

MINUTES OF A REGULAR MEETING OF
THE MAYOR AND CITY COUNCIL OF
THE CITY OF HAMILTON, ALABAMA

February 16, 2010

A regular meeting of the Mayor and City Council of Hamilton, Alabama was held on February 16, 2010 at 6:00 p.m. in the Auditorium of Hamilton City Hall. Mayor Holliday called the meeting to order and welcomed all guests. Scotty Sanderson led the Pledge of Allegiance and James Tate gave the invocation. Those present were:

Mayor:	Bobby Holliday
Council:	McDavid Franks Scotty Sanderson Annette Sherrill April Steele Paul Stidham
City Clerk:	Jan Williams
Guests:	
David Hightower	Barry Hall
Brantley Hall	Austin Hill
Lloyd Ponds	Ken Price
Wade Sullins	Harold Parker
R. C. Wooden	Max Barnes
Donald Ed Carter	Charles Dodd
Joyce Brasher	Jeff Homer
Danny Kelly	Jamie Emerson
Dollie Mae Cook	Betty Shotts
Talmadge Shotts	Willard Roberts
Tami Williams	Susan Rice
Judy Webb Mays	Don H. Gann
Alissa Brown	Shannon Nichols
Ed Howell	Scott Hunt
Vince Emerson	

The first order of business was a motion by Annette Sherrill to approve the Minutes from the last meeting. McDavid Franks seconded the motion which passed unanimously.

Scotty Sanderson made a motion approving Glen Hogue to remove a bad pole at the old softball field for \$200.00. Paul Stidham seconded the motion. All voted "Yes".

The next item on the agenda was a recommendation for immediate consideration for Zoning Ordinance 2010-4 for the City of Hamilton. McDavid Franks motioned to approve the recommendation and Paul Stidham seconded the motion. Voting was as follows: Ayes: McDavid Franks, Scotty Sanderson, Annette Sherrill, April Steele and Paul Stidham. Nays: None. Immediate consideration was then given to the following ordinance.

CITY OF HAMILTON ZONING ORDINANCE

Prepared by:
City of Hamilton Planning Commission

ZONING ORDINANCE
OF THE
CITY OF HAMILTON, ALABAMA

TABLE OF CONTENTS	
ARTICLE I	
Authority and Enactment Clause 1	
ARTICLE II	
Short Title 1	
ARTICLE III	
Purpose 1	
ARTICLE IV	
Application of Regulations 1	
ARTICLE V	
Establishment of Districts 2	
Section 50. Zoning Districts 2	
Section 51. District Boundaries Established 2	
Section 52. Interpretation of District Boundaries 2	
Section 53. Annexation 2	
ARTICLE VI	
District Use Regulations 3	
Section 60. Use Regulations for Residential Districts 3	
Section 61. Flood Plain District 12	
Section 62. Use Regulations for Business and Industrial Districts 13	
Table of Permitted Uses for Non-Residential Districts	
15	
ARTICLE VII	
Area and Dimensional; Requirements 26	
Section 70. Area and Dimensional Requirements 26	
Table of Area and Dimensional Requirements 27	

Section 71. Special Yard Requirements 28

Section 72. General Exceptions 28

ARTICLE VIII

Regulations for Off-Street Parking and Loading 29

Section 80. Off-Street Parking 29

Section 81. Minimum Parking Requirements

30

Section 82. Off-Street Loading and Unloading Space 33

ARTICLE IX

Sign Regulations 33

Section 90. General Regulations 33

Section 91. Prohibited Signs 34

Section 92. District Sign regulations 34

ARTICLE X

Home Occupations 37

4

ARTICLE XI

Establishment and Regulation of Airport Hazard Area

38

ARTICLE XII

General Regulations 39

Section 120. One Main Building on Lot 39

Section 121. Required Yards Not To Be Used By Another Building 39

Section 122. Reduction of Lot and Yard Areas 39

Section 123. Visibility at Intersections 39

Section 124. Street Access 39

Section 125. Future Street Lines 39

Section 126. Group Housing Project 39

ARTICLE XIII

Nonconforming Use Regulations 40

Section 130. Change of Use 40

Section 131. Use Extensions 40

Section 132. Structural Extensions and Alterations 40

Section 133. Discontinued Nonconforming Uses 40

Section 134. Destruction 40

Section 135. Administration 40

ARTICLE XIV

Administration, Enforcement, Penalties 41

Section 140. Zoning Enforcement Officer 41

Section 141. Building Permit Required 41

Section 142. Approval of Plans and Issuance of Building Permit 41

Section 143. Certificate of Occupancy Required 42

Section 144. Penalties 42

Section 145. Remedies 42

ARTICLE XV

Zoning Board of Adjustment 42

Section 150. Establishment of Zoning Board of Adjustment 42

Section 151. Proceedings of the Zoning Board of Adjustment 42

Section 152. Appeals 43

Section 153. Powers and Duties of the Board of Adjustment 43

Section 154. Appeals From Action of the Board of Adjustment

44

ARTICLE XVI

Definitions 45

Section 160. Definitions 45

ARTICLE XVII

Amendments 49

Section 170. Procedures 49

ARTICLE XVIII

Specifications for Documents to be Submitted 49

Section 180. Preliminary Plat Requirements 49

Section 181. Plans and Profiles 50

Section 182. Final Plat 50

5

ARTICLE XIV

Legal Status Provisions 52

Section 190. Re-Enactment and Repeal of Existing Zoning Ordinance 52

Section 191. Effect upon Outstanding Building Permits 52

Section 192. Validity 53

Section 193. Interpretation and Purpose 53

Section 194. Effective Date 53

6

ZONING ORDINANCE OF THE CITY OF HAMILTON

AN ORDINANCE REGULATING THE LOCATION, HEIGHT, BULK, NUMBER OF STORIES, AND SIZE OF BUILDINGS AND OTHER STRUCTURES, THE PERCENTAGE OF LOT THAT MAY BE OCCUPIED, THE SIZE OF YARDS, COURTS, AND OTHER OPEN SPACES, THE DENSITY AND DISTRIBUTION OF POPULATION, AND THE USES OF BUILDINGS, STRUCTURES, AND LAND FOR TRADE, INDUSTRY, RESIDENCE, RECREATION, AGRICULTURE, FORESTRY, CONSERVATION, AIRPORTS AND APPROACHES THERETO, WATER SUPPLY, SANITATION, PROTECTION AGAINST FLOODS, PUBLIC ACTIVITIES, AND OTHER PURPOSES; CREATING DISTRICTS FOR SAID PURPOSES AND ESTABLISHING THE BOUNDARIES THEREOF; PROVIDING FOR CHANGES IN REGULATIONS, RESTRICTIONS AND BOUNDARIES OF SUCH DISTRICTS; DEFINING CERTAIN TERMS USED HEREIN; PROVIDING FOR METHODS OF ADMINISTRATION AND PENALTIES FOR VIOLATION; AND ESTABLISHING A BOARD OF ADJUSTMENT.

ARTICLE I - AUTHORITY AND ENACTMENT CLAUSE

In pursuance of the authority granted by Title 11, Chapter 52, Code of Alabama, 1975, as amended, the City Council of the city of Hamilton, Alabama, hereby ordains and enacts into law the following articles and sections.

ARTICLE II - SHORT TITLE

This ordinance shall be known as the "Zoning Ordinance of the City of Hamilton, Alabama," and the map herein referred to as the Zoning Map of the City of Hamilton and further identified by the signature of the Mayor of Hamilton and attested by the City Clerk. The Zoning Map of the City of Hamilton and all explanatory matter thereon are hereby adopted and made a part of this Ordinance. Such map shall be filed in the office of the City Clerk and shall show thereon the date of adoption of this Ordinance.

ARTICLE III - PURPOSE

The zoning regulations and districts as herein set forth are made in accordance with a comprehensive plan for the purpose of guiding development in accordance with existing and future needs and in order to protect, promote and improve the public health, safety, morals, convenience, order, appearance, prosperity, and general welfare. These are designed to lessen congestion on the streets; to secure safety from fire, panic, and other dangers, to promote the public health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land, to avoid undue concentration of population; to protect scenic areas; to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements. These regulations are made with reasonable consideration, among other things, of the character of each area and its peculiar suitability for particular uses, and with a view to promoting desirable living conditions and the sustained stability of neighborhoods, protecting property against blight and depreciation, securing economy in governmental expenditures and conserving the value of land and buildings and structures.

ARTICLE IV - APPLICATION OF REGULATIONS

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 regulations of this Ordinance for the district in which it is located except as otherwise provided herein.

7

ARTICLE V - ESTABLISHMENT OF DISTRICTS

SECTION 50. ZONING DISTRICTS

For the purpose of this Ordinance, the City of Hamilton is hereby divided into the following zoning districts:

- R-1 Residential District
- R-2 Residential District
- R-3 Residential District
- R-4 Manufactured Home Subdivision District
- RMH-1 Manufactured Home Park District
- FP-1 Flood Plain District
- B-1 Neighborhood Trade District
- B-2 General Business District
- B-3 Central Business District
- M-1 Light Manufacturing District
- M-2 Heavy Manufacturing District
- P-1 Professional District

SECTION 51. DISTRICT BOUNDARIES ESTABLISHED

The boundaries of each district are indicated upon the Zoning Map of the City of Hamilton, Alabama, which is hereto made apart of this Ordinance. Said map and all notations, references and other information shown thereon shall be as much a part of this Ordinance as if fully described herein. Said map shall be retained in the office of the City Clerk.

SECTION 52. INTERPRETATION OF DISTRICT BOUNDARIES

Where uncertainty exists as to the boundaries of any district shown on the Zoning Map, the following rules shall apply:

52.1 Where such district boundaries are indicated as approximately following center lines of streets and alleys, lot lines, stream center lines, property lines or corporate limit lines, such lines shall be considered to be such boundaries.

52.2 In unsubdivided property or where a district boundary divides a lot, the location of such boundary, unless the same is indicated by dimensions shown on the map, shall be determined by the use of the scale appearing on the Zoning Map.

52.3 Where physical or cultural features existing on the ground are at variance with those shown on the Zoning Map, or in other circumstances not covered by the preceding rules, the Board of Adjustment shall interpret the district boundaries.

52.4 The boundaries of the Flood Plain District shall be designated as the flood prone area delineated on the Federal Emergency Management Agency Map entitled, "Flood Insurance Rate Map, Community Panel Numbers 010084 0001-0002, dated March 1, 1984, or the latest updated copy.

SECTION 53. ANNEXATION

Any area annexed to the City of Hamilton shall be classified R-1 until further action, preferably within 90 days, can be taken by the city Council or other appropriate body to permanently classify the new area according to this ordinance.

8

ARTICLE VI - DISTRICT USE REGULATIONS

SECTION 60. USE REGULATIONS FOR RESIDENTIAL DISTRICTS

60.1 R-1 RESIDENTIAL DISTRICT. This district exists for the protection of areas of low density single-family dwellings. Accordingly, the use of land and buildings within such areas is limited to single-family detached dwellings and to such non-residential uses as generally support and harmonize with such low-density residential districts.

Within a R-1 Residential, a building or land shall be used only for the following purposes:

Uses Permitted:

Single-Family dwellings.

A temporary building or use in connection with residential or other construction is

permitted for a period of not more than one (1) year; provided, such building or use shall be removed immediately after such construction is concluded or after such construction has been discontinued for any reason for a period of six months.

Churches, synagogues, and other places of worship including parish houses, rectories, and other facilities normally incidental to places of worship but excluding funeral homes, and provided that:

- a. such use is located along a major thoroughfare or major collector street;
- b. no building or structure shall be located less than seventy-five (75) feet from the front lot line and shall not be less than forty (40) feet from any other property line;
- c. the lot includes a planted buffer strip at least ten (10) feet wide along the side and rear property lines; and
- d. for each 75 seats or fraction thereof, the site shall contain at least 1/2 acre of land.

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, provided that:

- a. no building or structure shall be located less than 100 feet from any property line; and
- b. the lot includes a planted buffer strip at least fifteen (15) feet wide along the side and rear property line.

Public parks and playgrounds, provided that:

- a. no building or structure shall be located less than 100 feet from any property line; and
- b. the lot includes a planted buffer strip at least fifteen (15) feet wide along the side and rear property lines.

Signs are permitted according to the regulations contained in Article IX of this Ordinance.

Customary accessory buildings or structures, including private garages provided such shall be located not less than sixty (60) feet from the front lot line and shall be not less than ten

9

(10) feet from any property line, and further provided that in the case of corner lots such buildings or structures shall be set back at least forty (40) feet from any side street right-of-way line.

Uses Permitted on Appeal:

Bed and Breakfast facilities, provided that one (1) additional parking space for each two rooms subject to rent be available, and other such restrictions as the Board deems necessary.

Cemeteries, provided that:

- a. all graves shall be set back not less than 100 feet from any property lines; and that all mausoleums, columbarium, crematories or cemetery chapels shall be set back not less than 200 feet from property lines;
- b. entrances shall be provided on a major streets or roads with ingress and egress so designed as to minimize traffic congestion.
- c. a six (6) foot evergreen hedge shall be provided on all property lines abutting any residential districts;
- d. an area of not less than forty (40) acres is occupied by the cemetery.

Cultural activities not carried on as a gainful business including clubs, community centers, libraries, and museums, provided that:

- a. such use is located on a major thoroughfare or major collector street;
- b. no building or structure shall be located less than seventy-five (75) feet from the front lot line and shall not be less than forty (40) feet from any other property line; and
- c. the lot includes a planted buffer strip at least ten (10) feet wide along the side and rear property lines.

Farming, truck gardening, nurseries, which are conducted on a non-commercial basis, provided that no greenhouse heating plant shall be located within sixty (60) feet of any front lot line or within twenty five (25) feet of any other lot line.

Public and private colleges and universities including dormitories connected with such institutions but excluding trade and/or business schools and colleges, and schools and colleges operated as commercial enterprises, provided that:

- a. the main entrance shall be provided on a major thoroughfare with ingress and egress so designed as to minimize traffic congestion;
- b. no building or structure shall be located less than 150 feet from any property line; and

c. the site include a planted buffer strip at least fifteen (15) feet wide along the side and rear property lines.

