoned sign and which structure conforms to all applicable terms contained in these regulations shall be allowed to remain in place. However, in the event a sign structure that supported or supports an abandoned sign is inconsistent with any term contained in these regulations (including the sign face area for sign replacement yielded by the frame), then the sign structure and frame shall be either altered to comply with the terms contained herein or removed by the owner of such structure or property.

10.09.03 Illegal Signs

- A. The following signs shall be considered to be illegal and a violation of the terms of this Article:
1. A sign erected or maintained after the effective date of this chapter inconsistent with the terms contained herein;
 2. A sign that was erected inconsistent with the terms governing location, height, surface area or other regulatory measure applicable at the time of its erection;
 3. An abandoned sign.

- B. Upon determination by the Planning Director that a certain sign is illegal, the Planning Director shall act to remedy the violation, which may include:
1. Causing the issuance of a notice of violation to the individual who owns, is responsible for, or benefits from the display of such sign prescribing the action necessary to make the sign legal and conforming to the terms contained herein or ordering the removal of the illegal sign and also prescribing the time which the individual is afforded to accomplish such action;
 2. The removal of any illegal sign located on public property or on private property located upon public land (such as a private utility pole), including any such sign located within a street right-of-way, in which case the City shall have the right to recover from the individual erecting such a sign the full costs of removal and disposal.
- C. Failure to bring any illegal sign into conformance with the terms contained in this article or any other violation of the terms contained in this article shall be considered a violation of the Zoning Ordinance of the City of Northport and shall be subject to the remedies and penalties provided by such ordinance and by state law.

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ARTICLE 11 NONCONFORMITIES

§11.01 Purpose

- 11.01.01 It is the purpose of this Article to provide for the regulation of nonconforming structures, lots of record and uses, and to specify those circumstances and conditions under which such nonconformities may continue. It is necessary and consistent with the regulations of this Ordinance that nonconformities that adversely affect orderly development and the value of nearby property not be permitted to continue without restriction.
- 11.01.02 Nonconformities are existing uses, lots and structures that were previously lawful, but that do not comply with one or more provisions of this Ordinance on their effective date.
- A. Legally established structures and uses in existence at the time of adoption of this Ordinance are permitted to continue subject to the provisions of this Article.
 - B. Uses that were illegally established prior to the adoption of this Ordinance remain illegal and are subject to penalties and remedies.
- 11.01.03 It is the intent of this Ordinance that legal nonconformities, as described in Paragraph A above, be allowed to continue, but not be enlarged or used as the grounds for additional nonconformities.

§11.02 Definitions

- 11.02.01 Nonconforming Lot of Record. Any validly recorded lot, which, at the time it was recorded, complied with all applicable laws and ordinances, but which does not fully comply with the minimum area, lot width, or street frontage requirements of this Ordinance.
- A. Nonconforming Developed Lot of Record. A lot of record that is occupied by a conforming use but that does not comply with the lot, yard and setback requirements of this Ordinance.
 - B. Nonconforming Vacant Lot of Record. A vacant lot of record that does not contain sufficient land to comply with the lot, yard and setback requirements of this Ordinance.
- 11.02.02 Nonconforming Structure or Development Site. Any structure or development site established prior to the effective date of the regulations with which it does not comply.
- 11.02.03 Nonconforming Use. Any use of land or structures which was legally established prior to the effective date of the regulations with which it does not comply.
- 11.02.04 Nonconformity. Any land use or physical design of development, structure, or lot of record legally established prior to the effective date of the regulations with which it does not comply.

§11.03 Authority to Continue

- 11.03.01 Except as otherwise provided in this Article, any nonconforming lot, use, or structure lawfully existing on the effective date of the regulations with which it does not comply, may be continued so long as it remains otherwise lawful.
- 11.03.02 No nonconformity may be enlarged upon, expanded, or extended unless such alteration is in full compliance with all requirements of this Ordinance, except as noted in this Section. Normal maintenance and incidental repair of nonconformity are permitted, provided that this does not violate any other Section of the Article.

- A. Nothing in this Article is intended to prevent the strengthening or restoration of a structure to a safe condition in accordance with an order of a public official charged with protecting the public safety and who declares such structure to be unsafe, provided that such restoration is not otherwise in violation of the provisions of this Section .
 - B. Nothing in this Article is intended to prohibit routine maintenance, restoration of a structure to a safe condition, or internal renovations, provided the total value of such activities does not exceed 50% of the appraised value of the structure as determined by the Tuscaloosa County Tax Assessor.
 - C. An extension, for the exclusive purpose of providing required off-street parking or loading spaces, involving no structural alteration or enlargement of such structure, does not constitute an expansion of nonconformity subject to the restrictions of this Article.
- 11.03.03 No nonconformity may be moved, in whole or in part, for any distance whatsoever, to any other location on the same or any other lot unless the entire structure thereafter conforms to the regulations of this Ordinance. However, the Board may approve a Special Exception to move a nonconformity to another location on the same lot if such change reduces incompatibility with the use of adjoining properties. Neither the placement nor replacement of manufactured homes for permanent residential use are eligible for such consideration.
- 11.03.04 Regardless of any other provision of this Article, no use or structure which is accessory to a principal nonconforming use or structure may continue after such principal use or structure has ceased or terminated, unless it thereafter conforms to all regulations of this Ordinance.
- 11.03.05 In all cases, establishing the lawful status of any nonconformity is the responsibility of the owner of such nonconformity, not the City of Northport.
- 11.03.06 In the event that a structure or premise occupied by a nonconforming use becomes and remains vacant for a continuous period of six months, the use of same must thereafter conform to the use regulations of this Ordinance, regardless of the intent of the owner or occupant.
- 11.03.07 A development site that is nonconforming by physical design (e.g., insufficient parking, landscaping, setbacks, etc.) may be utilized for any land use permitted at that location. However, any permits for additional floor area or the replacement of any structure on the development site, are contingent upon bringing the entire site into conformity with this Ordinance.

§11.04 Nonconforming Vacant Lots of Record

- 11.04.01 Subject to the provisions of this Section, a nonconforming vacant lot of record may be used for any principal use permitted in the applicable district, provided that for any use which is to be served by an individual well or septic system, the nonconforming lot must comply with the minimum requirements of the Tuscaloosa County Health Department .
- 11.04.02 Appeal to Build on Nonconforming Vacant Lot of Record
- A. A nonconforming vacant lot may be used as a building site for any use permitted in the applicable district provided:
 - 1. Other requirements of this Ordinance are complied with; or
 - 2. Application is made for a variance from applicable requirements that cannot be met.
 - B. A variance for a nonconforming vacant lot of record must conform, as closely as possible to the lot area, yard and building setback and other requirements and:

1. The front setback may not be less than the average of the setbacks of existing buildings within 200 ft on each side of the lot; except, no front yard may be less than 20 ft in any district that requires a front setback greater than 20 ft.
2. At least one side yard may not be reduced to less than ten feet in width and the other side yard not less than five feet in width unless the district requires lesser side setbacks.
3. The rear setback may not be less than 20 ft.
4. No more than one principal use and building may be allowed on a nonconforming vacant lot of record.

§11.05 Nonconforming Developed Lot of Record

Expansion of Conforming Use. Provided a proposed use is permitted in the applicable district, the use or structure may be expanded, in accordance with all other requirements, within the buildable area defined by this Ordinance.

§11.06 Nonconforming Uses of Structures

- 11.06.01 Structures and related uses lawfully existing on the effective date of the regulations with which they do not comply may continue subject to the following conditions. Any construction, improvement to land or change in use not in compliance with the applicable regulations of this Ordinance and that occurs after the effective date of such regulations is a violation of this Ordinance and may not be continued.
- A. The expansion of nonconforming use within an existing structure is allowed provided the use will be expanded in a space contiguous with the existing use. The expansion is limited to within the existing structure. A nonconforming use may not be expanded or relocated, in whole or part, to a non-contiguous part of a structure. All required on-site improvements, such as parking, loading and landscaping must be provided before the use is expanded within the building.
 - B. A nonconforming use of land or structures that is changed to a conforming use may not revert to a nonconforming use. A nonconforming use of land or structures may not be changed to another nonconforming use unless the Board determines, through consideration of a Special Exception, that the proposed use will be more compatible with adjoining uses. In such case, the use may not revert to the previous nonconforming use nor any other nonconforming use that is less compatible with adjoining uses.
 - C. A nonconforming structure and related use may not be enlarged, intensified, or altered in a manner that increases the nonconformity, but may be altered to decrease the nonconformity.

§11.07 Construction Prior to Amendment of Zoning Ordinance

- 11.07.01 Nothing in this Ordinance is intended to require a change in plans, construction, use or occupancy of land or structures on which construction was lawfully begun and has been diligently continued prior to the effective date of any regulation herein that would make the use, structure or occupancy nonconforming. Refer to [§1.05 Transitional Rules](#).

§11.08 Repair and Restoration of Nonconforming Structures

A nonconforming structure or use may not be rebuilt or restored except in conformance with the provisions of this Ordinance after being damaged by any means to the extent of 50% or more of the

appraised value at the time the damage occurred. If a nonconforming structure is damaged less than 50% of its appraised value at the time of damage it may be rebuilt or restored and used provided the rebuilding or restoration is started within six months following the date of such damage and that restoration work is diligently continued. A request for extension of the start of rebuilding or restoration may be requested as a Special Exception by the Board, provided said request is made within the initial six-month period.

ARTICLE 12 DEVELOPMENT APPROVAL PROCESS**§12.01 Purpose**

This Article sets forth the procedures required for obtaining development approval within the City of Northport. However, the approval of a development under the provisions of this Article does not imply any variation or waiver of any provisions of the building code, housing code, fire code, or any other applicable code, standard, or regulation adopted by the City of Northport, the State of Alabama, or the United States Government.

§12.02 Subdivisions

Any subdivision, resubdivision, or combining of lots within the City of Northport and within the City's planning jurisdiction, must comply with the Northport Subdivision Regulations.

§12.03 General Development Plan

- 12.03.01 A General Development Plan is required for any Performance Residential Development which requires Conditional Use approval in the applicable district.
- 12.03.02 The General Development Plan must show the entire development site, all component stages or phases, and the overall development concept for the site at build-out. The plan must demonstrate compatibility between adjacent land uses. The plan has two additional purposes: to ensure that required amenities keep a reasonable pace with residential construction in a phased development; and to establish an outer perimeter for the purpose of calculating density and required open space.
- 12.03.03 Submittal requirements for General Development Plan are provided in Appendix A-6.
- 12.03.04 General Development Plans involving subdivisions are reviewed and approved by the Commission prior to or simultaneously with any subdivision plat submitted.
- 12.03.05 The General Development Plan must include a schedule showing density and open space on a cumulative basis upon completion of each phase. All stage or phase plans must be consistent with the approved General Development Plan.
- 12.03.06 Once approved, the General Development Plan becomes a binding condition of development on the site, and subsequent stages or phases of the development must be substantially consistent with it. If the Director finds that any stage or phase plan substantially deviates from the approved General Development Plan, a revised General Development Plan must be approved prior to approval of further site plans or subdivision plats within the development.
- 12.03.07 Any of the following changes constitute a substantial deviation from the General Development Plan:
- A. An increase or reduction in land area of the development.
 - B. An increase in the total number of dwelling units.
 - C. Any reduction of recreation, resource protection, or open space land.
 - D. Proposal of single family attached, duplex, multifamily or zero lot-line development in place of approved single-family detached housing.
 - E. Any significant addition, removal or rearrangement of land uses and streets.

- 12.03.08 General Development Plan approval expires 24 months after granted unless significant progress has been made toward implementation of the development. Such progress must be commensurate with the scale of the project.

§12.04 Site Plan Review

Site plan review is required to ensure that development projects meet the requirements of this Ordinance prior to the issuance of a development permit. It is the intent of this Section that the site plan and design review process be a part of the permit application process, and that the site plan is the instrument by which improvements to the site will be constructed and inspected prior to occupancy of the development.

- 12.04.01 Development Requiring Site Plan Approval. Site plan approval is required for all proposed construction projects, other than detached single-family dwellings, including but not limited to nonresidential development, Performance Residential Developments, manufactured home subdivisions, parking facilities, and infrastructure improvements. This includes clubhouses and other ancillary facilities within a residential subdivision. Site plan approval is required for the subdivision of an existing development site of a type subject to site plan requirements, and/or an expansion, reduction or reconfiguration of any such development type. For any proposal in which these requirements are unclear, the Director determines whether site plan approval is required.

12.04.02 Review of Site Plans

A. The following criteria are used in determining whether to approve a site plan:

1. Completeness of application information as required herein
2. Consistency with adopted policies and standards of the Comprehensive Plan and any other plans adopted by the City
3. Uses permitted on the development site under the provisions of this Ordinance
4. Whether the site plan meets applicable design standards established by this Ordinance and other City regulations
5. Availability and adequate capacity of public facilities and utilities to serve the development, such as roads, sewer, water, schools, solid waste disposal, and fire protection (including access to the site for emergency vehicles)

B. No site plan will be approved that is inconsistent with any applicable requirement of this Ordinance unless a waiver, variance or special exception has been granted.

- 12.04.03 Any request for waivers from the requirements of this Ordinance, except as otherwise provided for landscaping in [§9.10.03 Alternative Compliance](#), must be submitted to the Board in accordance with either [§14.03 Variances](#) or [§14.04 Special Exceptions](#) and as further provided herein.

A. The following standards may be modified through approval of a Special Exception request:

1. reductions of parking requirements above that which may be approved in accordance with [§8.03.03 Administrative Reduction of Required Parking](#).
2. façade treatments, only where buildings in the immediate vicinity are of like design

B. This may be done only upon a specific finding by the Board that such requirements are inappropriate as applied to a particular development site due to its size, proposed use, or location, and that approval of

the Special Exception would not conflict with the intent of this Ordinance or confer upon any property owner a right or privilege denied to other property owners within the same district.

12.04.04 Pre-design Review

- A. A pre-design meeting is required for each site plan. At that time the staff will provide the applicant with guidance regarding the requirements of this Ordinance, and any other regulations which apply.
- B. At the pre-design meeting, the applicant provides the Department with basic information regarding the proposal, including preliminary sketches. This information should form the basis upon which the staff may advise the applicant on the subsequent steps required to gain site plan approval and the information required for formal application.
- C. All requests for waivers or variances should be submitted to the Department at the conference. Upon request, the Department may waive specific site plan information requirements if it is determined that the specific requirements are unnecessary due to circumstances unique to the property, or if the requirements have been previously submitted and approved. Such requirements may be set aside only to the extent that the intents of this ordinance are not violated.
- D. It is the applicant's responsibility to allow adequate time for the pre-design meeting and any other available guidance to have a complete application package submitted and formal review completed before the desired construction start date.

