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ARTICLE I AUTHORITY AND ENACTMENT CLAUSE

AN ORDINANCE, IN PURSUANCE OF THE AUTHORITY GRANTED BY TITLE 2, CHAPTER 52, ARTICLE 4, CODE OF ALABAMA 1975, AS AMENDED AND SUPPLANTED BY ALL APPLICABLE LAWS TO PROVIDE FOR THE ESTABLISHMENT OF DISTRICTS WITHIN THE CORPORATE LIMITS OF LAKE VIEW, ALABAMA; TO REGULATE WITHIN SUCH DISTRICTS THE HEIGHT, NUMBER OF STORIES, AND SIZE OF BUILDINGS AND OTHER STRUCTURES, THE PERCENTAGE OF LOTS THAT MAY BE OCCUPIED, THE SIZE OF YARDS AND OTHER OPEN SPACES, THE DENSITY OF POPULATION AND THE USE OF BUILDINGS, STRUCTURES, AND LAND; AND TO PROVIDE METHODS OF ADMINISTRATION AND PENALTIES FOR THE VIOLATION THEREOF.

WHEREAS the public welfare requiring it, the City Council deems it necessary for the purpose of promoting the health, safety, morals, and general welfare to enact such an ordinance and,

WHEREAS all requirements of the laws of the State of Alabama with the preparation of the ordinance by the Planning Commission and the subsequent action of the City Council has been made:

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LAKE VIEW, ALABAMA, as follows:

ARTICLE II TITLE AND PURPOSES

Section 2.1 TITLE

This ordinance shall be known and may be cited as the "Zoning Ordinance of the City of Lake View, Alabama".

Section 2.2 JURISDICTION

This Zoning Ordinance and the Zoning Map shall govern and regulate all land within the City limits of Lake View, Alabama. If additional territory is annexed to the City of Lake View at a subsequent date, that land shall be zoned R-2 Residential District until and unless changed to another zone in accordance with the amendment procedure set forth herein. The Planning Commission shall, within forty-five (45) days of the date of annexation, make a study of the annexed land, hold a public hearing regarding the zoning of said land and recommend the appropriate zoning of the newly annexed land to the City Council.

Section 2.3 PURPOSES

The zoning regulations and districts as set forth in this Ordinance are made for the purpose of guiding development to meet existing and future needs and to protect, promote and improve the public health, safety, convenience, order, prosperity, and general welfare of the residents of the City of Lake View. In furtherance of these aims this Ordinance is intended to serve the following purposes:

- 2.3.1** To provide for the establishment of districts in the corporate limits of the City of Lake View, Alabama.
- 2.3.2** To regulate within such districts the type, height, number of stories and size of buildings and other structures.
- 2.3.3** To regulate within such districts the percentage of lot that may be occupied, the size of yards and other open spaces, the density of population and the use of buildings, structures, and land.
- 2.3.4** To ensure that these regulations have been made with reasonable consideration, among other things, of the character of each district, its peculiar suitability for particular uses, and with a view of promoting desirable living conditions, the sustained stability of neighborhoods, protecting property against blight and depreciation, securing economy in governmental expenditures, and conserving the value of land, buildings, and structures.

- 2.3.5** To lessen congestion in the streets and provide for off-street vehicle parking and off-street loading and unloading of vehicles.
- 2.3.6** To provide for methods of administration of this Ordinance and penalties for the violation thereof.
- 2.3.7** To provide for the establishment of a Board of Adjustment to assist in certain phases of the administration of this Ordinance.

ARTICLE III ESTABLISHMENT OF DISTRICTS

Section 3.1 DIVISION INTO USE DISTRICTS

(Amended _____ – Ordinance _____)

To achieve the purpose of this Ordinance, the City of Lake View is hereby divided into the following districts:

A-1	Agriculture District
A-2	Agriculture District
A-3	Agriculture District
R-1(a)	Single-Family Residential District
R-1(b)	Single-Family Residential District
R-1(c)	Single-Family Residential District
R-1(d)	Single-Family Residential District
R-2(a)	Single-Family Residential District (*)
R-2(b)	Single-Family Residential District (*)
R-3	Multi-Family Residential District (*)
MIX	Mixed Use Residential Including Manufactured Homes (*)
R-G	Single-Family Garden Home District
C-1	Commercial Zone / District
C-2	Commercial Zone / District
C-3	Commercial Zone / District
C-4	Commercial Zone / District
CR	Commercial / Residential Zone (*)
FI-1	Factory / Industrial District (*)
FI-2	Factory / Industrial District (*)
FI-3	Factory / Industrial District (*)
MHP	Manufactured Home Park District (*)
PUD	Planned Unit Development District (*)

*Note: Defined for future annexation and to promote the health, safety, morals, and general welfare of all citizens of the City of Lake View.

Section 3.2 ZONING MAP

The boundaries of the zoning districts are as shown on the map entitled "Zoning Map of Lake View, Alabama", adopted herewith, which accompanies, and which, with all explanatory matter thereon, is hereby made a part of this Ordinance. The original zoning map, properly attested, shall remain on file in the office of the City Clerk of the City of Lake View, Alabama and shall show thereon the date of adoption of said map.

USE CATEGORIES

Within each type of zoning district there are two general categories of uses enumerated as follows:

- A** Permitted Uses - Uses listed as Permitted Uses are permitted by right subject to the conditions specified elsewhere in this Ordinance.
- B** Conditional Uses - Uses listed as Conditional Uses are permitted upon approval by the Planning Commission as being appropriate with regard to transportation and access, water supply, waste disposal, fire and police protection, and other public facilities; as not causing undue traffic congestion or creating a traffic hazard; and as being in harmony with the orderly and appropriate development of the district in which the use is located.

Section 3.3 PURPOSES INTERPRETATION OF DISTRICT BOUNDARIES

The boundaries of the zoning districts are established as shown on the Zoning Map. Unless otherwise shown on said Zoning Map, the boundaries of districts are lot lines, the centerlines of streets or alleys or such lines extended, railroad right-of-way lines, or the corporate limit lines as they existed at the time of enactment of this Ordinance.

Where any uncertainty exists with respect to the boundaries of any of the aforesaid districts as shown on the official Zoning Map, the following rules shall apply:

- 3.3.1** Where district boundaries are indicated as approximately following the centerlines or right-of-way lines of streets and alleys, lot lines, stream centerlines, property lines, or corporate limit lines, such lines shall be considered such boundaries.
- 3.3.2** In subdivided property or where a district boundary divides a lot, the location of such boundary, unless the same is indicated by dimensions shown on the map, shall be determined by the use of the scale appearing on the Zoning Map.
- 3.3.3** Where the boundary of a district follows a railroad line, such boundary shall be deemed to be located in the middle of the main track(s) of said railroad line.
- 3.3.4** Where physical or cultural features existing on the ground are at variance with those shown on the Zoning Map, or in other circumstances not covered by the preceding rules, the Board of Adjustment shall interpret the district boundaries.

**ARTICLE IV USE PROVISIONS FOR RESIDENTIAL ZONING
DISTRICTS**

This Article provides for the determination of uses compatible with the various residential districts established in Article 3.

Section 4.1 A-1 AGRICULTURE DISTRICT

(Amended _____ – Ordinance _____)

The A-1 Agriculture District is intended to provide for low density residential development while allowing the continuation of agricultural or farm uses. This district also serves to correlate growth with utility, service and transportation needs until more intensive urban development is warranted.

Agricultural zone. Allowable agricultural (A) zone uses shall be:

4.1.1 Division 1. Any designated open space used for:

- A** Agriculture and General Farming Operations, including horticulture, plant nurseries, market gardening, field crops, livestock and poultry raising and other similar uses.
- B** Single-family Detached Dwelling:
 - ◆ “On-Site” Constructed Dwelling.
 - ◆ Prefab or Modular Constructed Dwelling.
 - ◆ Manufactured Home.
- C** Accessory Uses and Structures that are customarily incidental to any permitted use subject to the requirements of all pertinent sections of this Ordinance.

4.1.2 Division 2. Any agricultural use, including, but not limited to, dwellings, maintenance/storage buildings and other such uses necessary for the principal use complying with the following conditional uses:

- A** Two (2) Single-Family Detached Dwellings or combination of “B” above on one lot with a minimum land area of two (2) acres.
- B** More than two (2) Single-Family Detached Dwellings or combination of “B” above on one lot provided:
- C** That only one individual area of two (2) acres is permitted to have two (2) such dwelling units located on it;
- D** That dwelling units in excess of two (2) shall be located on separate two (2) acre areas of land that contain no other dwelling unit.
- E** That a distance of at least two hundred (200) feet shall be maintained between all dwelling units in excess of two (2) dwelling units; and

Further, the overall density of the entire tract of land on which all of the dwelling units are located shall not exceed an average of one (1) dwelling unit per two (2) acres regardless of the requirements set forth above in this Section.

- F** The Planning Commission may, at its discretion, limit the number of dwelling units permitted as a conditional use under this provision as the intent is to allow reasonable use and development to meet the personal needs of property owners and to limit the promotion of development that is not in character with rural residential communities.
- G** A request for approval of this conditional use shall be accompanied by a site plan that: shows the delineation of each two (2) acre area of land; provides the dimensions of each two (2) acre area of land; and indicates the location of each dwelling unit within the boundaries of each individual two (2) acre area of land. If the request for conditional use is approved, the site plan shall become an enforceable condition of the approval and be noted on the Zoning Map.

4.1.3 Division 3. Any public park land or other similar recreational use, including, but not limited to, amusement rides, office buildings, retail buildings, cemetery, church, fire station, golf course and dwellings necessary for the maintenance of the principal use. Schools, public, private or parochial for grades one to twelve, having a curriculum approximately the same as ordinarily given in public schools and meeting all requirements of the education laws of the State of Alabama.

4.1.4 Bulk Regulations

General. The minimum area, setbacks, density, and maximum height shall be as prescribed in Table 4.1.

TABLE 4.1
AGRICULTURAL (A) ZONE BULK REGULATIONS (in feet, unless noted otherwise)^a

ZONE DIVISION	MINIMUM LOT AREA (acres)	MAXIMUM DENSITY (units/acre)	LOT DIMENSIONS		SETBACK REQUIREMENTS			MAXIMUM BUILDING HEIGHT ^b
			Minimum lot width	Minimum lot depth	Minimum front yard	Minimum side yard	Minimum rear yard	
1	20	1 dwelling unit/20 acres	600	600	30	15	60	35
2	10	1 dwelling unit/10 acres	400	400	30	15	60	35
3	5	1 dwelling unit/5 acres	250	250	30	15	60	35

For SI: 1 foot = 304.8 mm, 1 acre = 4047 m².

a. Open spaces and parks can be of a reduced size, if approved.

b. Access storage structures, windmills and similar structures shall be permitted to exceed the maximum height where approved by the code official.

Section 4.2 RESIDENTIAL ZONE

4.2.1 Division 1. The following uses are permitted in an R, Division 1 zone:

Single-family dwellings, publicly owned and operated parks, recreation centers, swimming pools and playgrounds, police and fire department stations, public and governmental services, public libraries, schools, and colleges (excluding colleges or trade schools operated for profit), public parking lots, private garages, buildings accessory to the above permitted uses (including private garages and accessory living quarters), public utility stations and temporary buildings.

The purpose and intent of the R1 Single-Family Residential Zone is to provide for and protect areas of traditional single-family detached dwellings at low densities and free from incompatible land uses.

A Permitted uses include:

◆ Single-family Detached Dwelling:

(a) “On-Site” Constructed. See **ARTICLE 17** as defined.

(b) Minimum of 1,800 sq. ft of livable space not including porches and garages. Where there are two stories of livable space, the lower portion shall be a minimum of 1,200 sq. ft.

◆ Home Garden.

◆ Accessory Uses and Structures that are customarily incidental to any permitted use subject to the requirements of all pertinent

sections of this Ordinance. See **ARTICLE X** and **ARTICLE 19 (19.2.2(c))**

B Conditional uses include: church, fire station, golf course, public park or playground including recreation or community centers, or school, public, private, or parochial for grades one to twelve having a curriculum approximately the same as ordinarily given in public schools and meeting all requirements of the education laws of the State of Alabama.

C Special Exception Uses:

The following uses may also be permitted, subject to approval of the Planning Commission and further subject to appropriate permits being issued by the City. See **Article 19, Special Exception Uses, Section 19.0 and Subsection 19.1 and 19.2.**

- ◆ Residential Uses: Modular Home subject to **ARTICLE 19** as defined.
- ◆ Commercial Uses
 - (a) Home Occupation: subject to **ARTICLE 19** as defined.
 - (b) Day Care: subject to all State, County and Local Laws.

4.2.2 Division 2. The following uses are permitted in an R, Division 2 zone:

Any use permitted in R, Division 1 zones and two-family dwellings. The purpose and intent of the R2 Single-Family Residential Zone is to provide for and protect areas of traditional single-family detached dwellings at moderate densities and free from incompatible land uses.

- A** Permitted Uses include: Any permitted use in the R-1 Single-family Residential District.
 - ◆ Minimum of 1,400 sq. ft of livable space not including porches and garages. Where there are two stories of livable space, the lower portion shall be a minimum of 900 sq. ft.
- B** Conditional Uses include: Any use permitted conditionally in the R1 Single-family Residential Zone.
- C** Special Exception Uses. Any use permitted Special Exception Uses in the R-1 Single-family Residential District.

4.2.3 Division 3. The following uses are permitted in an R, Division 3 zone:

All uses permitted in R, Division 2 zones, multiple-unit dwellings, such as apartment houses, boarding houses, condominiums, and congregate residences. The purpose and intent of the R3 Single-family Residential District is to provide areas for single-family detached dwelling units at medium densities and free from incompatible land uses.

- A** Permitted Uses include: Any permitted use in the R-2 Single-family Residential District.
 - ◆ Modular Home subject to Section 19.2.1 of ARTICLE 19
 - ◆ Manufactured Home subject to **ARTICLE 19** as defined.
 - ◆ Minimum of 1,000 sq. ft of livable space not including porches and garages. Where there are two stories of livable space, the lower portion shall be a minimum of 700 sq. ft.
- B** Conditional Uses include: Any use permitted conditionally in the R-2 Single-family Residential District.
- C** Special Exception Uses: Any use permitted Special Exception Uses (Part B) in the R-1 Single Family Residential District.

4.2.4 BULK REGULATIONS

General. The minimum area, setbacks, density, and maximum height shall be as prescribed in Table 4.2.

**TABLE 4.2
RESIDENTIAL (R) ZONE BULK REGULATIONS (in feet, unless
noted otherwise)**

DIVISION	MINIMUM LOT AREA/SITE (square feet)	MAXIMUM DENSITY (dwelling unit/acre)	LOT DIMENSIONS		SETBACK REQUIREMENTS			MAXIMUM BUILDING HEIGHT ^a
			Minimum lot width	Minimum lot depth	Minimum front yard	Minimum side yard	Minimum rear yard	
1	a	1	125	150	25	10	30	35
	b	2	100	125	20	10	25	35
	c	4	75	100	20	5	25	35
	d	6	60	90	15	5	20	35
2	a	4	60	70	20	5	20	35
	b	6	60	70	15	5	20	35
3	a	8	60	70	15	5	20	35
	b	12	60	70	15	5	20	35

For SI: 1 foot = 304.8 mm, 1 square foot = 0.0929 m², 1 acre = 4047 m².

a. Accessory towers, satellite dishes and similar structures shall be permitted to exceed the maximum height where approved by the code official.

**ARTICLE V COMMERCIAL AND COMMERCIAL/RESIDENTIAL
ZONES**

Section 5.1 C-Zones

Commercial and commercial/residential zones defined. Allowable commercial (C) zone and commercial/residential (CR) zone uses shall be:

5.1.1 Division 1. The following uses are permitted in a C, Division 1 zone:

Minor automotive repair, automotive motor fuel dispensing facilities, automotive self-service motor fuel dispensing facilities, business or financial services, convenience, and neighborhood commercial centers (excluding wholesale sales), family and group day care facilities, libraries, mortuary and funeral homes, public and governmental services, police and fire department stations, places of religious worship, public utility stations, and restaurants.

5.1.2 Division 2. The following uses are permitted in a C, Division 2 zone:

Any uses permitted in C, Division 1 zones, and light commercial (excluding wholesale sales), group care facilities, physical fitness centers, religious, cultural, and fraternal activities, rehabilitation centers, and schools and colleges operated for profit (including commercial, vocational and trade schools).

5.1.3 Division 3. The following uses are permitted in a C, Division 3 zone:

Any uses permitted in C, Division 2 zones, and amusement centers (including bowling alleys, golf driving ranges, miniature golf courses, ice rinks, pool and billiard halls, and similar recreational uses), auto-motive sales, building material supply sales (wholesale and retail), cultural institutions (such as museums and art galleries), community commercial centers (including wholesale and retail sales), health and medical institutions (such as hospitals), hotels and motels (excluding other residential occupancies), commercial printing and publishing, taverns and cocktail lounges, indoor theaters, and self-storage warehouses.

5.1.4 Division 4. The following uses are permitted in a C, Division 4 zone:

Any uses permitted in C, Division 3 zones, and major automotive repair, commercial bakeries, regional commercial centers (including wholesale and retail sales), plastic products design, molding and assembly, small metal products design, casting, fabricating, and processing, manufacture and finishing, storage yards, and wood products manufacture and finishing.

Section 5.2 CR-Zone

Permitted (commercial/residential) (CR) zone uses shall be:

- 5.2.1** Division 1. The following uses are permitted in a CR, Division 1 zone:
 - A** Any use permitted in a C, Division 1 zone, and residential use permitted, except in the story or basement abutting street grade.
- 5.2.2** Division 2. The following uses are permitted in a CR, Division 2 zone:
 - A** Any use permitted in a C, Division 2 zone, and residential use permitted, except in the story or basement abutting street grade.

Section 5.3 BULK REGULATIONS

General. The minimum area, setbacks, density, and maximum height shall be as prescribed in Table 5.0.1.

**TABLE 5.0.1
COMMERCIAL (C) AND COMMERCIAL/RESIDENTIAL (CR) ZONES BULK
REGULATIONS
(in feet, unless noted otherwise)**

DIVISION	MINIMUM LOT AREA (square feet)	MAXIMUM DENSITY (units/acre)	LOT DIMENSIONS		SETBACK REQUIREMENTS			MAXIMUM BUILDING HEIGHT ^a
			Minimum lot width	Minimum lot depth	Minimum front yard	Minimum side yard	Minimum rear yard	
1	6,000	12	30	70	0	0	0	30
2	Not Applicable	Not Applicable	30	70	0	0	0	40
3	Not Applicable	Not Applicable	75	100	0	0	0	50
4	Not Applicable	Not Applicable	75	100	0	0	0	50

For SI: 1 foot = 304.8 mm, 1 square foot = 0.0929 m², 1 acre = 4047 m².

a. Accessory towers, satellite dishes and similar structures shall be permitted to exceed the listed heights where approved by the code official.

**ARTICLE VI USE PROVISIONS FOR FACTORY/INDUSTRIAL
DISTRICTS**

(Amended _____ – Ordinance _____)

Section 6.1 FI-1 LIGHT INDUSTRIAL DISTRICT, ZONE 1

The purpose of the FI-1 Light Industrial District is to provide suitable locations for warehousing and industrial activities which are clean, quiet, free from hazardous or objectional emissions, and do not generate heavy truck traffic. Industrial parks and industries desiring attractive surroundings are encouraged in this district.

6.1.1 Division 1. Any light-manufacturing or industrial use, such as warehouses, research or testing laboratories, product distribution centers, woodworking shops, auto body shops, furniture assembly, dry cleaning plants, places of religious worship, public and governmental services, machine shops, and boat building storage yards.

Section 6.2 FI-2 GENERAL INDUSTRIAL DISTRICT, ZONE 2

The I-2 General Industrial District is intended for industrial activities which require special locations due to employment of heavy equipment or machinery; appearance of premises and structures; generation of heavy truck traffic; and large site requirements.

