



Zoning Ordinance

Zoning Ordinance
of the
City of Guntersville, Alabama
Ordinance No. 1042

Amendment 1: Ordinance No. 1055

Amendment 2: Ordinance No: 1064

DATE: June 3, 2013

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ARTICLE 1

AUTHORITY AND ENACTMENT CLAUSE

The City Council of Guntersville, Alabama, under authority granted by Title XI, Chapter 52, Article 4, Sections 70-84 inclusive, Code of Alabama, 1975, hereby ordains that the “Zoning Ordinance of the City of Guntersville, Alabama”, Ordinance No. 231, adopted on April 17, 1939, as subsequently amended from time to time, is hereby amended to read as follows:

ARTICLE 2

TITLE

This ordinance shall be known as the “Zoning Ordinance of Guntersville, Alabama”.

ARTICLE 3

PURPOSE AND SCOPE

3-1. Purpose

The zoning regulations and districts as herein established have been made in accordance with a comprehensive plan and designed to lessen congestion in the streets, to secure safety from fire, panic and other dangers; to promote health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentrations of population; to facilitate the adequate provision of transportation, water, sewage, schools, parks, and other public requirements. The regulations have also been made with reasonable consideration, among other things, to the character of the district and its peculiar suitability for particular uses, and with a view to conserving the value of building and encouraging the most appropriate use of land throughout the city.

3-2. Scope

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

ARTICLE 4

ESTABLISHMENT OF DISTRICTS

4-1. Use Districts

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

<u>SYMBOL</u>	<u>DISTRICT</u>
E-1	Estate District
E-2	Estate District
RS-1	Single-Family Residential District
RS-2	Single-Family Residential District
RS-3	Single-Family Residential District
RM-1	Multi-Family District
RM-2	Multi-Family District
MHP	Mobile Home Park District
O & I	Office and Institutional District
BR	Restricted Business District
BL	Local Business District
BG-1	General Business District
BG-1A	General Business District
BG-1B	General Business District
BG-1R	General Business District
BG-2	General Business District
BG-2A	General Business District
BC	Central Business District
BW	Waterfront Business District
PU	Public District
I-1	Light Industrial District
I-2	Heavy Industrial District
PUD	Planned Unit Development
HCC	Historical and Cultural District
TND	Traditional Neighborhood Development

4-2. Zoning Map

Said districts are bounded as shown on map entitled “Zoning Map of Guntersville, 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, is and shall remain on file in the office of the Building Inspector of the City of Guntersville, Alabama.

4-3. **Interpretation of District Boundaries**

DISTRICT BOUNDARIES. The boundaries of the above districts are hereby established as shown on the map. Unless otherwise shown on said map, the boundaries of districts shown thereon are intended to follow lot lines, centerlines of streets or alleys, the centerline of railroad tracks, or the corporate limit lines as they exist at the time of enactment of this ordinance or amendments thereto. Where uncertainty exists with respect to the boundaries of any of the aforesaid districts as shown on said map, the Board of Adjustment shall determine said boundaries.

ARTICLE 5

DEFINITIONS

For purposes of this ordinance, certain terms and words are hereby defined. Words used in the present tense shall include the future; the singular shall include the plural and the plural the singular; and the word “shall” is mandatory and directory.

1. *Accessory Structure or Use.* A subordinate structure or use customarily incident to and located upon the same lot occupied by the principal use or structure.
2. *Alcoholic Beverages.* Any alcoholic, spirituous, vinous, fermented, or other alcoholic beverage, or combination of liquors and mixed liquors, a part of which is spirituous, vinous, fermented, or otherwise alcoholic, and all drinks or drinkable liquids, preparations or mixtures intended for beverage purposes which contain one-half of one percent of alcohol by volume and shall include liquor, beer, wine, both fortified and table wine.
3. *Alley.* A public street which affords only secondary means of access to abutting property and which is not intended for general traffic circulation.
4. *Antenna.* A structure which is designed to receive or transmit electromagnetic waves including radio and television signals. An antenna which is not the principal structure on a lot is an accessory structure.
5. *Awning.* A detachable framework covered by cloth or other light materials, supported from the walls of a building for protection from sun or weather.
6. *Bar.* A bar as defined herein is that accessory portion of a restaurant located in a BG-1R District, which is limited by the size and other limitations as set forth in Article 6-1, N of this ordinance.
7. *Beer.* Any beer, lager beer, ale, porter, malt or brewed beverage or similar fermented malt liquor containing one-half (½) of one (1) percent or more of alcohol by volume and not in excess of four (4) percent alcohol by weight and five (5) percent by volume, by whatever name the same may be called.
8. *Block.* The property abutting one side of a street and lying between the two nearest intersection streets, or between the nearest such street and railroad right-of-way, un-subdivided acreage, river or live stream, or between any of the foregoing and any other barriers, to the continuity of development.
9. *Boarding House.* An establishment other than a hotel, motel, or restaurant, where lodging and meals are provided for compensation to six (6) or more persons. Lodging is temporary and meals are not served on an individual basis.

10. *Bed and Breakfast Inn.* A residential structure occupied by the owner or operator thereof consisting of not more than six (6) sleeping rooms and breakfast for hire to any occupant for not more than fourteen consecutive days with the following characteristics:
 - a) Minimum of one off-street parking space for each sleeping room in the structure.
 - b) No dining facilities open to the general public.
 - c) One ground mounted or wall mounted non-illuminated or externally illuminated sign not to exceed twenty (20) square feet in area for the sole purpose of identifying the facility. If the facility has frontage on two (2) streets, a maximum of two (2) signs may be allowed.
 - d) Due to the desirability of a historical Bed and Breakfast Inn by the community and the many historical and cultural advantages it brings to a community, in addition to providing sleeping rooms and breakfast for hire, special events, limited to weddings, receptions, luncheons, dinner parties and business meetings, may be held at a Bed and Breakfast Inn provided the following criteria are met:
 1. Parking for special events during regular working hours, Monday thru Friday, may be provided on the premises of the Bed and Breakfast Inn or on abutting streets.
 2. Parking for special events held after regular working hours, Monday thru Friday, and on weekends, must be accommodated on the premises of the Bed and Breakfast Inn and on adjoining or nearby property. The owner or operator of the Bed and Breakfast Inn must submit copies of written agreements with adjoining property owners allowing the use of their property for overflow parking during special events held after regular working hours and on weekends at the Bed and Breakfast Inn.
 3. Special events held at the Bed and Breakfast Inn must be pre-booked and food service shall be limited to such pre-booked special events and overnight guests of the Bed and Breakfast Inn. Special events shall involve not less than eight (8) persons and not more than one (1) special event may be conducted during luncheon or dining periods, which are not more than two (2) special events per day.
11. *Building.* Any structure having a roof supported by columns or walls for the shelter or enclosure of persons or property.
12. *Building Coverage.* The percent of total lot area covered by buildings and structures but excluding roof overhangs.

13. *Building Line.* A line parallel or approximately parallel to the street line at a specified distance therefore making the minimum distance from the street line that a building may be erected.
14. *Caliper.* A measurement of the size of a tree equal to the diameter of its trunk measured four and one-half (4.5) feet above natural grade.
15. *Day Care Facility.* A day care facility is designed to offer care and/or training to children or adults unrelated to the owner or director for any part of a day on some kind of a regular basis. Such facility may or may not be operated for profit.
16. *Density, Maximum.* The maximum number of dwelling units allowable in a given zoning district and generally stated in number of dwelling units per acre.
17. *Drive-In Establishment.* A drive-in restaurant or other drive-in establishment serving food and/or drink so developed that its retail or service character is dependent on providing a driveway approach or parking spaces for motor vehicles so as to serve patrons while in the motor vehicle.
18. *Dwelling.* A building or portion thereof designed or used exclusively for residential occupancy, but not including trailers, campers, hotels, motels, inns, mobile homes, boarding and lodging houses, tents, tourist homes, hospitals or nursing homes.
19. *Dwelling Unit.* A room or group of rooms including a kitchen and sanitary facilities designed and used exclusively or occupied as separate living quarters by not more than one (1) family.
20. *Dwelling, Duplex.* A single building containing two contiguous and independent dwelling units separated by a common wall and sharing a common roof and foundation.
21. *Dwelling, Multi-family.* A dwelling unit within a building containing three or more dwelling units so arranged that their occupants live independently of each other.
22. *Dwelling Unit, Single-Family Attached.* A dwelling unit designed for occupancy by one (1) family which is joined to another dwelling unit at one or more sides by a party wall or abutting separate wall and such dwelling unit is erected on its own individual lot of record.
23. *Dwelling Unit, Single-Family Detached.* A dwelling unit designed and constructed for occupancy by one (1) family and located on a lot or separate building track and having no physical connection to a building located on any other lot or tract.
24. *Entertainment.* The playing of music, signing songs, etc. using an amplification system to boost the sound.

25. *Essential Services.* Public utility facilities related to water, sanitary sewers, storm drainage, solid waste disposal, telephone, cable television, gas and electrical distribution systems, but not including buildings housing employees, or public safety facilities such as fire or police stations.
26. *Family.* An individual or two (2) or more persons living together as a single housekeeping unit in a dwelling unit.
27. *Family Care Home.* A Group care home, serving up to ten individuals, unrelated by blood or marriage, living together as a single housekeeping unit under the supervision of one or two resident managers, whose purpose is to serve socially, physically, mentally, or developmentally impaired persons in a family-type living arrangement, and which meet or exceed the minimum requirements of Section 11-52-75.1 Regulation as to housing of mentally retarded or mentally ill persons in multi-family zone, Code of Alabama, 1975 as amended.
28. *Floor Area, Gross.* The sum of the gross enclosed horizontal area of all the floors of a building, except a basement, measured from the exterior faces of exterior walls and/or supporting columns.
29. *Frontage.* All the property on one (1) side of a street between two (2) intersecting streets measured along the line of the street, or if the street is dead-ended, than all of the property abutting on one (1) side between an intersecting street and the dead end of the street.
30. *Garage, Private.* A building or space used as an accessory to or part of a principal building permitted in any residential district for the purpose of storing not more than four (4) motor vehicles and in which no business, occupation, or service for profit is in any way conducted.
31. *Garage, Public.* Any building or premises, other than a private garage used exclusively for the temporary parking or storage of motor vehicles.
32. *Height.* The vertical distance of a building measured from the average grade at the front building setback line to: 1) the highest point of the roof's surface; 2) to the deck line of mansard roofs; or 3) to the mean height level between eaves and ridge for hip and gable roofs.
33. *Home Business.* Any occupation or activity carried on within a dwelling by a member of the family residing on the premises. All home occupations shall comply with the following performance standards: (1) there is no group instruction, assembly or activity of more than two persons (except up to six (6) persons for a family day care operation); (2) no display of merchandise or other articles of any kind that will indicate from the exterior that the buildings are being utilized in part for any purpose other than that of a dwelling; (3) such home occupation shall not include use of chemicals, matter or energy that may create or cause to be created noises, noxious odors or hazards that will endanger the health, safety or welfare of the community; (4) no home occupation shall display any commodity for

advertising purposes or for sale upon the premises; (5) no person shall be employed other than a member of the immediate family residing on the premises; (6) the use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than one third of the total square feet of floor area of the dwelling unit shall be used in the conduct of the home occupation; (7) no traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood (not to exceed ten trips per day as defined in the latest edition of Trip Generation published by the Institute of Transportation Engineers), and no signage is allowed to identify the home occupation unless required by state or federal licensing requirements in which case the sign shall be limited to one square foot in size; (8) Specific use Restrictions: A home occupation does not include: barber shop, beauty parlor, restaurant, office of a physician or dentist, mortician, dancing studio, nursery school, animal hospital, boarding kennel, nursing home, clinic, tea room, tourist home, or retail business or trade or similar occupation.

34. *Hospital.* An institution providing health services, primarily for in-patients and medical or surgical care of the sick or injured, including as an integral part of the institution, such related facilities as laboratories, out-patient department, training facilities, central service facilities and staff offices.
35. *Hotel or Motel.* A building or structure under a single management which is designed, used or held out to the public to be a place where sleeping accommodations are supplied for pay to transient guests or tenants. Such hotel or motel, with or without individual kitchen or cooking facilities, may have one or more dining rooms, restaurants, cafes, or cocktail lounges where food and drink are served. To be classified as a hotel or motel, an establishment shall contain not less than ten (10) individual guest rooms, maintain an inner lobby, and furnish services such as room cleaning, linens supply, telephone, and furnishing.
36. *Interval Occupancy Facility.* A facility comprised of one or more dwelling units in which the exclusive right of use, possession, or occupancy of each dwelling unit circulates among eight (8) or more owners or lessees thereof in accordance with a fixed time schedule on a periodically recurring basis.
37. *Kennel.* Any lot or premises on which three (3) or more dogs, four (4) months or more old, are kept either permanently or temporarily for commercial or breeding purposes.
38. *Liquor.* Any alcoholic, spirituous, vinous, fermented, or other alcoholic beverage, or combination of liquors and mixed liquor, a part of which is spirituous, vinous, fermented, or otherwise alcoholic and all drinks or drinkable liquids, preparations or mixtures, intended for beverage purposes which contain more than one-half ($\frac{1}{2}$) of one percent of alcohol by volume except malt or brewed beverages as defined herein.

39. *Lot.* Land occupied or to be occupied by a building and its accessory building, and including such open spaces as are required under this ordinance, and having its principal frontage upon a public street or officially approved place. A lot is that land area designated by its owner or developer to be used, developed, or built upon as a unit, under single ownership or control. Such lot may or may not coincide with a “lot of record” and may contain two (2) or more lots of record.
40. *Lot Corner.* A lot abutting upon two (2) or more streets at their intersection or upon two (2) parts of a street which form an interior angle of less than 135 degrees. The point of intersection of the street lines is the corner.
41. *Lot, Depth.* The mean (average) horizontal distance between the front and rear lot lines, measured at right angles to the street line.
42. *Lot, Double Frontage.* A lot, other than a corner lot, which has frontage on more than one street.
43. *Lot Frontage.* Lot width measured at the street lot line.
44. *Lot, Interior.* A lot other than a corner lot.
45. *Lot, Width.* The mean (average) horizontal distance between the side lot lines, measured at right angles to the lot depth, with the minimum to comply with this ordinance to be measured at the front building line.
46. *Lot of Record.* A lot which is part of a recorded plat or plot described by metes and bounds, the map and/or description of which has been recorded according to Alabama Law.
47. *Lounge.* Any place or premise operated by a responsible person of good reputation in which alcoholic beverages of all types may be offered for sale but does not meet the requirement for a Restaurant-Lounge, Restaurant-Pub, or Private Club Lounge as these establishments are defined in this Ordinance. A lounge shall have at least 1,000 square feet of floor area on one floor in one room and said floor area shall be equipped with tables and chairs capable of seating at least 50 persons. Entertainment is allowed by special exception after the building has met the standards as outlined in Article 8-6 G of this ordinance.
48. *Lounge, Accessory.* An accessory lounge is a lounge which is accessory to a motel or hotel having not less than 40 guest rooms and which is located within or is attached to the principal structure. Entertainment is allowed by special exception after the building has met the standards as outlined in Article 8-6 G of this ordinance.

49. *Malt or Brewed Beverages.* Any beer, lager beer, ale, porter, or similar fermented malt liquor containing one-half (½) of one percent or more of alcohol by volume and not in excess of four (4) percent alcohol by weight and five (5) percent by volume, by whatever name the same may be called.
50. *Marina.* A place for docking pleasure boats and, where appropriate under provisions of this ordinance, servicing and repairing such boats and providing services to the occupants thereof. A boat dock or pier serving a residential property is not considered to be a marina if it does not conduct commercial activities or provide slips or spaces for more than four (4) pleasure boats.
51. *Manufactured Home.* The term “Manufactured Home” shall be defined by the following regulations.
1. No Manufactured Home shall have axles, wheels, tires, trailer tongues, tail lights or license plates.
 2. All Manufactured Homes must conform to local, city, county, and state regulations as they pertain to new home construction.
 3. All Manufactured Homes are required to have poured foundations which run the entire perimeter of the home. Slab concrete foundations are permitted where allowed. The entire perimeter of the home will have masonry pinning, i.e. brick or concrete block laid from the foundation to the first floor level.
 4. A Manufactured Home shall be no smaller than twenty four feet wide in distance at the shortest measurement of the structure. This measurement is to include only enclosed living areas and does not include garages, carports, out buildings, decks, driveways, patios or utility/storage areas.
 5. The roof shall have a minimum 2:12 roof pitch and shall have a surface of wood shakes, asphalt composition, wood shingles, concrete, fiberglass or metal tiles, slate, built up gravel materials, or other materials approved by the building official.
52. *Mobile Home.* A structure designed as a movable dwelling; built upon its own permanent chassis; transported on its own chassis (normally by towing) in one or more sections; can be occupied with or without a foundation; and contains within all of the normal utility systems: plumbing, electrical, and heating and cooling.

SINGLE SECTION MOBILE HOME: A mobile home constructed and transported as a single unit.

MULTI SECTION MOBILE HOME: A mobile home constructed and transported in more than one unit which must be joined at the site of placement into a single whole.

53. *Mobile Home Park.* Any parcel of land which is designed for or contains two (2) or more mobile home dwellings.
54. *Mobile Home Dwelling.* A vehicle or movable dwelling structure which is designed to be used as a dwelling unit for one (1) family and which stands on wheels, or rigid supports, or on a foundation, but excluding prefabricated homes or sections thereof and travel trailers as defined herein.
55. *Nonconforming Building or Structure.* A building or structure that does not conform to the area or dimensional requirements of this ordinance pertaining to the district in which it is located.
56. *Nonconforming Lot.* A lot which does not conform to the area and dimensional requirements of this ordinance pertaining to the district in which it is located.
57. *Nonconforming Use.* A use that does not conform to the regulations of the district in which it is located.
58. *Package Store.* Any place or premise for the principal purpose of selling, at retail, alcoholic beverages by the bottle, can, pack, or case for off-premise consumption. Should gross receipts from the sale of alcoholic beverages exceed gross receipts from other sales and activities on the premises during any month, it shall be prima facie evidence that the principal purpose of the establishment is the sale of alcoholic beverages.
59. *Parking Space, Off-Street.* An all-weather surfaced area not in a street or alley and having an area of not less than 180 square feet exclusive of driveways, permanently reserved for the temporary storage of one automobile and connected with a street or alley by an all-weather surfaced driveway which affords ingress and egress for an automobile without requiring another automobile to be moved.
60. *Portable Building.* A building which is not a dwelling unit and which has dimensions and weight permitting transport by motor vehicle. It is typically used as a temporary or accessory structure.
61. *Principal Building or Use.* A non-accessory building in which the principal use of the lot is contained.
62. *Private Club Lounge.* A corporation or association organized or formed in good faith by authority of law for the purpose of promoting national, social, patriotic, political, or athletic purposes, or the like, but not operated for pecuniary gain. Such corporation or association may serve food and beverages to members and guests; however, the serving of alcoholic beverages to members and guests is permitted only when the following conditions are met:

- (a) The corporation or association must have at least 100 paid up members;
 - (b) The corporation or association must hold regular meetings, continue its business through officers regularly elected; and
 - (c) The corporation or association admits members only by written application, investigation and ballot and charge and collect dues from elected members.
63. *PUD*. A planned unit development approved under procedures set forth in Article 8 of this ordinance.
64. *Restaurant, Fast Food*. An establishment whose principal business is the sale of quickly prepared food and non-alcoholic beverages which may be served to the consumer at a counter for consumption on the premises or served to the consumer at a pick-up window for consumption in an automobile or at another location. A fast food restaurant delivers food and beverages in disposable wrappers, bags, cups, bags or containers along with disposable utensils for eating and drinking.
65. *Restaurant, Lounge*. An establishment whose principal business is the sale of food and beverages, including liquor and other alcoholic beverages, and which meets the following requirements:
- (a) has a dining area not less than 800 square feet in area equipped with tables, chairs, and/or booths sufficient to seat at least 50 people at one time;
 - (b) has a kitchen separate and apart from said dining area, but adjoining same, in which food is prepared for consumption on the premises;
 - (c) Serves at least one meal per day for at least five (5) days each week with the exception of holidays, vacations, and periods of renovation;
 - (d) During any 90-day period, the gross receipts from the serving of meals and non-alcoholic beverages shall constitute more than fifty (50) percent of gross receipts of the restaurant's business.
 - (e) Entertainment is allowed by special exception after the building has met the standards as outlined in Article 8-6 G of this ordinance.
66. *Restaurant, Pub*. Any place or premise in which food, refreshments, and malt or brewed beverages and/or table wines (but not liquor) are offered for sale for consumption within the building in which the establishment is located, which is operated by a person of good reputation and which meets the following additional requirements:

- (a) a kitchen separate and apart from said dining area, but adjoining the same, in which food is prepared for consumption by the public and in which the food or meals served in said dining room are prepared;
 - (b) At least one meal per day shall be served at least six days a week, with the exception of holidays, vacations, and periods of redecorating;
 - (c) Such place shall be duly licensed by the ABC Board of the State of Alabama for the sale of malt or brewed beverages and/or table wines for on-premises consumption;
 - (d) The serving of such food or meals shall constitute the principal business of such establishment, with the serving of malt or brewed beverages and/or table wines being only an incidental part of said business. During any 90-day period, the gross receipts from the serving of meals and food shall constitute more than fifty percent of the gross receipts of the business.
 - (e) Entertainment is allowed by special exception after the building has met the standards as outlined in Article 8-6 G of this ordinance.
67. *Restaurant, Standard.* An establishment whose principal business is the sale of food and/or beverages to customers in a ready-to-consume state, and whose principal method of operation includes one or both of the following characteristics: (1) customers, normally provided with an individual menu, are served their foods and beverages by a restaurant employee at the same table or counter at which food and beverages are consumed; (2) a cafeteria-type operation where food and beverages generally are consumed within the restaurant building.
68. *Rooming House.* A dwelling where lodging is provided for compensation for from six (6) to ten (10) persons, who are not members of a family occupying that dwelling unit, who do not occupy the dwelling as a single housekeeping unit, and who do not take their meals on the premises.
69. *Special Exception.* A use which may be allowed within a zoning district subject to provisions of this ordinance and in accordance with the procedures set forth in Article 13 of this ordinance.
70. *Structural Alterations.* Any change, except the repair or replacement, in the supporting members of a building, such as bearing walls, columns, beams or girders, or the rearrangement of any interior partitions affecting more than five (5) percent of the floor area of the building.