12.04.05 Formal Submission and Review

- A. General requirements for Submission
 - 1. Site plan applications must be submitted through the City website. One copy of the site plan, a completed application form, all other necessary attachments, and requisite application fees must be submitted to the Department to initiate site plan review. Additional copies may be required by staff for review by appropriate state, regional and county agencies. Subsequent submittals for the same application may be in electronic format.
 - 2. Site plans must be prepared and sealed by the appropriate licensed professional in accordance with state and federal law. Full engineering drawings must be submitted by an engineer. In all cases, engineering plans addressing drainage, road construction and other technical aspects of development design must be sealed by a civil engineer. The City Engineer may require additional information as necessary.
 - 3. Site plan applications must be submitted within one year of the pre-design meeting or will be treated as a new submission.
 - 4. Sketch plans and drawings submitted with other zoning-related applications will not be accepted for site plan review unless they are prepared in accordance with this Section and contain all required information.
 - 5. A site plan must accurately show all relevant information about a proposed development to permit it to be reviewed against the requirements of this Ordinance, and to provide a permanent record as to the type and characteristics of development approved on the site.
 - 6. Unless specifically waived by the Director, all of the information specified in the Appendix A-5 must be shown on all site plans. Site plan applications submitted without complete information and fees required herein will not be reviewed.

- B. The Director and other staff review site plans for conformance to this Ordinance and other City regulations. Staff must review and approve or disapprove the site plan within 15 working days after submission of a complete application. When a site plan is disapproved, the reason for the disapproval is provided in writing to the applicant within 15 working days of the first submittal of a complete site plan. When a revised Site Plan is submitted, approval or disapproval, including reasons for disapproval, if applicable, is provided in writing to the applicant within eight working days. Failure of the Department to approve or disapprove a Site Plan within the time periods herein does not constitute approval of the Site Plan as submitted nor waive any requirement in this Ordinance.
- C. Nothing contained herein precludes the Department from accepting for review and processing building construction plans for structural, mechanical, electrical, and plumbing systems prior to site plan approval, subject to such conditions as may be established by the Department relative to processing of site plans prior to final approval. However, in no case may any development permit be issued until the site plan has been approved.

12.04.06 Approval of Site Plans

- A. Site plans are approved or disapproved by the Director and City Engineer. Approved plans are signed electronically and transmitted accordingly to the applicant.
- B. If approved with conditions, the Department will indicate the nature of the conditions to the applicant in writing.
- C. Upon approval of a Site Plan, one print copy, and any additional copies as may be required by the City, of the approved site plan must be submitted to the Department prior to issuance of a development permit.

12.04.07 Effect of Site Plan Approval

- A. Upon final approval of a site plan, no structures, uses, or development of any kind will be permitted on the site except in accordance with the site plan and related approved plans for development phasing, building construction, grading, drainage, and other site design elements.
- B. Approved site plans remain valid for 18 months after final approval, and a building permit for the development must be obtained during that time period. The Director may make an extension of site plan approval for a single period up to six months from the date when a site plan would otherwise expire. An extension may be granted only if the Director concludes that the applicant has proceeded with due diligence and in good faith, and that conditions have not changed substantially so as to warrant a new application. All such requests for extensions must be submitted in writing not less than 30 days before the expiration of the approved site plan stating the reason for the time extension request.
- C. Requests for extensions in excess of six months will not be granted. Instead, the applicant must submit a new application for Site Plan Review.
- D. All building and construction permits issued for any project requiring site plan review must be consistent with the approved site plan. Site plan approval may not be construed, under any circumstances, to waive or otherwise diminish the applicable City requirements for construction or installation of structures or materials. Whenever a conflict between the approved site plan and such construction requirements occurs, the more restrictive, or that requiring the higher standard, prevails.

12.04.08 Modification or Termination of Site Plans

- A. Any modification of an approved site plan must be submitted and approved by the Director.

- B. In the event of a change to these regulations, approved site plans and site plans for which a pre-design meeting has been held are subject to the regulations in effect at the time of approval or the pre-design meeting, respectively, in accordance with [§1.05 Transitional Rules](#).
- C. The applicant may cancel the site plan at any time between approval and expiration by submitting a written request to the Director.

12.04.09 Integration of Other Review Procedures. Any site plan to be built in stages or requiring variance, special exception or conditional use approval must be coordinated as set forth below:

A. Development Built in Stages

- 1. As part of the site plan application, the developer must submit a proposed stage plan, including a schedule for completion of all improvements. If any performance residential uses, a General Development Plan pursuant to [§12.03 General Development Plan](#) is also required. Once a stage plan has been approved, no land may be used and no building may be occupied except in accordance with such plan. At the Director's discretion, a new site plan may be required for each successive stage of the development.
- 2. Stage configurations must be logical and consistent with the purposes of this Ordinance. If appropriate, the Director may require that any or all portions of required landscaping and buffers be provided during the first stage of development, even though some buffers or portions thereof lie outside the stage. Each stage, at a minimum, must include adequate parking, drainage facilities, landscaping, and all other features needed to serve that portion of the total development.
- 3. Prior to approval for construction of any one stage, an engineering stage plan must be submitted to and approved by the City Engineer. This plan must address site grading, erosion control, stormwater management, internal traffic circulation, and any other design elements required by the City Engineer.
- 4. In approving a stage plan, the approving authority may specify certain site improvements to be provided at a percentage rate exceeding that of construction of the overall development. These may be elements of engineering design or requirements of this Ordinance, including, but not limited to parking, drainage facilities, erosion control measures, landscaping and buffers. Where the applicant has agreed to provide off-site improvements, such as traffic signals, turn lanes, and sewer lines, the approving authority may require such improvements to be in place upon completion of any stage of the development.

- B. Variance. Those developments requiring a variance in conjunction with Site Plan Review must have the variance approved prior to site plan approval. This includes existing development sites, proposed for expansion or reconfiguration, which are nonconforming to any requirement of this Ordinance. The site plan may be reviewed concurrently with review of the variance request, but the site plan may not be approved until the variance has been approved.

- C. Conditional Uses. For developments requiring approval of a conditional use, the site plan may not be approved until the Council has acted on the Conditional Use. However, a site plan and a conditional use request may be processed concurrently.

12.04.10 Non-Compliance. Failure to comply with an approved site plan or any of the conditions upon which such approval was contingent, including time limits for performance, is cause to deny issuance of a building permit or, where a building permit has been issued pursuant to an approved site plan, to render such permit invalid and is cause to deny a certificate of occupancy. Any action, construction, development or

use of property undertaken in violation of the provisions of this Section for a site plan constitutes a violation of this Ordinance and may be subject to a stop-work order.

12.04.11 Development Site to Be Unified

A. Internal Division of Ownership

1. Except as provided in this section, the development site must remain unified by title under one owner, or by multiple owners holding a percentage interest in the site as a whole. Where a development site consists of two or more existing lots under the same ownership, all such lots must be combined in accordance with the Subdivision Regulations prior to final approval of the site plan.
2. Where spatial division of ownership within a development site is proposed, the owners of all component properties must accept the following conditions in receiving site plan approval:
 - a. No individual property will be used or developed in any way that is not consistent with the approved site plan.
 - b. Development rights on each parcel are combined with those of the balance of the development site, and the City will consider no separate development proposals unless the development site can be divided in accordance with the provisions of this Ordinance.
 - c. No parcel of land within a development site may be subdivided, sold or otherwise conveyed for the purpose of new development that is not authorized under the approved site plan.
3. All owners of property within the development site must authorize one person, designated as the applicant, to represent them collectively before the approving authority in all matters related to the site plan. In the event the designated applicant is not an owner of the subject property then a notarized "Authorization to Act as Applicant" must be completed and signed by the owners.

- B. Development Site to Be Complete. The development site must be designed to provide all required amenities and facilities, including buffers, open space, and landscaping. Except where otherwise allowed by this Ordinance, no such required features nor accessory structures, accessory uses, nor storage, may be located off-site or on adjacent properties which are leased, rented, or otherwise proposed for use on an informal basis.

12.04.12 Design Review Standards

A. Site Standards. The standards for site plans listed below are intended as minimum requirements.

1. All proposed development must meet or exceed the requirements of this Ordinance, the Subdivision Regulations and any other City ordinance as may pertain to such developments, as well as the Americans with Disabilities Act.
2. Traffic and Access
 - a. Site plans must comply with the applicable requirements of the Engineering Design and Construction Manual and provide all necessary information to determine such compliance.
 - b. Applications must state the estimated increase in vehicle trips per day to the subject property which would be generated by the proposed development. Further, the applicant must also provide for the necessary engineering studies needed to determine that entrances and exits onto public streets do not unduly increase congestion or traffic hazards to the public streets and the proposed site. Such requirements for engineering studies may be waived by the Department where the proposed use is

not expected to contribute substantially to traffic and the spirit of this Ordinance is not unduly compromised.

- c. Entrances, internal streets, drives, and driveways must be constructed to accommodate anticipated traffic flows after the development is complete. Preparation of plans and specifications are the responsibility of the applicant.
 - d. Applicants may be required to install, at their own expense, turn lanes, traffic signals, signs, and other improvements necessary to handle the increased traffic and potential traffic hazards.
- 3. The proposed development must be in accordance with the Erosion Control Ordinance.
- 4. Lighting facilities and lighted signs must be placed and shielded in such a manner, and of such a height and intensity, as not to cause direct light to shine on other properties to the extent a public nuisance is created or a safety hazard is created on a public street. See also [§3.11 Lighting](#).
- 5. To the greatest extent possible, utilities must be placed underground, unless the applicant can demonstrate that it is not practicable in the particular location.
- 6. The proposed development must be designed to prevent danger from fire, explosion, or other safety hazards to the general public, and the persons residing or working on surrounding property.
- 7. Loading docks, garbage collection areas and similar facilities and functions should to the greatest extent possible, be incorporated into the overall design of the building and the landscaping, so that the visual and acoustic impacts of these functions are fully contained and are not visible from adjacent properties or public streets. In the event that the collection areas enclose dumpsters or other equipment, screening must be provided as required in [§9.06 Screening](#). Screening materials should be consistent with the principal materials of the building and landscaping.
- 8. Applicants may be required to install, at their own expense, sidewalks and half-street improvements as specified in the Subdivision Regulations or the Engineering Design and Construction Manual.
- B. Architectural guidelines. The following guidelines are intended to promote the health, safety and welfare of citizens. For site plans requiring Special Exception or Conditional Use approval, these guidelines may be supplemented or superseded by the approving authority by specific design guidelines applicable to specific uses or portions of the City as set out herein.
 - 1. Height and massing
 - a. Multifamily, commercial and office structures must be designed to be compatible and consistent with the architectural style and character of single-family dwellings in the immediate vicinity.
 - b. Lengthy unbroken facades should be avoided. As a general guide, the maximum horizontal length of an unbroken facade plane should be 50 ft in residential districts, and 75 ft in commercial and office districts.
 - c. Buildings on corner lots must be considered more significant structures, due to the fact that they have at least two front facades visibly exposed to the street. It is strongly encouraged that such buildings be designed with additional height and architectural embellishments, such as corner towers, relating to their location.
 - d. Buildings should be located to front towards and relate to public streets, both functionally and visually, to the greatest extent possible.

2. Roofs

- a. The pitch and style of roofs should be consistent with that of surrounding structures. Generally, pitched roofs should project enough beyond the facade to cast a shadow and be of a color which would be consistent and compatible with the color and materials used on the building.
- b. Architectural embellishments which add visual interest to roofs, such as dormers, belvederes, masonry chimneys, cupolas, clock towers and other similar elements are strongly encouraged.
- c. Mechanical equipment should be concealed from public streets within the volume of the roof or enclosed within penthouse structures or screening that will substantially eliminate visibility of the equipment from public streets.

3. Facades

- a. Front facades should be architecturally emphasized through fenestration, entrance treatments and details. Architectural elements such as doorways, dormers, gables, and porches should be used to effectively articulate facades and reduce the scale of larger structures. Diverse architectural treatments should be integrated to avoid a cluttered appearance.
 - b. Materials such as brick, stone and wood are preferred. Developers are encouraged to vary materials from building to building while limiting the number of different materials on any individual structure. In all instances the use of loud, garish colors on exterior façade materials shall be prohibited.
 - c. The architectural treatment of the front facade should be continued, in its major features, around all sides of a building that are visible from a public street. It is recommended that all sides of a building should be architecturally designed to be consistent with regard to style, materials, colors and details. Blank wall or service area treatment of side and/or rear elevations, visible from a public street is discouraged.
 - d. Fenestration should be architecturally compatible with the style, materials, color and details of the building. Windows should be vertically proportioned wherever possible. To the greatest extent possible, upper story windows should be vertically aligned with the location of windows and doors on the ground level, including storefront or display windows.
 - e. Blank, windowless walls are discouraged. If necessitated by local building codes, the wall should be articulated by the provision of blank window openings trimmed with frames, sills and lintels.
 - f. Each principal commercial building should have a highly visible customer entrance. All entrances to a building should be defined and articulated by architectural elements such as lintels, pediments, pilasters, columns, porticos, porches, overhangs, railings, balustrades and other similar elements. Any such element utilized should be architecturally compatible with the style, materials, colors and details of the building as a whole, including the doors.
- C. Material Standards. For buildings in C-2, C-3, C-6, M-1 and M-2 Districts, see [§5.01.03 Material Standards](#). For buildings in Special Districts, Corridor Overlay District and Downtown Core Districts, refer to the applicable sections in [Article 6](#).
- D. Parking. See [Article 8 Parking and Loading](#).
- E. Landscaping. See [Article 9 Landscaping](#).
- F. Signage. See [Article 10 Signs](#).

§12.05 Conditional Uses**12.05.01 Purpose**

- A. Upon submission of a request for conditional use approval, a review of the location, design, configuration, and impact shall be conducted to determine whether the proposed use would have a detrimental impact on neighboring properties. The review considers the proposal in terms of:
1. existing zoning and land use in the vicinity of the use
 2. planned and proposed public and private developments that may be adversely affected by the proposed use
 3. whether and to what extent the use at the particular location for which it is proposed is consistent with the intent of the Zoning Ordinance and any other development policies or regulations of the City of Northport
 4. whether and to what extent all steps possible have been taken by the developer to minimize any adverse effects of the proposed use on the immediate vicinity and on the public health, safety, and welfare in general.