Recreation facilities and country clubs excluding residential accommodations and any activity carried on as a gainful business other than incidental concessions, provided that:

- a. such use is located along a major thoroughfare or major collector street;
- b. no building or structure shall be located less than 150 feet from any property line;

10

c. the site included a planted buffer strip at least fifteen (15) feet wide along the side and rear property lines; and

d. if the development is to include a golf course, the site shall contain at least forty (40) acres.

Reservoirs, dams, public utility substations and pumping stations, police stations, fire stations, transmission lines and towers, and water tanks, provided that:

- a. the structures are placed not less than fifty (50) feet from any property line;
- b. there is no industrial activity;
- c. no vehicles or equipment stored on the premises; and
- d. the lot includes a planted buffer strip at least ten (10) feet wide along the side and rear property lines.

Planned Unit Developments (PUD) as described in 60.6.

60.2 R-2 RESIDENTIAL DISTRICT. This district exists for the protection of areas of medium-density single-family dwellings but in which two family dwellings are occasionally found. Accordingly, the use of land and buildings within such areas is limited to single-family detached dwellings and medium-density two-family detached dwellings and to such non-residential uses as generally support and harmonize with a medium-density residential area.

With a R-2 Residential District, a building or land shall be used only for the following purposes:

Uses Permitted:

Any use permitted by right in the R-1 Residential District.

Two-family dwellings.

Uses Permitted on Appeal:

Any use permitted on appeal in the R-1 Residential District.

Home occupations as defined in Article X of this Ordinance.

60.3 R-3 RESIDENTIAL DISTRICT. This district exists to provide areas for medium to high density development that will afford the protection and amenities found in the low density residential districts. The use of land and buildings is limited to such non-residential uses as generally support and harmonize with sound residential development.

Within a R-3 Residential District, a building or land shall be used only for the following purposes:

Uses Permitted:

Any use permitted by right in the R-2 Residential District.

11

Multi-Family Dwellings.

Uses Permitted on Appeal:

Any use permitted on appeal in the R-2 Residential District.

Day nurseries and kindergartens meeting all requirements of appropriate State regulations and standards.

General and special hospitals, outpatient clinics and public health centers; excluding private offices for doctors, convalescent homes, rest homes, nursing homes, sanitariums, homes for the aged and handicapped, and orphanages, and provided that:

- a. the main entrance shall be provided on a major thoroughfare with ingress and egress so designed as to minimize traffic congestion;
- b. no building or structure shall be located less than 150 feet from any property line; and
- c. the site includes a planted buffer strip at least fifteen (15) feet wide along the side and rear property lines.

Rooming and boarding houses.

60.4 R-4 MANUFACTURED HOME SUBDIVISION DISTRICT. This district is established to provide areas in which medium-density single-family dwellings are found but in which manufactured homes may be found provided they meet all other requirements of dwellings in this district. Accordingly, the use of land and buildings within such areas is limited to singlefamily detached dwellings and manufactured homes, and to such non-residential uses as generally support and harmonize with a medium-density residential area.

Within a R-4 Manufactured Home Subdivision District, a building or land shall be used only for the following purposes:

Uses Permitted:

Any use permitted by right in the R-1 Residential district.

Manufactured Homes.

Uses Permitted on Appeal:

Any use permitted on appeal in the R-2 Residential District.

60.5 RMH-1 MANUFACTURED HOME PARK DISTRICT. This district is established in order to provide standard areas for the development of manufactured home parks. The intent is to provide areas of standard environmental conditions for the location of manufactured homes and not restrict such uses to locations in incompatible heavy commercial and industrial district. Development standards are required to assure the creation of an orderly and sound residential environment.

Within the RMH-1 Manufactured Home Park District, a building or land shall be used only for the following purposes:

Uses Permitted:

12

Manufactured homes, provided that it shall be unlawful for any person to park or locate, place, maintain or use any manufactured home within the limits of the City of Hamilton on any lot or land owned by any person, occupied or unoccupied, and no lot or land shall be used for such purpose unless said manufactured home and said lot or land are within a manufactured home park, except:

- a. a manufactured home may be used as a temporary shelter or shelter or office on a construction site during the actual period of construction, and;
- b. one occupied camper-trailer, not exceeding ten (10) feet in width and twenty-five (25) feet in length may be parked in an accessory private garage or in a rear yard of an occupied dwelling provided no living quarters are maintained and no business is practiced in said camper trailer while it is so parked.

Further, a manufactured home park shall meet the following site standards and regulations:

- a. the minimum area for any manufactured home park shall be four (4) acres;
- b. the maximum density is ten (10) manufactured home sites per acre;
- c. minimum front, side, and rear yard setbacks shall be seventy five (75) feet;
- d. all minimum interior side yard and rear yard setbacks shall include a minimum of a fifteen (15) foot wide planting area of trees and shrubs to act as a screen between the manufactured home park and abutting property;
- e. access points shall be located on public streets providing safe and convenient access;
- f. no sign or other form of advertising shall be permitted other than that necessary to identify the manufactured home park;
- g. all manufactured home sites shall abut upon a driveway not less than twenty six (26) feet in width. All driveways shall be hard surfaced, well marked and lighted by the manufactured home owner;
- h. the entire area shall be adequately serviced by water and sewer and all manufactured homes remaining for a period exceeding thirty days must meet the requirements of the minimum housing code pertaining to manufactured homes;
- i. no accessory building or structure shall be erected or maintained in any required minimum setback area for the manufactured home park or any individual manufactured home space nor shall an accessory building or structure be located more than 100 feet from the manufactured home it is to serve.

In addition, the following site standards shall apply to individual manufactured home

spaces within each manufactured home park:

- a. size: no trailer space shall be less than 4,000 square feet;
- b. setbacks: minimum front, side and rear yard setbacks shall be as follows:
 - 1. front yard shall be twenty (20) feet;
 - 2. side yards shall be a total of twenty five (25) feet with one yard not less than ten (10) feet;
 - 3. rear yards shall be ten (10) feet;
- c. landscaping: all minimum setback areas shall be permanently landscaped and maintained with ground cover, trees, and shrubs.

13

APPLICATION FOR AMENDMENT

Application for the amendment of the Zoning Map of the city of Hamilton to create a RMH-1 Manufactured Home District shall be accompanied by a plan or plans for the overall development of the tract of land to be rezoned, which plan or plans shall be in the form and contain the information required below.

- a. The scale of the map shall not be less than one inch equals 50 feet with contours at five (5) foot vertical intervals showing pertinent topographical features.
- b. The location, use, plan, and dimension of each building or structure to be constructed and the location of each manufactured home to be parked.
- c. The location, dimension and arrangement of all open spaces, yards, access ways, entrances, exits, off-street parking facilities, pedestrian ways, location and width of roads, streets, and sidewalks.
- d. Location, dimensions, and arrangement of all areas devoted to planting, lawns, trees or similar purposes, with a description including the height and density of all trees or planting to be used for screening.
- e. Location and description of all facilities to be used for sewage disposal, water supply, and storm drainage.
- f. All minimum requirements of the Alabama State Public Health Department pertaining to manufactured home parks must be met.

60.6 PLANNED UNIT DEVELOPMENT (PUD). Planned Unit Developments are large parcels of land under unified ownership or control to be developed in accordance with a unified plan, subject to appropriate controls to ensure adherence to such plan. PUDs will be allowed on appeal in districts R-1, R-2, and R-3. PUDs will be approved on an individual basis and must meet the following minimum criteria:

- a. A tract proposed for PUDs shall consist of a single contiguous parcel of land.

Minimum tract size for each district is as follows:

Normal Minimum Tract Size
District Tract Size
R-1 5 Acres
R-2 10 Acres
R-3 15 Acres

- b. Dwelling unit density per gross site acre shall not exceed the values set forth in the following table, provided that where major recreational amenities, such as swimming pools or tennis courts, are provided, and increase of two (2) dwelling units per acre may be allowed.

Maximum Dwelling Unity Density

14
District Dwelling Units per Gross Site Acre
R-1 3
R-2 4
R-3 5

- c. Street areas should be excluded from acreage.
- d. All yard setbacks shall be provided and maintained as required for the zoning district in which the development is located.
- e. The provision of streets, utilities and drainage features shall be as required by the City of Hamilton.

APPLICATION PROCEDURE FOR PUDs

Application for tentative and final approval of a PUD shall be made and processed as follows:

a. A developer desiring to build a PUD shall submit to the Planning Commission an application for tentative approval consisting of the following:

1. Evidence of ownership or control of the tract proposed for development.
2. A financial capability report indicating prospective sources of funds and persons showing a financial interest in the project.

3. A sketch site plan or plans which shall contain the information required by the City of Hamilton for a Preliminary Plat, provided that such plan shall be drawn at a scale not smaller than one (1) inch equals forty (40) feet and shall include the outline of proposed parking areas, the size, height, and layout of buildings, the layout of proposed open space, and existing trees to be preserved or destroyed. If the proposed development requires replotting the tract, a sketch

15

plan of the proposed development shall be superimposed upon a drawing depicting all property lines and lot numbers, utility lines and easements of the original plan or plans proposed to be resub-divided, in dashed lines. Such drawing shall indicate existing rights-of-way to be vacated, and proposed rights-of-way to be dedicated.

4. A statement setting forth the number, size, and approximate cost of dwelling units to be contained in the development, whether such dwelling units are planned for sale or rental, the expected total population of the development, a clear description of arrangements for the ownership and management of any common open space, and a description of any covenants and restrictions to apply to property sold to home owners.

b. Upon receipt of an application for tentative approval, the Planning Commission shall conduct a public hearing thereon, and shall prepare a written report for the City Council of Hamilton discussing the desirability of the proposed PUD, stating the degree to which the proposal conforms or fails to conform to the standards, and containing a recommendation that the application be approved or disapproved, with or without conditions. The City Council shall then hold a public hearing on the application, notice of which shall be published at least one time in a newspaper of general circulation not less than seven days prior to said hearing, and shall grant or deny tentative approval of the application, with or without conditions. The developer shall be notified of the findings of the City Council of Hamilton by certified or registered mail.

c. In the event a development plan is given tentative approval and thereafter, but prior to final approval, the developer shall elect to abandon said development and shall so notify the Planning Commission in writing, or in the event the developer shall fail to file application for final approval within eight (8) months after the grant of tentative approval, the tentative approval shall be deemed to be revoked, and the tract for which tentative approval was granted shall again be subject to the normal zoning standards for the district in which it was located. The Planning Commission may, however, grant extensions of the period of tentative approval as it deems appropriate.

d. An Application for final approval shall be submitted to the Planning Commission.

Said application shall include the following:

1. A Final Plat containing the data required in such a plat by the City of Hamilton.

All restrictive covenants, building setback lines, and other private restrictions affecting the use of the property shall be set forth on the Final Plat, unless such restrictions are recorded in a separate document, in which event reference to such recorded document shall be set forth upon the plat.

2. Detailed Development Plan, showing:

- a). Property lines within the tract to be developed
- b). Building locations, use, height in stories and feet
- c). Provisions for motor vehicle parking and loading (showing stalls and arrangement)
- d). Vehicular and pedestrian circulation features, streets, walks, terraces, and patios.
- e). Landscape and forestry features, fences and walls (height and type)
- f). Common open space areas, with recreational or other development depicted

3. Improvement Bond, which shall:

- a). Be in favor of the City of Hamilton
- b). Be in an amount equal to one hundred percent (100%) of the cost, as estimated by a bona fide contractor approved by the City Engineer, of all streets, curbs, sidewalks, pedestrian ways, vehicular ways, landscaping, sewers, and utilities depicted on the Final Plat or on the Detailed Development Plan; excluding, however, the cost of any such improvements and installations which have been constructed, installed, and completed by utility companies or the City
- c). Be secured by a Surety Company authorized to do bonding business in and by the State of Alabama, and
- d). Be conditioned to maintain the improvements described in paragraph b) above for a period of one (1) year following the completion and acceptance of the said improvements.
- e). The Planning Commission shall process the application for final approval in accordance with the procedure prescribed for Final Plats, provided that the Improvement Bond for a PUD shall conform to Paragraph d of this section. Both the Final Plat and the Detailed Development Plan shall be recorded in the office of the Probate Judge before any certificate of occupancy shall be issued for the use or occupancy of any dwelling in a PUD.
- f). In the event that a tract of land, or portion thereof then under development or proposed for development as a PUD is annexed to the Corporate Limits of the City of Hamilton after the Preliminary Plat thereof has been approved by the planning Commission in accordance with Regulations but before the Final Plat or all or a portion thereof has been approved, then the Final Plat shall be processed in accordance with Regulations as if the PUD or a portion thereof had not been annexed. If the Final Plat of such a PUD or portion of a PUD so annexed is approved within one (1) year following approval of the Preliminary Plat, then the developer shall not be required to submit a Application for Tentative Approval for review by the City Council as specified in Paragraph b of this Section. The Planning Commission may grant an extension of the one (1) year period of Preliminary Plat approval as it deems appropriate.
- g). In the event that a development plan, or a section thereof, is given final approval and thereafter the developer shall abandon such plan or the section thereof that has finally been approved, and shall so notify the Planning Commission in writing; or, in the event the developer shall fail to commence construction on the Planned Unit Development within on (1) year after final approval is granted, or having commenced construction, shall discontinue construction for one (1) year, no development or further development shall take place on the property included in the development plan without approval of the Planning Commission or until after said property is resub-divided. The Planning Commission may grant extensions of the one year period prescribed herein as it deems appropriate.

VACATIONS AND DEDICATIONS

In the event that the Planning Commission grants final approval to a development plan which requires any existing public right-of-way to be vacated, the Planning Commission shall recommend to the City Council that such right-of-way be promptly vacated.

No dedication of streets, easements, parks, or other areas in a PUD shall be accepted by the City of Hamilton until all improvements for which an improvement bond is required are properly completed to the satisfaction of the City Engineer and the acceptance thereof authorized by the City Council.

SUBSEQUENT CHANGES OR ADDITIONS

If, at any time after the completion of a PUD or portion thereof, a property owner or group of property owners wishes to construct or place a building not depicted in the recorded development plan of the PUD, or move a building within the PUD to a site other than the location shown in such development plan, said property owner or owners shall not construct, place, or move such building until the PUD shall have been resub-divided or until a revised PUD Development Plan covering the affected portion of the PUD shall have been approved and recorded.