71. *Townhouse.* A building designed for or occupied exclusively by one (1) family and attached to two (2) or more other buildings of similar design and separated by one (1) or more party walls. A townhouse building group consists of three or more attached townhouses.
72. *Travel Trailer or Recreational Vehicle.* A vehicle less than forty (40) feet in length and used for temporary or recreational living, or sleeping purposes, and standing on wheels, whether self-propelled or requiring a separated vehicle for power.
73. *Tavern.* Any place or premise operated by a responsible person for good reputation in which malt or brewed beverages and/or table wines (but not liquor) are offered for sale for on-premises consumption, but which does not meet the requirements for a Restaurant-Lounge, Restaurant-Pub, Private Club-Lounge or Lounge, as these establishments are defined in this Ordinance.
74. *Upper-Story Apartment.* A dwelling located in the upper story of a building where the ground floor is devoted to commercial or institutional uses.
75. *Use.* Any purpose for which buildings or other structures or land may be arranged, designed, intended, maintained, or occupied; or any occupation, business, activity or operation carried on or intended to be carried on in a building or other structure or on land.
76. *Variance.* A variance is a relaxation of certain regulations contained in this ordinance where such variance shall not be contrary to the public interest and where, owing to conditions peculiar to the property, and not the result of the actions of the applicant, a literal enforcement of the ordinance would result in unnecessary and undue hardship.
77. *Veterinary Hospital.* A facility operated by a licensed veterinarian specifically for the practice of veterinary medicine.
78. *Wine.* All beverages made from the fermentation of fruits, berries, or grapes, with or without added spirits and produced in accordance with the laws and regulations of the United States containing not more than twenty-four percent (24%) alcohol by volume, and shall include all sparkling wines, carbonated wines, special natural wines, re-tified wines, vermouths, vinous beverages, vinous liquors and like products. *Fortified Wine:* Any wine containing more than fourteen percent (14%) alcohol by volume, but not more than twenty-four percent (24%). *Table Wine:* Any wine containing not more than fourteen percent (14%) alcohol by volume.
79. *Yard.* An open space between a building or use and the adjoining lot lines, unoccupied and unobstructed by any structure or use from the ground upward, except as otherwise provided in Article 8. In measuring a yard for the purpose of determining the width of a side yard, the depth of a front yard, or the depth of a rear yard, the minimum distance between the lot line and the main building shall be used. A required yard shall mean a yard the depth of which is specified in the “Area and Dimensional Regulations” pertaining to the district in which such yard is required to be provided.

80. *Yard, Front.* A yard extending across the front of a lot between the side lot lines. On corner lots the front yard shall be considered as parallel to the street upon which the lot has its least dimension.
81. *Yard, Rear.* A yard extending across the rear of a lot between the side lot lines. On all lots the rear yard shall be in the rear of the front yard.
82. *Yard, Side.* A yard between the main building and the side lot line and extending from the required front yard to the required rear yard.

ARTICLE 6
DISTRICT PURPOSES

6-1. District Purposes

- A. **E-1 Estate District.** This residential district is intended for individual dwellings on relatively large lots in areas where low density is appropriate because of neighborhood living patterns and the character of the natural environment.
- B. **E-2 Estate District.** This district is provided to afford the opportunity for the choice of a low density residential environment consisting of a single family home on a large lot.
- C. **RS-1 Single-Family Residential District.** The purpose and intent of the RS-1 Residential District is to protect areas which are, or are planned to be, developed for traditional single-family detached dwellings at low densities in spacious surroundings.
- D. **RS-2 Single-Family Residential District.** The purpose and intent of the RS-2 Residential District is to protect areas which are, or are planned to be, developed for traditional single-family detached dwellings at moderate single family densities.
- E. **RS-3 Single-Family Residential District.** The purpose and intent of the RS-3 Residential District is to protect areas which are, or are planned to be, developed for single-family dwellings at relatively high single-family residential densities.
- F. **RM-1 Multi-Family District.** This district is applied to certain older, single-family areas of the City where a transition to moderate density housing is already established, or to undeveloped areas where moderate density housing would include detached and attached single-family dwelling units which may be placed on relatively small lots, or multi-family structures in which dwelling units may be rented as apartments or owned by their occupants. Densities differ between the various housing types permitted but the maximum density will not exceed ten (10) dwelling units per acre.
- G. **RM-2 Multi-Family District.** This district is applied primarily to areas where moderate density housing, including high-rise multi-family structures, would be appropriate. Generally, areas included within this district would be relatively undeveloped and would offer scenic views of the lake and surrounding mountains. The district can be applied to certain older transitional areas having similar locational advantages. As more retired people and seasonal residents are attracted to the City, the availability of dwelling units in high-rise structures will meet the need of households who desire their security and amenities.

- H. **O & I Office and Institutional District.** This district is intended for locations suitable for non-residential uses but in which development must be in harmony with residential or institutional environments. It is intended that buildings be surrounded by spacious, landscaped grounds and that signs be limited in size and location to minimize commercial impact. Locations for this district will be found in transitional areas between neighborhoods and more intensive uses, along thoroughfares where most intensive types of development would be undesirable, or in areas where development permitted under this district exists or is planned.
- I. **PU Public District.** This district is intended to provide locations for special public and semi-public uses which can exist compatibly with surrounding or nearby non-public uses. It will have particular application for waterfront land where nearby development is primarily residential in character. It should also be used to provide locations for public and semi-public uses which may require relatively small sites within predominantly residential areas provided that such public and semi-public uses can blend harmoniously into their surroundings with appropriate architectural treatment of buildings and the provision of open spaces and other amenities. The size of the district may be small accommodating the requirements of a single public or semi-public use or it may be large enough to accommodate the needs of a number of public uses or semi-public uses.
- J. **BR Restricted Business District.** This district is intended to protect areas of historic significance, or other areas, where a limited mixture of residential and non-residential uses is appropriate, but only when such mixture is in harmony with the general character of the district. Regulations for this district are intended to minimize the visual impact of non-residential uses.
- K. **BL Local Business District.** This district is intended to provide locations for retail shops and personal service establishments serving the needs of surrounding residents and having trade areas generally less than citywide in extent. Business establishments may be within a unified center or on individual parcels and shall be served with off-street parking and loading facilities.
- L. **BG-1 General Business District.** This district is intended to provide locations for motels, restaurants, and other uses, including retail trades and services, which are compatible. Trade areas for these establishments are generally citywide or greater. Regulations are designed to establish an appropriate environment for those businesses which require an attractive appearance of building and premises for the successful conduct of business.

- M. **BG-1A General Business District.** The purposes of this district include those set forth for the BG-1 General Business District and, in addition, establishes locations for establishments selling and serving alcoholic beverages for consumption on premises. Because it establishes locations for such establishments, and the need to insure compatibility with surrounding uses, this district may be limited in size where necessary to protect residential or other uses from possible adverse impacts.
- N. **BG-1B General Business District.** The purposes of this district include those set forth for the BG-1 General Business District and, in addition, establishes locations for establishments selling and serving alcoholic beverages for consumption on premises. Because it establishes locations for such establishments, and the need to insure compatibility with surrounding uses, this district may be limited in size where necessary to protect residential or other uses from possible adverse impacts. This district is for lots facing a major street and where there is an existing city alley in the back.
- O. **BG-1R General Business District.** The purpose of this district is to provide locations for restaurants whose principal business is the sale of food and also to allow the sale of alcoholic beverages in conjunction with the consumption of meals. Such restaurant may have a bar which is located in the same building as the main restaurant, shall not exceed 20% of gross floor area of the main restaurant, and shall be owned and operated by the owners of the main restaurant.
- P. **BG-2 General Business District.** The intent of this district is to provide locations for a broad range of commercial activities serving the needs of residents, businesses, industry, and transients. In addition to retail trades and services, permitted uses would include commercial services, warehousing, wholesaling, and some light industrial operations which are not characterized by frequent heavy trucking activity, unenclosed storage areas for materials or equipment, or the generation of dust, odor, vibration or noise. Districts would typically exist along major thoroughfares or highways where similar uses now exist or are planned to exist.
- Q. **BG-2A General Business District.** The purposes of this district include those set forth for the BG-2 General Business District and, in addition, establishes locations for establishments selling and serving alcoholic beverages for consumption on premises. The size and locations of such districts should insure compatibility with surrounding uses.
- R. **BC Central Business District.** This district establishes regulations designed to meet the particular needs of the two original commercial centers of the City. Commercial development within these centers is characterized by abutting buildings with little or no setbacks from the street right-of-way lines. This development pattern provides for little or no off-street parking to serve individual establishments. Regulations for the District recognize the historic pattern of development by area and dimensional

requirements and eliminating off-street parking requirements for lots developed in the characteristic manner of the old commercial centers. It is not intended that this District extend beyond the development pattern of the old commercial centers.

- S. **BW Waterfront Business District.** This district is intended to provide locations for marinas, boat sales and service, piers, sale of boating and fishing supplies, and other related businesses and recreational activities.
- T. **I-1 Light Industrial District.** The purpose of this district is to provide suitable locations for industrial activities which are clean, quiet, free from hazardous or objectionable emissions, and do not generate heavy truck traffic. Industrial parks and industries desiring attractive surroundings are encouraged in this district.
- U. **I-2 Heavy Industrial District.** This district is intended for industrial activities which require special locations resulting from the employment of heavy equipment or machinery; emission of odors, noise, vibration, glare or other nuisances; appearance of premises and structures; generation of heavy truck traffic; and site requirements.
- V. **PUD.** Planned Unit Development. See page 36
- W. **HCC.** Historical and Cultural Overlay District. See page 53
- X. **MHP.** Mobile Home Park District. See page 38
- Y. **TND.** Traditional Neighborhood Development. See page 56

ARTICLE 7

SCHEDULE OF DISTRICT REGULATIONS AND USES

Within the Zoning Districts established there are certain uses permitted, density limitations imposed, and special requirements set forth. The following pages contain specific regulations for each district including uses permitted, uses prohibited, required lot area, density limitations, setbacks, and height limitations and uses permitted.

7-1. Schedule of Permitted Uses

- A. The Table of Permitted Uses consists of a list of uses on its left side and columns for all districts on its right side. Letters located in a column, opposite a listed use, identify the district in which such use is permitted and conditions for such use. The letter “R” identifies the district in which a use is permitted by right. The letters “SE” identify the district in which a use is permitted only by special exception. The letter “H” identifies uses which may be permitted in a BR Restricted Business District only when such uses are found to be compatible with the general character of existing development within the district under procedures outlined in Article 8.
- B. Asterisk (*) indicates the use is subject to requirements as forth in Supplemental Regulations, Article 8.
- C. If a use is not specifically referred to in the Table, its status shall be determined by the Building Inspector by reference to the most clearly analogous use or uses that are specifically referred to in the Table of Permitted Uses as authorized by the Board of Adjustment. When the status of a use has been so determined by the Building Inspector, such determination shall thereafter have general application to all uses of the same type.
- D. Districts designated for Traditional Neighborhood Development (TND) shall be subject to the use regulations set forth in Article 8-12 Traditional Neighborhood Development (TND) District.

TABLE OF PERMITTED USES A. RESIDENTIAL USES	E1	E2	RS1	RS2	RS3	RM 1*	RM 2*	PUD *	O&I	PU	BR	BL	BG1	BG 1A	BG 1B	BG 1R	BG2	BG 2A	BC	BW	I-1	I-2
1. Single-Family Dwelling	R	R	R	R	R	R	R	R			SE	SE	SE	SE	SE	SE	SE	SE				
2. Single-Family Patio Home						R	R	R			H	SE	SE	SE	SE	SE	SE	SE				
3. Single-Family Townhouse						R	R	R			H	SE	SE	SE	SE	SE	SE	SE				
4. Single-Family Duplex						R	R	R			H	SE	SE	SE	SE	SE	SE	SE				
5. Single-Family Lot Line Detached						R	R	R			H	SE	SE	SE	SE	SE	SE	SE				
6. Zero Lot Line						R	R	R			H	SE	SE	SE	SE	SE	SE	SE				
7. Multi-Family Dwelling **						R	R	R			H	R	R	R	R	R	R	R				
8. Upper Story Apartment									R		R	R	R	R	R	R	R	R	R			
9. Bed & Breakfast Inn			SE	SE	SE	SE	SE	R			R	R	R	R	R	R	R	R				
10. Family Care Home					SE	SE	SE	R				R	R	R	R	R	R	R				
11. Rooming and Boarding Homes					SE	SE	SE				R	R	R	R	R	R	R	R	SE			
12. Manufactured Houses								R				SE	SE	SE	SE	SE	SE	SE	SE			

*See Article 8, Supplemental Regulations for uses A2 through A7

**See Article 8, Limits on Condominiums/Multi-Family Dwellings in Commercial Districts

***See Article 8, Supplemental Regulations for Traditional Neighborhood Development

TABLE OF PERMITTED USES	E1	E2	RS1	RS2	RS3	RM1	RM2	PU D	O&I	PU	BR	BL	BG1	BG1A	BG1B	BG1R	BG2	BG2A	BC	BW	I-1	I-2	
A. Lodging Facilities																							
Hotels/Motels								R					R	R	R	R	R	R		R			
B. Agricultural																							
Commercial greenhouse and/or plant nursery																					R	R	
Farmer's Market										R													
C. Incidental Uses																							
Incidental accessory retail uses and services such as food service, gift or novelty shops, soda bars, barber and beauty shops, children's day care facilities, and similar activities, conducted primarily for the convenience of employees, patients, patrons, or visitors, provided these activities are carried on wholly within a principal building and are not advertised to the general public by exterior signs or other advertising display.									R		R	R	R	R	R	R	R	R	R	R	R	R	
D. Institutional, Public and Semi-Public																							
Day nurseries and kindergarten meeting all requirements of appropriate state regulations and standards									R	R	H	R	SE		SE		SE			SE	SE	SE	
Libraries, community centers, public parks and playgrounds, museums, art galleries, legitimate theaters, artistic programs for events									R	R	H	R	R	R	R	R	R	R	R	R			
Public and semi-public buildings used exclusively for public purposes but excluding those of an industrial nature such as garages, repair or storage yards, warehouses, buildings used as correctional institutions, and industrial type operations of any kind									R	R	H	R	R	R	R	R	R	R	R	R	R	R	
Public and semi-public buildings used exclusively for public purposes including open storage of materials and equipment as accessory use when screened from public view.																					R	R	
Essential Services	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	
Radio and television stations and transmitting towers									SE			SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	R	R
Radio and television stations excluding transmission towers									R			R	R	R	R	R	R	R	R	R	R		
Public utility storage yard																					R	R	

TABLE OF PERMITTED USES	E1	E2	RS1	RS2	RS3	RM1	RM2	PU D	O&I	PU	BR	BL	BG1	BG1A	BG1B	BG1R	BG2	BG2A	BC	BW	I-1	I-2
Assembly hall, convention centers, coliseums owned by non-profit organizations or by the State, City or County governments								R	R	R												
Convention Centers													R	R	R	R	R	R			R	R
Charitable and philanthropic organizations									R		H	R	R	R	R	R	R	R	R			
Convalescent and nursing homes and homes for the aged									R			SE	R	R	R	R	R	R				
Hospitals									R	R		R	R	R	R	R	R	R				
Lodges, fraternal and social organizations, headquarters for scout and other youth organizations									R			R	R	R	R	R	R	R	R			
Medical and dental offices and clinics excluding veterinarians									R		H	R	R	R	R	R	R	R	R			
Veterinarian Clinics													R	R	R	R	R	R		R		
Penal and correctional institutions										R												
Churches and other places of worship including Sunday school buildings, parish houses and other residences of clergy			SE	SE	SE	SE	SE		R	R	H	R	R	R	R	R	R	R	R			
City incinerators, dumps, and landfills																					SE	SE
E. Commercial, Retail Sales																						
1. Food, Drink and Drugs																						
Grocery, delicatessen, supermarket or other store carrying a variety of food and related goods												R	R	R	R	R	R	R	R			
Food specialty store, including but not limited to the following lines: Meat (excluding slaughtering and eviscerating), fish, eggs, poultry (excluding slaughtering), fruit, vegetables, candy, nuts, coffee, tea, confection, dairy products, health food, and bakery (retail)												R	R	R	R	R	R	R	R	R		
Sale of liquor, wine, or beer not to be consumed on the premises													R	R	R	R	R	R	R	R		
Drugs or cosmetic store, including sale of goods and services customarily incidental thereto												R	R	R	R	R	R	R	R			
2. Apparel and Clothing																						
Department Store												R	R	R	R	R	R	R	R			
Variety Store												R	R	R	R	R	R	R	R			
Apparel, clothing and shoe store												R	R	R	R	R	R	R	R	R		
3. Hardware, Household Goods and Furnishings																						
Hardware, paint, wallpaper, fabrics, upholstery supplies, curtains, linens, knitting supplies, china, glass, pottery												R	R	R	R	R	R	R	R			

TABLE OF PERMITTED USES	E1	E2	RS1	RS2	RS3	RM1	RM2	PU D	O&I	PU	BR	BL	BG1	BG1A	BG1B	BG1R	BG2	BG2A	BC	BW	I-1	I-2
Furniture, floor covering, appliances												R	R	R	R	R	R	R	R			
Sale of antiques at retail												R	R	R	R	R	R	R	R			
Sale of second-hand goods excluding materials held only for discard or reprocessing													R	R	R	R	R	R	R			
4. Personal Goods																						
Specialty stores selling or renting goods predominantly at retail on the premises, including but not limited to the following lines: tobacco, news, books, stationary, gifts, cards, novelties, flowers, jewelry, luggage, optical goods, sporting goods, bicycles, pets, hobbies, toys, coins, stamps, photo supplies, art supplies, works of art, music, musical instruments, hobby goods												R	R	R	R	R	R	R	R	R		
Products of artists and craftsmen provided that areas for the production of such products do not exceed a floor space of four hundred square feet									R		H	R	R	R	R	R	R	R	R	R		
5. Farm and Garden Supplies																						
Farm and garden supplies, including nursery stock, feed and grain												R	R	R	R	R	R	R			R	R
6. Automotive, Marine																						
Sale of automotive accessories, parts, tires, batteries, and other supplies.												R	R	R	R	R	R	R				
Gasoline service stations and convenience stores selling gasoline when complying with the following conditions: (1) unless otherwise permitted within the district in which the establishment is located, the following activities are prohibited: (a) painting, body work, major repair, dismantling for the recovery of parts, or storage of vehicles for more than five days; (b) has lighting facilities so arranged, designed and shielded that they do not unreasonably disturb occupants of neighboring residential properties or interfere with traffic; (2) Such establishments must: (a) Be located on a lot having a minimum area not less than 15,000 square feet and a minimum frontage of 100 feet. (b) Have no driveway within 20 feet of the intersection of any two street right-of-way lines. (c) Have no gasoline pump island nearer than 15 feet to any street right-of-way line.												R	R	R	R	R	R	R			R	R

TABLE OF PERMITTED USES	E1	E2	RS 1	RS 2	RS3	RM 1	RM 2	PU D	O&I	PU	BR	BL	BG1	BG 1A	BG 1B	BG 1R	BG2	BG 2A	BC	BW	I-1	I-2	
Rental of Automobiles													R	R	R	R	R	R	R	R	R	R	R
Rental of trucks, trailers, and heavy equipment																	R	R		R	R	R	R
Sale of new or used automobiles, mobile homes, boats, motorcycles, equipment prefabricated homes, and similar commodities, provided that: only commodities used for display shall be located within any required front yard; for every four (4) square feet of unenclosed or unscreened display area there shall be not less than one (1) square foot of landscaped area within or bordering the display area; and all commodities which are not on display shall be screened from public view by an approved fence of uniform construction not less than six (6) feet in height, or by other acceptable buffering. Landscaping within the bordering and display area shall be planted with grass, shrubs, and/or trees and maintained in a healthy condition. Planted areas shall be protected from moving vehicles by curbs or other acceptable barriers.													R	R	R	R	R	R		R	R	R	R
7. Other Retail																							
Monument sales establishment, with incidental processing to order but excluding the shaping of stones & similar processing.																	R	R					
Office equipment & supplies; restaurant equipment & supplies													R	R	R	R	R	R	R				
Pre-fabricated home sales																					R	R	
Orthopedic braces, artificial limbs, orthopedic equipment and supplies												R	R	R	R	R	R	R	R				
F. Commercial Services																							
1. Food, Beverage, Personal and Consumer Service																							
Barber and beauty shops, shoe repair shops, travel agencies, photographers, tailor, dressmaker, artist studio, picture framing, and similar personal services												R	R	R	R	R	R	R	R				
Health studio or club, reducing salon												R	R	R	R	R	R	R	R				
Laundromats, laundry or dry cleaning pickup stations, dyer, clothing storage												R	R	R	R	R	R	R	R				
Standard and fast food restaurants												R	R	R	R	R	R	R	R	R			
Accessory lounges, restaurant lounges, restaurant pubs														R	R	SE		R	R				
Lounges, private club lounges, taverns														R	R			R	R				
Funeral parlors, mortuaries												R	R	R	R	R	R	R					

TABLE OF PERMITTED USES	E1	E2	RS 1	RS 2	RS3	RM 1	RM 2	PU D	O&I	PU	BR	BL	BG1	BG 1A	BG 1B	BG 1R	BG2	BG 2A	BC	BW	I-1	I-2
Caterers												R	R	R	R	R	R	R	R	R		
Music or dancing school, athletic instruction when contained within a building											H	R	R	R	R	R	R	R	R	R		
Upholstery shops													R	R	R	R	R	R			R	R
2. Amusement and Recreation Services																						
Establishments so arranged that noise, vibration, lights, and all other possible disturbing aspects connected with their operation are enclosed, screened, or otherwise controlled to the extent that the operation of the establishment will not unduly interfere with the use and enjoyment of properties in the surrounding area, as follows:																						
Theater, excluding drive-in													R	R	R	R	R	R	R			
Drive-in theater																	R	R			R	
Skating rink													R	R	R	R	R	R			R	
Billiard or pool hall, bowling alley													R	R	R	R	R	R	R	R	R	R
Amusement park, amusement arcade, kiddie land										R			R	R	R	R	R	R	R	R		
Miniature golf courses and driving ranges										R			R	R	R	R	R	R	R			
Golf Course										R			R	R	R	R	R	R		SE	R	
Indoor tennis or racquetball clubs or establishments										R			R	R	R	R	R	R	R	R	R	R
G. Financial, Professional, Business and Administrative Services																						
Banks and financial institutions												R	R	R	R	R	R	R	R		R	
Broker, investment company											H	R	R	R	R	R	R	R	R		R	
Insurance company									R		H	R	R	R	R	R	R	R	R		R	
Office: professional, business, administrative, executive, and other offices having no storage of stock in trade (other than samples) or heavy equipment, and no sale of commodities on the premises									R		H	R	R	R	R	R	R	R	R			
Offices incidental to a permitted use									R	R		R	R	R	R	R	R	R	R	R	R	R
Patrol system and burglar alarm watching service												R	R	R	R	R	R	R	R		R	
Credit bureaus											H	R	R	R	R		R	R	R		R	
Printing, engraving, mailing, telephone answering service, telegraph or messenger service												R	R	R	R	R	R	R	R		R	R