6.2.1 Division 2. Any use permitted in the FI, Division 1 zone and stadiums and arenas, indoor swap meets, breweries, liquid fertilizer manufacturing, carpet manufacturing, monument works, and a regional recycling center.

Section 6.3 FI-3 FACTORY/INDUSTRIAL DISTRICT, ZONE 3

6.3.1 Division 3. Any use permitted in the FI, Division 2 zone and auto-dismantling yards, alcohol manufacturing, cotton gins, paper manufacturing, quarries, salt works, petroleum refining, and other similar uses.

Section 6.4 BULK REGULATIONS

General. The minimum area, setbacks, density and maximum height shall be as prescribed in Table 6.1.

**TABLE 6.1
FACTORY/INDUSTRIAL (FI) ZONE BULK
REGULATIONS
(in feet, unless
noted otherwise)**

DIVISION	MINIMUM LOT AREA (square feet)	MAXIMUM DENSITY (units/acre)	LOT DIMENSIONS		SETBACK REQUIREMENTS			MAXIMUM BUILDING HEIGHT ^a
			Minimum lot width	Minimum lot depth	Minimum front yard	Minimum side yard	Minimum rear yard	
1	Not Applicable	Not Applicable	50	75	0	0	0	60
2	Not Applicable	Not Applicable	75	100	0	0	0	80
3	Not Applicable	Not Applicable	100	150	0	0	0	80

For SI: 1 foot = 304.8 mm, 1 square foot = 0.0929 m², 1 acre = 4047 m².

a. Accessory towers, satellite dishes and similar structures shall be permitted to exceed the maximum height where approved by the code official.

ARTICLE VII USE PROVISIONS FOR SPECIAL ZONING DISTRICTS

(Amended _____ – Ordinance _____)

Section 7.1 MHP MANUFACTURED HOME PARK DISTRICT

The purpose and intent of the MHP Manufactured Home Park District is to provide appropriate locations for the establishment of manufactured home parks within which space may be leased or rented. An application for Manufactured Home Park District zoning shall require a site plan as specified in Section 7.1.5. Any space or lots to be sold shall require a different zoning district classification that permits manufactured homes and shall meet all requirements of the Subdivision Regulations of the City of Lake View.

7.1.1 DEFINITIONS

- A** Manufactured Home. A structure, transportable in one or more sections, designed to be used as a dwelling when connected to the required utilities and bearing a label certifying that it is constructed in compliance with the National Manufactured Housing Construction and Safety Standards Act (42 U.S.C. 540105445), which first became effective on June 15, 1976.
- B** Manufactured Home Space. Land with a manufactured home park that has been designated for the placement of one single or multi-sectional manufactured home for the exclusive use of its occupants.
- C** Manufactured Home Park. A parcel of land that has been developed in accordance with the provisions of Section 7.1 of this Ordinance and divided into spaces for the placement of manufactured homes for residences.
- D** Recreational Vehicle. A vehicular unit mounted on wheels and designed to provide temporary living quarters for recreational, camping or travel use and of such size and weight as to not require special highway movement permits when drawn by a motorized vehicle.
- E** Seal. A device, label or insignia issued by the U. S. Department of Housing and Urban Development, to be displayed on the exterior of the manufactured home to evidence compliance with applicable codes.

7.1.2 PERMITTED USES

Within a MHP Manufactured Home Park district no building, structure, land, or premises shall be used, and no building or structure shall be hereafter erected, constructed, reconstructed, moved or altered, except for one or more of the following uses.

- A** Manufactured Home Park.
- B** Manufactured Home Park Office.
- C** Recreation Buildings and Playground.
- D** Service facilities for the exclusive use of manufactured home park residents including self-service laundry.
- E** Structures and uses required for the operation of a public utility or the operation or maintenance of the manufactured home park.
- F** One identification sign not exceeding twelve (12) square feet containing thereon only the name and address of the manufactured home park. Said sign may be lighted by indirect light only.
- G** One accessory storage building per manufactured home space is permitted. However, said storage building shall be located on the rear of the space; be set back at least three (3) feet from the boundary lines of the space; not exceed one hundred twenty (120) square feet in size; and shall be used only by the occupants of the manufactured home.

7.1.3 GENERAL

- A** In manufactured home parks, recreational vehicles shall not be occupied as living quarters and manufactured home sales lots shall not be permitted, but manufactured homes may be sold on manufactured home parks spaces they occupy while in residential use.
- B** Prior to the placement of a manufactured home in a manufactured home park, a permit shall be obtained from the Zoning Administrator, subject to compliance with all provisions of this Ordinance.
- C** Manufactured home units that do not bear a seal as defined in Section 7.1.1, Paragraphs A and F shall not be permitted within a manufactured home park within the City of Lake View.

7.1.4 SITE STANDARDS

The following site standards shall apply for all manufactured home parks hereinafter established or altered.

- A** The minimum area for any manufactured home park shall be ten (10) acres.

B The following standards for each manufactured home space shall apply for all manufactured home parks hereinafter established or altered.

- (1) Each individual manufactured home space shall have a minimum area of five thousand (5,000) square feet with a width of not less than fifty (50) feet.
- (2) Manufactured homes shall be so located on each space that there shall be at least a twenty (20) foot clearance between manufactured homes or any attachments thereto or any building within the park.
- (3) The minimum front, side, and rear yard setback for each manufactured home space within the manufactured home park shall be as follows:

<u>Front</u> 15 feet	<u>Rear</u> 10 feet	<u>Side</u> 10 feet
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C A buffer area twenty-five (25) feet wide shall be located on and along all manufactured home park property lines not bordering a public street. The buffer area shall be landscaped and maintained. No building or structure of any kind shall be erected or maintained in the required buffer area.

D All manufactured home parks shall have a minimum frontage of fifty (50) feet on a public street. The yard setback for all parts of the manufactured home park that abuts a public street shall be thirty-five (35) feet.

E All interior manufactured home spaces shall abut upon a roadway having a paved surface not less than twenty-three (23) feet in width. Such roadways shall be hard surfaced and shall meet the construction specification requirements of the Lake View Subdivision Regulations for residential streets.

F The applicant/developer of a manufactured home park should be aware that any future development or subdividing of the parcel on which the manufactured home park is located will require rights-of-way widths as provided for by the Lake View Subdivision Regulations. Therefore, future access through the manufactured home park could require redevelopment that might eliminate spaces or otherwise decrease the functional use of the site.

G The height of any Manufactured home, building or structure shall not be greater than thirty-five (35) feet.

- H** Not less than ten percent (10%) of the gross land area of the manufactured home park shall be devoted to common recreational areas and facilities. Such open space shall be separate and aside from the open space required and provided on each manufactured home space or by public road setback requirements. Said open space shall be grassed and/or landscaped or otherwise designed and made available for recreational use. Such areas shall be consolidated into usable areas with minimum dimensions of not less than thirty (30) feet.
- I** Each Manufactured home space shall be provided with a deck or paved patio of at least three hundred (300) square feet. The minimum horizontal distance of the deck or paved patio shall be not less than twelve (12) feet. Patios shall be surfaced with concrete, asphalt or other approved hard surface. Required parking areas may not be considered to meet the requirements for a deck or patio.
- J** There shall be two (2) paved off-street parking spaces for each manufactured home space; two (2) spaces for the park office; and additional parking spaces equal to fifty (50) percent of the number of manufactured home spaces to provide for guest parking shall be located within the manufactured home park site. Where roadways are paved to a width of thirty (30) feet or more, the required off-street guest parking shall be waived. All off-street parking shall have direct access to an interior street within the manufactured home park and there shall be no driveway access to an exterior street.
- K** The entire area of the manufactured home park shall be adequately served by water, sanitary sewer and drainage facilities meeting all requirements of the Tuscaloosa Health Departments.
- L** The manufactured home park development shall provide a storm shelter or shelters. Such shelter facilities shall provide fifteen (15) square feet of unobstructed floor space per Manufactured home space in structures either below ground or above ground with walls and roof designed to withstand a wind load of two hundred (200) miles per hour. The maximum distance to the entrance of the shelter(s) from any Manufactured home space shall be one thousand (1,000) feet. Provisions shall be made for adequate emergency lighting and ventilating. If the Manufactured Home Park zoning is approved, the developer or owner shall, at the time of submission for a building permit, submit storm shelter drawing and certifications by an architect or engineer licensed and bonded in the State of Alabama that such proposed facilities meet the design standards of this section.
- M** Fences, if provided, on individual manufactured home sites shall be uniform in height and shall not exceed thirty (30) inches in height and shall be

constructed in such a manner as to provide firefighting personnel access to all sides of each manufactured home.

- N** All electric lines leading to each manufactured home space shall be provided with three (3) wire balanced 115-230 volts supply. Wiring shall comply with applicable local and state electrical codes.
- O** The installation of skirting shall be required for all manufactured homes in the manufactured home Park. Installation shall be in accordance with the manufacturer's installation instructions. Acceptable materials may include masonry, stone, metal, vinyl, or other materials manufactured for the purpose of skirting.
- P** All manufactured homes shall be tied down.

7.1.5 MANUFACTURED HOME PARK SITE PLAN APPROVAL

An application for MHP Manufactured Home Park zoning shall be accompanied by a site plan certified by an architect or engineer licensed and bonded in the State of Alabama, which, if approved, shall become a requirement of the zoning district. No building permit shall be issued for construction of any part of the manufactured home park unless the proposed development is in accord with the approved site plan.

- A** The site plan shall be drawn to a suitable scale not smaller than one-inch equal 200 feet and shall show the following information.
 - (1) Scale, north arrow, location, and legal description of the proposed Manufactured home park.
 - (2) The proposed use of all buildings or structures.
 - (3) Number, location, and dimensions of all manufactured home spaces along with a typical layout of a manufactured home space showing landscaping, location and type of stand, patio, walkways, parking area, curb and gutter location and other improvements.
 - (4) The location and dimensions of roads, parking facilities and walkways.
 - (5) The location of all points of entry and exit for vehicles.
 - (6) Location and width of rights-of-way and easements.
 - (7) The location of buffer areas and landscaping.
 - (8) Location and dimensions of recreational areas.
 - (9) Other significant information required by Section 7.1 of this Ordinance, which would assist in the Planning Commission's review of the request for MHP zoning.
- B** If required by the Planning Commission or City Council, a comprehensive traffic analysis indicating the probable effect of the proposed development

on traffic patterns and capacities of adjacent streets in the immediate area, prepared by a registered professional engineer.

- C** A fire protection plan, approved by the Lake View Fire Department, indicating the location of all proposed fire hydrants, fire access lanes and a description of all fire protection measures and devices for structures.

7.1.6 PERFORMANCE BOND

A performance bond shall be required by the City of Lake View to guarantee that the manufactured home park development shall be erected and constructed, and the land developed in accordance with the Zoning Ordinance and the provisions of the site development plan and proposals of the developer, as finally recommended by the Planning Commission and approved by the City Council and filed with the City Clerk. The Performance Bond shall be by certificate of deposit, irrevocable letter of credit, surety bond issued by a bonding company rated 'A' or above by A.M. Best Company, Inc. and qualified to transact business in the State of Alabama, or such other form as may be approved by the City Attorney. Said bond amount shall be one hundred fifty (150) percent of the estimated cost of the proposed development cost, as specified in the application for the building permit issued for the said development. Said certificate shall be solely in the name of the City of Lake View and signed by the Mayor or City Clerk.

Section 7.2 PLANNED UNIT DEVELOPMENT (PUD) DISTRICT

The purpose of planned unit development (PUD) regulations is to permit the flexible development of land development projects that are comprehensively planned as an entity with a functional site plan which permits flexibility in building siting, mixtures of housing types and land uses, usable open spaces, and the preservation of significant natural features. Such flexibility must be part of an approved plan for a planned unit development to which conditions may be attached to safeguard the public health, safety, morals, and general welfare. These planned unit development regulations are designed to encourage the best possible site plans and building arrangements under a unified plan of development. The intent is not to encourage greater density of development but rather to encourage ingenuity and resourcefulness in land planning and to assure a more desirable environment.

7.2.1 DEFINITIONS

- A** Applicant. The owner(s) of land proposed for a planned development or a designated representative of the owner(s).
- B** Common Area. An area within a development designated and intended for the use and enjoyment of all residents or occupants of a development and under common ownership and control.
- C** Developer. The owner of land proposed to be subdivided or a designated representative.
- D** Planned Unit Development. A land area under unified control designed and planned to be developed in a single operation or by a series of prescheduled development stages according to an officially approved final plan which does not necessarily correspond to the use regulations and areas and dimensional requirements of other articles of this Ordinance.

7.2.2 USES PERMITTED

- A** PUDs shall be allowed by planning commission approval in any zoning district. No such planned unit development permit shall be granted unless such development will meet the use limitations of the zoning district in which it is located and meet the density and other limitations of such districts, except as such requirements may be lawfully modified as provided by this code. Compliance with the regulations of this code in no way excuses the developer from the applicable requirements of a subdivision ordinance, except as modifications thereof are specifically authorized in the approval of the application for the planned unit development.

7.2.3 GENERAL REGULATIONS AND GUIDELINES

- A** Contiguous Land Area. The minimum required land area for a PUD shall be two (2) contiguous acres.
- B** Area. No planned unit development shall have an area less than that approved by the planning commission as adequate for the proposed development.
- C** Uses. A planned unit development which will contain uses not permitted in the zoning district in which it is to be located will require a change of zoning district and shall be accompanied by an application for a zoning amendment, except that any residential use shall be considered a permitted use in a planned unit development, which allows residential uses and shall be governed by density, design and other requirements of the planned unit development permit. Where a site is situated in more than one use district,

the permitted uses applicable to such property in one district may be extended into the adjacent use district.

- D** Ownership. The development shall be in single or corporate ownership at the time of application, or the subject of an application filed jointly by all owners of the property.
- E** Design. The planning commission shall require such arrangements of structures and open spaces within the site development plan as necessary to ensure that adjacent properties will not be adversely affected.
- F** Density. Density of land use shall in no case be more than 15 percent higher than allowed in the zoning district.
- G** Arrangement. Where feasible, the least height and density of buildings and uses shall be arranged around the boundaries of the development.
- H** Specific regulations. Lot area, width, yard, height, density and coverage regulations shall be determined by approval of the site development plan.
- I** Open spaces. Preservation, maintenance, and ownership of required open spaces within the development shall be accomplished by either:
 - 1. Dedication of the land as a public park or parkway system; or
 - 2. Creating a permanent, open space easement on and over the said private open spaces to guarantee that the open space remains perpetually in recreational use, with ownership and maintenance being the responsibility of an owners' association established with articles of association and bylaws, which are satisfactory to the legislative body.
- J** Landscaping. Landscaping, fencing, and screening related to the uses within the site and as a means of integrating the proposed development into its surroundings shall be planned and presented to the planning commission for approval, together with other required plans for the development. A planting plan showing proposed tree and shrubbery plantings shall be prepared for the entire site to be developed. A grading and drainage plan shall be submitted to the planning commission with the application.
- K** Signs. The size, location, design, and nature of signs, if any, and the intensity and direction of area or floodlighting shall be detailed in the application.
- L** Desirability. The proposed use of the location shall be shown as necessary or desirable, to provide a service or facility that will contribute to the general wellbeing of the surrounding area. It shall also be shown that under the circumstances of the particular case, the proposed use will not be

detrimental to the health, safety or general welfare of persons residing in the vicinity of the planned unit development.

Section 7.3 REQUIRED CONTRIBUTIONS

7.3.1 General. The legislative body, as part of the approval of a PUD, shall be permitted to require an applicant to make reasonable contributions to include, but not limited to any combination of the following:

- A** Dedication of land for public park purposes.
- B** Dedication of land for public school purposes.
- C** Dedication of land for public road right-of-way purposes.
- D** Construction of, or addition to, roads serving the proposed project where such construction or addition is reasonably related to the traffic to be generated.
- E** Installation of required traffic safety devices.
- F** Preservation of areas containing significant natural, environmental, historic, archeological, or similar resources.

Section 7.4 PLANNING COMMISSION ACTION

7.4.1 Approval. The planning commission shall have the authority to require that the following conditions for a planned unit development (among others it deems appropriate) be met by the applicant:

- A** That the proponents intend to start construction within 1 year of either the approval of the project or of any necessary zoning district change, and intend to complete said construction, or approved stages thereof, within 4 years from the date construction begins.
- B** That the development is planned as one complex land use rather than as an aggregation of individual and unrelated buildings and uses.

7.4.2 Limitations on application.

- A** Upon approval of a PUD, construction shall proceed only in accordance with the plans and specifications approved by the planning commission and in compliance with any conditions attached by the jurisdiction as to its approval.
- B** Amendment to approved plans and specifications for a PUD shall be obtained only by following the procedures here outlined for first approval.
- C** The Building Official shall not issue any permit for any proposed building, structure or use within the project unless such building, structure or use is in accordance with the approved development plan and with any conditions imposed in conjunction with its approval.

7.4.3 PROCEDURE AND APPROVAL

- A** Pre-application Conference. Prior to the submission of a formal application for Planned Unit Development (PUD) zoning, the applicant is encouraged to schedule a pre-application conference with the Zoning Administrator to gain an understanding of the PUD approval process and the Development Plan submission requirements at each stage of the approval process.
- B** Application. The applicant shall apply for PUD zoning to the Planning Commission accompanied by a Sketch Development Plan and attendant documents and information as required by Section 7.2.7 of this Ordinance. After the Pre-hearing Conference required by Section 7.2.5C of this Ordinance has been held to review the Sketch Development Plan, the applicant shall submit a Development Plan and attendant documents and information as required by Section 7.2.8 of this Ordinance.
- C** Pre-hearing Conference. The Planning Commission shall within forty-five (45) days after official acceptance of the submission of an application for PUD zoning schedule a Pre-hearing Conference to review the Proposed Sketch Development Plan.

The purpose of such Pre-hearing Conference is to assist the applicant in bringing the planned unit development application and Proposed Development Plan as nearly as possible into conformity with the intent of these and other applicable regulations and to define those areas where justifiable deviations from the application of these regulations is suggested by the Proposed Development Plan. Prior to the Pre-hearing Conference, all affected City staff, consultants, agencies, and utilities will have been given opportunities to review the Proposed Sketch Development Plan and to be represented at the Pre-hearing Conference.

All recommendations and requests for change from the Proposed Sketch Development Plan by either government, utilities or the applicant shall be committed to writing and made a part of the official file for the required PUD zoning.

- D** Preparation of Development Plan. After the Pre-hearing Conference with the Planning Commission the applicant shall within ninety (90) days submit a Development Plan which shall contain all the information and documentation required by Section 7.2.8 of this Article. The Development Plan shall from its date of submission be scheduled for a public hearing as a requested rezoning as required by Article 16 of this Ordinance for a zoning amendment. In the preparation of the Development Plan, the applicant shall comply with amendments, revisions, recommendations, and conditions requested during the Pre-hearing Conference and with the requirements of this Ordinance and the City's Subdivision Regulations.
- E** Approval. For PUD, the approval process shall comply with procedures set forth in Article 16 of this Ordinance for a zoning amendment. Such an approval process shall be initiated promptly after submission of a

Development Plan by the applicant by taking appropriate steps to place the request for PUD zoning on the Planning Commission's agenda.

After holding a public hearing on the planned unit development, the Planning Commission shall prepare a report on the planned unit development and forward it to the City Council along with copies of the Preliminary Development Plan and related documents.

Upon receipt of the Planning Commission's Report, the Preliminary Development Plan and related documents, the City Council will proceed with its public hearing as required under Article 16 of this Ordinance and take appropriate actions to approve, amend or disapprove the PUD zoning request.