OPEN SPACE MAINTENANCE

If any organization established to own and maintain common open space shall, at any time after establishment of a Planned Unit Development, fail to maintain said open space in reasonable order and condition in accordance with the development plan, the City may demand correction of such deficiencies, and may enter upon and maintain said open space and assess the cost of such maintenance ratable against the properties within said Planned Unit Development.

Any maintenance costs so assessed shall be a lien against the properties concerned.

BUILDING SIZE

The minimum size of any dwelling unit in a PUD shall be 1,100 square feet, excluding any garage.

FEE

Each application for a PUD shall require a nonrefundable fee according to a schedule set by the City Council to cover required newspaper publications.

SECTION 60.7 ZERO LOT LINE DEVELOPMENT

Zero lot line development – Authorized.

Zero lot line development may be permitted upon recommendation by the Planning Commission and approval of the City Council of the City of Hamilton in the following zoning districts:

- A. R-1 single-family residential.
- B. R-2 single-family and duplex multifamily residential.
- C. R-3 multifamily residential.

Permitted uses.

Uses permitted in zero lot line developments shall be as outlined in the underlying zoning district.

18

Recommended development standards for single family residential zoning districts.

Recommended zero lot line development standards for single-family zoning districts are as follows:

- A. *Minimum lot.* Minimum lot size is three thousand six hundred (3,600) square feet.
- B. *Maximum site coverage.* Maximum site coverage is fifty (50) percent.
- C. *Density.* The density of the zero lot line development shall not exceed the density of the underlying zoning district.
- D. *Minimum yard requirements.* Minimum yard requirements are as follows:
 - 1. Front (dwelling): Ten (10) feet.
 - 2. Front (garage): Twenty (20) feet.
 - 3. Rear: Eight (8) feet.
 - 4. One (1) side: Zero (0) feet.
 - 5. Other side (dwelling): Ten (15) feet.
 - 6. Other side (garage): Five (10) feet.
- E. *Distance between dwellings.* Minimum distance between dwellings is fifteen (15) feet.
- F. *Height limitation.* The height limitation is two (2) stories, not to exceed thirty-five (35) feet.
- G. *Openings prohibited on zero lot line side.* The wall of the dwelling located on the lot line shall have no windows, doors, air conditioning units or any other type of opening; provided, however, that atriums or courts shall be permitted on the zero lot line side when the court or atrium is enclosed by three (3) walls of the dwelling unit and a solid wall of at least eight (8) feet in height is provided on the zero lot line. The wall shall be constructed of the same material as exterior walls of the unit. Opaque openings or high-level windows above eight (8) feet in height shall be allowed. There

19

is no restriction on openings where a wall is located on a zero lot line facing open space.

- H. *Open space.* Each zero lot line development shall provide not less than twenty-five (25) percent of the gross land area for common open space, which shall be:
 - 1. Concentrated in large areas and designed to provide either passive or active

recreation.

2. Owned and maintained as follows:

- a. If under one (1) ownership, owned and maintained by the ownership;
- b. Held in common ownership by all the owners of the development by means of a homeowners' association. Such homeowners' association shall be responsible for maintenance of the common open space. If such open space is not maintained in a reasonable manner, the city shall have the right to provide for the maintenance thereof and bill the homeowners' association accordingly. If unpaid, such bills shall be a lien against the homeowners' association; or
- c. Dedicated for public use if accepted by the city legislative authority or other appropriate public agency.

I. *Perimeter buffer.* A ten (10) foot minimum width buffer strip is required on all boundaries of the development. A one hundred (100) percent sight-obscuring wall, fence or landscape shall be established along all boundaries. The ten (10) foot buffer strip inside this sight-obscuring screen may be part of the lots, or may be an area maintained by a homeowners' association. The buffer strip required in this subsection may be a credit against the open space requirements of subsection (I) of this section.

J. *Walls.* There shall be no contiguous walls between units.

Recommended development standards for multifamily zoning districts.

Recommended zero lot line development standards for multifamily zoning districts are as follows:

A. *Minimum site area.* Minimum site area is five (5) acres.

20

B. *Minimum lot size.* Minimum lot size is three thousand (3,000) square feet.

C. *Maximum site coverage.* Maximum site coverage is fifty (50) percent.

D. *Density.* The density of the zero lot line development shall not exceed the density of the underlying zoning district.

E. *Minimum yard requirements.* Minimum yard requirements are as follows:

1. Front (dwelling): Fifteen (15) feet.

2. Front (garage): Twenty (20) feet.

3. Rear: Ten (10) feet.

4. One (1) side: Zero (0) feet.

5. Other side (dwelling): Fifteen (15) feet.

6. Other side (garage): Five (5) feet.

F. *Distance between dwellings.* Minimum distance between dwellings is fifteen (15) feet.

G. *Height limitation.* The height limitation is two (2) stories, not to exceed thirty-five (35) feet.

H. *Openings prohibited on zero lot line side.* The wall of the dwelling located on the lot line shall have no windows, doors, air conditioning units or any other type of opening; provided, however, that atriums or courts shall be permitted on the zero lot line side when the court or atrium is enclosed by three (3) walls of the dwelling unit and a solid wall at least eight (8) feet in height is provided on the zero lot line. The wall shall be constructed of the same material as exterior walls of the unit. Opaque openings or high-level windows above eight (8) feet in height shall be allowed. There is no restriction on openings where a wall is located on a zero lot line facing open space.

I. *Open space.* Each zero lot line development shall provide not less than twenty (20) percent of the gross land area for common open space, which shall be:

21

1. Concentrated in large areas and designed to provide either passive or active recreation.

2. Owned and maintained as follows:

- a. If under one (1) ownership, owned and maintained by the ownership;
- b. Held in common ownership by all the owners of the development by

means of a homeowners' association. Such homeowners' association shall be responsible for maintenance of the common open space. If such open space is not maintained in a reasonable manner, the city shall have the right to provide for the maintenance thereof and bill the homeowners' association accordingly. If unpaid, such bills shall be a lien against the homeowners' association; or

c. Dedicated for public use if accepted by the city legislative authority or other appropriate public agency.

J. *Perimeter buffer.* A ten (10) foot minimum width buffer strip is required on all boundaries of the development. A one hundred (100) percent sight-obscuring wall, fence or landscape shall be established along all boundaries. The ten (10) foot buffer strip inside this sight-obscuring screen may be part of the lots, or may be an area maintained by a homeowners' association. The buffer strip required in this subsection may be a credit against the open space requirements of subsection (I) of this section.

K. *Walls.* One (1) wall may be contiguous between buildings.

Approval requirements.

Zero lot line applications are subject to the procedures outlined in the **Planned unit development, PUD** Section (Section 60.6). All appropriate documentation shall be submitted to the planning commission for review. Planning commission will hold a public hearing and make a recommendation to the City Council. The City Council shall hold a public hearing and make a final determination on the approval of the zero lot line application.

SECTION 61 FLOOD PLAIN DISTRICT.

22

61.1 FP-1 FLOOD PLAIN DISTRICT. This district exists for the purpose of providing for the practical development of land subject to flooding. Residential development is prohibited to eliminate the potential hazard to life and dwellings that could result from floods. Certain appropriate commercial, industrial, and public uses are permitted.

Uses Permitted:

Within a FP-1 Flood Plain District, a building or land shall be used only for the following purposes:

Agricultural uses, incidental accessory uses to an agricultural operation including barns, sheds and related uses;

Outdoor recreation uses including parks, picnic areas, ball field, golf courses, camps and camp grounds, shelter buildings, restroom facilities, and concession stands;

Air strips, boat building and sales;

Bait sales;

Riding academies.

SECTION 62. USE REGULATIONS FOR BUSINESS AND INDUSTRIAL DISTRICTS

Within the business and industrial zoning districts and subject to all requirements and conditions of this Ordinance, land and buildings may only be used for uses listed in the Table of Permitted

Uses for Business and Industrial Districts. Uses permitted by right in the various districts are indicated by an X and uses permitted on appeal are indicated by an A in the appropriated columns of the Table of Permitted Uses which follows herein.

For Non-residential Districts

Following are the intended characteristics for each of the business and industrial districts:

62.1 B-1 NEIGHBORHOOD TRADE DISTRICTS. This district is intended primarily to serve the needs of the surrounding residential neighborhood, providing goods and services that are day-to-day needs, generally classed by merchants as "convenience goods and services".

Businesses which might tend to be a nuisance to the immediately surrounding residential developments are excluded, even though the goods or services offered might be in the convenience category or classification.

62.2 B-2 GENERAL BUSINESS DISTRICTS. This district serves several functions. It provides for the orderly development and expansion of the central business district, encouraging the discontinuance of non-conforming uses and a minimum of traffic and parking congestion. This district also provides comparison shopper's goods, convenience goods and services, specialty

goods, amusements, and services for less than a city-wide market. The primary purpose of these functions is retail trade. In addition, the district provides locations for small businessmen with a city-wide market who cannot operate in the downtown area.

62.3 B-3 CENTRAL BUSINESS DISTRICTS. This district is the central shopping area of the city. Normally found in the central business district are large stores offering comparison shopper's goods, specialty stores, business services, banks and other financial institutions, offices, theaters, and government buildings. The use of land is intensive and this intensity of use is one of the main determinants of the vitality of the central Business District. It is the purpose of these

23

regulations to encourage such intensity of use and to exclude activities which have a negative effect upon the proper functioning of the downtown area.

62.4 M-1 LIGHT MANUFACTURING DISTRICT. This district is intended for industrial uses, which are not offensive to nearby commercial or residential uses, and for business uses which generally support and are integrated with these industrial uses. Further development of residences is prohibited from these districts to prevent residences from being established under strongly adverse conditions and to conserve the supply of industrial land.

62.5 M-2 HEAVY MANUFACTURING DISTRICT. This district is for heavy industrial activities which may be offensive, or incompatible, if located near commercial or residential uses and for limited business uses which support or are compatible with, these heavy industrial activities. Further development of residences is prohibited from these districts to prevent residences from being established under strongly adverse conditions and to conserve the supply of industrial land.

62.6 P-1 PROFESSIONAL DISTRICT. This district is for professional offices providing services to the surrounding residential neighborhoods, providing services that are day-to-day or occasional needs. Businesses which might tend to be a nuisance to the immediately surrounding residential developments are excluded, even though the goods or services offered might be in the convenience category.

24

PERMITTED USES BUSINESS INDUSTRIAL

B-1 B-2 B-3 M-1 M-2

Airport X X

Ambulance Service X X X

Amusement Park, Amusement Arcade A A X

Apparel and Clothing Store X X X

Appliance Repair - with all storage of goods, X X X
materials, and equipment and all processing and
manufacturing kept within a completely enclosed
building or buildings

Appliance Repair - with no limit to outside storage X X

Art Galleries X X X

Artistic Programs or Events X X X A A

Assembly Hall, Coliseums and Stadiums - owned X X X X
by non-profit organizations or by governments

Auto Racing A A

Automobile Parts (Sales) X X X

Automobile and Truck Sales - with inventory, rental X X X X
rental with inventory and repair when carried on
entirely within the principal building and incidental
to the principal use

Automobile Wash A X X

Bakery (goods baked and sold on premises) X X X A

Bakery, Wholesale X X

Bank X X X A A

Barber Shops X X X A

Beauty and Barber Shop Supplies X X A

Beauty Shops X X X A

Billiard or Pool Hall X X
 Boat Building, Repair, Service and Storage X X
 Boat Sales - with inventory, rental with inventory and X X X X
 repair when carried on entirely within the principal
 building and incidental to the principal use
 Bottling Works and Dairy Products X X
 Bowling Alley X X A
 Broker, Investments, Loans X X X
 Building Contractors with all storage of goods, X X X
 materials and equipment and all processing and
 manufacturing kept within a completely enclosed
 building or buildings
 Building Materials Companies with all storage of X X X
 goods, materials and equipment and all processing
 and manufacturing kept within a completely
 enclosed building or buildings
 Building Supplies and Materials, Glass Sales and X X
 installation with storage yard for lumber, bricks,
 cement blocks or other materials

25

PERMITTED USES BUSINESS INDUSTRIAL

B-1 B-2 B-3 M-1 M-2

Building Supplies and Materials, Glass Sales and X X X X
 installation with no outside storage of lumber,
 brick, cement blocks or other materials
 Bus Passenger Station X X
 Candy Products and Manufacture X X
 Caterer X A
 Cemeteries, Mausoleums A A
 Charitable and Philanthropic Organizations X X X
 Churches and other places of Worship including X X X
 Sunday School buildings, parish houses, rectories
 and other residences of clergy
 Cleaners, Dryers, Clothing Storage Establishments X X X A
 (all including pick-up station) or self-service
 laundromat, all performing services entirely for
 retail trade on the premises
 Cleaning of Building Exteriors, disinfecting or X X
 exterminating establishments with all materials and
 equipment completely enclosed within the principal
 building
 Clothing and Apparel Store X X X
 Clothing Manufacturer X X
 Cold Storage Facility X X
 College (Business College only) X X
 Colleges and Universities, private and public X X
 Clubs - Membership (not operated for profit) X X
 Community Centers X X X A
 Contractors, Building , Electrical and Plumbing with X X A
 all storage of goods, materials and equipment
 and all processing and manufacturing kept within
 a completely enclosed building or buildings
 Contractors X X
 Cosmetic Store including sale of goods and services X X X
 customarily incidental thereto
 Credit Bureaus X X

Dairy Products, Processing, bottling and distribution, X X
 cream manufacturing, all on a wholesale basis
 Dance Hall, Club X X
 Dancing or Music Schools X X X
 Delicatessen, Grocery, Supermarket or other store X X X A
 carrying a variety of food and related goods
 Dental and Medical Officer and Clinics X X X
 (excluding veterinarians)
 Dental Supplies X X A