TABLE OF PERMITTED USES	E1	E2	RS 1	RS 2	RS 3	RM 1	RM 2	PUD	O&I	PU	BR	BL	BG1	BG 1A	BG 1B	BG 1R	BG2	BG 2A	BC	BW	I-1	I-2
H. <u>Repair, Decorating, Construction Services</u>																						
Repair shop for repairs or adjustments to bicycles, small appliances, watches, locks, musical instruments, guns, and similar items, conducted wholly within a building with no outside storage of materials or equipment.													R	R	R	R	R	R	R		R	R
Furniture and appliance repairer, home improvements company, interior decorator, upholsterer, general contractor or workman, with all storage of goods and materials and all processing and manufacturing kept within a completely enclosed building or buildings.													R	R	R	R	R	R	R		R	R
Repair of motor vehicles carried on completely within a structure and having no outside storage of vehicles or parts of vehicles except those to be serviced or repaired for retail customers. Such storage shall be clearly incidental to the principal business and time of such storage shall not exceed one week for each vehicle.																	R	R			R	R
Building, electrical and plumbing contractors with all outside storage of goods, materials and equipment screened from public view by an approved fence not less than eight (8) feet in height, or by other acceptable buffering. Such fence or buffering shall not intrude upon any required front or street side yard.																	R	R			R	R
I. <u>Boat Storage, Service and Repair</u>																						
Dockage and wet storage of pleasure craft								R		R			R	R	R	R	R	R		R	R	R
Dry storage of pleasure boats																				SE	R	R
Dockage of permitted commercial vessels shall be allowed solely as a subordinate use to an adjoining hotel, motel, or multi-family complex having in excess of 30 dwelling units													R	R	R	R	R	R		R		
Sale of boat fuels, bait, fishing equipment and supplies including sports diving equipment													R	R	R	R	R	R		R	R	R
Sale and repair of pleasure craft and pleasure craft motors and associated equipment													R	R	R	R	R	R		R	R	R
Construction, repair and storage of commercial vessels																				SE	R	R
Sales of all manner of water craft & associated equip & supplies													R	R	R	R	R	R		R	R	R
One dwelling unit for use by owner or lessee of a marina																				SE	R	R

TABLE OF PERMITTED USES	E1	E2	RS 1	RS 2	RS 3	RM 1	RM 2	PUD	O&I	PU	BR	BL	BG1	BG 1A	BG 1B	BG 1R	BG2	BG 2A	BC	BW	I-1	I-2	
J. Commercial, Wholesale, Distribution and Other Services																							
Wholesaling or distribution, including the handling of stock and incidental retail with all outside storage of goods, materials and equipment screened from public view by an approved fence of uniform construction, not less than six (6) feet in height, or by other acceptable buffering. Such fence or buffering shall not intrude upon any required front or street side yard.																	R	R			R	R	
Mini storage facilities for the storage of personal property													R	R			R	R			R	R	
Plant for cleaning, laundering, dyeing																					R	R	
Commercial kennel or other establishment where the care, breeding or sale of animals is the principal purpose of the enterprise, with no animals to be located within 500 feet of any residentially zoned property or fifty feet from any property line.																	R	R			R	R	
Blueprinting, printing, engraving, or other reproduction services limited to 2,500 square feet of floor space.												R	R	R	R	R	R	R	R		R		
Car Wash													R	R	R	R	R	R	R		R	R	
Building, plumbing and electrical supplies with all outside storage of goods, materials and equipment screened from public view by an approved fence of uniform construction, not less than six (6) feet in height or by other acceptable buffering. Such fence or buffering shall not intrude upon any required front yard or street side yard.													R	R	R	R	R	R	R		R	R	
Newspaper publishing													R	R	R	R	R	R	R		R	R	
Newspaper or magazine distribution racks									R	R	R	R	R	R	R	R	R	R	R	R	R	R	
Newspaper or magazine distribution																	R	R			R	R	
K. Transportation																							
On site parking lot for employees, customers, or visitors for any business or industrial use, provided that no parking facility for nonresidential uses shall be permitted within a residential district unless it is used to meet the parking requirements of a use permitted in the residential district in which such facility is located									R	R	R	R	R	R	R	R	R	R	R	R	R		
Taxi dispatching station													R	R	R	R	R	R			R	R	
Taxi terminal																	R	R			R	R	
Bus passenger station (intercity)																	SE	SE	R				

TABLE OF PERMITTED USES	E1	E2	RS 1	RS 2	RS 3	RM 1	RM 2	PUD	O&I	PU	BR	BL	BG1	BG 1A	BG 1B	BG 1R	BG2	BG 2A	BC	BW	I-1	I-2
Storage of commercial vehicles (where not an accessory use to another use which is permitted)																	R	R			R	R
Barge or truck terminal																					R	R
Heliport										R			SE	SE	SE	SE	SE	SE		SE	R	R
Express office													R	R	R	R	R	R			R	R
Airport										R												
L. Light Industrial																						
Manufacturing or industrial operations which do not emit detectable dust, odor, smoke, gas or fumes beyond the bounding property lines of the lot or tract upon which the use is located and which do not generate noises or vibrations perceptible in frequency or pressure above the ambient level of noise in areas lying beyond the zone district boundaries in which such operations are located including the following:																						
Candy products and manufacture																	R	R			R	R
Bottling works and soft drinks																	R	R			R	R
Clothing Manufacture																					R	R
Dairy products processing, bottling and distribution, cream manufacture, all on a wholesale basis																					R	R
Furniture manufacturing																					R	R
The manufacture and sale at retail or wholesale of those handicrafts which are manufactured predominately by hand and involve the application of artistic skill occupying a gross floor area of not more than 2,000 square feet and with no outside storage of materials												SE	SE	SE	SE	SE	SE	SE	SE		R	R
Food processing in wholesale quantity but excluding meat, fish, poultry, vinegar and yeast																					R	R
Processing in wholesale quantity of meat, fish and poultry but excluding slaughtering of meat or poultry																					R	R
Industrial Research and Educational Facilities																	R	R			R	R
Leather Good Manufacture																					R	R
Optical and Scientific Instrument Manufacture																	R	R			R	R
Pharmaceutical Manufacture																	R	R			R	R
Plumbing Shops																	R	R			R	R
Machine Shops																	SE	SE			R	R

TABLE OF PERMITTED USES	E1	E2	RS1	RS2	RS3	RM1	RM2	PUD	O&I	PU	BR	BL	BG1	BG1A	BG1B	BG1R	BG2	BG2A	BC	BW	I-1	I-2		
Sign Manufacture																						R	R	
Tire recapping and retreading																	R	R					R	R
Electrical equipment assembly																	R	R					R	R
Woodworking and planing mill with dust and noise control																							R	R
Textile manufacture with dust and odor control																							R	R
Ceramic and pottery manufacture with dust, odor and fume control																							R	R
Plastic products manufacture with dust and fume control																							R	R
Paint, oil, shellac and lacquer manufacture when hoods and fume destructors are used in the cooking process																							R	R
Grain processing with hoods, dust and odor controls																							R	R
Electroplating or battery making with acid, fume & odor controls																							R	R
Manufacturing or industrial operations of any type which meet the general conditions set forth above and which are not offensive by reason of emission of noise, odor, smoke, gas fumes or dust																							R	R
Manufacturing or industrial operations which meet the general conditions set forth above, employ no more than 20 workers, occupy no more than 15,000 square feet of gross floor area, and which can fit compatibly within its surrounding environment.													SE	SE		SE	SE	SE						
M. Objectionable Uses																								
The following uses, or manufacture, compounding processing, packaging or treatment of the following products, having accompanying nuisances or hazards, such as fire, explosion, noise, glare, vibration, dust, or the emission of smoke, odor, or toxic gases, may be located in the I-2 Industrial district after site plan review, as provided in Article 8, and a determination by the City Council that such uses will not adversely affect the public health, safety, morals and general welfare, will be properly protected, and that necessary safeguards will be provided for the protection of surrounding property, persons, and areas of critical environmental concern.																								

TABLE OF PERMITTED USES	E1	E2	RS1	RS 2	RS 3	RM 1	RM 2	PUD	O&I	PU	BR	BL	BG1	BG 1A	BG 1B	BG 1R	BG 2	BG 2A	BC	BW	I-1	I-2	
<u>Chemical, Petroleum, Coal, and Allied Products:</u> Acids and derivatives - Acetylene, generation and storage - Ammonia - Caustic soda - Cellulose and cellulose storage - Chlorine - Coke oven products (including fuel gas) and coke oven products storage - Creosote - Distillation, manufacture, or refining of coal, tar asphalt, wood, and bones - Explosives (including ammunition and fireworks) and explosives storage - Fertilizer (organic) - Fish oils and meal - Glue, gelatin (animal) - Hydrogen and oxygen - lamp black, carbon black - Nitrating or cotton or other materials - Nitrates (Manufactured and natural) of an explosive nature, and storage - Petroleum, gasoline, and lubrication oil refining, and wholesale storage - Plastic materials and synthetic resins - Potash - Pyroxylin - Rendering and storage of dead animals; offal, garbage, or waste products - Turpentine and resin.																							SE
<u>Clay, Stone, and Glass Products:</u> Brick, firebrick, refractories, and clay products (coal fired) - cement, lime, gypsum or plaster of paris - minerals earths; quarrying, extracting, grinding, crushing, and processing.																							SE
<u>Food and Beverage:</u> Fat rendering - Fish curing - Slaughtering of animals - Starch manufacture																							SE
<u>Metals and Metal Products:</u> Aluminum powder and paint manufacture - blast furnace, cupolas - Blooming mills - metal and metal ores; reduction, refining, smelting, and alloying - Scrap metal reduction																							SE
<u>Wood and Paper Products:</u> Match manufacture - Wood pulp and fibre, reduction and processing.																							SE
<u>Unclassified Industries and Uses:</u> Cotton ginning - Cotton seed oil refining - Hair, hides, and raw fur; curing, tanning, dressing, dyeing, and storage - shell dredging - Stockyard.																							SE

7-2. **Schedule of Dimensional Requirements**

The following regulations govern the minimum lot size, minimum lot width at building line, yard setback and height for each district subject to exceptions set forth in Supplemental Regulations (Article 8) and other modifications as noted in the footnotes below the matrix.

MATRIX AREA & DIMENSIONAL REGULATIONS

Zone Districts	Maximum Building Height (stories)	Minimum Lot Area (Sq. Ft.)	Minimum Lot Width Front Set. Back Line (ft.)	Minimum Yard Req. Front	Minimum Yard Req. Rear	Minimum Yard Req. Side (Ft.)	Minimum Yard Req. Street Side (Ft.)
E-1	(2½) 35'	43,560	150'	75'	75'	25'	30'
E-2	(2½) 35'	21,780	125'	50'	50'	15'	20'
RS-1	(2½) 35'	15,000	100'	40'	30'	15'	20'
RS-2	(2½) 35'	10,500	75'	35'	30'	10'	20'
RS-3	(2) 30'	7,500	50'	30'	20'	5'	15'
RM-1	REFERENCE SECTION 8-1						
RM-2							
PUD*							
O&I	NONE	20,000	150'	60'	30'	20'	30'
PU	3	40,000	200'	45'	25'	20'	30'
BR	1	10,000	75'	45'	20'	20'	45'
BL	2	10,000	50'	45'	20'	NONE	45'
BG-1	NONE	7,000	50'	45'	20'	5'	20'
BG-1A	NONE	7,000	50'	45'	20'	5'	20'
BG-1B	NONE	7,000	50'	45'	5'	5'	20'
BG-1R	NONE	7,000	50'	45'	20'	5'	20'
BG-2	NONE	7,000	50'	45'	20'	5'	20'
BG-2A	NONE	7,000	50'	45'	20'	5'	20'
BC	2	2,500	25'	NONE	NONE	NONE	NONE
BW	3	40,000	200'	45'	25'	20'	30'
I-1	NONE	10,000	100'	45'	30'	15'	20'
I-2	NONE	15,000	100'	45'	40'	20'	20'

* See Article 8

ARTICLE 8

SUPPLEMENTAL REGULATIONS

8-1 Development of Various Housing Types in RM-1, RM-2, and PUD's, and TND

A. Maximum Number of Dwelling Units per Acre (Excluding Street Rights-of-Way)

	<u>RM-1/ RM-2</u>	<u>PUD</u>
Single-family detached dwelling units	4.84	6.22
Duplex dwelling units	6.22	7.26
Lot line detached dwelling units	7.26	7.26
Patio house dwelling units	8.71	8.71
Townhouse dwelling units	8.71	8.71
Multi-family dwelling units	10.00	10.00*

* See Section 8-1, C-8 for exceptions

B. Maximum Building Height, Maximum Floor Area, and Maximum Lot Coverage by Principal and Accessory Structures (See Section 8-1, C-8 for exceptions)

	<u>RM-1/RM-2</u>	<u>PUD</u>
Height	2 stories/30 feet	2 stories/30 feet
Floor Area	40 percent of lot area	40 percent of lot area
Building Coverage	25 percent of lot area	25 percent of lot area

C. Area and Dimensional Requirements

1. Single-Family Detached Dwelling Unit

	<u>RM-1/ RM-2</u>	<u>PUD</u>
Minimum lot area	9,000 sq. ft.	7,000 sq. ft.
Minimum yards		
Front	30'	25'
Interior side	10'	8'
Street side	15'	12'
Rear	30'	25'
Minimum width at building line	60'	50'

2. **Duplex Structure.** A duplex structure is a single building, located on a single lot, that contains two contiguous and independent dwelling units separated by a common wall and sharing a common roof and foundation.

	<u>RM-1/ RM-2</u>	<u>PUD</u>
Minimum lot area	14,000 sq. ft.	14,000 sq. ft.
Minimum yards		
Front	30'	25'
Interior side	10'	8'
Street side	15'	12'
Rear	30'	25'

3. **Lot Line Detached Dwelling Unit.** This dwelling type is a single-family, fully detached dwelling unit which is located on an individual lot and is set on one side lot line, the rear lot line, or one side lot line and the rear lot line. Before approval is given to a project containing this type of dwelling unit, assurance must be given that a maintenance easement, not less than five feet in width is provided on the neighboring lot of any lot line building wall. As an alternative, the dwelling unit may be set back from the lot line not less than five feet and a use easement may be granted to the adjoining lot.

	<u>RM-1/ RM-2</u>	<u>PUD</u>
Minimum Lot Area	6,000 sq. ft.	6,000 sq. ft.
Minimum Yards		
Front	20'	20'
Interior side	20'	20'
Street side	15'	15'
Rear	0'	0'

4. **Patio House Dwelling Unit.** This is a detached or attached single-family dwelling unit which is located on an individual lot. Living rooms, dens, and bedrooms typically face into the yard or “patio area”. Walls and buildings are typically set back at least 15 feet from any street right-of-way line. When individual patio house lots are smaller than 5,000 square feet, the difference in ground area between that occupied by all individual lots and that required for the total number of patio houses in a project shall be in open space commonly shared by all project residents.

	Number of Bedrooms Same requirements for RM-1, RM-2 & PUD		
	1	2	3 or more
Minimum Lot Area (Square Feet)			
One Story	2,500	3,000	3,500
Two Story	2,200	2,600	3,000
Minimum Patio Area (Square Feet)	1,000	1,250	1,500
Minimum Lot Width (Feet)	38	42	46

5. **Zero Lot Line Dwelling Unit.** This type of single-family attached dwelling unit, on its own lot, abuts or is attached to a similar type of dwelling unit on an adjoining lot along a common interior side lot line. No openings of any kind are permitted on a building wall which is contiguous to the common interior side lot line.

	<u>RM-1/ RM-2</u>	<u>PUD</u>
Minimum Lot Area	7,000 sq. ft.	12,000 sq. ft.
Minimum Yards		
Front	30'	25'
One side yard	20'	16'
Rear	30'	25'

6. **Townhouse Dwelling Unit.** This type of dwelling unit is attached to not less than two (2) nor more than five (5) similar types of dwelling units, each of which has its own front and back yard, and each of which is separated from a joining dwelling units by a common party wall. Each dwelling unit occupies an individual lot and no other dwelling unit occupies any space above the ground area of such lot. The total land area of a townhouse project must provide a minimum of 5,000 square feet for each townhouse dwelling unit in a PUD. When individual townhouse dwelling units occupy lots with less area, the difference in ground area contained within the individual lots and that required for the total number of dwelling units, must be devoted to open space commonly shared by all project residents. Such commonly shared open space must be located within the project area.

	<u>RM-1/ RM-2</u>	<u>PUD</u>
Minimum Lot Area (square feet)		
1 bedroom	2,800	2,400
2 bedrooms	3,200	2,800
3 or more bedrooms	3,600	3,200
Minimum Yards (feet)		
Front	30	20
Interior Side	0	0
Street Side	15	15
Rear	30	20
Minimum Width at Building Line (feet)		
1 bedroom	20	18
2 bedrooms	24	22
3 or more bedrooms	28	25

7. **Multi-Family Structure.** A multi-family structure contains three or more dwelling units typically having access through a common entrance or hallway. In a multi-story structure, dwelling units may be located one above the other. Individual dwelling units do not occupy individual lots and generally do not have separate doors opening directly onto a front and a rear or side yard.

Same Requirements for RM-1, RM-2, & PUD

Minimum Lot Area 21,000 sq. ft.

Minimum Yards

Front	30 feet
Interior side	10 feet
Street side	15 feet
Rear	30 feet
Minimum Lot Width	100 feet

8. **Exceptions to Height and Density in RM-2 and PUD's for Multi-Family Dwellings.** The maximum number of dwelling per acre shall be as follows:

<u>Stories</u>	<u>Unit Per Acre</u>
3	12
4	14

(Note: As provided in Article 8A2 above the maximum height in RM-1 Districts is 2 stories)

Condominium/Multi-Family dwellings height in any zoning district other than RM-2, if allowed, is restricted to a maximum height of 65 feet above grade and shall meet all building code requirements.

8-2. Planned Unit Development (PUD) District.

- A. **Designation of Districts.** A Planned Unit Development District may be established for any tract with a minimum site area of five acres whose development could be undertaken as an integral unit under single ownership or control. Before the City Council shall designate or amend the boundaries of any Planned Unit Development District(s), the Planning Commission shall first submit a report to the City Council, which shall include the boundaries of the proposed district the Commissions specific intent for development within the district and how implementation of the City's Comprehensive Plan would be furthered by such development.

- B. **Application Requirements.** A conceptual site plan shall accompany each application for rezoning to the PUD District. The site plan shall be drawn to scale and dimensioned, prepared by a professional engineer, land surveyor, architect, or landscape architect licensed to practice in the State of Alabama. The site plan shall show, in schematic detail, the concept for use and development of the entire PUD overlay district, including the location of the proposed uses and major buildings, the proposed residential density, housing types, dimensional standards for all lots, layout of roads, location of all entrances, and layout and configuration of all common open spaces. The site plan shall be accompanied by a brief narrative text describing the general design and architectural policies for the PUD, the treatment of environmentally sensitive lands, and the proposed time frame for phased development.
- C. **Permitted Uses and Development.** Development of the PUD shall be in substantial accord with the approved conceptual site plan and with all other site plan and subdivision approval procedures as required by this ordinance and the subdivision regulations. There shall be permitted a mix of uses within a single development as indicated in the Schedule of Permitted Uses, Article 7-1 and Article 8-1. But within the spirit of this Ordinance and the City's Comprehensive Plan, such uses may be relocated within the planned unit development.

8-3 **Business Restricted District**

- A. An applicant for approval for development in this district must file an application with the Building Inspector on forms available in the Building Inspector's office. The application should be accompanied by sketches, drawings, photographs, descriptions or other information that would enable the Planning Commission to determine the nature of proposed improvements including construction of new buildings, alteration of existing buildings, signs, driveways, trees to be retained, trees to be removed, landscaping, and other improvements or changes. The application must be filed with the Building Inspector not less than fifteen (15) days prior to a regular meeting of the Planning Commission at which the application is to be considered.
- B. The burden shall be upon the applicant to demonstrate to the Planning Commission that both the use and related construction, reconstruction, alterations, and site improvements will be compatible with the general character of existing development within the Business Restricted District and with nearby residential uses.
- C. After review of the application at a regular meeting, the Planning Commission shall approve, approve with modification, or disapprove the application. If the application is disapproved, the applicant may appeal the Planning Commission's decision to the Board of Adjustment.
- D. Within the BR Restricted Business District, no tree with a caliper of ten (10) inches or more shall be cut down or otherwise destroyed without the approval of the Planning Commission. After a site plan for development has been approved by the Planning Commission, the developer may remove all trees from an area to be occupied by new buildings, driveways, parking areas, and other areas on the site specifically authorized

by the Planning Commission.

The developer or owner of a site shall be responsible for the protection of tops, trunks and roots of existing trees on the property that are to remain. Existing trees subject to construction damage shall be boxed, fenced or otherwise protected before any work is started. Interfering branches shall be removed without injury to trunks and the area of the cut shall be covered with tree paint.

When trenching occurs around trees to remain, the tree roots shall not be cut. The trench shall be tunneled under or around the roots by careful hand digging and without injury to the roots.

When the existing grade at a tree to be retained is below the new finished grade, and fill not exceeding twelve (12) inches is required, clean washed gravel graded from 1-inch to 2-inch size shall be placed directly around the tree trunk. The gravel shall extend out from the trunk on all sides a minimum of eighteen (18) inches and finish approximately 2-inches above the finished grade at the tree trunk. Gravel shall be installed before any earth fill is placed. New earth fill shall not be left in contact with the trunks of any trees requiring fill.

Trees to be retained that are buried in fills over twelve (12) inches deep shall have an open dry well of durable masonry (without mortar) situated at least twelve (12) inches from the tree trunk. All wells are to be properly drained.

Trees to be retained in areas where the new finished grade is to be lowered, shall have regrading work done by hand to elevation as indicated on the grading plan. Roots as required shall be cut cleanly 3-inches below finished grade and scars covered with tree paint.

Trees marked for preservation that are located more than six (6) inches above proposed grades shall stand on broad rounded mounds and be graded smoothly into the lower level. Exposed or broken roots shall be cut clean and covered with topsoil.

It shall be a violation of the Ordinance for any person to cut down or destroy any tree with a caliper of ten (10) inches or more within a BR Restricted Business District, without the written approval of the Planning Commission.

8-4. **MHP Mobile Home Park District**

A. **Purpose**

The purpose of this district is to provide space at appropriate locations for the establishment of mobile home parks.

B. Uses Permitted Upon Approval of Mobile Home Park Site Plan

Mobile Home Park

Mobile home park office

Recreation buildings and playgrounds

Service facilities for the exclusive use of mobile home park residents including self service laundry.

C. Site Plan Approval

1. **Site Plan.** No person shall engage in the construction of a mobile home park, or make any addition or alteration to any mobile home park or facilities therein, until he has first obtained approval of a site plan from the Building Inspector.

The site plan shall be drawn to a suitable scale not smaller than one inch equals 200 feet and shall show:

- the names of the applicant, developer and property owner;
- legal description of property being developed;
- name and registration number of licensed surveyor or engineer who prepared or certified the site plan;
- scale, north arrow, and location key map of the proposed development;
- widths of proposed rights-of-ways and easements;
- existing and proposed water supply and sewage disposal systems;
- layout of all lots with dimensions;
- parking layout;
- location of all existing or proposed structures, enclosures and facilities, including required open areas, trash receptacles and fire hydrants.

2. **Application for Building Permit.** After approval of the site plan, the applicant may apply for a building permit which shall be processed in accordance with established procedures.

3. **Certificate of Occupancy.** Application for a certificate of occupancy shall be made in writing to the Building Inspector. The certificate of occupancy shall not be issued for any portion of a partially developed mobile home park unless the owner or developer of such property has posted with the town a performance bond, satisfactory to the City Attorney guaranteeing completion of development within two years of the date of the certificate of occupancy.