- F** Certification. Following approval by the City Council of the Development Plan, it shall be stamped as a PUD and be signed and dated by the Chairman of the Planning Commission, and the City Council approval shall be certified by the City Clerk. One copy of the approved plan shall be submitted to the Building Inspector for use in issuing building permits. In addition, other copies of the approved plan shall be supplied as directed by the City Council to other departments and agencies.
- G** Platting. The property proposed for a planned unit development shall be platted in accordance with the City's Subdivision Regulations or provisions of this Article if there is irreconcilable conflict. The PUD zoning must be approved by the City Council prior to or simultaneously with the preliminary approval of a subdivision plat. In the event that the property has been platted prior to preparation of a plan of development, re-platting may be required to ensure the compatibility of the plat with the approved PUD zoning.
- H** Final Development Plan. Prior to the removal of natural vegetation, the restructuring of the land, the construction of any improvements or the issuance of a building permit, a Final Development Plan shall be submitted to and approved by the Lake View Planning Commission. The Final Development Plan may be for all, or a phase of the development proposed under the approved PUD. Any deviation in the Final Development Plan from the approved Development Plan submitted for the PUD zoning shall require re-submittal of the Development Plan as an application for zoning amendment.

 - (1) The Final Development Plan shall contain all of the information and documentation required by Section 7.2.9 of this Ordinance.
 - (2) The Planning Commission shall transmit a copy of the Final Development Plan to such officials and agencies it may deem appropriate for review, report and recommendation. Such officials and agencies shall each within thirty (30) days from receiving the Final Development Plan, furnish to the Planning

Commission a report pertinent to their respective jurisdiction and concerns.

- (3) The Planning Commission shall review and vote on the Final Development Plan within forty-five (45) days following the applicant's submission of the Final Development Plan to the Planning Commission. If disapproved, the Planning Commission shall prepare a written report clearly stating the reasons and justification for disapproval and identify what changes are required for approval.
- (4) When the Final Development Plan has been approved by the Planning Commission, the Planning Commission shall certify on the record copy of the approved Final Development Plan and maintain said certified copy in the records of the Planning Commission.
- (5) The approved Final Development Plan is not a subdivision plat. The Lake View Subdivision Regulations shall be enforced with regard to the subdivision of land and the dedication of public improvements.

7.4.4 DEVELOPMENT PLAN PLANNING OBJECTIVES

A In reviewing the required Development Plan at each stage (sketch, preliminary and final) of the approval process, the applicant for PUD zoning should be aware that the Planning Commission and City Council will be concerned about the following planning objectives, among others:

- (1) Compatibility of the proposed project with the existing and potential development of surrounding land.
- (2) Adequacy of existing and proposed utilities and other public facilities to serve the proposed development.
- (3) Nature, design, and appropriateness of the proposed land use arrangement for the property involved.
- (4) Capability of the proposed project to accommodate vehicular and pedestrian traffic and provide safe and efficient access to the site from streets capable of supporting existing and projected traffic.
- (5) Extent to which scenic assets and natural features such as trees, streams and topographic features are protected and preserved and to which open space is provided.

7.4.5 SKETCH DEVELOPMENT PLAN SUBMISSION REQUIREMENTS

The Sketch Development Plan shall include a site plan and other documentation which provides the following:

- A** The proposed title of the project, name of the owner(s), total acreage in the project area, north arrow, and date.
- B** Vicinity map showing the location of the project in relation to the surrounding community.
- C** The use of the property adjacent to the site.
- D** The delineation of proposed land use by specific category of use including the acreage and density of development for each specific category of land use in terms of dwelling units per acre for residential areas; the proposed height of structures; and anticipated building coverage and gross floor space for multi-family, commercial and industrial uses.
- E** The proposed access to the project site and traffic circulation within the project area.
- F** A proposed development schedule for the project.
- G** The location of proposed buffers, open space, and commonly owned facilities.
- H** The development shall be located in an area for which public utilities and facilities are available and adequate for the proposed land uses. However, the applicant may provide such facilities which are not presently available, and written assurance of how such utilities and facilities will be provided shall be included as part of the sketch development plan.
- I** A written statement containing the following information:
 - ◆ An explanation of the character of the planned unit development including characteristics and/or features that would justify modifications of the district regulations set forth in this Ordinance.
 - ◆ A statement of the present ownership of all land included within the proposed planned unit development.
 - ◆ The substance of proposed covenants and restrictions to be imposed on the use of land.
 - ◆ A statement of how common open spaces or facilities will be owned and the method of financing their development and maintenance.
- J** Other information that would assist in clarifying the nature of the proposed planned unit development.

7.4.6 DEVELOPMENT PLAN SUBMISSION REQUIREMENTS

The Development Plan shall include a site plan and documentation which provides the following:

- A** A site plan at a scale not to be greater than one (1) inch equals twenty (20) feet nor less than one (1) inch equals two hundred (200) feet and of such accuracy that the Planning Commission can readily interpret the site plan.

The site plan shall include more than one drawing where required for clarity. The site plan shall include at a minimum the following:

- (1) The proposed title of the project, name of the owner(s), total acreage in the project area, north arrow, and date.
- (2) Vicinity map showing the location of the project in relation to the surrounding community.
- (3) The boundaries of the property involved, the general location of all-existing easements, section lines, and property lines, and other physical and natural features in or adjoining the project.
- (4) Names and addresses of all adjacent landowners.
- (5) The location and use of structures adjacent to the project site.
- (6) The delineation of proposed land use by specific category of land use including the acreage and density of development for each specific category of land use in terms of dwelling units per acre for residential areas; and building coverage and gross floor space for multi-family, institutional, commercial, and industrial uses.
- (7) The location and dimensions of streets, driveways, and walkways on and adjacent to the project site.
- (8) The proposed location, gross floor area and height of all structures.
- (9) The location, area and number of parking spaces and maneuvering areas.
- (10) The location and dimensions of all loading spaces.
- (11) The location, sizes and character of all exterior signs and lighting.
- (12) The location and dimensions of proposed lots.
- (13) The location, character and extent of existing vegetation, proposed landscaping, retaining and screen walls and other treatment for the protection of adjoining property.
- (14) The location, layout, dimensions and use of all open space, common space and common facilities.
- (15) Location and character of all public improvements including utilities.
- (16) Location of all entrances to the site.

- B** A legal description of the subject property.
- C** The plan for treating environmentally sensitive land located in the project site (areas of flooding, severe slope, woodlands, wetlands, streams, lakes, and ponds).
- D** A proposed development schedule indicating the approximate date when construction of the development, or stages thereof, can be expected to begin and be completed.
- E** If required by the Planning Commission or City Council, a comprehensive traffic analysis indicating the probable effect of the proposed development on traffic patterns and capacities of adjacent streets in the immediate area, prepared by a registered professional engineer.
- F** A copy of any deed restrictions or covenants to be recorded.
- G** The method of ownership for any common open spaces or facilities including the plan for financing their development and maintenance.
- H** The type of organization for any proposed property owner's association including its duties and responsibilities.
- I** A fire protection plan, approved by the Lake View Fire Department, indicating the location of all proposed fire hydrants, fire access lanes and a description of all fire protection measures and devices for structures.
- J** The public improvements proposed in the Development Plan shall be conform with the design standards and construction specifications of the Lake View Subdivision Regulations, except where variances are approved by the Planning Commission, and with all other applicable ordinances in respect to the design, construction and guarantee of completion and maintenance of all required improvements including, but not limited to street, drainage, water supply and sanitary sewer.

7.4.7 FINAL DEVELOPMENT PLAN SUBMISSION REQUIREMENTS

The Final Development Plan shall provide the following:

- A** The plans, information and documentation required by Section 7.2.8 for the Development Plan.
- B** The construction drawings and specifications required under the Lake View Subdivision Regulations. Said drawings and specifications are required for all public improvements regardless of whether the proposed development involves the platting of land.
- C** Instruments to be used in conveying title (including beneficial ownership) of common areas to a corporation, association or other legal entity including terms for guaranteeing: (1) the continued use of such land for the intended purposes; (2) continuity of property maintenance for those portions of the common area requiring maintenance; (3) when appropriate, the availability

of funds required for such maintenance; (4) adequate insurance protection; (5) recovery for loss sustained by casualty or by condemnation; and (6) proof of the financial responsibility of the established entity to maintain the common area.

7.4.8 DEVIATIONS OR CHANGES IN THE PLAN

To facilitate minor adjustments to the approved Plan as may be required by engineering or other circumstances unforeseen at the time of zoning approval, the Building Inspector is authorized to approve alterations to the Final Development Plan which are considered incidental in scope. Changes to the approved Final Development Plan which are considered incidental in scope include:

- A** Changes in density, open space, land use or lot size of no more than five (5) percent.
- B** Changes in the size of any building or structure by no more than five (5) percent.
- C** Changes in the location of any building or structure by no more than five (5) feet in any direction.
- D** All other changes in the approved Final Development Plan shall be made under the procedures applicable to the initial approval of the Planned Unit Development Zoning District or Final Development Plan. The Planning Commission reserves the right to require further review, public hearing, or complete reapplication regarding any changes, including those listed above, that may substantially alter the concept of the PUD Development Plan as originally approved.

7.4.9 FAILURE TO START CONSTRUCTION

- A** The construction of the PUD shall be started within three hundred sixty-five (365) consecutive days of the effective date of zoning approval by the City Council. The Planning Commission may, no sooner than sixty (60) days prior to the end of the time period, upon request of the applicant (developer), recommend an extension of the time period for six (6) additional months if, in the judgement of the Planning Commission, additional time is warranted. In any event, construction must be started within one and one-half (1 1/2) years of the effective date of approval and shall be completed within three (3) years, unless a different period of time is recommended by the Planning Commission and approved by the City Council. Failure to begin the development within the one-year period, or the period as extended, or to complete the development within (3) years after date of plan zoning approval by the City Council, unless a different period of time is approved, shall automatically void the approved final development plan, and zoning of the land shall automatically revert to the established zoning district(s) prior

to the establishment of a PUD district. No building permit shall then be issued until the plan, or an amended plan has been resubmitted and properly approved following procedures set forth in this Article.

7.4.10 PUD APPLICATION FEE

The following fees shall be paid by the applicant and/or developer of a planned unit development at the following steps in the PUD zoning approval process.

- A** The one hundred (\$100) dollar fee required by Section 16.1.1 for the submission of an application for rezoning.
- B** A fee of fifty (\$50.00) dollars for each acre of land within the PUD area at the submission of the Development Plan.
- C** A fee of one hundred (\$100) dollars for each acre of land with the submission of each application for Final Development Plan approval.

7.4.11 REQUIRED COPIES OF PLANS

The applicant shall provide the following copies at each stage of the PUD approval process.

- A** Ten (10) copies of the Proposed Sketch Development Plan and attendant documents and information.
- B** Ten (10) copies of the Development Plan and attendant documents and information.
- C** Ten (10) copies of the Final Development Plan and attendant documents and information.

ARTICLE VIII GENERAL REGULATIONS

This article establishes conditions that must be met except as otherwise provided in this Ordinance:

Section 8.1 USE OF LAND AND STRUCTURES

8.1.1 No land or structure may be used except for a use permitted in the district in which it is located.

8.1.2 No building, structure or land shall hereafter be used or occupied and no building or structure or part thereof shall hereafter be erected, converted constructed, reconstructed, moved, or structurally altered unless in conformity with all of the regulations herein specified for the district in which it is located.

Section 8.2 HEIGHT AND DIMENSIONAL REGULATIONS

8.2.1 No building shall be erected, converted, enlarged, reconstructed, or structurally altered except in conformity with the area and height regulations of the district in which the building is located.

8.2.2 The minimum building lines, parking spaces, open spaces, and lot areas, required by this Ordinance for each existing building or for any building hereafter erected, shall not be encroached upon nor reduced.

8.2.3 No lot, even though it may consist of one (1) or more adjacent lots of record shall be reduced below the minimum size required by this Ordinance. This section shall not apply when a portion of a lot is acquired for public purposes.

8.2.4 No part of a yard, or other open space, or off-street parking or loading space required in connection with any building for the purpose of complying with this Ordinance shall be included as part of a yard, open space, or off-street parking or loading space similarly required for any other building.

Section 8.3 ONE PRINCIPAL BUILDING ON LOT

(Amended _____ – Ordinance _____)

Every principal building or structure hereafter erected shall be located on one lot, tract or parcel as defined herein. However, more than one (1) principal building on one (1) lot, plus its accessory buildings is permitted in Residential District with lot sizes larger than 20,000 square feet or Commercial and Industrial Districts; for permitted attached dwelling developments; and in any Agriculture District except as specified otherwise by the regulations of the district in which the building is located.

Section 8.4 LOT OF RECORD

Where lot of record at the time of the effective date of this Ordinance had less area or less width than herein required for the district in which it is located, said lot may nonetheless be used as a building site provided the Board of Adjustment determines that the yard space and other requirements conform as closely as possible to the requirements for the district in which it is located.

Section 8.5 CORNER LOTS

On corner lots there shall be two (2) front yards which shall be designated as those yards bordering the intersecting streets, and at least one (1) side and one (1) rear yard. The rear yard shall be defined at the time a building permit is issued. One (1) front yard a minimum of fifteen (15) feet from property line to building line.

Section 8.6 CORNER VISIBILITY

On a corner lot, there shall be no structure or planting which materially obstructs traffic visibility between the height of two (2) feet and ten (10) feet above the street corner grade, within a triangular space bounded by the two intersecting right-of-way lines and a straight line connecting the right-of-way lines twenty (20) feet from their intersection.

Section 8.7 THROUGH LOTS

On through lots, the required front yard shall be provided on each frontage street.

Section 8.8 STREET FRONTAGE

No building shall hereafter be erected on a lot which does not have access to a public street.

Section 8.9 ABANDONED RIGHT-OF-WAY

Whenever any street, alley or other public way is vacated or abandoned by official action of the City of Lake View, the zoning district adjoining each side of such street, alley or public way shall be automatically extended to the center of same and all area included therein shall then be subject to all appropriate regulations of the extended district.

ARTICLE IX SUPPLEMENTAL REGULATIONS AND MODIFICATIONS

Section 9.1 ACCESSORY USES OF STRUCTURES

Accessory uses or structures shall be permitted and shall meet the following requirements except as otherwise provided in this Ordinance.

- 9.1.1** Detached accessory buildings in PUD's and R-G Districts shall not exceed twelve (12) feet in height or 288 square feet in size, except on appeal to the Board of Adjustment.
- 9.1.2** No accessory building shall be erected on a lot prior to the time of constructing the principal building in PUD's and R-G Districts.
- 9.1.3** No accessory building shall be erected on a lot for the purpose of Home Occupation. See Article 18.2.
- 9.1.4** No accessory building may be erected in a front or side yard or in the required street side yard except on appeal to the Board of Zoning Adjustment.

Section 9.2 TEMPORARY CONSTRUCTION STRUCTURES

Temporary structures for uses incidental to construction work may be permitted in any district during the period that construction work is in progress, but such temporary structures shall be removed upon completion or abandonment of the construction work.

Section 9.3 HEIGHT MODIFICATIONS

The height limitations of this Ordinance shall not apply to barns, silos, or other farm structures when located on farms; belfries, cupolas and domes, monuments, water towers, transmission towers, windmills, chimneys, smokestacks, flag poles, radio or television towers, masts and aerials and similar structures not intended for human occupancy.

ARTICLE X OFF-STREET PARKING AND LOADING

Section 10.1 General.

Off-street parking shall be provided in compliance with this chapter where any building is erected, altered, enlarged, converted, or increased in size or capacity.

Section 10.2 Parking space requirements.

Parking spaces shall be in accordance with Sections 11.2.1 through 11.2.4.

- 10.2.1** Required number. The off-street parking spaces required for each use permitted by this code shall be not less than that found in Table 11.2, provided that any fractional parking space be computed as a whole space.

**TABLE 11.2
OFF STREET PARKING SCHEDULE**

USE	NUMBER OF PARKING SPACES REQUIRED
Assembly	1 per 300 gross square feet
Dwelling unit	2 per dwelling unit
Health club	1 per 100 gross square feet
Hotel/motel	1 per sleeping unit plus 1 per 500 square feet of common area
Industry	1 per 500 square feet
Medical office	1 per 200 gross square feet
Office	1 per 300 gross square feet
Restaurant	1 per 100 gross square feet
Retail	1 per 200 gross square feet
School	1 per 3.5 seats in assembly rooms plus 1 per faculty member
Warehouse	1 per 500 gross square feet

- 10.2.2** Combination of uses. Where there is a combination of uses on a lot, the required number of parking spaces shall be the sum of that found for each use.
- 10.2.3** Location of lot. The parking spaces required by this code shall be provided on the same lot as the use or where the exclusive use of such is provided

on another lot not more than 500 feet radially from the subject lot within the same or less-restrictive zoning district.

- A** Accessible spaces. Accessible parking spaces and passenger loading zones shall be provided in accordance with the building code and designed in accordance with IBC sec. 1106 and ADA Standard 4.6.3.

Section 10.3 Parking stall dimension.

Parking stall dimensions shall be in accordance with Sections 11.3.1 and 11.3.2.

- 10.3.1** Width. A minimum width of 9 feet shall be provided for each parking stall.

Exceptions:

- A** Compact parking stalls shall be not less than 8 feet wide.
- B** Parallel parking stalls shall be not less than 8 feet wide.
- C** The width of a parking stall shall be increased 10 inches for obstructions located on either side of the stall within 14 feet of the access aisle.
- D** Accessible parking spaces shall be designed in accordance with IBC sec. 1106 and ADA Standard 4.6.3.

- 10.3.2** Length. A minimum length of 20 feet shall be provided for each parking stall.

Exceptions:

- A** Compact parking stalls shall be not less than 18 feet in length.
- B** Parallel parking stalls shall be not less than 22 feet in length.

Section 10.4 Design of parking facilities.

The design of parking facilities shall be in accordance with Sections 11.4.1 through 11.4.6.

- 10.4.1** Driveway width. Every parking facility shall be provided with one or more access driveways, the width of which shall be the following:

- A** Private driveways not less than 9 feet.
- B** Commercial driveways:
 - ◆ Twelve feet for one-way enter/exit.
 - ◆ Twenty-four feet for two-way enter/exit.

- 10.4.2** Driveway and ramp slopes. The maximum slope of any *driveway* or ramp shall not exceed 20 percent. Transition slopes in driveways and ramps shall be provided in accordance with the standards set by the code official and the jurisdiction's engineer.
- 10.4.3** Stall access. Each required parking stall shall be individually and easily accessed. No automobile shall be required to back onto any public street or sidewalk to leave any parking stall where such stall serves more than two dwelling units or other than residential uses. Portions of a public lot or garage shall be accessible to other portions thereof without requiring the use of any public street.
- 10.4.4** Compact-to-standard stall ratio. The maximum ratio of compact stalls to standard stalls in any parking area shall not exceed 1 to 2.
- 10.4.5** Screening. A 3-foot-high (914 mm) buffer at the public way shall be provided for all parking areas of five or more parking spaces.
- 10.4.6** Striping. Parking stalls shall be striped.

Exception: A *private garage* or parking area for the exclusive use of a single-family dwelling.

Section 10.5 LOCATION OF PARKING SPACES

Parking spaces for all uses or structures shall be located on the same lot as the principal use unless offsite parking facilities are approved by the Planning Commission. Offsite parking facilities shall not be located more than two hundred (200) feet from the lot on which the principal use to be served is located. Offsite parking must be located in a zoning district where off-street parking facilities for employees and customers are permitted. Where required parking spaces are not located on the same lot as the principal use, a written agreement assuring the continued availability of such offsite facilities to serve the principal use shall be properly drawn and executed by the parties concerned, approved as to form by the City Attorney, and shall be filed with the application for a building permit.

Section 10.6 COMBINED PARKING SPACES

The required parking space for any number of separate uses may be combined in one (1) lot, but the required space assigned to one (1) use may not be assigned to another use at the same time, except that one-half of the parking space required for churches, theaters, or assembly halls whose peak attendance will be at night or on Sundays may be assigned to a use which will be closed at nights or on Sundays.