26

PERMITTED USES BUSINESS INDUSTRIAL

B-1 B-2 B-3 M-1 M-2

Department Stores (including sale of specific items X X
 elsewhere in this table, if customarily sold in
 such a store) with no limitation on floor space
 Department Store (including sale of specific items X X X
 elsewhere in this table, if customarily sold in
 such a store)
 Diaper Service X X
 Dressmaker X X X A
 Drive-in Eating and Drinking Establishment and A X A
 establishment catering to "take-out trade
 Drive-In Theater X A A
 Driving School X
 Drug Store, or Cosmetic Store, including sale of X X X
 goods and services customarily incidental thereto
 Dry Cleaning, Laundering, Dyeing or Diaper Service X X
 Dry-Cleaning or Laundry for retail only X X X X
 Education Facilities and Industrial Research X X X X
 Electrical and Industrial Equipment Repair X X
 Electrical Contractors with all storage of goods, X X X
 materials and equipment and all processing and
 manufacturing kept within a completely enclosed
 building or buildings
 Electrical Equipment Assembly X X
 Express Office X X X
 Exterminating Establishment with all material and X X
 equipment completely enclosed within the principal
 building
 Fair, Carnival, Rodeo, Etc. A X
 Farm Equipment sale and rental with inventory, X X
 repair
 Farm Machinery Repair X X
 Farmer's Market X A X
 Feed and Grain Sales and Storage X X
 Florist X X X
 Food or Drink Sales for immediate consumption within X X X X X
 the principal building and excluding all types
 of drive-in establishments serving food or drink
 outside of a building or catering to the "take-out"
 trade
 Food processing in wholesale quantities except meat, X X
 fish, poultry, vinegar and yeast

27

PERMITTED USES BUSINESS INDUSTRIAL

B-1 B-2 B-3 M-1 M-2

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 foods, bakery (retail) X X X A

Foundries producing iron and steel products X

Funeral Parlors, Mortuaries X A

Furniture and Appliance Repairer, home improvement company, upholster, general contractor or workman, building materials company, sign making company with all storage of goods, materials and equipment and processing and manufacturing kept within a completely enclosed building or buildings X X X

Furniture Manufacturing X X

Garden Shop X X X

Gas - Natural and Propane Bulk Storing A X

Gasoline - bulk terminal plants for wholesale storage A X

General Contractor or Workman with all storage of goods, materials and equipment and all processing and manufacturing kept within a completely enclosed building or buildings X X X

Gift Shop X X X

Golf Courses, miniature golf, and driving ranges X X X

Government Buildings used exclusively by the Federal, State, County or City for purposes except for garages, repair or storage yards, warehouses and buildings used for industrial type operations, or operations requiring heavy and frequent movement of trucks X X X X X

Greenhouse and Nursery, Commercial A X X

Grocery, Delicatessen, Supermarket or other store carrying a variety of food and related goods X X X A

Gymnasium or Skating Rink X X

Handicrafts - Manufacture and sale of handicrafts at retail or wholesale which are manufactured predominantly by hand and involve the application of artistic skills X X X

Hardware Store X X X

Hatcheries X

Health Centers, Massage and Steam Baths X X X

Heliports A A A A

Hobby Shop X X X

28

PERMITTED USES BUSINESS INDUSTRIAL

B-1 B-2 B-3 M-1 M-2

Home Improvement company with all storage of goods, materials and equipment and all processing and manufacturing kept within a completely enclosed building or buildings X X X

Hospital Supplies X X A

Hospitals (excluding animal hospitals) X X X

Household Appliance Store X X

Ice Manufacture X X

Incinerators, city owned, city landfills X
Industrial and Electrical equipment Repairs X X
Industrial Equipment Machinery Repair, Service A X
Industrial - light operations or light mechanical, X X
not offensive, obnoxious or detrimental to
neighbor uses by reason of dust, smoke,
vibration, noise, odor or effluents
Insurance Company or Agency X X X
Interior Decorator X X X
Jewelry Store X X X

Junk Yards - providing all conditions set forth A
below are met:

1. No material is stored which fails to meet the conditions set forth in the definition of a "Junk Yard" in Section 10 of this Ordinance.
2. No material shall be placed in any junk yard in such a manner that it is capable of being transferred out of the junk yard by wind, water or other causes.
3. All paper, rags, cloth and other fibers and activities involving the same other than loading or unloading shall be fully within enclosed buildings.
4. In order to lessen the adverse effect on adjoining property, reduce windblown trash, prevent hazards to children and create a more healthful environment, suitable screening such as screen planting or fencing will be required as a condition set in approving a junk yard.

Kennel, Commercial, or other establishment where X X
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 100 feet from any property line.
Kiddieland X

29

PERMITTED USES BUSINESS INDUSTRIAL

B-1 B-2 B-3 M-1 M-2

Kindergartens and Day Nurseries meeting all X X X
requirements of appropriate state and local
regulations and standards.

Laboratories serving professional requirements X X A
for dentist, doctors, etc.
Laboratory supplies X X A

Laundry or Dry-Cleaning for retail only X X X X

Laundering Plant, Dry-Cleaning, or Dyeing, Diaper X X
Service

Laundromat - Self-service, performing services X X X A
entirely for retail trade.

Leather Goods Manufacture X X

Letters, duplicating and mailing X X A A

Libraries X X X A

Lodges, fraternal and social organizations, union X X
halls, headquarters for Scout and other youth
organizations.

Machine shops X X
Machine Tool Manufacturing X
Magazine or Newspaper Distribution X X X
Manufactured Home Sales X X
Manufacturing uses not otherwise named herein upon X
the approval of the Board of Adjustment provided
that no use shall be permitted in this section
which is likely to be dangerous, offensive or
detrimental to the health, safety, welfare or
general character of this zoning district, or of the
community by reason of the emission of dust,
gas, smoke, noise, fumes, odors, vibration, glare,
or otherwise.
Meat Processing and Packing A X
Mechanical (light) or light industrial operations X X
not offensive, obnoxious, or detrimental to
neighboring uses by reason of dust, smoke,
vibrations, noise, odor or effluents.
Medical and Dental Offices and Clinics excluding X X X
veterinarians
Mini-storage X X X
Motels, Hotels, Tourist homes X X
Motor vehicle repairs excluding full body paint X X X
spraying, body and fender work except replacement,
carried on within structures with storage of
wrecked vehicles or parts permitted only behind
the principal building. Such storage of vehicles
or their parts will be incidental to the principal

30

PERMITTED USES BUSINESS INDUSTRIAL

B-1 B-2 B-3 M-1 M-2

business and will not constitute a junk yard as
defined in Section 16 of this Ordinance.
Motor Vehicle repairs including full body paint A X X
spraying and all body and fender work carried on
within a structure with storage of wrecked vehicles
or parts permitted only behind the principal
building. Such storage of vehicles or their parts
will be incidental to the principal business and
will not constitute a junk yard as defined in Section
10 of this Ordinance.
Motorcycle Sales, rental and repair when repair is X X
carried on within the principal building
Moving, storage and warehousing establishments X X X
Museums, Art Galleries X X X
Music or Dancing School X X X
Newspaper or Magazine Distribution X X X
Newspaper publishing X X X A
Nurseries (day) and Kindergartens meeting all X X X
requirements of appropriate state and local
regulations and standards
Nursery and Greenhouse, commercial A X X
Office - professional, business, administrative X X X A
executive and other offices having no storage of
stock in trade (other than samples) or heavy
equipment, and no sales of commodities on the

premises
 Office equipment and supplies, restaurant supplies, X X A
 dental, hospital, beauty and barber supply store,
 laboratory supply and incidental service
 associated with the sale thereof.
 Offices - any which is incidental to use otherwise X X X X X
 permitted in the district or which functions
 itself as all or part of a use otherwise permitted
 within the district.
 Optical and scientific instrument manufacture A X X X
 Orthopedic braces, artificial limbs, etc. (sale) X X
 Parking lot, on-site or off-site or parking structure X X X X X
 for employees, customers, or visitors for any
 business or industrial use, or commercial or
 public parking lot or parking structure.
 Parks, public or private X X X A
 Patrol system or burglar alarm watching service X X X X
 Pawn Shop X X
 Penal and Correctional Institutions A A X X
 Personal service establishments providing but X X X
 limited to barber and beauty shops, shoe repair

31

PERMITTED USES BUSINESS INDUSTRIAL

B-1 B-2 B-3 M-1 M-2

agencies, photographers, reducing salons, tailors,
 dressmakers.
 Philanthropic Organizations X X X A
 Pharmaceutical Manufacture X X
 Photographers X X X
 Plastics Manufacturing X
 Playgrounds X A A A
 Plumbing contractors with all storage of goods, X X X
 and equipment and all processing and manufacturing
 kept within a completely enclosed building or
 buildings.
 Plumbing Shops X X
 Plumbing supplies and equipment with outside X X
 storage of materials
 Plumbing supplies and equipment without outside X X X X
 storage of materials
 Pottery and porcelain manufacture X X
 Pottery, porcelain and vitreous china manufacturing X
 Pre-fabricated home sales X
 Printing, blueprinting, engraving or other reproduc- X X X X
 tion services with no limit as to floor area
 Radio and television transmitting towers and stations A A X X
 Radio and television stations excluding transmission X X X X
 towers
 Railroad passenger stations X X X X
 Reducing salons X X X
 Repair shop for repairs or adjustments to bicycles, X X X
 small appliances, watches, locks, musical
 instruments, guns and similar items conducted
 wholly within a building with no outside storage of
 materials or equipment
 Rescue Service X X X

Research (industrial) and education facilities X X X
Restaurant or drive-in food or drink sales for X X X A
immediate consumption within principal building
and all types of drive-in establishments serving
food or drink outside of a building or catering
to "take-out" trade

Restaurant supplies (sales) X X A

Retail stores selling or renting goods predominantly
at retail on the premises, including but not
limited to the following:

1. Hardware, paint, wallpaper, fabrics, upholstery X X X
supplies, curtains, linens, knitting supplies,
china, glass, and pottery
2. Furniture, floor covering, appliances X X X

32

PERMITTED USES BUSINESS INDUSTRIAL

B-1 B-2 B-3 MN-1 M-2

3. Farm and garden supplies, including nursery A X X
stock, feed and grain
4. Antiques and second-hand goods, excluding A X X
materials held only for discard or repossessing
Roofing and tinsmithing X X

Service stations (gasoline) but not including body X X X X
work, major repair, dismantling for the recovery
of parts, or storage of vehicles or parts of
vehicles for more than five days.

Service stations (gasoline) complying with the X X X X X
following conditions:

1. Is contained in a structure limited in size
to two single car service bays, plus restrooms
and office and/or supply storage space
2. Is limited in function to dispensing gasoline,
oil, grease, anti-freeze, tires, batteries, seat
belts, fan belts, water hose, and other similar
accessories directly to motor vehicles
3. Does not rent or sell motor vehicles, trailers
or general replacement parts; does not overhaul,
tune up or repair motors or bodies; does
not provide brake relining service, wheel
alignment, upholstery work, auto glass work,
painting, welding, tire recapping or auto
dismantling
4. Parks no vehicles, being serviced or stored for
customers on streets, alleys, public sidewalks
or public park strips
5. Stores no vehicle or parts of vehicles outside
the main building for a period exceeding two
days
6. Is provided with barriers of such dimensions
that occupants of adjacent structures are not
unreasonable disturbed, either by day or night
by the movement of vehicles and lighting
facilities are so arranged that they neither
unreasonably disturb occupants of adjacent
residential properties or interfere with traffic
7. Has at least on-street frontage with a

minimum width of 100 feet
 Sheet metal products (light) such as ventilating X X
 ducts and eaves
 Shoe repair shop X X X A
 Sign Making company - with all storage of goods, X X X
 materials and equipment and all processing and
 manufacturing kept within a completely enclosed
 building or buildings

33

PERMITTED USES BUSINESS INDUSTRIAL

B-1 B-2 B-3 M-1 M-2
 Sign manufacturer X X
 Skating rink X X A
 Social and fraternal organizations, lodges, union X X
 halls, headquarters for scouts and other youth
 organizations
 Specialty stores selling or renting goods predom- X X X
 inately at retail on the premises, including but not
 limited to the following lines: tobacco, news, books,
 stationery, gifts, novelties, cards, 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, sewing machines, radio and
 TV sales and service.
 Stadiums, coliseums, assembly halls owned by non- X X X X
 profit organizations or by state, municipal or
 county government
 Storage of commercial vehicles (where no an A X X
 accessory use to another use which is permitted)
 Storage (outside) of heavy materials and equipment A X
 Storage, moving, warehousing establishment X X
 Supermarket, grocery, delicatessen or other store X X X A
 carrying a variety of food and related goods.
 Tailors X X X
 Taxi dispatching station X X X X
 Taxi terminal X X X X
 Telegraph or messenger service X X A A
 Television and radio stations excluding transmission X X X X
 towers
 Television and radio stations and transmission A A X X
 towers
 Theater excluding drive-in X X
 Textile manufacturer X X
 Tile, brick and terra cotta manufacturing X
 Tinsmith and roofing X X
 Tire recapping and retreading X A X X
 Tobacco products manufacture and storage X X
 Tourist homes, hotels and motels X X
 Trade and vocational schools X X X
 Travel agencies X X X
 Truck or rail freight yard or terminal X X
 Uniform sales or renting X X X
 Upholsterer with all storage of goods, materials, and X X X
 equipment and all processing and manufacturing

34

PERMITTED USES BUSINESS INDUSTRIAL

B-1 B-2 B-3 M-1 M-2

kept within a completely enclosed building or buildings

Upholsterer X X

Utility company offices including exchanges X X X X X

Utility (public) distribution lines, transformer stations X X X X X
transmission lines and towers, water tanks and towers, and telephone exchanges but not service or storage yards

Utility (public) storage yards X X

Variety store (including sale of specific items X X X elsewhere in this table, if customarily sold in such a store), having a total floor area of not more than 40,000 square feet

Variety store (including sale of specific items X X elsewhere in this table, if customarily sold in such a store) with no limitation of floor space

Warehousing or moving and storage establishments X X

Welding shops X X

Wholesaling or distribution, including the handling A X X of stock and incidental retail

35

ARTICLE VII - AREA AND DIMENSIONAL REQUIREMENTS

SECTION 70. AREA AND DIMENSIONAL REQUIREMENTS

Area, yard and height requirements for the various zoning districts shall be as specified in the following table. The area and dimensional requirements for each zoning district appear in the appropriate column. If a letter appears in the column, the requirements is listed under the corresponding letter in Section 71 of this ordinance.

36

Maximum Minimum Minimum Lot Minimum Lot Minimum Lot Minimum Yard Req

Building Lot Area Per Width at Width At Front Front Rear

Zone Height Minimum Dwelling Unit Bldg. Line Lot Line

District (Ft.) (Sq. Ft.) (Sq. Ft.) (Ft.) (Ft.) (Ft.) (Ft.)