12.05.02 Procedures

- A. Applications for a conditional use permit must be approved prior to application for a building permit. A subdivision plat or a site plan meeting the Conditional Use submittal requirements in the Appendix A-6 must be submitted with conditional use applications. Site plan or subdivision approval may not be granted prior to or contingent upon conditional use approval.
- B. Conditional use applications are processed as follows:
1. Applications must be submitted to the Department in accordance with the schedule posted by the City to be placed on the agenda for the next regularly scheduled Commission meeting.
 2. A public hearing will be held by the Commission after adjoining property owners have been notified of the hearing by certified mail. Signs announcing the public hearing may be placed on the property in question.
 3. The Commission will recommend disapproval if it finds that the application and record fail to establish compliance with the standards of this Ordinance or if the adverse impacts of the development, despite any mitigating conditions that might be imposed, outweigh any public or private benefits of the proposal and require denial in the interest of the overall public health, safety, and welfare.
 4. To prevent or minimize adverse effects on other properties in the neighborhood and on the general health, safety, and welfare of the City, the Commission may recommend conditions on approval as it determines are required by the general purposes, goals, and objectives of this Ordinance.
 5. Within 30 days of the hearing on the application, unless an extension of time is agreed to by the applicant, the Commission must submit its recommendation to the Council, either to approve, approve with conditions, or deny the conditional use request. Failure of the Commission to act within this time period is considered a recommendation for approval. The Commission will render to the Council its recommendation to approve, approve subject to conditions, or deny the conditional use.

6. If the Commission recommends disapproval or fails to vote on the application within the time period established herein, it is the responsibility of the applicant to request the application be submitted to the Council for final decision.
7. Following a public hearing, the Council will either approve or disapprove the application and establish the specific conditions under which the application is approved, if applicable.
8. All conditions imposed upon any conditional use approval, except those which are otherwise stated in this Ordinance, must be expressly set forth in the ordinance granting approval of the conditional uses.
9. In the event such permit is not approved or if approved subject to conditions that are not acceptable to the applicant, the applicant may appeal the Council's decision in accordance with State law.

12.05.03 Applicability of Conditions. The violation of any condition contained in a conditional use permit is a violation of this Ordinance.

12.05.04 General Use Standards. No conditional use may be approved unless the Council finds that the proposed use will be appropriate in the location for which it is proposed. This finding will be based on the following criteria:

- A. The proposed use must be in harmony with the general purpose, goals, objectives, and standards of this Ordinance, or any other plan, program, map, or ordinance adopted, or under consideration pursuant to official notice, by the City.
- B. The proposed use at the proposed location will not result in a substantial or undue adverse effect on adjacent property, the character of the neighborhood, traffic conditions, parking, public improvements, public sites or rights-of-way, or other matters affecting the public health, safety, and general welfare; either as they now exist or as they may in the future be developed as a result of the implementation of provisions and policies of this Ordinance, or any other plan, program, map, or ordinance adopted, or under consideration pursuant to official notice, by the City or other governmental agency having jurisdiction to guide growth and development.
- C. The proposed use will be adequately served by and will not impose an undue burden on any of the improvements, facilities, utilities, and services specified in this subsection. Where any such improvements, facilities, utilities, or services are not available or adequate to service the proposed use in the proposed location, the applicant must, as part of the application and as a condition of approval, establish ability and commit to provide such improvements, facilities, utilities, and services in sufficient time and in a manner consistent with this Ordinance, and other plans, programs, maps, and ordinances adopted by the City to guide its growth and development.
- D. The Council may attach to any conditional use approval, additional criteria dealing with landscaping, buffers, parking, lighting, building materials, or any other aspect of site plan approval they deem necessary to mitigate the impact of the proposed use on the surrounding property. The violation of any condition lawfully attached to an approved conditional use is considered a violation of this Ordinance and is subject to applicable fines and penalties.

12.05.05 Conditional Use Approval to Run with Land. Conditional use approvals are issued for uses of land and may be transferred from one owner of the land to another. All conditions placed on said approval, including specific use types, apply to any new owner or developer. Any change to plans or uses by any owner will, at the recommendation of the Director, require re-approval through the normal approval process for Conditional Use.

§12.06 Building Permit, Certificate of Occupancy**12.06.01 Building Permit**

- A. It is unlawful to commence any construction activity, including but not limited to excavation for the construction of any structure; demolition of any structure; storage of building materials; erection of temporary field offices; or the moving or alteration (except as otherwise allowed for minor repairs, painting, wall papering and similar work not altering the structure) of any structure; until the Building Official has issued for any and all such work a building permit. Application for building permits must be made to the Building Official on forms provided for that purpose and supplemented with appropriate plans and specifications to demonstrate proposed compliance with the Ordinance.
- B. Permits for any new use or construction that will involve the on-site disposal of sewage or waste, for a change in use or an alteration that will result in an increased volume of sewage or waste to be disposed of on the site, or which requires the County Health Department's approval may not be issued until said approval has been issued by said Health Department.

12.06.02 Certificate of Occupancy

- A. No land or building may be occupied or used in whole or in part for any use whatsoever until a certificate of occupancy has been issued by the Building Official, indicating that the building or use complies with all applicable requirements of this Ordinance, the building code, and other applicable codes and regulations.
- B. Certificates of occupancy may not be issued until the premises in question have been inspected and found by the Department to comply with the requirements of this Ordinance.
- C. Certificates of occupancy may not be issued unless required landscaping and buffers have been installed or appropriately bonded.
- D. The issuance of a certificate of occupancy in no way relieves any recipient thereof from compliance with all of the terms of this Ordinance and all other applicable regulations.
- E. Whenever a temporary Certificate of Occupancy is issued, failure to meet any and all conditions upon which the temporary certificate was issued is a violation of this Ordinance.

§12.07 Fees

A schedule of application fees for site plan approval, and other permits and public hearings required under this Ordinance are established by separate ordinance.

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ARTICLE 13 ADMINISTRATION AND ENFORCEMENT**§13.01 Enforcing Official**

The provisions of this Ordinance are administered and enforced by the Director. This official has the right to enter upon any premises at any reasonable time prior to the issuance of Certificate of Occupancy for the purpose of making inspections of buildings or premises necessary in carrying out their duties in the enforcement of this Ordinance.

§13.02 Interpretations

13.02.01 Purpose. This section establishes the method for clarifying ambiguities in the text of this Ordinance and the zoning map.

13.02.02 Authority. The Director may, subject to the procedures, standards, and limitations set forth in this Section, render interpretations of any provision of this Ordinance and the various uses in any district not expressly mentioned in this Ordinance.

13.02.03 Procedure

- A. Written Request for Interpretation. Except as provided below, a request for interpretation of any provision of this Ordinance or the zoning map must be submitted in writing to the Director. Each such request must set forth the specific provision to be interpreted, the facts of the specific situation giving rise to the request for an interpretation, and the precise interpretation claimed by the applicant to be correct.
- B. Application for Use Interpretation. Applications for a use interpretation must be submitted to the Director and must contain the information listed in the Appendix A-7.
- C. Within 30 days following the receipt of a complete application, a written interpretation is provided to the applicant within 30 days of. The specific precedent, reasons, and analysis on which such interpretation is based will be stated. The Director may refer interpretation requests to the Board for review and interpretation.
- D. The Director keeps a copy of each such interpretation on file and available for public inspection.
- E. Appeals on interpretations rendered by the Director may be taken to the Board as provided in [§14.02 Administrative Appeals](#).

13.02.04 Conditions on Use Interpretations. The following conditions govern use interpretations by the Director and by the Board, if the Director's decision is appealed:

- A. No use interpretation may permit any use in a particular district unless such use is substantially similar to other uses permitted in such district. If the proposed use is interpreted to be more similar to a conditional use than a permitted use in the applicable district, then it may only be approved as a conditional use in accordance with [§12.05 Conditional Uses](#).
- B. No use interpretation may allow the establishment of any use that was previously considered and rejected by the Board.
- C. No use interpretation may permit a use that is interpreted to be more similar to a use prohibited in the district than to a permitted or conditional use.

- D. No use interpretation may permit any use in any district unless evidence is presented demonstrating that it will comply with the use limitations applicable to the use to which it is interpreted to be most similar.

13.02.05 Any use permitted pursuant to this Section must fully comply with all requirements and standards imposed by this Ordinance.

13.02.06 Effect of Favorable Use Interpretation. No use interpretation finding a particular use to be permitted or conditionally permitted in a specific district authorizes the establishment of such use or the development, construction, reconstruction, alteration, or moving of any structure, but merely authorizes application for any permits and approvals required by the City or other governmental agencies having jurisdiction.

13.02.07 Limitations on Favorable Use Interpretations. No use interpretation finding a particular use to be permitted or conditionally permitted in a specified district supersedes any subsequent amendment to this Ordinance that differs from such interpretation.

§13.03 Amendments

13.03.01 This Ordinance may be amended from time to time as follows:

- A. Initiation Procedures. A proposed change to zoning district boundaries or of regulations may be initiated by the Council, the Commission, the Director or by petition of an owner or their authorized agent, of property within the area proposed to be changed.

1. Requests to rezone any property, or to change or modify the requirements imposed on a particular piece of property by the text and maps of this Ordinance, including requests for variances and conditional use permits, may be initiated by the City or by the owner of the subject property sought or their assigns.
2. In the case where the applicant is not the owner of the subject property, the applicant must secure a notarized authorization from the property owner to act as applicant and a copy of the deed for the property.
3. For property owners or their authorized agents, application for an amendment to this Ordinance or the Zoning Map must be made on forms furnished by the Department and must include a proper legal description of the subject lot or tract, if applicable. All required fees and any other information requested by the Director must be submitted with the application.

- B. Text Amendments. Any request to amend the text of this Ordinance must state the article, section, subsection, and paragraph sought to be amended and must contain the language of the proposed amendment and the reasons for such proposed change.

- C. Map Amendments

1. When a development proposal involves approval of a development plan or subdivision plat in addition to a zoning map amendment, no development plan or subdivision plat approval may be granted prior to approval of the map amendment. If a development plan or subdivision plat and a corresponding request for map amendment are to be addressed at the same public hearing, the Commission must render its recommendation on the map amendment before considering such development plan or subdivision plat. Such decision must be based on the policies and guidance of the Comprehensive Plan, the requirements of this Ordinance and the full range of uses permitted in the requested district, and not solely on the specific development concept proposed by the applicant.

2. Any property annexed into the City will be assigned a zoning classification by the City Council, after a recommendation from the Commission, compatible with the intent of the Comprehensive Plan taking into consideration the existing use and zoning of adjoining land.
- D. Public Hearing. Upon application, the Commission will conduct a public hearing on the proposed amendment after giving notice as required by law. The Commission considers and makes recommendations on all proposed amendments, taking into account:
 1. the testimony at the hearing
 2. a site inspection of the property in question
 3. the Comprehensive Plan
 4. the standards of §13.03.02 below.

13.03.02 Standards for Map Amendments

- A. No request, other than those made by the City, for a change in zoning classification or creation of a separate district will be considered which involves an area of less than two acres, except in the following cases:
 1. The extension of existing district boundaries
 2. The addition of O-I or C-2 zoning contiguous to existing commercial, mixed-use or manufacturing zones
 3. The zoning of an existing lot proposed to be annexed and surrounded by unzoned property.
- B. No rezoning of land to a Manufacturing District may be approved except on a specific and documented finding that:
 1. There is an inadequate supply of land zoned for these uses or the proposed use cannot be accommodated by those sites due to lack of transportation, water, or sewer, or that the market area to be served by the proposed use cannot be efficiently served by the location of existing Manufacturing Districts.
 2. Roads, floodplains, or other existing or planned features will ensure sufficient buffering to protect surrounding land and uses from the negative impacts of the proposed industrial use.

13.03.03 Report of the Commission

- A. The Commission will make a report to the Council regarding the proposed amendment, including findings on each of the following matters based on the evidence presented to it:
 1. The proposed amendment's ability to uphold the policies of the Comprehensive Plan.
 2. The suitability of the property in question for the uses permitted under the proposed zoning.
 3. The adequacy of public facilities and utilities.
- B. The Commission may not recommend the adoption of a proposed amendment unless it finds that the amendment is in the public interest and not solely for the interest of the applicant.
- C. Within 60 days of the hearing on the application, unless an extension of time is agreed to by the applicant, the Commission must submit its recommendation to the Council. Failure of the Commission to act within this time period is considered a recommendation for approval.

13.03.04 Council Action

- A. Proposed amendments are considered by the Council only after receipt of the Commission's recommendation and only after holding a public hearing on the matter.
- B. No amendment may be passed except by a majority vote of the members of the Council present.

13.03.05 Limit On Initiation of Amendment Applications. No action may be initiated for an amendment to this Ordinance affecting the same parcel of land until six months has elapsed from the date of the previous Council decision, unless specifically authorized by the Council on the grounds that the circumstances relevant to the amendment request have changed significantly since the prior hearing.

§13.04 Penalties

- 13.04.01 Any violation of any provision of this Ordinance constitutes a Class C misdemeanor. Each day such violation continues, after due notice to discontinue such violation, is considered a separate offense. Any and all parties who commit, participate in, assist in, or maintain such violation may each be found guilty of a separate offense and suffer the penalties herein provided. Nothing herein contained prevents the City from taking such other lawful action as is necessary to prevent or remedy any violation.
- 13.04.02 Any person found to be in violation of this Ordinance shall, upon conviction, be subject to the penalty provisions prescribed in the General Penalty section (section 1-6) of the City Code, subject to the requirements for issuance of citations in section 2-267 of the City Code.

ARTICLE 14 BOARD OF ADJUSTMENT**§14.01 Duties and Powers**

14.01.01 The Board heretofore established is continued and is appointed as provided in §11-52-80 of The Code of Alabama, 1975, as amended. No member of the Board may vote upon any matter in which he or she, a spouse or a dependent has a direct interest. No member of the Board may vote upon any matter involving a business with which he or she, a spouse or dependent has any interest or ownership. The Board has the following powers and duties:

14.01.02 Powers

- A. The Board hears and decides appeals from decisions of the Director. See [§14.02 Administrative Appeals](#).
- B. The Board hears and decides all petitions for variances. See [§14.03 Variances](#).
- C. The Board hears and decides all petitions for special exceptions. See [§14.04 Special Exceptions](#).

§14.02 Administrative Appeals

Appeals to the Board may be taken by any person aggrieved or affected by any decision or order issued by the Director in enforcing the provisions of this Ordinance.