Section 10.7 DESIGN STANDARDS

An off-street parking space shall be an all-weather surfaced area not in a street or alley and having an area of not less than one hundred seventy one (171) square feet and minimum dimensions of nine (9) feet in width and nineteen (19) feet in length, exclusive of driveways,

permanently reserved for the temporary storage of motor vehicles and connected with a street or alley by an all-weather surfaced driveway which affords unobstructed ingress and egress to each space. Parking areas shall be designed so that vehicles may exit such areas without backing onto a public street. This requirement does not apply to parking areas that serve one or two dwelling units. For single-family residences, the driveway may be used for off-street parking.

ARTICLE XI SIGN REGULATIONS

(Amended _____, _____ Ordinance ___ - ___)

The purpose of this Article is to establish regulations for the type, location, erection, and maintenance of, signs. It is determined that, while signs are a proper commercial use of private property and are entitled to the protection of the law, such signs should be reasonably regulated in the interest of the public safety and welfare and to safeguard and promote the aesthetic quality of the City by establishing standards for the number, size, height, spacing and illumination of such signs. The purposes of this Article are as follows:

- A** To protect the city's appearance and the quality of life of its citizens.
- B** Protect the public from the danger of unsafe signs, and from the degradation of the aesthetic qualities of the city.
- C** To preserve, protect and enhance areas of historical, architectural, cultural, aesthetic and economic value, regardless of whether they are natural, or human made.
- D** To establish standards and provide controls that permit reasonable use of signs and enhance the character of the city.
- E** 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.
- F** To protect the safety and efficiency of the city's transportation network by reducing the confusion and distraction to motorists, reducing collision hazards, and enhancing the motorists' ability to see pedestrians, obstacles, other vehicles and traffic signs.
- G** To integrate sign regulations more effectively with general zoning regulations by establishing specific requirements for billboards and signs, related to setbacks, height restrictions and spacing to allow for lighting, ventilation, and preservation of views in a manner consistent with land uses in the city.
- H** 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.

- I To preserve the views of natural resources, green space and other open spaces from unnecessary blight and blockage caused by signage and billboards.
- J To protect adjacent and nearby properties, in particular residentially zoned properties, from the impact of lighting, number, size, height, movement and location of signs and billboards.
- K To enhance the impression of the city which is conveyed to tourists and visitors by controlling the location and number of signs and billboards.
- L To encourage signage and other private communications which aid orientation, identify activities, express local history and character, or serve other educational purposes.

This article is not intended to inhibit an individual's right to express noncommercial messages protected by the First Amendment of the United States Constitution.

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 which are legible from any public property or private property other than the one on which the sign is located. No sign shall be erected or installed unless it is in compliance with the regulations of this article.

Section 11.1 SIGN DEFINITIONS

The following definitions are applicable to the sign regulations contained in this Article.

Abandoned Sign. A sign structure that has ceased to be used, and the owner intends no longer to have used, for the display of sign copy, or as otherwise defined by state law.

Animated Sign. A sign employing actual motion or the illusion of motion. Animated signs, which are differentiated from changeable signs as defined and regulated by this code, include the following types:

Electrically activated. Animated signs producing the illusion of movement by means of electronic, electrical or electro-mechanical input and/or illumination capable of simulating movement through employment of the characteristics of one or both of the classifications noted in Items 1 and 2 as follows:

1. Flashing. Animated signs or animated portions of signs where the illumination is characterized by a repetitive cycle in which the period of illumination is either the same as or less than the period of non-illumination.

For the purposes of this ordinance, flashing will not be defined as occurring if the cyclical period between on-off phases of illumination exceeds 4 seconds.

2. Patterned illusionary movement. Animated signs or animated portions of signs where the illumination is characterized by simulated movement through alternate or sequential activation of various illuminated elements for the purpose of producing repetitive light patterns designed to appear in some form of constant motion.

Environmentally activated. Animated signs or devices motivated by wind, thermal changes, or other natural environmental input. Includes spinners, pinwheels, pennant strings, and/or other devices or displays that respond to naturally occurring external motivation.

Mechanically activated. Animated signs characterized by repetitive motion and/or rotation activated by a mechanical system powered by electric motors or other mechanically induced means.

Architectural Projection. Any projection that is not intended for occupancy and that extends beyond the face of an exterior wall of a building, but that does not include signs as defined herein. See also "Awning," "Backlit awning;" and "Canopy, Attached and Free-standing."

Awning. An architectural projection or shelter projecting from and supported by the exterior wall of a building and composed of a covering of rigid or nonrigid materials and/or fabric on a supporting framework that may be either permanent or retractable, including such structures that are internally illuminated by fluorescent or other light sources.

Awning Sign. A sign displayed on or attached flat against the surface or surfaces of an awning. See also "Wall or fascia sign."

Backlit Awning. An awning with a translucent covering material and a source of illumination contained within its framework.

Banner. A flexible substrate on which copies, or graphics may be displayed.

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

Billboard. See "Off-premise sign" and "Outdoor advertising sign."

Building Elevation. The entire side of a building, from ground level to the roofline, as viewed perpendicular to the walls on that side of the building.

Canopy (Attached). A multisided overhead structure or architectural projection supported by attachments to a building on one or more sides and either cantilevered from such building or also supported by columns at additional points. The surface(s) and/or soffit of an attached canopy may be illuminated by means of internal or external sources of light. See also "Marquee."

Canopy (Free-standing). A multisided overhead structure supported by columns, but not enclosed by walls. The surface(s) and or soffit of a free-standing canopy may be illuminated by means of internal or external sources of light.

Canopy Sign. A sign affixed to the visible surface(s) of an attached or free-standing canopy.

Sign. Any object, device, display or structure, or part thereof, situated outdoors or indoors, which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event or location by any means, including words, letters, figures, design, symbols, fixtures, colors, illumination or projected images.

Changeable Sign. A sign with the capability of content change by means of manual or remote input, including signs which are:

Electrically activated. Changeable sign where the message copy or content can be changed by means of remote electrically energized on-off switching combinations of alphabetic or pictographic components arranged on a display surface. Illumination may be integral to the components, such as characterized by lamps or other light-emitting devices; or it may be from an external light source designed to reflect off the changeable component display. See also "Electronic message sign or center."

Manually activated. Changeable sign where the message copy or content can be changed manually.

Combination Sign. A sign that is supported partly by a pole and partly by a building structure.

Copy. Those letters, numerals, figures, symbols, logos and graphic elements comprising the content or message of a sign, excluding numerals identifying a street address only.

Development Complex Sign. A free-standing sign identifying a multiple-occupancy development, such as a shopping center or planned industrial park, which is controlled by a single owner or landlord, approved in accordance with Section 1009.2 of this chapter.

Directional Sign. Any sign that is designed and erected for the purpose of providing direction and/or orientation for pedestrian or vehicular traffic.

Double-Faced Sign. A sign with two faces, back-to-back.

Electronic Sign. Any sign activated or illuminated by means of electrical energy.

Electronic Message Sign or Center. An electrically activated changeable sign where the variable message capability can be electronically programmed.

Exterior Sign. Any sign placed outside a building.

Fascia Sign. See "Wall or fascia sign."

Flashing Sign. See "Animated sign, electrically activated."

Free-Standing Sign. A sign principally supported by a structure affixed to the ground, and not supported by a building, including signs supported by one or more columns, poles or braces placed in or upon the ground.

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

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

Ground Sign. See “Free-standing sign.”

Illuminated Sign. A sign characterized by the use of artificial light, either projecting through its surface(s) (internally illuminated); or reflecting off its surface(s) (externally illuminated).

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

Mansard. An inclined decorative roof-like projection that is attached to an exterior building facade.

Marquee. See “Canopy (attached).”

Marquee Sign. See “Canopy sign.”

Menu Board. A free-standing sign orientated to the drive-through lane for a restaurant that advertises the menu items available from the drive-through window, and which has not more than 20 percent of the total area for such a sign utilized for business identification.

Multiple-Faced Sign. A sign containing three or more faces.

Off-Premise Sign. See “Outdoor advertising sign.”

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

Outdoor Advertising Sign. A permanent sign erected, maintained, or used in the outdoor environment for the purpose of the display of commercial or noncommercial messages not appurtenant to the use of, products sold on, or the sale or lease of, the property on which it is displayed.

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

Pole Sign. See “Free-standing sign.”

Political Sign. A temporary sign intended to advance a political statement, cause, or candidate for office. A legally permitted outdoor advertising sign shall not be considered to be a political sign.

Portable Sign. Any sign not permanently attached to the ground or to a building or building surface.

Projection Sign. A sign other than a wall sign that is attached to or projects more than 18 inches (457 mm) from a building face or wall or from a structure where the primary purpose is other than the support of a sign.

Real Estate Sign. A temporary sign advertising the sale, lease or rental of the property or premises upon which it is located.

Revolving Sign. A sign that revolves 360 degrees (6.28 rad) about an axis. See also “Animated sign, mechanically activated.”

Roof Line. The top edge of a peaked roof or, in the case of an extended facade or parapet, the uppermost point of said facade or parapet.

Roof Sign. A sign mounted on, and supported by, the main roof portion of a building, or above the uppermost edge of a parapet wall of a building and which is wholly or partially supported by such a building. Signs mounted on mansard facades, pent eaves and architectural projections such as canopies or marquees shall not be considered to be roof signs. For a visual reference, and a comparison of differences between roof and fascia signs, see Section 1003.

Sign. Any device visible from a public place that displays either commercial or noncommercial messages by means of graphic presentation of alphabetic or pictorial symbols or representations. Noncommercial flags or any flags displayed from flagpoles or staffs will not be considered to be signs.

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

Sign Copy. Those letters, numerals, figures, symbols, logos, and graphic elements comprising the content or message of a sign, exclusive of numerals identifying a street address only.

Sign Face. The surface upon, against or through which the sign copy is displayed or illustrated, not including structural supports, architectural features of a building or sign structure, nonstructural or decorative trim, or any areas that are separated from the background surface upon which the sign copy is displayed by a distinct delineation, such as a reveal or border. See Section 1003.

1. In the case of panel or cabinet-type signs, the sign face shall include the entire area of the sign panel, cabinet, or face substrate upon which the sign copy is displayed or illustrated, but not open space between separate panels or cabinets.

2. In the case of sign structures with routed areas of sign copy, the sign face shall include the entire area of the surface that is routed, except where interrupted by a reveal, border, or a contrasting surface or color.

3. In the case of signs painted on a building, or individual letters or graphic elements affixed to a building or structure, the sign face shall comprise the sum of the geometric figures or combination of regular geometric figures drawn closest to the edge of the letters or separate graphic elements comprising the sign copy, but not the open space between separate groupings of sign copy on the same building or structure.

4. In the case of sign copy enclosed within a painted or illuminated border or displayed on a background contrasting in color with the color of the building or structure, the sign face shall comprise the area within the contrasting background, or within the painted or illuminated border.

Sign Structure. Any structure supporting a sign.

Temporary Sign. A sign intended to display either commercial or noncommercial messages of a transitory or temporary nature. Portable signs or any sign not permanently embedded in the ground, or not permanently affixed to a building or sign structure that is permanently embedded in the ground, are considered temporary signs.

Under Canopy Sign or Under Marquee Sign. A sign attached to the underside of a canopy or marquee.

V Sign. Signs containing two faces of approximately equal size, erected upon common or separate structures, positioned in a “V” shape with an interior angle between faces of not more than 90 (1.57 rad) degrees with the distance between the sign faces not exceeding 5 feet (1524 mm) at their closest point.

Wall or Fascia Sign. A sign that is in any manner affixed to any exterior wall of a building or structure and that projects not more than 18 inches (457 mm) from the building or structure wall, including signs affixed to architectural projections from a building provided the copy area of such signs remains on a parallel plane to the face of the building facade or to the face or faces of the architectural projection to which it is affixed.

Window Sign. A sign affixed to the surface of a window with its message intended to be visible to and readable from the public way or from adjacent property.

Section 11.2 GENERAL SIGN TYPES

General. Sign types and the computation of sign area shall be as depicted in Figures 11.3.1(1) through 11.3.1(4).

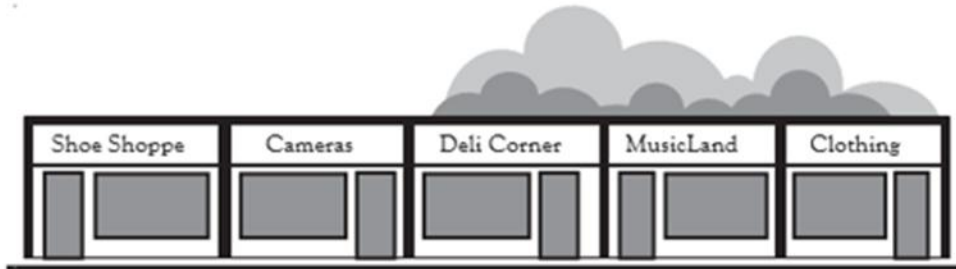
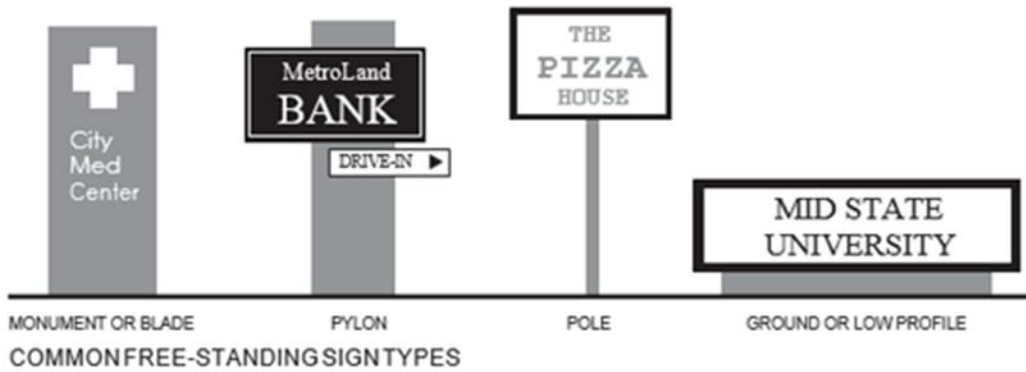
Section 11.3 GENERAL PROVISIONS

11.3.1 Conformance to codes. Any sign hereafter erected shall conform to the provisions of this ordinance and the provisions of the International Building Code and of any other ordinance or regulation within this jurisdiction.

11.3.2 Signs in rights-of-way. No sign other than an official traffic sign or similar sign shall be erected within 2 feet (610 mm) of the lines of any street, or within any public way, unless specifically authorized by other

ordinances or regulations of this jurisdiction or by specific authorization of the code official.

- 11.3.3** Projections over public ways. Signs projecting over public walkways shall be permitted to do so only subject to the projection and clearance limits either defined herein or, if not so defined, at a minimum height of 8 feet (2438 mm) from grade level to the bottom of the sign. Signs, architectural projections, or sign structures projecting over vehicular access areas must conform to the minimum height clearance limitations imposed by the jurisdiction for such structures.
- 11.3.4** Traffic visibility. No sign or sign structure shall be erected at the intersection of any street in such a manner as to obstruct free and clear vision, nor at any location whereby its position, shape or color it may interfere with or obstruct the view of or be confused with any authorized traffic sign, signal or device.
- 11.3.5** Computation of frontage. If a premises contains walls facing more than one property line or encompasses property frontage bounded by more than one street or other property usages, the sign area(s) for each building wall or property frontage will be computed separately for each building wall or property line facing a different frontage. The sign area(s) thus calculated shall be permitted to then be applied to permitted signs placed on each separate wall or property line frontage.
- 11.3.6** Animation and changeable messages. Animated signs, except as prohibited in Section 11.5, are permitted in commercial and industrial zones only. Changeable signs, manually activated, are permitted for nonresidential uses in all zones. Changeable signs, electrically activated, are permitted in all nonresidential zones.



WALL OR FASCIA SIGNS ON STOREFRONTS



ROOF SIGN



**CANOPY SIGN
ON FREE-STANDING CANOPY**



**PROJECTING
SIGN**

FIGURE 11.3.1(1) GENERAL SIGN TYPES

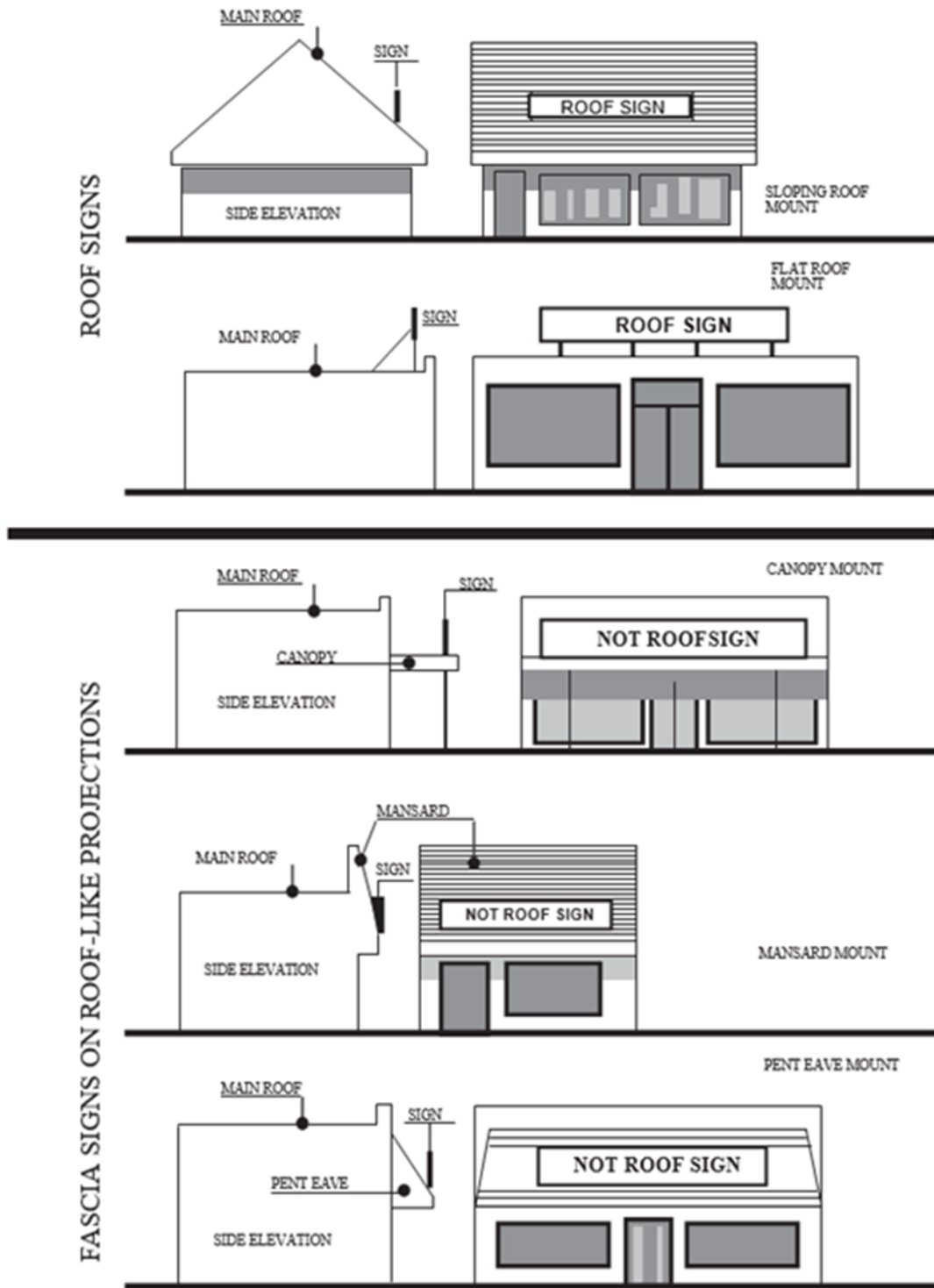
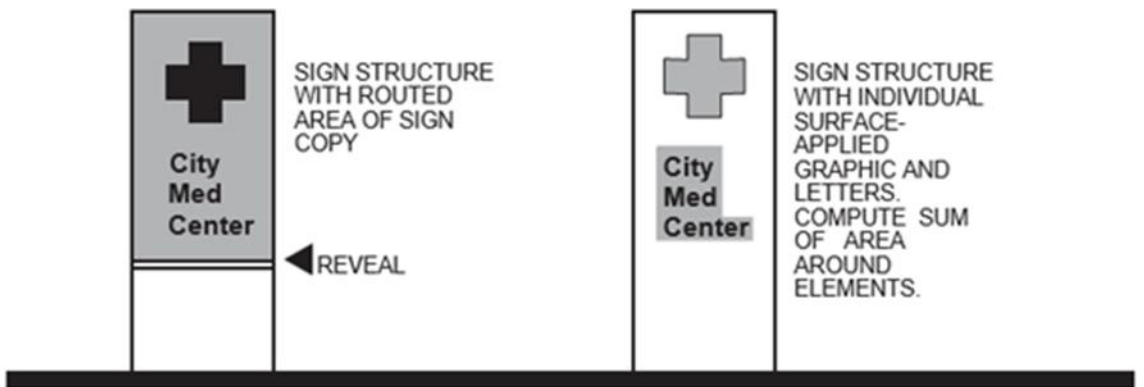