D. Site Standards for Mobile Home Park

1. Lots within a mobile home park may be leased or rented. Lots that are proposed to be sold must be filed as a regular subdivision plat in accordance with the Subdivision Regulations of the City of Guntersville.
2. The minimum area for any mobile home park is five (5) acres.
3. The maximum density shall not exceed ten (10) mobile home spaces per acre.
4. The mobile home park site shall be designed and developed to be completely surrounded by a buffer strip having a width of thirty-five (35) feet which shall have the characteristics of a yard as defined by this ordinance. The buffer strip shall be landscaped and maintained.
5. Access points shall be controlled through review of plans submitted to the Building Inspector.
6. The entire area developed shall be adequately served by water and sanitary sewer facilities meeting all requirements of the Marshall County Health Department and the City of Guntersville.
7. All mobile home sites shall abut upon a roadway having a paved surface not less than twenty (20) feet in width. All roadways shall be paved, marked, and lighted by the mobile home park owner in a manner consistent with standards established by the City of Guntersville.
8. Each mobile home park shall be provided with a park and recreation area having a minimum area of one hundred (100) square feet for each mobile home space. Such areas shall be consolidated into usable areas.

E. Mobile Home Space Standards

1. Each mobile home space shall have an area of not less than 3,200 square feet and a width of not less than thirty (30) feet. The average area of all spaces shall not be less than 3,600 square feet, and the average width of all spaces shall not be less than forty (40) feet.
2. Mobile homes shall be so located on each space that there shall be at least a twenty (20) foot clearance between mobile homes.
3. Minimum front, side and rear yard setbacks shall be:

<u>Front</u>	<u>Side</u>	<u>Rear</u>
15 Feet	10 Feet	10 Feet

4. All required yards shall be permanently landscaped and maintained with ground cover, trees, and shrubs.
5. Each mobile home space shall be provided with a deck or patio of at least two hundred (200) square feet.
6. Each mobile home space shall be provided with two (2) off-street parking spaces.

F. Responsibilities of Park Owner for Tie-Downs, Anchors and Underpinning Skirting

It shall be unlawful for any person including, but without limitation, owners of mobile home parks and owners and/or occupants of mobile homes within such park, to place, maintain, or occupy any mobile home unless such mobile home is equipped with tie-downs or anchors and underpinning skirting meeting or exceeding standards of the City's Building Code. Owners of mobile home parks shall notify the Building Inspector of the placement of any mobile home on his property. The park owner shall also notify the Building Inspector of the existence of any mobile home in his park which by visual inspection appears not to comply with the tie-down or anchor and under skirting standards of the City's Building Code. Such notification shall be written, shall contain a statement of the nature of the possible violation, the location of the mobile home, and the name and address of the mobile home owner. It shall be the responsibility of the owner of the mobile home park to notify owners of all mobile homes within such mobile home park of the requirements of this section.

8-5 General Regulations for Residential Districts

A. Lot Regulations

1. **Existing Lots of Record.** A single-family structure may be constructed on a nonconforming lot in any R district if said lot has less than the required area of width provided the following conditions are met:
 - a. No structure shall be constructed on any nonconforming lot if the owner of said lot owns any adjoining vacant land on the effective date of this ordinance which could create a conforming lot if said vacant land were combined with the lot deficient in area or width.
 - b. No structure shall be constructed on a nonconforming lot unless it shall have front, rear, and side yards conforming to the minimum required for the district in which said lot is located or unless a variance to yard requirements is granted by the Board of Zoning Adjustment.

2. **Lots to Have Street Access.** No single-family residential structure or duplex shall be constructed on any lot unless it shall have frontage on a public street having a minimum right-of-way width of forty (40) feet. No townhouse group or multi-family structure shall be constructed on any lot unless it shall have frontage on a public street having a minimum right-of-way width of fifty (50) feet. In the event construction is permitted on any undeveloped street, the lot shall be within 1000 feet of an approved fire hydrant and the lot shall have street access as required above.
3. **Through Lots.** On through lots, the required front yard shall be provided on each frontage street.
4. **Number of Principal Buildings on a Lot.**
 - a. Only one (1) principal building and its customary accessory building may hereafter be erected on any lot in any single-family residential district unless otherwise approved in a planned unit development.
 - b. In any district where multi-family structures or townhouses are permitted, two or more multi-family structures and two or more townhouse groups may be permitted on a lot provided that such multi-family structures or townhouse groups are separated from one another not less than the following dimensions:
 - 30 feet between two rear walls;
 - 40 feet between a front and a rear or side wall;
 - 50 feet between two front walls;
 - 20 feet between two side walls;
 - 20 feet between buildings when there are no facing walls
 - c. Each multi-family structure and townhouse group must be directly accessible from a public street or an unobstructed fire lane.
5. **Lot Width.** The minimum lot width of any lot shall be measured along the front setback line.
6. **Lot Depth.** The minimum lot depth of any lot shall be measured by a straight line from the midpoint of the front lot line, and perpendicular thereto, to its intersection with the rear lot line.

B. Yard Regulations

1. **Projections into Yards.** Every part of a required yard or court shall be open from its lowest point to the sky and unobstructed unless otherwise provided by this ordinance except for:

- a. Accessory structures conforming to requirements of Section 6-3D of this ordinance.
 - b. Sills, belt courses, cornices, eaves, ornamental features, chimneys and a porte-cochere or canopy which do not project more than 18 inches into a required yard.
 - c. An uncovered deck more than thirty (30) inches above the ground elevation at the rear wall projecting not more than ten (10) feet into any required rear yard.
 - d. Terraces, steps, and uncovered porches not higher than thirty (30) inches above the average ground level of the building wall to which they are attached and not located nearer than four (4) feet to any adjoining property line.
 - e. A private swimming pool located within a rear yard provided that such pool shall not be nearer than ten (10) feet to any adjoining property line.
 - f. Roof overhangs, not to exceed a projection into a required yard of more than three (3) feet.
 - g. Window air conditioning units not to exceed a projection into a required yard of eighteen (18) inches.
 - h. Movable awnings attached to, and supported by a building wall over doors or windows provided they do not extend nearer than five (5) feet to any lot line.
2. **Corner Lot.** Any corner lot shall have a side yard equal in width to the minimum front yard setback of any adjoining lot fronting on the side street. In no case, however, shall the street side yard of the corner lot be greater than the actual front yard setback of any existing principal building on the adjoining lot fronting the side street.
 3. **Reduced Front Yard Setback.** A required front yard may be reduced where the average setback of existing buildings within 200 feet on either side of a proposed building lot, and within the same block, is less than the required minimum front yard depth. In such case, the setback on the proposed building lot may be less than the required front yard depth, but not less than the average of the existing setbacks on the aforementioned lots, except that in no case shall a building project beyond the average front yard of the two adjacent buildings on either side of the proposed building lot.

4. **Two Front Yards on Through Lots.** On through lots, the required front yard shall be provided on each frontage street.
- C. **Walls and Fences.** All walls and fences within required yards shall conform to the following regulations:
1. **Front Yards.** Any portion of a wall or fence above three (3) feet in height, but not exceeding a height of six (6) feet must be constructed of wire mesh, or other suitable material, so that not less than eighty (80) percent of its surface area is open for the passage of light and air.
 2. **Corner Side Yards.** Regulations governing walls and fences in a required corner side yard shall be the same as regulations governing front yards (see Subsection C-1 above).
 3. **Interior Side Yards and Rear Yards.** The maximum height of a wall or fence within a required interior side yard or a rear yard shall be six (6) feet.
 4. **Walls and Fences Separating Residential and Nonresidential Districts.** Where a side or rear lot line of a residential lot abuts a boundary of a nonresidential district, a wall or fence may be constructed to a height of eight (8) feet.
 5. **Walls and Fences for Housing Projects.** Where the Planning Commission finds that there will be no adverse effect on adjoining properties or on visibility at street intersections, the Planning Commission may approve walls and fences not more than eight (8) feet in height to enclose part or all of a housing project, or to enclose all or portions of yards around individual residential structures within such housing projects.
 6. **Retaining Walls.** Height limitations of this Section shall not apply to retaining walls.
- D. **Accessory Buildings and Structures.** Customary accessory buildings or structures may be constructed in accordance with the following requirements:
1. **Placement of Unattached Accessory Buildings and Structures**
 - a. Except as otherwise provided in this Section, an unattached accessory building or structure may be constructed in a rear yard provided that:
 - it is not located closer than ten (10) feet to any property line;
 - does not occupy more than fifteen (15) percent of the area of the required rear yard.

- b. Accessory swimming pools and tennis courts may be constructed in a rear yard provided that:
 - no part of the swimming pool structure or paved court is located nearer than ten (10) feet to any property line;
 - no part of a pool deck, platform, or screen enclosure is located nearer than six (6) feet to any property line; and the combined area of a swimming pool, tennis court, screened enclosures, decks, platforms, and all unattached accessory building does not occupy more than thirty (30) percent of a required rear yard.
- 2. **Placement of Attached Accessory Buildings and Structures.** When an accessory building or structure is located less than ten (10) feet to a principal structure, it is considered attached to the principal structure and shall comply in all respects with the yard requirements of this ordinance applicable to the principal building.
- 3. **Dwelling Units and Guest Accommodations Prohibited.** Dwelling units, guest quarter, or any other types of accommodations to house people on a permanent or temporary basis, are prohibited in accessory buildings or structures except that on lots having a land area exceeding 60,000 square feet, a single dwelling unit for permanent occupancy, and accommodations for guests in accessory buildings, may be approved by the Board of Adjustment as a special exception. (See Article 13)
- 4. **Portable Buildings and Mobile Homes.** No portable building or mobile home shall be permitted on any parcel of land, except where provided elsewhere in this ordinance, or upon approval of a temporary permit by the City Council, however, these provisions are not intended to prohibit a resident from parking his recreation vehicle on the lot of his residence.
- 5. **Pier Houses and Boat Houses.** A partially enclosed roofed structure may be built on a pier or pilings over a body of water provided that: the structure shall contain no permanent facilities for toilets, bathing or cooking and meets all applicable TVA requirements.
- 6. **Time of Construction.** No accessory building shall be constructed upon a lot until the construction of the principal building has been commenced. No accessory building shall be used unless the principal building on the lot is also being used.
- E. **Maximum Building Coverage.** Land coverage by principal and accessory buildings or structures shall not be greater than is permitted by the regulations governing the district in which such buildings or structures are located.

- F. **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 the triangular space founded by the two (2) intersecting right-of-way lines and a straight line connecting the right-of-way lines fifteen (15) feet from their intersection.

8-6. **Area Dimensional and General Requirements for Nonresidential Districts**

- A. **Additional Side Yard Setbacks for Buildings Exceeding Two Stories in Height in the BG-1, BG-1A, BG-1B, BG-1R, BG-2, and BG-2A General Business Districts.** Any building within a BG-1, BG-1A, BG-1R, BG-2, or BG-2A General Business District exceeding two stories in height shall have two side yards with a total width equaling ten (10) feet for each story in height and no one side yard having a width of less than ten (10) feet plus two (2) feet for each story in height.
- B. **Exception to Building Height Limitation in a Central Business District.** A building in a BC Central Business District may exceed two (2) stories in height provided that requirements for off-street parking and loading, set forth in Article 11 of this Ordinance are complied with.
- C. **Additional Requirements for Side Yard.**
 - 1. If a side yard contains a driveway passing between a structure and an interior lot line, such side yard shall have a minimum width of fifteen (15) feet.
 - 2. In districts where side yards are not required, if a side yard is provided, it shall have a minimum width of ten (10) feet.
- D. **Corner Visibility.** On a corner lot, there shall be no structure or planting which materially obstructs traffic visibility between the height of 2 feet and 10 feet above the street corner grade, with a triangular space bounded by the two intersecting right-of-way lines and a straight line connecting the right-of-way lines 20 feet from their intersection.
- E. **Buffering Between Residential and Nonresidential Developments.** Where development within a nonresidential district abuts the boundary of a residential district, suitable buffering will be required to protect the residential environment. Such buffering shall consist of a wall, fence, shrubs, or trees, in such combination, and on an easement of such width, that adjoining residences shall not be unduly disturbed by the visual intrusion of commercial or industrial activities, windblown trash or noise.
- F. **Exceptions for Atriums.** The floor space occupied by an atrium shall not be included in determining ground coverage or floor space of a building provided that the atrium floor is treated as open space, open and unobstructed from the floor to the roof of the building or the sky, and provided that the floor space is not divided by walls or partitions and is used only for landscaping, art display, pedestrian promenade, informal assembly, facilities for public convenience such as serving areas for food and beverages (excluding food preparation areas) benches, seats, and advertising of events and

facilities. Not more than twenty-five percent of the atrium floor space may be used for serving food and beverages. Food and beverage service areas may be partially enclosed by a decorative fence or protective barrier not exceeding forty (40) inches in height. No food preparation areas shall extend onto that portion of the atrium floor that was excluded from the determination of building coverage.

G. General Requirements for Buildings Providing Entertainment.

1. The building is to be constructed with sound absorbing materials installed in all exterior walls and the ceiling. The sound material is to be of a quantity that the sound produced inside does not exceed the requirements of the sound ordinance.
2. The building is to be 300 feet from any residential area.

H. Reduced Yard Setback. A required yard may be reduced where the average setback of existing buildings within 200 feet on either side of a proposed building lot, and within the same block, is less than the required minimum yard depth. In such case, the setback on the proposed building lot may be less than the required yard depth, but not less than the average of the existing setbacks on the aforementioned lots, except that in no case shall a building project beyond the average front yard of the two adjacent buildings on either side of the proposed building lot.

8-7. Mountainside and Steep Slope Development Regulations

In areas of Steep Slopes a site plan adequately addressing soil erosion, landslides and storm water drainage is required for all developments; said plan is to be made by an Alabama Licensed Engineer and shall be approved by the Planning Commission. The following standards shall apply:

- A. Slopes of 18 to 30 percent: not more than forty (40) percent of such areas shall be developed and/or regraded or stripped of vegetation with the exception that not more than thirty (30) percent of such areas may be disturbed in the case of erosion-prone soils, as defined by the Natural Resources Conservation Service.
- B. More than 30 percent slope: no more than thirty (30) percent of such areas shall be developed and/or regraded or stripped of vegetation with the exception that no more than twenty (20) percent of such areas may be disturbed in the case of erosion-prone soils, as defined by the Natural Resources Conservation Service.
- C. Minimum Distance for Slope Calculations. In calculating steep slope the vertical rise in the horizontal interval of 50 feet is to be used.
- D. Engineer Certification. As part of the approval process, the Planning Commission shall require a report by a licensed professional Engineer that the proposed development is designed so as to prevent any adverse affect on surrounding properties in terms of soil

erosion, landslides or storm water drainage.

- E. All foundations for structures in mountain side and steep slope development areas as defined above are to be designed by an Alabama registered architect or engineer and submitted to the Building Inspector for approval prior to construction.

8-8. **Recreational Vehicle Park Development Standards**

In order to provide for a clean, safe and healthy living environment for recreational activities in Recreational Vehicle Parks the following standards are to guide the development of RV park sites. Plans meeting these minimum specifications will be approved by the Planning Commission in those zones permitting Recreational Vehicle Parks as well as by the Board of Adjustment for a special exception.

This district is established to provide developed areas which contain sites for the temporary location of assorted recreational vehicles to include travel trailers, motor homes, truck campers and tents. Such facilities cover a range of short overnight stops to longer destination type stays of several days to weeks. All site plans must be in compliance with all onsite sewage disposal and tourist court development standards as required by the Alabama Department of Environmental Management.

A. **Permitted Principal Uses**

- 1. Recreational Vehicles
- 2. Tents

B. **Locational Requirements.** All recreational vehicles shall be placed in approved recreational vehicle spaces in RV parks or designated spaces at mobile home parks. The storage of unoccupied recreational vehicles shall be permitted only in those areas for storage on the approved final site plan.

C. **Standards for Design**

- 1. Minimum Development Park Site Standard
 - a. Development site area 3 acres
 - b. Street frontage 60 ft.
 - c. Perimeter setback 20 ft.
 - d. Front yard setback 50 ft.
 - e. Open space (exclusive of Perimeter setback) 10%
 - f. Tent and cabin sites may be provided at the discretion of park owner.

2. Minimum Lot Standard: Each lot established in a recreational vehicle park shall meet the following size requirements:

- a. Lot Size 2,100 sq. ft.
- b. Lot Width 35 feet

3. Setback: Minimum service building front yard setback shall be 50 feet from the property line.

4. Access: Recreational Vehicle Parks shall be so located and designed that no entrance or exit shall require movement of traffic to or from the recreational vehicle park through a residential subdivision.

5. Parking Requirement: Each recreational vehicle lot shall contain a stabilized level vehicle parking pad of a suitable all weather wearing surface material. The parking pad shall be located at least five (5) feet from a designated lot line.

Vehicle parking shall be designed to insure the smooth flow of traffic through the park by other residents entering or leaving. Parking spaces shall contain a stabilized, level area suitable for all-weather usage, improved with gravel, asphalt or a suitable grass turf.

Two parking spaces per lot shall be provided which can be part of the parking pad. Parking spaces shall be at least nine (9) by eighteen (18) feet in size. No parking is allowed on the streets or roads fronting the recreational vehicle lot.

In addition, the park shall provide adequate paved parking spaces for all service buildings or recreational facilities. The total additional parking requirement ratio is one (1) parking space for every five (5) recreational vehicle lots.

6. Utilities. Utilities shall be provided as follows:

- a. Sanitary facilities shall be provided in accordance with the requirements of the Alabama Department of Environmental Management. The location of sanitary facilities needs to be indicated on the plan and marked on the site.
- b. Each recreational vehicle park shall provide either individual service lines or a common service area line delivering safe, pure, potable water. In addition, each recreational vehicle lot shall be provided with an individual electrical service mounted on a pole or pedestal and shall have a disconnecting means consisting of a circuit breaker or a switch and fuses housed in a panel approved for exterior use. A minimum combination of thirty (30) AMP must be provided for each recreational vehicle lot.

7. Garbage and Trash: Central trash collection points shall be completely screened

from view from outside the park.

8. **Site Conditions:** Conditions of soil, groundwater, drainage and topography shall not create hazards to the property or safety of the occupants. The RV spaces shall not be exposed to objectionable smoke, noise, odors, or other adverse influences, and no portion of the park subject to flooding, subsidence, or erosion shall be used for any purpose which would expose persons or property to hazards. To this end, all recreational vehicle spaces which are located in any designated flood zone shall conform to the Flood Plan Management Ordinance.
9. **Identification:** Recreational vehicle lots shall be plainly staked off and marked. Each lot shall be permanently numbered with minimum 2-1/2" high numbers and/or letters so they may be easily read from the street.
10. **Facilities and Equipment:** All facilities and equipment on site must meet the Fire Safety Standards latest edition, NFPA 510D Standards for Recreational Vehicle Parks and Campgrounds.

C. **Street Design.** The principle vehicular road shall be paved and shall be clearly marked as to internal circulation and direction of travel. Pavement widths for travel lanes shall be approved by the Planning Commission and if applicable by the Board of Adjustment.

D. **Use Restrictions**

1. **Removal of Vehicle Equipment Prohibited:** Removal of the vehicle tag, wheels, tongue, hitch or A-frame, gas tanks or other vehicle equipment from a recreational vehicle shall be prohibited, and shall be considered prima facie evidence of permanent occupancy.
2. **Attachments to Recreational Vehicles Prohibited:** Attachments to recreational vehicles shall be prohibited, with the sole exceptions of pop-out units and similar structures which are integral to the recreational vehicle as originally manufactured.

E. After all required improvements have been completed for a recreational vehicle park, or an approved construction stage of the park, the registered Engineer shall certify completion of all improvements in accordance with construction drawings and the Building Official shall certify the completed Recreational Vehicle lots as being approved for occupancy. Until a Recreational Vehicle lot is approved for occupancy, no recreational vehicle shall be placed thereon.

F. **Submission of Plans.** A site plan shall be submitted to the Planning Commission and if applicable to the Board of Adjustment for review showing the following items. After satisfactory review the plan shall be submitted to the Building Official for the issuance of a building permit. The minimum scale of the plans shall be one hundred (100) feet to one (1) inch or larger or smaller as approved by the City Engineer.

1. Title, scale, north point, date, and name of site planner.
2. Existing buildings and structures.
3. Streets, layouts.
4. Service and maintenance building, if applicable.
5. Recreational vehicle lots consecutively numbered or lettered.
6. Street (driveways) and parking spaces with dimensions.
7. Recreational facilities, if applicable.
8. Drainage.
9. Proposed sanitary sewer system including location of communal sanitary and bathing facilities.
10. Proposed water distribution system and fire hydrants.
11. Proposed street lighting system and other lighting for benefit of safety of resident, if applicable.
12. Proposed electrical plan and the locations and sizes of outlet.
13. Site acreage.

G. **Property Controlled by Tennessee Valley Authority (TVA).** In the event that TVA requirements for Recreational Vehicle Parks are in conflict with this Section and the Planning Commission finds that the TVA requirements meet the intent of this Section, the Planning Commission may grant approval based on the TVA standards.

8-9 **Mini Storage Facilities.** The following provisions apply to the use of Mini Storage Facilities.

- A. The storage building(s) shall be subdivided by permanent partitions into individual storage compartments with no single storage compartment having a floor area exceeding 300 square feet.
- B. The use of the storage compartments shall be limited to the storage of personal property and no other use shall be permitted except a manager's office which is clearly incidental to the principal use.
- C. There shall be no outside storage of goods or materials of any type on the site of a mini storage facility.

- D. Building coverage may equal no more than 40 percent of total lot area. No part of any fence enclosure shall be located within any required front yard.
- E. The design of facades and landscaping of premises shall be compatible with the purposes of the zone district in which the mini storage facility is located.

8-10. **“Q” Qualified Zone District**

A. Purpose

1. The purpose of the “Q” (Qualified) District is to provide for the regulation of commercial, manufacturing or residential uses of land and structures in order that uses and development of said land, buildings and structures will be harmonious and compatible with and not have an undesirable or detrimental impact on surrounding development. The purpose of this Section is also to protect the public welfare and the property value of surrounding property by securing an appropriate development that is in harmony with the objectives of the City of Guntersville Strategic Growth Plan as adopted by the Planning Commission.
2. In order to achieve the above stated purposes provision is hereby made that in consideration of a change of zone the subject property shall be limited in such manner that it may not be utilized for all the uses ordinarily permitted in a particular zone classification and/or that development of said subject property shall conform to specific standards. In such cases, the ordinance changing the zoning classification of the property in question shall place it in a “Q” (Qualified) zoning classification. The “Q” (Qualified) District shall be indicated in the rezoning ordinance passed by the City Council and on the official zoning map by the symbol “Q” immediately before the combination of symbols designation, e.g., “Q” BG-1A in addition to the case number assigned to the individual rezoning case.

B. Zone Districts That May Be Combined with a “Q” (Qualified) District

Rezoning for a “Q” (Qualified) District must be combined with another zone district as set forth below. A “Q” (Qualified) District may not be requested which is not so combined with these applicable districts.