14.02.01 General Rules and Procedures

- A. Any appeals from the rulings concerning the enforcement and interpretation of this Ordinance must be filed with the Director within 15 days after the date of said ruling. All appeals must be in writing on forms prescribed by the Board and accompanied by fees prescribed by the Council along with any additional information requested by the staff.
- B. All appeals and applications must refer to the specific provisions of this Ordinance involved and the grounds for the appeal.
- C. The Board will select a reasonable time and place for hearing the appeal, give due notice to the parties involved and render a written decision on the appeal without unreasonable delay. The Board may affirm, reserve, wholly or in part, or modify the order, requirement or determination, and to that end has all the powers of the officer from whom the appeal is taken. The Planning and Inspections Department maintains complete records of all appeal actions of the Board.
- D. Within ten days after the close of a public hearing on the appeal, the Board will render a written decision giving the reason for its decision.
- E. In rendering a decision on an administrative appeal, the Board strictly interprets the language of the Ordinance and must find that the official was correct in their decision or in error. Should the Board find that the interpretation, decision or action was in error, they must provide the correct interpretation, decision or action. The Board may not render a decision that confers rights or privileges on the appellant that are not otherwise permissible under the strict interpretation of the language of this Ordinance.
- F. Board decisions are submitted to the appellant and the Director.

§14.03 Variances

14.03.01 Purpose. The purpose of this Section is to empower the Board to vary or adapt the strict application of any of the requirements of this Ordinance, where, by reason of exceptional narrowness, shallowness, or shape; or by reason of other exceptional conditions on a piece of property, the strict application of any regulation of this Ordinance would result in peculiar, exceptional, and undue hardship on the owner's use of such property.

14.03.02 Procedure

- A. Any property owner may apply to the Board for a variance on forms obtained from the Department. Applications must be submitted by noon on the date of the applicable deadline for the meeting at which it is to be heard. All required fees and any other information requested by the Director must be submitted along with the completed application.
- B. Those developments requiring a variance in conjunction with site plan review must have the variance approved prior to approval of the site plan. This includes existing development sites proposed for expansion or reconfiguration that are nonconforming to any requirement of this Ordinance. The site plan may be reviewed concurrently with review of the variance request, but the site plan may not be approved until the variance has been approved.
- C. Public Hearing. Upon application, the Board will schedule a public hearing on the proposed variance to be held after public notice has been provided, as required by law. Within ten days after the close of the public hearing on a variance, the Board renders a written decision, setting forth its findings of fact and the reasons for such decision. All such decisions are final and binding on all parties.

14.03.03 Standards for Variances

- A. The Board will grant no variance unless it finds that the following standards are satisfied. It is the intent of this Ordinance that the variance be used only to overcome some exceptional physical condition of a parcel of land which poses practical difficulty to its development and prevents its owner from using the property as intended by this Ordinance.
- B. The applicant must prove that the variance will not be contrary to the public interest and that practical difficulty and unnecessary hardship will result if it is not granted. In particular, the applicant must establish and substantiate in writing that the requested variance conforms to all standards listed below:
 - 1. The granting of the variance will be in harmony with the general purpose of the regulations imposed in the applicable district and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.
 - 2. The granting of the variance will not permit the establishment of any use that is not permitted in the district.
 - 3. There must be proof of unique circumstances. There must exist special circumstances fully described in the findings, applicable to the land or buildings for which the variance is sought, which circumstances or conditions are peculiar to such land or buildings and do not apply generally to land or buildings in the district, and which circumstances are such that the strict application of the provisions of this Ordinance would deprive the applicant of the reasonable use of such land or building.
 - 4. There must be proof of unnecessary hardship. It is not sufficient proof of hardship to show that greater profit would result if the variance were granted. Furthermore, the hardship complained of cannot be self-created; nor can it be established on this basis by one who purchases with or without knowledge of

the restrictions. It must result from the application of this Ordinance. It must be suffered directly by the property in question; and evidence of other variances granted under similar circumstances may not be considered.

5. The granting of the variance is necessary for the reasonable use of the land or building and the variance as granted by the Board is the minimum variance that will accomplish this purpose.
 6. The proposed variance will not impair an adequate supply of light and air to adjacent property, substantially increase the congestion in the public streets, increase the danger of fire, endanger the public safety, or substantially diminish or impair property values within the adjacent neighborhood.
 7. The granting of the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands or structures in the same district.
- C. The Board may prescribe any condition that it deems necessary to secure substantially the objectives of the provisions to which the variance applies. Violations of conditions lawfully attached to any variance approval are considered violations of this Ordinance and are subject to applicable fines and penalties.

§14.04 Special Exceptions

- 14.04.01 Purpose and Application. The purpose of the section is to empower the Board to approve special exceptions as provided for in the Ordinance. Hardship is not a requirement for special exceptions, but applicants must comply with all other requirements and any appropriate conditions for approval imposed by the Board to comply with the intent of this ordinance.
- 14.04.02 The Board reviews requests for special exceptions for compliance with this Ordinance and all other applicable codes and ordinances of the City. The Board must determine that satisfactory provisions have been made concerning the following, among other considerations of this Ordinance:
- A. Access to and from the property and the proposed structure and/or uses, with particular attention to vehicular and pedestrian safety and convenience, traffic flow and control, and emergency access.
 - B. The location and accessibility of off-street parking and loading areas.
 - C. The location and accessibility of refuse and service areas and their potentially adverse effects upon surrounding properties.
 - D. The screening and buffering of potentially adverse views and activities from surrounding properties.
 - E. Control of noise, glare, odor, surface water runoff, and other potentially disturbing impacts upon surrounding properties.
 - F. The availability, location, and capacity of utilities.
 - G. The location and scale of signs and lighting with particular reference to traffic safety, glare, and visual compatibility with surrounding properties.
 - H. The bulk, density, and lot coverage of structures, and yards and open areas, with reference to their compatibility with the character of the surrounding area.
- 14.04.03 The Board may impose conditions for approval that it deems necessary in the particular case to protect the public interest and the intent of this Ordinance in relation to the items listed above and as may otherwise be reasonably necessary. Such conditions apply to the land, structure, and use for which the special exception is granted and not to a particular person. Violations of conditions lawfully attached to

any special exception are considered violations of this Ordinance and are subject to applicable fines and penalties.

- 14.04.04 Public Hearing. Upon application, the Board will schedule a public hearing on the proposed special exception to be held after public notice has been provided, as required by law. Within ten days after the close of a public hearing, the Board will render a written decision, setting forth its findings of fact and the reasons for such decision. All such decisions are final and binding on all parties.

§14.05 Decisions

- 14.05.01 All decisions rendered by the Board are final and binding on all parties. No appeal request will be reheard, and no further application will be accepted, once a decision has been given, except under one or more of the following conditions:
- A. New evidence or information pertinent to the request has been discovered which was not available to the applicant at the time of the original hearing.
 - B. The decision resulted from an error, made by the Board, the Director, or any other City official, in procedures required by this Ordinance or State law.
 - C. The decision resulted from an error in substantive law under the provisions of this Ordinance or the Code of Alabama.
- 14.05.02 Where no error is alleged and no new evidence is available, a new or more effective presentation by the applicant does not constitute grounds for rehearing a decision of the Board. Any applicant wishing a rehearing must appear before the Board to present one or more of the qualifying conditions listed in this Section. If the Board finds that one or more of these conditions exists, the applicant may submit a new application, together with the required fees. The new application will be heard at a subsequent meeting and will be subject to all regular advertising and procedural requirements. Allowing a new application does not obligate the Board to grant the request.
- 14.05.03 Any person aggrieved by any decision of the Board may, within 15 days after such decision, appeal the decision in accordance with §11-52-81 of the Alabama State Code.

APPENDIX

A-1. Landscape Plan Requirements

- 1.1. Title block, showing the title of the development, name and address of the owner/developer, name and address of the person or firm preparing the plan, date of preparation, scale, north arrow, and the date of all revisions.
- 1.2. A location map, showing the relative location of the site to the nearest existing public street intersection.
- 1.3. The boundaries of the subject property including the location and description of all adjoining property, the location and names of all adjoining streets and easements. If property is a part, or phase, of a larger development, the location/relationship to the overall development shall be indicated.
- 1.4. The required number of parking spaces and the proposed number of parking spaces of subject property/development.
- 1.5. Location and dimensions of all entrances and exits of the parking lot, the manner in which vehicles will be parked, all traffic circulation patterns, and the location and names of all utility lines, easements or rights-of-way on, or adjacent to, the site.
- 1.6. All details needed to communicate appearance, and methods of construction and/or installation.
- 1.7. A planting schedule, keyed to the plant materials shown on the landscape plan, listing all proposed plant materials by botanical name, common name, cultivar or variety if any, quantity of materials, size of materials at planting, plant spacing, and existing trees approved for use.
- 1.8. Location of all existing and proposed buildings, accessory structures, waste receptacles, fire hydrants, mechanical units and paved areas.

A-2. Manufactured Home Subdivision Submittal Requirements

- 2.1. The name of the subdivision, the names and addresses of the owners and the names and addresses of the designer or surveyor.
- 2.2. The date, scale and approximate north arrow
- 2.3. The boundaries of the subdivision
- 2.4. Site plan showing streets, driveways, common open spaces and facilities, parking spaces, service buildings, water courses, easements, manufactured home lots
- 2.5. Names of adjoining property owners.
- 2.6. Gas, water and sewage lines that will service the subdivision; street lights; solid waste containers
- 2.7. Surface water drainage plans
- 2.8. Other items as may be required by the Commission to assure compliance with the requirements of the Zoning Ordinance and Subdivision Regulations

A-3. Special District Submittal Requirements

- 3.1. Application Fee
- 3.2. Cover Sheet with:
 - A. Name of the development

- B. Applicant's name, address and interest in the application, and the name, address and interest of every person, firm or corporation represented by the applicant in the application
- C. Name of the owner of the subject property
- D. Names and addresses of all owners of property adjoining the subject property, to be obtained from the applicable County Tax Assessors Office.
- E. Address and legal description of the subject property

3.3. Special District Plan. The Special District Plan must include the following:

- A. Vicinity map showing the location of the proposed project.
- B. Site map showing the property boundaries and ownership of adjoining property.
- C. Existing zoning map, indicating the zoning classification of the tract and all properties within 500 ft
- D. Existing site conditions map
- E. Special District Plan showing the total project including:
 - 1) Conceptual circulation plan, including whether streets will be public or private, shown in relationship to external streets (with street name and existing right-of-way width noted)
 - 2) Conceptual plan for pedestrian and bicycle facilities
 - 3) Conceptual drainage plan
 - 4) Conceptual water and sewer plan
 - 5) Conceptual open space plan showing common areas and amenities to remain in private ownership and proposed public dedication sites, if any
 - 6) Conceptual landscaping plan for the project boundary and for any mixed-use and nonresidential areas
 - 7) A proposed use plan showing the location of acreage of distinct use areas including:
 - a) Type and number of structures to be built by area (i.e., detached single-family, attached single-family, multifamily, retail, office)
 - b) Density of each residential development area calculated in gross acres
 - c) Prototypical lotting pattern for each of the sizes of single-family lot types proposed

3.4. Special District Plan Narrative

- A. Evidence that the proposal is compatible with the Comprehensive Plan
- B. Evidence that the proposal meets the purpose for SD development and community objectives and description of community benefits to be achieved as described in §6.03
- C. Detailed listing of any normally required zoning standards to be modified and the alternative standards proposed
- D. Typical lot area and setbacks or build-to lines for each single-family lot type and for other use types
- E. Architectural, landscaping and signage standards if different from those normally required
- F. Description of the character and use of common open spaces and facilities
- G. Preliminary information regarding restrictive covenants and form of ownership and maintenance of any common open spaces and facilities

3.5. Master Plan [for Subdivision submittal]. The Master Plan submission must include the following:

A. Total project plans and conditions:

- 1) The property boundaries, including metes and bounds
- 2) An area map showing the applicant's entire holding and all properties, streets, rights-of-way and easements within 300 feet of the property.
- 3) Topographic map with five-foot contour intervals
- 4) Phasing plan, if applicable, showing areas already developed, areas for which development approval is being requested, and areas for future development with approximate timetable for completion.

B. Development Plan showing the total project including:

- 1) Proposed use plan showing the location and acreage of distinct land use areas including:
 - a) Type and number of structures to be built by area (i.e., detached single-family, attached single-family, multifamily, retail, office)
 - b) Density of each residential area calculated in net acres
- 2) Site plan showing location, use, scale and orientation of all buildings other than detached single-family dwellings
- 3) The internal street network shown in relationship to external streets with street name and existing right-of-way width noted
- 4) Conceptual drainage and utilities plan, including method of sewage disposal and location of such facilities
- 5) Open space plan, including identification of improved and unimproved open spaces and area and overall dimensions of each required open space
- 6) Parking master plan, including location and circulation pattern of all nonresidential and common parking areas
- 7) Signage master plan, including location, height and size of all freestanding signs
- 8) Landscaping plan, including location, overall dimensions and design approach to parking lot landscaping, screening, buffers and open spaces
- 9) Location and design of lighting facilities

C. Master Plan Narrative

- 1) Evidence that the proposal is compatible with the Comprehensive Plan
- 2) Evidence that the proposal meets the purpose for SD development and community objectives and description of community benefits to be achieved as described in §6.03
- 3) Prototype development plans and schedule to show lot sizes, setbacks, typical structure arrangements, access and parking provisions
- 4) Complete description of all normally required zoning and subdivision standards to be modified and proposed alternative standards

- 5) Description of community facilities to be provided, such as school sites, fire stations or recreation facilities, or statements on which existing facilities will be used by the proposed residents of the project
- 6) Proposed restrictive covenants including how any common open spaces and facilities are to be owned and maintained; design standards and method of implementation

A-4. Sign Permit Application Requirements

Plans and specifications for proposed signs must include the following:

- 4.1. Site plan of development site showing location of any freestanding sign(s) including any easements, public rights-of-way, property lines, buildings, sight distance triangles and other signs on the property;
- 4.2. Main or entrance façade including linear dimension;
- 4.3. Dimensions and elevations of all signs;
- 4.4. Dimensions and locations of any supporting structures;
- 4.5. Maximum and minimum height of sign, and any measurements of clearance distances when a sign is mounted above a pedestrian or vehicular area;
- 4.6. For illuminated signs, indicate type and placement of illumination;
- 4.7. Inventory of number, type, location, and display area of all existing signs on the same property and/or building on which the sign is to be located.