FIGURE 11.3.1(2) GENERAL SIGN TYPES

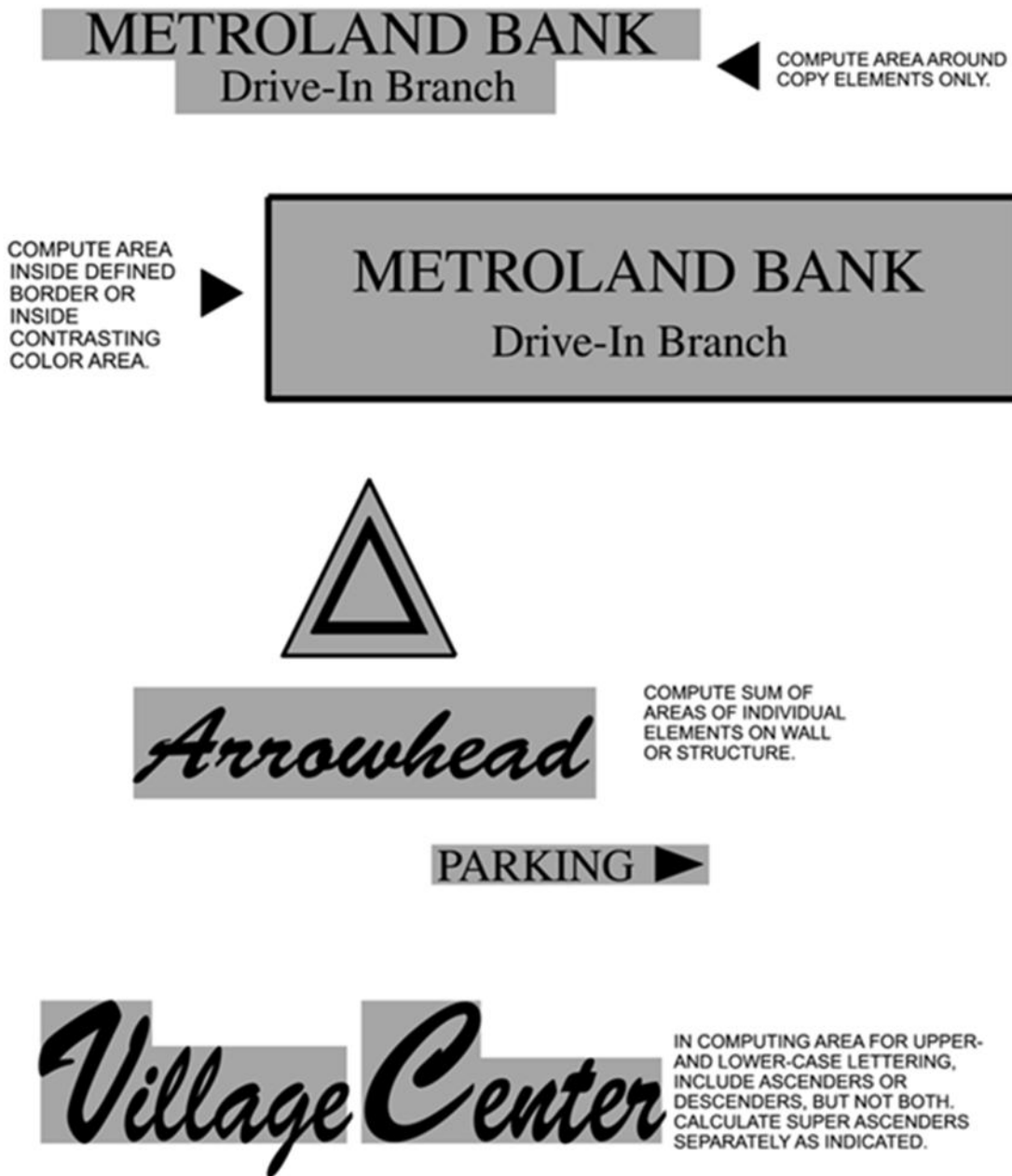


SIGN STRUCTURES



Notes: Sum of shaded areas only represents sign area. Sign constructed with panels or cabinets.

FIGURE 11.3.1(3) GENERAL SIGN TYPES



Notes: Sum of shaded areas only represents sign area for code compliance purposes. Examples of signs consisting of individual letters, elements or logos placed on building walls or structures.

FIGURE 11.3.1(4) GENERAL SIGN TYPES

Section 11.4 EXEMPT SIGNS

The following signs shall be exempt from the provisions of this chapter. No sign shall be exempt from Section 11.4.4.

- 11.4.1** Official notices authorized by a court, public body, or public safety official.
- 11.4.2** Directional, warning or information signs authorized by federal, state, or municipal governments.
- 11.4.3** Memorial plaques, building identification signs and building cornerstones where cut or carved into a masonry surface or where made of noncombustible material and made an integral part of the building or structure.
- 11.4.4** The flag of a government or noncommercial institution, such as a school.
- 11.4.5** Religious symbols and seasonal decorations within the appropriate public holiday season.
- 11.4.6** Works of fine art are displayed in conjunction with a commercial enterprise where the enterprise does not receive direct commercial gain.
- 11.4.7** Street address signs and combination nameplate and street address signs that contain no advertising copy and which do not exceed 6 square feet (0.56 m²) in area.
- 11.4.8** Temporary signs authorized by the City Council.
- 11.4.9** Temporary signs, which are not internally illuminated, advertising the private sale of personal property.
- 11.4.10** Temporary non illuminated signs not more than thirty-two (32) square feet in area, erected in connection with new construction work and displayed on the premises during such time as the actual construction is in progress, one such sign for each street frontage.

Section 11.5 PROHIBITED SIGNS

Prohibited signs. The following devices and locations shall be specifically prohibited:

- 11.5.1** Signs located in such a manner as to obstruct or otherwise interfere with an official traffic sign, signal, or device, or obstruct or interfere with a driver's view of approaching, merging or intersecting traffic.
- 11.5.2** Except as provided for elsewhere in this code, signs encroaching upon or overhanging public right-of-way. No sign shall be attached to any

utility pole, light standard, street tree or any other public facility located within the public right-of-way.

- 11.5.3** Signs which blink, flash or are animated by lighting in any fashion that would cause such signs to have the appearance of traffic safety signs and lights, or municipal vehicle warnings from a distance.
- 11.5.4** Portable signs except as allowed for temporary signs.
- 11.5.5** Any sign attached to, or placed on, a vehicle or trailer parked on public or private property, except for signs meeting the following conditions:
 - A** The primary purpose of such a vehicle or trailer is not the display of signs.
 - B** The signs are magnetic, decals or painted upon an integral part of the vehicle or equipment as originally designed by the manufacturer, and do not break the silhouette of the vehicle.
 - C** The vehicle or trailer is in operating condition, currently registered and licensed to operate on public streets where applicable, and actively used or available for use in the daily function of the business to which such signs relate.
- 11.5.6** Vehicles and trailers are not used primarily as static displays, advertising a product or service, nor utilized as storage, shelter or distribution points for commercial products or services for the general public.
- 11.5.7** Balloons, streamers, or pinwheels except those temporarily displayed as part of a special sale, promotion, or community event. For the purposes of this subsection, “temporarily” means not more than 20 days in any calendar year.

Section 11.6 PERMITS

- 11.6.1** **Permits required.** Unless specifically exempted, a permit must be obtained from the code official for the erection and maintenance of all signs erected or maintained within this jurisdiction and in accordance with other ordinances of this jurisdiction. Exemptions from the necessity of securing a permit, however, shall not be construed to relieve the owner of the sign involved from responsibility for its erection and maintenance in a safe manner and in a manner in accordance with all the other provisions of this ordinance.
- 11.6.2** **Construction documents.** Before any permit is granted for the erection of a sign or sign structure requiring such permit, construction documents shall be filed with the code official showing the dimensions, materials and required details of construction, including loads, stresses, anchorage, and any other pertinent data. The permit application shall be accompanied by the written consent of the owner or lessee of the premises upon which the sign is to be erected and by engineering

calculations signed and sealed by a registered design professional where required by the International Building Code.

11.6.3 Changes to signs. No sign shall be structurally altered, enlarged, or relocated except in conformity to the provisions herein, nor until a proper permit, if required, has been secured. The changing or maintenance of movable parts or components of an approved sign that is designed for such changes, or the changing of copy, business names, lettering, sign faces, colors, display and/or graphic matter, or the content of any sign shall not be deemed a structural alteration.

11.6.4 Permit fees. Permit fees to erect, alter or relocate a sign shall be in accordance with the fee schedule adopted within this jurisdiction.

The construction permit fee for an off-premises sign shall be two hundred fifty (\$250.00) dollars per structure payable upon submission of an application for a construction permit. This fee is in addition to any fees required for conditional use approval as specified in Section 11.6.

Section 11.7 SPECIFIC SIGN REQUIREMENTS

11.7.1 Identification signs. Identification signs shall be in accordance with Sections 11.7.1.1 through 11.7.1.3.

11.7.2 Wall signs. A wall-mounted sign which is not designed or located so as to be legible from any street or adjoining property, listing the businesses, tenants, or activities conducted within a building or group of buildings or containing any noncommercial message. Such directory signs are limited to one per building and shall not exceed twenty (20) square feet in size.

11.7.3 Free-standing signs. In addition to any allowable wall signs, every single-family residential subdivision, multiple-family residential complex, commercial or industrial building, and every separate nonresidential building in a residential zone shall be permitted to display free-standing or combination signs per street frontage subject to the limiting standards set forth in Table 12.8.1.2.

11.7.4 Directional signs. A sign that is designed and erected solely for the purpose of traffic or pedestrian direction and placed on the property for which its use is intended. Signs identifying public telephones, trash receptacles, first aid facilities and shopping cart corrals are considered directional signs. No directional sign shall exceed five (5) square feet in area or three (3) feet in height. A maximum of two (2)

directional signs are permitted per access or exit point and no more than four (4) per lot.

11.7.5 Temporary signs. Temporary signs shall be in accordance with Sections 11.7.2.1 through 11.7.2.6.

11.7.6 Real estate signs. In addition to all other signs allowed by this article, during any time that all or a portion of a property is available for sale, lease, or rent, there may be located on such property additional, temporary signs conforming with this section. Such temporary signs may bear a commercial message indicating the property on which the sign is located is for sale, rent or lease or any noncommercial message. Only one sign is permitted to face each street adjacent to the property. Signs related to the sale, lease or rental of the premises shall be removed within two (2) days after the deed, lease or other document representing the transaction is completed.

A Maximum allowable sign display area for real estate signs:

Residential	6 sq. feet each side, or a maximum of 12 sq. feet
Nonresidential	32 sq. feet

B All real estate signs bearing a commercial message shall be located only on the property that is for sale, lease or rent and all such signs shall be located at least five (5) feet from the curb or street edge and in all cases not on city property or rights-of-way.

C Nonresidential real estate signs shall not exceed eight (8) feet in height.

D Residential real estate signs shall not exceed four (4) feet in height.

11.7.7 Development and construction signs. Signs temporarily erected during construction to inform the public of the developer, contractors, architects, engineers, the nature of the project or anticipated completion dates, shall be permitted in all zoning districts, subject to the following limitations:

A [Temporary construction signs—Subdivision entrances.] As a temporary use accessory to the permitted activity of lawful subdivision development, one temporary construction sign shall be allowed at each principal entrance to the subdivision; provided; however, there shall in no case be more than one such sign for each fifty (50) lots in a proposed subdivision. Such sign shall not be illuminated and shall not exceed thirty-two (32) square feet in area and eight (8) feet in height and may be maintained for a period not to exceed two (2) years or until the permanent neighborhood sign is installed. For a subdivision that is developed in phases or sectors, an additional temporary sign shall be allowed at the entrance to each

new sector, provided that there shall be no more than one such sign for each fifty (50) lots in sectors under development. Each such sign may remain in place until ninety (90) per cent of the lots in the sector are sold, but no longer than three (3) years from the date of erection. All such signs shall be located at least fifteen (15) feet from the pavement edge or edge of the street or thoroughfare to which it is directed, but not within the sight triangle.

- B** [Temporary construction signs—Development entrances.] As a temporary use accessory to the permitted activity of lawful commercial development, one temporary construction sign shall be allowed at each principal entrance to the development. Such signs shall not be illuminated and shall not exceed thirty-two (32) square feet in area and eight (8) feet in height and may be maintained for a period not to exceed two (2) years or until the permanent development sign is installed. All such signs shall be located at least fifteen (15) feet from the pavement edge or edge of the street or thoroughfare to which it is directed, but not within the sight triangle.

11.7.8 Special promotion, event, and grand opening signs. Signs temporarily displayed to advertise special promotions, events and grand openings shall be permitted for nonresidential uses in a residential district, and for all commercial and industrial districts subject to the following limitations:

- A** Such signs shall be limited to one sign per street front.
- B** Such signs may be displayed for not more than 30 consecutive days in any 3-month period, and not more than 60 days in any calendar year. The signs shall be erected not more than 5 days prior to the event or grand opening and shall be removed not more than 1 day after the event or grand opening.
- C** The total area of all such signs shall not exceed 24 square feet in any single-family residential district, 24 square feet in any multiple-family residential district and 32 square feet in any commercial or industrial district.

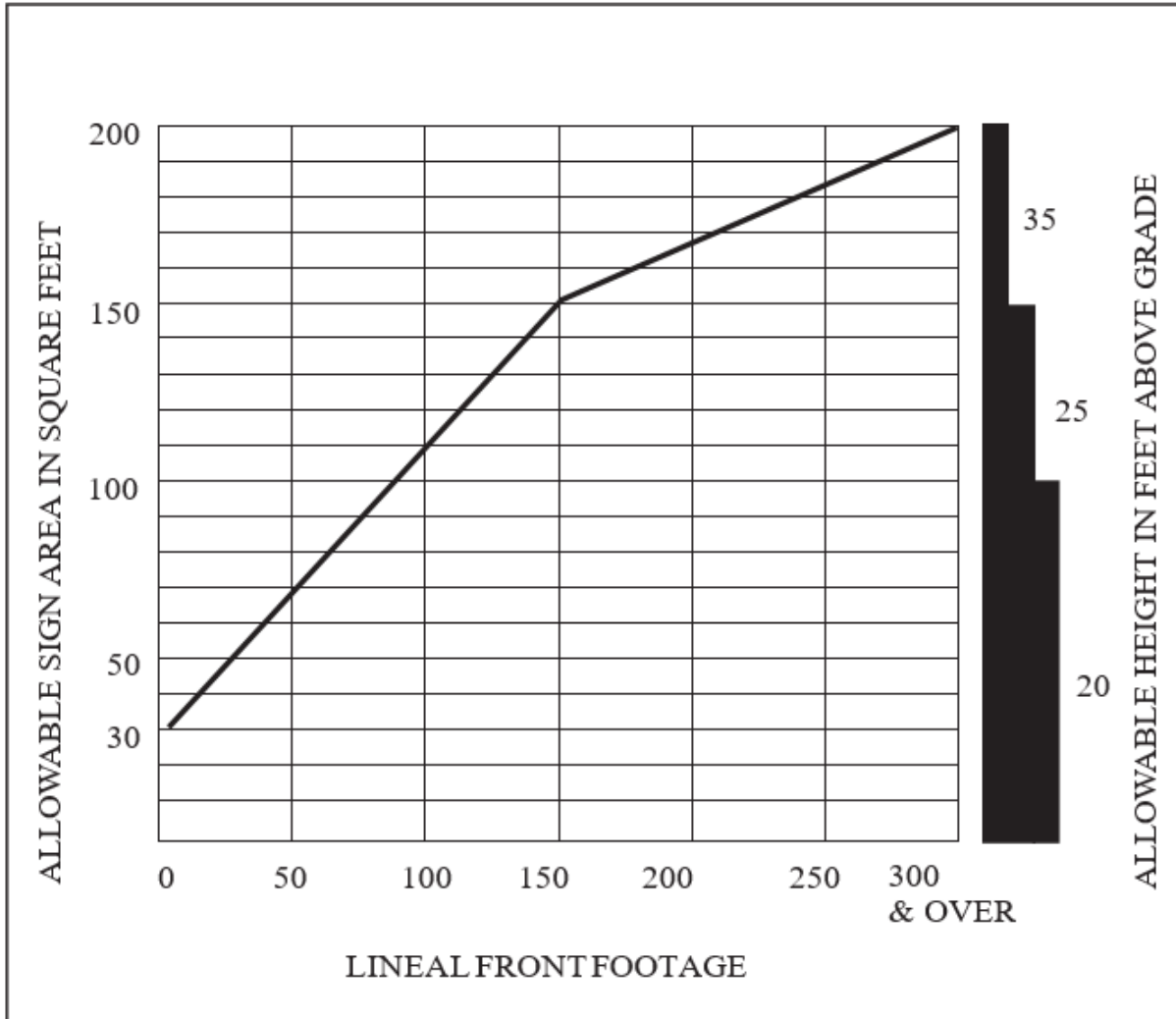
TABLE 11.7.1.2

IDENTIFICATION SIGN STANDARDS—FREE-STANDING SIGNS a,b,c

LAND USE	NUMBER OF SIGNS	HEIGHT (feet)	AREA (square feet)	SPACING
Single-family residential	2	8	32	1 per subdivision entrance
Multiple-family residential	2	8	32	1 per driveway
Nonresidential in a residential zone	2	8	32	300a
Commercial and industrial	1	See Figures 12.8.1.2 (1), (2) and (3)	See Figures 12.8.1.2 (1), (2) and (3)	150b

For SI: 1 foot = 304.8 mm, 1 square foot = 0.0929 m², 1 acre = 4047 m².