A “Q” (Qualified) District zoning classification shall only be used in combination with zones RS-1, RS-2, RS-3, RM-1, RM-2, BR, BL, BG-1, BG-1A, BG-1B, BG-1R, BG-2, BG-2A, BC, BW, I-1, I-2 as defined elsewhere in the Zoning Ordinance of the City of Guntersville.

C. Uses Permitted in a “Q” (Qualified) District

The uses permitted in a “Q” (Qualified) District shall be limited to those set out in the rezoning ordinance passed by the City Council.

D. Standards That May Be Required in a “Q” (Qualified) District

In addition to permitted uses as set forth in Subsection C above, the “Q” (Qualified) rezoning ordinance passed by Council may impose standards on the subject property with respect to buffers, ingress and egress, development plans, drainage, and environmental plans as well as other considerations that may be necessary to make the proposed development compatible with surrounding development. All applicable limitations and/or standards within the “Q” (Qualified) District shall be considered to apply permanently to the specific uses permitted in said zone.

E. Expiration of Development Plan (Time Limit on Development)

In the even that construction, in accordance with a development plan (when required) is not begun within two years from the date of approval by the City Council of the “Q” Qualified District, said development plan shall become null and void.

F. Amendments to “Q” (Qualified) District

- A. In the event that more permitted uses than those set forth in the “Q” (Qualified) District rezoning ordinance passed by Council are desired for the subject property, the City Council will, after proper notification, hold a public hearing on the matter to determine its validity.
- B. Applications for amendments pertaining only to standards, which may be required as set forth in Subsection D above, need only be presented to and approved by Guntersville Planning Commission.

8-11. Historical and Cultural Overlay District

- A. **General Purpose.** The Historical and Cultural Overlay District shall be overlaid on exiting districts to designate areas, sites, and structures of sufficient historical and cultural significance to warrant public protection. The general intent includes, among others, the following specific purposes:
 - 1. To preserve and protect the historical and/or architectural value of buildings, other structures, or historically significant areas.
 - 2. To regulate exterior design, arrangement, texture, and materials, proposed to be used within the historic district to ensure compatibility.
 - 3. To create an aesthetic appearance that compliments the historic buildings or other structures.
 - 4. To stabilize and improve property values.
 - 5. To foster civic beauty.
 - 6. To strengthen the local economy.
 - 7. To promote the use of historic districts for the education, pleasure and welfare

of the present and future citizens of Guntersville.

B. How Zoning Maps are Amended to Designate Historical and Cultural Overlay Districts. Any amendment to the Zoning Map of the City of Guntersville designating Historical and Cultural districts shall be subject to requirements of Article 14.

1. The Historical and Cultural Overlay District and boundaries shall be shown on the zoning map or on special overlays thereto which are made a part of this ordinance and noted by name on said maps, in which no structure shall be constructed, altered, repaired, relocated or demolished in this district unless the activity complies with the requirements set forth in this Code.
2. A Historical and Cultural Overlay District shall be defined as a geographically definable area which meets one or more of the following criteria:
 - a. That it is associated with an event which has made a significant contribution to local, state, or national history or
 - b. That it includes structures associated with the lives of persons significant in local, state or national history or
 - c. That it contains structures or groups of structures which embody the distinctive characteristics of a type, period or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or
 - d. That it has yielded or may be likely to yield archaeological information important in history or prehistory; or
 - e. That it is listed in the National Register of Historic Places.

C. Uses Permitted. The uses permitted in the use regulations of the underlying district in which the site, structure or area is located shall govern.

D. Appointment of Historical and Cultural Review Committee.

1. As an amendment to the city ordinance establishing the Design Review Commission, the City Council shall appoint a five member subcommittee of the Design Review Commission to be designated as the Historical and Cultural Review Committee (hereinafter referred to as the Review Committee)
2. The Review Committee shall consist of the following five members: Chairman of the Planning Commission; Chairman of the Design Review Committee; Building Official and two at large members who are residents of the City of Guntersville.

E. Powers and Duties of the Review Committee

1. The Review Committee shall review applications regarding the creation of Historical and Cultural Overlay Districts. The review of such applications shall be in accordance with the criteria set forth in Item B of this Section. The Commission shall furnish to the Planning Commission, in writing, its recommendations regarding the creation of any Historical and Cultural Overlay District.
2. Prior to the establishment of a Historical and Cultural Overlay District, and subsequent to City Council adoption of the district, the Review Committee shall adopt for each such proposed district a set of review guidelines, which it will apply in ruling upon the granting or denial of a certificate of appropriateness as provided for in this Article. Such review guidelines shall be consistent with the purposes of this Article and with regulations and standards adopted by the Secretary of the Interior pursuant to the National Historic Preservation Act of 1966, as amended, applicable to the construction, alteration, rehabilitation, relocation or demolition of any building, structure, or other improvements situated within a Historic District which has been certified by the Secretary of the Interior as a registered Historic District. Reasonable public notice and opportunity for public comment, by public hearing or otherwise, shall be required before the adoption of any such review guidelines.

F. Submittal of Applications to the Review Committee. The Building Official shall not issue permits for construction, alteration, repair, demolition, or relocation of a building or structure within any Historical and Cultural Overlay District without first submitting the request for such permit together with all plans, elevations, or other information as may be required to determine the appropriateness of the features to be passed upon by the Historic Zoning Commission

G. Approval by the Review Committee. Upon approval of any application, the Review Committee shall forthwith transmit a report to the Building Official stating the basis upon which such approval was made, and cause a Certificate of Appropriateness to be issued to the applicant. Upon failure of the Review Committee to take final action within thirty (30) days after receipt of the application, the case shall be deemed approved, except when mutual agreement has been made for an extension of the time limit. When a Certificate of Appropriateness has been issued, a copy thereof shall be transmitted to the Building Official, who shall, from time to time, inspect the construction or alternation of the exterior approved by such certificate, and report to the Review Committee any work not in accordance with such certificate before issuing an Occupancy Permit.

H. Disapproval by the Review Committee. In the case of disapproval of any

application, the Review Committee shall state the reasons therefore in a written statement to the applicant, in terms of the design, arrangements, texture, color, material, and the like of the property involved. Notice of such disapproval and a copy of the written statement of reasons therefore shall also be transmitted to the Building Official.

- I. **Appeals from Decision of the Review Committee.** Appeals from any decision of the Review Committee may be taken to the City Council within thirty (30) days.

8-12. **Traditional Neighborhood Development (TND) District**

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A. **Generally**

- 1. **Purpose and Intent.** The purpose of this section is to allow the optional development and redevelopment of land consistent with the design principles of traditional neighborhoods. A Traditional Neighborhood Development:
 - a. Is compact;
 - b. Is designed for the human scale;
 - c. Provides a mix of uses, including residential, commercial, civic, and open space uses in close proximity to one another within the neighborhood;

- d. Provides a mix of housing styles, types, and sizes to accommodate households of all ages, sizes, and incomes;
- e. Incorporates a system of relatively narrow, interconnected streets with sidewalks, bikeways, and transit that offer multiple routes for motorists, pedestrians, and bicyclists and provides for the connections of those streets to existing and future developments;
- f. Retains existing buildings with historical features or architectural features that enhance the visual character of the community;
- g. Incorporates significant environmental features into the design; and,
- h. Is consistent with community, regional and state master plans.

2. **Applicability.** This section is an alternative set of standards for development within the City of Guntersville for: 1) new development of fifteen (15) acres or more; 2) ten (10) acres or more for development contiguous to existing development; or 3) redevelopment or infill development within areas designated for TND Centers.

B. **Definitions.** The following definitions shall be observed and applied, except when the context clearly indicates otherwise.

Alley. A public or private way permanently reserved as a secondary means of access to abutting property.

Block. A unit of land bounded by streets or by a combination of streets and public land, railroad rights-of-way, waterways, or any other barrier to the continuity of development.

Building Scale. The relationship between the mass of a building and its surroundings, including the width of street, open space, and mass of surrounding buildings. Mass is determined by the three-dimensional bulk of a structure: height, width, and depth.

Central Square. A common open space that serves as the focal point for a community center. It is typically surrounded by commercial uses and may include a landmark structure or building.

Common Open Space. Squares, greens, neighborhood parks, public parks, and linear environmental corridors owned and maintained by the City or a neighborhood association.

Traditional Neighborhood. A compact, mixed use neighborhood where residential, commercial and civic buildings are within close proximity to each other.

C. **Procedures.** Prior to the issuance of any permits for development within a traditional

Neighborhood Development (TND) district, the following steps shall be completed according to the procedures outlined in this section.

Step 1. The applicant shall have had an initial conference.

Step 2. A general implementation plan and a zoning map amendment to a Traditional Neighborhood Development (TND) district shall be approved by the City Council in accordance with the procedures for amendments contained in *Article 14 Amendments* of this *Zoning Ordinance*.

Step 3. A specific implementation plan shall be approved by the City Planning Commission in accordance with the procedures for site plan review contained in *Article 9 Site Plan Review* of this *Zoning Ordinance* and in concert with approvals required under the *Subdivision Regulations of the City of Guntersville*.

1. **Initial Conference.** Before submitting an application for a traditional neighborhood development project, the applicant shall schedule an appointment and meet with the City staff to discuss the procedures for approval, including submittal requirements and design standards.
2. **General Implementation Plan Submittal Requirements.** The purpose of the general implementation plan is to establish the intent, density, and intensity for a proposed TND development. In addition to the submittal requirements of *Article 14 Amendments*, any request for approval of a general implementation plan of a TND shall also include the following items:
 - a. A general location map of suitable scale which shows the location of the property within the community and adjacent parcels including locations of any public streets, railroads, major streams or rivers and other major features within 1,000 feet of the site.
 - b. A site inventory and analysis to identify site assets or resources, and constraints, including but not limited to floodplains, wetlands and soils classified as “poorly drained” or “very poorly drained,” soils with bedrock at or within 42 inches of the surface, utility easements for high-tension electrical transmission lines (>69KV), and steep slopes greater than 15%.
 - c. A conceptual site plan consisting of a map with proposed features and existing site features and uses that will remain. These features should include setback and/or build-to lines, location of streets, drives and parking areas, pedestrian and bicycle paths, service access areas for receiving material and trash removal and other impervious surfaces. The location of proposed and existing trees and shrubs should also be

included along with any other significant features.

- d. A conceptual storm water management plan identifying the proposed patterns of major storm water runoff, location of storm water infiltration areas, and other significant storm water best management practices.
- e. Identification of the architectural style(s) of the TND and the accompanying site design styles(s). The design style of the TND shall be conveyed with drawings or computer simulations of typical proposed building elevations including dimensions of building height, width and façade treatment.
- f. A written report that provides general information about the covenants, conservation easements or agreements which will influence the use and maintenance of the proposed development. The report shall also describe the site conditions and the development objectives.
- g. Any other information deemed necessary by the City in order to evaluate the proposal.

3. **Specific Implementation Plan Submittal Requirements.** In addition to the submittal requirements of subsection 2 above and *Article 9 Site Plan Review*, any request for approval of a specific implementation plan of a TND shall also include the following items:

- a. A site plan with the following information:
 - i. The location of: 1) existing structures that will remain; and 2) proposed maximum building envelope and maximum gross floor area for new structures;
 - ii. The location of street and pedestrian lighting;
 - iii. The location of proposed open space;
 - iv. The circulation system indicating pedestrian, bicycle and motor vehicle movement systems including existing and proposed public street right-of-ways, easements and proposed curb cuts, off-street parking and loading spaces including service access for receiving and trash removal, sidewalks and other walkways.
 - v. The location of all trees, shrubs and ground cover to remain on those portions of the site to be dedicated to the public.

- b. A storm water management plan for the site. The grading plan shall show existing and proposed ground elevations with contours and spot elevations at significant high points, low points and transition points. The grading plan shall note the finished ground floor elevations of all buildings. The plan shall show the locations of all storm drainage sewers and structures, infiltration or detention/retention structures, and all wetlands on the site.
 - c. Detailed elevations of all proposed commercial buildings and typical elevations of residential buildings. Scaled elevations should identify all signs; building materials; the percentage of ground floor commercial façade in windows; the location, height and material for screening walls and fences; outdoor trash storage areas; electrical, mechanical and gas metering equipment; and rooftop equipment.
 - d. As an alternative to submission of detailed elevations of all proposed commercial buildings as indicated in item “c” above, a pattern book may be submitted that represents typical commercial buildings indicating all of the items stipulated in item “c” above.
 - e. A utilities plan showing underground and above ground lines and structures for sanitary sewers, electricity, gas telecommunications, etc.
 - f. Phasing plans, where applicable.
 - g. Any other information deemed necessary by the City in order to evaluate plans.
4. **Minor Amendments to the Specific Implementation Plan.** Minor amendments to the Specific Implementation Plan as approved by the City Planning Commission may be approved by the City Planning Director provided that the changes do not involve: a) an increase of more than 10% of the floor area of structures other than single family detached dwellings; b) an increase of more than 10% of the number of dwelling units; or c) an alteration of any conditions or modifications to the Specific Implementation Plan made by the City Planning Commission.
5. **Ownership and Maintenance of Public Space.** Provision shall be made for the ownership and maintenance streets, squares, parks, open space and other public spaces.

D. Design Standards

- 1. **Areas and Uses within the Traditional Neighborhood Development.** In order to achieve the proximity necessary to make neighborhoods walkable, it is

important to mix land uses. A Traditional Neighborhood Development should consist of a mix of residential areas, community center(s), and open space.

a. *Residential Areas.* A mix of the following types of residential land use can occur anywhere within the Traditional Neighborhood Development. For infill development, the mix of residential uses may be satisfied by existing residential uses adjacent to the Traditional Neighborhood Development.

- i. Single-family detached dwellings,
- ii. Single-family attached dwellings, including duplexes, townhouses, and row houses;
- iii. Multifamily dwellings, including senior housing;
- iv. Accessory dwelling units within a single-family unit;
- v. “Special needs” housing such as community living arrangements and assisted living facilities.

b. *Community Centers.* A traditional neighborhood development will include a community center composed of a mix of commercial, residential, civic or institutional, and open space uses as identified below. The project dimensions should be organized so that residential blocks are within approximately 2,000 feet from the Community Center.

i. *Commercial Uses in the Community Center.* The interior square footage of individual businesses should not exceed 6,000 square feet in size, but may be larger for specialty and bulk sales stores. In addition, the following active, pedestrian-oriented uses are desired:

- a) Food services (neighborhood grocery stores; butcher shops; bakeries; restaurants, not including drive-throughs; cafes; coffee shops; neighborhood bars or pubs);
- b) Retail uses (including but not limited to florists or nurseries; hardware stores; stationery stores; book stores; studios and shops of artists and artisans; apparel shops and home décor stores);
- c) Services (day care centers; music, dance or exercise studios; offices, including professional and medical offices; barber; hair salon; dry cleaning);

- d) Accommodations (bed and breakfast establishments, small hotels or inns).
- ii. *Residential Uses in the Community Center.*
 - a. Single-family attached dwellings, including duplexes, townhouses, and row houses;
 - b. Multifamily dwellings, including senior housing;
 - c. Residential units located on upper floors above commercial uses or to the rear of storefronts;
 - d. “Live/work” units that combine a residence and a workplace;
 - e. “Special needs” housing such as community living arrangements and assisted living facilities.
 - iii. *Civic or Institutional Uses in the Community Center.*
 - a. Municipal offices, fire stations, libraries, museums, community meeting facilities, and post offices;
 - b. Transit shelters;
 - c. Places of worship;
 - d. Educational facilities.
 - iv. *Open Space Uses in the Community Center.* (In addition to the open spaces within the Community Center, open spaces shall be incorporated elsewhere in the Traditional Neighborhood Development in accordance with section 4.2(a).
 - a. Central square;
 - b. Neighborhood park;
 - c. Playground.
- c. *Open Space.* The open space uses identified below should be incorporated into the traditional neighborhood development as appropriate. Large outdoor recreation areas should be located at the

periphery of neighborhoods rather than central locations.

- i. Environmental corridors;
- ii. Protected natural areas;
- iii. Community parks;
- iv. Streams, ponds and other water bodies;
- v. Storm water detention/retention facilities.

2. **Dimensional Standards.** In order to create a compact design, the following standards of density and dimensions will be included in any Traditional Neighborhood Development proposal.

- a. *Open Space.* At least 10 percent of the gross acreage of the traditional neighborhood development must be open space. At least 25 percent of the open space must be common open space dedicated to the public for parkland. Ninety percent of the lots within the areas devoted to residential uses shall be within 2,000 feet from common open space. Large outdoor recreation areas should be located at the periphery of neighborhoods rather than central locations.
- b. *Residential Uses.* The number of residential units shall be determined as follows:
 - i. In residential areas:
 - a) The number of single family attached and detached units permitted shall be a maximum of eight (8) dwelling units per acre.
 - b) The number of multi-family units shall be no more than 14 dwelling units per net acre.
 - c) Accessory dwelling units shall be permissible in addition to the number of dwelling units authorized under this section. However, the total number of accessory dwelling units shall not be more than number of single-family attached and detached units.
 - ii. In community centers:
 - a) The number of single-family and multi-family dwelling units permitted shall be calculated the same as above

plus an additional number of units not to exceed 10 percent of the amount permitted above.

- b) All dwelling units constructed above commercial uses shall be permissible in addition to the number of dwelling units authorized under this section. However, the total number of dwelling units shall not be increased by more than 10 dwelling units or 10 percent whichever is greater.
- c. *Commercial Space.* The total ground floor area of nonresidential development uses, including off-street parking areas, shall not exceed 25 percent of the Traditional Neighborhood Development.
- d. *Lot and Block Standards.*
 - i. *Block and lot size diversity.* Street layouts should provide for development blocks that are generally in the range of 200-400 feet deep by 400-800 feet long. Where topography averages over a 20% slope and cross streets are not practical, longer blocks may be provided, however, in no case shall blocks exceed the standards contained in the *Subdivision Regulations*. In such cases, the longer blocks shall be divided by pedestrian ways in common open space. A variety of lot sizes should be provided that allow for diverse housing choices.
 - ii. *Lot Width.* Lot widths should create a relatively symmetrical street cross section that reinforces the public space of the street as a simple, unified public space.
- e. *Building Setbacks Standards.*
 - i. *Front Building Setback - Community Centers.* Structures in community centers have no minimum setback. Commercial and civic or institutional buildings should abut the sidewalks in the community centers.
 - ii. *Front Building Setback – Residential Areas.* Single-family detached residences shall have a building setback in the front between 0 and 25 feet. Single-family attached residences and multifamily residences shall have a building setback in the front between 0 and 15 feet.
 - iii. *Front Building Setback – Residential Areas with Steep Slopes.* Notwithstanding the requirements of paragraph “ii” above, the

front building setback in residential areas with steep slopes averaging over 20% may be as great as indicated in the following table, provided that there is a plan for the landscaping and treatment of the streetscape.

Front Building Setback in Residential Areas with Steep Slopes

Lots with Front Vehicular Access Only		Lots with Alley Vehicular Access	
Elevation*	Setback as much as	Elevation*	Setback as much as
<i>Rise</i>		<i>Rise</i>	
0 – 10 feet	25 feet	0 – 30 feet	25 feet
10 – 21 feet	50 feet	30 – 50 feet	50 feet
21 – 26 feet	75 feet	50 to 70 feet	75 feet
Over 26 feet	100 feet	Over 70 feet	Submit specific solution
<i>Fall</i>		<i>Fall</i>	
0 – 5 feet	25 feet	0 – 15 feet	25 feet
5 – 21 feet	50 feet	15 – 30 feet	50 feet
21 – 26 feet	75 feet	30 – 50 feet	75 feet
Over 26 feet	Submit specific solution	Over 50 feet	100 feet

* Elevation of rise or fall is measured at the center of the lot, 50' back relative to the edge of the roadway surface.

- iv. *Rear Building Setback – Residential Areas.* The principal building on lots devoted to single-family detached residences shall be setback no less than 30 feet from the rear lot line.
 - v. *Side Setbacks.* Provision for zero lot-line single-family dwellings should be made, provided that a reciprocal access easement is recorded for both lots and townhouses or other attached dwellings, provided that all dwellings have pedestrian access to the rear yard through means other than the principal structure.
3. **Circulation Standards.** The circulation system shall provide for different modes of transportation. The circulation system shall provide functional links within the residential areas, community center area, and open space and shall be connected to existing and proposed external development. The circulation system shall provide adequate traffic capacity, provide connected pedestrian and bicycle routes (especially off street bicycle or multi-use paths or bicycle lanes on the streets), limit access onto streets of lower traffic volume classification, and promote safe and efficient mobility through the Traditional Neighborhood Development.
- a. *Pedestrian Circulation.* Convenient pedestrian circulation systems that minimize pedestrian-motor vehicle conflicts shall be provided continuously throughout the Traditional Neighborhood Development. Where feasible, any existing pedestrian routes through the site shall be preserved and enhanced. All streets, except for alleys, shall be bordered by sidewalks on both sides or in accordance with the

specifications listed in the table accompanying this section. The following provisions also apply:

- i. *Residential Sidewalks.* Clear and well-lighted sidewalks of 3-5 feet in width, depending on projected pedestrian traffic, shall connect all dwelling entrances or designated entrances to multi-family dwelling units to the adjacent public sidewalk. Shared sidewalks are acceptable.
 - ii. *Community Center Sidewalks.* Clear and well-lit walkways shall connect building entrances to the adjacent public sidewalk and to associated parking areas. Such walkways shall be a minimum of 5 feet in width.
 - iii. *Disabled Accessibility.* Sidewalks shall comply with the applicable requirements of the Americans with Disabilities Act.
 - iv. *Crosswalks.* Intersections of sidewalks with streets shall be designed with clearly defined edges. Crosswalks shall be well lit and clearly marked with contrasting paving materials at the edges or with striping.
- d. *Motor Vehicle Circulation.* Motor vehicle circulation shall be designed to minimize conflicts with pedestrians and bicycles. Traffic calming features such as “queuing streets,” curb extensions, traffic circles, and medians may be used to encourage slow traffic speeds.
- e. *Street Hierarchy.* Each street within a Traditional Neighborhood Development shall be classified according to the following (arterial streets should not bisect a Traditional Neighborhood Development):
- i. *Collector.* This street provides access to commercial or mixed-use buildings, but it is also part of the City’s major street network. On-street parking, whether diagonal or parallel, help to slow traffic. Additional parking is provided in lots to the side or rear of buildings.
 - ii. *Sub-collector.* This street provides primary access to individual residential properties and connects streets of lower and higher function. Design speed is a maximum of 25 mph.
 - iii. *Local Street.* This street provides primary access to individual residential properties. Traffic volumes are relatively low with a design speed is a maximum of 20 mph.

- iv. *Alley.* These streets provide secondary access to residential properties where street frontages are narrow, where the street is designed with a narrow width to provide limited on-street parking or where alley access development is desired to increase residential densities. Alleys should also be provided in commercial areas to provide delivery access or alternate parking access to commercial properties.