A-5. Site Plan Review Application Requirements

- 5.1. Site plans must be drawn on 36"x 48", and at a specified scale. *Information shown on drawings included in construction plan (e.g. grading plans, utility plans, etc.) will not be considered as meeting the requirement for a site plan submission. Required site plan details must be shown on the "site plan" drawing.*
- 5.2. Written Information:
 - A. Site plan name, property address and/or location.
 - B. General statement indicating the character of the use(s) proposed for the site. This includes information describing the size and/or intensity of the use, such as the number of employees at largest shift, seating capacity, number of students, number of hospital beds or lodging rooms, etc. All other relevant information not otherwise specified in this checklist must be provided in the General Statement, such as variances on the property, nonconforming status, etc.
 - C. Property owner's name, address and telephone number; and the designated project applicant or representative if other than the property owner.
 - D. Name, address, and telephone number of engineer, surveyor, architect, landscape architect and/or any other professional involved in design of the project. Include current license numbers.
 - E. Total size of the tract expressed in square feet and acres (to nearest tenth).
 - F. Zoning district assigned to the subject property.
 - G. Zoning and current land use of adjacent properties.
 - H. Number of residential units proposed.
 - I. Proposed nonresidential use(s) of building(s).

- J. Number of lots and lot numbers.
- K. Number of floors or stories, height and dimensions of all structures.
- L. Impervious surface area in square feet, impervious surface ratio, maximum and proposed.
- M. Floor area in square feet, maximum and proposed.
- N. Number of parking spaces required and proposed (must show calculations based on the requirements of Article 8).
- O. Front, rear and side setbacks.

5.3. Graphic Information:

- A. Vicinity map showing the site in relation to adjoining properties, streets and other landmarks such that its location within the City can easily be determined.
- B. North arrow, scale and date prepared.
- C. Certified boundary survey of the tract prepared by a surveyor registered with the State of Alabama, indicating an existing lot of record.
- D. Seal and signature of registered engineer
- E. Location of all impervious surfaces.
- F. All flood-prone areas as delineated by the Flood Insurance Rate Maps published by the Federal Emergency Management Agency (FEMA), including a notation of the 100-year flood elevation.
- G. All wetlands and watercourses, including lakes, streams, etc.
- H. Contours at maximum five foot intervals.
- I. Plan showing all proposed and required Landscaping (general and parking) and buffers signed and sealed by a registered landscape architect or landscape designer.
- J. Location height and type of all on premise lighting and freestanding signage.
- K. Location and dimensions of all parking spaces (including handicap spaces), loading berths, and driveway aisles. One-way aisles must be labeled as such.
- L. Location of all curb cuts and their distances from nearest adjacent curb cuts or street intersections.
- M. Phase lines, if the development is to be constructed in phases.
- N. Existing and proposed utility easements.
- O. All existing and proposed street right-of-way reservations, cross access locations, sidewalks and easements.
- P. Finished floor elevations of all structures.
- Q. All existing and proposed utility lines, including sewer, water, gas, and electricity.
- R. Location and screening of solid waste receptacles.
- S. Elevations of all building facades at a scale of 1/8": 1' indicating:
 - 1) Design character of buildings and structures;
 - 2) Materials, existing and proposed, to be used on all structures to include color schemes.
 - 3) Structure heights.

- 4) Roof configuration and overhangs.
- 5) Special design features including compliance with ADA requirements.
- 6) Proposed location, size and configuration of all wall mounted signs.

5.4. Engineering Plan Submittal Requirements

- A. One complete set of documents
- B. Each set is neatly bound; no loose sheets will be accepted
- C. In addition to site specific civil sheets, the following sheets are required in all plan sets:
 - 1) Cover Sheet
 - 2) Boundary/Existing Conditions Survey
 - 3) Plat
 - 4) Current Site Plan
- D. Requirements for all Civil Plan Sheets
 - 1) Title block with engineering firm information, registration number, engineer's seal, sheet title, and page numbers clearly shown
 - 2) North Arrow and Scale clearly shown on each plan sheet
 - 3) Legend (relevant to each sheet) showing all special symbols, line types and hatch used
 - 4) Street names labeled on all existing, proposed, and future streets
 - 5) Lot and Block numbers and/or ownership information shown for all lots
 - 6) Caution notes shown when working next to any existing utilities (public and franchise)
- E. Erosion Control Plan
 - 1) Existing and/or proposed contours clearly shown/labeled
 - 2) Existing and proposed storm lines and inlets shown
 - 3) List the total disturbed acreage, and delineate limits of construction
 - 4) FEMA 100-year flood plain
 - 5) Appropriate BMP's used and identified
 - 6) Phasing of BMP's with construction activities listed/described
 - 7) BMP details provided, should be per current Alabama Erosion Control Manual or other applicable standard
 - 8) Stockpile area and batch plant areas shown and labeled
 - 9) Areas to be sodded or seeded shown and specified with permanent perennial vegetation
 - 10) Areas of permanent erosion control (other than vegetation) clearly shown
 - 11) Construction Entrance location
- F. Grading
 - 1) Both onsite and offsite existing/proposed contours shown clearly labeled

- 2) Date and name of firm who prepared geotechnical report with corresponding note stating: "Work shall be done in accordance with the Geotechnical Report by _____, dated _____."
- 3) Drainage clarified by flow arrows, high points, sags, ridges, and valley gutters
- 4) Show driveway locations for all lots adjacent to storm inlets
- 5) Positive overflow provided at all low points, easements dedicated as needed
- 6) Finished pad and/or floor elevations shown
- 7) Minimum finished floor elevations shown adjacent to floodplains, ponds, creeks/channels, etc.
- 8) Clearly show all walls and label top/bottom elevations of wall at key locations
- 9) Spot shots shown to ensure proper drainage and adequate ADA routing where applicable

G. Drainage Area Map

- 1) Existing contours clearly shown for entire site and adjacent areas.
- 2) Drainage areas and sub areas delineated and labeled
- 3) Flow arrows for surface drainage shown
- 4) Existing and proposed storm lines shown
- 5) Inlet designation labels shown
- 6) Detention pond shown and labeled
- 7) Drainage easements shown and labeled
- 8) Zoning indicated for all offsite areas and/or land use assumptions specified
- 9) Rational Method Peak Runoff Rate Computation Table shown ($Q=KCIA$)
- 10) Time of concentration and weighted runoff coefficient calculations shown as needed
- 11) List the total site impervious area (ft² of all paving, roof areas, etc.)-Commercial Projects

H. Hydraulic Calculations

- 1) Street Flow Computation Table provided for all public streets
- 2) Inlet Interception Computation Table provided for all public inlets
- 3) Pipe Hydraulics Computation Table provided for all public lines

I. Detention Pond Design and Calculations

- 1) Detention pond design calculations shown, method used specified
- 2) Provide detention pond volume sizing calculations and/or computation table
- 3) Provide stage-discharge table and/or curve information
- 4) Provide weir and/or orifice sizing calculations for outfall structure
- 5) Existing and proposed contours shown and labeled.
- 6) Cross-section of pond including side slopes, normal pool elevation (if applicable), show 100 year 25 year WSE, 10 year WSE, and 1 year, 24 hour
- 7) Detail of pond outfall structure showing all elevations as necessary
- 8) Trash rack (and detail) provided for smaller orifice openings

- 9) Overflow spillway location and design information provided
 - 10) Show and label all existing/proposed utilities and easements
 - 11) Access/maintenance ramp provided (max slope 6:1)
 - 12) Maintenance Manual
- J. Storm Drain Plan
- 1) Plan View:
 - a) Show and label all existing and proposed utilities
 - b) Dimension location/spacing of utilities
 - c) Label inlet type, size, and top of curb elevation at a minimum
 - d) Label type and size, of existing/proposed structures (e.g. headwalls, manholes/junction boxes)
 - e) Label type, size and dimensions of all permanent outfall erosion protection
 - f) Provide applicable construction details for all drainage structures
 - 2) Profile View
 - a) Existing and proposed ground line at centerline of pipe shown and labeled correctly
 - b) Label station and flowline elevation information for all structures, crossings, laterals, etc.
 - c) Indicate length, type/class, slope and size of all storm pipes
 - d) All utility crossings and parallel sewer lines shown in profile
- K. Water Plan
- 1) Show and label all existing proposed utilities
 - 2) Label size, type and pressure class for all proposed water mains
 - 3) Show location for all water services and meters
 - 4) Show and label all easements
 - 5) Dimension location of all mains, services, meters, and spacing from other utilities
 - 6) Show and label all fire hydrants, valves, fittings, FDC locations, and back-flow prevention
- L. Sanitary Sewer Plan
- 1) Plan View
 - a) Show and label all existing and proposed utilities
 - b) Dimension location of all mains from other utilities
 - c) Label line name, size, and type of all proposed sanitary sewer lines
 - d) Stubouts labeled with size, slope, length, and flowline elevations (if not profiled)
 - e) Show and label all easements
 - f) Show centerline stationing for sanitary sewer
 - g) Show and label all manholes with rim elevations, as well as cleanouts
 - h) Indicate type and size of encasement where needed
 - i) Show flow direction arrows for sewer main

- 2) Profile View
 - a) Profile shown for all mains 8" and larger, or where a potential conflict may arise
 - b) Existing and proposed ground line at centerline of pipe shown and labeled
 - c) Label station and flowline elevation information for all manholes, cleanouts, crossings, laterals
 - d) Indicate the type and diameter for all manholes
 - e) Indicate length, type/class, slope and size of all sanitary sewer pipes between manholes
 - f) All utility crossings and parallel storm lines shown in profile
 - g) Indicate length, type and size of encasement as needed

M. Paving Plan

- 1) Typical Pavement Section details shown (fire lane, parking areas, streets, subgrade, etc.)
- 2) For streets, centerline stationing at every 100 ft, PC's, PT's, and curve data labeled
- 3) Intersection, driveway and island curb radii labeled
- 4) All sidewalks and ramps shown, labeled and dimensioned
- 5) Existing, proposed, future streets and drives shown and labeled
- 6) Right-of-way corner clips and sight visibility easements provided
- 7) Storm inlets identified with paving stations and top of curb elevations at center of inlet
- 8) Drainage clarified by flow arrows at crests, sags, ridges, intersections, and valley gutters
- 9) Show driveway locations for all lots adjacent to storm inlets
- 10) For Commercial/Industrial Parking Lots show all parking stall locations, types, counts, and dimensions
- 11) All appropriate warnings, signage, and arrows are shown for parking areas to ensure appropriate traffic flow

A-6. Conditional Use Submittal Requirements

- 6.1. Application fee
- 6.2. Applicant's name, address and interest in the application, and the name, address and interest of every person, firm or corporation represented by the applicant in the application
- 6.3. Name of the owner of the subject property
- 6.4. Owner's signed authorization for application if applicant is other than the owner
- 6.5. Names and addresses of all owners of property adjoining the subject property, obtained from the County Tax Assessors Office
- 6.6. Address and legal description of the subject property
- 6.7. Width, depth and area of the subject property
- 6.8. Zoning classification and present use of the subject property
- 6.9. Reason for the Conditional Use request
- 6.10. A map, drawn to scale, indicating the dimensions, location and boundaries of the subject property and adjoining public rights-of-way

6.11. Preliminary Site Plan and use information:

- A. Proposed days of the week and hours of operation, if applicable
- B. Estimated minimum and maximum number of employees
- C. Whether the use will be open to the public, whether visits will be by appointment only or otherwise limited; estimated number of visitors per day
- D. Location of any proposed structures, building additions and site improvements
- E. Provisions for off-street parking
- F. Location of loading areas, including waste receptacles
- G. Location of any outdoor storage or work areas
- H. Location and height of any freestanding, exterior light fixtures
- I. Description and location of any proposed/required screening or buffers
- J. Description of any activities to be undertaken involving the use of equipment or operations, which would generate noise or odors that may be detectable beyond the building and any measures to lessen the impact of noise or odors on adjoining properties

6.12. Schedule for beginning and completion of development proposed by the applicant

6.13. For Conditional Uses requiring a General Development Plan, the following information and any other information which the Director determines to be relevant, must also be submitted as part of the Conditional Use submittal:

- A. approximate locations of all proposed streets
- B. type, number and approximate locations of all dwelling units
- C. overall gross density for the development site, as well as density for each individual stage or phase
- D. location and approximate acreage of all resource protection, recreation, and open space lands and other common properties
- E. location of all drainage facilities

A-7. Zoning Interpretation Application Requirements

Applications for a use interpretation must be submitted to the Director and must, in all instances, contain at least the following information and documentation:

- 7.1. Applicant's names, address, email address (or alternate contact information) and interest in the subject property
- 7.2. Owner's name and address, if different from the applicant's, and the owner's signed consent to the filing of the application
- 7.3. The names and addresses of all professional consultants advising the applicant with respect to the interpretation
- 7.4. The street address and legal description of the subject property
- 7.5. The zoning classification and present use of the subject property
- 7.6. A complete description of the proposed use
- 7.7. The uses permitted by the present zoning classification, which are most similar to the proposed use

- 7.8. Evidence demonstrating that the proposed use will comply with all use limitations established for the applicable district
- 7.9. Such other and further information or documentation as the Director may deem necessary or appropriate to a full and proper consideration and disposition of the particular application.

A-8. Rezoning Application Requirements

A-9. Variance Application Requirements

A-10. Special Exception Application Requirements

A-11. Carryover District Regulations (Refer also to Zoning Ordinance February 2023)

11.1. RS-4 District

[Editor’s note: The regulations applicable to the RS-4 District are established in multiple locations within the last amended Zoning Ordinance containing the RS-District. The following are those provisions of said ordinance most relevant and specific to the RS-District. Said Ordinance should be referenced for definitions and other provisions necessary to application of the following regulations. Otherwise, the most recently adopted provisions for Detailed Use Regulations, Parking and Loading, Landscaping, Signs, Nonconformities, Development Approval Process, Administration and Enforcement and Board of Adjustment are considered to apply.]

A. [Purpose, General Regulations]

- 1) These Districts are intended to preserve the character of existing neighborhoods and developments under construction at the time of adoption of this Ordinance. It is designed to prevent these neighborhoods and subdivisions from becoming nonconforming under the terms of this Ordinance. This District is also intended to provide for future development of land where a Residential District is deemed the most appropriate zoning classification, and a preliminary or final plat for development of the land has been approved by the Planning Commission. It is also intended to provide for in-filling of existing neighborhoods on vacant lots with dwellings of like kind as defined in Section 203 of this Ordinance.
- 2) Occupancy in RS zones is limited to “Family” as defined in Section 203.
- 3) Certain structures and uses required to serve governmental, educational, religious, noncommercial, recreational, and other needs of such areas may be permitted as outright or as conditional uses within such districts, subject to restrictions and requirements intended to preserve and protect the single-family residential character of the districts.