R-1 35 15,000 15,000 100 70 40 40

R-2 35 12,000 7,500 90 50 35 35

R-3 35 9,000 3,000 70 45 30 30

R-4 35 9,000 9,000 70 45 30 30

RMH-1 Area and dimensional requirements are specified in Article VI, Section 60, Sub-section 60.4

FP-1 35 75 50

B-1 35 20 20

B-2 65 10b

B-3 65 b

M-1 40 25b

M-2 50 25b

= No Requirement

* = A side yard not abutting a street right-of-way

** = A side yard that abuts a street right-of-way

a, b or c refers to Section 71 and the requirements therein.

Minimum Yard Requirements

Zone Front Rear Interior Side * Street Side **

District (Ft.) (Ft.) (Ft.) (Ft.)

R-1 40 40 12 a

R-2 35 35 10 a

R-3 30 30 8 a

R-4 30 30 8 a

RMH-1 Area and dimensional requirements are specified in Article VI, Section 60, Sub-section 60.4

FP-1 75 50 50 50

B-1 20 20 b c

B-2 10b b c

B-3 b b

M-1 40 25b 15b a

M-2 50 25b 25b 25

37

SECTION 71. SPECIAL YARD REQUIREMENTS

A. Street side yards shall correspond to required front yards of adjoining lots or be 25 feet, whichever is greater.

B. Upon any side or rear lot line which abuts a residential district there shall be a densely planted buffer strip at least ten (10) feet in height along the rear and/or side line abutting residential properties. No buffer shall, however, extend nearer to a street right-of-way line than the established building line of the adjoining residential lot.

C. For B-1, B-2 or P-1 Business Districts, structures on a corner lot must set back a minimum of forty (40) feet from any side street right-of-way if parking is to be permitted between the principal building and the side street. There will be no side yard requirement on such corner lots where parking facilities are not provided between non-residential structures and the side street.

SECTION 72. GENERAL EXCEPTIONS

72.1 LOTS OF RECORD. Where the owner of a non-conforming lot of record does not own or cannot reasonably acquire sufficient land to enable him to conform to the requirements of this Ordinance relating to lot area, lot width, or both, such lot of record may be used by the owner as a building site provided that the other requirements of this Ordinance are met, except that:

a. Where two (2) abutting lots of record are held under one (1) ownership, and where one or both of these lots are non-conforming, they shall be considered as a single lot of record for the purpose of meeting the requirements of the zoning district in which such lots are located.

72.2 FRONT YARDS REDUCED. The front yard requirements of this Ordinance shall not apply to any lot where the average front yard on developed lots located wholly or in part within one hundred (100) feet on each side of such lot and within the same block and zoning district and fronting on the same street as such lot, is less than the minimum required front yard. In such cases the front yard on such lot may be less than the required front yard but not less than the average of the existing front yards on the developed lots; provided, however, the front yard on such lot shall not be less than one-half the required front yard. For the purpose of computing such average, an adjacent vacant lot shall be considered as having the minimum required front yard specified for that zoning district.

72.3 HEIGHT LIMITATIONS. The height limitations of this Ordinance shall not apply to church spires, belfries, cupolas and domes not intended for human occupancy; monuments, water towers, observation towers, transmission towers, chimneys, smokestacks, conveyors, flag poles, radio towers, masts, aerials and similar structures, except as otherwise provided in the vicinity of airports.

38

ARTICLE VIII - REGULATIONS FOR OFF-STREET PARKING AND LOADING

SECTION 80 OFF-STREET PARKING

There shall be provided, at the time of the erection of any building or at the time any principal building is enlarged or increased in capacity by adding dwelling units, guest rooms, seats, or floor area, 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 Article. Such parking space may be provided in a parking garage or parking lot or in driveways serving single and two-family residences. The provisions of this Article shall not apply to the B-3 Central Business District. Parking and loading facilities provided in accordance with the terms of this Ordinance shall not subsequently be reduced below the requirements of this Ordinance.

80.1 PARKING LOTS TO BE IMPROVED. Parking lots intended to provide for the off-street

parking space required by this Ordinance shall be improved and maintained with pavement materials of a standard no lower than double bituminous surface treatments; provided, this requirement shall not apply to the parking space required for residential structures having less than four (4) dwelling units.

80.2 JOINT USE OF PARKING LOTS. Parking facilities for one use shall not be considered as providing the required parking facilities for any other use on the same or separate lots, except under circumstances wherein a combination of uses or other factors might require total parking facilities in excess of actual need if so determined and certified by the Building Inspector, and subsequently, approved by the Board of Adjustment.

80.3 CERTIFICATION OF MINIMUM PARKING REQUIREMENTS. Each application for a building permit or certificate of occupancy shall include information as to the location and dimensions of off-street parking space or loading space, if required, and the means of ingress and egress between such space and a street or alley. This information shall be in sufficient detail to enable the Building Inspector to determine whether or not the requirements of this Article are met.

The certificate of occupancy for the use of any building, structure or land where off-street parking space is required shall be withheld by the Building Inspector until the provisions of this Article are fully met. If at any time such compliance ceases, any certificate of occupancy which shall have been issued for the use of the property shall immediately become void and of no effect.

80.4 FREE FLOW OF TRAFFIC AND PEDESTRIAN PROTECTION. Access and egress for parking facilities shall be so arranged for the free flow of vehicles at all times, so as to prevent the blocking or endangering of vehicular or pedestrian traffic through the stopping or standing of vehicles on sidewalks or streets. If a reservoir of vehicle standing area on the property is necessary to prevent such blocking of traffic, an adequate reservoir shall be provided. No parking space shall be closer than eight (8) feet to a right-of-way.

No access or egress driveway, except for single and two family houses, shall be so arranged that vehicles can enter or leave the area only by backing on or across any sidewalk or to or from any street.

Adequate sight distances shall be maintained for vehicles and pedestrians.

80.5 REMOTE PARKING SPACE. All dwelling units, motels, tourist courts, tourist homes and trailer parks, shall have the required parking spaces provided on the lot on which such dwelling type unit is located. For all other uses, if the off-street parking space required by this Ordinance cannot be reasonable provided on the same lot on which the principal use is located, such space may be provided on any land within four hundred (400) feet walking distance of the main entrance to such principal use. Said land shall be used for no other purpose so long as no other adequate provisions for parking space meeting the requirements of this Ordinance have been made for the principal use.

39

In such cases, the applicant for a permit for the principal use shall submit with his application for a building permit an instrument duly executed and acknowledged, which subjects said land to parking use in connection with the principal use for which it is made available.

80.6 DIMENSIONAL REQUIREMENTS. For purposes of this Ordinance, an off-street parking space shall be no less than nine (9) feet wide and twenty (20) feet in length. No two way entrance or aisle shall be less than twenty five (25) feet in width. In no event shall an entrance or aisle be less than twenty (20) feet.

SECTION 81 MINIMUM PARKING REQUIREMENTS TYPE OF USE REQUIRED OFF-STREET PARKING

Residential & Related Uses

Any residential use consisting of One (1) parking space on the lot for each not more than four (4) dwelling units dwelling unit

Bed and Breakfast Facilities One (1) space for each two (2) rooms subject to rental, in addition to the normal residential requirements

Multi-family structures containing One and one half (1 1/2) parking spaces on more than four (4) dwelling units the lot for each dwelling unit, except that, in the case of

apartments for the elderly or efficiency apartments, required parking may be reduced if approved by the Board of

Adjustment

- Rooming or boarding house One (1) parking space for each room to be rented plus one
(1) additional parking space
for each three (3) employees
- Tourist home, motel or motor court One (1) parking space for each room to be rented plus one
(1) additional parking space
for each three (3) employees
- Hotels One (1) space for each two (2) rooms, plus
additional space
as required for other uses
within the hotel
- Doctor or Dentist's office in residence Three (3) parking spaces per doctor in addition to
residence requirements
- Professional office (other than doctor or Two (2) spaces per office or home dentist) or home occupation in owner's occupation in addition to residence
residence requirements

Public and Semi-public Uses

40

- Hospitals One (1) space per bed intended for patients
(except bassinets
or beds in student nurses
quarters); plus one (1) space for each two
(2) employees on shift of greatest
employment
- Auditorium, stadiums, assembly halls, One (1) space per four (4) fixed seats in the
gymnasiums, theaters, community largest assembly room or area or for the
recreation centers, churches, museums, accommodation of movable seats in the
art galleries and public libraries largest assembly room, or one (1) space for
each 150 square
feet of gross floor area,
whichever is need by the facility, plus one
(1) space for each two (2) employees on
shift of greatest employment
- Elementary school and junior high One (1) space for each classroom and one
school (1) space for each two (2) employees
other than teachers
- Senior high school One (1) parking space for each twenty (20)
students for
which the building was
designed plus one (1) space for each
classroom and administrative office
- Public or private club One (1) space for each one hundred (100)
square feet of
gross floor space
- Public utility buildings One (1) space for each five hundred (500)
square feet of
gross floor space plus one (1)
space for each two (2) employees
- Sanitariums, rest and convalescent One (1) space for each six (6) beds plus one
homes, homes for the aged and (1) space for each staff or visiting doctor
similar institutions plus one (1) space for each four (4)
employees
- Office and Banks

Clinic or doctor's office Three (3) spaces for each doctor plus one
(1) space for each
four (4) employees

Banks One (1) space for each two hundred (200)
square feet of
gross floor plus one (1) space
for each (2) employees

Professional and business offices One (1) space for each 500 square feet of
gross floor area

41

Retail and Other Commercial

Retail stores, as follows: Stores selling One (1) space for each 120 square feet of
clothing, variety merchandise, jewelry, gross floor area
sporting goods, records, pet shops,
and other establishments selling
comparison or specialty shopping goods,
and stores selling convenience goods
such as food, drugs, liquor, small
hardware, etc.

Retail stores as follows: Stores selling One (1) space for each 200 square feet of
merchandise generally characterized by gross floor area
high bulk and high cost such as furniture,
appliances, large hardware items,
business machines, restaurant equipment,
bicycles, guns, light fixtures, floor
covering, radio, television, auto
accessories, building materials, home
furnishings

New and used car sales, manufactured Four (4) spaces for each sales person, plus
home and truck trailer sales, outdoor one (1) space for each two employees on
equipment and machinery sales, shift of greatest employment
commercial nurseries, roadside stands,
farm implements

Service stations Five (5) spaces for each grease rack and
five (5) spaces for each wash rack

Other retail trade or services One (1) space for every 200 square feet of
gross floor area

Restaurants, diners, and night clubs One (1) space for each three (3) seating
accommodations, plus one
(1) space for
each two employees on shift of greatest
employment

Funeral home One (1) space for each four (4) seats in the
chapel or parlor

Indoor and outdoor commercial One (1) space for each 150 square feet of
recreation gross floor, building or ground area devoted
to such use, or one (1)
space for each four
(4) seats of facilities available for patron
use, whichever is need by the facility. Land
not occupied by customers such as land in
front of the drive
tees of a driving range
will be excluded when calculating parking

42

Wholesale and Industrial Uses

Wholesaling and industrial uses One (1) space for each 200 square feet of sale area and one (1) space for each two (2) employees at maximum employment

43

SECTION 82 OFF-STREET LOADING AND UNLOADING SPACE

Every building or structure used for business, trade or industry hereafter erected, shall provide space as indicated herein for the loading and unloading of vehicles off the street or public alley. Such space shall have access to an alley or if there is no alley, to a street. For the purposes of this section, a loading berth shall have minimum plan dimensions of 12' x 25' overhead clearance. In no case shall the use of loading and unloading space hinder the free movement of vehicles and pedestrians over a street, sidewalk or alley.

Use Classification Off-street Loading Requirements

Retail operations One (1) loading every for every 20,000 square feet of floor area

Office buildings and hotels with a total One (1) loading berth for every 100,000 usable floor area of 100,000 square feet square feet of floor area or more devoted to such purposes

Industrial and wholesale operations with a gross floor area of 10,000 square feet or over as follows:

Square Feet of Gross Floor Area	Number of Loading Berths Required
10,000 - 40,000	1
40,000 - 100,000	2
100,000 - 160,000	3
160,000 - 240,000	4
240,000 - 320,000	5
320,000 - 400,000	6

Each 90,000 square feet above 400,000 square feet requires one (1) loading berth

ARTICLE IX - SIGN REGULATIONS

The purpose of these regulations is to provide minimum control of signs to promote the health, safety and general welfare by lessening hazards to pedestrians and vehicular traffic, by preserving property values, by preventing unsightly and detrimental development which has a blighting influence upon residential, business and industrial uses, by preventing signs from reaching such excessive size or numbers that they obscure on another to the detriment of all concerned and by securing certain fundamentals of design for the community.

SECTION 90 GENERAL REGULATIONS

90.1 MEASUREMENT OF SIGN AREA. The area of a sign shall be deemed to include the copy area devoted to conveying a message, excluding supporting structure, trim or framing device. Where signs employing appurtenances such as "pop ups" or "cutouts" that extend beyond the copy area, the area of such appurtenances shall be measured separately, but included in the total sign area. The total sign area for a double-faced sign or "V"-type sign shall be measured separately, but included in the total sign area. The total sign area for a double-faced sign or "V"-type sign shall be measured on the largest face of the sign; however, information or advertising matter may be posted on both sides of such permitted sign.

90.2 MATERIAL AND DESIGN. All signs in which electrical wiring and connections are to be used shall require both electrical and building permits and shall comply with all state and local laws governing electrical installations and materials. No such illumination shall reflect or give off direct rays that are visible elsewhere than on the sign where illumination occurs.

44

90.3 BUILDING PERMIT REQUIRED. No sign shall hereafter be erected or attached to, suspended from, or supported on a building or structure; no shall any existing sign be enlarged or relocated until a building permit for same has been issued by the Building Inspector. Exempt from this Section are professional signs, (as specified in Article X) public signs, real estate signs (temporary), and construction signs (temporary).

Application for permits shall be submitted on forms obtainable at the office of the Building Inspector. Each application shall be accompanied by plans showing the size, location and

property identification.

90.4 NON-CONFORMING SIGNS. No non-conforming sign erected before the adoption of this Ordinance shall be enlarged, moved, replaced, or repaired at a cost in excess of fifty (50) percent of its original cost unless same shall be brought in compliance with the provisions of this Ordinance. All nonconforming

signs and billboards shall be brought in compliance with the provisions of this Ordinance as specified in Article XIII. However, nothing contained in this Ordinance shall prevent normal maintenance, repainting or posting of these signs or structures.