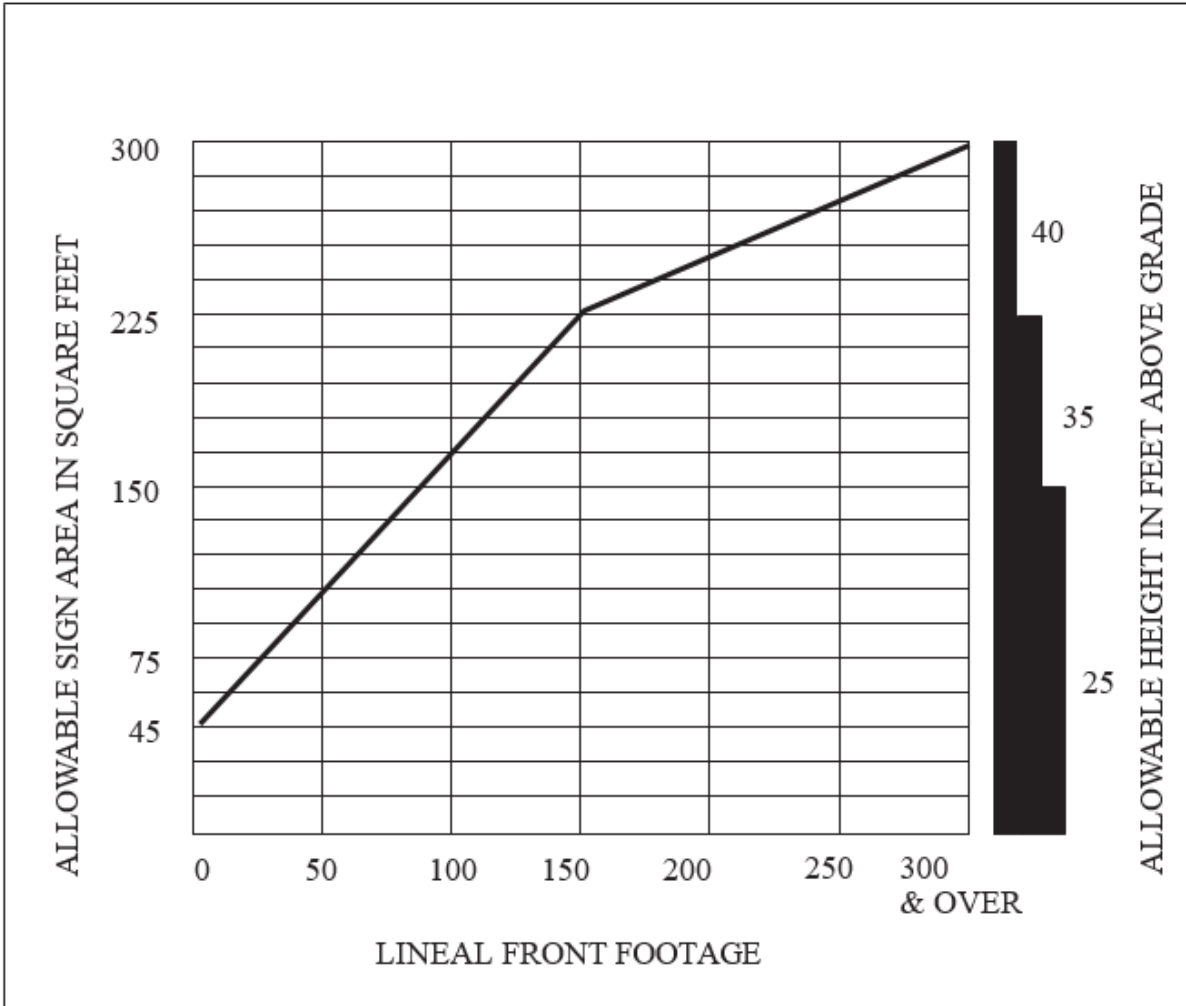
- a. For subdivision or apartment identification signs placed on a decorative entry wall approved by the code official, two identification signs shall be permitted to be placed at each entrance to the subdivision or apartment complex, one on each side of the *driveway* or entry drive.
- b. For shopping centers or planned *industrial* parks, two monument-style free-standing signs not exceeding 50 percent each of the permitted height and area, and spaced not closer than 100 feet to any other free-standing identification sign, shall be permitted to be allowed in lieu of any free-standing sign otherwise permitted in this table.
- c. For any commercial or *industrial* development complex exceeding 1,000,000 square feet of gross leasable area, or 40 acres in size, such as regional shopping centers, auto malls or planned *industrial* parks, one free-standing sign per street front shall be permitted to be increased in sign area by up to 50 percent.



For SI: 1 foot = 304.8 mm, 1 square foot = 0.0929 m², 1 mile per hour = 1.609 km/h.

Figure 11.7.1.2(1)

On-Premises Free-Standing Signs/Commercial and Industrial Zones Vehicular Speed Subject to Posted Limits Under 35 Miles Per Hour



For SI: 1 foot = 304.8 mm, 1 square foot = 0.0929 m², 1 mile per hour = 1.609 km/h.

FIGURE 11.7.1.2(2)

On-Premises Free-Standing Signs/Commercial and Industrial Zones Vehicular Speed Subject to Posted Limits Between 35 and 55 Miles Per Hour (Inclusive)

- 11.7.9 Special event signs in public ways.** Signs advertising a special community event shall not be prohibited in or above public rights-of-way, subject to approval by the code official as to the size, location, and method of erection. The code official may not approve any special event signage that would impair the safety and convenience of use of public rights-of-way or obstruct traffic visibility.
- 11.7.10 Portable signs.** Portable signs shall be permitted only in the C, CR and FI districts, as designated in this code, subject to the following limitations:
- A** Not more than one such sign may be displayed on any property and shall not exceed a height of 8 feet nor an area of 32 square feet.
 - B** Such signs shall be displayed not more than 20 days in any calendar year.
 - C** Any electrical portable signs shall comply with NFPA 70, as adopted in this jurisdiction.
 - D** No portable sign shall be displayed prior to obtaining a sign permit.
- 11.7.11 Political signs.** Political signs shall be permitted in all zoning districts, subject to the following limitations:
- A** Pursuant to Code of Ala. 1975 § 21-3-6, it is unlawful to erect or display political signs on any property owned or controlled by the state, city 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.
 - B** Such signs for election candidates or ballot propositions shall be displayed only for a period of 60 days preceding the election and shall be removed within 10 days after the election, provided that signs promoting successful candidates or ballot propositions in a primary election may remain displayed until not more than 10 days after the general election.
 - C** Such signs shall not be placed in any public right-of-way or obstruct traffic visibility.

11.7.12 Requirements for specific sign types. Signs of specific type shall be in accordance with Sections 11.8.3.1 through 11.8.3.7.

11.7.13 Canopy and marquee signs.

- A** The permanently affixed copy area of canopy or marquee signs shall not exceed an area equal to 25 percent of the face area of the canopy, marquee, or architectural projection upon which such sign is affixed or applied.
- B** Graphic striping, patterns, or color bands on the face of a building, canopy, marquee, or architectural projection shall not be included in the computation of sign copy area.

11.7.14 Awning signs.

- A** The copy area of awning signs shall not exceed an area equal to 25 percent of the background area of the awning or awning surface to which such a sign is affixed or applied, or the permitted area for wall or fascia signs, whichever is less.
- B** Neither the background color of an awning, nor any graphic treatment or embellishment thereto such as striping, patterns or valances, shall be included in the computation of sign copy area.

11.7.15 Projecting signs.

- A** No wall sign shall project more than 12 inches from the wall, nor above the top of the building wall and which displays only one sign surface. Said signs may be attached to, but not above, a roof or wall.
- B** Projecting building/wall signs greater than one foot and up to six (6) feet shall be reviewed and approved by the city building official. Signs projecting over public streets, sidewalks, or alleyways shall provide a minimum of sixteen (16) feet of vertical clearance.
- C** Such signs shall not extend over a public sidewalk in excess of 25 percent of the width of the sidewalk.

11.7.16 Under canopy signs.

- A** Under canopy signs shall be limited to not more than one such sign per public entrance to any occupancy and shall be limited to an area. They shall conform to the standards of wall signs in that area.
- B** Such signs shall maintain a clear vertical distance above any sidewalk or pedestrian way of not less than 4 feet.

11.7.17 Roof signs.

A Roof signs shall be prohibited.

11.7.18 Window signs. Window signs shall be permitted for any nonresidential use in a residential district, and for all commercial and industrial districts, subject to the following limitations:

A The aggregate area of all such signs shall not exceed 25 percent of the window area on which such signs are displayed. Window panels separated by muntin's, or mullions shall be considered as one continuous window area.

B Window signs shall not be assessed against the sign area permitted for other sign types.

11.7.19 Menu boards. Menu board signs shall not be permitted to exceed 50 square feet.

Section 11.8 SIGNS FOR DEVELOPMENT COMPLEXES

11.8.1 Master sign plan required. Landlord or single- owner controlled multiple-occupancy development complexes on parcels exceeding 8 acres in size, such as shopping centers or planned industrial parks, shall submit to the code official a master sign plan prior to issuance of new sign permits. The master sign plan shall establish standards and criteria for all signs in the complex that require permits, and shall address, at a minimum, the following:

- ◆ Proposed sign locations.
- ◆ Materials.
- ◆ Type of illumination.
- ◆ Design of free-standing sign structures.
- ◆ Size.
- ◆ Quantity.
- ◆ Uniform standards for nonbusiness signage, including directional and informational signs.

11.8.2 Development complex sign. In addition to the freestanding business identification signs otherwise allowed by this ordinance, every

multiple-occupancy development complex shall be entitled to one free-standing sign per street front, at the maximum size permitted for business identification free-standing signs, to identify the development complex. No business identification shall be permitted on a development complex sign. Any free-standing sign otherwise permitted under this ordinance may identify the name of the development complex.

11.8.3 Compliance with master sign plan. Applications for sign permits for signage within a multiple-occupancy development complex shall comply with the master sign plan.

11.8.4 Amendments. Any amendments to a master sign plan must be signed and approved by the owner(s) within the development complex before such amendment will become effective.

ARTICLE XII NONCONFORMING STRUCTURES AND USES

Section 12.1 NONCONFORMING USE OF LAND

Where at the time of passage of this Ordinance lawful use of land or structures exists which would not be permitted by the regulations imposed by this Ordinance, the use may be continued so long as it remains otherwise lawful, provided:

- 12.1.1** No such nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Ordinance except as provided in Section 13.2.1.
- 12.1.2** No such nonconforming use shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such use at the effective date of adoption or amendment of this Ordinance.
- 12.1.3** If any such nonconforming use of land ceases or is discontinued or abandoned for any reason for a period of more than six (6) months, any subsequent use of such land shall conform to the regulations specified by this Ordinance for the district in which such land is located.
- 12.1.4** No additional structures not conforming to the requirements of this Ordinance shall be erected in connection with such nonconforming use of land.

Section 12.2 NONCONFORMING STRUCTURES

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

- 12.2.1** No such nonconforming structure may be enlarged or altered in any way that increases its non-conformity, but any structure or portion thereof may be altered to decrease its nonconformity. However, a detached nonconforming single-family dwelling or mobile home may, upon approval of the Board of Adjustment, increase the square footage of living space if such increase does not change the single-family use and is considered an upgrade in living standards.

- 12.2.2** Should such conforming structure or nonconforming portion of structure, other than detached dwellings and except as provided in Section 13.2.4, be destroyed by any means to an extent of more than fifty (50) percent of its replacement cost at time of destruction, it shall not be reconstructed except in conformity with the provisions of this Ordinance.
- 12.2.3** Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.
- 12.2.4** Nonconforming commercial or business establishments which are not located in a residential district and manufacturing establishments which are not located in a residential or commercial district shall be allowed to reconstruct facilities which involve an actual continuance of the nonconforming use provided that any reconstruction shall not be an expansion of activities or operations, shall be in conformance with the district development criteria for the district within which it is located and shall be completed within one (1) year of the date of damage.

**ARTICLE XIII ADMINISTRATION, REVIEW PROCEDURES AND
ENFORCEMENT**

Section 13.1 ENFORCING OFFICER

The provisions of this Ordinance shall be administered and enforced by the Zoning Administrator of the City of Lake View, Alabama and/or his duly authorized agent(s). This/These official(s) shall have the right to enter upon any premises at any reasonable time prior to the issuance of a certificate of occupancy for the purpose of making inspections of building or premises necessary in carrying out duties required in the enforcement of this Ordinance.

Section 13.2 BUILDING PERMIT REQUIRED

It shall be unlawful to:

- a) commence excavation, or
- b) commence construction of any building or other structure, including accessory structures or
- c) store building materials or erect temporary field offices, or
- d) commence the moving, alteration or repair of any structure,

Until the Building Official of the City of Lake View has issued for such work, a building permit. Building permits shall be required for any excavation, construction, or alteration the cost of which is one thousand dollars (\$1,000.00) or more. If an application for a building permit is not approved, the Building Official shall state in writing on the application the cause for such disapproval. Issuance of the building permit shall in no case be construed as waiving any provisions of this Ordinance.

Section 13.3 GENERAL PROCEDURE

All persons desiring to undertake any excavation, new construction, structural alteration, or changes in the use of a building or lot shall apply to the Building Official for a building permit and certificate of occupancy by filling out the appropriate application form(s) and submitting the required fee. Upon receipt of an application, the Building Inspector will then either issue or refuse to issue a building permit or refer the application to the City Council or Board of Adjustment. After the applicant has received the building permit, the applicant may proceed to undertake the action permitted in the building permit. If the Building Official finds that the action of the applicant has been taken in accordance with the building permit, a certificate of occupancy will then be issued allowing the premises to be occupied or a statement of zoning compliance will be issued.

Section 13.4 REVIEW OF BUILDING PERMIT APPLICATIONS

It shall be unlawful for the Building Official to approve any plans or issue a building permit for any excavation or construction until the plans for such projects have been inspected and found to be in conformity with this Ordinance. To this end, the Building Official shall require that every application for a building permit for excavation, construction, use of land, moving or alteration be accompanied by a plan or plat, in duplicate, and showing the following in sufficient detail to enable the Building Official to ascertain whether the proposed excavation, construction, use of land, moving or alteration is in conformance with this Ordinance:

- 13.4.1** Location, sizes, and dimensions of the site.
- 13.4.2** The proposed use, location, size, and height of all existing and proposed structures on the site.
- 13.4.3** The location and number of parking spaces, as well as points of ingress and egress.
- 13.4.4** All easements and rights-of-way.
- 13.4.5** The setback and sidelines of buildings on adjoining property, and other information concerning the lot or adjacent property as may be required for determining conformance with the provisions of this Ordinance.
- 13.4.6** The location and dimensions of all exterior graphic displays.
- 13.4.7** Buffers.
- 13.4.8** Any other information required by the Building Official to determine compliance with this Ordinance.

Section 13.5 CERTIFICATE OF OCCUPANCY

No building hereafter erected, converted or structurally altered shall be used, occupied, or changed in use and no land may be used until and unless the Building Official shall have issued a certificate of occupancy.

Section 13.6 ENFORCEMENT

Upon good cause and upon presentation of proper credentials, the Building Official or his authorized agent(s), may enter at any reasonable time, any building, structure, or premises, for the purpose of determining whether this Ordinance is being violated. When a violation of this Ordinance is found, the Building Official, or the City, on his behalf is authorized and directed to institute any appropriate action to put an end to such violation.

In addition to the criminal penalties and enforcement procedures provided in Section 14.7 of this Ordinance, the Building Official, or the City, on his behalf, may institute any lawful civil action or proceeding to prevent, restrain or abate:

- 13.6.1** The unlawful construction, erection, reconstruction, alteration, rehabilitation, expansion, maintenance or use of any building or structure; or
- 13.6.2** The occupancy of such building, structure, land, or water; or
- 13.6.3** The illegal acts, conduct, or use, in or about any building, structure, or premises.
- 13.6.4** Prior to any criminal prosecution, the Building Inspector, or his authorized agent, shall give a written notice or citation to the person, firm, corporation, or organization violating any provision of this Ordinance stating the rule or regulation being violated and notifying the said person, firm, corporation, or organization to cease and desist such violation immediately. Otherwise, such person, firm, corporation, or organization will be prosecuted as provided herein.

Section 13.7 PENALTIES

Any person, owner, agent, lessee, tenant, contractor, firm, corporation, or any other person violating any provision of this Ordinance shall be fined on conviction not less than twenty-five dollars (\$25.00) and not more than two hundred dollars (\$200.00) and cost of court for each offense. Each day such violation continues shall constitute a separate offense.

Section 13.8 REMEDIES

In case any building or other structure is erected, altered, constructed, reconstructed, repaired, converted or maintained or any building, structure or land is used in violation of this Ordinance, the Building Official of the City of Lake View or any appropriate authority of any adjacent property owner, who would be affected by such violation, in addition to other remedies may institute injunction, mandamus, or other appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use, to correct or abate such violations or to prevent occupancy of such building, structure or land.

ARTICLE XIV THE BOARD OF ADJUSTMENT

Section 14.1 General.

This section addresses the duties and responsibilities of a board of adjustment, hereafter referred to as “the board,” and other officials and agencies, with respect to the administration of this code.

Section 14.2 Establishment of the board.

The establishment of the board shall consist of five (5) members to be appointed by the Mayor. Additionally, one member of the commission shall be appointed as liaison to the board. Such a member shall have the right to attend all meetings and take part in all discussions but shall not vote on board decisions.

Section 14.3 Terms for members.

The terms of office for the members are as follows: One (1) member shall be appointed for a term of three (3) years, two (2) members for two (2) years and two (2) members for one (1) year. Thereafter, each member appointed shall serve for a term of three (3) years or until his successor is duly appointed and qualified. In addition to the five regular members, two (2) supernumerary members shall be appointed to serve on the Board of Adjustment at the call of the Chairman only in the absence of regular members and while serving shall have and exercise the power and authority of regular members. Such supernumerary members shall be appointed to serve for three (3) year terms and shall be eligible for reappointment. Members of the Board of Adjustment may be removed from office by the City Council for cause upon written charges and after a public hearing. Vacancies shall be filled by resolution of the City Council for the unexpired term of any member whose term becomes vacant.

Section 14.4 Selection of members.

Members of the board shall be residents of the jurisdiction served. Compensation shall be set by the legislative body of the jurisdiction. Any vacancy for the unexpired term of any member whose term is not completed shall be filled. A member shall continue to serve until a successor has been appointed and approved by the legislative body of the jurisdiction.

Section 14.5 Chairperson election and rules adoption.

The board shall elect from its membership a chairperson. It shall establish and adopt rules for its organization and the transaction of business and shall keep a public record of its proceedings.

Section 14.6 Board secretary.

A secretary to assist the board shall be appointed by the code official. The secretary shall keep minutes of the board meetings for public record and conduct all correspondence, including the notification of decisions. The secretary shall certify the records. The secretary shall prepare and submit the minutes of board meetings to the chairperson and the board.

Section 14.7 Duties and powers.

The duties and powers of the board of adjustment shall be in accordance with Sections 15.7.1 through 15.7.3.

14.7.1 Errors.

The board shall have the power to hear and decide on appeals where it is alleged that there is an error in any order, requirement, decision, determination, or interpretation by the code official.

14.7.2 Variances.

The board shall have the power to hear and decide on appeals wherein a variance to the terms of this code is proposed. Limitations as to the board's authorization shall be as set forth in this code.

14.7.3 Variance review criteria.

The board of adjustment shall be permitted to approve, approve with conditions or deny a request for a variance. Each request for a variance shall be consistent with the following criteria:

- A** Limitations on the use of the property due to physical, topographical, and geologic features.
- B** The grant of the variance will not grant any special privilege to the property owner or the owner's authorized agent.
- C** The applicant can demonstrate that without a variance there can be no reasonable use of the property.
- D** The grant of the variance is not based solely on economic reasons.
- E** The necessity for the variance was not created by the property owner or the owner's authorized agent.
- F** The variance requested is the minimum variance necessary to allow reasonable use of the property.
- G** The grant of the variance will not be injurious to the public health, safety or welfare.
- H** The property subject to the variance request possesses one or more unique characteristics generally not applicable to similarly situated properties.

Section 14.8 Use variance.

The board of adjustment shall not grant a variance to allow the establishment of a use in a zoning district when such use is prohibited by the provisions of this code.

Section 14.9 Decisions.

The board shall be permitted to decide in any manner it sees fit; however, it shall not have the authority to alter or change this code or zoning map or allow as a use that would be inconsistent with the requirements of this code, provided, however, that in interpreting and applying the provisions of this code, the requirements shall be deemed to be the spirit and intent of the code and do not constitute the granting of a special privilege. The concurring vote of four (4) members of the Board of Adjustment shall be necessary to reverse any order, requirement, decision or determination of the administrative official; or to decide in favor of the applicant on any matter upon which it is required to pass under this Ordinance; or to affect any variation in the application of this ordinance.