- f. *Street Layout.* The traditional neighborhood development should maintain the existing street grid, where present, and restore any disrupted street grid where feasible. In addition:
 - i. Intersections shall be at right angles whenever possible, but in no case less than 75 degrees. Low volume streets may form three-way intersections creating an inherent right-of-way assignment (the through street receives precedence), which significantly reduces accidents without the use of traffic controls.

 - ii. *Corner Radii.* The roadway edge at street intersections shall be rounded by a tangential arc with a maximum radius of 15 feet for local streets and 20 feet for intersections involving collector or arterial streets. The intersection of a local street and an access lane or alley shall be rounded by a tangential arc with a maximum radius of 10 feet.

 - iii. *Curb Cuts.* Curb cuts for driveways to individual residential lots shall be prohibited along arterial streets. Curb cuts on arterial streets shall be limited to intersections with other streets or access drives to parking areas for commercial, civic or multifamily residential uses.

 - iv. *Street Orientation.* The orientation of streets should enhance the visual impact of common open spaces and prominent buildings, and minimize street gradients. All streets shall terminate at other streets or at public land, with the following exceptions:
 - a) Local streets may terminate in stub streets when such streets act as connections to future phases of the development;

 - b) Local streets may terminate other than at other streets or public land when there is a connection to the pedestrian and bicycle path network at the terminus.

- c) Where topography prevents the local street from terminating at another street or public land and the exceptions under paragraphs “a” and “b” above are not practical, the local street may terminate in a cul-de-sac or square in accordance with the standards contained in the *Subdivision Regulations*.

- g. *Parking requirements.* Parking areas for shared or community use should be encouraged. In addition:
 - i. In the mixed-use area, any parking lot shall be located at the rear or side of a building. If located at the side, screening shall be provided as specified in section regarding landscaping and screening standards.
 - ii. A parking lot or garage may not be adjacent to or opposite a street intersection.
 - iii. In the mixed-use area, a commercial use must provide one parking space for every 500 square feet of gross building area but no more than one parking space for every 300 square feet provided parking can be shared with other uses.
 - iv. Parking lots or garages must provide not less than one bicycle parking space for every 10 motor vehicle parking spaces.
 - v. Adjacent on-street parking may apply toward the minimum parking requirements.
 - vi. In the mixed residential areas, parking may be provided on-site. One off-street parking space with unrestricted ingress and egress shall be provided for each secondary dwelling unit.
 - vii. Single family uses must provide two parking spaces for every dwelling unit.
 - viii. Multi-family uses must provide one parking space for every dwelling unit and 0.5 parking spaces for each additional bedroom.
 - ix. Accessory residential uses must provide one parking space for every dwelling unit and 0.5 parking spaces for each additional bedroom.

- h) *Service access.* Access for service vehicles shall be provided in accordance with Article 11-2 Off-Street Loading of the Zoning

Ordinance and should provide a direct route to service and loading dock areas, while avoiding movement through parking areas.

- i) *Paving.* Reduction of impervious surfaces through the use of interlocking pavers, grid pavers, sand set paving blocks or other such paving systems is required for areas such as remote parking lots and parking areas for periodic uses.
- j) *Outdoor lighting.* Street lighting shall be provided along all streets. Generally more, smaller lights as opposed to fewer, high-intensity lights should be used. Street-lights shall be installed on both sides of the street at intervals of no greater than 80 feet. Exterior lighting shall be directed downward in order to reduce glare onto adjacent properties.

Attributes of Streets in a Traditional Neighborhood Development

	Collector	Sub-collector	Local Street	Alley
<i>Right-of-way</i>	60 feet	50 feet	40 feet	20 feet
<i>Auto travel lanes</i>	Two or three 10 foot lanes	Two 10 foot lanes	Two 10 foot lanes or one 14 foot lane	Two 8 foot lanes for two-way traffic or one 12 foot lane for one way traffic
<i>Street parking</i>	Both sides, 8 feet	None, one or both sides, 8 feet	None or one side, 8 feet	None
<i>Curb and gutter</i>	Required	Required	Required	Not required
<i>Planting strips</i>	Minimum 6 feet	Minimum 6 feet	Minimum 6 feet	None
<i>Sidewalks</i>	Both sides, minimum 6 feet	One or both sides, minimum 4 feet	One or both sides, minimum 4 feet	None

- 4. **Architectural Standards.** A variety of architectural features and building materials is encouraged to give each building or group of buildings a distinct character.
 - a. *Guidelines for Existing Structures.* If existing structures are determined to be historic or architecturally significant, they shall be protected from demolition or encroachment by incompatible structures or landscape development. The U.S. Secretary of the Interior’s Standards for Rehabilitation of Historic Properties shall be used as the criteria for renovating historic or architecturally significant structures.
 - b. *Guidelines for New Structures.* New structures within a Traditional Neighborhood Development shall be no more than 3 stories, 45 feet for single-family residential or 4 stories, 65 feet for commercial, multifamily residential or mixed use. Entries and facades for new structure shall be subject to the following requirements.
 - i. The architectural features, materials, and the articulation of a

facade of a building shall be continued on all sides visible from a public street, courtyard or any common area.

- ii. The front facade of the principal building on any lot in a Traditional Neighborhood Development shall face onto a public street.
 - iii. The front facade shall not be oriented to face directly toward a parking lot.
 - iv. Porches, pent roofs, roof overhangs, hooded front doors or other similar architectural elements shall define the front entrance to all residences.
 - v. For commercial buildings, a minimum of 50 percent of the front facade on the ground floor shall be transparent, consisting of window or door openings allowing views into and out of the interior.
 - vi. New structures on opposite sides of the same street should follow similar design guidelines. This provision shall not apply to buildings bordering civic uses.
- c. *Garages and Accessory Dwelling Units.* Garages and accessory dwelling units may be placed on a single-family detached residential lot within the principal building or an accessory building provided that the accessory dwelling unit shall not exceed 1,000 square feet.
- d. *Exterior signage.* A comprehensive sign program is required for the entire Traditional Neighborhood Development to establish a uniform theme. Signs shall share a common style (e.g., size, shape, material). In the mixed-use area, signs shall be wall signs or cantilever signs. Cantilever signs shall be mounted perpendicular to the building face and shall not exceed 8 square feet. Wall signs shall be sized and placed to fit within the architectural elements.
5. **Landscaping and Screening Standards.** Overall composition and location of landscaping shall complement the scale of the development and its surroundings. In general, larger, well-placed contiguous planting areas shall be preferred to smaller, disconnected areas.
- a. *General Screening.* Where screening is required by this ordinance, it shall be at least 3 feet in height, unless otherwise specified. Required screening shall be at least 50 percent opaque throughout the year. Required screening shall be satisfied by one or some combination of a decorative fence not less than 50 percent opaque behind a continuous

landscaped area, a masonry wall, or a hedge.

- b. *Street trees.* A minimum of one deciduous canopy tree per 40 feet of street frontage, or fraction thereof, shall be required. Trees can be clustered and do not need to be evenly spaced. Trees should preferably be located between the sidewalk and the curb, within the landscaped area of a boulevard, or in tree wells installed in pavement or concrete. If placement of street trees within the right-of-way will interfere with utility lines, trees may be planted within the front yard setback adjacent to the sidewalk.
- c. *Parking Area Landscaping and Screening.*
 - i. All parking and loading areas fronting public streets or sidewalks, and all parking and loading areas abutting residential districts or uses shall provide:
 - a) A landscaped area at least 6 feet wide along the public street or sidewalk.
 - b) Screening at least 3 feet in height and not less than 50 percent opaque.
 - c) One tree for each 27 linear feet of parking lot frontage.
 - ii. *Parking area interior landscaping.* The corners of parking lots, “islands,” and all other areas not used for parking or vehicular circulation shall be landscaped. Vegetation can include turf grass, native grasses or other perennial flowering plants, vines, shrubs or trees. Such spaces may include architectural features such as benches, kiosks or bicycle parking.
 - iii. In large parking lots containing more than 200 spaces, an additional landscaped area of at least 300 square feet shall be provided for each 25 spaces or fraction thereof, containing one canopy tree. The remainder shall be covered with turf grass, native grasses or other perennial flowering plants, vines or shrubs.
- d. *Installation and Maintenance of Landscaping Materials.*
 - i. All landscape materials shall be installed to current industry standards.
 - ii. Maintenance and replacement of landscape materials shall be the responsibility of the property owner. Landscape

maintenance should incorporate environmentally sound management practices, including the use of water- and energy-efficient irrigation systems such as drip irrigation, and pruning primarily for plant health and public safety replacing dead materials annually.

6. **Storm Water Management.** The design and development of the traditional neighborhood development should minimize off-site storm water runoff, promote on-site filtration, and minimize the discharge of pollutants to ground and surface water. Natural topography and existing land cover should be protected/maintained to the maximum extent practicable. New development and redevelopment shall be subject to the requirements of Section 8-7 **Mountainside and Steep Slope Development Regulations** and shall meet the following requirements:
 - a. Untreated, direct storm water discharges to wetlands or surface waters are not allowed.
 - b. Post development peak discharge rates should not exceed pre-development peak rates.
 - c. Erosion and sediment controls must be implemented to remove 80% of the average annual load of total suspended solids.
 - d. Redevelopment storm water management systems should improve existing conditions and meet standards to the extent practicable.
 - e. All treatment systems or BMPs must have operation and maintenance plans to ensure that systems function as designed.
 - f. Meet all requirements of Ordinance No. 963, the Guntersville, Alabama storm water management ordinance.

ARTICLE 9
SITE PLAN REVIEW

9-1. Site Plan Review Required

Site plan review by the Planning Commission will be required for all development other than construction of single family dwellings.

9-2. Submission Requirements

Any application for site plan approval shall include the following information unless the Building Inspector finds that some or all requirements are not essential to a proper decision on the project. The Building Inspector may establish additional requirements for site plans to clarify the nature of proposed developments.

- A. Applications for site plan shall be signed by the fee owner or by his authorized agent who has power of attorney for said owner to sign the application.
- B. The location and size of the site including its legal description, and a current certified survey map.
- C. A vicinity map showing the site in relation to surrounding property.
- D. The recorded ownership interests and the nature of the developer's interest if the developer is not the owner.
- E. The relationship of the site to existing development in the area including streets, utilities, residential and commercial development, and physical features of the land including significant ecological features.
- F. The type and intensity of land use throughout the site including dwelling units per acre, size and location of buildings, percent of land area covered by buildings, and gross floor area.
- G. The location, size and character of any common open space, commonly owned facilities, and form of organization which will own and maintain any common open space and facilities.
- H. The substance of covenants, grants of easements or other restrictions which will be imposed upon the use of the land, structures and facilities including proposed easements or grants.

- I. Provisions for disposition of open space, including tree protection, landscaping provisions and buffering requirements.
- J. In case plans call for development over a period of years, a schedule showing the proposed times within which applications for building permits are intended to be filed.
- K. Any additional data, plans or specifications which the applicant or City believes is pertinent and will assist in clarifying the application.
- L. As appropriate, architectural renderings, elevations and representative floor plans in preliminary form.

9-3. **Approval Procedure**

- A. **Application for Site Plan Review.** An application for a site plan review shall be made to the Building Inspector prior to an application for a building permit.
- B. **Appropriateness and Completeness.** Upon receipt of a site plan application, the Building Inspector shall have ten (10) working days to determine the appropriateness and completeness of the information presented in the submission and accepts or reject the application. This decision shall not be taken as approval or disapproval of the site plan itself.
- C. **Staff Review.** Within forty-five (45) working days after receipt of a site plan review application, the Building Inspector shall refer said application, together with all supporting documentation and staff recommendations to the Planning Commission.
- D. **Consultant's Review.** The City of Guntersville may, if in its opinion it is necessary, retain consultants to assist in the review of an application for site plan review. The cost of retaining said consultants shall be borne by the applicant.
- E. **Planning Commission Review.** Upon receipt of said application, the Planning Commission shall, within sixty (60) working days of the original acceptance date by the Building Inspector, review said site plan and make one of the following recommendations:
 - 1. Approval as submitted;
 - 2. Approval with changes and/or special conditions; or
 - 3. Disapproval if the requirements of the district regulations have not been met. If the application is not approved, the applicant may appeal the Planning Commission's decision to the Board of Adjustment.

F. **Revision.** The applicant may elect to revise his site plan submission at any time in the review process. He shall submit a letter of intent to revise to the Building Inspector who, upon receipt of the letter, will halt the normal review processing. Within fifteen (15) days after receiving revised documents, the Building Inspector will review the revisions and forward his comments and recommendations to the Planning Commission, which shall have thirty (30) working days to act on the revised site plan and the entire review process shall be similarly extended in time.

G. **Building Permit.** Upon the granting of approval of the site plan, the Building Inspector may, upon application, issue a building permit for a portion or all of the proposed development after he finds that the application is in compliance with all applicable City, County, State, and Federal requirements.

If, within six (6) months of the date of approval of an application for site plan review, a building permit has not been applied for, the approved site plan becomes null and void; provided, however, that the Planning Commission and applicant may jointly agree to extend such period of approval for an additional six months.

H. **Changes after Approval.** Minor changes to an approved site plan may be authorized by the Building Inspector to overcome unanticipated hardships or conditions provided that such minor changes:

1. Are not inconsistent with provisions of this zoning ordinance;
2. Are not inconsistent with the design concept of the approved site plan;
3. Do not add additional stories in height; and,
4. Do not add additional dwelling units.

Other changes or amendments to an approved site plan shall be submitted to the Planning Commission for approval.

9-4 **Design Review Committee**

To supplement the City's staff in the site plan review process, the City Council may appoint a design review committee made up of individuals having knowledge, training or experience in architecture, landscape architecture, planning, engineering, administration, or other similar backgrounds related to urban development. The number of members, terms of membership, method of organization, and duties will be prescribed by the City Council in the resolution establishing the design review committee.

9-5 **Review Standards**

The following standards shall be used by the City in reviewing any site plan:

A. **Traffic Access**

All proposed site traffic access ways are adequate but not excessive in number; adequate in grade, width, alignment and visibility, and not located too near street corners, places of public assembly; and other similar considerations.

B. **Circulation and Parking**

1. There shall be adequate, safe and convenient arrangement of roads, driveways, off-street parking, loading space and pedestrian circulation facilities.
2. Roads, pedestrian walks and open spaces shall be designed as integral parts of an overall site design. They shall be properly related to existing and proposed buildings and appropriately landscaped.
3. Materials and design of paving, lighting fixtures, retaining walls, fences, curbs, benches and signs, shall be of good appearance, easily maintained and indicative of their function.
4. Parking facilities shall be designed with careful regard to orderly arrangement, landscaping, drainage, ease of access, adequacy, and shall be developed as an integral part of an overall site design.
5. Any above grade loading facility should be screened from public view to the extent necessary to eliminate unsightliness.

C. **Design and Arrangement of Buildings**

1. Adequate provision shall be made for light, air, access and privacy in the arrangement of buildings to each other. Each living space shall have sufficient exterior exposures. Adequate laundry facilities including space and connections for washing machines and clothes dryers shall be available for multiple-family dwellings, on the premises, for use by all occupants of the premises.
2. The design of buildings and parking facilities shall take advantage of the natural features and topography of the project site, where appropriate.

3. All building walls shall be so oriented as to insure adequate light and air exposures to the rooms within.
4. All buildings shall be arranged so as to be accessible to emergency vehicles.

D. Landscaping

1. The proposed site shall be properly landscaped, the purpose of which is to further enhance the natural qualities of the land. Proper screening and buffering should be provided.
2. Landscape treatment for plazas, roads, paths, service and parking areas shall be designed as an integral part of a coordinate landscape design for the entire project area.
3. Native vegetation shall be used where practicable.
4. Whenever appropriate, existing trees shall be conserved and integrated into the landscape design plan.

E. Storm Drainage

The site plan shall meet all requirements of Ordinance No. 963, the Guntersville, Alabama storm water management ordinance.

9-6. **Conformity with Provisions of Codes and Ordinances**

All development shown on the site plan must conform to the requirements of this Ordinance, the City's subdivision regulations, the building code, and other applicable ordinances.

ARTICLE 10

SIGNS

10-1. **Purpose and Definitions**

A. Purpose. The purpose of these regulations is to provide minimum control of signs to promote the health, safety, morals and general welfare of the community by: reducing hazards to pedestrians and vehicular traffic; preserving property values; preventing excessive clutter of sign messages that obscure one another to the detriment of commerce; preventing unsightly development that has a blighting influence upon properties; and by securing certain fundamentals of design that are compatible with the character of the community.

B. Definitions.

ELECTRONIC MESSAGE DISPLAY – A sign capable of displaying words, symbols, figures or images that can be electronically or mechanically changed by remote or automatic means.

DISSOLVE – A mode of message transition on an Electronic Message Display accomplished by varying the light intensity or pattern, where the first message gradually appears to dissipate and lose legibility simultaneously with the gradual appearance and legibility of the second message.

FADE – A mode of message transition on an Electronic Message Display accomplished by varying the light intensity, where the first message gradually reduces intensity to the point of not being legible and the subsequent message gradually increases intensity to the point of legibility.

FRAME – A complete, static display screen on an Electronic Message Display.

FRAME EFFECT – A visual effect on an Electronic Message Display applied to a single frame to attract the attention of viewers.

SCROLL – A mode of message transition on an Electronic Message Display where the message appears to move vertically across the display surface.

TRANSITION – A visual effect used on an Electronic Message Display to change from one message to another.

TRAVEL – A mode of message transition on an Electronic Message Display where the message appears to move horizontally across the display surface.

EMC- Electronic Message Center

10-2. **General Sign Regulations**

The following regulations apply generally to all signs and are in addition to the regulations established for each zoning district or to the regulations contained elsewhere in this Ordinance.

A. **Permit Required**

No sign, unless herein accepted, shall be erected, constructed, painted, altered, or relocated, until a permit has been issued by the Building Inspector. Before any permit is issued, an application shall be filed with the Building Inspector together with such drawings and specifications as may be necessary to fully set forth information on the location, type of construction, materials, manner of illuminating, securing and fastening, and the number of signs applied for. All signs which are electrically illuminated shall require a separate electrical permit and inspection. Each sign requiring a permit shall be clearly marked with the permit number and the name of the person or firm placing the sign on the premises.

Prior to issuing a permit for a sign, the application for a sign permit, together with such drawings and specifications as are appropriate, shall be submitted by the Building Inspector to the City's Design Committee for review and approval. Prior to issuing a permit for a sign in a BR Restricted Business District, or any historic district, the Building Inspector shall submit a sign application, along with appropriate drawings and specifications to the Historic Board of Review for review and approval.

B. Exempt Signs

The following signs are exempt from the provisions of these regulations and may be erected or constructed without a permit but in accordance with the structural and safety requirements of the City's building code:

1. Public signs to regulate traffic;
2. Signs required to be posted by law;
3. Signs erected or posted by governmental agencies when required to protect the public health, safety, morals and general welfare;
4. Signs indicating bus stops, taxi stands, and similar transportation facilities;
5. Signs located within the interior of any building, stadium, shopping center, or within any enclosed building space, that are not visible from the public right-of-way.
6. Holiday or special public event signs which are clearly incidental and customary and commonly associated with any national, local or religious holiday or a public event provided that such signs shall be displayed for a period of not more than thirty (30) consecutive days nor more than sixty (60) days in any one year. Such signs may be illuminated or animated; shall be setback not less than ten feet from all boundary lines of the lot; and shall not occupy any space within fifty-five feet of the intersection of any two streets, a railroad and a street, or a street and a driveway, that is less than six (6) feet above the ground. Holiday or special event signs that obscure or divert attention from traffic signals or directional signals are specifically prohibited;
7. Signs erected on private property, limited in area to four (4) square feet,

providing directions or information regarding parking areas, rest rooms, telephones, walkways, entrances, exists, or to other similar facilities, provided that such signs do not in any way advertise a commercial enterprise;

8. Temporary signs involved in campaigns of charitable, civic and similar organizations;
9. Temporary non-illuminated signs not more than sixteen (16) square feet in area, erected in connection with construction work and displayed on the premises during such time as the actual construction work is in progress. Only one such sign is permitted. Such signs shall be removed upon completion of construction;
10. Sign on truck, bus or other vehicle, while in use in the normal course of a business and provided that the primary purpose of the vehicle is not to serve as a sign at a stationary location;
11. Name plate, not exceeding two (2) square feet in area, to identify the owner or occupant of a dwelling or building;
12. Street numbers for houses, businesses and other uses not to exceed six (6) inches in height;
13. Temporary signs providing information on the name of buildings, the date of erection, when cut into any masonry surface or inlaid so as to be part of the building, or when constructed of bronze or other incombustible material;
14. No trespassing sign not to exceed two (2) square feet in area per sign and not to exceed two signs per lot, except that special permission may be obtained from the Building Inspector for additional signs, or signs of larger size, under proven special circumstances;
15. Signs warning the public of the existence of danger, but containing no advertising material, of a size as may be necessary, and which is removed promptly upon subsidence of danger.
16. Mailbox signs identifying only the occupants of the premises and street address, with lettering or numbers not to exceed two (2) inches in height.
17. All signs belonging to Federal, State and Local governments.

C. Signs and Sign Devices Prohibited

1. **Signs creating hazards for motorists.** No sign shall be erected or maintained which displays either intermittent light and/or light of such intensity that it either constitutes, because of its location, hazardous conditions to motorists, or stimulates lights customarily associated with those used by police, fire, ambulance, or other emergency vehicles. No sign shall be erected or maintained which uses the word “stop” or “danger” so as to imply the need or requirement

for stopping, or the existence of danger, or which is a copy or imitation of an official traffic control sign.

2. **Signs with irregular illumination.** No sign shall be erected or maintained which attracts attention by means of displaying flashing, scintillating, blinking intermittent, rotating moving lights or lights of changing degrees of intensity. Illuminated signs shall emit only light of constant intensity. This prohibition shall not apply to signs, which are electronically controlled to display time, temperature, date or messages displayed on electronic message display signs, which are defined herein.
3. **Moving signs.** No sign or any portion thereof shall be permitted which moves or assumes any motion constituting a non-stationary or non-fixed condition except for a barber pole or other rotating sign which does not exceed one complete revolution every twenty (20) seconds.
4. **Advertising vehicles.** No person shall park any vehicle or trailer, which has a sign painted or attached thereto, for the purpose of same or nearby premises, or to a product, business or activity located on a public right-of-way in the vicinity of such advertising vehicle. No such advertising vehicle shall be parked on a public right-of-way or on private property visible from a public right-of-way for the purpose of advertising any product, business or activity at a location other than that occupied by such advertising vehicle.
5. **Miscellaneous signs and posters.** The tacking, pasting, or otherwise affixing of signs, visible from a public right-of-way, to walls of a building, barns, sheds, trees, poles, posts, fences or other structures is prohibited unless specifically permitted by this Article.
6. **Pennants, banners, and fluttering signs.** Pennants, banners streamers, and all other fluttering, spinning or similar type signs and advertising devices are prohibited except during recognized holiday seasons when such devices may be displayed on a temporary basis as provided in subsection 10-1B-6 of this Article.
7. **Movable signs.** Movable signs including mobile signs, sidewalk and sandwich signs are prohibited.