SECTION 91 PROHIBITED SIGNS

91.1 SIGNS HAZARDOUS TO PUBLIC SAFETY. No sign shall display flashing or intermittent lights resembling the flashing light customarily used by police, fire, or ambulance vehicles. No sign shall be erected or maintained which is a copy or imitation of an official highway sign and carrying the words "Stop" or "Danger".

91.2 SIGNS ON UTILITY POLES AND RIGHT-OF-WAY. No advertising sign or poster shall be posted within a public right-of-way on any telegraph, telephone, or electric poles or on any tree along any street or road.

91.3 SIGNS OBSTRUCTING INGRESS AND EGRESS. No sign that obstructs ingress and/or egress to any window, door, fire escape, stairway, ladder or opening intended to provide light, air, ingress or egress for any room or building as required by law shall be erected or permitted.

91.4 SIGNS OBSTRUCTING CORNER VISIBILITY. No sign shall violate the corner visibility restrictions of Section 123 of this Ordinance.

SECTION 92 DISTRICT SIGN REGULATIONS

Signs shall be permitted in the following districts, but only in accordance with the following provisions:

92.1 RESIDENTIAL DISTRICTS. Within all residential districts the following signs are permitted; provided that:

- a. all signs except public signs shall set at least one-half (1/2) the required front yard setback from the street right-of-way line, and shall meet applicable side and rear yard requirements for the district in which it is located; and
- b. no sign shall be located above the ground floor of any building or more than twenty (20) feet above the upper surface of the nearest curb or street center line, whichever is less.

Permitted Signs:

Non-illuminated signs for home occupations, if permitted, in accordance with the provisions of Article X of this Ordinance.

45

Indirectly illuminated and non-illuminated signs indicating names of residents and home numbers, not to exceed one (1) square foot in area.

Non-illuminated signs indicating the name and purpose of a non-residential building or apartment and the name of its management not to exceed three (3) square feet in area.

Temporary non-illuminated signs of persons or firms connected with work on buildings under actual construction or alteration, located at least 10 feet inside any lot line and not to exceed 20 square feet in area.

Temporary non-illuminated signs advertising for sale or for rent the lot or building on which they are placed or some part thereof, located not closer than 20 feet to any street right-of-way line unless attached to a building and not to exceed four (4) square feet in area. Individual real-estate firms or other selling agent shall not erect more than one such sign on any single residential property.

Public signs solely for the control of traffic and parking.

Subdivision identification signs not exceeding twelve (12) square feet in area as a special exception subject to review by the City Planning Commission and approval by the Board of Adjustment.

92.2 B-1 NEIGHBORHOOD TRADE DISTRICT. Within a Neighborhood Trade District the following signs are permitted:

Any sign permitted under and subject to all restrictions of Sub-section 92.1 of this Ordinance.

Business and/or identification signs, provided that:

- a. all signs shall set at least twenty (20) feet from the street right-of-way line, and shall meet all side and rear yard requirements of the B-1 Neighborhood Trade District

Advertising signs, provided that:

- a. such signs shall not exceed 300 square feet in area; and
 - b. such signs meet all setback requirements of the B-1 Neighborhood Trade District.
- 92.3 B-2 GENERAL BUSINESS DISTRICT. Within a General Retail District, the following signs are permitted:

Any sign permitted under and subject to all restrictions of Sub-sections 122.1 and 122.2 of this Ordinance.

Business and/or identification sign, provided that:

- a. all signs shall set at least twenty (20) feet from the street right-of-way line, and shall meet all side and rear yard requirements of the B-2 General Business District.

Advertising signs, provided that:

- a. such signs shall not exceed 750 square feet in area; and
 - b. such signs shall meet all set-back requirements in B-2 General Business District.
- 92.4 B-3 CENTRAL BUSINESS DISTRICT. Within a B-3 Central Business District, the following signs are permitted:

46

Any sign permitted under and subject to all restrictions of Sub-sections 122.1 and 122.2 of this Ordinance.

Business and/or identification signs, provided that:

- a. such signs are limited to two (2) per use per street;
- b. no one sign shall exceed 100 square feet and the combined total sign area of all signs on the premises shall not exceed three (3) square feet per linear foot of front building wall;
- c. no sign shall exceed thirty (30) feet in height above the ground; and
- d. no sign shall project more than six (6) inches into street right-of-way unless the sign is nine (9) feet above the street sidewalk grade, in which case it may project eighteen (18) inches into the street right-of-way. A sign may project over the street right-of-way if said sign is attached to a canopy or similar appurtenance.

Roof signs shall not be permitted.

92.5 M-1 and M-2 MANUFACTURING DISTRICTS. Within the M-1 and M-2

Manufacturing Districts, the following signs are permitted:

Any sign permitted under and subject to all the restrictions of Sub-sections 92.1 and 92.2 of this Ordinance.

Business and/or identification sign, provided that:

- a. all signs shall set at least twenty (20) feet from the street right-of-way line.

Advertising signs except that such signs shall not exceed 750 square feet in area, and such signs shall meet all set-back requirements for the District in which they are located.

92.6 SIGNS PERMITTED AS SPECIAL EXCEPTION. The following signs are permitted as a special exception in any zoning districts subject to review by the Planning Commission and approved by the Board of Adjustment.

Temporary signs involved in campaigns of religions, charitable, civic, fraternal, political and similar organizations.

Identification signs on water towers and smoke stacks.

ARTICLE X HOME OCCUPATIONS

The following regulations shall apply to the conduct of a home occupation in any permitted zoning district:

- A. The home occupation shall be clearly incidental to the residential use of the dwelling and shall not change the essential residential character of the dwelling or adversely affect the uses permitted in the district of which it is a part.
- B. Use of the dwelling for this purpose shall be limited to twenty-five percent (25%) of one floor of the principal building.
- C. The home occupation shall be confined entirely to the principal building, and no accessory building or outside storage shall be used in connection with the home occupation.

47

D. Employment shall be limited to members of the family residing in the dwelling, and there shall be no employment of help other than members of the resident family. In no case shall more than two (2) persons be engaged in the home occupation.

- E. No internal or external addition, alteration, or remodeling of the dwelling is permitted in connection with the home occupation.
- F. Chemical, mechanical or electrical equipment that creates odors, light emission, or noises detectable outside of the dwelling shall be prohibited.
- G. No display of products shall be visible from the street and only articles made on the premises may be sold; except that non-durable articles (consumable products) that are incidental to a service, which service shall be the principal use in the home occupation, may be sold on the premises.
- H. Instruction in music, dancing and similar subject shall be limited to two students at a time.
- I. Vehicles having passenger vehicle characteristics only shall be permitted in connection with the conduct of the customary home occupation.
- J. The activity carried on as a home occupation shall be limited to the hours between 7:00 a.m. and 10:00 p.m.
- K. One professional or announcement sign may be used to identify the customary home occupation. Such sign shall not exceed two (2) square feet in area exposed to view and must be mounted flat to the main wall of the principal building. No such sign shall be illuminated.
- L. Customary Home Occupations shall not include, among others, the following:
 - 1. Uses which do not meet the provisions listed above.
 - 2. Automobile and/or body and fender repairing.
 - 3. Barber shops and beauty parlors.
 - 4. Food handling processing or packing.
 - 5. Repair, manufacturing and processing uses; however, this shall not exclude the home occupation of a dressmaker where goods are not manufactured for stock, sale, or distribution.
 - 6. Restaurants.
 - 7. Uses which entail the harboring, training, raising or treatment of dogs, cats, birds, or other animals.
- M. A business license issued by the City of Hamilton will be required prior to the establishment of a home occupation. Such permit shall be renewed each year.

ARTICLE XI ESTABLISHMENT AND REGULATION OF AIRPORT HAZARD AREA

The purpose of establishing the airport hazard area shall be to promote and protect the public utility of the airport; to encourage the types of development having maximum compatibility with aircraft operations; and to promote the harmonious arrangement and development of land uses surrounding the airport.

48

SECTION 110

For purposes of this Ordinance, the airport hazard area has been designated as the area shown or described on the "Airport Zoning Map of the City of Hamilton, Alabama." This map and all explanatory matter thereon are hereby adopted and made a part of this ordinance.

SECTION 111

The district regulations contained in this Ordinance shall apply to all areas within the Corporate Limits with the exception that the height regulations of the said district may conflict with height regulations in the airport hazard area. In such case, the height regulations of the airport hazard area shall govern. The regulation of use of area outside the Corporate Limits and within the airport hazard area shall be subject only to the height limitations herein below set forth.

SECTION 112

Within the airport hazard area shown on the "Airport Zoning Map of the City of Hamilton, Alabama," no structure, building or tree shall exceed the height limitations imposed by the thirty-four to one (34 to 1) glide approach or of 500 feet within the horizontal surface.

SECTION 113

Within the airport hazard area, the zoning Board of Adjustment shall act as the "Administrative Agency" provided for in Section 71 and 72 of Act No. 730 of the 1953 session of the Alabama Legislature, and shall have all responsibilities and powers conferred by said sections.

49

**ARTICLE XII GENERAL REGULATIONS
SECTION 120 ONE MAIN BUILDING ON LOT**

Every building hereafter erected or moved shall be located on a lot, and in no case shall there be

more than one (1) principal residential building and its accessory buildings on a lot except as provided in Section 125 of this Ordinance.

SECTION 121 REQUIRED YARDS NOT TO BE USED BY ANOTHER BUILDING

The minimum yards or other open spaces required by this Ordinance for each and every building hereafter erected, moved or structurally altered shall not be encroached upon or considered to meet the yard or open space requirements of any other building.

SECTION 122 REDUCTION OF LOT AND YARD AREAS

No yard or lot existing at the time of passage of this Ordinance shall be reduced in size of area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established by this Ordinance.

SECTION 123 VISIBILITY AT INTERSECTIONS

In any district requiring a front yard setback no fence, wall, shrubbery, sign, marquee, or other obstruction to vision between the heights of two and one-half (2 1/1) feet and ten (10) feet above street level shall be permitted within twenty (20) feet of the intersection of the right-of-way lines of two streets or railroads or of a street and a railroad right-of-way line.

Accessory structures within twenty five (25) feet of the rear lot line of a corner lot shall be set back the minimum front yard depth required on the side street. The requirements of this Sub-section shall not be deemed to prohibit any necessary retaining wall.

SECTION 124 STREET ACCESS

No building shall be erected on a lot which does not abut a public street

SECTION 125 FUTURE STREET LINES

On any lot which, at the time of adoption of this Ordinance or at the time this Ordinance is changed by amendment hereafter, may be reduced in area by widening a public street to a future street line as indicated on the duly adopted "Major Street Plan", or as same may be hereafter amended, the minimum required yards, the minimum required lot area, the minimum required lot width and the maximum building area shall be measured by considering the future street lines as the lot line of such lot.

SECTION 126 GROUP HOUSING PROJECT

In case of a housing project consisting of a group of two or more buildings to be constructed on a plot of ground at least four (4) acres not subdivided into the customary streets and not to be so subdivided or where existing or contemplated street and lot layout make it impracticable to apply the requirements of this Ordinance to the individual buildings in such housing projects, the application of such requirements to such housing projects shall be done by the Board of Adjustment with the advice of the Planning Commission, in a manner that will be in harmony with the character of occupancy, a density of land use no higher and a standard of open space at least as high as required by this Ordinance in the district in which the proposed project is to be located, and will provide layout design and public utilities in harmony with

50

the general requirements and minimum standards of design of the Subdivision Regulations of the City of Hamilton, Alabama.

In no case shall the Zoning Board of Adjustment authorize a use or a building height or building area prohibited in the district in which the housing project is to be located.

ARTICLE XIII NONCONFORMING USE REGULATIONS

Nonconforming uses, buildings, structures, signs and billboards may be continued subject to the provisions of this Article.

SECTION 130 CHANGE OF USE

A nonconforming use shall not be changed to any but a conforming use. When a nonconforming use has been changed to a conforming use, the premises shall not thereafter be used for any nonconforming use.

SECTION 131 USE EXTENSIONS

A nonconforming use shall not be extended or enlarged; provided, however, a nonconforming use of any building may be extended to any portion or portions of said building which were, at the time such use became nonconforming, manifestly arranged or designed for such use.

SECTION 132 STRUCTURAL EXTENSIONS AND ALTERATIONS

A nonconforming building or structure shall not be extended or altered unless such extension or alteration shall comply with all the requirements of this Ordinance for the district in which it is located, except that alterations may be required by law, etc., or ordinance or ordered by an authorized office to secure the safety of the building.

SECTION 133 DISCONTINUED NONCONFORMING USES

When any nonconforming use is discontinued for a period exceeding one (1) year, after date of notice by the Building Inspector, any future use of the premises shall conform to the provisions of this Ordinance.

SECTION 134 DESTRUCTION

A nonconforming building or structure which is damaged by fire, flood, wind, or other act of God or man, to an extent exceeding fifty (50) percent of its then reproductive value, exclusive of foundations shall not be reconstructed except in conformance with the provisions of this Ordinance.

SECTION 135 ADMINISTRATION

The Building Inspector shall conduct a check on all nonconforming uses at least three (3) times a year to determine whether or not they continue to operate. the owner or agent shall be notified by registered mail when discontinuance of a use has been discovered. The one (1) year period prior to final elimination as allowed in Section 133 shall begin from date of notification.

The building Inspector shall maintain an accurate and up-to-date record of all nonconforming uses, including the date of their discontinuance.

ARTICLE XIV ADMINISTRATION, ENFORCEMENT AND PENALTIES

51

SECTION 140 ZONING ENFORCEMENT OFFICER

The provisions of this Ordinance shall be administered and enforced by the Building Inspector.

He shall give information upon request as to the provisions of this Ordinance and shall interpret the meaning of the Ordinance in the course of enforcement. The Building Inspector 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.

SECTION 141 BUILDING PERMIT REQUESTED

It shall be unlawful to commence the excavation for or the construction of any building or other structure, including necessary structures, or to store building materials or erect temporary field offices, or to commence the moving, alteration, or repair (except repairs, not changing the character of the structure and not exceeding \$500.00 in cost, or painting or wallpapering) of any structure, including necessary structures, until the Building Inspector has issued for such work a building permit including a statement that the plans, specifications and intended use of such structure in all respects conform with the provisions of this Ordinance. application for a building permit shall be made to the Building Inspector on forms provided for that purpose.