Section 14.10 APPEALS TO THE BOARD OF ADJUSTMENT

Appeals to the Board of Adjustment may be taken by any person aggrieved or by any officer, department, board, or bureau of the City affected by any decision of the Administrative Officer. Such appeal shall be made within thirty (30) days after rendition of the order, requirement, decision, or determination appealed from in writing to the Board of Adjustment and file same, and two (2) copies of supporting facts and data with the Zoning Administrator.

This does not, however, restrict the filing of a request for a special exception or variance by any person at any time as provided for elsewhere in this Article.

14.10.1 Procedure.

Upon receipt of said appeal, the Administrative Officer may forthwith examine such appeal or request application and endorse his recommendation thereon together with all documents, plans, papers, or other materials constituting the record to the City Attorney for his review and opinion. The City Attorney shall represent his opinion to the Board of Adjustment as to whether or not the subject of the appeal falls within the jurisdiction of the Board of Adjustment.

14.10.2 Stay of Proceedings.

An appeal stays all proceedings in furtherance of the action appealed from unless the officer from whom the appeal is taken certifies to the Board of Adjustment after the notice of appeal shall have been filed with him that by reason of facts stated in the certificate of stay would in his opinion cause imminent peril to life or property. Such proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Adjustment or by a court of record on application of notice to the office from whom the appeal is taken and on due cause shown.

Section 14.11 APPEALS TO CIRCUIT COURT

Any party aggrieved by, any final judgment or decision of the Board of Adjustment may within fifteen (15) days thereafter appeal therefore to the circuit court by filing with such board a written notice of appeal specifying the judgment or decision from which the appeal is taken. In case of such an appeal, the board shall cause a transcript of the proceedings in the action to be certified to the court to which the appeal is taken, and the action in such court shall be tried de novo.

ARTICLE XV AMENDMENTS

Section 15.1 PROCEDURE

A proposed change of the zoning district boundaries or of the regulations as they pertain to a piece of property may be initiated by the City Council, the Planning Commission, or at the request of the owners of the property to be rezoned or their authorized agent. In addition, the City Council may, from time to time, amend, supplement, or repeal the regulations and provisions of this Ordinance as provided by law.

15.1.1 Petition by Property Owners.

Whenever the owner of record of any property desires a change in zoning classification, a change of the conditions or regulations of any district or any other provision of this Ordinance, the following procedure shall be followed.

- A** The applicant shall submit a complete zoning amendment application, on a form provided by the City, to the City Clerk at least fifteen (15) days prior to the Planning Commission meetings at which the amendment is to be considered, containing as a minimum, the following:
 - 1.** A one hundred (\$100.00) dollar administrative fee to defray the cost of expenses related to processing the application.
 - 2.** A map, drawn to scale, indicating:
 - (a)** The dimensions and location of the site.
 - (b)** The shape, size, height, and location of all existing structures on the site.
 - (c)** The number and location of parking spaces, and location of ingress and egress.
 - (d)** All rights-of-way and easements.
 - (e)** Other information which may be required by the Planning Commission during the review process.
 - 3.** A written statement indicating:
 - (a)** Reason for the request.
 - (b)** Legal description of the subject property.

Section 15.2 PLANNING AND ZONING COMMISSION REVIEW

Regardless of the source of the proposed zoning change, the City Council shall not hold its public hearing or take action on any amendment to this Ordinance until it has received a final report on such amendment from the Planning Commission. The Planning Commission shall make a preliminary report and hold a public hearing thereon before submitting its final report to the City Council.

Section 15.3 PUBLIC HEARINGS AND NOTICES

The following procedures for hearings and notices shall be followed.

- 15.3.1** Mailed Notice. At least twenty-one (21) days prior to the public hearing to be held by the Planning Commission, notice shall be sent to owners of record of property within the City limits that is located within five hundred (500) feet of the property on which the change in zoning is requested. Such notice shall be served by posting the same postage paid, in the United States Post Office, to owner(s) of record as said name and address appears on the last approved tax roll of Tuscaloosa.
- 15.3.2** Posted Notice. The Planning Commission shall post property proposed to be rezoned with a notice at least seven (7) days before the public hearing. The posted notice shall set forth the property's present zoning, proposed zoning, the date and time and place of public hearing. Such notice to remain in place until final determination by the City Council.
- 15.3.3** Planning Commission Hearing. The Planning Commission shall schedule a hearing on the application at the first regularly scheduled meeting after compliance with notice provisions as set forth herein.
- 15.3.4** City Council Hearing. Upon receipt of a favorable recommendation from the Planning Commission, the City Clerk shall, in accordance with State law, schedule and advertise the proposed amendment for a public hearing before the City Council. Upon receipt of a negative recommendation from the Planning Commission, the City Council review process may be initiated at the request of the applicant.

Section 15.4 CONDITIONAL REZONING

In situations where more flexible and adaptable zoning methods are needed, rezoning amendments may be allowed subject to certain conditions that are not generally applicable to land similarly zoned. Proposed rezoning amendments may include the voluntary proffering in writing, signed by the property owner (and the authorized agent of the property owner, if any), of reasonable conditions in addition to the regulations provided for in the desired zoning district.

- 15.4.1** Proffered conditions must adhere to the following criteria:
- A** The rezoning itself must give rise to the need for the conditions.
 - B** Such conditions shall have a reasonable relation to the rezoning.
 - C** Such conditions shall not include a cash contribution to the City.
 - D** Such conditions shall not include dedication of property for public right-of-way or facilities.
 - E** Such conditions shall not include payment for or construction of off-site improvements.
 - F** No condition shall be proffered that is not related to the physical development or physical operation of the property.
 - G** No condition shall allow for the reversion of zoning held previous to the rezoning, unless a new application for rezoning is filed.
 - H** All such conditions shall be in conformity with the purposes and considerations of this ordinance.
- 15.4.2** The Zoning Administrator shall be vested with all necessary authority on behalf of the City Council to administer and enforce conditions attached to a rezoning amendment.
- 15.4.3** The zoning map shall show by an appropriate symbol the existence of conditions attached to the zoning. The Zoning Administrator shall keep in his office and make available for public inspection a conditional zoning index. The index shall provide ready access to the ordinance creating conditions in addition to the regulations provided for in a particular zoning district. The zoning designation of the property shall carry a "C" suffix in addition to the zoning district designation (for example, C-1-C), and the zoning map shall reference the conditional zoning index by ordinance number. Any amendment, waiver, or variation of conditions created pursuant to the provisions of this section shall be subject to zoning amendment procedures.

Section 15.5 LIMITATIONS ON REZONING AMENDMENTS

Should the City Council reject a rezoning amendment proposal by a property owner, the same kind of rezoning of the same tract land will not be considered by the Planning Commission until a period of one (1) year has elapsed from the date of such action by the City Council. Further, a withdrawal of the application for rezoning after the hearing held by the Planning Commission, but prior to the hearing held by the City Council shall also require a one (1) year before another application may be submitted. However, the Planning Commission may adjust this time if, in the opinion of a majority of the commission, an unusual situation or circumstance exists which would warrant another hearing. Each time the zoning amendment application is made, the required administrative fees must be paid. Under no condition shall fees be refunded for failure of such proposed amendment to be enacted into law.

ARTICLE XVI DEFINITIONS

Section 16.1 Scope.

Unless otherwise expressly stated, the following words and terms shall, for the purposes of this code, have the meanings shown in this chapter.

Section 16.2 Interchangeability.

Words used in the present tense include the future; words stated in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural, the singular.

Section 16.3 Terms defined in other codes.

Where terms are not defined in this code and are defined in the International Building Code or the International Mechanical Code, such terms shall have the meanings ascribed to them as in those codes.

Section 16.4 Terms not defined.

Where terms are not defined through the methods authorized by this section, such terms shall have ordinarily accepted meanings such as the context implies.

Section 16.5 GENERAL DEFINITIONS

ABANDONED SIGN. See Article 12.

ACCESSORY BUILDING. An incidental subordinate building customarily incidental to and located on the same lot occupied by the main use or building, such as a detached garage.

ACCESSORY LIVING QUARTERS. An accessory building used solely as the temporary dwelling of guests of the occupants of the premises; such dwelling having no kitchen facilities and not rented or otherwise used as a separate sleeping unit.

ACCESSORY USE. A use conducted on the same lot as the primary use of the structure to which it is related; a use that is clearly incidental to, and customarily found in connection with, such primary use.

AGRICULTURE. The tilling of the soil, raising of crops, farm animals, livestock, horticulture, gardening, beekeeping, and aquaculture.

ALLEY. Any public way or thoroughfare more than 10 feet, but less than 16 feet, in width, which has been dedicated to the public for public use.

ALTERATION. Any change, addition or modification in construction, occupancy, or use.

AMUSEMENT CENTER. An establishment offering five or more amusement devices, including, but not limited to, coin-operated electronic games, shooting galleries, table games and similar recreational diversions within an enclosed building.

ANIMATED SIGN. See Article 12.

Electrically activated. See Article 12.

Environmentally activated. See Article 12.

Mechanically activated. See Article 12.

APARTMENT HOUSE. A residential building designed or used for three or more dwelling units.

ARCHITECTURAL PROJECTION. See Article 12.

AUTOMOTIVE REPAIR, MAJOR. An establishment primarily engaged in the repair or maintenance of motor vehicles, trailers, and similar large mechanical equipment, including paint, body and fender, and major engine and engine part overhaul, which is conducted within a completely enclosed building.

AUTOMOTIVE REPAIR, MINOR. An establishment primarily engaged in the repair or maintenance of motor vehicles, trailers and similar mechanical equipment, including brake, muffler, upholstery work, tire repair and change, lubrication, tune ups, and transmission work, which is conducted within a completely enclosed building.

AUTOMOTIVE SELF-SERVICE MOTOR FUEL DISPENSING FACILITY. That portion of property where flammable or combustible liquids or gases used as fuel are stored and dispensed from fixed equipment into the fuel tanks of motor vehicles by persons other than a service station attendant. Such an establishment shall be permitted to offer for sale at retail other convenience items as a clearly secondary activity and shall be permitted to include a free-standing automatic car wash.

AUTOMOTIVE SERVICE MOTOR FUEL DISPENSING FACILITY. That portion of property where flammable or combustible liquids or gases used as fuel are stored and dispensed from fixed equipment into the fuel tanks of motor vehicles. Accessory activities shall be permitted to include automotive repair and maintenance, car wash service, and food sales.

AWNING. See Article 12.

AWNING SIGN. See Article 12.

BACKLIT AWNING. See Article 12.

BANNER. See Article 12.

BANNER SIGN. See Article 12.

BASEMENT. Any floor level below the first story in a building, except that a floor level in a building having only one floor level shall be classified as a basement unless such floor level qualifies as a first story as defined herein.

BILLBOARD. See Article 12.

BOARD. The board of adjustment of the adopting jurisdiction.

BOARDING HOUSE. A dwelling containing a single dwelling unit and not more than 10 sleeping units, where lodging is provided with or without meals, for compensation for more than one week.

BUILDING. Any structure used or intended for supporting or sheltering any use or occupancy.

BUILDING, MAIN. A building in which the principal use of the site is conducted.

BUILDING, TEMPORARY. A building used temporarily for the storage of construction materials and equipment incidental and necessary to on-site permitted construction of utilities, or other community facilities, or used temporarily in conjunction with the sale of property within a subdivision under construction.

BUILDING CODE. The International Building Code promulgated by the International Code Council, as adopted by the jurisdiction.

BUILDING ELEVATION. See Article 12.

BUILDING HEIGHT. The vertical distance above the average existing grade measured to the highest point of the building. The height of a stepped or terraced building shall be the maximum height of any segment of the building.

BUILDING LINE. The perimeter of that portion of a building or structure nearest a property line, but excluding open steps, terraces, cornices, and other ornamental features projecting from the walls of the building or structure.

BUSINESS OR FINANCIAL SERVICES. An establishment intended for the conduct or service or administration by a commercial enterprise, or offices for the conduct of professional or business service.

CANOPY. A roofed structure constructed of fabric or other material supported by the building or by support extending to the ground directly under the canopy placed so as to extend outward from the building providing a protective shield for doors, windows and other openings.

CANOPY (Attached). See Article 12.

CANOPY (Free-standing). See Article 12.

CANOPY SIGN. See Article 12.

CHANGEABLE SIGN. See Article 12.

Electrically activated. See Article 12.

Manually activated. See Article 12.

COMBINATION SIGN. See Article 12.

COMMERCIAL, HEAVY. An establishment or business that generally uses open sales yards, outside equipment storage or outside activities that generate noise or other impacts considered incompatible with less-intense uses. Typical businesses in this definition are lumber yards, construction specialty services, heavy equipment suppliers or building contractors.

COMMERCIAL, LIGHT. An establishment or business that generally has retail or wholesale sales, office uses, or services, which do not generate noise or other impacts considered incompatible with less-intense uses. Typical businesses in this definition are retail stores, offices, catering services or restaurants.

COMMERCIAL CENTER, COMMUNITY. A completely planned and designed commercial development providing for the sale of general merchandise and/or convenience goods and services. A community commercial center shall provide for the sale of general merchandise, and may include a variety store, discount store or supermarket.

COMMERCIAL CENTER, CONVENIENCE. A completely planned and designed commercial development providing for the sale of general merchandise and/or convenience goods and services. A convenience commercial center shall provide a small cluster of convenience shops or services.

COMMERCIAL CENTER, NEIGHBORHOOD. A completely planned and designed commercial development providing for the sale of general merchandise and/or convenience goods and services. A neighborhood commercial center shall provide for the sales of convenience goods and services, with a supermarket as the principal tenant.

COMMERCIAL CENTER, REGIONAL. A completely planned and designed commercial development providing for the sale of general merchandise and/or convenience goods and services. A regional center shall provide for the sale of general merchandise, apparel, furniture, home furnishings, and other retail sales and services, in full depth and variety.

COMMERCIAL RETAIL SALES AND SERVICES. Establishments that engage in the sale of general retail goods and accessory services. Businesses within this definition include those that conduct sales and storage entirely within an enclosed structure (with the exception of occasional outdoor “sidewalk” promotions); businesses specializing in the sale of either general merchandise or convenience goods.

COMPREHENSIVE PLAN. The declaration of purposes, policies and programs for the development of the jurisdiction.

CONDITIONAL USE. A use that would become harmonious or compatible with neighboring uses through the application and maintenance of qualifying conditions.

CONDOMINIUM. A single-dwelling unit in a multiunit dwelling or structure, that is separately owned and may be combined with an undivided interest in the common areas and facilities of the property.

CONGREGATE RESIDENCE. Any building or portion thereof that contains facilities for living, sleeping and sanitation as required by this code, and may include facilities for eating and cooking for occupancy by other than a family. A congregate residence shall be permitted to be a shelter, convent, monastery, dormitory, fraternity, or sorority house, but does not include jails, hospitals, nursing homes, hotels or lodging houses.

COPY. See Article 12.

COURT. A space, open and unobstructed to the sky, located at or above grade level on a lot and bounded on three or more sides by walls of a building.

DAY CARE, FAMILY. The keeping for part-time care and/ or instruction, whether or not for compensation, of six or less children at any one time within a dwelling, not including members of the family residing on the premises.

DAY CARE, GROUP. An establishment for the care and/or instruction, whether or not for compensation, of seven or more persons at any one time. Child nurseries, preschools and adult care facilities are included in this definition.

DENSITY. The number of dwelling units that are allowed on an area of land, which area of land shall be permitted to include dedicated streets contained within the development.

DEVELOPMENT COMPLEX SIGN. See Article 12.

DIRECTIONAL SIGN. See Article 12.

DOUBLE-FACED SIGN. See Article 12.

DRIVEWAY. A private access road, the use of that is limited to persons residing, employed, or otherwise using or visiting the parcel in which it is located.

DWELLING, MULTIPLE UNIT. A building or portion thereof designed for occupancy by three or more families living independently in which they may or may not share common entrances and/or other spaces. Individual dwelling units may be owned as condominiums or offered for rent.

DWELLING, SINGLE FAMILY. A detached dwelling unit with kitchen and sleeping facilities, designed for occupancy by one family.

DWELLING, TWO FAMILY. A building designed or arranged to be occupied by two families living independently, with the structure having only two dwelling units.

DWELLING UNIT. A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

EASEMENT. That portion of land or property reserved for present or future use by a person or agency other than the legal fee owner(s) of the property. The easement shall be permitted to be for use under, on or above said lot or lots.

ELECTRIC SIGN. See Article 12.

ELECTRONIC MESSAGE SIGN OR CENTER. See Article 12.

EXTERIOR SIGN. See Article 12.

FACE OF BUILDING, PRIMARY. The wall of a building fronting on a street or right-of-way, excluding any appurtenances such as projecting fins, columns, pilasters, canopies, marquees, showcases or decorations.

FARM ANIMALS. Animals other than household pets that shall be permitted to, where permitted, be kept and maintained for commercial production and sale and/or family food production, education or recreation. Farm animals are identified by these categories: large

animals, e.g., horses and cattle; medium animals, e.g., sheep and goats; or small animals, e.g., rabbits, chinchillas, chickens, turkeys, pheasants, geese, ducks and pigeons.

FASCIA SIGN. See “Wall or fascia sign,” Article 12.

FLASHING SIGN. See “Animated sign, electrically activated,” Article 12.

FLOOR AREA, GROSS. The sum of the horizontal areas of floors of a building measured from the exterior face of exterior walls or, if appropriate, from the center line of dividing walls; this includes courts and decks or porches where covered by a roof.

FLOOR AREA, NET. The gross floor area exclusive of vents, shafts, courts, elevators, stairways, exterior walls, and similar facilities.

FREE-STANDING SIGN. See Article 12.

FRONTAGE. The width of a lot or parcel abutting a public right-of-way measured at the front property line.

FRONTAGE (Building). See Article 12.

FRONTAGE (Property). See Article 12.

GARAGE, PRIVATE. A building or a portion of a building not more than 1,000 square feet in area, in which only private or pleasure-type motor vehicles used by the tenants of the building or buildings on the premises are stored or kept.

GRADE (Adjacent Ground Elevation). The lowest point of elevation of the existing surface of the ground, within the area between the building and a line 5 feet from the building.

GROUND SIGN. See “Free-standing sign,” Article 12.

GROUP CARE FACILITY. A facility, required to be licensed by the state, which provides training, care, supervision, treatment and/or rehabilitation to the aged, disabled, those convicted of crimes, or those suffering the effects of drugs or alcohol; this does not include day care centers, family day care homes, foster homes, schools, hospitals, jails, or prisons.

HABITABLE SPACE (Room). Space in a structure for living, sleeping, eating, or cooking. Bathrooms, toilet compartments, closets, halls, storage or utility space, and similar areas are not considered habitable space.

HOME OCCUPATION. The partial use of a home for commercial or nonresidential uses by a resident thereof, which is subordinate and incidental to the use of the dwelling for residential purposes.

HOSPITAL. An institution designed for the diagnosis, treatment and care of human illness or infirmity and providing health services, primarily for inpatients, and including as related facilities, laboratories, outpatient departments, training facilities and staff offices.

HOUSEHOLD PETS. Dogs, cats, rabbits, birds, etc., for family use only (noncommercial) with cages, pens, etc.

ILLUMINATED SIGN. See Article 12.

INDUSTRIAL OR RESEARCH PARK. A tract of land developed in accordance with a master site plan for the use of a family of industries and their related commercial uses, and

that is of sufficient size and physical improvement to protect surrounding areas and the general community and to ensure a harmonious integration into the neighborhood.

INTERIOR SIGN. See Article 12.

JURISDICTION. As used in this code, jurisdiction is any political subdivision that adopts this code for administrative regulations within its sphere of authority.

KITCHEN. Any room or portion of a room within a building designed and intended to be used for the cooking or preparation of food.

LANDSCAPING. The finishing and adornment of unpaved yard areas. Materials and treatment generally include naturally growing elements such as grass, trees, shrubs, and flowers. This treatment shall be permitted to include the use of logs, rocks, fountains, water features and contouring of the earth.

LEGISLATIVE BODY. The political entity of the adopting jurisdiction.

LIVESTOCK. Includes, but is not limited to, horses, bovine animals, sheep, goats, swine, reindeer, donkeys, mules, and any other hoofed animals.

LOT. A single parcel of land.

MANSARD. See Article 12.

MANUFACTURING, HEAVY. All other types of manufacturing not included in the definitions of light manufacturing and medium manufacturing.

MANUFACTURING, LIGHT. The manufacturing, compounding, processing, assembling, packaging, or testing of goods or equipment, including research activities, conducted entirely within an enclosed structure, with no outside storage, serviced by a modest volume of trucks or vans and imposing a negligible impact on the surrounding environment by noise, vibration, smoke, dust, or pollutants.

MANUFACTURING, MEDIUM. The manufacturing, compounding, processing, assembling, packaging, or testing of goods or equipment within an enclosed structure or an open yard that is capable of being screened from neighboring properties, serviced by a modest volume of trucks or other vehicles.

MARQUEE. See “Canopy (Attached),” Article 12.

MARQUEE SIGN. See “Canopy sign,” Article 12.

MENU BOARD. See Article 12.

MORTUARY, FUNERAL HOME. An establishment in which the dead are prepared for burial or cremation. The facility shall be permitted to include a chapel for the conduct of funeral services and spaces for funeral services and informal gatherings, and/or display of funeral equipment.

MOTEL, HOTEL. Any building containing six or more sleeping units intended or designed to be used, or which are used, rented, or hired out to be occupied, or which are occupied for sleeping purposes by guests.

MULTIPLE-FACED SIGN. See Article 12.

NONCONFORMING LOT. A lot where the width, area or other dimension did not conform to the regulations when this code became effective.

NONCONFORMING SIGN. A sign or sign structure or portion thereof lawfully existing at the time this code became effective, which does not now conform.

NONCONFORMING STRUCTURE. A building or structure or portion thereof lawfully existing at the time this code became effective, which was designed, erected, or structurally altered for a use that does not conform to the zoning regulations of the zone in which it is located.

NONCONFORMING USE. See “Use, nonconforming.”

OFF-PREMISE SIGN. See “Outdoor advertising sign,” Article 12.

ON-PREMISE SIGN. See Article 12.

OPEN SPACE. Land areas that are not occupied by buildings, structures, parking areas, streets, alleys or required yards. Open space shall be permitted to be devoted to landscaping, preservation of natural features, patios, and recreational areas and facilities.

OUTDOOR ADVERTISING SIGN. See Article 12.

PARAPET. See Article 12.

PARK. A public or private area of land, with or without buildings, intended for outdoor active or passive recreational uses.

PARKING LOT. An open area, other than a street, used for the parking of automobiles.

PARKING SPACE, AUTOMOBILE. A space within a building or private or public parking lot, exclusive of drive- ways, ramps, columns, office, and work areas, for the parking of an automobile.

PERSON. A natural person, heirs, executors, administrators, or assigns, and includes a firm, partnership, or corporation, it's or their successors or assigns, or the agent of any of the aforesaid.

PLANNED UNIT DEVELOPMENT (PUD). A residential or commercial development guided by a total design plan in which one or more of the zoning or subdivision regulations, other than use regulations, shall be permitted to be waived or varied to allow flexibility and creativity in site and building design and location, in accordance with general guidelines.

PLOT PLAN. A plot of a lot, drawn to scale, showing the actual measurements, the size and location of any existing buildings or buildings to be erected, the location of the lot in relation to abutting streets, and other such information.

POLE SIGN. See “Free-standing sign,” Article 12.

POLITICAL SIGN. See Article 12.

POOLS (SWIMMING), HOT TUBS AND SPAS.

Above-ground/on-ground pool. See “Private swimming pool.”

Barrier. A fence, a wall, a building wall, the wall of an above-ground swimming pool or a combination thereof, which completely surrounds the swimming pool and obstructs access to the swimming pool.

Hot tub. See “Private swimming pool.”

In-ground pool. See “Private swimming pool.”

Power safety cover. A pool cover that is placed over the water area and is opened and closed with a motorized mechanism activated by a control switch.

Private swimming pool. Any structure that contains water over 24 inches (610 mm) in depth and which is used, or intended to be used, for swimming or recreational bathing in connection with an occupancy in Use Group R-3 and which is available only to the family and guests of the householder. This includes in-ground, above-ground, and on-ground swimming pools, hot tubs, and spas.

Private swimming pool, indoor. Any private swimming pool that is totally contained within a private structure and surrounded on all four sides by walls of said structure.

Private swimming pool, outdoor. Any private swimming pool that is not an indoor pool.

Public swimming pool. Any swimming pool other than a private swimming pool.

Spa. See “Private swimming pool” Article 12.

PORTABLE SIGN. See Article 12.

PROJECTING SIGN. See Article 12.

PUBLIC IMPROVEMENT. Any drainage ditch, storm sewer or drainage facility, public or private sanitary sewer, water main, road- way, parkway, sidewalk, pedestrian way, tree, lawn, off- street parking area, lot improvement, or other facility for which the local government may ultimately assume the responsibility for maintenance and operation, or for which the local government responsibility is established.

PUBLIC SERVICES. Uses operated by a unit of government to serve public needs, such as police (with or without jail), fire service, ambulance, judicial court, or government offices, but not including public utility stations or maintenance facilities.

PUBLIC UTILITY STATION. A structure or facility used by a public, private or quasi-public utility agency to store, distribute, generate electricity, gas, telecommunications, and related equipment, or to pump or chemically treat water. This does not include storage or treatment of sewage, solid waste, or hazardous waste.

[A] PUBLIC WAY. Any street, alley, or similar parcel of land essentially unobstructed from the ground to the sky, which is deeded, dedicated, or otherwise permanently appropriated to the public for public use.

QUASI-PUBLIC. Essentially a public use, although under private ownership or control.

QUORUM. A majority of the authorized members of a board or commission.

REAL ESTATE SIGN. See Article 12.

RECREATION, INDOOR. An establishment providing completely enclosed recreation activities. Accessory uses shall be permitted to include the preparation and serving of food and/or the sale of equipment related to the enclosed uses. Included in this definition shall be bowling, roller skating or ice skating, billiards, pool, motion picture theatres, and related amusements.

RECREATION, OUTDOOR. An area free of buildings except for restrooms, dressing rooms, equipment storage, maintenance buildings, open-air pavilions and similar structures used primarily for recreational activities.

RECYCLING FACILITY. Any location whose primary use is where waste or scrap materials are stored, bought, sold, accumulated, exchanged, packaged, disassembled, or handled, including, but not limited to, scrap metals, paper, rags, tires and bottles, and other such materials.

REGISTERED DESIGN PROFESSIONAL. An architect or engineer registered or licensed to practice professional architecture or engineering as defined by statutory requirements of the professional registration laws of the state in which the project is to be constructed.

REHABILITATION CENTER (Halfway House). An establishment where the primary purpose is the rehabilitation of persons. Such services include drug and alcohol rehabilitation, assistance to emotionally and mentally disturbed persons, and halfway houses for prison parolees and juveniles.

RELIGIOUS, CULTURAL AND FRATERNAL ACTIVITY. A use or building owned or maintained by organized religious organizations or nonprofit associations for social, civic, or philanthropic purposes, or the purpose for which persons regularly assemble for worship.

RENOVATION. Interior or exterior remodeling of a structure, other than ordinary repair.

RESTAURANT. An establishment that sells prepared food for consumption. Restaurants shall be classified as follows:

Restaurant, fast food. An establishment that sells food already prepared for consumption, packaged in paper, styrofoam or similar materials, and may include drive-in or drive-up facilities for ordering.

Restaurant, general. An establishment that sells food for consumption on or off the premises.

Restaurant, take-out. An establishment that sells food only for consumption off the premises.

REVOLVING SIGN. See Article 12.

ROOF LINE. See Article 12.

ROOF SIGN. See Article 12.

SCHOOL, COMMERCIAL. A school establishment to provide for the teaching of industrial, clerical, managerial or artistic skills. This definition applies to schools that are owned and operated privately for profit and that do not offer a complete educational curriculum (e.g., beauty school or modeling school).

SETBACK. The minimum required distance between the property line and the building line.

SIGN. An advertising message, announcement, declaration, demonstration, display, illustration, insignia, surface, or space erected or maintained in view of the observer thereof for identification, advertisement, or promotion of the interests of any person, entity, product or service, including the sign structure, supports, lighting system and any attachments, ornaments or other features used to draw the attention of observers.

SIGN. See Article 12.

SIGN AREA. See Article 12.

SIGN COPY. See Article 12

SIGN FACE. See Article 12.

SIGN STRUCTURE. See Article 12.

SIGNS, COMMUNITY. Temporary, on- or off-premises signs, generally made of a woven material or durable synthetic materials primarily attached to or hung from light poles or on buildings. These signs are solely of a decorative, festive and/or informative nature announcing activities, promotions, or events with seasonal or traditional themes having broad community interest, and which are sponsored or supported by a jurisdiction-based nonprofit organization.

SITE PLAN. A plan that outlines the use and development of any tract of land.

SLEEPING UNIT. A room or space in which people sleep, which can also include permanent provisions for living, eating and either sanitation or kitchen facilities, but not both. Such rooms and spaces that are also part of a dwelling unit are not sleeping units.

STORY. That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a usable or unused under-floor space is more than 6 feet above grade as defined herein for more than 50 percent of the total perimeter or is more than 12 feet above grade as defined herein at any point, such usable or unused under-floor space shall be considered as a story.

STREET. Any thoroughfare or public way not less than 16 feet in width, which has been dedicated.

STREET, PRIVATE. A right-of-way or easement in private ownership, not dedicated or maintained as a public street, which affords the principal means of access to two or more sites.

STRUCTURE. That which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner.

SUBDIVISION. The division of a tract, lot, or parcel of land into two or more lots, plats, sites or other divisions of land.

TEMPORARY SIGN. See Article 12.

THEATER. A building used primarily for the presentation of live stage productions, performances, or motion pictures.

UNDER CANOPY SIGN OR UNDER MARQUEE SIGN. See Article 12.

USE. The activity occurring on a lot or parcel for which land, or a building is arranged, designed, or intended, or for which land or a building is or may be occupied, including all accessory uses.

USE, CHANGE OF. The change within the classified use of a structure or premise.

USE, NONCONFORMING. A use that lawfully occupied a building or land at the time this code became effective, which has been lawfully continued and which does not now conform to the use regulations.

USE, PRINCIPAL. A use that fulfills a primary function of a household, establishment, institution, or other entity.

USE, TEMPORARY. A use that is authorized by this code to be conducted for a fixed period of time. Temporary uses are characterized by such activities as the sale of agricultural products, contractors' offices and equipment sheds, fireworks, carnivals, flea markets, and garage sales.

V SIGN. See Article 12.

VARIANCE. A deviation from the height, bulk, setback, parking, or other dimensional requirements established by this code.

WALL OR FASCIA SIGN. See Article 12.

WAREHOUSE, WHOLESALE OR STORAGE. A building or premises in which goods, merchandise or equipment are stored for eventual distribution.

WINDOW SIGN. See Article 12.

YARD. An open, unoccupied space on a lot, other than a court, which is unobstructed from the ground upward by buildings or structures, except as otherwise provided in this code.

YARD, FRONT. A yard extending across the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and a line parallel thereto.

YARD, REAR. A yard extending across the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line or ordinary high-water line and a line parallel thereto.

YARD, SIDE. An open, unoccupied space on the same lot as the building and between the building line and the side lot line, or to the ordinary high-water line.

ARTICLE XVII LEGAL STATUS PROVISIONS

Section 17.1 INTERPRETATION

In their interpretation and application, the provisions of this Ordinance shall be considered minimum requirements adopted for the promotion of public health, safety, convenience, and general welfare of the community. It is not intended by this Ordinance to interfere with or abrogate or annul easements, covenants or other agreements between parties; provided, however, where this Ordinance imposes a greater restriction upon the use of buildings or premises, or upon the height of buildings, or requires larger open spaces than are imposed or required by other ordinances, rules, regulations or by easements, covenants or agreements, the provisions of this Ordinance shall control. Where other ordinances or regulations require higher standards than the provisions of this Ordinance, such other applicable ordinances or regulations shall govern.

Section 17.2 VALIDITY

If any section, clause, or portion of this Ordinance shall be held to be unconstitutional or invalid by any court of competent jurisdiction, such decision shall not affect the validity of any clause, section, or portion of this Ordinance, which is not so declared to be invalid or unconstitutional.

Section 17.3 CONFLICTING ZONING ORDINANCES

This Ordinance supersedes any existing zoning ordinances. Any existing zoning ordinance is hereby repealed.

Section 17.4 EFFECT UPON NO OUTSTANDING BUILDING PERMITS

Nothing herein contained shall require any change in the plans, size, construction or designated use of any building structure or part thereof for which no building permit was required prior to the passage of this Ordinance. Further, any construction of a building that had begun prior to passage of this Ordinance shall be exempt from the required building permit for (12) months of the passage of this Ordinance. Any further construction or use shall be in conformance with the provisions of this Ordinance.

ARTICLE XVIII SPECIAL EXCEPTION USES

Section 18.1 GENERALLY

Certain land use activities are identified for special treatment. The nature of these uses is such that, when properly regulated, they are appropriate in several zone districts. In order to bring about proper integration of these uses into the City's land use pattern, a special set of criteria or standards will tend to maintain compatibility with adjoining land uses. It is intended that the Lake View Planning Commission will review all proposals for special exception uses for compliance with the appropriate provisions for these Special Exception Uses contained in this Article before an approval is granted and a Building Permit is issued.

Section 18.2 SPECIAL EXCEPTION PROCEDURES

All uses listed as permitted by special exception shall require the review and approval of an application to the Planning Commission. An application for a special use shall first be filed with the Building Inspector at least twenty-one (21) days before the scheduled public hearing date by the Planning Commission. The application shall be filed by the property owner (or authorized agent of the property owner) on a form made available by the Building Inspector. Such form(s) shall be completed by the applicant (or agent of the applicant) and include the following information and materials:

- A** Name, signature and address of the property owner and agent of property owner, if any.
- B** Address of the property under consideration.
- C** Existing zoning and land use of the property under consideration.
- D** Proposed use by Special Exception.
- E** A vicinity map showing the exact location of the property.
- F** A plot plan (or site plan), where deemed applicable, drawn to scale and dimensioned, showing the property boundaries and the proposed development layout prepared by an Alabama Registered Professional Engineer.
- G** The applicant or agent must, at the time application is made, provide the Building Inspector with the names and addresses of adjacent property owners, as well as those property owners within five hundred feet (500') of the subject property. The owner's name and address, as listed on tax records will be sufficient.
- H** A seventy-five dollar (\$75.00) filing fee is required from the applicant or agent of the applicant at the time application is made for a Special Exception Use. This fee is non-refunded in the event such proposal is not approved.

Section 18.3 PUBLIC NOTICE REQUIRED

The Building Inspector shall give written notice of the proposal to all adjacent property owners, as well as those property owners within five hundred feet (500') of the subject property at least seven (7) days prior to a scheduled Planning Commission meeting. Such notice shall be deemed given when deposited in the United States Mail, first class, postage prepaid, addressed to such property owners at their addresses as submitted with the application. Any error in the address of such notice shall not invalidate the giving of notice, provided that no more than five percent (5%) of the total number of notices given contain any such error. Such notice shall contain the following:

- A** The name of the applicant.
- B** The location of the subject property.
- C** The proposed use by Special Exception.
- D** The date, time and location of the Planning Commission public hearing.

18.3.1 MODULAR HOMES

The regulations and requirements in this section are designed to ensure protection of health, safety, and welfare of both the residents of the Modular Home and residents of neighborhood property. The following requirements shall be met:

- A** No Modular Home shall be occupied for dwelling purposes unless the same is located in the proper zoning district or approved by the Planning Commission as a Special Exception Use.
- B** Modular Homes shall not be permitted use unless and until it meets and complies with all requirements of this Ordinance. Laws or Regulations that may apply either pursuant to or adopted after the adoption of this Ordinance, i.e. that which is more stringent shall apply.
- C** Modular Homes shall be at least twenty feet (20') in width and shall meet the minimum square footage requirements of any restriction of plats, deeds, or private contract if such is greater than the provisions of this Ordinance, i.e. that which is more restrictive shall apply.
- D** Modular Homes shall be placed on a permanent foundation constructed with material customarily used in conventional type residential developments and shall be attached and/or anchored thereto in compliance with all applicable laws. Further, they shall

comply with Standard Regulations or Laws with manufacturer installation specifications, i.e. that which is more stringent shall apply.

- E** The minimum distance from the top of the foundation to the eaves of the dwelling shall be eight (8) feet as measured at the highest elevation of the foundation to the lowest elevation of the eaves.
- F** Modular Homes shall have a pitched roof composed of a material customarily used on conventional dwellings including fiberglass, shake, asphalt or tile.

18.3.2 HOME OCCUPATION

Where permitted, Home Occupation shall comply with the following requirements:

- A** The Home Occupation shall be clearly incidental to residential use of the dwelling and shall not change the essential character of the dwelling or adversely affect the uses permitted in the district of which it is a part.
- B** Customary Home Occupations shall be limited to an office or a business of a personal service nature.
- C** The Home Occupation shall be confined to twenty-five percent (25%) of the principal dwelling. However, no outside storage shall be used in connection with a Home Occupation. In addition, no additional buildings or structures may be constructed in connection with the Home Occupation.
- D** Employment shall be limited to members of the family residing in the dwelling and there shall be no employment or help other than members of the residential family.
- E** All Home Occupation shall provide for off-street parking for their patrons and any noise created by the activity shall not be detectable outside of the premises.
- F** The activity carried on, as a Home Occupation, shall be limited to the hours between 7:00 A.M. and 10:00 P.M.
- G** Should an owner of a Home Occupation die or move to a new location, the existing home Occupation shall automatically terminate. Except that, in case of death, should a surviving spouse, or adult then residing at the same residence desire to continue the Home

Occupation, the Home Occupation would remain in effect if otherwise in compliance.

- H** Signs shall be in accord with the specifications set forth in Article 12 of this Ordinance.

18.3.3 MANUFACTURED (MOBILE) HOME STANDARDS

A manufactured (mobile) home is a structure, transportable in one or more sections, designed to be used as a dwelling when connected to the required utilities and bearing a label certifying that it is constructed in compliance with the National Manufactured Housing Construction and Safety Standards Act (42 U.S.C. 540105445), which first became effective on June 15, 1976. Listed below are some minimum standards when considering a manufactured (mobile) home as a **Special Exception Use**.

- A** The minimum manufactured (mobile) home floor area shall be 840 sq. ft.
- B** Each manufactured (mobile) home shall be provided with two (2) off-street parking spaces. See **Article 11**.
- C** All manufactured (mobile) homes shall be installed according to all requirements of the Standard Building Code, Append9 H (or as may be amended) and shall be completely skirted with weather-resistant material within ninety (90) days from the date the home is moved on lot. Also, skirting shall be adequately vented.
- D** Minimum lot size for a manufactured (mobile) home site shall be ½ acre, subject to the Tuscaloosa County Health Department requirements for septic system.
- E** All manufactured (mobile) homes shall be provided with a deck or patio of at least one hundred forty-four (144) sq. ft. The patio shall be surfaced with concrete, asphalt, or another approved hard surface. Required off-street parking areas may not be considered to meet the requirements for a patio.

ARTICLE XIX EFFECTIVE DATE

This Ordinance was effective after its adoption by the City Council of the City of Lake View, Alabama, and after the proper publication as prescribed by Title 11, Chapter 52, Article 4, Code of Alabama 1975, as amended.

Ordinance #0212182024

dated December 18, 2024

Effective date December 18, 2024