B. [Permitted Uses]

- 1) Uses permitted by right: single-family detached, park, tennis court, swimming pool
- 2) Conditional Uses: public/private school, place of worship, community center, group home, public utility
- 3) Existing garage apartments in the Residential (RS), Residential/Commercial/Institutional (RCI), and Historic Neighborhood (HN) Districts are permitted uses and may be improved within the existing structure, but there shall be no increase in the number or size of dwelling units in the structure. No new garage apartments are permitted in any district in the City. When existing garage apartments are improved, off-street, paved parking spaces shall be provided and any required bufferyards shall be installed.
- 4) Although a use may be indicated as permitted or conditionally permitted in a particular district, it does not follow that such a use is permitted or permissible on every parcel in such district. No use is permitted or permissible on a parcel unless it can be located thereon in full compliance with all of the performance standards and other regulations of this Ordinance applicable to the specific use and parcel in question.

RS-4 District Area and Dimensional Requirements

Minimum Lot Area	Minimum Lot Width	Minimum Yard Setback				Maximum ISR	Maximum Building Height
		Front	Secondary Front	Rear	Side		

6,000 sf	60 ft	20 ft	15 ft	20 ft	7 ft	0.50	35 ft
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11.2. New Urban Neighborhood District

It is the intent of this district to provide a new neighborhood that is urban inform, pedestrian-friendly, human scaled, and features a variety of housing types.

A. Land Uses

- 1) Permitted Principal Uses: All housing types are permitted in this district, including multi-family, attached, and single-family detached housing. Parking structures are permitted as a principal use.
- 2) Permitted Accessory Uses: Accessory uses, including garages for single-family detached and attached housing, are permitted when meeting each of the following standards:
 - a) Are customarily accessory and clearly incidental and subordinate to permitted principal uses;
 - b) Are located wholly on the same lot as the permitted principal use or on a contiguous lot in the same ownership; and
 - c) Do not involve operations not in keeping with the character of the area.
- 3) Permitted Conditional Uses: Permitting the following conditional uses is a discretionary decision of the City and may be approved with any reasonable conditions related to the use's location, design and operation. Permitted conditional uses are limited to the following: civic/public buildings, such as schools and libraries.
- 4) Adjacency to Mixed Use Districts: Within this district, single-family detached houses are prohibited on properties directly adjacent to the Bridge Avenue South and Bridge Avenue North districts. Properties separated from those districts by a street are excluded from this requirement, but properties separated by only an alley are not.

B. Lot Design

- 1) Lot Proportions:
 - a) Single-Family Detached: Shall have a perpendicular orientation to the street with a minimum width-to-depth ration of 1:1.5
 - b) Attached and Multi-Family Buildings: Shall have no proportion requirements
- 2) Lot Widths:
 - a) Single-Family Detached: Shall have a minimum lot width of forty (40) feet
 - b) Attached and Multi-Family Buildings: Shall have a minimum lot width of eighteen (18) feet for attached buildings, and there is no lot width requirement for multi-family buildings.

C. Building Scale and Placement

- 1) Maximum Building Height:
 - a) Single-Family Detached and Attached (up to four units): Forty (40) feet
 - b) All Other Residential Buildings: Sixty (60) feet
- 2) Building heights shall be measured from the average grade of the front façade to either: 1) the top of the parapet on the front façade of flat-roofed buildings; or 2) the top of the eave on the front

façade of pitched-roofed buildings. In the case of multi-family buildings, non-habitable vertical architectural elements, such as steeples and cupolas, shall not be counted toward building height calculations.

- 3) **Building Orientation:** The front façade of a building shall face the adjacent street. In the case of corner lots, the primary façade shall face the primary street. A building's front façade shall be defined by the existence of the primary entrance (with the exception of permitted corner entrances) and other architectural treatments, including porch steps and detailing.
- 4) **Front Setback:**
 - a) Minimum: Ten (10) feet from the public right-of-way line
 - b) Maximum: Twenty (20) feet from the public right-of-way line
 - c) An exception from the front setback standards is permitted for a front courtyard design in which at least one third of the building's frontage adheres to the ten (10) to twenty (20) foot setback requirement. The courtyard depth shall not exceed fifty (50) feet as measured from the public right-of-way line, and no parking is permitted within the courtyard area. Also, townhouses may be within five (5) feet of the public right-of-way.
- 5) **Side Setback:** Minimum: Five (5) feet
- 6) **Rear Setback:** Minimum: Five (5) feet
- 7) **Accessory Buildings:** Accessory buildings shall have a minimum side and rear setback of three (3) feet. In the case of garage doors front an alley, the setback shall be either five (5) feet or greater than fifteen (15) feet.

D. Building Design

- 1) **Roofs.**
 - a) **Form:** With the exception of single-family detached houses, roofs shall be flat, gabled or hipped. Single-family detached houses shall have either gabled or hipped roofs. Flat roofs shall feature a parapet wall sufficient to visually screen roof penetrations (other than chimneys) as viewed from any public street. Building components not constituting the primary structure, such as porches and dormers, may feature a shed or hipped roof.
 - b) **Penetrations and Equipment:** Pipe vents, air conditioning units, and similar roof top penetrations and equipment (not including chimneys) shall be located and/or screened in a manner that minimizes their visibility. Chimneys shall be made of a masonry material.
 - c) **Minimum foundation Heights:** Buildings shall have a foundation height (measured from finished grade to finished first floor) of at least twenty-four (24) inches.
- 2) **Façade Design.**
 - a) **Massing:** No front façade plane shall exceed a width of thirty (30) feet without an interruption. Facades shall be broken into a series of vertical bays using any of the following elements: wall off-sets of at least four (4) inches in depth. Material changes, pilasters (engaged pillars), columns/posts (including as part of a porch and/or balcony), roofline or cornice line changes, projecting bays, porches, and front steps and/or stoops. Depending upon the design of the building, more than one (1) such element may be required to achieve the appropriate massing.

When used as the sole means, material changes, roofline or cornice line changes, and front steps and/or stoops alone will not suffice.

- b) Door and Window Design: The building's primary entrance shall face the associated street. All windows shall have a vertical orientation. However, individual vertically oriented windows may be "ganged" to collectively have a horizontal orientation. Doors and windows with muntins shall feature real muntins or simulated divided lites on both side of the glass, rather than "snap-in" and similar imitations. Shutters, if provided, shall be sized to fit the window and appear to be operable.
 - c) Porches: All single-family detached buildings and duplexes shall have a front porch. The porch shall extend across at least fifty (50) percent of the front façade, and it shall have a minimum depth of six (6) feet. All attached buildings with three (3) or more units and multi-family buildings shall have either: a) a front porch consistent with the standards for single-family detached and duplex buildings, or b) a stoop for each street-fronting ground floor entrance with a minimum depth of four (4) feet. All porch posts, columns, handrails and balustrades shall be wood or composite material. If roofed, porch roofs shall feature a shed roof or a hipped shed roof with a roofing material that matches the building or standing seam metal, and a slope no greater than 4:12. V-crimp roofing imitating standing seam metal is permitted. Porches and stoops may encroach into the required front yard, but not into the public right-of-way.
 - d) Balconies: Balconies are encouraged for multi-family buildings, but not mandatory. Balconies shall be wood and/or metal and have a minimum depth of six (6) feet. If roofed, balcony roofs shall be wood and either: 1) perpendicular to the façade and flat, or b) feature a shed roof or a hipped shed roof with standing seam metal and a slope no greater than 4:12. V-crimp roofing imitating standing seam metal is permitted.
- E. Façade Cladding Materials. Primary façade cladding materials are those which, individually or collectively, constitute at least seventy-five (75) percent of the exposed surface area. Primary material changes shall not occur at outside corners. Primary material changes shall occur on a horizontal line with the heavier material below the lighter material (for example: siding above masonry).
- 1) Permitted Primary Materials: Wood, brick, stone, cast stone, plaster/smooth-finished stucco, and materials identical in appearance including, but not limited to, Thin Brick, Thin Stone, Exterior Insulation Finishing System* (EIFS), etc.
 - a) Wood Cladding shall be limited to lap siding and other forms of horizontal boarding, board-and-batten and other forms of vertical boarding, and wood shingles. Horizontal boarding shall have a maximum exposure of eight (8) inches.
 - b) *Exterior Insulation Finishing System (EIFS) shall be limited to no more than sixty (60) percent of exposed surface area on buildings over forty (40) feet in height; on buildings forty feet and under EIFS is limited to twenty (20) percent for trim and cornice work. Only a water management EIFS system shall be installed, where permitted.
 - 2) Permitted Secondary Materials: The following materials shall not exceed, individually or collectively, twenty-five (25) percent of the exposed surface area: concrete (not including smooth-finished concrete block) and metal.

- 3) Prohibited Materials: The following materials are completely prohibited from comprising the exposed surface area: vinyl, stucco, smooth-finished concrete block, non-drainable EIFS and other materials not specifically permitted.
- F. Parking Structures. All parking structures within this district shall be set behind other buildings (“liner buildings”) so as not to be visible from the right-of-way except at the point of vehicular access. Liner buildings shall be built in accordance with the standards in this district. Where opportunities exist, access points shall occur off alleys or secondary streets rather than the primary street. Vehicular access from a primary street shall be limited to a single ingress lane and a single egress lane. Pedestrian access shall be clearly visible and vertical circulation should be expressed architecturally on the exterior of the building, especially at corners.

11.3. Multi-Family Housing District

It is the intent of this district to provide for areas of multi-family and attached housing that function well for residents, that are attractive and maintain their value, and that interface positively with surrounding areas.

A. Land Uses

- 1) Permitted Principal Uses: Multi-family housing, attached housing (four or more units per building).
- 2) Permitted Accessory Uses: Accessory uses, including garages, parking structures, recreational facilities, and club houses, are permitted when meeting each of the following standards:
 - a) Are customarily accessory and clearly incidental and subordinate to permitted principal uses:
 - b) Are located wholly on the same lot as the permitted principal use or on a contiguous lot in the same ownership; and
 - c) Do not involve operations not in keeping with the character of the area.

B. Building Scale and Placement

- 1) Maximum Building Height: Thirty-Five (35) feet. Building heights shall be measured from the average grade of the front façade to either: 1) the top of the parapet on the front façade of flat-roofed buildings; or 2) the top of the eave on the front façade of pitched-roofed buildings. In the case of multi-family buildings, non-habitable vertical architectural elements, such as steeples and cupolas, shall not be counted toward building height calculations.
- 2) Building Orientation: The front façade of a building shall face the adjacent street. In the case of corner lots, the primary façade shall face the primary street. A building’s front façade shall be defined by the existence of the primary entrance and other architectural treatments, including porch steps and detailing.
- 3) Front Setback:
 - a) Minimum: Fifteen (15) feet from the public right-of-way
 - b) Maximum: Twenty-five (25) feet from the public right-of-way
 - c) An exception from the front setback standards is permitted for a front courtyard design in which at least one third of the building’s frontage adheres to the fifteen (15) to twenty-five (25) foot setback requirement. The courtyard depth shall not exceed seventy-five (75) feet as measured from the public right-of-way line, and no parking is permitted within the courtyard area. Also, townhouses may be within five (5) feet of the public right-of-way.

- 4) Side Setback: Minimum: Five (5) feet
- 5) Rear Setback: Minimum: Five (5) feet
- 6) Accessory Buildings: Accessory buildings occurring in the rear of a lot, such as garages, shall have a minimum side setback of three (3) feet and a minimum rear setback of three (3) feet. Accessory buildings not occurring in the rear of a lot, such as a clubhouse, shall follow the same setback provisions as primary structures.

C. Building Design

1) Roofs.

- a) Form: Roofs shall be flat, gabled or hipped. Flat roofs shall feature a parapet wall sufficient to visually screen roof penetrations (other than chimneys) as viewed from any public street. Building components not constituting the primary structure, such as porches and dormers, may feature a shed or hipped roof.
- b) Penetrations and Equipment: Pipe vents, air conditioning units, and similar roof top penetrations and equipment (not including chimneys) shall be located and/or screened in a manner that minimizes their visibility. Chimneys shall be made of a masonry material.
- c) Minimum foundation Heights: Buildings shall have a foundation height (measured from finished grade to finished first floor) of at least twenty-four (24) inches.

2) Façade Design.

- a) Massing: No front façade plane shall exceed a width of thirty (30) feet without an interruption. Facades shall be broken into a series of vertical bays using one or more of the following elements: wall off-sets of at least four (4) inches in depth. Material changes, pilasters (engaged pillars), columns/posts (including as part of a porch and/or balcony), roofline or cornice line changes, projecting bays, porches, and front steps and/or stoops. Depending upon the design of the building, more than one (1) such element may be required to achieve the appropriate massing. When used as the sole means, material changes, roofline or cornice line changes, and front steps and/or stoops alone will not suffice.
- b) Door and Window Design: The building's primary entrance shall face the associated street. All windows shall have a vertical orientation. However, individual vertically oriented windows may be "ganged" to collectively have a horizontal orientation. Doors and windows with muntins shall feature real muntins or simulated divided lites on both side of the glass, rather than "snap-in" and similar imitations. Shutters, if provided, shall be sized to fit the window and appear to be operable.
- c) Porches: If provided, porches and balconies shall be wood or a composite material and/or metal and have a minimum depth of six (6) feet.

D. Façade Cladding Materials. Material changes shall not occur at outside corners. Material changes shall occur on a horizontal line with the heavier material below the lighter material (for example: siding above masonry).

- 1) Permitted Primary Materials: Wood, brick, stone, cast stone, plaster/smooth-finished stucco, and materials identical in appearance including, but not limited to, Thin Brick, Thin Stone, Exterior Insulation Finishing System* (EIFS), etc.

- a) Wood Cladding shall be limited to lap siding and other forms of horizontal boarding, board-and-batten and other forms of vertical boarding, and wood shingles.
- b) *Exterior Insulation Finishing System (EIFS) shall be limited to no more than sixty (60) percent of exposed surface area on buildings over forty (40) feet in height; on buildings forty feet and under EIFS is limited to twenty (20) percent for trim and cornice work. Only a water management EIFS system shall be installed, where permitted.
- 2) Permitted Secondary Materials: The following materials shall not exceed, individually or collectively, twenty-five (25) percent of the exposed surface area: concrete (not including smooth-finished concrete block) and metal.
- 3) Prohibited Materials: The following materials are completely prohibited from comprising the exposed surface area: vinyl, stucco, smooth-finished concrete block, non-drainable EIFS and other materials not specifically permitted.

E. Parking Structures

- 1) Primary Streets: Parking structures within this district shall be set behind other buildings (“liner buildings”) so as not to be visible from the right-of-way of primary streets except at the point of vehicular access. Liner buildings shall be built in accordance with the standards in this district.
- 2) Secondary Streets: Parking structures within this district may front onto secondary streets if designed to have the general appearance of a building along its street frontage with respect to materials and façade massing. The building design standards for this district should be considered in the parking structure’s design. Sloping interior floors of parking structures should not be visible and shall not be expressed on facades facing a street.
- 3) Access for All Parking Structures: Where opportunities exist, access points shall occur off alleys or secondary streets rather than the primary street. Vehicular access from a primary street shall be limited to a single ingress lane and a single egress lane. Pedestrian access shall be clearly visible and vertical circulation should be expressed architecturally on the exterior of the building, especially at corners.

11.4. Neighborhood Centers District

It is the intent of this district to preserve and reinforce its neighborhood commercial and institutional character. All commercial and institutional uses shall be low-impact, small in physical scale, pedestrian-friendly, and compatible with adjacent residential properties. There shall be two Neighborhood Center districts – NC-C (Commercial) and NC-I (Institutional), each with specific use requirements.

A. Land Uses

- 1) Permitted Principal Uses:
 - a) NC-Commercial District: The following uses are permitted if their building footprint does not exceed 3,000 sq. ft.: retail, restaurants, offices, personal services, professional services, daycare/pre-school, and institutional/civic uses
 - b) NC-Institutional District: The following uses are permitted: institutional/civic uses if their building footprint does not exceed 5,000 sq. ft., residential units located within institutional/civic buildings, and parking garages if not fronting a street and located behind their associated building.

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- 2) Permitted Accessory Uses: Accessory uses are permitted when meeting each of the following standards:
 - a) Accessory use is customarily accessory, clearly incidental and subordinate to permitted principal uses;
 - b) Accessory use is wholly located on the same lot as the permitted principal use or on a contiguous lot in the same ownership; and
 - c) The use does not involve operations not in keeping with the character of the area.
 - 3) Permitted Conditional Uses: Permitting the following conditional uses is a discretionary decision of the City and may be approved with any reasonable conditions related to the use's location, design and operation. Permitted conditional uses are limited to the following: service stations when meeting the urban mixed use site design standards for service stations. Residences are permitted only on upper floors above permitted ground floor uses.
 - 4) Prohibited Uses:
 - a) NC-Commercial District: Drive-through windows are prohibited for any use. Auto-oriented uses, such as car washes and automobile dealerships, are prohibited.
 - b) NC-Institutional District: Drive-through windows are prohibited for any use.
- B. Building Scale & Placement
- 1) Maximum Building Height: Thirty (30) feet. Building heights shall be measured from the average grade of the front façade to either: a) the top of the parapet on the front façade of flat-roofed building; or b) the top of the eave on the front façade of pitched-roofed buildings. Non-habitable vertical architectural elements, such as steeples and cupola, shall not be counted toward building height calculations.
 - 2) Commercial Ground Floor Height: The minimum ground floor height of buildings in which the first floor will be used for commercial purposes shall be twelve (12) feet. The ground floor height shall be measured from the finished floor to the ceiling.
 - 3) Front Setback:
 - a) NC-Commercial District
 - i. Minimum: Five (5) feet from public right-of-way line
 - ii. Maximum: Fifteen (15) feet from public right-of-way line
 - iii. The only exception to these front setback requirement is to accommodate street-fronting outdoor dining. A low wall is used to define the street wall and the setback does not exceed fifty (50) feet as measured from the public right-of-way line. Such wall shall be architecturally compatible with its associated building. The wall shall be between two (2) and three (3) feet in height, and iron fencing may be incorporated so long as it does not exceed a combined height of four (4) feet.
 - b) NC-Institutional District
 - i. Minimum: Ten (10) feet from public right-of-way line
 - ii. Maximum: Twenty-five (25) feet from public right-of-way line
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- iii. Exceptions from the front setback standards are permitted for institutional/civic buildings fronting onto an open space (lawn, courtyard, park, plaza, etc.) so long as the setback does not exceed seventy-five (75) feet as measured from the public right-of-way line.

4) Side Setback:

- a) NC-Commercial District – Minimum Five (5) feet
- b) NC-Institutional District – Minimum Ten (10) feet

5) Rear Setback: Minimum five (5) feet

C. Building Design

1) Roofs

- a) Form: Buildings shall have flat, gabled or hipped roofs as their primary roofing. Institutional/civic buildings may have non-habitable vertical architectural components, such as steeples, featuring less conventional roof forms. Flat roofs shall feature a parapet wall sufficient to visually screen roof penetrations (other than chimneys) as viewed from any public street. Building components not constituting the primary structure, such as porches and dormers, may feature a shed or hipped roof.
- b) Penetrations and Equipment: Pipe vents, air conditioning units, and similar roof top penetrations and equipment (not including chimneys) shall be located and/or screened in a manner that minimizes their visibility. Chimneys shall be made of a masonry material.

2) Façade Design

- a) Massing: No front façade plane shall exceed a width of thirty (30) feet without an interruption. Facades shall be broken into a series of vertical bays using any of the following elements: wall off-sets of at least four (4) inches in depth, material changes, pilasters (engaged pillars), columns/posts (including as part of a porch and/or balcony), roofline or cornice line changes, projecting bays, porches, and front steps and/or stoops. Depending upon the design of the building, more than one (1) such element may be required to achieve the appropriate massing. When used as the sole means, material changes, roofline or cornice line changes, and front steps and/or stoops alone will not suffice.
- b) Glazing: Glass anywhere on the front façade may not be reflective or heavily tinted.
- c) Door & Window Design: The building's primary entrance shall face the associated street. All windows shall have a vertical orientation. However, individual vertically oriented windows may be "ganged" to collectively have a horizontal orientation. Doors and windows with muntins shall feature real muntins or simulated divided lites on both sides of the glass, rather than "snap-in" and similar limitations. Shutters, if provided, shall be sized to fit the window and appear to be operable.

D. Façade Cladding Materials

"Primary façade cladding materials are those which, individually or collectively, constitute at least seventy-five (75) percent of the exposed surface area. Primary material changes shall not occur at outside corners. Primary material changes shall occur on a horizontal line with the heavier material below the lighter material (for example; siding above masonry).

1) Permitted Primary Materials:

- a) NC-Commercial District: Wood, brick, stone and materials identical in appearance if not panelized. Wood Cladding shall be limited to clapboard and other forms of horizontal boarding, board-and-batten and other forms of vertical boarding, and wood shingles. Horizontal boarding shall have a maximum exposure of eight (8) inches.
 - b) NC-Institutional District: Wood, brick, stone, cast stone, plaster/smooth-finished stucco, and materials identical in appearance including, but not limited to, Thin Brick, Thin Stone, Exterior Insulation Finishing System* (EIFS), etc.
 - c) Wood Cladding shall be limited to lap siding and other forms of horizontal boarding, board-and-batten and other forms of vertical boarding, and wood shingles. Horizontal boarding shall have a maximum exposure of eight (8) inches.
 - d) *Exterior Insulation Finishing System (EIFS) shall be limited to no more than sixty (60) percent of exposed surface area on buildings over forty (40) feet in height; on buildings forty feet and under EIFS is limited to twenty (20) percent for trim and cornice work. Only a water management EIFS system shall be installed, where permitted.
 - 2) Permitted Secondary Materials: For both NC districts, the following materials, when used as a secondary material shall not exceed, individually or collectively, twenty-five (25) percent of the exposed surface area: wood, brick, concrete (not including smooth-finished concrete block), metal, stone, cast stone, plaster/smooth-finished stucco, and materials identical in appearance if not panelized. Wood cladding shall be limited to lap siding and other forms of horizontal boarding, board-and-batten and other forms of vertical boarding, and wood shingles. Horizontal boarding shall have a maximum exposure of eight (8) inches.
 - 3) Prohibited Materials: The following materials are completely prohibited from comprising the exposed surface area: vinyl, stucco, smooth-finished concrete block, non-drainable EIFS and other materials not specifically permitted.
- E. Parking Structures. Parking structures are only permitted within the NC-Institutional District and not in the NC-Commercial District. They shall not front onto a street and must be located behind their associated building so as to not be readily visible from any public street.
- F. Site Design Standards
- 1) Access and Parking
 - a) Vehicular Access. Access to parking areas shall be limited to rear alleys where possible to avoid the proliferation of driveways along streets. When driveways accessed from streets are deemed necessary, they shall be accessed from secondary streets rather than primary streets, when possible. The “primary street” is the street designed for and/or experiencing the higher level of traffic relative to the “secondary street.” Driveways shall be located along the edge of the lot. When opportunities occur, shared access driveways should be provided along property boundaries. Multiple adjacent driveways shall be avoided. No more than one (1) driveway shall be allowed per property unless the parking lot’s size and traffic projections warrant a second driveway.
 - b) Cross-Access. Direct vehicular access between adjoining properties shall be provided where possible as an alternative to indirect access via the associated street. Such access shall be located within the rear half of the lot, and may exist in the form of an alley or an internal driveway connecting the parking areas.

- c) Driveway Widths. Driveway widths shall not exceed twelve (12) feet for single-lane driveways or twenty-four (24) feet for two-lane driveways. No driveways may have more than two (2) lanes at their point of intersection with the street.
 - d) Drive-Through Windows/Facilities. Drive-through windows/facilities are permitted only if: 1) they are not visible from a public street, and 2) they adhere to the other vehicular access and driveway width standards of this code.
 - e) Parking Amounts. See Section 611 of the zoning ordinance for parking standards which are based upon specific land uses and building areas. Within urban mixed use districts, seventy-five (75) percent of the amount of parking otherwise required by City codes is required. No more than one hundred and twenty-five (125) percent of the amount of parking otherwise required by City codes shall be allowed within mixed use districts. Parking requirements may be waived, either wholly or partially, for properties within six hundred (600) feet of a public parking facility. Designated on-street parking located directly adjacent to a property, excluding parking on the other side of the street, shall be credited toward meeting the property's on-site parking requirements. Requirements for minimum amounts of parking are completely waived within the Historic Downtown Core District and the Residential / Commercial / Institutional District.
 - f) Parking Location. Parking lots shall not be located between a building and a street or between a building and the riverfront unless they are located in such a manner (below grade, etc.) so as to not be visible from the street or the riverfront. Parking lots shall not front onto primary streets, which consist of Main Avenue, First Street, Fifth Street, and Bridge Avenue (south of Rice Mine Road). In the case of a corner lot on Main and Fifth, the parking shall front onto Fifth rather than Main. Where parking lots front onto secondary streets, they shall be sufficiently screened per the parking design standards below. These parking location requirements may be waived for properties fronting Rice Mine Road.
 - g) Parking Design. Peripheral Screening: A year-round screening treatment shall be provided between any parking area and adjacent street. The screening area shall be a minimum of five (5) feet in width. While it should visually obscure pavement and vehicles and provide shade, for security purposes, it should not completely preclude views into the parking lot. Screening should include shade trees with an average maximum spacing of twenty (20) feet. Screening shall also include a low fence or wall, and/or shrubs with a minimum height of three (3) feet at the time of planting. Fencing shall be wood or metal, but shall not include chain link. Walls shall be brick, stone or concrete clad in stucco. Shrubs shall be evergreens. Trees shall be a minimum caliper of 2.5 inches at the time of planting.
 - h) Internal Landscaping: Landscaped islands or projections shall be provided to include one (1) or more shade trees at the end of all parking rows and within long parking rows. For each parking row, there shall be no more than ten (10) consecutive parking spaces between landscape islands/projections. Trees shall be a minimum caliper of 2.5 inches at the time of planting.
- 2) Loading & Refuse
- a) Location. Loading areas and refuse storage areas shall be located behind buildings and not readily visible from a street.
 - b) Screening. To the extent that site conditions and street configurations require, fencing and/or landscaping shall be used to screen loading areas from streets. Refuse storage areas shall be

completely screened from views both external and internal to the site with the provision of a wall or solid fence, and they shall include a screening gate for access to the refuse containers. Walls or fencing used for screening shall be visually compatible with the materials and design of the corresponding building, and it shall be taller than the height of the refuse containers, but no taller than ten (10) feet.

- 3) Lighting. Freestanding lights shall not exceed sixteen (16) feet in height for all urban mixed use areas, including streets, parking and pedestrian areas. Fixtures shall be hooded or shielded to minimize light trespass, reduce glare and minimize visibility from adjacent properties. Fixtures shall not direct light onto adjacent properties
- 4) Street & Streetscape Design. The design of streets and their streetscapes, including driving lanes, on-street parking sidewalks, landscaping and other features, shall be governed by the street classification map and corresponding cross-section designs (See Pages VII-3 through VII-11).
- 5) Service Stations. Automobile service stations are conditional uses within specified urban mixed use districts. In addition to other conditions that might be applied, they must meet the following standards:
 - a) Pump Locations. Fuel pumps shall not be located between the associate building and the primary street. They shall be located behind the building and not readily visible from the primary street, although they may be visible from secondary streets in the case of corner lots.
 - b) Building Design. The service station building shall be designed to appear as a conventional retail building.
 - c) Canopies & Lighting. The ceiling of canopies above fuel pumps should be a maximum of fourteen (14) feet in height. Light fixtures mounted on canopies shall be recessed so that the lens cover is recessed or flush with the ceiling of the canopy or shielded by the fixture or the edge of the canopy so that light is restrained to no more that 85 degrees from vertical.

11.5. EMPLOYMENT DISTRICTS (Light Industrial and Working Riverfront)

- A. Site Design Standards: Employment District. These site design standards shall apply to the following two districts within Northport's core city area: Light Industrial District and Working Riverfront District.
- B. Access and Parking
 - 1) Vehicular Access. No more than one (1) driveway shall be allowed per property unless: 1) the parking lot's size and peak-hour traffic projections warrant a second driveway, or 2) employee access and truck access must be separate.
 - 2) Driveway Widths.
 - a) Driveways Not Intended for Truck Access: Driveway widths shall not exceed twelve (12) feet for single-lane driveways or twenty-four (24) feet for two-lane driveways, or thirty-six (36) feet for three-lane driveways. No driveways may have more than three (3) lanes at their point of intersection with the street.
 - b) Driveways Intended for Truck Access: Driveway widths shall not exceed twenty-four (24) feet in total, regardless of the number of driving lanes.
 - 3) Parking Design.

- a) **Peripheral Screening:** A year-round screening treatment shall be provided between any parking area and adjacent street. The screening area shall be a minimum of five (5) feet in width. While it should visually obscure pavement and vehicles and provide shade, for security purposes, it should not completely preclude views into the parking lot. Screening should include shade trees with an average maximum spacing of thirty (30) feet. Screening shall also include a low fence or wall, and/or shrubs with a minimum height of two (2) feet at the time of planting. Fencing shall be wood or metal, but shall not include chain link. Walls shall be brick, stone or concrete clad in stucco. Shrubs shall be evergreens. Trees shall be a minimum caliper of 2.5 inches at the time of planting.
 - b) **Riverfront Screening:** Any parking areas visible from the river shall be required to provide the same peripheral screening as described above along the parking area's river side, with the following exception: walls and fencing shall not be part of the screening materials, and the landscape screening shall create a complete and year-round screening.
 - c) **Parking Screening Exceptions:** Screening requirements for parking areas may be waived where peripheral buffering along the property's rear or side lot lines is required (see below).
 - d) **Internal Landscaping:** Landscaped islands or projections shall be provided to include one (1) or more shade trees at the end of all parking rows and within long parking rows. For each parking row, there shall be no more than ten (10) consecutive parking spaces between landscape islands/projections. Trees shall be a minimum caliper of 2.5 inches at the time of planting.
- C. **Peripheral Buffering.** Peripheral buffering shall be provided along rear and side lot lines in the following cases: 1) where the abutting property is non-industrial (current use or zoning), including residential, commercial, mixed use and institutional, or 2) where the property is visible from the river along its rear or side lot lines. The minimum buffer width shall be twenty (20) feet and the buffering treatment shall feature a staggered double row of evergreen trees so as to create a year-round complete visual screen. No buildings or similar improvements may occur within the required buffer area, except that river-dependent uses may have breaks in the buffering to provide river access to the extent that the number and width of such breaks are the absolute minimum necessary for their operations.
- D. **Loading and Refuse**
- 1) **Location.** Loading areas and refuse storage areas shall be located behind buildings and not readily visible from a street or the river.
 - 2) **Screening.** To the extent that site conditions and street configurations require, fencing, walls and/or landscaping shall be used to screen loading and refuse storage areas from streets and the river on a year-round basis. Refuse storage areas shall be completely screened from views with the provision of a wall or solid fence, and they shall include a screening gate for access to the refuse containers. Walls or fencing used for screening shall be visually compatible with the materials and design of the corresponding building and it shall be taller than the height of the refuse containers, but no taller than ten (10) feet.
- E. **Outdoor Storage.** Equipment, supplies and other materials stored outdoors shall not be visible from: 1) a street, 2) an adjacent property if such property is non-industrial (current use or zoning), or 3) the river.
- F. **Fencing.** Chain link fencing, barbed wire, razor wire, and similar fencing types are prohibited from within the front yard of any property. Corner properties shall be considered to have two front yards for

the purposes of this provision. Such fences shall also be completely screened by landscaping on a year-round basis if visible from: 1) a street, 2) an adjacent property if such property is non-industrial (current use or zoning), or 3) the river.

- G. Duplicative Screening/Buffering Requirements. When the circumstances of a property trigger more than one screening/buffering requirement along a particular property line; (i.e. parking lot screening, property buffering, outdoor storage screening and/or fence screening), the most intensive of the individual requirements shall be required.
- H. Lighting. Freestanding lights shall not exceed twenty (20) feet in height for all areas, including streets, parking and pedestrian areas. Fixtures shall be hooded or shielded to minimize light trespass, reduce glare and minimize visibility from adjacent properties. Fixtures shall not direct light onto adjacent properties.
- I. Street and Streetscape Design. The design of streets and their streetscapes, including driving lanes, on-street parking sidewalks, landscaping and other features, shall be governed by the street classification map and corresponding cross-section designs (See Pages VII-3 through VII-11).
- J. Service Stations. Automobile services stations that abut non-industrial property (current use or zoning), even when separated by a street, must meet the following standards:
 - 1) Canopies. The ceiling of canopies above fuel pumps should be a maximum of fourteen (14) feet in height.
 - 2) Lighting. Light fixtures mounted on canopies shall be recessed so that the lens cover is recessed or flush with the ceiling of the canopy or shielded by the fixture or the edge of the canopy so that light is restrained to no more than 85 degrees from vertical.

11.6. Light Industrial District

It is the intent of this district to accommodate the efficient operation of light industrial uses that contribute to the local economy, while mitigating any potential negative impacts to surrounding areas.

A. Land Uses

- 1) Permitted Principal Uses: All uses permitted within the City's M-1 Industrial district.
- 2) Permitted Accessory Uses: Accessory uses are permitted when meeting each of the following standards:
 - a) Accessory use is customarily accessory, clearly incidental and subordinate to permitted principal uses;
 - b) Accessory use is wholly located on the same lot as the permitted principal use or on a contiguous lot in the same ownership; and
 - c) The use does not involve operations not in keeping with the character of the area.

B. Negative Impacts. Impacts such as noise, glare, vibrations, smoke, and air pollution shall not occur beyond the boundaries of the property to an extent to be deemed a significant nuisance to neighboring properties.

C. Building Scale and Placement

- 1) Maximum Building Height: Forty (40) feet. Building heights shall be measured from the average grade of the front façade to either: a) the top of the parapet on the front façade of flat-roofed building; or b) the top of the eave on the front façade of pitched-roofed buildings.
- 2) Front Setback: Minimum – Ten (10) feet from public right-of-way line
- 3) Side Setback: Minimum: Ten (10) feet.
- 4) Rear Setback: Minimum: Ten (10) feet

11.7. Working Riverfront District

It is the intent of this district to accommodate river-dependent uses in a manner that protects the riverfront's scenic beauty, environmental integrity, and recreational value.

A. Land Uses

- 1) Permitted Principal Uses: Uses that are river dependent, including marinas, river-dependent athletic facilities, boat/barge towing operations, and passive recreation,
- 2) Permitted Accessory Uses: Accessory uses are permitted when meeting each of the following standards:
 - a) Accessory use is customarily accessory, clearly incidental and subordinate to permitted principal uses;
 - b) Accessory use is wholly located on the same lot as the permitted principal use or on a contiguous lot in the same ownership; and
 - c) The use does not involve operations not in keeping with the character of the area.
- 3) Permitted Conditional Uses: Permitting the following conditional uses is a discretionary decision of the City and may be approved with any reasonable conditions related to the use's location, design and operation.
 - a) Permitted conditional uses are limited to the following: residential, lodging, retail, offices, passenger terminals, utility substations, and institutional uses.

B. Negative Impacts. Impacts such as noise, glare, vibrations, smoke, and air pollution shall not occur beyond the boundaries of the property to an extent to be deemed a significant nuisance to neighboring properties.

C. Building Scale and Placement

- 1) Maximum Building Height: Thirty-five (35) feet. Building heights shall be measured from the average grade of the front façade to either: a) the top of the parapet on the front façade of flat-roofed building; or b) the top of the eave on the front façade of pitched-roofed buildings.
- 2) Front Setback: Minimum – Ten (10) feet from public right-of-way line
- 3) Side Setback: Minimum: Ten (10) feet.
- 4) Rear Setback: Minimum: Ten (10) feet

11.8. Ecological Districts (River's Edge District)

- A. Site Design Standards: Ecological Districts. These site design standards shall apply to the following two districts within Northport's core city area: River's Edge District and Conservation District.

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- 1) Access & Parking
 - a) Vehicular Access. No more than one (1) driveway shall be allowed per property.
 - b) Driveway Widths. Driveway widths shall not exceed twelve (12) feet for single-lane driveways or twenty-four (24) feet for two-lane driveways. No driveways may have more than two (2) lanes at their point of intersection with the street.
 - c) Parking Amounts. Parking is not required within these districts. When provided, see Section 611 of the zoning ordinance for parking standards which are based upon specific land uses and building areas. No more than one hundred (100) percent of the amount of parking otherwise required by City codes shall be allowed within ecological districts.
 - d) Parking Design.
 - i. Peripheral Screening: A year-round screening treatment shall be provided between any parking area and adjacent street. The screening area shall be a minimum of five (5) feet in width. While it should visually obscure pavement and vehicles and provide shade, for security purposes, it should not completely preclude views into the parking lot. Screening should include shade trees with an average maximum spacing of twenty (20) feet. Screening shall also include a low fence or wall, and/or shrubs with a minimum height of two (2) feet at the time of planting. Fencing shall be wood or metal, but shall not include chain link. Walls shall be brick, stone or concrete clad in stucco. Shrubs shall be evergreens. Trees shall be a minimum caliper of 2.5 inches at the time of planting.
 - ii. Riverfront Screening: Any parking areas visible from the river shall be required to provide the same peripheral screening as described above along the parking area's river side, with the following exception: walls and fencing shall not be part of the screening materials, and the landscape screening shall create a complete and year-round screening.
 - iii. Internal Landscaping: Landscaped islands or projections shall be provided to include one (1) or more shade trees at the end of all parking rows and within long parking rows. For each parking row, there shall be no more than ten (10) consecutive parking spaces between landscape islands/projections. Trees shall be a minimum caliper of 2.5 inches at the time of planting.
 - 2) Loading & Refuse
 - a) Location. Loading areas and refuse storage areas shall be located behind buildings and not readily visible from a street or the river.
 - b) Screening. To the extent that site conditions and street configurations require, fencing and/or landscaping shall be used to screen loading areas from streets and the river. Refuse storage areas shall be completely screened from views both external and internal to the site with the provision of a wall or solid fence, and they shall include a screening gate for access to the refuse containers. Walls or fencing used for screening shall be visually compatible with the materials and design of the corresponding building and it shall be taller than the height of the refuse containers, but no taller than ten (10) feet.
 - 3) Lighting. Freestanding lights shall not exceed sixteen (16) feet in height for all ecological districts, including streets, parking and pedestrian areas. Fixtures shall be hooded or shielded to minimize
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light trespass, reduce glare and minimize visibility from adjacent properties. Fixtures shall not direct light onto adjacent properties.

- 4) **Street & Streetscape Design.** The design of streets and their streetscapes, including driving lanes, on-street parking sidewalks, landscaping and other features, shall be governed by the street classification map and corresponding cross-section designs (See Pages VII-3 through VII-11).

11.9. River's Edge District

It is the intent of this district to protect the riverfront's scenic beauty, environmental integrity, and recreational value, while allowing river access and minimal improvements for river-dependent uses. No improvements that could otherwise occur and function on lands not abutting the river shall occur within this district.

A. Land Uses

- 1) **Permitted Principal Uses:** Passive recreation (hiking, picnicking, fishing, etc.), marinas, and boat/barge docks.
- 2) **Permitted Accessory Uses:** Accessory uses are permitted when meeting each of the following standards:
 - a) Accessory use is customarily accessory, clearly incidental and subordinate to permitted principal uses;
 - b) Accessory use is wholly located on the same lot as the permitted principal use or on a contiguous lot in the same ownership; and
 - c) The use does not involve operations not in keeping with the character of the area.
- 3) **Permitted Conditional Uses:** Permitting the following conditional uses is a discretionary decision of the City and may be approved with any reasonable conditions related to the use's location, design and operation.
 - a) Permitted conditional uses are limited to the following: dining, retail and services associated with a marina or boat/barge dock.

B. Building Scale & Placement

- 1) **Maximum Building Height:** Twenty-five (25) feet. Building heights shall be measured from the average grade of the front façade to either: a) the top of the parapet on the front façade of flat-roofed buildings; or b) the top of the eave on the front façade of pitched-roofed buildings.
- 2) **Front Setback:** Minimum: Ten (10 feet from public right-of-way line
- 3) **Side Setback:** Minimum: Ten (10) feet
- 4) **Rear Setback:** Minimum five (5) feet
- 5) **Environmentally Sensitive Lands:** No buildings or parking areas shall occur on environmentally sensitive lands consisting of water bodies, delineated wetlands, and/or slopes over twenty-five (25) percent. The only disturbance that may occur to such lands is for the development of roads and pathways, and such disturbance shall follow state and/or nationally recognized standards for mitigating negative impacts to the environment, such as erosion and sedimentation. In accordance with Army Corps of Engineers regulations, a conservation easement shall be applied at all elevation levels consisting of 134 feet above sea level or lower.

C. Building Design

- 1) Roofs. Penetrations and Equipment: Pipe vents, air conditioning units, and similar roof top penetrations and equipment (not including chimneys) shall be located and/or screened in a manner that minimizes their visibility. Chimneys shall be made of a masonry material.
- 2) Façade Design
 - a) Massing: No front façade plane shall exceed a width of thirty (30) feet without an interruption. Facades shall be broken into a series of vertical bays using any of the following elements: wall off-sets of at least four (4) inches in depth, material changes, pilasters (engaged pillars), columns/posts (including as part of a porch and/or balcony), roofline or cornice line changes, projecting bays, porches, and front steps and/or stoops. Depending upon the design of the building, more than one (1) such element may be required to achieve the appropriate massing. When used as the sole means, material changes, roofline or cornice line changes, and front steps and/or stoops alone will not suffice.
 - b) Glazing: Glass anywhere on the front façade may not be reflective or heavily tinted.
 - c) Door & Window Design: Doors and windows with muntins shall feature real muntins or simulated divided lites on both sides of the glass, rather than “snap-in” and similar limitations. Shutters, if provided, shall be sized to fit the window and appear to be operable.

D. Façade Cladding Materials

“Primary façade cladding materials are those which, individually or collectively, constitute at least seventy-five (75) percent of the exposed surface area. Primary material changes shall not occur at outside corners. Primary material changes shall occur on a horizontal line with the heavier material below the lighter material (for example; siding above masonry).

- 1) Permitted Primary Materials: Wood, brick, stone, cast stone, plaster/smooth-finished stucco, and materials identical in appearance including, but not limited to, Thin Brick, Thin Stone, Exterior Insulation Finishing System* (EIFS), etc.
 - a) Wood Cladding shall be limited to lap siding and other forms of horizontal boarding, board-and-batten and other forms of vertical boarding, and wood shingles. Horizontal boarding shall have a maximum exposure of eight (8) inches.
 - b) *Exterior Insulation Finishing System (EIFS) shall be limited to no more than sixty (60) percent of exposed surface area on buildings over forty (40) feet in height; on buildings forty feet and under EIFS is limited to twenty (20) percent for trim and cornice work. Only a water management EIFS system shall be installed, where permitted.
- 2) Permitted Secondary Materials: The following materials shall not exceed, individually or collectively, twenty-five (25) percent of the exposed surface area: concrete (not including smooth-finished concrete block) and metal.
- 3) Prohibited Materials: The following materials are completely prohibited from comprising the exposed surface area: vinyl, stucco, smooth-finished concrete block, non-drainable EIFS and other materials not specifically permitted.