SECTION 142 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 such plans in detail and 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 actual shape, proportion and dimensions of the lot to be built upon.
- b. The shape, size and location of all buildings or other structures to be erected, altered or moved and of any buildings or other structures already on the lot.
- c. The existing and intended use of all such buildings or other structures.
- d. The setback and side lines of buildings on adjoining lots and such other information concerning the lot or adjoining lots as may be essential for determining whether the provisions of this Ordinance are being observed.

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

SECTION 143 CERTIFICATE OF OCCUPANCY REQUIRED

No land or building or other structure or part thereof hereafter erected, moved or altered in its use shall be used until the Building Inspector has completed a final inspection stating that such land or

structure or part thereof is found to be in conformity with the provisions of this Ordinance.

52

Within five (5) working days after the owner or his agent has notified the Building Inspector that a building or premises or part thereof is ready for occupancy or use, it shall be the duty of the Building Inspector to make a final inspection thereof, and to issue a Certificate of Final Inspection if the building or premises or part thereof is found to conform with the provisions of this Ordinance or, to state the refusal in writing with the cause.

SECTION 144 PENALTIES

Any person violating any provision of this Ordinance shall be fined upon conviction not less than one hundred dollars (\$100.00) nor more than two hundred dollars (\$200.00) and costs of court, as imposed by the District Judge, for each offense. Each day such violation continues shall constitute a separate offense.

SECTION 145 REMEDIES

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

ARTICLE XV ZONING BOARD OF ADJUSTMENT

SECTION 150 ESTABLISHMENT OF ZONING BOARD OF ADJUSTMENT

A Board of Adjustment is hereby established. The Board shall consist of five (5) members, each to be appointed for a term of three (3) years by the City Council. vacancies shall be filled for the unexpired term of any member whose term becomes vacant. Each member may be removed for cause by the appointing authority upon written charges and after a public hearing.

SECTION 151 PROCEEDINGS OF THE ZONING BOARD OF ADJUSTMENT

Meetings of the Board shall be held at the call of the Chairman and at such other times as the Board may determine. Such Chairman, or in his absence the Acting Chairman, may administer oaths and compel the attendance of witnesses. all meetings of the board shall be open to the public.

The Board shall adopt and publish its own rules of procedure and keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and of other official actions, all of which shall be immediately filed in the office of the Board and shall be a public record.

SECTION 152 APPEALS

An appeal may be taken to the Board by any person aggrieved, or by any officer, department, board or bureau of the municipality affected by any decision of the administrative officer. Such appeal shall be taken within a reasonable time, as provided by the rules of the Board, by filing with the officer from whom the appeal is taken and with the Board of Adjustment a notice of appeal specifying the grounds thereof.

The officer from whom the appeal is taken shall transmit forthwith to the Board all papers constituting the record upon which the action appealed was taken. An appeal stays all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the

53

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

The board of Adjustment shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to the parties in interest, and decide the same within a reasonable time.

At the hearing, any party may appear in person or by agent or by attorney.

SECTION 153 POWERS AND DUTIES OF THE BOARD OF ADJUSTMENT

The Board of Adjustment shall have the following powers and duties:

a. Administrative review. To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by an administrative official in the enforcement of

this article or of any ordinance adopted pursuant thereto.

b. Special exceptions. To hear and decide special exceptions to the terms of the Ordinance upon which such board is required to pass under such Ordinance.

c. Variances. to authorize upon appeal in specific cases such variance from the terms of the Ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of the Ordinance will result in unnecessary hardship, and so that the spirit of the Ordinance shall be observed and substantial justice done. In exercising the above mentioned powers, such Board may, in conformance with the provisions of this article, reverse, or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision, or determination as ought to be made, and to that end, shall have all the powers of the officer from whom the appeal is taken. The concurring vote of four members of the Board shall be necessary to reverse any order, requirement, decision, or determination of any such administrative official, or to decide in favor of the applicant on any matter upon which it is required to pass under any such Ordinance, or to effect any variation in such Ordinance.

SECTION 154 APPEALS FROM ACTION OF THE BOARD OF ADJUSTMENT

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

54

ARTICLE XVI DEFINITIONS

SECTION 180 DEFINITIONS

For the purposes of this Ordinance, certain words and terms as herein indicated and shall apply to all parts of this Ordinance. All words used in the present tense shall include the future tense; all words in the singular number shall include the plural number; and all words in the plural number shall include the singular number unless the natural construction of the wording indicates otherwise; the words "used for" shall include the meaning "designed for"; and the word "structure" shall include the word "building"; the word "lot" shall include the words "plot" and "tract" and the word "shall" is mandatory.

1. Alley: A public or private thoroughfare which affords only a secondary means of access to abutting property.
2. Basement: An underground or partly underground story. A basement shall be counted as a story for the purposes of height measurement if the vertical distance between its ceiling and the average level of the adjoining ground is more than five (5) feet.
3. Boarding House: A building other than a hotel, cafe, or restaurant where, for compensation, meals are provided for three (3) or more persons.
4. Bed and Breakfast: A home in which rooms are provided overnight and breakfasts are served the following morning, both for compensation.
5. Building: Any structure having a roof supported by columns or walls and intended for the shelter, housing or enclosure of persons, animals or chattels.
6. Building, Accessory: A subordinate building, the use of which is incidental to that of the principal building on the same lot.
7. Building, Principal: A building in which is conducted, or is intended to be conducted, the principal use of the lot on which it is located.
8. Drive-in Restaurant: A restaurant or public eating business so conducted that food, meals or refreshments are brought to the motor vehicles for consumption by the customer or patron.
9. Drive-in Theater: A theater so arranged and conducted that the customer or patron may view the performance while being seated in a motor vehicle.
10. Dwelling: A building containing one or more dwelling units, but in the case of a building having two or more portions divided by one or more party walls forming a complete separation, each such portion shall be considered to be a separate dwelling.
11. Dwelling, Single Family: A dwelling having only one dwelling unit from the ground to roof and having independent outside access.
12. Dwelling, Two Family: A detached building designed exclusively for occupancy by two families living independently of each other under one roof.
13. Dwelling, Multi-family: A building or portion thereof designed for occupancy by

three or more families living independently of each other under one roof.

55

14. Dwelling Unit: Any room or group of rooms located within a residential building and forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking and eating by one family.

15. Family: One (1) or more individuals occupying a dwelling unit and living as a single housekeeping unit.

16. Floor Area, Gross: The sum of the gross horizontal areas of the several floors of a building, measured from the exterior faces of the exterior walls including (a) basement space where more than one half the basement height is above the finished lot grade averaged along the exterior walls of the building; (b) elevators and stairwells at each floor; (c) attic space, whether or not a floor has been laid, over which there is structural headroom of seven feet or more; and (d) enclosed porches, interior balconies and mezzanines and penthouses, and excluding (a) floor space permanently devoted to mechanical equipment used in the operation and maintenance of the building, and (b) floor space permanently devoted to a parking space or parking spaces.

17. Frontage: All the property abutting on one side of a street between two intersecting streets measured along the street line.

18. Garage, Private: A building or space used as an accessory to or a part of a main building permitted in any residential district, and providing for the storage of motor vehicles and in which no business, occupation or service for profit is in any way connected.

19. Group Home: A house where several individuals, unrelated, all clients of agencies such as mental health, alcohol, abuse, drugs, etc. that are treating those individuals and teaching them to function in the community.

20. Lot: A piece, parcel, or plot of land occupied or intended to be occupied by one main building, accessory buildings, uses customarily incidental to such main building and such open spaces as are provided in this ordinance, or as are intended to be used with such piece, parcel or plot of land.

21. Lot, Corner: A lot with frontage on two or more streets at their intersections.

22. Lot, Depth: The mean horizontal distance between the front and rear lot lines.

23. Lot of Record: A lot which is part of a subdivision, a plat or which had been recorded by Hamilton County at the time of the adoption of this Ordinance; or a lot described by metes and bounds, the description of which had been recorded by Hamilton County at the time of the adoption of this Ordinance.

24. Manufactured Home: A transportable structure, which exceed either eight (8) body feet in width or thirty two (32) body feet in length, built on a chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities. This structure is also know as a "Mobile Home" and as a "House Trailer" and all have the same meaning in this Ordinance.

25. Manufactured Home Parks: Any premises where manufactured homes are parked for living and sleeping purposes, or any premises used or set apart for the purpose of supplying to the public parking space for manufactured homes for living and sleeping purposes, and which include any buildings, structures, vehicles or enclosure used or intended for use as part of such manufacture home park.

26. Mini-storage: Buildings divided into small compartments, each accessible from the outside of the building with each compartment usually being rented to different persons for the use of temporary storage of personal property.

56

27. Nonconforming structure: A building or structure lawfully constructed prior to the passage of this chapter or an amendment thereto, which does not conform to the dimensional requirements or other requirements except use, for the zone in which it is located.

28. Nonconforming Use: A lawful use of land, building or structure existing at the time of the passage of this Ordinance, or an amendment thereto, which does not conform to the use regulations for the zoning district in which it is located.

29. Signs: Any structure, part thereof, or device or inscription attached thereto or painted or representation thereon, which is located upon any land, on any building, or on the outside or inside of a window, and which displays or includes any numeral, letter, word, model banner, emblem, insignia, device, trademark, or other representation used as, or in the nature of an announcement, advertisement, direction, warning, or designation of any person, firm, group, organization, place,

commodity, product, service, business, profession, enterprise or industry.

This definition shall not include the flag, emblem, insignia, poster or other display of any nation or political subdivision including traffic or similar regulatory devices, or legal notices, warnings at railroad crossings, signs or tablets which are primarily memorials, or emblems of religious institutions that are attached to buildings.

a. Advertising Sign: A sign which directs attention to a business, commodity, industry or other activity which is sold, offered or conducted elsewhere than on the premises upon which such sign is located, or to which it is affixed, and which is sold, offered or conducted on such premises only incidentally if at all.

b. Business Sign: A sign which directs attention to a business, commodity, service, industry or other activity which is sold, offered, or conducted on the premises upon which such sign is located, or to which it is affixed.

c. Ground Sign: A free-standing sign resting upon the ground or attached to it by means of two or more poles or standards.

d. Identification Sign: A sign used to identify only: the name of the individual, family, organization or enterprise occupying the premises; the profession of the occupant; the name of the building on which the sign is displayed.

e. Illuminated Sign, Directly: A sign designed to give forth artificial light directly (or through transparent or translucent material) from a source of light within such sign, including but not limited to neon and exposed lamp signs.

f. Illuminated Sign, Indirectly: A sign illuminated with a light so shielded that no direct rays there from are visible elsewhere than on the lot where said illumination occurs. If such shielding device is defective, such sign shall be deemed to be a directly illuminated sign.

g. Non-illuminated Sign: A sign which is not illuminated, either directly or indirectly.

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

31. Street: A public thoroughfare which affords the principal means of access to abutting property.

57

32 Structure: Anything constructed or erected, including a building, which has permanent location on the ground or anything attached to something having a permanent location on the ground.

33. Structural Alteration: The word "Alteration" shall include any of the following:

a. any addition to the height or depth of a building or structure;

b. Any change in the location of any of the exterior walls of a building or structure;

c. Any increase in the interior accommodations of a building or structure.

In addition to the foregoing, a building or structure shall be classified as altered when it is repaired, renovated, remodeled, or rebuilt at a cost in excess of fifty per cent (50%) of its value prior to the commencement of such repairs, renovation, remodeling or rebuilding.

34. Use: Any activity, occupation, business or operation carried on, or intended to be carried on, in a building or other structure or on a tract of land.

35. Use, Accessory: a use located on the same lot with a principal use, and clearly incidental or subordinate to and customarily in connection with the principal use.

36. Use, Principal: The main use on a lot.

37. Yard: An open space on the same lot with a principal building, unoccupied and unobstructed from the ground upward, except by trees or shrubbery or as otherwise provided herein.

38. Yard, Front: An open, unoccupied space on the same lot with a principal building extending the full width of the lot and situated between the street and the front line of the building projected to the side lines of the lot.

39. Yard, Rear: An open, unoccupied space on the same lot with a principal building, extending the full width of the lot, and situated between the rear line of the lot and the rear line of the building projected to the side lines of the lot.

58

ARTICLE XVII AMENDMENTS

The provisions of this Ordinance, including the Zoning Map, may from time to time be amended, supplemented, changed, modified, or repealed to accordance with the following procedure:

SECTION 170 PROCEDURE

The regulations and the number, area, and boundaries of districts established by this Ordinance may be amended, supplemented, changed, modified or repealed by the municipal governing body, but no amendment shall become effective unless it is first submitted to the municipal Planning commission for its recommendation. the municipal Planning Commission, upon its own initiative, may hold public hearings, public notice of which shall be given for the consideration of any proposed amendment to the provisions of this Ordinance or to the zoning Map and report its recommendations to the Hamilton City Council. The provisions of Title 11, Chapter 52, Article 1, Section 76, Code of Alabama, 1975, as the same may be amended, shall apply to all changes and amendments.

ARTICLE XVIII SPECIFICATIONS FOR DOCUMENTS TO BE SUBMITTED

SECTION 180 PRELIMINARY PLAT REQUIREMENTS

Each Preliminary Plat presented to the Planning Commission for approval shall contain the following information:

1. Date, north arrow, graphic scale, subdivision name, total acreage to be subdivided and total acreage under the control of the developer. The scale shall not be less than one hundred feet to the inch (1" = 100'), or, in the case of a metric plat, not less than one to one thousand (1:1,000 or 1 cm = 10m). No subdivision may bear a name identical to, or unacceptable similar to, the name of an existing subdivision.

2. Contours shall be shown at intervals of not more than five (5) feet. In areas where existing slope is less than three percent (3%) on one acre or more, the contour interval shall be two (2) feet or less.

3. Names and addresses of owners and of the designer of the plat, who shall be a land surveyor registered to practice in the State of Alabama.