D. Signs over Public Property

1. No sign of any character shall be suspended across any public right-of-way or alley except on a temporary basis as provided in subsection 10-B of this Article.
2. No portion of any flat sign or projecting sign which extends over a public street or alley shall be less than nine (9) feet above such sidewalk or fifteen (15) feet above such alley.
3. No part of a projecting sign shall project over any street or alley right-of-way

for a distance of more than four (4) feet.

4. No detached ground or pole sign shall extend or project over any portion of any public right-of-way.

E. General Advertising Signs

No general advertising sign shall be erected except in zoning districts in which they are specifically permitted.

F. Intersection Visibility

At all street intersections, no sign shall be placed, erected, or maintained at any location if such sign obstructs vision within a triangular area formed by the intersecting street right-of-way lines and a line drawn between points along such right-of-way lines thirty (30) feet distant from their point of intersection and between elevations of two and one-half (2½) and twelve (12) feet above the established grade within this triangular area.

G. Nonconforming Signs

1. Except as otherwise specifically provided in these regulations, all signs shall be subject to provisions of Article 12 governing nonconforming uses.
2. All legally existing nonconforming moveable signs which exist on the effective date of these regulations shall be removed within ninety (90) days after the effective date of these regulations.
3. No permits for additional signs shall be issued for premises on which there are any nonconforming signs.

H. Travelers Directional Signs

In districts in which they are permitted, a travelers directional sign may be placed only when conforming to the following standards:

1. The location of a travelers directional sign must be approved by the Building Inspector and Design Review Committee before being erected or displayed in any form.
2. No travelers directional sign shall be located nearer than fifty (50) feet to any other travelers directional sign unless it is attached to a structure designed for the display of two (2) or more travelers directional signs which meet standards of design and installation established by the City of Guntersville. When two (2) or more travelers directional signs are mounted on such structure, they shall be separated from one another by an open space not less than nine (9) inches in width.
3. A travelers directional sign shall be limited in sign area to six (6) square feet and shall display only the following information: the name of the

establishment, place, or thing being advertised; route to be followed; miles to be traveled; logo; and symbol indicating direction.

4. A traveler's directional sign shall not be directly illuminated.

I. Gasoline and Other Pricing Signs

Signs advertising the price of gasoline, or other products or services, are permitted in addition to any other signs permitted on the premises provided that:

1. Only one (1) pricing sign shall be permitted for each street frontage:
2. The pricing sign must be attached to a permitted detached sign, to a structure covering gas pump islands, or a principal or accessory structure.

J. Sign Illumination

Any permitted sign in any district may be indirectly illuminated. Illuminated signs which give forth artificial light are prohibited unless permitted by specific provisions of these regulations.

K. Detached Signs May be Divided into Two or More Parts

The permitted sign area of a detached sign may be divided between two or more parts provided that all such parts are not separated from each other by more than nine (9) inches. If at least three-fourths (3/4) of the space separating parts of the sign permits unobstructed horizontal view, such space shall not be included in determining sign area.

If parts of the detached sign include both directly illuminated and indirectly illuminated or non-illuminated parts, the size of each part shall be determined on the basis of its proportionate share of permitted sign area. For example, if a zoning district permits sign areas of 48 square feet for directly illuminated signs and 64 square feet for indirectly illuminated or non-illuminated signs, and the developer chooses to install a 16 square foot directly illuminated sign, the maximum sign area remaining for indirectly illuminated or non-illuminated parts, can be determined as follows:

	<u>Directly Illuminated</u>	<u>Indirectly Illuminated</u>
Maximum sign area	48 sq. feet	64 sq. feet
Indirectly illuminated part(s)	16 sq. feet	
% of permitted area	33.3%	
% of total sign area remaining for indirectly illuminated or non-illuminated part(s)		66.7%
Remaining sign area for indirectly illuminated or non-illuminated part(s)		42.7 sq. feet

10-3. **Zoning District Sign Regulations**

All signs permitted in zoning districts shall be establishment identification signs unless otherwise specified.

A. **Signs Permitted in All Single-Family Residential Districts**

1. All signs exempted from these regulations by Subsection 10-2B of this Article.
2. Non-illuminated signs for home occupation indicating only the profession, craft, or occupation of the occupant and his name, not to exceed one (1) square foot in sign area.
3. A detached ground sign identifying the name of a residential subdivision, not to exceed forty-eight (48) square feet in sign area.
4. A customary church bulletin board, not to exceed twenty-four (24) square feet in sign area.
5. A detached ground sign to identify any public or semi-public use, not to exceed thirty-two (32) square feet in sign area.
6. A flat sign identifying a public or semi-public use, not to exceed twelve (12) square feet in sign area except that the area of such sign may be increased by one-fourth (1/4) square foot for each foot of setback, from the street it fronts, in excess of fifty (50) feet.

B. **Signs Permitted in Multi-Family Zone Districts**

1. Any sign permitted in Subsection 10-3A of this Ordinance.
2. One detached ground sign for each street frontage of a multi-family housing project, not to exceed forty-eight (48) square feet in sign area.
3. One detached ground sign identifying a multi-family structure, and placed not more than thirty (30) feet therefrom, not to exceed four (4) square feet in sign area.

4. One flat sign for each major building in a multi-family housing project, not to exceed eight (8) square feet in sign area.
5. Detached signs providing directions to parking areas, recreation facilities, buildings, points of ingress and egress, and other facilities, not to exceed a height of four (4) feet or a sign area of four (4) square feet.
6. Temporary detached or flat signs, limited to one such sign for each street, not to exceed thirty-two (32) square feet in sign area, only for the purpose of advertising units for sale or rent and not to be displayed for a period exceeding six (6) months.

C. Signs Permitted in the Mobile Home Park District

1. One detached pole or ground sign identifying a mobile home park, not to exceed forty-eight (48) square feet in sign area.
2. One detached or flat sign identifying an office or common facility not to exceed sixteen (16) square feet in sign area.
3. Detached or flat sign providing directions to motorists or pedestrians to common facilities or areas, with no single sign to exceed four (4) square feet in sign area.

D. Signs Permitted in Office and Institutional and Public Use Districts

1. Travelers directional signs meeting requirements of subsection 10-2H of this Ordinance.
2. Detached signs providing directions to parking areas, facilities, buildings, places, or points of ingress and egress, not to exceed a height of four (4) feet or a sign area of four (4) square feet.
3. A detached ground sign for each street frontage not exceeding thirty-two (32) square feet in area except that for every foot of frontage in excess of one-hundred (100) feet, the sign area may be increased two-tenths (0.2) square foot up to a maximum sign area of sixty-four (64) square feet.
4. Flat signs, including directly illuminated, with a total aggregate sign area not more than two (2) square feet for each foot of length of the wall on which the signs are mounted, not to exceed forty-eight (48) square feet in sign area except that:
 - a. For every foot of setback in excess of 30 feet from the frontage road, the maximum area of any individual sign may be increased two-tenths (0.2) square foot up to a maximum sign area of one hundred fifty (150) square feet.
 - b. For each story in height that a flat sign is raised above the second story of a building, its maximum area may be increased ten (10) square feet.

5. Projecting signs, including directly illuminated signs, only two for each fifty (50) feet of building wall and no individual sign shall exceed a sign area of six (6) square feet.
6. Awning signs not to exceed six (6) square feet in sign area.
7. Marquee signs, one for each principal entrance, with no single sign exceeding a sign area of sixteen (16) square feet.
8. Signs for residential uses shall comply with subsection 10-3B of this Ordinance.

E. Signs Permitted in Restricted Business Districts

1. Travelers directional signs meeting requirements of subsection 10-2H of this Ordinance.
2. Projecting signs, illuminated or non-illuminated, one for each business on the premises, with sign area limited to four (4) square feet.
3. One detached ground sign for each premises regardless of whether such premises contains one or more establishments. Such ground sign shall not exceed a height of four and one half (4 1/2) feet above ground level and shall not exceed a sign area of nine (9) square feet.

F. Signs Permitted in Local and General Business Districts

1. Travelers directional signs meeting requirements of subsection 10-2H of this Ordinance.
2. Detached signs providing directions to parking areas, facilities, buildings, places or points of ingress and egress, not to exceed a height of four (4) feet and no single sign to exceed a sign area of four (4) feet.
3. One detached sign, including directly illuminated, on a premises regardless of whether such premises contains one or more establishments. A detached ground sign shall not exceed an area of forty-eight (48) square feet and a detached pole sign shall not exceed an area of thirty-two (32) square feet except that:
 - a. If it is a detached ground sign which is either non-illuminated or indirectly illuminated, maximum sign area may be increased five tenths (0.5) square foot for each foot of frontage in excess of fifty (50) feet up to a maximum sign area of one-hundred fifty (150) square feet.
 - b. If it is a directly illuminated ground sign, or an indirectly illuminated pole sign, maximum sign area may be increased three tenths (0.3) square foot for each foot of frontage in excess of fifty (50) feet up to a maximum sign area of one hundred (100) square feet.

- c. If a directly illuminated pole sign, the maximum sign area may be increased two tenths (0.2) square foot for each foot of frontage in excess of fifty (50) feet up to a maximum sign area of sixty-four (64) square feet.
 - d. The maximum height of a detached pole sign shall not exceed twenty-five feet in a business district.
 - e. In addition to the allowing detached sign, changing message signs, electronic reader board signs or electronic message signs are allowed that do not exceed sixty-five (65) percent of the allowing detached sign. A reader board is defined as a permanent sign containing messages in the form of removable letters or changeable copy.
 - f. Electronic message displays may be permitted, with the approval of a use permit, in BG-1, BG-1A, BG-R, BG-2, BG-2A, I-1 and I-2 Zoning Districts, subject to the following requirements:
 - g. *Operational Limitations.* Such displays on electronic message displays shall be limited to static displays. Messages that appear or disappear from the display through dissolve, fade, travel or scroll modes, or similar transitions and frame effects that text, or images that appear to move or change in size, or be revealed sequentially rather than at once are strictly prohibited.
 - h. *Minimum Display Time.* Each message on the sign must be displayed for a minimum of eight (8) seconds.
4. Flat signs, including directly illuminated, with a total aggregate sign area not to exceed two (2) square feet for each foot of length of the wall on which the signs are mounted with maximum sign area not to exceed one-hundred fifty (150) square feet, except that:
- a. For every foot of setback in excess of fifty (50) feet from the frontage street, the maximum area of any individual sign may be increased five-tenths (0.5) square foot up to a maximum sign area of five hundred (500) square feet.
 - b. For each story that a flat sign is raised above the second story of a building on which it is mounted, its maximum area may be further increased by five (5) percent.

Illuminated signs within show windows, and within five (5) feet thereof, shall be included in the computation of aggregate flat sign area and, in addition, shall be limited to twenty (20) percent of the total glass area of the window.

Neon tubing outlining all or portions of store windows shall be included in sign area and measured by multiplying the length of the tubing by six (6) inches.

- 5. Temporary, non-illuminated paper or painted signs in windows limited to

twenty (20) percent of the total glass area of the window in which they are placed.

6. Projecting signs, including directly illuminated, one for each building entrance, with the area of individual signs limited to sixteen (16) square feet.
7. Marquee signs, including directly illuminated one for each principal building on the premises, with the area of individual signs limited to thirty-two (32) square feet.
8. Awning signs, limited in number to two (2) for each building entrance and limited in sign area to sixteen (16) square feet.
9. Total aggregate sign area for all flat and marquee signs shall not exceed twenty (20) percent of the area of the wall (including windows) on which they are attached.
10. Signs for residential uses shall comply with subsection 10-3B of this Ordinance.

Shopping Center Signs

For the purpose of this section, the term "Shopping Center" shall be defined as a group of commercial - retail establishments planned, developed, and managed as a unit with off-street parking provided on the property. A development site must consist of at least two individual businesses and a minimum of 10,000 square feet of gross building area to be considered a shopping center. Shopping centers consisting of between 10,000 and 20,000 square feet of gross building area shall be allowed one (1) sign. The total area of said sign shall not exceed 120 square feet. Shopping centers consisting of at least 20,000 square feet and less than 65,000 square feet of gross building area shall be allowed one (1) sign. The total area of said sign shall not exceed 200 square feet. Shopping centers consisting of greater than 65,000 square feet of gross building area shall be allowed one (1) sign. The total area of said sign shall not exceed 400 square feet. The combined height of the base and sign shall not exceed 25 feet in height for shopping centers. All shopping center signs shall be set back a minimum of ten (10) feet from any side lot line.

G. Signs Permitted in Central Business Districts

1. Flat signs, illuminated or non-illuminated, with a total aggregate sign area not to exceed twenty (20) percent of the area of walls on which they are attached and no one sign with an area of more than one hundred (100) square feet in sign area. Illuminated signs inside of show windows and within five (5) feet thereof, shall be included in the computation of aggregate sign area and shall be limited in area to twenty (20) percent of the total glass area of the window in which they are placed.

2. Projecting signs located below an awning, illuminated or non-illuminated, one for each business on the premises, with sign area not to exceed four (4) square feet for any individual sign.
3. One detached sign, illuminated or non-illuminated, not to exceed thirty-two (32) square feet in sign area except that if the frontage along the street on which the sign is to be erected exceeds fifty (50) feet, the sign may be increased in sign area five-tenths (0.5) square foot for each foot of frontage in excess of fifty (50) feet up to a maximum sign area of sixty-four (64) square feet. A detached sign shall not exceed a height of twenty-five (25) feet.
4. Marquee signs, illuminated or non-illuminated, limited in sign area to fifty (50) percent of the facade of the marquee to which they are attached.
5. Temporary, non-illuminated paper or painted signs in windows, limited in sign area to twenty (20) percent of the total glass area of the window in which they are placed.
6. Detached signs providing directions to parking areas, facilities, buildings, places or points of ingress or egress, not to exceed a height of four (4) feet or a sign area of four (4) square feet.
7. Signs for residential uses shall comply with subsection 10-3B of this Ordinance.

H. Signs Permitted in Industrial Districts

1. Flat signs, illuminated or non-illuminated, with a total aggregate sign area not to exceed twenty (20) percent of the area of a wall to which they are attached and no one sign having a sign area exceeding four hundred (400) square feet.
2. Projecting signs, illuminated or non-illuminated, not to exceed one for each building entrance and non individual projecting sign to exceed sixty-four (64) square feet in sign area.
3. Detached sign, illuminated or non-illuminated, one for each street frontage with the area of any individual sign limited to a total sign area of ninety-six (96) square feet. A detached sign shall not exceed a height of twenty-five (25) feet.
4. Roof sign with a sign area not to exceed three (3) square feet for each lineal foot of the longest building wall, provided that the maximum size of a roof sign shall not exceed four hundred (400) square feet.
5. Detached signs providing directions to parking area, facilities, buildings, places, or points of ingress and egress, not to exceed a height of six (6) feet or a sign area of eight (8) square feet.
6. Travelers directional signs meeting requirements of subsection 10-2H of this Ordinance.

7. General advertising signs provided that there shall be a minimum distance of four hundred (400) feet between any two signs and the total aggregate sign area at any one location shall not exceed four hundred (400) square feet.

I. **Maintenance and Sign Removal**

1. **Maintenance.** All signs shall be maintained in good condition and appearance. The Building Inspector may cause to be removed any sign which shows gross neglect or becomes dilapidated, or where the area around such sign is not well maintained, unless such conditions are corrected within thirty (30) days after due notice has been given.
2. **Removal of Signs.** The Building Inspector shall remove, or cause to be removed, any sign erected or maintained in conflict with these regulations if the owner or lessee of either the site or the sign fails to correct the violation promptly after receiving written notice of violation from the Building Inspector. Removal of a sign by the Building Inspector shall not affect any proceedings instituted prior to removal of such sign. The costs of such sign removal shall be paid by the owner of the sign.

ARTICLE 11

OFFSTREET PARKING AND LOADING

11-1. **Required Off-street Parking**

Except as otherwise provided in Section 8-6B of this Ordinance, developments in a central business district shall be exempt from the requirements set forth in Article 11. For developments in all other zoning districts, there shall be provided, at the time of the erection of any building or before conversion from one type of use or occupancy to another, permanent off-street parking and loading space in the amount specified by this Section.

A. **Minimum Off-Street Parking Spaces Required**

1. **Residential** - Two parking spaces for each single-family dwelling unit regardless of whether they are attached or detached.

Two parking spaces for each multi-family dwelling unit is the limit allowed.

2. **Hotels and Motels** - One and one-quarter (1.25) parking spaces for each of the first one hundred (100) sleeping units, plus one and one-tenth (1.1) space for each additional sleeping unit, plus additional spaces for accessory uses such as restaurants, lounges, offices, shops, etc., as required in this Article.
3. **Churches, synagogues, theaters, auditoriums, and other places of public assembly** - One space for each three (3) seats in the principal of assembly.
4. **Libraries, art museums and similar cultural facilities** - One (1) space for each four hundred (400) square feet of gross floor area.
5. **Private clubs, country clubs, lodges, fraternities, and similar institutions** - One (1) space for each 250 square feet of gross floor area.
6. **Funeral Home** - One (1) space for each four (4) seats in the largest auditorium.
7. **Medical offices, dental offices and clinics** - Four (4) parking spaces for each doctor plus one (1) parking space for each employee.
8. **Professional and business offices** - One (1) space for each two hundred (200) square feet of gross floor area.
9. **Retail stores selling variety merchandise, jewelry, clothing, sporting goods, stereo tapes, records and equipment, musical instruments and supplies, drugs, liquor, groceries, and similar items** - One (1) space for each two hundred eighty (280) square feet of gross floor area.

10. **Retail stores selling merchandise generally characterized by high bulk and high cost including furniture, large appliances, large hardware items, business machines, bicycles, guns, light fixtures, computers, television sets, auto accessories, building materials, home furnishings, and similar goods** - One (1) space for each five hundred (500) square feet of gross floor area.
11. **Restaurants, lounges, and other eating and drinking places** - One (1) space for each three (3) seating accommodations, plus one (1) space for each two (2) employees on shift of greatest employment, or one (1) space for each eighty (80) square feet of gross floor area, whichever is the greatest.
12. **Automobile service stations** - Two (2) spaces for each island of gasoline pumps plus two (2) spaces for each service bay.
13. **Bowling alley** - Four (4) spaces for each lane. If restaurant or lounge is provided, they must be computed separately.
14. **Bank, savings and loan, or other financial institution** - One (1) parking space for each four hundred (400) square feet of gross floor area, plus one (1) space for each two (2) employees on shift of greatest employment.
15. **Billiard Parlor** - Two (2) spaces per billiard table. If restaurant or lounge is provided, they must be computed separately.
16. **Commercial recreational and amusement establishments** - One (1) space for each one hundred (100) square feet of gross floor space, plus one (1) space for each five hundred (500) square feet of unenclosed space devoted to recreation or related uses.
17. **Personal services including barber shops, beauty salon, washerettes, and similar establishments** - One (1) space for each one hundred and fifty (150) square feet of gross floor area.
18. **General service or repair establishment; electrical, plumbing and heating contractors; printing, publishing or broadcasting establishments** - one (1) space for each eight hundred (800) square feet of gross floor area.
19. **Manufacturing or industrial establishment, research or testing laboratory, bottling plant, wholesale, warehouse or similar establishment** - One (1) space for each one thousand (1000) square feet of gross floor area.
20. **Marina** - one half (0.5) space per berth except that if the marina is an accessory use to a residential building or project, there shall be no requirements for off-street parking.

21. **Nursing and convalescent homes** - There shall be provided one (1) space per four (4) patient beds or residents plus one (1) space per employee, including nurses and staff doctor, on the shift of greatest employment.
 22. **Hospital** - One and one-half (1 1/2) spaces per hospital bed.
- B. **Location of Parking Spaces** - Parking spaces for all uses or structures shall be located on the same lot with the principal use unless offsite parking facilities are approved after site plan review as required in Article 8 of this Ordinance. 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.
- C. **Collective Provision of Parking Spaces** - Two (2) or more owners or operators of commercial buildings or uses of the same type of zoning classification may make collective provision for required off-street parking facilities if the following conditions are met:
1. The total number of off-street parking spaces, when combined, shall not be less than the sum of the requirements for each individual use when computed separately;
 2. The combined parking facility is located in a zone district where off-street parking facilities for employees, customers or visitors are permitted;
 3. The combined parking facility is approved under provisions for site plan review contained in Article 8 of this Ordinance.

D. **Landscaping** - The following landscaping standards shall apply to all parking lots accommodating twelve (12) or more parking spaces but shall not apply to parking decks or to parking spaces under a permanent structure.

1. At least ten percent of the total area reserved for off-street parking shall be suitably landscaped. A portion of the required landscaped area may border the paved parking area provided that not less than one-half (½) the required landscaped area must be located within the area in which vehicles are parked.
2. Each separate landscaped area must be a minimum of sixteen (16) square feet in area if it is to be counted toward the minimum landscaped area requirement.
3. Within the paved portion of the parking lot, there shall be not less than one tree for each 24 parking spaces. Trees must be a minimum of six (6) feet in overall height immediately upon planting and have a minimum caliper of one and one-half (1½) inches in diameter. The location of trees shall be designed so that visibility at intersections is not restricted.
4. Landscaped areas shall be protected from vehicular encroachment by the use of curbing or wheel stops.
5. The owner, tenant and/or agent, if any, shall be jointly and severally responsible for watering and maintaining all landscaping in a healthy, neat, and orderly condition, replacing it when necessary, and keeping it free of refuse and debris.

E. **Design Standards and Improvements Requirements**

1. **Definition.** An off-street parking space is an all-weather surfaced area (e.g., asphalt or concrete) not in a street or alley and having an area of not less than one hundred eighty (180) square feet and minimum dimensions of 10'x18', exclusive of driveways, permanently reserved for the temporary storage of automobile and connected with a street or alley by an all-weather surfaced driveway which affords unobstructed ingress and egress to each space.
2. **Permit.** A parking area permit approved by the Building Inspector shall be required for any parking area with a design capacity for twelve (12) or more vehicles.
3. **Parking Area Dimensions.** The design and dimensions of the parking area shall be in accordance with the following dimensions table.

Dimensions Table

<u>Angle of Parking</u>	<u>Curb Length Per Car</u>	<u>Stall Depth</u>	<u>Access Driveway Width</u>
0	23'0"	9'0"	12'0"
20	26'4"	15'0"	11'0"
30	18'0"	17'4"	11'0"
40	14'0"	19'2"	12'0"
45	12'9"	19'10"	13'0"
50	11'9"	20'5"	12'0"
55	11'1"	20'3"	15'6"
60	10'5"	21'0"	18'0"
70	9'8"	21'0"	19'0"
80	9'8"	20'4"	24'0"
90	9'0"	19'0"	24'0"

4. **Width of Two-Way Access Driveways.** The minimum width to two-way access driveways within parking area shall be twenty-four (24) feet.
5. **Paving Standards.** Parking spaces and driveway shall be paved to standards established by the City of Guntersville.
6. **Parking Areas Exempted from Landscaping Requirements.** All parking areas located within the I-1 Industrial District which are not within fifty (50) feet of any street right-of-way shall be exempt from the landscaped area requirements of this Ordinance.

11-2. **Off-Street Loading**

In any district, in connection with every building, or building group or part thereof hereafter erected and having a gross floor area of four thousand (4,000) square feet or more, which is to be occupied by commercial or industrial uses requiring the receipt or distribution of goods by trucks, there shall be provided off-street load or unloading berths as follows:

<u>Gross Floor Area</u>	<u>Number of Berths</u>
4,000 - 25,000 square feet	1 berth
25,001 - 40,000 square feet	2 berths
40,001 - 60,000 square feet	3 berths
For each additional 50,000 square feet	1 berth

The loading berth(s) required in each instance shall be not less than twelve (12) feet in width, thirty (30) feet in length, and fourteen (14) feet in height, and may occupy all or any part of any required yard except for a required front yard or water front yard; provided, however, that the loading berth(s) shall be screened from the street or public way.

ARTICLE 12

NONCONFORMING STRUCTURES AND USES

12-1. Nonconforming Use of Land

In any district where open land is being used as a nonconforming use, and such use is the main use and not accessory to the main use conducted in a building, such use shall be discontinued not later than two (2) years from the effective date of this Ordinance. During the two-year period, such nonconforming use shall not be extended or enlarged either on the same or adjoining property. Any building incident and subordinate to such use of land shall be removed at the end of the two-year period or, if such building is so constructed as to permit the issuance of a permit for a use not excluded from the district, such building may remain as a conforming use; thereafter, both land and building shall be used only as conforming uses.

12-2. Nonconforming Use of Buildings

Except as otherwise provided herein, the lawful use of a building existing at the effective date of this Ordinance may be continued, although such use does not conform to the provisions hereof. If no structural alterations are made, a nonconforming use of a building may be changed to another nonconforming use of the same or of a more restrictive classification. Whenever a nonconforming use has been changed to a more restricted use or to a conforming use, such use shall not thereafter be changed to a less restrictive use. The nonconforming use of a building may be hereafter extended throughout those parts of a building which were lawfully and manifestly arranged or designed for such use at the effective date of this Ordinance.

12-3. Discontinuance of Nonconforming Buildings

No building or portion thereof, used in whole or in part, for a nonconforming use, which remains idle or unused for a continuous period of six (6) months, or for eighteen (18) months during any three-year period whether or not the equipment or fixtures are removed, shall again be used, except in conformity with the regulations of the district in which such building is located.

12-4. Destruction of Nonconforming Uses

No building which has been damaged by any causes whatever to the extent of more than fifty (50) percent of the County tax-assessed value of the building shall be restored except in conformity with the regulations contained in this Ordinance and all rights as a nonconforming use are terminated except that if the damaged building is a residence on the date this Ordinance was adopted, such residence may be rebuilt regardless of the extent of damage provided that the nonconformity is not increased.

If a building is damaged by less than fifty (50) percent of the tax-assessed value, it may be repaired and used as before the time of damage, provided that such repairs or reconstruction be substantially completed within twelve (12) months of the time of such damage.

12-5. Intermittent of Illegal Uses

The casual, intermittent, temporary, or illegal use of land or buildings shall not be sufficient to establish the existence of a nonconforming use and the existence of a nonconforming use on a part of a lot or tract shall not be construed to establish a nonconforming use on the entire lot or tract.

12-6. Building Nonconforming in Height, Area, or Bulk

A building nonconforming only as to height, area, yards, or bulk requirements of this Ordinance may be altered or extended, provided such alteration or extension does not increase the degree of nonconformity in any respect.

12-7. Nonconforming Signs

- A. All legally existing nonconforming signs (except general advertising signs) which lawfully existed prior to the effective date of this Ordinance may continue to lawfully exist provided however, signs which are determined to be fifty percent (50%) or more structurally deteriorated by the Building Inspector shall be either removed or altered so as to comply with the provisions of this Ordinance in instances where a change in use, occupancy, or ownership occurs which necessitates the altering of the sign in any manner.
- B. All legally existing nonconforming movable signs which exist on the effective date of this Ordinance shall be removed within ninety (90) days after the effective date of this Ordinance.
- C. No permits for additional signs shall be issued for any premises on which there are any nonconforming signs.

12-8. Administration

- A. The Building Inspector shall conduct a survey of all nonconforming uses of land or structures at least two (2) times a year to determine where they exist and whether or not they are discontinued.

- B. The Building Inspector shall maintain an accurate and up-to-date record of all nonconforming uses of structures and land and dates of their discontinuance.
- C. The question as to whether a nonconforming use exists shall be a question of fact and in case of doubt or challenge raised to the initial determination made by the Building Inspector; the question shall be decided by the Board of Adjustment after public notice and hearing in accordance with the rules of the Board.

ARTICLE 13

BOARD OF ADJUSTMENT

13-1. **Creation and Membership**

The Board of Adjustment consists of five members and two supernumerary members appointed by the City Council. Each member is appointed for a term of three (3) years. Members of the Board of Adjustment may be removed for cause by the City Council upon written charges and after public hearing. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant.

13-2. **Procedure**

- A. **Rules.** The Board of Adjustment shall establish rules for its operation not inconsistent with applicable state statutes or this Ordinance.
- B. **Officers.** The Board of Adjustment shall elect a chairman and vice-chairman and secretary from among its members. The chairman shall be the presiding officer of the board and the vice-chairman shall be the presiding officer in the chairman's absence or disqualification. The terms of all of officers shall be for one (1) year, with eligibility for reelection.
- C. **Residents of City.** All members of the Zoning Board of Adjustment of the City of Guntersville shall be citizens and residents of the City of Guntersville. Any member who ceases to be a citizen and resident of the City of Guntersville shall vacate said position on the Zoning Board of Adjustment immediately.
- D. **Minutes and Records.** The Board of Adjustment shall keep minutes of its proceeding, showing the vote of each member upon each question or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and of other official actions, all of which shall immediately be filed in the office of the Board and shall be a public record.
- E. **Meetings Open to Public.** All meetings of the Board of Adjustment shall be open to the public.

13-3. **Appeals to the Board.**

- 1. Appeals to the Board of Adjustment may be taken by any person aggrieved or by any officer, department, and board of bureau 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 Building Inspector. 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.

2. **Procedure.** The Building Inspector shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken. An appeal stays all proceedings in furtherance of the action appealed from, unless the Building Inspector certifies to the Board, after the notice of appeal shall have been filed with him, that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board or by a court of record on application or notice to the Building Inspector and on due cause shown.
3. **Hearing on Appeal.** Before rendering a decision upon an appeal, the Board of Adjustment shall hold a public hearing for which a reasonable time shall be set. Public notice of the hearing shall be given as well as due notice to the parties in interest. Upon the hearing any party may appear in person or by agent or by attorney. The Board of Adjustment may require the person appealing to send notice by general mail to the property owners within a reasonable area not to exceed a distance of three hundred (300) feet from the property involved and a minimum due notice shall be sent to adjacent property owners. The mailing requirement to owners shall be the most current county assessment role. At the hearing, any party may appear in person or by agent or by attorney.

13-4. **Powers and Duties**

The Board of Adjustment shall have the following powers and duties when considering matters within its jurisdiction as defined by Title XI Chapter 52 Sec. 80 Alabama Code, as amended.

A. **Appeals**

To hear and decide appeals where it is alleged there is error in any order, requirements, decision or determination made by an administrative official in the enforcement of this Ordinance as set forth in section 13-3.

B. **Variances**

Authorized upon appeal in specific cases such variances from the terms of this Ordinance as will not be contrary to the public interest, where owing to special conditions, a literal enforcement of the provisions of this Ordinance will result in unnecessary hardship and so that the spirit of this Ordinance shall be observed and substantial justice done.

A variance is a deviation from the literal provisions of the Zoning Ordinance which is granted by the Board of Adjustment when strict conformity to the Zoning Ordinance would cause an unnecessary hardship owing to circumstances unique to the property on which the variance is granted. In order to authorize any variance from the terms of this Ordinance, the Board of Adjustment must and shall find:

1. That the granting of the variance will not be contrary to the public interest;
2. That the literal enforcement of the Ordinance will result in unnecessary hardship by reason of exceptional narrowness, shallowness, shape, topography or other extraordinary or exceptional physical situation or physical condition unique to the specific piece of property in question; unnecessary hardship shall mean physical hardship relating to the property itself as distinguished from a hardship relating to convenience, financial considerations or caprice, and the hardship must not result from the applicant or property owner's own actions.
3. That granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, buildings, or structures in the same zoning district;
4. That the literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this Ordinance;
5. That the variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure;
6. That the grant of the variance will be in harmony with the general intent and purpose of this Ordinance, and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare.
7. The granting of the variance shall not permit a use in a zoning district that prohibits that use.

The burden of proving to the Board of Adjustment that the foregoing conditions have been met is upon the applicant.

In granting any variance, the Board of Adjustment may prescribe appropriate conditions and safeguards in conformity with this Ordinance. Violation of such conditions and safeguards, then made a part of the terms under which the variance is granted, shall be deemed a violation of this Ordinance. No nonconforming use of neighboring lands, structures, or buildings in other zone districts shall be considered grounds for the authorization of a variance.

C. Special Exceptions Uses

To hear and decide special exceptions to the terms of this Ordinance upon which such board is required to pass under such Ordinance. (See Table 7-1 “Schedule of Permitted Uses”)

The Board of Adjustment shall hear and decide applications for special exceptions; decide such questions as are involved in determining when special exceptions should be granted or denied; and grant special exceptions with appropriate safeguards or deny special exceptions when not in harmony with the purpose and intent of this Ordinance.

In granting any special exception, the Board of Adjustment shall find that such grant will not adversely affect the public interest. Such decision shall be reached only after receipt of a written advisory report from the Planning Commission and the holding of a public hearing conducted in a manner set forth elsewhere in this Article.

In granting any special exception, the Board of Adjustment shall be guided by the following standards:

1. That the use is permitted as a special exception within the zone district within which it is to be located.
2. That the use is so designated, located and proposed to be operated that the public health, safety, welfare and convenience will be protected.
3. That the use will not cause substantial injury to the value of other property in the neighborhood where it is to be located.
4. That the use will be compatible with adjoining development and the proposed character of the district where it is to be located.
5. That adequate landscaping and screening is provided to protect neighboring properties from the nuisance of visual intrusions of activities or structures that would detract from the enjoyment of property by adjoining owners.
6. That adequate off-street parking and loading is provided, that ingress and egress is so designated as to cause minimum interference with traffic on abutting streets and that heavy traffic is not introduced on residential streets.
7. That the use conforms to all applicable regulations governing the district where located.

In granting any special exception, the Board of Adjustment may prescribe appropriate

conditions and safeguards. Violation of such conditions and safeguards, when made a part of the terms under which the special exception is granted, shall be deemed a violation of this Ordinance. The Board of Adjustment may prescribe a reasonable time limit within which the action for which the special exception is required shall be begun or completed or both. Action taken by the Board of Adjustment on any special exception, after review by the Planning Commission as required by Article 9 of this Ordinance, completes all site plan review requirements for such special exception.

8. Certain public and semi-public uses are essential and desirable for the general convenience and welfare but may not fit compatibly within residential neighborhoods. The following public and semi-public uses may be permitted within residential districts by special exception when it is established by the Board of Adjustment that the location, design, and proposed activities will not adversely affect neighboring properties, streets, utilities, or the public health, safety, morals, and general welfare of the surrounding neighborhood. Uses permitted by special exception in residential districts are:
 - a. Public schools, and private or parochial elementary and high schools having a curricula approximately the same as ordinarily given in public elementary and high schools and meeting all standards of the State Board of Education for instruction and site size.
 - b. Churches, synagogues, and other places of worship including parish houses, rectories, and other facilities normally incidental to places of worship.
 - c. Cultural activities not carried on as a gainful business, including art galleries, libraries, and museums.
 - d. Convalescent and nursing homes and homes for the aged.
 - e. Recreation facilities, country clubs, community centers, and clubs drawing substantial numbers of users from the immediate neighborhood in which they are located, excluding residential accommodations and any activity carried on as a gainful business other than incidental concessions.
 - f. Cemeteries and mausoleums but not including funeral homes.
 - g. Fire and/or police stations.

D. Other Modifications

The Board may modify the strict application of the provisions of this ordinance and cause a permit to be issued upon such reasonable conditions as it may prescribe in the following cases:

1. The extension of a district for a distance of not more than fifty (50) feet where the boundary line of a district divides a lot or tract held in single ownership at the time of the passage of this Ordinance.
2. The determination of the proper district applicable to particular land in cases of ambiguity or doubt arising from a difference between the street layout actually on the ground and the street layout as shown on the zone map.
3. The reconstruction of a building, the use of which is nonconforming, which has been destroyed, or partially destroyed, by explosion, fire, act of God or the public enemy.
4. Reduction in the parking and loading requirements of this Ordinance whenever the character or use of a building or premises is such as to make unnecessary the full provision of parking or loading facilities, or where such regulations would impose an unreasonable hardship, such as extreme financial difficulty, structural difficulty or similar conditions, upon the use of the property.
5. The erection of a temporary building for commerce or industry in the “E” or “R” districts which is incidental to the residential development, such permit to be issued for a period of not more than one year.

13-5. Decision

The concurring vote of four members of the Board shall be necessary to reverse any order, requirement, decision or determination of the Building Inspector or to decide in favor of the applicant in respect to any matter upon which the Board of Adjustment can legally act.

13-6. Judicial Remedy by Circuit Court

Any party aggrieved by a final judgment or decision of the Board of Adjustment may within 15 days thereafter appeal to the circuit court by filing with such board a written notice of appeal specifying the judgement or decision from which the appeal is taken. In case of such appeal such 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 14

AMENDMENTS

14-1. Procedure

- A. **City Council.** The City Council may, from time to time, amend, supplement or repeal the regulations and provisions of this Ordinance as provided by law and upon initiation by one of the following ways:
 - 1. On its own motion.
 - 2. On petition from the owner's of the property or their authorized agents or owners of a majority of frontage in any area proposed for zoning change.
 - 3. On recommendation of the Planning Commission.
- B. **Planning Commission.** Regardless of the source of the proposed change the Planning Commission must first prepare a preliminary report, hold a public hearing thereon, and submit a final report to the City Council.
- C. **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, he shall make written application to the City Clerk on a form provided by the City together with evidence that a deposit of the appropriate fee as set forth in a separate Ordinance to cover cost of notices for required public hearings thereon has been made with the City. Said application shall be accompanied by any necessary information or documentation supporting such request.

14-2. Public Hearings and Notice

- A. **Planning Commission.** The City Council shall not hold its public hearing or take actions 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. If no recommendation is received from the Planning Commission within sixty (60) days of the date of application, the City Council may proceed to hold a public hearing.
- B. **Mailed Notice.** At least fifteen (15) days prior to the public hearing to be held by the Planning Commission, notice shall be sent to owners of record of property lying within three hundred (300) 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 owners of record as their name and address appear on the last approved tax roll of Marshall County.

- C. **City Council. Within a reasonable time** After receipt of the final report of the Planning Commission or after sixty (60) days of the date of the application on the proposed zoning amendment the City Council shall take action on the proposed zoning amendment. Prior to enactment of any amendment the City Council shall cause the proposed amendment to be published, and hold public hearing thereon, as required by law.
- D. No action shall be initiated for a zoning amendment affecting the same parcel of land more often than once every twelve months; provided, by resolution of the City Council that such action may be initiated at any time.
- E. Both the City Council & Planning Commission shall at a minimum consider the following criteria on all amendments to the official zoning map:
1. Whether the rezoning will permit a use that is suitable in view of the use and development of adjacent and nearby property.
 2. Whether the rezoning will adversely affect the existing use or usability of adjacent or nearby property.
 3. Whether the property to be affected by the rezoning has a reasonable economic use as currently zoned.
 4. Whether the rezoning will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities or schools.
 5. Whether the rezoning is in conformity with the policy and interest of the most recently adopted land use plan.
 6. Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal.

14-3. **Procedure for Evaluating and Zoning Newly Annexed Land**

- A. Annexation requests shall first be reviewed by the Planning Commission which shall submit a report to the city council.
- B. Newly annexed land to the City of Guntersville shall be zoned at the time of annexation.
- C. The property owner shall state in writing in the petition for annexation the type of zoning classification requested. The property owner shall also indicate in the annexation petition whether it will accept a more restrictive zoning classification than the requested classification.
- D. After notice as required by law as to annexation and zoning procedures, the City council shall determine whether the zoning classification requested or a more restrictive zoning classification shall apply to the real property to be annexed pursuant to the petition of annexation and subject to the provisions of subsection E herein.
- E. If the property owner will not accept a more restrictive zoning classification then the petition for annexation shall be considered by the Council only as to the specific zoning classification requested.
- F. Any change in the zoning classification after the original classification upon annexation shall be made as an amendment to this zoning ordinance in the manner set forth in Section 14-1 and 14-2 of this Article.

ADMINISTRATIVE NOTE

Petitions for annexation shall be received by the City Annexation coordinator or other appropriate City Official. The coordinator shall review to insure that the petition is complete. If acceptable, the coordinator shall submit to the City Attorney for legal review. Upon approval, the coordinator shall forward to the Building Official for review by the Planning Commission. The Commission shall review and forward comments as appropriate to the Mayor and City Council.

ARTICLE 15

ADMINISTRATION

15-1. **Enforcing Officer**

The provisions of this Ordinance shall be administered and enforced by the Building Inspector of the City of Guntersville, Alabama or his duly authorized agent. This official 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 buildings or premises necessary in carrying out his duties in the enforcement of this Ordinance.

15-2. **General Procedure**

- A. **General Sequence of Steps.** All persons desiring to undertake any excavation, new construction, structural alternation, or changes in the use of a building or lot shall apply to the Building Inspector for a building permit and certificate of occupancy, or statement of zoning compliance, by filling out the appropriate application form and submitting the required fee. If the proposed project requires site plan review under provisions of Article 9 of this Ordinance the Building Inspector shall issue no building permit or certificate of occupancy until site plan approval has been obtained. Upon receipt of an application, and upon site plan approval for projects that must conform to provisions of Article 9, the Building Inspector will then either issue or refuse to issue a building permit or refer the application ~~to the City Council~~ or to the Board of Adjustment. After the building permit has been received by the applicant, the applicant may proceed to undertake the action permitted in the building permit. If the Building Inspector 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.
- B. **Building Permit Types.** Under the terms of this Ordinance, the following classes of building permits may be issued:
1. **Permitted Use:** A building permit for a permitted use may be issued by the Building Inspector on his own authority as provided for in other sections of this Ordinance;
 2. **Special Exception Uses:** A building permit for a special exception may be issued by the Building Inspector upon the order of the Board of Adjustment after the procedures and provisions of Section 13-4C of this Ordinance are compiled with;
 3. **Building Permit after an Appeal or a Request for a Variance:** A building permit may be issued by the Building Inspector upon the order of the Board of Adjustment after the procedures and provisions of Section 13-4B of this Ordinance are compiled with.

15-3. Building Permit Required

No building or structure shall be erected and no existing building shall be moved, altered, added to, or enlarged until a permit has been issued by the Building Inspector. Except upon a written order of the Board of Adjustment, no such building permit, and certificate of occupancy or statement of zoning compliance shall be issued for any building where such construction, addition, alteration or use thereof would be in violation of any of the provisions of this Ordinance.

15-4. 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 Inspector shall have issued a Certificate of Occupancy.

15-5. Approval of Plans and Issuance of Building Permit

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

- A. The boundaries of the property involved, easements, adjoining street, waterways, and unusual physical features;
- B. Location and dimensions of all buildings or other structures to be erected, altered or moved and any building or other structures already on the property;
- C. Number of proposed dwelling units;
- D. Area of property in square feet;
- E. Gross floor area of the principal building(s);
- F. Design of required off-street parking facilities;
- G. Proposed use of land and buildings; and
- H. Any other information required by the Zoning Official to determine compliance with this Ordinance.

15-6. **Enforcement**

- A. Upon good cause and upon presentation of proper credentials, the Building Inspector or his authorized agent, 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 Inspector, or the City, or the City in his behalf is authorized and directed to institute any appropriate action to put an end to such violation.

- B. In addition to the criminal penalties and enforcement procedures provided in Article 17 of this Ordinance, the Building Inspector, or the City, or the City in his behalf, may institute any lawful civil action or proceeding to prevent, restrain or abate:
 - 1. The unlawful construction, erection, reconstruction, alteration, rehabilitation, expansion, maintenance or use of any building or structure; or
 - 2. The occupancy of such building, structure, land or water; or
 - 3. The illegal act, conduct, business, or use, in or about any building, structure, or premises.

- C. 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.

ARTICLE 16

INTERPRETATION AND VALIDITY

16-1. Interpretation

In interpreting and applying the provisions of this Ordinance, they shall be held to be the minimum requirements for the protections, promotion and improvement of the public health, safety, comfort, order, appearance, convenience, morals and general welfare of the community. It is not intended by this Ordinance to interfere with or abrogate or annul any easements, covenants or other agreements between parties; provided, however, where this Ordinance imposes a greater restriction upon the use of buildings or premises posed or upon the height of buildings, or requires larger open spaces that are imposed or required by other Ordinances, rules, regulations or by easements, covenants or agreements, the provisions of this Ordinance shall control. If because of error or omission in the zoning maps, any property in the City is not shown as being in a zoning district, the classification of such property shall be RS-1 unless changed by amendment to the zoning map or by subsequent zoning ordinances.

16-2. Validity

In the event any court of competent jurisdiction should hold that any article, section, clause or provision of this Ordinance is invalid, the same shall not affect the validity of the Ordinance as a whole or any part thereof, other than the part so declared to be invalid.

ARTICLE 17

VIOLATIONS AND PENALTIES

For any and every violation of the provisions of this Ordinance, and for each and every day that such violation continues, said violation(s) shall be punishable as a misdemeanor by a fine not to exceed one hundred dollars (\$100.00), or by imprisonment for not more than ten (10) days, or by both such fine and imprisonment.

Persons charged with such violation(s) may include:

1. The owner, agent, lessee, tenant, contractor, or any other person using the land, building or premises where such violation has been committed or shall exist.
2. Any person who knowingly commits takes part or assists in such violation.
3. Any person who maintains any land, building or premises in which such violation shall exist.

ARTICLE 18

EFFECT UPON 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 a building permit had been granted by the City before the time of passage of this Ordinance; provided, that where construction is not begun under such outstanding permit within a period of sixty (60) days subsequent to passage of this Ordinance or where it has not been prosecuted to completion of this Ordinance or where it has been prosecuted to completion within eighteen (18) months subsequent to passage of this Ordinance, any further construction or use shall be in conformance with the provisions of this Ordinance.

ARTICLE 19

EFFECTIVE DATE

This Ordinance shall take effect and be in force immediately after its adoption by the City Council of the City of Guntersville, Alabama.

ADOPTED on the 3rd day of June, 2013.

(Seal)

Mayor

ATTEST:

City Clerk

I, BETTY JONES, City Clerk of the City of Guntersville, Alabama, do hereby certify that the foregoing is a true and correct copy of Ordinance No. 1042, which Ordinance was originally adopted at a regular meeting of the City Council on May 18, 22 and 25, 2013. This Ordinance was duly advertised and published as required by Title 11, Chapter 52, Article 4, Section 77.

City Clerk