4. Names and addresses of owners of record of all adjoining parcels of land as they appear on the current tax records.

5. Locations and widths of rights-of-way of proposed and existing streets, alleys, and easements. Proposed locations of "stop," "yield," and other traffic control signs. If the proposed subdivision abuts an existing street, the location of any intersecting streets on the other side of such abutting street shall be depicted. In the event that a proposed subdivision is not directly served by a publicly maintained street or road with two or more trafficable lanes, the subdivision designer shall include a statement showing the Deed Book and Page Number of deeds granting rights-of-way for that portion of rural roads located between the proposed subdivision and the nearest publicly-maintained street or road with two or more trafficable lanes.

6. The names, locations, widths, and other dimensions of existing or proposed parks, playgrounds, open spaces or other public property.

7. The locations of existing and proposed property lines, and existing buildings, water courses, railroads, bridges, culverts, and drainpipes on the land to be subdivided and for an area at least fifty (50) feet in width around the perimeter thereof.

59

8. Location and dimensions of existing sanitary sewer lines and, to the extent known at this stage, of proposed sanitary sewer lines. In the event the subdivision will be served by septic tanks or a developer-installed sewage lift station, the Preliminary Plat should so state.

9. Proposed lot lines, lot numbers, and approximate dimensions.

10. Number of Section, Township, and Range, with approximate ties to all identifiable section corners within or close to the proposed subdivision.

11. vicinity map showing the general location of the subdivision in relation to existing and proposed major streets, schools, parks, and other subdivisions.

12. Existing zoning classification of proposed subdivision, if any.

13. Street cross-section, showing proposed construction and statements concerning type of material to be used in construction.

14. Locations of proposed sidewalks, if any.

15. Building and parking lot outlines.

16. If any portion of the land included in, or immediately adjacent to, the proposed subdivision is located within the Floodway or the 100-Year Flood boundary of a stream or river, as depicted on

the Flood Boundary and Floodway Map, or is located in a "Special Flood Hazard Area", as depicted on a Flood Hazard Boundary Map, then such Floodway, Boundary, or Flood Hazard Area shall be indicated on the Preliminary Plat as accurately as possible. Guidelines for subdivision design in such areas are on file in the Hamilton City Hall.

SECTION 181 PLANS AND PROFILES

Construction drawings of proposed improvements shall include plans and profiles of proposed streets, sanitary sewers, and drainage structures, and shall be prepared by a registered Professional Engineer. Street design shall conform to the requirements of the City of Hamilton and such other specifications as may be promulgated by the City Engineer. The plans and profiles of sanitary sewers shall include sufficient data to insure that the sewers have been designed properly. The plans and profiles of drainage features shall contain sufficient data, including calculations of pipe diameters and runoff velocity in open gutters, to permit the City Engineer to verify the design.

SECTION 182 FINAL PLAT

The Final Plat shall be an original drawing on mylar or other high quality reproducible material and shall be tied to an accepted corner based on the U. S. Government Survey. This Plat shall also show the following:

1. Title, graphic scale, north arrow, name and registration number of the subdivision designer, and the date, together with the quarter section(s) in which the subdivision is located.
2. Tract boundary lines, right-of-way lines of streets, easements, and other rights-of-way, and property lines of lots, with accurate dimensions, bearings, or deflection angles, radii, arcs, and central angles of all curves.
3. Right-of-way width of each street or other right-of-way.
4. The locations and dimensions of all easements, together with the following statement:

60

NOTE: ALL EASEMENTS SHOWN ON THIS PLAT ARE FOR PUBLIC UTILITIES, SANITARY SEWERS, STORM SEWERS, AND STORM DITCHES, AND MAY BE USED FOR SUCH PURPOSES TO SERVE PROPERTY BOTH WITHIN AND WITHOUT THIS SUBDIVISION. NO PRIVATE UTILITY, INCLUDING PRIVATE SANITARY SEWER LINES, THAT RUN ALONG THE EASEMENT SHALL BE INSTALLED WITHIN THE EASEMENT, BUT MAY BE PERMITTED TO CROSS PERPENDICULAR TO THE EASEMENT. NO PERMANENT STRUCTURE OR OTHER OBSTRUCTION SHALL BE LOCATED WITHIN THE LIMITS OF A DESIGNATED EASEMENT. FENCES OR SHRUBBERY PLACED WITHIN AN EASEMENT ARE SUBJECT TO REMOVAL WITHOUT COMPENSATION AT THE CONVENIENCE OF THE CITY OR COUNTY.

5. Number to identify each lot or building site.
6. The purpose for which sites, other than residential lots, are dedicated or reserved.
7. Minimum building setback lines on all lots shall meet those for the zone in which constructed.
8. Reference to recorded subdivision plats of adjoining platted land, by plat book and page number.
9. Space for the approval of the City Engineer, the Secretary of the Planning Commission, and the authorized representative of the Health Department. If the subdivision is located outside the Corporate Limits of the City of Hamilton and involves the dedication of any rights-of-way or improvements to the public, then space shall be provided for approval of the County Engineer.
10. Certificates and acknowledgments for the designer and owner, as required in Section 35-2-51 of the Code of Alabama, 1975. The designer shall further execute the following certification:
'I hereby certify that all parts of this survey and drawing have been completed in accordance with the requirements of the Minimum Technical Standards for the Practice of Land Surveying in Alabama.'
11. If the plat depicts a PUD with private streets, a provision for the dedication of any or all of the private streets to the public in the event that the governing body of the City determines in the future that the same is required for adequate public access to adjacent or other property or required for public health, safety, and welfare. All such private streets shall be so identified on the plat drawing.
12. Final Plats shall be drawn to a scale of not less than one inch equals one hundred feet (1" = 100') or, in the case of a metric plat, not less than one to one thousand (1:1,000 or 1 cm = 10 m), provided that, after the plat has received final approval by the Planning Commission, the developer may file a reduced copy for the record.
13. Final Plats shall document the location of the subdivision according to the West Zone of the

Alabama Coordinate System as described in Alabama Code, Section 35-2-1 (1975).

a. This requirement shall apply only to those new subdivisions containing ten or more lots. All phases of one development shall be added together for purposes of determining the applicability of this section. Each phase of a subdivision containing ten (10) or more lots shall be subject to the placement of monuments as indicated below.

b. Implementation of this section requires that at least two monuments be erected in the subdivision, referenced to the subdivision itself, at least 300 feet apart. Easements or other means shall be provided for permanent sight distance between the monuments, and public access to the monuments.

61

c. The monuments erected under this section shall be permanent concrete monuments or other monuments accepted by the City Engineer, set below the ground in a approved protective box, and identified by a minimum of three (3) permanent reference points.

d. The City Engineer shall keep a book listing all such monuments erected under this section. The location and coordinates of monuments shall be shown on the final plat and prior to recordation of the final plat there must be recorded in the book a location or site map of each such monument, the coordinates of each, and sufficient field and office records to establish the probable accuracy of the information supplied.

e. Control for monuments established under this section shall meet National Geodetic Survey third-order requirements: one part in 10,000 and an angular closure of not greater than 8 seconds per turn.

ARTICLE XIX LEGAL STATUS PROVISIONS

SECTION 190 RE-ENACTMENT AND REPEAL OF EXISTING ZONING ORDINANCE

This Ordinance amends and in part carries forward by re-enactment some of the provisions of the Zoning Ordinance of the City of Hamilton, adopted in November 5, 1973, as amended and it is not the intention to repeal but rather to re-enact and continue to force such existing provisions so that all rights and liabilities that have accrued hereunder are preserved and may be enforced. All provisions of the Zoning Ordinance of the City of Hamilton enacted in November 5, 1973, as amended, which are not re-enacted herein are hereby repealed. All suits at law or inequity and/or all prosecutions resulting from the violation of any zoning ordinance heretofore in effect, which are not pending in any of the Courts of this State or of the United States, shall not be abated or abandoned by reason of the adoption of this Ordinance but shall be prosecuted to their finality the same as if this Ordinance had not been adopted; any and all violations of existing zoning ordinances, prosecutions for which have not yet been instituted, may be hereafter filed and prosecuted; and nothing in this Ordinance shall be so construed as to abandon, abate, or dismiss any litigation or prosecution not pending, and/or which may heretofore have been instituted or prosecuted.

SECTION 191 EFFECT UPON OUTSTANDING BUILDING PERMITS

Nothing herein contained shall require any change in the plans, construction, size or designated use of any building structure or part thereof for which a building permit had been granted by the Building Inspector before the time of passage of this Ordinance; provided, however, 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 within eighteen (18) months subsequent to passage of this Ordinance, any further construction of use shall be in conformance with this Ordinance.

62

SECTION 192 VALIDITY

If any section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance. The City council of the city of Hamilton hereby declares that they would have passed this Ordinance and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid.

SECTION 193 INTERPRETATION AND PURPOSE

In their interpretation and application, the provisions of this Ordinance shall be considered minimum requirements adopted for the promotion of the public health, safety, morale, convenience, order, prosperity, and general welfare of the community. Where other ordinances or regulations which may be adopted hereafter impose greater restrictions than those specified herein, compliance with such other ordinances is mandatory. This Ordinance shall not lower the restrictions of plats, deeds, or private contracts, if such are greater than the provisions of this Ordinance.

SECTION 194 EFFECTIVE DATE

This Ordinance shall be effective and in full force from and after the date of its passage.

CITY OF HAMILTON
ZONING CODES

B1 NEIGHBORHOOD TRADE

B2 GENERAL BUSINESS

B3 GENERAL BUSINESS

FP FLOOD PLAN

M1 LIGHT MANUFACTURING

M2 HEAVY MANUFACTURING

R1 RESIDENTIAL

R2 RESIDENTIAL

R3 MOBILHOME SUBD

F.A.R. FARM AND LUMBER

McDavid Franks motioned that the foregoing ordinance be approved. Paul Stidham seconded the motion and voting was as follows: Ayes: McDavid Franks, Annette Sherrill, April Steele and Paul Stidham. Nays: None. Abstained: Scotty Sanderson.

Scotty Sanderson made a motion to secure sealed bids for the sale of unneeded property on March 8, 2010 at 10:00 a.m., and should the highest bid be less than \$30,000.00 the bids may be rejected. April Steele seconded the motion. All voted in favor.

The next order of business was a recommendation for immediate consideration of Ordinance 2010-5 amending Ordinance number 2009-21 approving changes in building permit fees outlined in Building Code Ordinance. Voting was as follows: Ayes: McDavid Franks, Scotty Sanderson, Annette Sherrill, April Steele and Paul Stidham. Nays: None.

ORDINANCE NUMBER 2010-5
AN ORDINANCE TO AMEND ORDINANCE NUMBER 2009-21 OF THE CITY OF
HAMILTON TO REQUIRE BUILDING PERMITS AND THE SETTING OF THE FEES
FOR SAID PERMITS

BE IT ORDAINED by the City Council of the City of Hamilton, Alabama, as follows:

SECTION I. BUILDING PERMIT REQUIRED

The City Council for the City of Hamilton hereby requires a building permit for the construction, erection, alteration or improvement of buildings, and hereby imposes the following fee schedule.

A permit shall not be required for residential alteration, improvement or remodeling unless the applicant is increasing the square footage of the residence. However, residential alteration, improvement or remodeling that includes plumbing or electrical modifications shall require a permit under the following schedule of fees.

SECTION II. SCHEDULE OF FEES

The Schedule of Permit Fees for the City of Hamilton is as follows:

A. All residential construction, erection, alteration or improvement of buildings wherein the total cost of construction, erection, alteration or improvement of buildings is \$10,000 or less, wherein the applicant requests an inspection:

\$55.00 (Base Fee of \$5.00 and an inspection fee of \$50.00, if requested)

B. All residential construction, erection, alteration or remodeling wherein the total cost of construction, erection, alteration or remodeling is in excess of \$10,000 and in excess of 400 square feet is \$100.00. (All under roof)

(Base Fee of \$100.00 and \$0.15 for every square foot of construction, erection, alteration or remodeling in excess of 400 square feet, also requires an architect drawing.) (Under 400 sq feet will be \$100.00)

C. All commercial construction or remodeling:

- (i) **\$100.00, plus an additional \$0.15 per square foot of construction, erection, alteration or remodeling.**
- (ii) **\$0.15 per square foot of remodeling with no additional square feet added to structure.**

D. All places of worship (requires an architect design or drawing): **\$250.00**

E. All governmental construction or remodeling, whether by a municipal corporation, a public corporation, the State of Alabama or a subdivision thereof:

No fee.

F. All residential re-roofing over \$10,000, commercial and industrial re-roofing:

\$0.05 per square foot.

G. All swimming pools:

\$100.00.

SECTION III. INSPECTIONS

A. All permits issued pursuant to Section II (B) and Section I (C) shall include three inspections.

B. All costs of inspection for Section II (A): \$50.00 per inspection

C. All costs of inspection for Section II (B) over and above the allowable inspections: \$50.00 per inspection

SECTION IV. SEVERABILITY. Each and every provision of this ordinance is hereby declared to be an independent provision, and the holding of any provision hereof to be void or invalid, shall not affect any other provision hereof, and it is hereby declared that the other provisions of this ordinance would have been enacted regardless of any provision which might be held invalid.

SECTION V. EFFECTIVE DATE. This ordinance shall become effective upon the date of publication.

Adopted and approved this the 16th day of February, 2010.

Bobby Holliday
Mayor for the City of Hamilton

Authenticated:

Jan Williams, Clerk for the City of Hamilton

Scotty Sanderson motioned that the foregoing ordinance be approved. Paul Stidham seconded the motion which passed unanimously.

Annette Sherrill motioned to give NW Alabama Arts Council \$1,000.00 for the upcoming Jerry Brown Arts Festival. McDavid Franks seconded the motion and all voted "Yes".

Paul Stidham made a motion to replace the culvert on 1st Street NW. McDavid Franks seconded the motion which passed without opposition.

At this time Mayor Holliday asked for comments from the guests with the exception of comments regarding animals, zoning and the police department.

Tami Williams addressed the Mayor and Council regarding being charged \$5.00 for a copy of a court document Mayor Holliday told her that was the charge the City Court had established and the money went into the City of Hamilton General Fund.

Scott Hunt commented on the Police Department and stated that an investigation is currently going on.

There being no further business, McDavid Franks made a motion that the meeting be adjourned. Annette Sherrill seconded the motion, following a unanimous consent in favor Mayor Holliday declared the meeting adjourned.

Mayor

City Clerk

Council:
