

CITY OF VALLEY ZONING ORDINANCE

ORDINANCE NO. 99-07

ADOPTED JUNE 28TH. 1999

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Original Ordinance prepared by House Consultants
Birmingham, Alabama

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AN ORDINANCE, IN PURSUANCE OF THE AUTHORITY GRANTED BY TITLE 11, CHAPTER 52, ARTICLE 4, CODE OF ALABAMA, 1975, AS AMENDED AND SUPPLANTED BY ALL APLICABLE LAWS TO PROVIDE FOR THE ESTABLISHMENT OF DISTRICTS WITHIN THE CORPORATE LIMITS OF VALLEY, ALABAMA: TO REGULATE WITHIN SUCH DISTRICTS THE HEIGHT, NUMBER OF STORIES, AND SIZE OF BUILDINGS AND OTHER STRUCTURES, THE PERCENTAGE OF LOTS THAT MAY BE OCCUPIED, THE SIZE OF YARDS AND OTHER OPEN SPACES, THE DENSITY OF POPULATION AND USE OF BUILDINGS, STRUCTURES AND LAND: TO REPEAL ALL EXISTING ZONING ORDINANCES AND TO PROVIDE METHODS OF ADMINISTRATION OF THIS ORDINANCE AND PENALTIES FOR THE VIOLATION THEREOF.

THE PUBLIC WELFARE REQUIRING IT, be it ordained by the City of Valley, Alabama, as follows:

ARTICLE I. SHORT TITLE

This Ordinance shall be known as the “Zoning Ordinance of Valley, Alabama,” and the map herein referred to, identified by the title “Zoning Map of Valley, Alabama,” shall be further identified by the signature of the Mayor of Valley and attested by the City Clerk. The zoning map of Valley is hereby adopted and made a part of the Ordinance. Said zoning map shall zone only territory within Valley. Such map is filed with the Clerk of Valley at the time of the introduction of this Ordinance, will remain on file in the office of the said Clerk and upon the adoption of the Ordinance, said map will show by endorsement thereon the date of such adoption.

ARTICLE II. PURPOSE AND METHOD

Section 1.0. Purpose.

The fundamental purpose of this Ordinance is to promote the public health, safety, morals and general welfare; to provide for the orderly development and growth of Valley; to avoid congestion on the public roads and streets; to conserve life, property and natural resources and the expenditure of funds for public improvements and services to conform with the most advantageous uses of land, resources and properties, for the general good and benefit to the people of Valley.

Section 2.0. Method.

For the purpose hereinafter stated, the City of Valley is divided into districts of such number, shape and area, and of such common unite of purpose, adaptability or use, which are deemed most suitable to provide for the best general civic use, protect the common rights and interests within each district, preserve the general rights, and interests of all; and by further regulations to limit the location, uses and occupancy of buildings, structures and land to be used for trade, industry, residence or other structures, including the ratio of lots occupancy and coverage, street setback lines, sizes of yards, and other open spaces.

2.1. *Zoning Districts.* In order to classify, regulate, and restrict the location of buildings designed for specific uses, to regulate and limit the height and bulk of buildings hereafter erected or structurally altered, to regulate and limit the intensity of the use o the land area, and to regulate and determine the areas of open spaces within and surrounding such buildings, the City of Valley, Alabama, is hereby divided into the following zoning districts:

- 2.11. FAR Forestry, Agriculture and Recreation District
- 2.12. Residential Districts
 - A. Rural – Residential District
 - B. R-1 Low Density Residential District
 - C. R-2 Medium Density Residential District
 - D. R-3 Medium Density Residential District
 - E. R-4 Medium Density Residential District
 - F. R-5 Medium Density Residential District
 - G. R-6 High Density Residential District
 - H. MHR Manufactured Home Subdivision District
 - I. MH Manufactured Home Park District
- 2.13. Institution District (I)
- 2.14. Office District (O)
- 2.15. Commercial Districts.
 - A. C-1 Neighborhood Business District
 - B. C-2 Local Business District
 - C. C-3 Community Business District
- 2.16. Industrial Districts
 - A. M-1 Light Industrial District
 - B. M-2 Heavy Industrial District

2.17. PDD Planned Development District

2.2 *Zoning Map.* The boundaries of the districts are as shown on the map which shall be known as the “Valley Zoning Map.” Unless otherwise shown on said Zoning Map, the boundaries of districts are lot lines, the centerlines of streets or alleys or such lines extended, railroad right-of-way lines, or the corporate limit lines as they existed at the time of enactment of this Ordinance.

2.3. *Interpretation of District Boundaries.* The Zoning Administrator shall make an interpretation of the “Valley Zoning Map” upon request of any person. Where uncertainty exists as to the boundaries of any district shown on said maps the following rules shall apply:

- A. Where boundaries are indicated as approximately following street and alley lines or land lot lines, such lines shall be construed to lie along such boundaries.
- B. In un-sub-divided property or tracts where a district boundary divides a lot, the location of such boundaries, unless same are indicated by dimensions, shall be determined by the use of the scale appearing on such maps.
- C. Where boundaries are so indicated that they are approximately parallel to the centerlines or street line of streets or to the centerlines or alley lines of alleys or to the centerlines or right-of-way lines of highways, such boundaries shall be construed as being parallel thereto and at such distance there from as indicated on the Zoning Map. If no distance is given, such dimensions shall be determined by the use of the scale shown on the said maps.

ARTICLE III. ADMINISTRATION AND REVIEW PROCEDURES

Section 1.0. General Administration

The provisions of this Ordinance shall be administered and enforced by the Zoning Administrator of the City. This official shall have the right to enter upon any premises at any reasonable time prior to the issuance of certificate of occupancy or occupancy of the dwelling for the purpose of making inspections of buildings or premises necessary to carry out his duties in the enforcement of this Ordinance.

1.1 *Building Permits.* It shall be unlawful to commence earthwork or the construction of any building or other structure, including accessory structures, signs, or to store

building materials or erect temporary field offices, or to commence the moving, alteration, or repair of any structure, including accessory structure, until the Zoning Administrator of the City 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 Zoning Administrator of the City on forms provided for that purpose. Every building permit shall become invalid unless the work authorized by such permit is commenced within six months after its issuance, or if the work authorized by such permit is suspended or abandoned for a period of six months after the time the work is commenced.

1.2 Review of Building Permit Applications. It shall be unlawful for the Zoning Administrator of the City 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. Said plan shall include:

- A. The boundary and dimensions of the lot or parcel.
- B. The shape, size, use, and location of all buildings, signs, or other structures to be erected, altered or moved and of any buildings or other structures already on the lot, both above and below existing grade.
- C. The existing and proposed facilities for the disposal of storm water drainage.
- 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 conformance with the provisions of this Ordinance.
- E. Written certification from the appropriate authority regarding the adequacy of sanitary sewage disposal for the site.
- F. Every application for the use of land under and by virtue of the provisions of this Ordinance shall include therewith a land showing the location of necessary fire hydrants with adequate fire flow.

In addition thereto, the applicant shall submit a written agreement between the applicant and the appropriate water authority, which agreement shall specify that the applicant shall assume the responsibility for purchasing and having installed such fire hydrants as required by the appropriate fire department, and that the applicant shall agree to pay the annual rental therefore, and such other charges that may be levied by the water authority for

a period of three (3) years from the date of their installation. Such agreement shall be submitted to the Zoning Administrator for his and the fire department's approval, and shall be in full force and effect at the time of the issuance of any building permit provided for there under.

- G. In the event such application requests such a permit for the construction of a theater, hotel, state building, private school building or a commercially structured building containing fifteen (15) or more rooms, the applicant shall furnish to the Zoning Administrator a written certification from the applicant's architect affirming that the plans have been approved by the Building Commission of the State of Alabama.

1.21. *Approval of Building Permit Applications.* If the proposed excavation, construction, moving, or alteration as set forth in the application, are in conformity with the provisions of this Ordinance and other applicable regulations, the Zoning Administrator of the City shall issue a building permit accordingly.

1.22. *Denial of Building Permit Application.* The Zoning Administrator shall notify the applicant in writing that his or her building permit has been denied and said notification shall state the reasons for denial.

1.3. *Certificate of Occupancy.* No land or building or other structure or part thereof hereafter erected, moved or altered in its use shall be used or occupied, including an increase in the number of dwellings, until the Zoning Administrator of the City shall have issued a Certificate of Occupancy. Within three (3) days after the owner or his agent has notified the Zoning Administrator of the City that a building or premises or part thereof is ready for occupancy or use, it shall be the duty of the Zoning Administrator of the City to make a final inspection thereof, to issue a Certificate of Occupancy if the building or premises are found to conform with the provisions of this Ordinance and other applicable regulations or, if such certificate is refused, to notify such applicant in writing of the refusal and the cause or causes therefore.

1.4. *Expiration of Building Permit.* Any permit under which no construction work has been done above the foundation wall or other foundation support within six (6) months from the date of issuance shall expire by limitation, but shall upon reapplication be renewable, subject, however, to the provisions of all ordinances in force at the time of said renewal. In no event shall any permit be renewed more than one time.

1.5. *Unlawful Structure.* Any uses of land or dwellings or construction or alteration of buildings, or structures erected, altered, razed or converted in violation of any of the provisions of this Ordinance are hereby declared to be a nuisance per se. The Zoning Administrator is hereby authorized to apply to a court of equity to abate the nuisance created by such unlawful use of structure. Whenever the Zoning Administrator has

declared a structure to be not conforming with the provisions of this Ordinance, the owner or occupant shall, within seventy two (72) hours from the issuance of a notice from the Zoning Administrator to vacate such premises, accomplish such vacation of such structure or premises which shall not again be used or occupied until such structure or premises has been adapted to conform to the provisions of this Ordinance.

1.6. *Fees.* Where work for which a permit is required by this Ordinance is stated or proceeded with prior to obtaining a permit, the building permit fee shall be doubled, but the payment of such double fee shall not relieve any person from having to fully comply with the requirements of this Ordinance in the execution of the work or from any other penalties prescribed in this Ordinance.

1.7. *Penalties.* Any person, firm, corporation, or other organization which violates any provision of this Ordinance shall be fined upon conviction not less than one dollar (\$1.00) nor more than five hundred dollars (\$500.00) and cost of court for each offense. Each day such violation continues shall constitute a separate offense.

1.8. *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 Zoning Administrator of the City or any other appropriate authority or any adjacent or neighboring property owner who would be damaged or caused hardship by such violation, in addition to other remedies, may institute injunction, mandamus, or other appropriate action or proceeding to stay or prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use, to correct or abate such violation or to prevent occupancy of such building, structure or land.

1.9. *City Not Subject to Ordinance.* Any provision of the Ordinance to the contrary notwithstanding the City in exercising any governmental function, power, or authority, shall not be subject to the provisions of this Ordinance or in anywise limited thereby in the exercise of such governmental function, power of authority.

Section 2.0. Zoning Amendments.

A proposed change of the zoning district boundaries or of the regulations as they pertain to a piece of property may be initiated by the City or at the request of the owner or owners of the property to be rezoned or their authorized agents.

2.1. When a rezoning request is made by a petition, the following procedure shall be followed:

- A. The applicant shall submit a complete zoning amendment application to the

Planning Department, at least three (3) days prior to a regularly scheduled Planning and Zoning Commission meeting, containing as a minimum, the following information:

1. A one hundred dollar (\$100.00) fee to defray the cost of processing the application.
 2. A vicinity map, drawn to scale, showing the exact location of the subject property in relation to the vicinity where it is located.
 3. A site development plan, drawn to a scale no larger than one inch equals 50 feet, which shows the following:
 - a. Property lines, right-of-way and easements
 - b. Location and dimensions of all existing and proposed improvements
 - c. Points of ingress and egress to the property
 - d. Direction of storm water flow and method of handling same
 4. A written statement indicating:
 - a. Reason for the rezoning request
 - b. Expected traffic volumes to be generated by the proposal, if applicable
 - c. Availability of required utilities
 - d. Relationship of the proposed rezoning to the land use pattern of the vicinity
 - e. Legal description of proposed rezoning site
 5. Landscaping Plan, if applicable.
- B. Upon receipt of an application which complies with the requirements of Subsection 2.1, the Planning Clerk shall present the application to the Planning and Zoning Commission at their next regularly scheduled meeting. Upon receipt of said application by the Planning and Zoning Commission, the Commission shall schedule a public hearing on the application at their next regularly scheduled meeting.
- C. A minimum of fourteen (14) days prior to the Planning and Zoning Commission public hearing, the Planning Clerk shall mail notification to all owners of adjacent property as their names appear on the plats of the Tax Assessor. The notice shall state:
1. Location of the rezoning request (by mailing address and legal description).

2. The nature of the rezoning request (indicating the current zoning of the site and the proposed zoning classification).
 3. The time, date and location of the Planning and Zoning Commission hearing at which the rezoning request is to be considered, and stating further that all persons who desire shall have an opportunity of being heard in opposition to such ordinance.
- D. Upon receipt of a positive recommendation from the Planning and Zoning Commission, the City Clerk shall, in accord with the Code of Alabama, schedule and advertise the proposed amendment for a public hearing before the City Council. Upon receipt of no recommendation or a negative recommendation from the Planning and Zoning Commission, the City Council hearing process must be initiated by a written request of the applicant.
- E. When the City Council denies a rezoning request, the Planning and Zoning Commission shall not reconsider the same request for a period of six (6) months. Each time the City considers a zoning request, the one hundred dollar (\$100.00) administrative fee must be paid.

2.2. Initiation of Zoning Amendments by the City. The Planning and Zoning Commission and/or the City Council, may, in accordance with the Code of Alabama, initiate public hearings for the consideration of any proposed amendment to the provisions of this Ordinance and/or the Zoning Map.

Section 3.0 Board of Zoning Adjustment.

The Board of Adjustments shall have only those powers specifically enumerated in Section 11-52-80, Code of Alabama, 1975; which are:

- A. 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. To hear and decide special exceptions to the terms of the ordinance upon which such board is required to pass under such ordinance; and
- C. 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.

3.1. Administrative Appeal. Appeals to the Board of Adjustments concerning interpretation or administration of this Ordinance may be taken by any person aggrieved

by any decision of the Building Official. Such appeals shall be taken within 30 days of the administrative decision which is the subject of the appeal. The Building Official shall forthwith transmit to the Board, all papers constituting the record upon which the action appealed from was taken.

- A. The applicant shall submit a complete administrative appeal application to the Planning Clerk, at least fourteen (14) days prior to the Board of Zoning Adjustment meeting at which the appeal is to be considered.
- B. A minimum of seven (7) days prior to the Board of Zoning Adjustment meeting at which the appeal is initially considered, the Planning Clerk shall mail notification to all owners of adjacent property as their names appear on the plats of the Tax Assessor. The notice shall state:
 - 1. Location of the property which is the subject of the appeal (by mailing address and legal description).
 - 2. The nature of the administrative appeal.
 - 3. The time, date and location of the Board of Adjustment meeting at which the administrative appeal is to be considered.
- C. The Board of Zoning Adjustment shall schedule a hearing on the appeal at the first regularly scheduled meeting after compliance with notice provisions as set forth herein.

3.2. Special Exception Uses.

Requests for special exception uses as stipulated within the zoning district regulations are permitted only after approval by the Board of Zoning Adjustment. When a Special Exception request is received by the City, the following procedure shall be followed:

- A. The applicant shall submit a complete Special Exception application to the Planning Clerk, at least eighteen (18) days prior to the Board of Zoning Adjustment meeting at which the request is to be considered, containing as a minimum, the following information:
 - 1. A non-refundable application fee of fifty dollars (\$50.00) to defray the cost of processing the application.
 - 2. A vicinity map, drawn to scale, showing the exact location of the subject property in relation to the vicinity in which it is located.
 - 3. A site development plan, drawn to a scale no larger than one inch equals 50 feet, which shows the following:
 - a. Property lines, right-of-way and easements
 - b. Location and dimensions of all existing and proposed improvements, buildings and structures
 - c. Exterior lighting and signs
 - d. Buffers and fences
 - e. Outside storage areas
 - f. Parking and loading areas

- g. Points of ingress and egress to the property
 - h. Direction of storm water flow and method of handling same
4. A written statement indicating:
 - a. Expected traffic volumes to be generated by the proposal
 - b. Availability of required utilities
 - c. Relationship of the proposed special exception to the land use pattern of the vicinity
 - d. Legal description of proposed special exception
 5. Landscaping Plan, if applicable.
- B. A minimum of fourteen (14) days prior to the Board of Zoning Adjustment meeting at which the Special Exception request is initially considered, the Planning Clerk shall mail notification to all owners of adjacent property as their names appear on the plats of the Tax Assessor. The notice shall state:
1. Location of the Special Exception request (by mailing address and legal description).
 2. The nature of the Special Exception request (indicating the current zoning of the site and the proposed use).
 3. The time, date and location of the Board of Adjustments meeting at which the Special Exception request is to be considered.
- C. The Board of Zoning Adjustment shall schedule a hearing on the application at the first regularly scheduled meeting after compliance with notice provisions as set forth herein.

3.3. *Variances.* A variance to the requirements of the Zoning Ordinance must be approved by the Board of Adjustment at a public hearing as stipulated herein.

- A. The applicant shall submit a complete variance application to the Planning Clerk at least fourteen (14) days prior to the Board of Zoning Adjustment meeting at which the request is to be considered containing as a minimum, the following information:
1. A vicinity map, drawn to scale, showing the exact location of the subject property in relation to the vicinity in which it is located
 2. A site development plan, drawn to a scale no larger than one inch equals 50 feet, which shows the following:
 - a. Property lines, right-of-way and easements
 - b. The location, dimensions, and building setbacks for all existing and proposed buildings and structures on the site and adjacent to the site
 - c. All dimensions of the building, structure and area which is the subject of the variance request
 3. Landscaping Plan, if applicable

- B. A minimum of seven (7) days prior to the Board of Zoning Adjustment meeting at which the variance is initially considered, the Planning Clerk shall mail notification to all owners of adjacent property as their names appear on the plats of the Tax Assessor. The notice shall state:
 - 1. Location of the variance (by mailing address and legal description).
 - 2. The nature of the variance
 - 3. The time, date and location of the Board of Adjustment meeting at which the variance is to be considered.

- C. The Board of Zoning Adjustment shall schedule a hearing on the application at the first regularly scheduled meeting after compliance with notice provisions as set forth herein.

3.4. *Rules of Procedure.* The Board of Adjustment shall adopt rules of procedure, which govern the application process, conduct of meetings and hearings, election of officers and other subjects deemed appropriate by the Board.

3.5. *Appeals From a Decision of the Board.* Any party aggrieved by any final judgement or decision of the Board of Adjustment may within 15 days thereafter appeal therefrom to the Circuit Court by filing with such Board a written notice of appeal specifying the judgement or decision from which the appeal is taken. An appellant shall be required to pay a filing fee in Circuit Court at the time that a Notice of Appeal is filed with the Court. The Board shall cause a transcript of the proceedings in the case to be certified to the Court to which the appeal is taken and the case in such Court shall be tried de novo. Said transcript shall consist of the minutes of the proceeding, together with true and correct copies of all exhibits, documents or other evidence presented for consideration by the Board.

ARTICLE 1V. DEFINITIONS

For the purpose of this Ordinance certain terms used herein are herewith defined. When not consistent with the context, words used in the present tense include the future, word in the singular include the plural number and words in the plural include the singular number. The word “shall” is mandatory and not directory.

Accessory Structure: A structure, which is normally incidental to, subordinate to and related exclusively to the principal use of the premises.

Accessory Use: A use, which is normally incidental to, subordinate to and related exclusively to support of the principal use of the premises.

Antenna: Any exterior apparatus designed to transmit and/or receive electromagnetic waves.

Alley: A public thoroughfare or way, which affords a secondary means of access to abutting property.

Alter and alteration: Any change or modification in construction or occupancy of a building or premises.

Alternative Support Structure: A building or structure other than a tower, which is used to support an antenna(s), such as a steeple, power pole, water tank, sign, clock tower, light pole and other similar structures.

Assisted Living Facility: A licensed facility in which room, board, meals, laundry, and assistance with personal care and other services are provided for not less than twenty-four hours in any week to a minimum of two ambulatory adults not related by blood or marriage to the owner and/or administrator.

Basement: That portion of a building which is partly or wholly below grade but so located that the vertical distance from the average grade to the floor is greater than the vertical distance from the average grade to the ceiling. A basement shall not be counted as a story for purposes of height restrictions.

Bed and Breakfast: A single family, owner occupied dwelling, wherein a fee is charged to provide more than two bedrooms as overnight accommodations for guests and where meals may be served to overnight guests but meals are not served to the non-resident general public.

Block: All land fronting on one side of a street between the nearest intersecting streets, roads, railroad right-of-way and waterways, meeting or crossing the aforesaid street and bounding such land.

Buffer: An area planted with live vegetation as required by this Ordinance, intended to separate incompatible land uses and thereby mitigate the effects of the incompatibility.

Building: A structure having a roof supported by columns or walls for the shelter, support or enclosure of persons, animals or chattels; and when supported by division walls from the ground up without ingress and egress provided between such divisions or suitable openings, each portion of such building so divided shall be deemed a separate building.

Building Area: That portion of a lot or parcel covered by a building.

Building Face or Wall: All window and wall area of a building in one plane or elevation.

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

Building Setback Line: Lines, which parallel property lines and determine the location of the building setback with respect to the street and other property lines.

Building, Principal: A permanent building in which is conducted or is intended to be conducted the principle use of the lot on which said building is located. The principle building shall be a permanent building which has a roof supported by columns or walls, with walls constructed of wood, metal, glass, brick or masonry materials, which completely enclose the principle building area. A principle building shall not be a mobile building.

Concealment Structure: A structure, which supports and completely conceals an antenna(s), such as steeple, sign, man-made tree, clock tower and similar applications.

Cul-de-sac: A circular terminus of a dead-end street having a minimum right-of-way radius of fifty (50) feet.

Day Care Center: Any childcare facility, which is not located in an owner occupied dwelling, where care is provided for children during the day for a fee, but where children are not accommodated overnight. The term does not include programs operated by a church when located on the same premises as the sanctuary, or programs operated within a public school.

Day Care Home: Any childcare facility operated in an owner occupied dwelling, where care is provided for children during the day for a fee, but where children are not accommodated overnight.

Drive-in Theater: A theater designed for the patron to view the performance while being seated in a vehicle.

Dwelling: Any building or portion thereof, which is designed or used exclusively for residential occupancy.

Dwelling, Multiple: A building situated on one lot or parcel which contains more than two dwelling units.

Dwelling, Single Family: A dwelling unit, which is not attached to any other dwelling by any means.

Dwelling, Two Family: A building situated on one lot or parcel, which contains two dwelling units.

Dwelling Unit: One or more rooms, designed, occupied or intended for occupancy as separate living quarters, with cooking, sleeping and sanitary facilities provided within the dwelling unit for the exclusive use of a single family maintaining a household.

Dwelling, Townhouse: Two (2) or more dwelling units, attached by at least twenty (20) feet of continuous common side wall(s), each unit of which is located on an individual lot and designed to be occupied and owned by one (1) family.

Erect: Construct, including build, reconstruction, alternation, moved upon or any similar physical operations on the premises. Excavation, earthwork, fill, drainage work, utilities installations and other work as it relates to the construction or use of a building or structure shall be considered within the meaning of erect.

Family: One or more persons occupying a dwelling unit and living as a single housekeeping unit, all but two (2) of whom are related to each other by birth, adoption or marriage.

Notwithstanding the definition in the preceding paragraph, a family shall be deemed to include up to three (3) unrelated persons occupying a dwelling unit and living as a single, non-profit housekeeping unit, if any one or more of said three (3) unrelated occupants is handicapped as defined in Title VIII of the Civil Rights Act of 1968 as amended by the “Fair Housing Act Amendments of 1988” and the “Alabama Fair Housing Law”, Code of Alabama 24-8-1, et seq. such unrelated individual(s) shall have the right to occupy a dwelling unit in the same manner and to the same extent as any family unit as defined in the first paragraph of this definition.

Fence: A structure intended for a barrier or enclosure.

First Floor: The term “first floor” shall mean the lowest floor surface of that portion of a structure defined as a story

Floor Area: The gross floor area, including basement, of any structure.

Gasoline Service Station: Any building, structure or land at which the sale of combustible and flammable fuels is the principle use.

Group Home: A dwelling, which is occupied by persons who collectively do not comply the definition of family.

Home Occupation: A use, conducted entirely within an enclosed, detached, single family residential dwelling, which occupies less than 25 percent of the gross floor area of the dwelling, employs only the inhabitants of the dwelling, is clearly incidental and secondary to residential occupancy and does not change the character of the dwelling.

Hospital: A public or proprietary institution providing medical diagnosis, treatment, or other care of human ailments, operating under license by the Alabama State Health Department, and which, unless otherwise specified, shall be deemed to include institutions primarily for treatment of contagious diseases and the insane or feeble minded but not including nursing homes.

Hotel: A facility offering transient lodging accommodations to the general public, where the rooms are accessed from the interior of the building, and providing additional services such as dining, meeting rooms and recreation facilities.

Independent Living Facility: Multi-family dwellings, restricted to occupancy by persons 62 years and older, which may provide common facilities and services, but which are not defined as an Assisted Living Facility.

Industrial Park: A tract of industrial land subdivided into at least two (2) parcels each of which have frontage on a public street.

Inn: An establishment which is located in a building which was originally designed and used as a single family dwelling, wherein a fee is charged to provide overnight accommodations for guests.

Junk: Any scrap, waste, reclaimable material or debris, whether or not stored or used in conjunction with dismantling, processing, salvage, storage, baling, disposal or other use or disposition; including but not limited to: vehicles, tires, vehicle parts, equipment, paper, rags, metal, glass, building materials, household appliances, brush, wood and lumber.

Junk Yard: Any area, lot, land, parcel, building or structure, or portion thereof, used for the storage, collection, processing, purchase, sale or abandonment of junk.

Land Area: Property, which is not water surface area.

Loading Space: A space having a minimum dimension of twelve by thirty-five (12x35) feet and a vertical clearance of at least fourteen (14) feet within the main building or on the same lot, providing for the standing, loading or unloading of trucks.

Lot: A parcel of land intended for transfer of ownership or for building development, which shall be comprised of land area or a combination of land area and water surface area which complies with the area and dimensional regulations of the zoning district in which it is located. Each lot shall be comprised of land area in an amount equal to or greater than the minimum lot area required in the zoning district in which it is located. Said land area shall be contiguous and have principle frontage upon a public street.

Lot-corner: A lot abutting upon two (2) or more streets at their intersection.

Lot Line: The lines bounding a lot as defined herein.

Lot Line-front: In the case of a lot line abutting upon one street, the front line is the line separating such lot from such a street. On corner lots and through lots, the front lot line shall be considered as parallel to the streets upon which the lot is located.

Lot Line-rear: The rear lot line is that opposite the front line, except in the case of a through lot. In case of a lot terminating at a point at the rear of the lot, or having a rear lot line less than ten (10) feet long, the rear lot line shall be considered a line parallel to the front lot line having a length not less than ten (10) feet long.

Lot Line-side: Any lot line other than front lot line or rear lot line.

Lot-of-record: A legally platted lot shown on the records in the Office of the Judge of Probate.

Lot-through: A lot which abuts two (2) parallel or approximately parallel streets.

Lot Width: The width of the lot measured at the minimum required building setback line.

Manufactured Home: A structure defined by and constructed in accordance with the National Manufactured Housing Construction and Safety Standards Act of 1974 as amended, 42 U.S.C. Section 5401, et seq. The definition at the date of adoption of this Ordinance is as follows:

A structure, transportable in one or more sections, which in the traveling mode, is eight (8) body feet or more in width and forty (40) body feet or more in length, or when erected on site, is three hundred twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation, when connected with required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein; except that such term shall include any structure which meets all of the requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary and complies with the standards established under this title.

Mobile Building: A building used for non- residential purposes, which is transportable in one or more sections, built on a permanent chassis, and designed to be occupied and used with or without a permanent foundation.

Mobile Home: A structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation, and which does not meet the standards required of a Manufactured Home herein.

Mobile Home or Manufactured Home Park: A lot or parcel which contains more than one mobile home or manufactured home used as living quarters, or a lot or parcel containing more than one space designed or intended for parking of mobile homes or manufactured homes, to be used as living quarters.

Modular Home: A single-family dwelling, factory fabricated and transportable as a building consisting of units designed to be incorporated at a building site on a permanent foundation into a permanent structure to be used for residential purposes and which bears

a seal of compliance with the regulations of the Alabama Manufactured Housing Commission.

Motel: A facility offering transient lodging accommodations to the general public where most of the rooms have separate and direct access to the outside, and which may provide additional services such as dining, meeting rooms and recreation.

Nonconforming Use: The use of any building, structure or land which was lawful at the time of the passage of this Ordinance, or amendment thereto but which use does not conform, after the passage of this Ordinance or amendment thereto, with the use regulations of the district in which it is located.

Nursing Home: A licensed facility providing inpatient care for convalescents or other persons not acutely ill and not in need of acute general hospital care, but do require skilled nursing care.

Office: Space or rooms for professional, administrative, clerical and similar uses.

Parking Area: Space, which is surfaced by either bituminous pavement or concrete, used or intended to be used exclusively for the off-street parking of vehicles.

Parking Space: An area surfaced by either bituminous pavement or concrete, which are at least nine (9) feet wide and twenty (20) feet long.

Premises: A lot or parcel, together with all buildings and structures existing thereon; except in the case of leased space in a multiple tenant building, the premises shall be the subject leased space.

Public Utility: Any person, firm, corporation, municipal department or board, duly authorized by the Alabama Public Service Commission to provide electricity, gas, steam, telephone, telegraph, transportation, water or sewer service to the general public.

Restaurant: An establishment where food is cooked, patrons dine on or off the premises and where there is no drive-up or walk-up window service or service to customers in their vehicles.

Restaurant, Drive-up: An establishment where food is cooked or prepared, and where there is drive-up or walk-up window service, or service to customers in there vehicles.

Roofline: The top edge of the roof or the top of the parapet, whichever forms the top line of the building silhouette.

Self-Service Storage, Limited Access: A self-service storage facility with limited access points from the exterior of the building to interior halls that provide the only access to individual storage units.

Self-Service Storage, Multi-Access: A self- service storage facility with access points from the exterior of the building to individual storage units.

Shopping Center: Two (2) or more retail or service establishments located in one (1) building or a group of architecturally unified buildings; said buildings being under one (1) ownership or management, with selected tenants, and having an integrated parking area.

Story: That part of a building, except a mezzanine as defined herein, included between the surface of one floor and the surface of the next floor, or if there is no floor above, then the ceiling next above. A story thus defined shall not be counted as a story when more than fifty (50) percent, by cubic content, is below the height level of the adjoining ground.

Story-Half: A half story is a story situated within a sloping roof, the floor area of which, at a height of five (5) feet above the floor, does not exceed two-thirds (2/3) of the floor area in the story directly below it and the height above at least two hundred (200) square feet of floor space its seven (7) feet six (6) inches. A half story containing independent apartment or living quarters shall be counted as a full story.

Street: A public thoroughfare which affords a principal means of access to abutting property and which has been accepted by the City as a public street.

Structure: Any construction or production of a piece of work artificially built up or composed of parts joined together in some definite manner.

Structure, Height: Except for buildings, the height of a structure shall be measured from the average ground elevation at the bottom of the structure to the highest point of the structure.

Telecommunications Facility: A facility owned or operated by a public utility or a business, that transmits and/or received electromagnetic waves. It included antennas, microwave dishes, horns and other types of equipment for the transmission or receipt of such signals, telecommunications towers or alternative supporting structures, equipment, buildings, cabinets, parking area and all other accessory structures and uses.

Tourist Home: A single family, owner occupied dwelling, wherein a fee is charged to provide not more than two bedrooms as overnight accommodations for guests and where meals may be served to overnight guests but meals are not served to the non-resident general public.

Tower: Any structure that is designed and constructed primarily for the purpose of supporting one or more antenna, including self-supporting lattice towers, guy towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common carrier towers, cellular telephone towers and similar towers.

Use: A use is the purpose for which land or buildings and structures thereon are designed, arranged or intended to be used, occupied or maintained.

Water Surface Area: Property within lakes, ponds, rivers and year-round streams. Water surface area shall not include property within storm drainage structures, drainage ways which periodically contain water or swimming pools and other structures which contain water.

Wholesale Establishment: Any establishment which exclusively sells goods in large quantities, as for resale by a retailer.

Yard: An open space that lies between the principal or accessory building(s) and the nearest lot line. Such yard is unoccupied and unobstructed from the ground upward except as may be specifically provided in this Ordinance.

Yard-Front: A yard, or yards in the case of a corner lot or through lot, extending across the full width or depth of the lot between the front of the principle building and the closest lot line; and between the principle building and any public street right-of-way.

Yard-Rear: A yard extending across the full width of the lot between the rear lot line and the principle building.

Yard-Side: A yard between the side of the lot and the nearest line of the principle building and extending from the front yard to the rear yard, or, in the absence of either of such yards, to the front or rear lot line, as the case may be, except that on a corner lot the side yard adjacent to a street shall extend the full depth of the lot.

ARTICLE V. GENERAL REGULATIONS

Section 1.0. General Use Requirements.

The following general regulations pertain to the administration, enforcement of and compliance with this Ordinance.

1.1. *Application of this Ordinance.* No structure shall be constructed, erected, placed or maintained and no land use commenced or continued within the City except as specially or by necessary implication authorized by this Ordinance. In addition, no excavation for foundations, nor any erection, or structural alteration of any structure shall be undertaken prior to appropriate permits having been approved and issued by the Zoning Administrator.

1.2. *Except as otherwise provided in this Ordinance.*

- A. No land may be used except for a use permitted in the district in which it is located.

- B. No building or structure shall be erected, converted, enlarged, reconstructed, moved or structurally altered, nor shall any building be used except for a use permitted in the district in which the building is located.
- C. No building or structure shall be erected, converted, enlarged, reconstructed or structurally altered except in conformity with the area regulations and height limit if the district in which the building is located.
- D. The minimum building lines, lot area, parking spaces, buffers and other criteria required by this Ordinance for each and every building existing at the time of the passage of this Ordinance or for any building hereafter erected, shall not be encroached upon or considered as a required building, parking or open space for any other building, nor shall any lot area be reduced below the requirements of this Ordinance.
- E. Every building hereafter erected or structurally altered shall be located on one lot as herein defined and in no case shall there be more than one principal building and one principal use on one lot; except in the case of multi-family dwellings, self-storage facilities, churches, schools and similar institutional campuses. Accessory structures shall not include living quarters, except for resident managers at self storage facilities.
- F. No accessory structure shall be constructed or moved upon a lot more than thirty (30) days prior to the beginning of construction of the principal building.
- G. Building materials or temporary structures for construction purposes shall not be placed or stored on any lot or parcel before appropriate building permits have been approved and issued by the Zoning Administrator.

1.3. *Joint Occupancy.* No structure shall be erected, structurally altered for, or used as a single-family or two-family dwelling simultaneously with any other use.

1.4. *Public Utilities.* Public utility structures including: poles, wires, crossarms, transformers attached to poles, guy wires, insulators, conduits and other facilities necessary for the transmission or distribution of electric power or to provide telephone or telegraph service, and pipelines, vents, valves, hydrants, regulators, meters and other facilities necessary for the transmission or distribution of gas, oil, water or other utilities, may be constructed, erected, repaired, maintained or replaced in any zoning district. This is not construed to include buildings, electric sub-stations nor telecommunications facilities as defined by this Ordinance.

Section 2.0. Nonconforming uses of land and buildings.

Within the districts established by this Ordinance or amendments that may later be adopted, there exist lots, structures, uses of land and structures, and characteristics of use

which were lawful before the Ordinance was passed or amended, but which would be prohibited, regulated or restricted under the terms of this Ordinance or future amendment. It is the intent of this Ordinance to permit these non-conformities to continue until they are removed, but not to encourage their survival. It is further the intent of this Ordinance that non-conformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

2.1. *Continuance.* A lawful non-conforming use existing at the effective date of the Ordinance may be continued, except as hereafter provided, although such use does not conform with the provisions of this Ordinance.

2.2. *Restoration to safe condition.* Nothing in the Ordinance shall prevent the restoration of any building or structure to a safe or sanitary condition when required by the proper authorities.

2.3. *Restoration after damages.* A non-conforming building or structure which has been damaged by fire or other causes to the extent of more than fifty (50) percent of its current replacement value at the time of such damage shall not be rebuilt or restored except in conformity with the provisions of this Ordinance. If a non-conforming building is damaged less than fifty (50) percent of its current replacement value it may be rebuilt or restored and used as before the damage, provided that such rebuilding or restoring is completed within twelve (12) months of the date of such damage.

2.4. *Abandonment.* A non-conforming use, which has been discontinued for a continuous period of one (1) year shall not be re-established and any future use shall be in conformity with the provisions of this Ordinance.

2.5. *Change of use.* A non-conforming use shall not be changed to another non-conforming use. A non-conforming use, which is changed to a conforming use shall not be permitted to revert to a non-conforming use.

2.6. *Structures conforming to district regulations but not other regulations.* A structure or building conforming to the use regulations of a district, but not conforming to other provisions of this Ordinance, may be enlarged or altered, provided, that such enlargement or alteration conforms to the provisions of this Ordinance.

2.7. *Non-conforming Mobile & Manufactured Homes.* When a non-conforming mobile home or manufactured home is moved from its site, damaged by fire or other causes to the extent of more than 50 (50) percent of its current replacement value at the time of such damage, use if the subject property shall conform in all respects to the provisions of this Ordinance. When a non-conforming mobile home or manufactured home is vacant for three (3) consecutive months, or nine (9) months in any two (2) year period, it shall be removed from the premises.

Section 3.0 Annexed Property.

Prior to issuance of a building permit for property which was annexed into the City of Valley, the property shall be zoned in accordance with Article III, Section 2.1 of this Ordinance.

Section 4.0. Abandoned right-of-way.

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

Section 5.0 Access to Public Streets (SEE ADMENDMENTS)

- A. The maximum width of a curb cut or drive at the point of access to a Public street shall be thirty (30) feet.
- B. Lots, which are less than one hundred (100) feet wide shall have not more than one (1) point of access to any one (1) public street. Lots, which are one hundred (100) feet or more in width may have a maximum of two (2) points of access to any one (1) public street.
- C. No point of access shall be allowed within fifteen (15) feet of any public street intersection.
- D. The area existing between the street and an interior parking space or drive-parallel to the street shall have a curb at least six (6) inches high and four (4) inches wide separating the parking area or drive from the public right-of-way.
- E. No curbs on city streets or right-of-way shall be cut or altered without written approval of the Zoning Administrator. All points of access to a public street shall require written approval of the Zoning Administrator.

Section 6.0. Area modification for lots of record.

Where a lot of record at the time of the effective date of this Ordinance has less area or less width than herein required for the district in which it is located, said lot may nonetheless be used as a building site upon approval by the Board of Zoning Adjustment. When two or more nonconforming lots exist together, with contiguous frontage and under single ownership, said lots shall be re surveyed to conform as closely as possible to the provisions of this Ordinance.

Section 7.0. General yard and building setback modifications.

- A. Every part of a required yard shall be open to the sky unobstructed by any

structure or part thereof and unoccupied for storage, servicing or similar uses except as provided herein.

- B. More than one multiple dwelling or institutional building may be located upon a lot or tract, but such buildings shall not encroach upon the front, side and rear yards required by the district regulations.
- C. Where a building is to be erected on a lot or parcel of land that is within one hundred (100) feet of existing buildings on both sides, the minimum front yard shall be a line drawn between the closest front corners of the adjacent buildings.
- D. Where a building is to be erected on a parcel of land that is within one hundred (100) feet of an existing building on one side only, such building may be erected as close to the street as the existing adjacent building.
- E. Through lots shall provide the required front yard on both sides.
- F. Corner lots shall provide a front yard one each street side.

Section 8.0. Height modifications.

Chimneys, fire towers, steeples, and public utility water storage tanks, where permitted, may be erected to any height not in conflict with existing or hereafter adopted ordinances of the City of Valley.

Section 9.0. Eaves, porches, decks and accessory structures.

- A. Sills or ornamental features of a structure shall not project more than six (6) inches into any yard.
- B. Cornices or eaves shall not project more than twenty-four (24) inches into any required yard.
- C. In all residential districts, uncovered patios, terraces, walkways, decks and porches, which do not extend more than three (3) feet above grade, may project into a required yard, provided such structures shall not be located closer than twenty (20) feet from the rear property line nor six (6) feet from either side property line.
- D. In all residential districts, uncovered balconies, decks or fire escapes, which extend more than three (3) feet above grade, may project into a required rear or side yard provided such structures shall not be located closer than twenty (20) feet from the rear property line nor six (6) feet from either side property line.

- E. Accessory buildings and structures are permitted only in a rear yard, and shall have a cumulative gross floor area which is less than fifteen (15) percent of the required rear yard. Minimum building setback for accessory buildings and structures shall be five (5) feet.

ARTICLE VI. ZONING DISTRICTS

Section 1.0. FAR Forestry-Agricultural-Recreation District

- 1.1. *Generally:* The regulations set forth in this Section or set forth elsewhere in this Ordinance, when referred to in this Section, are the regulations in the FAR, Forestry-Agricultural-Recreation District.
- 1.2. *Statement of Intent:* The intent of the Forestry-Agricultural-Recreation District is to provide for the preservation of prime agricultural / forestry lands; to provide for the preservation of natural and scenic areas needed for outdoor recreation, open space, water aquifer recharge, essential drainage areas, and to provide for protection of such lands from premature or incompatible development.

1.3. *Permitted Uses:*

General and specialized farming, forestry, and agricultural uses, except commercial animal feed lots and poultry farms

Roadside stands for the sale of produce

Conservation areas and structures for the development, protection, preservation, and conservation of open space, water sheds, water, soil, forest and wildlife resources.

Bed and Breakfast

Municipal police, fire and emergency medical stations

Single family dwellings and manufactured homes

Tourist home

Accessory structures or uses customarily incidental to any of the aforementioned permitted uses

1.4. *Special Exception Uses:*

Group home

Home occupation

Inn

Plant nurseries and greenhouses

Resorts, campgrounds, riding academies and stables

Telecommunications facilities, subject to Article VIII

Utility uses as: Electric cub-stations, water storage tanks, above ground pumping stations

Accessory structures or uses customarily incidental in any of the aforementioned special exception uses

1.5. *Prohibited Uses:* Residential, commercial, institution and industrial uses which are not specifically listed as a permitted or special exception use

1.6. *Area and Dimensional Regulations:*

Dwellings and other structures shall be located so as to comply with the following requirements:

AREA AND DIMENSIONAL REGULATIONS	
Minimum Lot Area	15,000 square feet
Minimum Lot Width Corner lot Interior lot	200 feet 100 feet
Maximum Building Height	35 feet
Minimum Building Setbacks Front Rear Side	45 feet 40 feet 20 feet, (35 feet from a public street right-of-way)

1.7. *Requirements for Single Family Dwellings, and Manufactured Homes:*

- A. A dwelling, as constructed, erected or installed on site, shall have a length not to exceed four times its width, with the length measured along the longest axis and the width measured at the narrowest part of the other axis, with the minimum width not less than twenty-four (24) feet. This measurement shall only include the enclosed living area and shall not include garages, carports, decks or storage areas.
- B. All dwellings shall have a permanent masonry underpinned foundation which extends from the ground to the bottom of the exterior wall and surrounds the entire dwelling, the underpinned foundation being either brick, or masonry painted materials painted the same color as the building.

- C. Each manufactured home shall be blocked and anchored in compliance with applicable law, rule or regulation.
- D. Axles, trailer tongues, wheels, tires, tail lights and license plates shall be removed or hidden from view.
- E. All dwellings shall have permanent steps, porches, or decks on all outside doorways, the supports for which shall be permanently anchored in the ground.
- F. All dwellings shall have at least a 3:12 roof pitch and the roof shall have a surface of wood shakes, asphalt composition shingles, fiberglass or metal tiles.
- G. The applicant shall submit proof that there are no restrictive covenants preventing the placement of a manufactured home on the subject property.
- H. Manufactured homes shall be installed as provided in the rules of the Alabama Manufactured Housing Commission Administrative Procedures Code.

1.8. *Buffer Regulations.* All special exception uses, except home occupations, shall provide a buffer which is at least a twelve (12) feet wide on all rear and side property lines which abut an FAR or residential district. Where an alley separates properties where a buffer is required, a six foot high privacy fence may be substituted for the required buffer along said alley.

1.9. *Additional Regulations.*

- A. Off-street Parking and Loading Regulations, Article IX.
- B. Buffers and Landscape Regulations, Article X.

Section 2.0. R-R Rural Residential District

2.1 *Generally:* The regulations set forth in the Section or set forth elsewhere in this Ordinance, when referred to in this Section, are the regulations in the R-R Rural Residential District.

2.2. *Statement of Intent:* The intent of the Rural Residential District is to provide for the preservation of prime lands suitable for residential development and act as a buffer between urban and rural development.

2.3. *Permitted Uses:*

General and specialized agriculture, farming and forestry uses except feed lots and poultry productions.

Roadside stands for the sale of produce grown on the property and sold by the owner of the property.

Conservation areas and structures built for the conservation, preservation and protection of open space, water, sheds, soils, forests and wildlife resources.

Single-family dwellings

Bed and Breakfast
Tourist Home

Municipal police, fire and emergency medical stations

Accessory structures for uses customarily incidental to any of the aforementioned permitted uses.

2.4. Special Exception Uses

Group home
Home occupation
Inn
Plant nurseries and greenhouses
Resorts, campgrounds, riding academies and stables
Telecommunications facilities, subject to Article VIII

Utility uses such as: Electric sub-stations, water storage tanks, above ground pumping stations.

Accessory structures or uses customarily incidental in any of the aforementioned special exception uses

2.5. Prohibited Uses:

Residential, commercial, institution and industrial uses which are not specifically listed as a permitted or special exception use

2.6. Area and Dimensional Regulations:

Dwellings and other structures shall be located so as to comply with the following requirements:

A dwelling, as constructed, erected or installed on site, shall have a length not to exceed four times its width, with the length measured along the longest axis and the width measured at the narrowest part of the other axis, with the minimum width not less than

twenty-four (24) feet. This measurement shall only include the enclosed living area and shall not include garages, carports, decks or storage areas.

AREA AND DIMENSIONAL REGULATIONS	
Minimum Lot Area	One acre
Minimum Lot Width Corner lot Interior lot	200 feet 100 feet
Maximum Building Height	35 feet
Minimum Building Setbacks Front Rear Side	45 feet 40 feet 20 feet, (35 feet from a public street right-of-way)

2.7. *Buffer Regulations.* All special exception uses, except home occupations, shall provide a buffer which is at least a twelve (12) feet wide on all rear and side property lines which abut an FAR or residential district.

2.8. *Additional Regulations.*

- A. Off-street Parking and Loading Regulations, Article IX
- B. Buffers and Landscaping Regulations, Article X

Section 3.0. R-1 Low Density Residential District

3.1. *Generally.* The regulations set forth in this Section or set forth elsewhere in this Ordinance, when referred to in this Section, are the regulations in the R-1 Low Density Residential District

3.2. *Statement of Intent:* The intent of this district is to provide a quality living environment through the provision of land for low density residential uses consisting of single family dwellings and accessory uses.

3.3 *Permitted Uses:*

Single-family dwellings

Municipal fire, police and emergency medical stations

Accessory structures or uses customarily incidental to any of the aforementioned permitted uses.

3.4. *Special Exception Uses:*

Bed and Breakfast
Group Home
Home Occupation
Tourist Home

Utility uses such as: Electric sub-stations, water storage tanks, above ground pumping stations

Telecommunications facilities, subject to Article VIII

Accessory structures or uses customarily incidental to any of the aforementioned special exception uses.

3.5. *Prohibited Uses:*

Mobile Homes and Manufactured Homes
Multi-family dwellings; two-family dwellings and townhouses

Commercial, institution and industrial uses which are specifically listed as a permitted or special exception use

3.6. *Area and Dimensional Regulations*

Dwellings and other structures shall be located so as to comply with the following requirements:

A dwelling, as constructed, erected or installed on site, shall have a length not to exceed four times its width, with the length measured along the longest axis and the width measured at the narrowest part of the other axis, with the minimum width not less than twenty four (24) feet. This measurement shall only include the enclosed living area and shall not include garages, carports, decks or storage area.

AREA AND DIMENSIONAL REGULATIONS	
Minimum Lot Area	15,000 square feet
Minimum Lot Width	
Corner lot	100 feet
Interior lot	100 feet

Maximum Building Height	35 feet
Minimum Building Setbacks	
Front	35 feet
Rear	40 feet
Side	10 feet, (35 feet from a public street right-of-way)

3.7. *Buffer Regulations.* All special exception uses, except home occupations, shall provide a buffer which is at least a twelve (12) feet wide on all rear and side property lines which abut an FAR or residential district. Where an alley separates properties where a buffer is required, a six (6) foot high privacy fence may be substituted for the required buffer along said alley.

3.8. *Additional Regulations.*

- A. Off-street Parking and Loading Regulations, Article IX.
- B. Buffer and Landscaping Regulations, Article X.

Section 4.0 R-2 Medium Density Residential District

4.1. *Generally.* The regulations set forth in this Section or set forth elsewhere in this Ordinance, when referred to in this Section, are the regulations in the R-2 Medium Density residential District.

4.2. *Statement of Intent:* The intent of this district is to provide a quality living environment through the provision of land for medium density residential and accessory uses.

4.3. *Permitted Uses:*

Single-family dwellings
Municipal police, fire and emergency medical stations

Accessory structures and uses customarily incidental to any of the aforementioned permitted uses.

4.4 *Special Exception Uses:*

Bed and Breakfast
Group Home
Home Occupation
Tourist Home

Utility uses such as: Electric sub-stations, water storage tanks, above ground pumping stations

Telecommunication facilities, subject to Article VIII

Accessory structures or uses customarily incidental to any of the aforementioned special exception uses.

4.5. *Prohibited Uses:*

Mobile Homes and Manufactured Homes
Duplexes and townhouses
Multi-family Dwellings

Residential, commercial, institution and industrial uses which are not specifically listed as a permitted or special exception use

4.6. *Area and Dimensional Regulations:*

A dwelling, as constructed, erected or installed on site, shall have a length not to exceed four times its width, with the length measured along the longest axis and the width measured at the narrowest part of the other axis, with the minimum width not less than twenty four (24) feet. This measurement shall only include the enclosed living area and shall not include garages, carports, decks and storage areas.

AREA AND DIMENSIONAL REGULATIONS	
Minimum Lot Area	12,000 square feet
Minimum Lot Width Corner lot Interior lot	90 feet 75 feet
Maximum Building Height	35 feet
Minimum Building Setbacks Front Rear Side	35 feet 35 feet 10 feet, (35 feet from a public street right-of-way)
Maximum Building Area of Lot	35 Percent

4.7. *Buffer Regulations.* All special exception uses, except home occupations, shall provide a buffer which is at least a twelve (12) feet wide on all rear and side property lines which abut a FAR or residential district. Where an alley separates properties where

a buffer is required, a six (6) foot privacy fence may be substituted for the required buffer along said alley.

4.8. *Additional Regulations.*

- A. Off-street Parking and Loading Regulations, Article IX.
- B. Buffers and Landscaping Regulations, Article X.

Section 5.0 R-3 Medium Density Residential District

5.1. *Generally.* The regulations set forth in this Section or set forth elsewhere in this Ordinance, when referred to in this Section, are the regulations in the R-3 Medium Density Residential District.

5.2. *Statement of Intent:* The intent of this district is to promote a quality living environment through the provision of land for medium density residential and accessory uses.

5.3. *Permitted Uses:*

Single-family dwellings
Municipal police, fire and emergency medical stations

Accessory structures and uses customarily incidental to any of the aforementioned permitted uses.

5.4. *Special Exception Uses:*

Bed and Breakfast
Group Homes
Home Occupations
Tourist Homes

Utility uses such as: Electric sub-stations, water storage tanks, above ground pumping stations

Telecommunication facilities, subject to Article VIII

Accessory structures or uses customarily incidental to any of the aforementioned special exception uses:

5.5 *Prohibited Uses:*

Mobile Homes and Manufactured Homes
Duplexes and Townhouses

Multi-family dwellings

Residential, commercial, institution and industrial uses which are not specifically listed as a permitted or special exception use

5.6. *Area and Dimensional Regulations:*

A dwelling, as constructed, erected or installed on site, shall have a length not to exceed four times its width, with the length measured along the longest axis and the width measured at the narrowest part of the other axis, with the minimum width not less than twenty four (24) feet. This measurement shall only include the enclosed living area and shall not include garages, carports, decks or storage areas.

AREA AND DIMENSIONAL REGULATIONS	
Minimum Lot Area	9,000 square feet
Minimum Lot Width Corner lot Interior lot	75 feet 60 feet
Maximum Building Height	35 feet
Minimum Building Setbacks Front Rear Side	30 feet 35 feet 8 feet, and 35 feet from a public street right-of-way
Maximum Building Area of Lot	35 Percent

5.7. *Buffer Regulations.* All special exception uses, except home occupations, shall provide a buffer which is at least a twelve (12) feet wide on all rear and side property lines which abut an FAR or residential district. Where an alley separates properties where a buffer is required, a six (6) foot high privacy fence may be substituted for the required buffer along said alley.

5.8 *Additional Regulations.*

- A. Off-street Parking and Loading Regulations, Article IX.
- B. Buffers and Landscape Regulations, Article X.

Section 6.0 R-4 Medium Density Residential District

6.1. *Generally.* The regulations set forth in this Section or set forth elsewhere in this Ordinance, when referred to in this Section, are the regulations in the R-4 Medium Density Residential District.

6.2. *Statement of Intent:* The intent of this district is to promote a quality living environment through the provision of land for a variety of medium density housing including single family dwellings, manufactured homes and two-family dwellings

6.3. *Permitted Uses:*

Single Family Dwellings
Manufactured Homes
Two-family Dwellings (Duplexes)
Municipal police, fire and emergency medical stations

Accessory structures and uses customarily incidental to any of the aforementioned permitted uses.

6.4. *Special Exception Uses:*

Group Homes
Home Occupation

Utility uses such as: Electric sub-stations, water storage tanks, above ground pumping stations

Telecommunication facilities, subject to Article VIII

Accessory structures or uses customarily incidental to any of the aforementioned special exception uses.

6.5. *Prohibited Uses:*

Mobile Homes
Multi-family dwellings
Townhouses

Residential, commercial, institution and industrial uses which are not specifically listed as a permitted or special exception use

6.6 *Area and Dimensional Regulations*

AREA AND DIMENSIONAL REGULATIONS	
Minimum Lot Area	
Single Family Dwelling	12,000 square feet
Manufactured Dwelling	12,000 square feet

Two Family Dwelling	15,000 square feet
Minimum Lot Width	
Single Family Dwelling	
Corner lot	90 feet
Interior lot	75 feet
Manufactured Home	
Corner lot	90 feet
Interior lot	75 feet
Two-Family Dwelling	
Corner lot	100 feet
Interior lot	85 feet
Maximum Building Height	35 feet
Minimum Building Setbacks	
Front	35 feet
Rear	40 feet
Side	10 feet, (35 feet from a public street right-of-way)
Maximum Building Area of Lot	35 Percent

6.7. *Buffer Regulations.* Special exception uses, except home occupations, shall provide a buffer which is at least a twelve (12) feet wide on all rear and side property lines which abut a FAR, RR, PRD, R-1, R-2, R-3, R-4 or R-5 district. Where an alley separates properties where a buffer is required, a six (6) foot high privacy fence may be substituted for the required buffer along said alley.

6.8. *Supplemental Requirements for Single Family Dwellings, Two-Family Dwellings and Manufactured Homes*

- A. A dwelling, as constructed, erected or installed on site, shall have a length no to exceed four times its width, with the length measured along the longest axis and the width measured at the narrowest part of the other axis, with the minimum width less than 24 feet. This measurement shall only include the enclosed living area and shall not include garages, carports, decks and storage areas,
- B. All dwellings shall have a permanent masonry underpinned foundation which extends from the ground to the bottom of the exterior wall and surrounds the entire dwelling, the underpinned foundation being either brick, masonry painted materials painted the same color as the building.
- C. Each manufactured home shall be blocked and anchored in compliance with applicable law, rule or regulation.

- D. Axles, trailer tongues, wheels, tires, tail lights and license plates shall be removed or hidden from view.
- E. All dwellings shall have permanent steps, porches or decks on all outside doorways, the supports for which shall be permanently anchored in the ground.
- F. All dwellings shall have at least a 3:12 roof pitch and the roof shall have a surface of wood shakes, asphalt composition shingles, fiberglass or metal tiles.
- G. The applicant shall submit proof that there are no restrictive covenants preventing the placement of a manufactured home on the subject property.
- H. Manufactured homes shall be installed as provided in the rules of the Alabama Manufactured Housing Commission Administrative Procedures Code.

6.9. Additional Regulations.

- A. Off-street Parking and Loading Regulations, Article IX.
- B. Buffers and Landscape Regulations, Article X.

Section 7.0 R-5 Medium Density Residential District

7.1. Generally. The regulations set forth in this Section or set forth elsewhere in this Ordinance, when referred to in this Section, are the regulations in the R-5 Medium Density Residential district.

7.2. Statement of Intent: The intent of this district is to promote a quality living environment through the provision of land for a variety of medium density housing including single family dwellings, manufactured homes and two-family dwellings.

7.3. Permitted Uses

Single Family Dwellings
 Manufactured Homes
 Two-Family Dwellings (Duplexes)
 Municipal police, fire and emergency medical stations

Accessory structures and uses customarily incidental to any of the aforementioned permitted uses.

7.4. Special Exception Uses:

Group Home
Home Occupation

Utility uses such as: Electric sub-stations, water storage tanks, above ground pumping stations.

Telecommunication facilities, subject to Article VIII

Accessory structures or uses customarily incidental to any of the aforementioned special exception uses.

7.5. Prohibited Uses:

Mobile Homes
Multi-Family Dwellings
Townhouse Dwellings

Residential, commercial, institution and industrial uses which are not specifically listed as a permitted or special exception use

6 Area and Dimensional Regulations

AREA AND DIMENSIONAL REGULATIONS	
Minimum Lot Area Single Family Dwelling Manufactured Dwelling Two Family Dwelling	12,000 square feet 12,000 square feet 15,000 square feet
Minimum Lot Width Single Family Dwelling Corner lot Interior lot Manufactured Home Corner lot Interior lot Two-Family Dwelling Corner lot Interior lot	90 feet 75 feet 90 feet 75 feet 100 feet 85 feet
Maximum Building Height	35 feet
Minimum Building Setbacks Front Rear Side	35 feet 40 feet 10 feet, (35 feet from a public street right-of-way)

Maximum Building Area of Lot	35 Percent
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7.7. *Buffer Regulations.* Special exception uses, except home occupations, shall provide a buffer which is at least a twelve (12) feet wide on all rear and side property lines which abut as FAR, RR, PRD-1, R-1, R-2 R-3 R-4 or R-5 district. Where an alley separates properties where a buffer is required, a six (6) foot high privacy fence may be substituted for the required buffer along said alley.

7.8. *Supplemental Requirements for Single Family Dwellings, Two-Family Dwellings and Manufactured Homes:*

- A. All dwellings shall have a permanent masonry underpinned foundation which extends from the ground to the bottom of the exterior wall and surrounds the entire dwelling, the underpinned foundation being either brick, or masonry painted materials painted the same color as the building.
- B. Each manufactured home shall be blocked and anchored in compliance with applicable law, rule or regulations.
- C. Axles, trailer tongues, wheels, tires, tail lights and license plates shall be removed or hidden from view.
- D. All dwellings shall have permanent steps, porches or decks on all outside doorways, the supports for which shall be permanently anchored in the ground.
- E. All dwellings shall have at least 3:12 roof pitch and the roof shall have a surface of wood shakes, asphalt composition shingles, fiberglass or metal tiles.
- F. The applicant shall submit proof that there are no restrictive covenants preventing the placement of a manufactured home on the subject property.
- G. Manufactured homes shall be installed as provided in the rules of the Alabama Manufactured Housing Commission Administrative Procedures Code.

7.9. *Additional regulations.*

- A. Off-street Parking and Loading regulations, Article IX.
- B. Buffers and Landscape Regulations, Article X.

Section 8.0 R-6 High Density Residential district

8.1. *Generally.* The regulations set forth in this Section or set forth elsewhere in this Ordinance, when referred to in this Section, are the regulations in the R-6 High Density Residential District.

8.2. *Statement of Intent:* The intent of this district is to provide affordable housing opportunities by permitting attached dwellings.

8.3. *Permitted Uses:*

Multi-family dwellings, including condominiums and cooperatives
Assisted living facilities
Townhouses
Municipal police, fire and emergency medical stations

Accessory structures and uses customarily incidental to any of the aforementioned permitted uses.

8.4. *Special Exception Uses:*

Utility uses such as: Electric sub-stations, water storage tanks, above ground pumping Stations

Telecommunication facilities, subject to Article VIII

Accessory structures or uses customarily incidental to any of the aforementioned special exception uses.

8.5. *Prohibited Uses:*

Single-family dwellings
Two family dwellings
Mobile Homes and Manufactured Homes

Residential, commercial, institution and industrial uses which are not specifically listed as a permitted or special exception use

8.6. *Area and Dimensional Regulations:*

Dwellings and other structures shall be located so as to comply with the following requirements.

AREA AND DIMENSIONAL REGULATIONS	
Maximum Density	
Townhouses	10 units per acre
Multi-Family Dwellings	18 units per acre
Minimum Lot Width	
Townhouse	20 feet
Multi-Family Dwelling	100 feet
Maximum Building Height	35 feet
Minimum Building Setbacks	
Front	30 feet
Rear	35 feet
Side	20 feet; 30 feet from a public street right-of-way
Maximum Building Area of Lot for Multi-Family Dwellings	40 Percent

8.7. *Buffer Regulations.* Multi-family dwellings and special exception uses, shall provide a buffer which is at least a twenty (20) feet wide on all rear and side property lines which abut an FAR, RR, PRD-1, R-1, R-2, R-3, R-4, or R-5 district. Townhouse dwellings shall provide a buffer which is at least a twelve (12) feet wide on all rear and side property lines which abut said districts. Where an alley separates properties where a buffer is required, a six foot high privacy fence may be substituted for the required buffer along said alley.

8.8. *Supplemental Regulations for Townhouses*

- A. Each townhouse shall be located on a separate lot.
- B. No more than eight (8) nor fewer than three (3) continuous townhouses shall be built in a row.
- C. All dwellings shall have a permanent masonry underpinned foundation which extends from the ground to the bottom of the exterior wall and

surrounds the entire dwelling, the underpinned foundation being either brick, or masonry painted materials painted the same color as the building.

- D. Minimum side yard requirements shall only apply to townhouse groupings, not each townhouse.
- E. All townhouses shall be connected to the public sanitary sewer system.
- F. A continuous group of dwellings shall not exceed 240 feet in length.

8.9. *Additional Regulations.*

- A. Off-street Parking and Loading Regulations, Article IX.
- B. Buffers and Landscape Regulations, Article X

Section 9.0. MHR Manufactured Home Subdivision District

9.1. *Generally.* The regulations set forth in this Section or set forth elsewhere in this Ordinance, when referred to in the section, are the regulations in the MHR Manufactured Home Subdivision District.

9.2. *Statement of Intent.* It is the intent of this district to allow for the placement of manufactured homes, on single family residential lots in subdivisions established solely for the purpose of home ownership.

9.3. *Permitted Uses:*

Manufactured homes
Municipal police, fire and emergency medical stations

Support services necessary to service the needs of the residents of the manufactured home subdivision

Recreational facilities, which are accessory to the manufactured home subdivision

Accessory structures or uses customarily incidental to any of the aforementioned permitted uses

9.4. *Special Exception Uses:*

Utility uses such as: Electric sub-stations, water storage tanks, above ground pumping stations

Telecommunication facilities, subject to Article VIII

Accessory structures or uses customarily incidental to any of the aforementioned special exception uses

9.5. Prohibited Uses:

Residential, commercial, institution and industrial uses which are not specifically listed as a permitted or special exception use.

9.6. Area and Dimensional Regulations

Dwellings and other structures shall be so located so as to comply with the following requirements:

AREA AND DIMENSIONAL REGULATIONS	
Minimum Lot Area	15,000 square feet
Minimum Lot Width	100 feet
Maximum Building Height	35 feet
Minimum Building Setbacks	
Front	45 feet
Rear	40 feet
Side	12 feet, (20 feet from a public street right-of-way)
From a permanent building	25 feet
Maximum Building Area	45 percent

9.7. Buffer Regulations. A buffer which is at least a twenty (20) feet wide shall be provided along all MHR boundaries which abut an FAR, RR, PRD-1, R-1, or R-2 district.

9.8. Additional Requirements.

- A. Off-street Parking and Loading Regulations, Article IX.
- B. Buffers and Landscape Regulations, Article X
- C. The wheels, towing tongue and hitch shall be removed from all manufactured homes located in the MHR district.
- D. No later than thirty (30) days after placement of a manufactured home dwelling on a site, the area between the bottom of the unit and the ground shall be enclosed by permanent masonry underpinned foundation which extends from the ground to the bottom of the exterior wall and surrounds

the entire dwelling, the underpinned foundation being brick, or masonry painted materials painted the same color as the building. An inspection shall be conducted no later than thirty-two (32) days after the placement of the

dwelling on the site for compliance with these regulations.

- E. Manufactured homes shall be installed as provided in the rules of the Alabama Manufactured Housing Commission Administrative Procedures Code.

Section 10.0 MH Manufactured Home Park District

10.1 *Generally.* The regulations set forth in this Section or set forth elsewhere in this Ordinance, when referred to in this Section, are the regulations in the MH Manufactured Home Park District.

10.2 *Statement of Intent.* It is the intent of this district to allow for manufactured home parks to be established where manufactured home spaces are rented, for compensation. The purpose of the district is to provide an extended choice of affordable housing opportunities.

10.3. *Permitted Uses:*

Manufactured home park
Municipal police, fire and emergency medical stations

Support services necessary to service the needs of the residents of the manufactured home park

Recreational facilities which are necessary to the manufactured home park

10.4. *Special Exception Uses:*

Utility uses such as: electric sub-stations, water storage tanks, above ground pumping stations

Telecommunication facilities, subject to Article VIII

Accessory structures or uses customarily incidental to any of the aforementioned special exception uses

10.5. *Prohibited Uses*

Residential, commercial, institution and industrial uses which are not specifically listed as a permitted or special exception use

10.6. *Area and Dimensional Regulations*

Dwellings and other structures shall be so located so as to comply with the following requirements:

AREA AND DIMENSIONAL REGULATIONS	
Minimum Space Area	5,000 square feet
Minimum Space Width	50 feet
Maximum Building Height	35 feet
Minimum Building Setbacks	
Front	20 feet
Rear	20 feet
Side	12 feet, (20 feet from a public street right-of-way)
From a permanent building or manufactured home	25 feet
Maximum Building Area	45 percent

10.7. *Development Requirements:*

The following minimum standards shall apply to all manufactured home parks:

- A. All internal park drives shall have a minimum twenty (20) foot wide all-weather surface. At least two off-street parking spaces shall be provided on each space.
- B. All sewage disposal facilities and water supply facilities must be approved by the State Health Department and provided to each space. Permanent facilities for clothes washing and laundering shall be provided for park residents. Said facilities shall meet the State Health Department requirements.
- C. Manufactured homes shall be installed as provided in the rules of the Alabama Manufactured Housing Commission Administrative Procedures Code.
- D. Each manufactured home park shall submit a fire protection plan which must comply with the minimum standards of the appropriate fire department.
- E. Each space in a manufactured home park shall be provided with two (2) thirty (30) gallon refuse cans having vermin-proof lids. Regular garbage and refuse pick-up service must be provided at each manufactured home park.
- F. Each manufactured home park providing ten (10) or more manufactured

home spaces must provide suitable playground area of not less than three hundred (300) square feet for each manufactured home space.

- G. Electrical connections to each space shall conform to the specifications of the National Electrical Code, as amended. At least one street or night light shall be provided for each ten (10) spaces or a fraction thereof.
- H. No site shall be used for a manufactured home park which is subject to flood or undue pooling of water, or air pollution by smoke, dust, or fumes.
- I. Site development plans submitted for rezoning to the MH District shall include the requirements of Article III, Section 2.1 and the following information: street and space layout, location and designation of buildings and other facilities including detailed plans for water supply, sewerage and sewage disposal, garbage disposal and area drainage; and other information deemed by the City as necessary to determine compliance with the requirements of this Section.
- J. Each manufactured home park shall operate under supervision of a resident manager who shall be on duty on the premises at all times.
- K. The State Health Department shall issue permits to persons who operate Manufactured home parks which comply with the requirements of this Section.
 - a. It shall be unlawful for any person to engage in the operation of a manufactured home park, without having applied for and obtained from the State Health Officer a permit based on satisfactory compliance with the foregoing specifications and regulations.
 - b. The said permit shall be issued without charge to the permit tee; shall be non-transferable with respect to persons or establishments; shall be kept posted in a conspicuous place in the establishment; shall automatically expire on the date upon which state and county privilege licenses expire annually; and shall be renewable during the sixty (60) days prior to that date each year.
 - c. The issuance of a permit for the operation of a manufactured home park, for a year, for part of a year, or for operation at new location, shall be continued upon compliance with regulations as determined by one or more inspections.
 - d. The said permit may be revoked because of the violation of any of the provisions of this Ordinance; provided that the holder of said permit shall have the legal right of appeal.

10.8 *Buffer Regulations.* A buffer which is at least a twenty (20) feet wide shall be provided along all MH boundaries which abut an FAR, RR, PRD-1, R-1, R-2, R-3, R-4 or R-5 district.

10.9 *Additional Regulations.*

- A. Off-street Parking and Loading Regulations, Article IX
- B. Buffers and Landscape Regulations, Article X

Section 11.0 Institution District

11.1 *Generally.* The regulations set forth in this Section or set forth elsewhere in this Ordinance, when referred to in this Section, are the regulations in the Institution District.

11.2 *Statement of Intent.* To establish areas for institution uses which are neither residential nor commercial in nature.

11.3 *Permitted Uses.*

Airport
Business college or vocational school
Cemetery
Church or other place of worship
College or University
Hospital
Lodges and fraternal orders wherein alcoholic beverages are not consumed nor sold
Municipal police, fire and emergency medical stations
Post Office

Public buildings and facilities, except those which are listed as a permitted use in the M-1 or M-2 districts

Public park and recreation facilities
Public and private schools

11.4 *Special Exception Uses*

Utility uses such as: Electric sub-stations, water storage tanks, above ground pumping stations

Telecommunication facilities, subject to Article VIII

Accessory structures or uses customarily incidental to any of the aforementioned special exception uses

11.5 *Prohibited Uses*

Residential, institution, commercial and industrial uses which are not specifically listed a permitted or special exception use

11.6 Area and Dimensional Regulations

AREA AND DIMENSIONAL REGULATIONS	
Minimum Lot Area	None
Minimum Lot Width	None
Maximum Building Height	60 feet, (40 feet when any portion of the property adjoins an FAR, R-1, R-2 or R-4 residential district)
Minimum Building Setbacks	
Front	35 feet
Rear	25 feet
Side	15 feet, (25 feet abutting a public street right-of-way)

11.7 Buffer Regulations. All uses shall provide a buffer, which is at least twelve (12) feet wide on all rear and side property lines, which abut an FAR or residential district. Where an alley separates properties where a buffer is required, a six (6) foot high privacy fence may be substituted for the required buffer along said alley. Uses, which feature outdoor activity, such as parks and playgrounds, shall provide a twenty (20) foot wide buffer along all side and rear property lines, which abut said districts.

11.8 Additional Regulations.

- A. Off-street Parking and Loading Regulations, Article IX.
- B. Buffers and Landscaping Regulations, Article X.
- C. Because of the unique nature of institution uses, and their need to be located in proximity to residential areas, the use of each lot or parcel in the Institutional District shall be limited to those uses and configuration shown on the site development plan approved as part of the rezoning process. Amendments to the approved site development plan must be approved by the City according to the procedures set forth in Article III, Sub Section 2.1.

Because of the unique nature of institution uses, rezoning applications for the Institution District shall submit a site development plan which includes all of the information required in Article III, Sub Section 2.1., plus the location and dimensions of the following:

1. Buildings and structures
2. Exterior lighting and signs
3. Buffers and fences
4. Outside storage areas
5. Parking and loading areas

Section 12.0 (O) Office District

12.1. *Generally.* The regulations set forth in this Section or set forth elsewhere in this Ordinance, when referred to in this Section, are the regulations in the Office District.

12.2. *Statement of Intent:* The intent of this district is to provide areas for office uses, which are compatible with nearby residential areas.

12.3. Permitted Uses:

Business offices, professional offices, government offices and offices of public or private non-profit organizations

Medical clinic

Municipal police, fire and emergency medical stations

Office uses which are similar to the above stated uses and comply with the intent of this district

12.4. Special Exception Uses:

Assisted living facilities

Research and testing labs

Telecommunications facilities, subject to Article VIII

Utility uses such as: Electric sub-stations, water storage tanks and above ground pumping stations

12.5. Prohibited Uses:

All residential uses, and any use or any use which is similar to a use which is specified as a permitted use in the C-1, C-2, C-3, M-1 and M-2 zoning districts, unless said use is specifically listed as a permitted or special exception use in this district.

12.6 Area and Dimensional Regulations:

AREA AND DIMENSIONAL REGULATIONS	
Minimum Lot Area	None
Minimum Lot Width	None
Maximum Building Height	60 feet, (40 feet when any portion of the property adjoins an FAR, R-1, R-2 or R-4 residential district)
Minimum Building Setbacks	
Front	35 feet
Rear	25 feet
Side	15 feet, (25 feet abutting a public street right-of-way)

12.7. Buffer Regulations.

All uses shall provide a buffer, which is at least twelve (12) feet wide on all rear and side property lines, which abut an FAR or residential district. Where an alley separates properties where a buffer is required, a six (6) foot high privacy fence may be substituted for the required buffer along said alley.

12.8. Additional Regulations.

- A. Off-street Parking and Loading Regulations, Article IX.
- B. Buffer and Landscape Regulations, Article X.

Section 13.0 C-1 Neighborhood Business District

13.1. *Generally:* The regulations set forth in this Section or set forth elsewhere in this Ordinance, when referred to in this Section, are the regulations in the C-1 Neighborhood Business District.

13.2. *Statement of Intent:* It is the intent of this district to provide areas for limited retail and service businesses which serve and are appropriate near residential areas.

13.3. *Permitted Uses:*

Retail and service businesses, which are limited in character and size to that which is appropriate near residential areas. Establishments may display merchandise outside, but shall not have any outside storage of materials, merchandise, equipment or supplies. Permitted uses shall include the following types of uses and businesses:

Any use permitted in the Office District, plus:

Bank or lending institution
Barber shop, beauty shop and similar personal service shops

Child or adult care center

Convenience store, provided that gasoline pumps shall be located at least fifty (50) feet from a residential district boundary

Drug store
Dry cleaning and laundry outlets
Hardware store
Mail and packaging services
Municipal police, fire and emergency medical stations

Off-premise sale of alcoholic beverages, in establishments where the sale of alcoholic beverages is not the primarily use or business activity

Shopping center
Video tape rental

Retail and service uses which are similar to the above stated uses and comply with the intent of this district

13.4. *Special Exception Uses:*

Telecommunications facilities, subject to Article VIII

Utility uses such as: Electric sub-stations, water storage tanks and above ground pumping stations

13.5. *Prohibited Uses:*

All residential uses, and any use or any use which is similar to a use which is specified as a permitted use in the Institution, C-2, C-3, M-1 and M-2 zoning districts, unless said use is specifically listed as a permitted or special exception use in this district

13.6 Area and Dimensional Regulations:

AREA AND DIMENSIONAL REGULATIONS	
Minimum Lot Area	None
Minimum Lot Width	None
Maximum Building Height	30 feet
Minimum Building Setbacks	
Front	35 feet
Rear	25 feet
Side	15 feet, (25 feet abutting a public street right-of-way)

13.7. Buffer Regulations:

All uses shall provide a buffer, which is at least twelve (12) feet wide along all rear and side property lines, which abut an FAR or residential district. Where an alley separates properties where a buffer is required, a six (6) foot high privacy fence may be substituted for the required buffer along said alley.

13.8. Additional Regulations:

- A. Off-street Parking and Loading regulations, Article IX.
- B. Buffers and Landscape Regulations, Article X

Section 14.0 C-2 Local Business District

14.1 *Generally:* The regulations set forth in this section or set forth elsewhere in this Ordinance, when referred to in this Section, are the regulations in the C-2 Local Business District.

14.2. *Statement of Intent:* It is the intent of this district to provide areas for a variety of retail and service businesses which are appropriate near residential areas, but serve a larger area than the immediate neighborhood.

14.3. *Permitted Uses:*

Retail and service businesses, which are limited in character and size to that which is appropriate near residential areas. Establishments may display merchandise outside, but all outside storage of materials, merchandise, equipment or supplies shall be screened

from view from the public rights-of-way and residential districts. Permitted uses shall include the following types of uses and businesses:

Any use permitted in the C-1 District

Automobile repair, provided that all service work is done within an enclosed building and all storage, including vehicles, is located behind the front building line of the main building and screened from view. No vehicle shall be stored on the premises for more than thirty (30) days nor shall any vehicle be stored on Public Right of Way.

Business Services such as blueprinting, duplicating, computer and copier sales & service
Car wash
Catering shop
Commercial music, dancing and martial arts schools
Eyeglass and vision center
Funeral home

Gasoline service station, provided that gasoline pumps shall be located at least fifty (50) feet from a residential district boundary

Grocery store
Nursing home

On-premise sale of alcoholic beverages, in establishments where the sale of alcoholic beverages is not the primary use or business activity
Photograph developing and processing shops
Plant nursery, greenhouse
Post Office

Photocopy center
Repair service for such items as appliances, electronics, shoes, watches or jewelry
Restaurant, except restaurant with drive-up window service

Specialty shops including but not limited to: antiques, art and school supplies, art galleries and studios, books, cosmetics, stationary, camera, glassware, clothing, coins, stamps, florist, gifts, novelties, hobbies, arts and crafts, jewelry, leather, magazines, photography studios, picture framing, shoes, sporting goods, tailoring, toys, upholstery shops and variety stores

Retail and service uses which are similar to the above stated uses and comply with the intent of this district

14.4. *Special Exception Uses:*

Telecommunications facilities, subject to Article VIII

Utility uses such as: Electric sub-stations, water storage tanks and above ground pumping stations

14.5. Prohibited Uses:

All residential uses, and any use or any use which is similar to a use which is specified as a permitted use in the C-1, M-1 and M-2 zoning districts, unless said use is specifically listed as a permitted or special exception use in this district

14.6 Area and Dimensional Regulations:

AREA AND DIMENSIONAL REGULATIONS	
Minimum Lot Area	None
Minimum Lot Width	None
Maximum Building Height	40 feet
Minimum Building Setbacks	
Front	35 feet
Rear	25 feet
Side	15 feet, (25 feet abutting a public street right-of-way)

14.7. Buffer Regulations:

All uses shall provide a buffer, which is at least twelve (12) feet wide along all rear and side property lines which abut an FAR, residential district, POD, the Office District or the Institution District. Where an alley separates properties where a buffer is required, a six (6) foot high privacy fence may be substituted for the required buffer along said alley.

14.8. Additional Regulations:

- A. Off-street Parking and Loading regulations, Article IX.
- B. Buffer and Landscaping Regulations, Article X.

Section 15.0 C-3 Community business district

15.1. *Generally:* The regulations set forth in this Section or set forth elsewhere in this Ordinance, when referred to in this Section, are the regulations in the C-3 Community Business District.

15.2. *Statement of Intent:* The intent of this district is to provide areas for retail and service uses, which are community-wide in scope.

15.3. *Permitted Uses:*

Any use permitted in the C-2 Local Business District

Automobile dealership, used car lot

Bakeries

Business services such as blueprinting, duplication, and computer and copier sales and service

Commercial recreation uses such as miniature golf, par 3 golf, golf driving range, batting cages, bowling alley, skating rink, video arcade and similar uses

Discount and department stores

Equipment and vehicle rental business, provided that all service work is done within an enclosed building and all storage is screened from view from all public rights-of-way and residential districts

Home furnishing establishments including carpet, furniture and appliances

Indoor flea market

Off-premise sale of alcoholic beverages

On-premise sale of alcoholic beverages

Hotels and motels

Mobile home sales and service

Paint, wallpaper and home decoration stores

Power equipment sales and service centers, provided that all service work is done within an enclosed building and all storage is screened from view from all public rights-of-way and residential districts

Radio or television broadcasting studio

Restaurants

Self service storage facilities, subject to Article VII, Section 11.0

Taxidermy

Theater and drive-in theater

Vehicle towing service, with no vehicle storage on premises

Veterinarian, with no outdoor kennels

Retail and service uses which are similar to the above stated uses and comply with the intent of this district.

15.4. *Special Exception Uses:*

Telecommunications facilities, subject to Article VIII

Light manufacturing, fabricating, processing or assembly under the following stipulations. All work to be performed in an enclosed building. The business must not create any danger to health or safety in surrounding areas and not create any objectionable noise, vibrations, smoke, dust, odor, heat or glare. A buffer will be required as specified in section 15.7 of the c-3 commercial district. If a six foot privacy fence is used as a buffer as allowed in section 15.7, the finished side of the fence must face away from the property requiring the buffer. (Adopted December 22nd. 2003. Ordinance No. 2003-25)

Utility uses such as: Electric sub-stations, water storage tanks, above ground pumping station

15.5. Prohibited Uses:

All residential uses, and any use or any use which is similar to a use which is specified as a permitted use in the Institution, M-1 and M-2 zoning districts, unless said use is specifically listed as a permitted or special exception use in this district.

15.6 Area and Dimensional Regulations:

AREA AND DIMENSIONAL REGULATIONS	
Minimum Lot Area	None
Minimum Lot Width	None
Maximum Building Height	40 feet
Minimum Building Setbacks	
Front	45 feet
Rear	25 feet
Side	15 feet (25 feet abutting a public street right-of way)
Maximum Building Area	30 percent

15.7 Buffer Regulations.

All uses shall provide a buffer which is at least twenty (20) feet wide along all rear and side property lines which abut an FAR, RR, PRD-1, R-1, R-2, R-3, R-4 or R-5 residential district. All uses shall provide a buffer which is at least twelve (12) feet wide along all rear and side property lines which abut an R-6 district, PRD-2, POD, Office District or

the Institution district. Where an alley separates properties where a buffer is required, a six (6) foot high privacy fence may be substituted for the required buffer along said alley.

15.8. *Additional Regulations.*

- A. Off-street Parking and Loading regulations, Article IX.
- B. Buffers and Landscape Regulations, Article X.

Section 16.0 M-1 Light Industrial District

16.1. *Generally:* The regulations set forth in this Section or set forth elsewhere in this Ordinance, when referred to in this Section, are the regulations in the M-1 Light Industrial District.

16.2. *Statement of Intent:* It is the intent of this district to provide areas for manufacturing and storage which do not create any danger to health or safety in surrounding areas and which so not create any objectionable noise, vibration, smoke, dust, odor, heat or glare.

16.3 *Permitted Uses:*

Above ground storage of liquid motor fuels, provided that loading platforms be set back at least 150 feet from any property line. All above ground storage tanks shall be provided with separate containment reservoirs, each reservoir being of sufficient capacity to insure containment of the storage tank contents when completely full in event of rupture or leak. Such reservoirs shall be set back at least 200 feet from any property line and 1,000 feet from any residential district boundary.

- Automobile and truck repair
- Contractor and construction company yards
- Governmental public works facility
- Heavy equipment sales and service
- Manufacturing, fabricating, processing or assembling uses
- Printing and publishing establishments
- Recycling collection point for household items
- Self service storage facilities, subject to Article VII, Section 11.0
- Textile mills and facilities
- Truck terminal

Utility uses such as: Electric sub-stations. Water storage tanks, above ground pumping stations and facilities for heavy vehicle and equipment storage

- Vehicle towing service
- Warehouse and office – warehouse
- Wholesale establishments
- Similar light industrial uses which comply with the intent of this district

16.4 *Special Exception Uses:*

Telecommunications facilities, subject to Article VIII

16.5 *Prohibited Uses:*

Residential, commercial, institution and industrial uses which are not specifically listed as a permitted or special exception use in this district.

16.6 *Area and Dimensional Regulations:*

AREA AND DIMENSIONAL REGULATIONS	
Minimum Lot Area	None
Minimum Lot Width	None
Maximum Building Height	60 feet
Minimum Building Setbacks	
Front	50 feet
Rear	50 feet
Side	25 feet

16.7. *Buffer Regulations.*

All uses shall provide a buffer, which is at least twenty-five (25) feet wide along all rear and side property lines, except those property lines which abut property zoned M-1 or M-2. Where an alley separates properties where a buffer is required, a six (6) foot privacy fence may not be substituted for the required buffer along said alley.

16.8. *Additional Regulations.*

- A. Off-street Parking and Loading Regulations, Article IX.
- B. Buffers and Landscape Regulations, Article X.

Section 17.0 M-2 Heavy Industrial District

17.1. *Generally.* The regulations set forth in this section or set forth elsewhere in this Ordinance, when referred to in this Section, are the regulations in the M-2 Heavy Industrial District.

17.2. *Statement of Intent.* It is the intent of this district to provide areas for heavy manufacturing and storage which have the potential to create objectionable noise, vibration, smoke, dust, odor, heat or glare.

17.3. *Permitted Uses:*

Any use permitted in the M-1 Light Industrial District.

Above ground storage of flammable or combustible liquids provided that loading platforms shall be set back at least 150 feet from all property lines. All above ground storage tanks shall be provided with separate containment reservoirs, each reservoir being of sufficient capacity to insure containment of the storage tank contents when completely full in event of rupture or leak. Such reservoirs shall be set back at least 200 feet from all property lines and 1,000 feet from any residential district boundary.

- Automobile salvage and dismantling
- Central mixing plant for cement, mortar, plaster or paving materials
- Fixed plants for processing stone, chert, gravel and clay
- Foundry
- Manufacture of brick, tile and concrete blocks
- Railroad yard
- Salvage yard and processing of recycled materials
- Sawmill
- Vehicle towing service with vehicle storage

Similar heavy industrial manufacturing uses which comply with the intent of this district

17.4. *Special Exception Uses:*

- Any use or process, which involves volatile materials
- Any use which emits obnoxious odors
- Sanitary landfill and solid waste transfer station
- Telecommunications facilities, subject to Article VIII
- Wastewater treatment plant.

17.5 *Area and Dimensional Regulations:*

AREA AND DIMENSIONAL REGULATIONS	
Minimum Lot Area	None
Minimum Lot Width	None
Maximum Building Height	60 feet
Minimum Building Setbacks	
Front	100 feet
Rear	100 feet
Side	100 feet

17.6. *Buffer regulations:*

All uses shall provide a buffer, which is at least twenty-five (25) wide along all rear and side property lines, except those property lines which abut property zoned M-2. Where an alley separates properties where a buffer is required, a six (6) foot high privacy fence may not be substitutes for the required buffer along said alley.

17.7. *Additional Regulations.*

- A. Off-street Parking and Loading regulations, Article IX.
- B. Buffers and Landscape regulations, Article X.

Section 18.0 Planned Development District (PDD)

18.1. *Statement of Intent.* Planned development is a method of development which permits more then one use to be developed on a tract of land according to an approved master development plan; the intent of which is to:

- A. Create a community which features a variety of residential densities and land uses in a manner which connects those neighborhoods and uses by a coordinated system of commonly owned open space, pedestrian ways and public streets.
- B. Permit flexibility and consequently more creative and imaginative design to accommodate planned associations of uses developed as integral land use units.
- C. Promote the efficient use of land to facilitate a more economic arrangement of uses, buildings, pedestrian and vehicular circulation systems and utilities.
- D. Combine and coordinate uses, building forms, building relationships, architectural styles and circulations systems within the PDD.
- E. Preserve and enhance the significant natural features of the site.

18.2. *PDD Standards*

- A. Except when an existing approved PDD is amended to include additional area, any tract of land to be zoned PDD shall have a minimum of one hundred (100) acres.
- B. Twenty (20) percent of the gross tract acreage of a PDD shall be devoted to commonly owned open space. At lease one half of that amount shall be comprised of tree save and natural areas. All commonly owned open space shall be incorporated throughout the PDD to form a continuous network of

open space which enhances scenic quality and pedestrian circulation within the PDD.

- C. The PDD shall have an architecturally unified design theme which runs throughout the community. The design theme shall be accomplished by unified design of the following elements: entrance features, landscaping, lighting, color, architecture, right-of-way treatments, signs, and similar elements that are common throughout the community.
- D. The average maximum residential density of a PDD shall be three (3) dwelling units per gross tract acre of property zoned for residential use. although some areas may exceed this density, the average density of property zoned for residential use in the PDD shall be three (3) dwelling units per acre.
- E. Each lot or parcel of land in the PDD, which is devoted to uses other than detached single family residential use, shall not exceed 80 percent impervious surfaces. Impervious surfaces include, but are not limited to: buildings, parking areas, paved drainage structures, walkways and other surfaces which are impervious to water.
- F. Every PDD shall feature a variety of land uses. If it is not appropriate to have commercial or industrial land uses in a PDD, land use variety shall be accomplished by providing a variety of residential densities. Every PDD shall feature a variety of residential densities.
- G. All of the property within the PDD shall be allocated to one or more of the following zoning districts:
 - 1. PRD-1 Planned Single Family residential District
 - 2. PRD-2 Planned Attached Residential District
 - 3. POD Planned Office and Institution District
 - 4. PCD-1 Planned Neighborhood Commercial District
 - 5. PCD-2 Planned Commercial District
 - 6. PID Planned Industrial District
- H. Each PDD shall establish an entity which owns and is responsible for the perpetual maintenance of all commonly owned property and improvements.
- I. Every lot or parcel in a PDD shall front a public street and all public improvements shall comply with the valley Subdivision Regulations.
- J. All structures shall be located so as to conform to the Standard Building Code and Standard Fire Prevention Code.
- K. The following standards shall apply to all property in the PDD, except

PRD-1 zoning districts:

1. Service and loading areas, outdoor storage areas, trash receptacles, utility equipment, mechanical units and similar appurtenances shall be located so as to minimize visibility from public property and shall be visually screened from view from public property. Trash receptacles shall be located within a four sided structure which completely conceals the trash receptacle. The color and architecture of the structures shall be compatible with that of the building which it serves.
2. The intensity, location and design of exterior lighting shall be such that light is not cast upon adjacent property or the public right-of-way. Light fixtures shall be designed to cast light downward. Where necessary, cut-off devices shall be used to minimize glare off premises. Exterior lights shall not exceed 24 feet in height and the fixtures and poles shall be compatible with the architecture of the buildings on the premises.
3. The City's Sign Regulations shall comply to all PDD's, except that free standing signs shall not exceed 12 feet in height or the maximum height permitted in the Sign Regulations for the subject sign, whichever height is less.

18.3. *PDD Zoning Application Requirements:*

PDD zoning applications shall be reviewed in compliance with the procedures set forth in Article III, Section 2.1. PDD zoning applications shall also include the following information:

- A. A development plan, drawn to a scale of not more than one inch equals one hundred (100) feet, which shows the following:
 1. Boundary of the PDD in relation to surrounding property, and public streets and highways.
 2. Boundary of each PDD zoning district.
 3. Conceptual public street plan and pedestrian circulation plan for the PDD and the manner in which the proposed streets will connect to the existing street system of the surrounding area.
 4. Proposed lot layout for the PDD
 5. The location of all existing and proposed: bodies of water, easements and rights-of-way, rivers, streams, railroads, tree save areas, commonly

owned open space, proposed public use sites, pedestrian ways, buffers intended to separate the PDD from surround land uses and similar features and improvements.

- B. A topography map of the PDD in not less than ten (10) foot contour intervals.
- C. Development Criteria: Each application for a PDD shall include a written text which addresses the following planning issues:
 - 1. A legal description of the total site proposed for the PDD and a legal description of each PDD zoning district.
 - 2. A general description of the surrounding area, including current zoning and/or land uses.
 - 3. A statement of planning objectives to be achieved by the PDD, and a description of the character of the proposed development.
 - 4. A development schedule indicating the estimate date when construction of the PDD or stages of the PDD can be expected to begin.
 - 5. Provisions and/or plans providing necessary utilities to and within the PDD.
 - 6. Protective and/or restrictive covenants which shall encumber the property and establish standards pursuant to Subsection 16.2© of this Section.
 - 7. A comprehensive traffic study, prepared by a registered professional Engineer, which estimates the projected traffic to be generated by each component of the PDD, and the effect of the projected traffic attributed to the PDD upon the City of valley.
 - 8. Total acreage of the PDD and for each PDD zoning district.
 - 9. Average density of development expressed in units per acre for residential property and gross floor area per acre for other land uses.
 - 10. The amount of commonly owned open space and the percent distribution of open space within each PDD zoning district.

18.4. *PRD-1 Planned Single Family residential District*

- A. *Statement of Intent:* To provide areas for detached single family residential dwellings which are connected to all other parts of the planned community

by a network of commonly owned open space, pedestrian ways and public streets.

- B. *Permitted Uses:* The same permitted uses as in the R-1 Low Density Residential District, subject to the same conditions.
- C. *Special Exception uses:* The same special exception uses as in the R-1 Low Density Residential District, subject to the same conditions.
- D. *Prohibited Uses:* The same prohibited uses as in the R-1 Low Density Residential District, subject to the same conditions.
- E. *Area and Dimensional Regulations:*

AREA AND DIMENSIONAL REGULATIONS	
Maximum Density	The average density of all residential districts in the PDD shall not exceed 3 dwelling units per acre
Minimum Lot Area	None
Minimum Lot Width	None
Maximum Building Height	35 feet
Minimum Building Setbacks	
Front	25 feet
Rear	25 feet
Side	8 feet

- F. *Buffer Regulations.* Same as the R-1 Low Density Residential District
- H. *Additional regulations.* Same as the R-1 Low Density Residential District

18.5 PRD-2 *Planned Attached Residential District*

- A. *Statement of Intent.* To provide areas for attached dwellings, which are connected to all other parts of the planned community by a network of commonly owned open space, pedestrian ways and public streets.
- B. *Permitted Uses:* The same permitted uses as in the R-6 High Density Residential District, subject to the same conditions
- C. *Special Exception Uses.* The same special exception uses as in the R-6 High Density Residential District, subject to the same conditions

D. *Prohibited Uses.* The same prohibited uses as in the R-6 High Density Residential District, subject to the same conditions

E. *Area and Dimensional Regulations:*

AREA AND DIMENSIONAL REGULATIONS	
Maximum Density	A maximum of 80 percent impervious surfaces. The average density of all residential districts in the PDD shall not exceed 3 dwelling units per acre
Minimum Lot Area	None
Minimum Lot Width	None
Maximum Building Height	35 feet
Minimum Building Setbacks	
Front	30 feet
Rear	30 feet
Side	30 feet

F. *Buffer Regulations:* Same as the R-6 High Density Residential District

G. *Additional Regulations.* Same as the R-6 High Density Residential District

18.5. *POD Planned Office and Institution district*

A. *Statement of Intent.* To provide areas for office and institution uses which are connected to all other parts of the planned community by a network of commonly owned open space, pedestrian ways and public streets.

B. *Permitted Uses.* The same permitted uses as in the Institution District and the Office District, subject to the same conditions

C. *Special Exception Uses.* The same special exception uses as in the Institution District and the Office District, subject to the same conditions

D. *Prohibited Uses.* The same prohibited uses as in the Institution District and the Office District , subject to the same conditions

E. *Area and Dimensional Regulations:*

AREA AND DIMENSIONAL REGULATIONS	
Maximum Density	A maximum of 80 percent impervious surfaces
Minimum Lot Area	None
Minimum Lot Width	None
Maximum Building Height	Four stories
Minimum Building Setbacks	All buildings shall be located at least 25 feet from a public street right-of-way and the POD boundary.

F. *Buffer Regulations.* All uses shall provide a buffer which is at least twelve (12) feet wide on all rear and side property lines which abut an FAR or residential district. Uses which feature outdoor activity, such as parks and playgrounds, shall provide a twenty (20) foot wide buffer along all side and rear property lines which abut said districts.

G. *Additional Regulations.* Same as the Office District

18.7 *PCD-1 Planned Neighborhood Commercial District*

A. *Statement of Intent.* To establish and preserve areas for neighborhood commercial facilities which serve and are compatible with surrounding residential areas and are connected to all other parts of the planned community by a network of commonly owned open space, pedestrian ways and public streets.

B. *Permitted Uses.* The same permitted uses as in the C-1 Neighborhood Business District, subject to the same conditions

C. *Special Exception Uses.* The same special exception uses as in the C-1 Neighborhood Business District, subject to the same conditions

D. *Prohibited Uses.* The same prohibited uses as in the C-1 Neighborhood Business District, subject to the same conditions

Area and dimensional regulations

AREA AND DIMENSIONAL REGULATIONS	
Maximum Density	Maximum of 80 percent impervious surfaces
Maximum Gross Floor Area of each establishment	2,500 square feet
Minimum Lot Area	None
Minimum Lot Width	None
Maximum Building Height	35 feet
Minimum Building Setbacks	All buildings shall be located at least 25 feet from the PCD-1 boundary which adjoins a residential district

F. *Buffer Regulations.* Same as the C-1 Neighborhood Business District

G. *Additional Regulations.* Same as the C-1 Neighborhood Business District

18.8. *Planned Commercial District (PCD-2)*

A. *Statement of Intent.* To provide areas for retail and service businesses which serve a community-wide market and are generally not compatible within residential neighborhoods, but are connected to all other parts of the planned community by a network of commonly owned open space, pedestrian ways and public streets.

B. *Permitted Uses.* The same permitted uses as in the C-3 Community Business District, subject to the same conditions

C. *Special Exception Uses.* The same special exception uses as in the C-3 Community Business District, subject to the same conditions

D. *Prohibited Uses.* The same prohibited uses as in the C-3 Community Business District, subject to the same conditions.

Area and Dimensional Regulations

AREA AND DIMENSIONAL REGULATIONS	
Maximum Density	Maximum of 80 percent impervious surfaces
Minimum Lot Area	None
Minimum Lot Width	None
Maximum Building Height	35 feet
Minimum Building Setbacks	All buildings shall be located at least 25 feet from a PCD-2 boundary which adjoins a residential district

F. *Buffer Regulations.* Same as the C-3 Community Business District

G. *Additional Regulations.* Same as the C-3 Community Business District

18.9. *Planned Industrial District (PID)*

- A. *Statement of Intent.* To provide areas for manufacturing and storage which do not create any danger to health or safety in surrounding areas and which do not create any objectionable noise, vibration, smoke, dust, odor heat or glare; and which may be connected to all other parts of the planned community owned open space, pedestrian ways and public streets.
- B. *Permitted Uses.* The same permitted uses as in the M-1 Light Industrial District, subject to the same conditions
- C. *Special Exception Uses.* The same uses as in the M-1 Light Industrial District, subject to the same conditions
- D. *Prohibited Uses.* The same prohibited uses as in the M-1 Light Industrial District, subject to the same conditions

E. Area and Dimensional regulations

AREA AND DIMENSIONAL REGULATIONS	
Maximum Density	Maximum of 80 percent impervious surfaces
Minimum Lot Area	None
Minimum Lot Width	None
Maximum Building Height	35 feet
Minimum Building Setbacks	All buildings shall be located at least 25 feet from a PID boundary.

F. *Buffer Regulations.* All uses shall provide a buffer, which is at least twenty five (25) feet wide along all rear and side property lines, except those property lines which abut property zoned M-1 or M-2.

G. *Additional Regulations.* Same as the M-1 Light Industrial District

18.10. *Mixed Uses.* In the PCD-1 and PCD-2 districts, residential uses may be located on building floors above commercial uses. Such mixed uses shall be designated on the approved PDD Development Plan and described in Planning Criteria. All such dwellings shall count toward the maximum permitted residential density of three (3) dwelling units per acre.

18.11. *PDD Amendments.* The following changes to the development Criteria or approved Development Plan, shall require approval by the Planning Commission and City Council pursuant the procedures set forth in Article III, Subsection 2.1:

- A. Any change in PDD zoning district boundaries
- B. Any change to the conceptual street plan which would:
 1. Change a cul-de-sac street to a through street
 2. Change a through street to a cul-de-sac or dead end street
 3. Change the intent or function of the pedestrian circulation system or commonly owned open space network
- C. Any change in the Development Criteria approved as part of the PDD.
- D. Any variances to zoning ordinance provisions, which apply to a PDD and are not part of this Section, must be approved by the Board of Zoning adjustment.

Section 19.0. RD Redevelopment District

19.1. *Generally:* The regulations set forth in this section or set forth elsewhere in this Ordinance when referred to in this section, are the regulations in the RD, Redevelopment District.

19.2. *Statement of Intent:* The intent of the Redevelopment District is to provide for the establishment of areas for the development of former industrial or commercial properties into multi use sites.

19.3. *Permitted Uses:*

Farmers Market
Retail Businesses approved by the Planning Commission
Hotel
Light Manufacturing
Professional Offices
Museums
School Classrooms
Warehousing
Theaters
Restaurants
Loft Apartments
Accessory Structures or uses customarily incidental in any of the aforementioned permitted uses.

Note: Signage will conform to the City Sign Ordinance.

19.4. *Special Exception Uses:*

Any Professional, Commercial or Light Industrial Use that would be compatible with the listed permitted uses.

Accessory Structures or uses customarily incidental in any of the aforementioned special exception uses.

19.5. *Prohibited Uses:*

Residential, commercial, institutional and industrial uses which are not specifically listed as a permitted or special exception use.

19.6. *Area and Dimensional Regulations:*

AREA AND DIMENSIONAL REGULATIONS	
Minimum Lot Area	None
Minimum Lot Width	None
Maximum Building Height	60 feet
Minimum Building Setbacks	
Front	10 feet
Rear	10 feet
Side	10 feet

Additional Regulations.

- A. Off-street Parking and Loading Regulations, Article IX.
- B. Buffers and Landscape Regulations, Article X.

Section 20.0. PK Park District

20.1. *Generally:* The regulations set forth in this section or set forth elsewhere in this Ordinance when referred to in this section, are the regulations in the PK, Park District

20.2. *Statement of Intent:* The intent of the Park District is to provide for the establishment of parks to preserve Green Space and provide for the natural habitat of wildlife.

20.3. *Permitted Uses:*

- Pedestrian Trails
- Picnic Tables and Shelters
- Grills
- Observation Decks
- Natural Habitat Viewing Blinds
- Elevated Walkways
- Restrooms

20.4. *Special Exception Uses:*

Events that are sponsored or co-sponsored by the City of Valley.

Camping with approval of City Council.

20.5. *Prohibited Uses:*

Any use that is not specifically listed as a permitted or special exception use.

20.6. *Area and Dimensional Regulations:*

AREA AND DIMENSIONAL REGULATIONS	
Minimum Lot Area	None
Minimum Lot Width	None
Maximum Building Height	30 feet
Minimum Building Setbacks	
Front	10 feet
Rear	10 feet
Side	10 feet

20.7. *Buffer Regulations.* All special exception uses, shall provide a buffer which is at least twelve (12) feet wide on all rear and side property lines which abut an FAR or residential district. Where an alley separates properties where a buffer is required, a six foot high privacy fence may be substituted for the required buffer along said alley.

1.10. *Additional Regulations.*

- A. Off-street Parking and Loading Regulations, Article IX.
- B. Buffers and Landscape Regulations, Article X.

Section 21.0. RP River Park District

21.1. *Generally:* The regulations set forth in this section or set forth elsewhere in this Ordinance when referred to in this section, are the regulations in the RP, River Park District.

21.2. *Statement of Intent:* The intent of the River Park District is to provide for the establishment of areas along the Chattahoochee River to provide for the preservation of natural and scenic areas for outdoor Recreation and to provide protection of such lands from premature or incompatible development.

21.3. *Permitted Uses:*

Pedestrian Trails
Picnic Tables and Shelters
Grills
Observation Decks
Natural Habitat Viewing Blinds
Elevated Walkways
Camping with approval of City Council.
Fishing
Boat Launches
Model Airplane Flying
Fishing
Rest Rooms

21.4. *Special Exception Uses:*

- Events coordinated with Valley Parks and Recreation.
- Small Scale Model Air shows.
- Commercial Businesses that promote outdoor recreation along the Chattahoochee River that would not endanger natural and scenic areas and will be compatible with the intent of the River Park District.

21.5. *Prohibited Uses:*

Any use that is not specifically listed as a permitted or special exception use.

21.6. *Area and Dimensional Regulations:*

AREA AND DIMENSIONAL REGULATIONS	
Minimum Lot Area	None
Minimum Lot Width	None
Maximum Building Height	30 feet
Minimum Building Setbacks	
Front	10 feet
Rear	10 feet
Side	10 feet

Additional Regulations.

- A. Off-street Parking and Loading Regulations, Article IX.
- B. Buffers and Landscape Regulations, Article X.

Section 22.0 MP Medical Park District

22.1. Generally. The regulations set forth in this Section or set forth elsewhere in this Ordinance, when referred to in this Section, are the regulations in the Medical Park District.

22.2. Statement of Intent: The intent of this district is to provide areas for uses, which are associated with Medical Health Care of Individuals, “Research, Rehabilitation and/or Training”.

22.3. Permitted Uses:

Assisted Living Facilities
Extended Care Facilities
Eye Clinics
Hospitals for Humans
Medical and Dental Clinics
Medical Research and Testing Labs
Medical Training Facilities
Nursing Homes
Park and Recreational Facilities
Pharmacies
Rehabilitation Facilities
Retail Medical Supply
State and County Health Departments

Municipal Police, Fire and Emergency Medical Stations

Uses which are similar to the above stated uses and comply with the intent of this district, with prior approval of the Planning Commission.

22.4. Special Exception Uses:

Telecommunications facilities, subject to Article VIII,

Utility uses such as: Electric sub-stations, water storage tanks and below ground pumping stations

22.5. Prohibited Uses:

All residential uses, and any use or any use which is similar to a use which is specified as a permitted use in the C-1, C-2, C-3, I, M-1 and M-2 zoning districts, unless said use is specifically listed as a permitted or special exception use in this district.

22.6 Area and Dimensional Regulations:

AREA AND DIMENSIONAL REGULATIONS	
Minimum Lot Area	None
Minimum Lot Width	60 Feet
Maximum Building Height	60 feet, (40 feet when any portion of the property adjoins a residential district)
Minimum Building Setbacks	
Front	35 feet
Rear	25 feet
Side	15 Feet (25 feet abutting a public street right of way)

22.7. Buffer Regulations.

All uses shall provide a buffer, which is at least twelve (12) feet wide on all rear and side property lines, which abut a residential district. Where an alley separates properties where a buffer is required, a six (6) foot high privacy fence may be substituted for the required buffer along said alley. If a privacy fence is used, the finished side must face the residential district.

22.8. Additional Regulations.

- A. Off-street Parking and Loading Regulations, Article IX.
- B. Buffer and Landscape Regulations, Article X.

22.9 Reserved for Design Standards

ARTICLE VII SUPPLEMENTAL REGULATIONS

Section 1.0. Fences and Walls. (SEE ADMENDMENTS).

- A. No fence or wall shall be constructed in the front yard or yards in the case of corner lot or through lot, of any dwelling located in a residential district,

except as required for a retaining wall. Chain link or wire fences are not permitted in the front yard of a single family residential district.

- B. Within any residential district, no wall or fence located within the rear or side yards, shall exceed a height of six and one-half (6 ½) feet, except as required for a retaining wall or tennis court.
- C. No fence, structure, or planting shall obstruct visibility or persons driving vehicles in the public right of way.

Section 2.0 Temporary structures and building material storage.

Building materials or temporary structures for construction purposes shall not be placed or stored on any lot or parcel of land before appropriate building permits have been issued by the Zoning Administrator. Such building materials and temporary structures shall be removed upon completion or abandonment of the construction work.

Section 3.0. Outdoor storage of recreation and other vehicles.

The outdoor storage or parking of any airplane, vehicle, boat, trailer, truck tractor trailers, buses, motorized home and similar large vehicles shall be prohibited for a period greater than forty-eight (48) hours in all residential districts, except where expressly permitted by other provisions of this Ordinance unless the following minimum conditions are met:

- A. All such vehicles or equipment shall be placed within a completely enclosed building or located behind the front building line or lines in the case of a corner lot or through lot, but no closer than ten (10) feet to any property line.
- B. Storage or parking shall be limited to a lot or parcel of land, which is improved with an inhabited dwelling and the vehicle or equipment is owned by the occupant.
- C. In the case of multifamily structures, all such vehicles shall be stored at one location designated for such use and shall be screened from view by a fence or vegetation adequate to conceal the vehicles from view from off the premises.
- D. Trailer coaches and other vehicles or equipment intended or adaptable for sleeping purposes shall remain unoccupied and shall not be connected to sanitary sewer facilities, or other public utilities.

Section 4.0. Storage of inoperable motor vehicles.

It shall be unlawful for any person to park, leave or store upon any lot, place or premises within the City of Valley any inoperable motor vehicle for a period greater than forty-eight (48) hours, unless such vehicle is in an enclosed building or screened from view by a visually impervious barrier such as a privacy fence or landscaping. Such privacy fencing shall comply with the provisions of Section 4.0 of this Article. For the purpose of this Ordinance, a vehicle shall be deemed inoperable if it cannot be started or driven under its own power. Provided, however, that this subsection shall not apply to a properly zoned and licensed business if such parking, leaving or storing of such motor vehicles is a necessary incident in the operation of said business.

Section 5.0. Swimming pools.

- A. Permanent swimming pools, which are wholly or partially above grade level shall only be permitted in the rear yard when located in a single family or two family residential district and shall be located at least twenty-five (25) feet from any property line. No mechanical appurtenance shall be located within ten (10) feet of any property line.
- B. Swimming pools constructed below grade level shall comply with the following:
 - 1. A pool shall only be permitted in the rear when located in a single family or two family residential district.
 - 2. The pool and mechanical appurtenances, shall be setback at least ten (10) feet from any property line.
 - 3. The pool shall be enclosed by a fence with a childproof gate. The fence and gate shall be at least four (4) feet in height and constructed in compliance with the requirements of Section 1.0 of this Article,
 - 4. All exterior lighting fixtures shall be constructed to direct the beam below the horizontal plane of the fixture and shall reflect away from any adjacent property. Maximum height of the fixture shall be ten (10) feet.

Section 6.0. Private tennis courts.

- A. Tennis courts for single family and two family dwellings shall be located in the rear yard.
- B. Tennis courts shall be located at least twenty-five (25) feet from any property line and residential structure.

Section 7.0. Storage and dispensing of combustible and flammable liquids, other than for sale.

7.1. *Above ground storage.* The above ground storage of gasoline, diesel fuel, kerosene and other hazardous liquids is prohibited within the City, except that protected above ground storage tanks at commercial, industrial, governmental or manufacturing facilities, intended for fueling vehicles used in connection with those facilities, may be allowed when approved by the appropriate fire chief.

Temporary use of movable tanks in conjunction with the dispensing of such liquids into the fuel tanks or motorized equipment on premises not normally accessible to the public is permitted only after written approval for such use has been obtained from the fire chief.

7.2. *Below ground storage.* The below ground storage and/or dispensing of gasoline, diesel fuel, kerosene and other hazardous liquids is prohibited in residential districts, except at governmental facilities when approved by the appropriate fire chief. Such storage of hazardous liquids, other than for sale, is permitted in non-residential districts, upon written approval of the fire chief.

Section 8.0. Each business to be located in permanent building. (THIS SECTION HAS BEEN DELETED FROM THE ORDINANCE).

The main building of a permanent or temporary business shall be a permanent building which has a roof supported by columns or walls, with walls constructed of wood, metal, glass, brick or masonry materials, which completely enclose the main building area. The permanent building and premises shall conform in all respects to the applicable land and building development codes and ordinances of the City. The main building of any permanent or temporary business shall not be a tent, shelter, mobile building or other structure which does not comply with the intent of this Section.

Section 9.0. Exterior Lighting

All exterior light fixtures shall be designed and located so as to shine down on the premises and to minimize the amount of light which spills off the premises. Except for municipal athletic facilities, the maximum height of exterior light fixtures located on property, any portion of which adjoins a single family residential district, shall be 30 feet.

Section 10.0. Garbage and Trash Containers.

Except for single family residential dwellings, all garbage and trash containers shall be located within a four sided enclosure, which completely conceals the containers.

Section 11.0. Self-Service Storage Facilities

11.1. Requirements for Self-Service Storage Facilities

- A. Submission of a site development plan
- B. Self-service storage facilities shall be limited to the rental of storage units and the pick-up and deposit of goods or property in dead storage.
- C. Vehicle and trailer rental may be permitted on the premises as an accessory use, subject to review and approval as a Special Exception Use. Rental vehicles shall not be parked in required parking spaces, drives or parking lanes.
- D. Storage units shall not be used to manufacture, fabricate or process goods; conduct servicing or repair; conduct garage sales or retail sales of any kind; or conduct any other commercial or industrial activity.
- E. Individual storage units shall not have electrical outlets except ceiling light ceiling light fixtures and necessary switches.
- F. The maximum gross floor area of an individual storage unit shall be 340 square feet.
- G. Individual storage units or private postal boxes within a self-service storage facility shall not be considered premises for the purpose of assigning a legal address in order to obtain a business license or other governmental permit or license to do business; nor as a legal address for residential purposes.
- H. The following materials shall not be stored in any self-service storage unit. Each lessee shall be required to sign a written statement certifying that none of the following will be stored in the unit leased by that individual or corporation:
 - 1. Hazardous materials
 - 2. Flammable and combustible liquids
 - 3. Explosives
 - 4. Black powder and smokeless powder
- I. Except as provided herein, all property stored on the premises shall be entirely within an enclosed building. Open storage of recreation vehicles and boats is permitted, subject to the following:
 - 1. Storage shall occur only in a designated area which is clearly delineated for open storage.
 - 2. Such areas shall not exceed 10 percent of the lot or parcel area.
 - 3. Such areas shall be screened from view from property zoned for detached single family residential use and public property, including the public right-of-way.
 - 4. Storage shall not occur in required parking spaces, drives, parking lanes nor within required building setback areas.
 - 5. No vehicle maintenance, washing or repairs shall be permitted.

- J. Exterior light fixtures shall be designed and installed so that the light is focused down upon the premises and so that a minimum amount of light shines on adjacent property or the right-of-way. If a facility abuts a residential district, exterior light fixtures shall not exceed 16 feet in height.
- K. A caretaker or security guard dwelling is permitted on the premises.
- L. Required parking spaces shall be located adjacent to the building or use which they serve. Floor area within the rental or leasing office, which is devoted to uses other than the rental of storage units, shall be provided with additional parking spaces, at a ratio of one space per 200 square feet of gross floor area.
- L. Self-service storage facilities which feature both multi-access and limited access storage facilities shall comply with all of the requirements pertaining to both types of storage units.

11.2. *Supplemental Regulations Pertaining Only to Multi-Access Facilities*

- A. Minimum lot area shall be three acres.
- B. All drives which provide direct access to storage units shall have an adjacent parking lane which extends the full length of the access drive, and is located between the access drive and the storage units. Access drives with direct access to storage units on only one side of the drive shall be at least 20 feet wide, plus one parking lane at least 10 feet wide, for a total width of 30 feet. Access drives with direct access to storage units on both sides of the of the drive shall be at least 20 feet wide, plus one parking lane at least 8 feet wide on each side of the drive, for a total width of 36 feet.
- C. Storage unit doors shall be screened from view from property zoned for detached single family residential use. The building, including storage unit doors, shall be a color which blends with the surrounding built and natural environment and shall not be a color which attracts attention to the premises.
- D. The facility shall feature appropriate access and circulation by vehicles and emergency equipment.

11.3. *Supplemental Regulations Pertaining Only to Limited Access Facilities*

- A. Multi-story facilities located in the C-3 District shall feature building materials and architectural design which reduces the scale and mass of the structure, so that the building appears to be an office building, not a storage facility.

- B. Each entry point to the building used to access hallways leading to the storage units shall accommodate a minimum of two loading berths and related maneuvering areas. The loading and maneuvering areas shall not interfere with the traffic circulation system of the premises.

Section 12.0 Accessory Antennas

This section governs antennas which are accessory to the principal use of a premises. Commercial radio and television transmission antennas, and receiving antennas for cable television systems, telecommunications antennas, and other antennas which are the principal use of the premises or constitute a separate business from the principal use of the premises, are not accessory antennas, and are governed by Article VIII.

12.1. Regulations pertaining to all zoned districts.

- A. All antennas shall be located behind the front building setback lines, or lines, in the case of a corner or through lot.
- B. Antennas shall be located and designed to minimize negative impact on surrounding property. Materials used in constructing the antenna shall not be unnecessarily bright, shiny or reflective.
- C. A parabolic antenna subject to the regulations of this Section is any antenna which has a parabolic, dish or circular shape, is more than two (2) feet in diameter, and is an accessory use to the principal use of the lot or parcel on which it is located. Parabolic antennas, two (2) feet or less in diameter, are exempt from the provisions of this Section.

12.2. Regulations pertaining to accessory antennas in the FAR, RR, R-1, R-2, R-4, R-5, MHR, MH and PRD-1 districts Each lot or parcel which is improved with a dwelling may have the following accessory antennas:

- A. One parabolic antenna which is permanently attached to the ground, located in the rear yard at least twelve (12) feet from a property line, and does not exceed sixteen (16) feet in height; and
- B. One radio or television receiving antenna, other than a parabolic antenna, which does not exceed fifty (50) feet in height; and
- C. One federally licensed amateur radio station antenna which does not exceed seventy (70) feet in height.

12.3. Regulations pertaining to accessory antennas in the R-3 and PRD-2 districts. Each lot or parcel which is improved with a dwelling(s) may have the following accessory antennas:

- A. One radio or television receiving antenna, other than a parabolic antenna, which does not exceed fifty (50) feet in height; and
 - B. One federally licensed amateur radio station antenna which does not exceed seventy (70) feet in height; and
 - C. One ground-mounted parabolic antenna which is permanently attached to the ground, located in the rear yard at least twenty-five (25) feet from a public street right-of-way, ten (10) feet from a property line, and does not exceed sixteen (16) feet in height; or one roof-mounted parabolic antenna which is located at least fifty (50) feet from a single family residential district boundary and does not extend more than ten (10) feet above the roof line.
- 12.4. *Regulations pertaining to accessory antennas in the Institution, Office, Business and Industrial Districts.* Each lot or parcel which is improved with a building which is the principal use of the lot or parcel, may have the following accessory antennas:
- A. One accessory antenna, other than a parabolic antenna, that does not exceed seventy (70) feet in height, nor fifty (50) feet in height when located within two hundred (200) feet of an FAR, RR, R-1, R-2, R-4, R-5 or PRD-1 district boundary; and
 - B. One ground-mounted parabolic antenna which is permanently attached to the ground, located in the rear yard at least twenty-five (25) feet from a public street right-of-way, ten (10) feet from a property line, and does not exceed sixteen (16) feet in height; or one roof-mounted parabolic antenna which does not extend more than ten (10) feet above the roof line, and is located at least fifty (50) feet from a single family residential district boundary, if said antenna is more than six (6) feet in diameter.

Section 13.0 Home Occupations.

Home occupations are a special exception use in certain districts. In order to qualify as a home occupation, a business or activity must comply with the following standards:

- A. The business must be conducted entirely within an owner occupied dwelling and employ only the inhabitants thereof; except for a day care home which may have one employee. A home occupation shall not be conducted within any accessory buildings or structures.
- B. The business shall not occupy more than twenty five (25) percent of the gross floor area of the dwelling.
- C. The business shall not involve wholesale or retail sales wherein merchandise

is delivered or distributed from the premises; except for crafts and art work created on the premises.

- D. The business shall not involve a high volume of traffic which is disruptive to the neighborhood.
- E. A day care home shall confine all play equipment to the rear yard of the dwelling.
- F. The business shall not involve outdoor storage of merchandise, equipment or supplies nor large truck deliveries other than routine parcel delivery.
- G. The residential appearance of the premises shall be maintained and all off-street parking, other than those spaces located on the residential driveway, shall be located in the rear or side yard of the premises.
- H. The business shall not create any noise which is audible from off the premises and shall not emit smoke, vibration, fumes or dust which effect nearby properties.

Section 14.0 Home Occupations In R-6, High Density Residential Districts.

Home occupations are a special exception use in the R-6 district and in order to qualify as a home occupation, a business or activity must comply with the following standards:

- A. The business must be conducted entirely within an owner occupied dwelling and employ only the inhabitants thereof. A home occupation shall not be conducted within any accessory buildings or structures.
- B. The business shall not occupy more than twenty (20) percent of the gross floor area of the dwelling.
- C. The business shall not involve wholesale or retail sales wherein merchandise is delivered or distributed from the premises.
- D. The business shall not involve a high volume of traffic which is disruptive to the neighborhood.
- E. The business shall not involve outdoor storage of merchandise, equipment or supplies nor large truck deliveries other than routine parcel delivery.
- F. The residential appearance of the premises shall be maintained.
- G. The business shall not create any noise which is audible from off the premises and shall not emit smoke, vibration, fumes or dust which effect nearby properties.

- H. Applicant must have written approval by property owner or association to have a home occupation.

**ARTICLE VIII
TELECOMMUNICATION FACILITIES**

Section 1.0. Purpose.

In order to accommodate the communication needs of residents and businesses while protecting the public health, safety, and general welfare of the community, these regulations are necessary in order to (1) facilitate the provision of wireless telecommunications services to the residents and businesses of the City; (2) minimize adverse visual effects of towers through careful design and citing standards; (3) avoid potential damage to adjacent properties from tower failure through structural standards and setback requirements; and (4) encourage and maximize the use of existing and approved towers, buildings and other structures to accommodate new wireless telecommunications antennas in order to reduce the number of towers needed to serve the community.

Section 2.0. Applicability.

This Article shall apply to antennas, towers and other supporting structures which are integral to the principal use of the premises or which are a separate business from the principal use of the property, including, but not limited to: commercial radio and television transmission antennas, television receiving antennas for cable television systems, telecommunications antennas, and other antennas which are not an accessory use of the premises. All such uses shall be a special exception use, except the following uses which shall be a permitted use in all zoning districts.

- A. Installation of antennas on existing towers where the tower height is not increased and all accessory structures and uses are located within the existing tower compound.
- B. Installation of antennas on power poles where the height of the pole is not increased and accessory cabinets and boxes have a volume of less than two cubic feet.
- C. Installation of antennas owned by public utilities which are accessory to: remote terminal units serving pad mounted switch gear, remote switch controllers and similar telemetry antennas; provided the antenna is attached to a power transmission or distribution pole and does not exceed the height of the pole, or the antenna is attached to a building and does not extend more than ten (10) feet above the roof line of the building or the antenna is ground mounted and does not exceed twenty (20) feet in height. Said

antennas shall also be exempt from the permitting requirements of Section 10 of this Article.

- D. Installation of antennas which are accessory to Supervisory Control and Data Acquisition facilities located within a electric power sub-station, provided the antenna does not exceed the height of the poles or sub-station structure. Said antennas shall also be exempt from the permitting requirements of Section 10 of this Article.
- E. Installation of antennas on concealment structures, except concealment towers, where the antenna is not visible from off the premises and the accessory cabinet has a volume of less than 40 cubic feet or is not visible from off the premises.
- F. Installation of antennas on buildings which comply with all of the following conditions:
 - 1. The building is not located in a single family residential district.
 - 2. The property is not subject to a special exception use, variance or other zoning restriction which exceeds the requirements of the Zoning Ordinance.
 - 3. The antenna does not exceed the maximum building height in the zoning district nor extend more than twelve (12) feet above the roof line of the building.
 - 4. The accessory cabinet does not exceed forty (40) cubic feet in volume or is located where it is not visible from off the premises.

Section 3.0. Availability of Suitable Existing Towers or Other Structures.

No new towers, which are a special exception under the terms of this Article, shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the City that no existing tower or structure can accommodate the applicant's needs.

Section 4.0. Principal Uses to be on Lots.

All telecommunication towers and other supporting structures which are not an integral part of the principal use of the premises shall be the principal use of the premises on which they are located and shall be located on a separate lot. Because of the unique nature of these structures, said lots shall be exempt from the requirement to have principal frontage upon a public street, any minimum lot area or width requirements and any setback requirements of the zoning district where they are located. However, the lot for any telecommunications tower shall be large enough to accommodate the tower and

accessory structures of the applicant, as well as the accessory structures of at least one additional co-locating service provider.

Section 5.0. Setbacks.

Towers shall be placed no closer than a distance equal to the height of the tower from any dwelling located in the FAR, RR, R-1, R-2, R-3, R-4, R-5 or PDD zoning districts. However, because of the unique nature of telecommunications facilities, other required setbacks from property lines shall be determined on an individual basis by the Board of Adjustment as part of the special exception process. The Board shall consider the following factors when establishing minimum setbacks.

- A. The type of telecommunications facility
- B. Relationship to other properties and buildings
- C. Relationship to the public right-of-way
- D. Size of the subject lot or parcel
- E. Accessibility from public safety and other purposes
- F. Other factors which effect the telecommunications facility, surrounding property and community at large.

Section 6.0. Aesthetics and Lighting.

- A. Towers shall either maintain a galvanized steel finish, or subject to any applicable FAA standards, be painted a neutral color so as to reduce visual obtrusiveness
- B. The design of the buildings and accessory structures and uses shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend the telecommunication facilities to the natural setting and built environment.
- C. If an antenna is installed on a structure other than a tower, the antenna and accessory uses and structures must be of a color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related facilities as visually unobtrusive as possible.
- D. Towers shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, the City may review the

the available lighting alternatives and approve the design that would cause the least disturbance to the surrounding views. Lighting must be shielded or directed to the greatest extent possible so as to minimize the amount of light that falls onto nearby properties, particularly residences.

- E. No portion of any antenna array may extend beyond the property line.
- F. Accessory buildings, cabinets and structures shall not exceed sixteen (16) feet in height, and shall be compatible with the surrounding area.
- G. The City may require a special design of any telecommunications facility where findings of particular sensitivity are made.

Section 7.0. Federal Requirements.

All towers and antennas must meet or exceed the current standards and regulations of the FAA, the FCC, and any other agency of the federal government with the authority to regulate towers and antennas. If such standards and regulations are changed, then the owners of the towers and antennas governed by this Article shall bring such towers and antennas into compliance with such standards and regulations within six (6) months of the effective date of such standards and regulations, unless a more stringent compliance schedule is mandated by the controlling federal agency. Failure to bring towers and antennas into compliance with such revised standards and regulations shall constitute grounds for the removal of the tower or antenna at the owners expense.

Section 8.0. Building Codes and Safety Standards

The owner of a tower shall ensure that it is maintained in compliance with standards contained in applicable local building codes, the applicable standards for towers that are published by the Electronic Industries Association, as amended, and all applicable codes adopted by the City.

- A. In addition to any other applicable standards and requirements, the following shall apply to all towers and telecommunications facilities:
 - 1. Sufficient anti-climbing measures must be incorporated into each facility to reduce potential for trespass and injury.
 - 2. Towers shall be enclosed by security fencing not less than six (6) feet in height and shall also be equipped with an appropriate anti-climbing device.
 - 3. At least ten (10) feet of horizontal clearance must exist between any antennas and any power lines, unless more clearance is required to meet Alabama Public Service Commission standards.

4. All towers and telecommunications facilities must be designed and/or sited so that they do not pose a potential hazard to nearby residences or surrounding properties or improvements. Any tower shall be designed and maintained to withstand without failure, the maximum forces expected from wind, hurricanes, and other natural occurrences, when the tower is fully loaded with antennas, transmitters, and other telecommunications facilities, and camouflaging. Initial demonstration of compliance with this requirement shall be provided via submission of a report to the Zoning Administrator prepared by a structural engineer licensed in the State of Alabama describing the tower structure, specifying the number and type of antennas it is designed to accommodate, providing the basis for the calculations done, and documenting the actual calculations performed. Proof of ongoing compliance shall be provided via submission to the Zoning Administrator at least every five years of an inspection report prepared by an Alabama registered structural engineer indicating the number and types of antennas and related telecommunications equipment actually present, and indicating the structural integrity of the tower. Based on this report, the Zoning Administrator may require repair of, or if a serious problem exists, removal of the tower or any telecommunications facilities.
- B. If, upon inspection, the City concludes that a tower fails to comply with such codes and standards and constitutes a danger to persons or property, then upon notice being provided to the owner of a tower, the owner shall have thirty (30) days to bring such tower into compliance with such standards. If the owner fails to bring such tower into compliance within said thirty (30) days, the governing authority may remove such tower at the owners expenses.

Section 9.0. Radio Frequency Standards.

All applicants shall comply with federal standards for a radio frequency emission. Within six (6) months after the commencement of any operations utilizing a tower, antenna or related telecommunications facilities, the applicant shall submit a project implementation report which provides cumulative field measurements of radio frequency emissions of all antennas installed at the subject site, and which compares the results with established federal standards. If, upon review, the City finds that the facility does not meet federal standards, the City may require corrective action within a reasonable period of time, and if not corrected, may require removal of the telecommunications facilities. Any reasonable costs incurred by the City, including reasonable consulting costs to verify compliance with these requirements, shall be paid by the applicant.

Section 10.0 Permits.

Except as specifically exempted in section 2.0 of this Article, towers, antennas and telecommunications facilities are considered structures, requiring issuance of a building permit. In addition to any information required pursuant to Article III, Section 1.0 in

connection with the issuance of a permit for a tower, antenna or telecommunications facility, the applicant shall, prior to a permit being issued, submit the following to the Zoning Administrator:

- A. A maintenance/facility removal agreement, binding the applicant, the property owner (if other than the applicant) and the applicant's and/or owner's successors in interest, to properly maintain the exterior appearance of and ultimately the removal of the tower and telecommunications facilities in compliance with the provisions of this Article and any conditions of approval.
- B. An agreement to pay to the City all costs of monitoring compliance with, and enforcement of, the maintenance, removal, and/or disposal of any tower and telecommunications facilities, and to reimburse the City for all costs incurred to perform the work required of the applicant by this agreement that the applicant may fail to perform. Such agreement for reimbursement shall include all costs of collection and reasonable attorneys fees.
- C. An agreement to allow the City to enter onto the property and undertake any maintenance or removal activities so long as:
 - 1. The Zoning Administrator has provided the applicant written notice requesting the work needed to comply with this Article and providing the applicant at least forty-five (45) days to complete it; and a follow up notice of default specifying failure to comply within the time period permitted, and indicating the City's intent to commence the required work within ten (10) days of the notice; and
 - 2. The applicant has not filed an appeal pursuant to Article III, Section 1.32 within ten (10) working days of the notice of the City's intent to commence the required work. If an appeal is filed, the City shall be authorized to enter the property and perform the necessary work if the appeal is dismissed or final action on it is taken in favor of the City.
 - 3. Notwithstanding anything contained in this Section to the contrary, the city shall not be required to provide the notice described herein if there is a significant risk to the public health and safety requiring immediate remedial measures.
- D. In addition to any building permit fees and special exception application fees, the applicant shall pay a telecommunications facilities permit fee in an amount that shall be set from time to time by City Council resolution. The fees for towers may be set at different levels than the fees set for antennas. The City Council resolution may further provide for a waiver of fees in the case of:

1. Construction of new towers with excess capacity, where the applicant commits in advance to allow co-location;
 2. Co-location of antennas on existing towers and/or alternative tower structures;
 3. Location of antennas on existing alternative tower structures;
 4. Other conditions which the City believes will minimize the need for construction of new towers.
- E. A statement that the applicant agrees to allow for the potential co-location of additional telecommunications equipment by other providers on the applicant's tower or within the same site location, subject to reasonable conditions.
- F. If the applicant seeks a permit for a tower or telecommunications facility on leased property, a copy of the lease agreement, memorandum of lease, or a verified written statement of the landlord indicating that the landlord is permitted to enter into leases with other telecommunications providers.

Section 11.0 Application Requirements.

- A. Each applicant requesting a special exception under this article shall, in addition to submitting all information required in Article III, Section 2.2, submit the following information:
1. Scaled elevation view and other supporting drawings, calculations, and documentation, signed and sealed by appropriate registered professionals
 2. Radio frequency coverage and tower height requirements
 3. Other information deemed by the board as necessary to determine compliance with this Article. Each applicant for an antenna or tower shall submit an inventory of its existing towers that are either within the City or within one-quarter mile of the City's boundaries, including specific information about the location, height, and design of each tower. The City may share such information with other organizations seeking to locate antennas within the City, provided however that the City is not, by sharing such information, in any way representing or warranting that such sites are available or suitable.

If the applicant owns the electric power or telephone poles in the area, it is not the intent of this Article to require a map showing all

such poles, however, it is the intent of this Article for the applicant to submit a map showing the location and height of all such poles in the vicinity of the property which is the subject of the special exception use.

- B. Each applicant for an antenna or tower shall submit a copy of its one and five year plans for development of its telecommunications facilities in the city.

Section 12.0. Factors Considered in Granting Special Exception Permits for Towers and Antennas.

The City shall consider the following factors in determining whether to issue a special exception for a telecommunications facility:

- A. Height of the proposed tower;
- B. Proximity of the tower to residential structures and residential district boundaries;
- C. Nature of uses on adjacent and nearby properties;
- D. Surrounding topography;
- E. Surrounding tree coverage and foliage;
- F. Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness;
- G. Proposed ingress and egress;
- H. An evaluation of the applicant's one and five year plans for development of its telecommunications facilities within the City, as well as those plans on file from other telecommunications providers;
- I. Availability of suitable existing towers and other structures;
- I. Any other information that the City deems reasonably necessary in connection with the review of the application.

Section 13.0. Removal of Abandoned Antennas and Towers

Any antenna or tower that is not operated for a continuous period of twelve (12) months shall be considered abandoned. The City, in its sole discretion, may require an abandoned tower or antenna to be removed. The owner of such antenna or tower shall remove the same within ninety (90) days of receipt of notice from the City notifying the owner of

such abandonment. If such antenna or tower is not removed within said ninety (90) days, the City may remove and dispose of such antenna or tower at the owners expense. If there are two or more users of a single tower, then this provision shall not become effective until all users cease using the tower.

ARTICLE IX. OFF-STREET PARKING AND LOADING REQUIREMENTS

Section 1.0. Parking requirements for specific uses.

1.1. Residential and Accessory Uses:

- | | |
|---------------------------------------|--|
| 1. Single-family Dwelling | 2 spaces |
| 2. Manufactured Home | 2 spaces |
| 3. Two-family Dwelling | 2 spaces per dwelling unit |
| 4. Multifamily and Townhouse Dwelling | 1.5 spaces per dwelling unit |
| 5. Tourist Home, Bed & Breakfast | 5 spaces plus one space per bedroom |
| 6. Independent Living Facility | 1 space per dwelling unit |
| 7. Inn | 5 spaces plus one space per bedroom |
| 8. Group Home | 2 spaces |
| 9. Assisted Living Facility | 0.65 spaces per dwelling unit |
| 10. Private Swim & Tennis Clubs | 1 space per 75 square feet of swimming pool water surface area and 2 spaces per tennis court |

1.2. Public and Institutional Uses:

- | | |
|---|--|
| 1. Auditorium, arena, stadium, theater, church, concert hall and other spectator facilities | 0.25 spaces multiplied by the maximum seating capacity |
| 2. College, university, vocational school | 1 space per 50 square feet of classroom floor space |

- | | | |
|----|----------------------------------|--|
| 3. | Hospital | 1 space per 3 beds plus 1 space per 2 employees |
| 4. | Library | 1 space per 800 square feet of floor area plus one space per 2 employees |
| 5. | Post Office | 1 space per 300 square feet of floor area |
| 6. | Public and private schools: | |
| | Elementary & junior high schools | 1 space per 8 auditorium seats or 2 spaces per classroom, whichever is greater |
| | High schools | 1 space per 6 students and one space per 3 employees |

1.3. *Commercial and Industrial Facilities.*

- | | | |
|-----|-------------------------|--|
| 1. | Auto dealership | 1 space per 1,000 square feet of floor area |
| 2. | Auto repair and service | 2 spaces per repair bay |
| 3. | Auto parts sales | 1 space per 150 square feet of retail sales floor area |
| 4. | Bank | 1 space per 150 square feet of floor area |
| 5. | Barber and beauty shops | 2.5 spaces per chair |
| 6. | Bowling alley | 4 spaces per alley |
| 7. | Manual car wash | 1 space per 200 square feet of floor area |
| 8. | Convenience store | 1 space per 155 square feet of floor area |
| 9. | Dance or music studio | 1 space per 100 square feet of floor area |
| 10. | Day care or nursery | One space designed for the safe and convenient loading and unloading of children per 10 children enrolled, based upon the maximum licensed capacity of the center, with a minimum of four spaces; plus one space for each employee on the maximum working shift. |

11. Doctor-dentist office	1 space per 250 square feet of floor area
12. Funeral home	1 space per 50 square feet of floor area
13. Gasoline service station	1 space per pump and 2 spaces per repair bay
14. Golf course	7 spaces per golf hole
15. Golf, carpet	1 space per golf hole
16. Laundromat	0.5 spaces per machine
17. Industry	1 space per 3 employees on the maximum working shift
18. Lumber yard and home improvement center	1 space per 200 square feet of floor area and 1 space per 1,000 square feet of outdoor storage area
19. Motel or hotel	1 space per unit plus 1 space per 200 square feet of office floor area
20. Nursing home	1 space per 4 beds
21. Office building	1 space per 250 square feet of floor area
22. Restaurant, lounge bar, night club	1 space per 100 square feet of floor area
23. Restaurant, drive-up	1 space per 100 square feet of floor space
24. Retail establishments which require an unusually large showroom such as furniture, carpet, and large appliances	1 space per 800 square feet of floor area
25. Self-storage facility, limited-access	1 space per 30 storage units plus five spaces for the storage unit rental office, plus 1 space per 200 square feet of gross floor area devoted to sales or rental of other services or materials.
26. Self-storage facility	

multi-access	Parking lanes as required in Article VII, Section 11.2 (N) (2), plus five spaces for the storage unit rental office, plus one space per 200 square feet of gross floor area devoted to sales or rental of other services or materials
27. Wholesale establishments	1.5 spaces per 2 employees
28. Veterinarian	1 space per 1,000 square feet of floor and kennel area
29. All other retail and service establishments	1 space per 200 square feet of floor area and 1 space per 500 square feet of permanent outdoor sales

Section 2.0. Rules in applying off-street parking standards.

In applying the standards of Section 1.0 of this Article the following rules shall apply:

- A. A parking space shall be at least nine (9) feet wide and twenty (20) feet long except for the following situations:
 - 1. A parking space in a parking structure, which does not serve a retail or service use, may be a minimum of eight and one-half (8 ½) feet wide and eighteen (18) feet long.
 - 2. A maximum of ten (10) percent of all parking spaces in a parking structure which serve a retail or service use may be a minimum of eight and one-half (8 ½) feet wide and eighteen (18) feet long.
- B. The parking space requirement for a use not specifically mentioned herein shall be the same as required for a use of a similar nature.
- C. In the case of mixed or joint uses, the parking spaces required shall equal the sum of the requirements of the various uses computed separately.
- D. These standards shall apply fully to all uses and buildings established after the effective date of this Ordinance.
- E. These standards shall apply to all additions, expansions, enlargements or reconstruction on the basis of the addition, expansion, enlargement or reconstruction only.
- F. Off-street parking areas and spaces servicing publicly owned recreation facilities, may have a surface other than bituminous pavement or concrete, subject to the approval of the City Engineer.

- G. Parallel parking spaces shall contain a minimum rectangular area of nine (9) feet wide by twenty-two (22) feet long.

2.1. *Location and design of off-street parking areas.*

- A. In the FAR, RR, R-1, R-2, R-3, R-4, R-5, R-6, PRD-1 and PRD-2 districts, required off-street parking shall be provided on the same lot as the use to which the parking pertains. In other districts such parking may be provided either on the same lot or an adjacent lot, not in one of the above districts, when an increase in the number of spaces is required by a change of use or enlargement of the building served, or where such spaces are provided collectively or used jointly by two (2) or more buildings or establishments.
- B. In any case where the required parking spaces are not located on the same lot with the building or use served, or where such spaces are collectively or jointly provided and uses, a written agreement thereby assuring their retention for such purposes shall be properly drawn and executed by the parties concerned, approved as to form by the City Attorney and shall be filed with the application for a building permit, and shall be in full force and effect until released by a resolution of the city council.
- C. All parking areas shall be provided with safe entrance to and exit from the public thoroughfare.
- D. No off-street parking spaces, except for detached single family residential uses shall be entered or exited directly from a public street or alley.
- E. The use of any required parking space for the storage of any motor vehicle for sale, rent or repair or any other purpose other than the temporary parking of motor vehicles by patrons, is prohibited.

Section 3.0. Loading area requirements.

3.1. *Required loading space.* On the same premises with every building or structure involving the receipt or dispatch of vehicles as a necessity for, or incidental to, the operation, or use of the building, there shall be provided and maintained adequate space for standing, loading and unloading services, in order to avoid interference with public use of streets or alleys, maintain necessary fire access lanes and to maintain vehicular circulation through the parking lot and ensure access to all required off-street parking spaces.

3.2. *Loading area site arrangement.* All loading areas shall be provided with safe entrance to and exit from the public thoroughfare. The entire loading area shall be paved and graded to properly drain.

3.3. *Applicability.*

- A. These requirements shall apply fully to all buildings erected after the effective date of this Ordinance and all enlargements, expansions, or reconstruction thereof.
- B. No building or part thereof in the B District, heretofore erected, shall hereafter be enlarged or expanded to the extent of fifty percent or more in floor area or ground area used unless off-street loading space is provided in accordance with the requirements of this Section.
- C. No building or part thereof in the M Districts heretofore erected shall hereafter be enlarged or expanded to provide an additional floor area of twenty-five (25) thousand square feet or more, or to provide a total gross floor area of forty (40) thousand square feet or more, unless off-street loading space is provided in accordance with the requirements of this Section.

ARTICLE X. BUFFER AND LANDSCAPING REGULATIONS

Section 1.0. Purposes and Objectives.

The purposes of this Article are to promote the quality of life in the City of Valley by promoting health and general welfare, to provide adequate light and air, to prevent the overcrowding of land, and to avoid undue concentration of population. This Article has been made with reasonable consideration, among other things, to the character of the zoning districts and their peculiar suitability for particular uses and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the City.

The objectives are achieved by requiring measures to make incompatible land uses more compatible by requiring a buffer between the uses and to provide shade within and enhance the appearance of parking and other vehicle maneuvering areas.

Section 2.0. Landscaping Plan

A Landscaping Plan shall be required as part of every building permit application, re-zoning application, special exception application and variance application for new construction which must provide a buffer or which contains a parking or vehicle maneuvering area as defined in the Article, and shall contain the following information:

- A. The boundaries of all tree areas and a description of the plant material therein.
- B. The location and dimension of all areas proposed for buffers, landscaping and planting, including a description of the proposed plant materials.

- C. All dimensions and distances, property lines, easements, right-of-way and buffers.
- D. Existing and proposed buildings and structures, including signs, garbage and trash containers, utility and drainage structures.
- E. Existing and proposed buildings and structures on adjacent property affected by a required buffer.
- F. Bodies of water including water detention and retention areas.
- G. Driveways parking areas, existing and proposed parking spaces, access aisles and other vehicle maneuvering areas.
- H. Sufficient information and detail to clearly demonstrate that all applicable requirements and standards of this Article are fully satisfied.

Section 3.0. Buffers.

3.1. *Applicability.* Buffer Regulations are set forth in each of the zoning district sections of Article VI. If proposed development activity requires a buffer, a Landscaping Plan, shall be submitted pursuant to the requirements of this Article.

3.2. *Standards.* In order to decrease incompatibility between neighboring land uses, the following standards shall apply to all buffers required by the Zoning Ordinance.

- A. The buffer shall provide a visually impervious barrier, uniformly dense at all heights from the ground, and a minimum of five (5) feet above grade throughout the entire length of the planting strip. The entire surface area of the buffer shall be planted as prescribed in this Section. Within one year after installation the buffer shall be at least six (6) feet above grade throughout the entire length of the planting.
- B. Privacy walls or fences, if incorporated in the buffer, shall be visually impervious, at least six (6) feet high, and shall be used in conjunction with landscaping materials which compliment the purpose of the required buffer. Chain link fences or similar fencing shall not be used as a privacy fence. The location of the fence or wall within the buffer shall be approved by the City.
- C. All walls and fences located within buffer areas shall be finished on the exterior viewed from adjacent properties in the same type finish as the interior portion. All walls and fences shall be maintained in perpetuity by the owner.

- D. Public utilities and storm drainage facilities may be constructed in a required buffer, provided the buffer is installed in compliance with the approved Landscape Plan. The City may require supplemental plant material in order to mitigate the effect of land disturbance in the buffer.
- E. The owner shall be responsible for the maintenance, repair and replacement of all landscaping materials required by this Section. All plant material shall be tended and maintained in a healthy growing condition, replaced when dead and kept free of weeds, refuse and debris.

Section 4.0. Landscaping for Parking and Vehicle Areas

4.1. *Applicability.* These regulations apply to all areas, (hereinafter referred to as parking areas), which are open to the general public or visible from the public right-of-way, and used for off-street parking or loading, vehicular storage, display, maneuvering, vehicle washing, and the dispensing of motor fuels. All such areas with less than five (5) vehicle spaces are exempt from the provisions of this Section.

This Section shall apply to new parking areas or enlargement of existing parking areas by ten (10) percent or more, for all special exception uses, except home occupations, and for permitted uses in the R-6, Institution, Office, C-1, C-2, C-3, M-1 and M-2 Districts. If proposed development activity requires the installation of landscaping in parking areas, a Landscaping Plan shall be submitted pursuant to the requirements of this Article.

4.2. *Design Standards.*

- A. Interior Parking Areas
 - 1. Each parking area shall have interior landscaping covering not less than five (5) percent of the total parking area. Such landscaping shall be in addition to all planting within six (6) feet of a building.
 - 2. The primary landscaping materials used in parking areas shall be shade trees. Shrubs and other planting materials may be used to compliment the shade tree planting, but shall not be the sole component of the landscaping.
 - 3. The interior dimensions of any planting area shall be sufficient to protect all landscaping materials planted therein.
- B. Peripheral Parking Area Landscaping Adjacent to Right-of-Way
 - 1. A landscaped strip at least ten (10) feet wide, which shall not include a sidewalk or trail, shall be located between the parking area and the public right-of-way, except where driveways are located. Required landscaping and trees may be planted within the adjacent public street right-of-way, if shown on the approved Landscaping Plan and approved by all applicable governments and utilities.
 - 2. Shrubs shall be evergreen and a minimum of thirty (30) inches high at installation, with a minimum height of three (3) feet within one growing season. Required shrubbery shall be planted in double staggered rows

within the landscaped strip.

3. At least one tree for every thirty (30) linear feet or portion thereof shall be planted in the landscaped strip, however, this shall not be construed as requiring the planting of trees on thirty (30) foot centers.
4. Landscaping near parking areas shall not obstruct the driver's view of the right-of-way at driveways and intersections, where plant height shall be limited to thirty (30) inches to provide vision clearance triangles.
5. Vision clearance triangle setbacks shall be ten (10) feet in parking areas, thirty (30) feet at intersections and as required by the Alabama Department of transportation. Trees are permitted but branches shall be trimmed and maintained to a minimum height of eight (8) feet above finished grade.

C. *Peripheral Parking area Landscaping Adjacent to Private Property.*

1. A landscaped strip at least five (5) feet wide shall be located the entire length between the parking area and abutting property lines, except where driveways are located.
2. At least one tree for every thirty (30) feet or portion thereof shall be planted in the landscaped strip, however, this shall not be constructed as requiring the planting of trees on thirty (30) foot centers.

D. *Maintenance*

The owner shall be responsible for the maintenance, repair and replacement of all landscaping materials, and barriers required by this Section. All plant material shall be tended and maintained in a healthy growing condition, replaced when dead and kept free of weeds, refuse and debris.

4.3. *Plant Material Standards.* All plant materials shall be sufficient size to accomplish the intent of this article. Shade trees shall be at least two and one-half inch caliper in size at the time of planting.

Section 5.0. Enforcement.

A Certificate of Occupancy shall not be issued until the premises complies with the Landscaping Plan approved for the premises.

ARTICLE XI. LEGAL STATUS PROVISIONS

Section 1.0. Interpretation and purpose.

In their interpretation and application the provisions of the Ordinance shall be considered minimum requirements adopted for the promotion of the public health, safety, morals, convenience, order, prosperity, and general welfare of the community. Where other ordinances or regulations heretofore adopted or which may be adopted hereafter impose

greater restrictions than those specified herein, compliance with such other ordinances or regulations is mandatory.

Section 2.0. Severability clause.

If any section, subsection, clause, provision, or portion of this Ordinance shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, subsection, clause, provision, or portion of this Ordinance which is not in and of itself invalid or unconstitutional.

Section 3.0. This Ordinance shall become effective immediately upon its adoption, and publication according to law.

Adopted this the 28th. Day of June, 1999.

Bobby L. Crowder, Mayor

Attested By

Martha Cato, CMC/AE, City Clerk

ADMENDMENTS TO ORDINANCE 2005-12

BE IT ORDAINED by the City Council of the City of Valley, Alabama:

ORDINANCE 99-07, Valley Zoning Ordinance, as may have been previously amended, is hereby further amended to add, revise or delete the following:

Temporary Emergency Relief (To be added to ordinance)

The Zoning Administrator is hereby granted authority to provide immediate and temporary relief to applicants requesting such relief, by issuing permits authorizing installation of temporary manufactured homes on applicant's property under the following conditions:

- Such permit shall be temporary and not exceed six (6) months from date of issuance, or until a replacement home has been issued a certificate of occupancy, whichever occurs first.
- Such permit shall not be transferable.
- Prior to issuance of such permit, the Zoning Administrator shall, in his discretion, be reasonably satisfied that the applicant's requested relief is necessary and the need therefore was proximately caused by damage resulting from fire or natural disasters.
- Said temporary manufactured home shall be used exclusively as the temporary domicile of the household affected by the fire or natural disasters only during the time required to reconstruct or replace the original dwelling.
- Once the replacement home has been constructed and occupied, the temporary manufactured home shall be permanently removed from the property not more than thirty (30) days from the date that the Certificate of Occupancy was issued for the replacement home.
- The temporary manufactured home shall comply with all applicable minimum standards for dwellings that may be prescribed by the subject zoning district.

Speculative Rezoning (To be added to ordinance)

The City of Valley discourages the use of rezoning as a strategy to increase speculative land value, where the applicant has no actual or immediate intent to develop in accordance with the

rezoning. Rezoning is intended to grant the applicant an opportunity to exercise appropriate alternative development options in situations where development in compliance with existing zoning is not possible or practicable, as long as the proposed uses are consistent with the Comprehensive Plan and the character of the surrounding area. The granting of this privilege by the City carries with it a good faith expectation that the proposed development will occur in a

timely and deliberate manner. Therefore, when the City Council grants approval of a rezoning, the applicant should acquire a zoning permit or final plat approval (whichever is applicable) and commence construction activities in compliance with that permit or approval within one (1) year of the date upon which the rezoning is approved. If such actions have not been taken within the specified time frame, the Planning Commission may initiate actions to further rezone the subject property and/or reinstate the original zoning classification.

Temporary Land Uses (To be added to ordinance)

Temporary uses, as set forth below, are declared to possess characteristics which require certain controls in order to insure compatibility with other uses in the districts within which they are proposed for location. The Zoning Administrator is authorized to issue a Temporary Certificate of Zoning Compliance for any of the following temporary uses.

- Carnival, circus or fair in any commercial district, for a period not to exceed twenty one (21) days, subject to the approval of the City Council.
- Religious meetings in a tent or other temporary structure in any district, for a period not to exceed twenty one (21) days.
- Open lot sale of Christmas Trees in any district for a period not to exceed Forty-five (45) days.
- Real estate sales office in any district, for a period not to exceed one (1) year, provided that such office is placed on the property to which it is appurtenant.
- Carnivals, fairs or special events sponsored or cosponsored by the City of Valley or Chambers County Board of Education.
- Other temporary uses are subject to the approval of the City Council.
- All Temporary Certificates of Zoning Compliance may be renewed, provided that it is determined that said use is clearly of a temporary nature, will cause no traffic congestion, and would not create a nuisance to surrounding uses.

Access to Streets (Revised)

- A point of access, i.e., a drive or other opening for vehicles onto a street, shall not exceed thirty (30) feet in width, but if the street is a major street and freeways, or arterial street, the width shall not exceed fifty (50) feet.
- There shall be no more than two points of access to any one public street on a lot of any width, unless required by the Board of Adjustments to provide adequate access to lots with more than four hundred (400) feet of continuous street

frontage. Lots less than one hundred (100) feet in width shall have no more than one access to any one public street.

- No point of access shall be allowed within fifty (50) feet of the right-of-way of any public street intersection. However, a lesser distance may be recommended for approval to the Board of Adjustments by the Zoning Administrator, where conditions at the intersection or the constraints of the property may so warrant, and where such adjustment shall not compromise traffic safety or contribute to traffic congestion.
- The area existing between the street and an interior parking space or driveway parallel to the street shall have a curb at least six (6) inches in height and six (6) inches in width separating the parking area and drive from the public right-of-way, to prevent encroachment of vehicles onto the right-of-way area.
- No curbs on city streets or rights-of-way shall be cut or altered without written approval of the Zoning Administrator. All points of access to a public street shall require written approval of the Zoning Administrator.

Fences and Walls (Revised)

- Height on residential properties. Fences or walls that divide the front yard of a house from the adjoining street shall not exceed a height of four (4) feet. In the case of a corner lot, fences or walls that divide the front and adjoining side yard of the house from the adjoining streets shall not exceed a height of four (4) feet. Within any residential district no wall or fence located within the rear or side yards, shall exceed a height of six and one half (6 ½) feet, except as required for a retaining wall or tennis court.
- Appropriate materials. Fences and walls shall be constructed of a durable material such as treated lumber, brick, chain link or equal materials and be attractive in appearance. Barbed wire fencing shall be allowed in FAR – Forestry, Agriculture and Recreational District and only in the rear and side yards of RR – Rural Residential Districts. Razor wire shall not be permitted as part of any wall or fence, except by special exception of the Board of Adjustments within a M1 or M2 Industrial District, where special measures are clearly required to secure the property from public intrusion.
- Fences near roadways. No fence or wall may be erected in the public right-of-way or within twelve (12) feet of the edge of a street or curb except by special exception where special measures are clearly required. No fence, structure or planting shall obstruct visibility of persons operating vehicles in the public right-of-way.

Adopted and Approved this the ____ day of September 2005.

Attest:

Martha Cato, MMC, City Clerk

Arnold D. Leak, Mayor

ADMENDMENTS TO ORDINANCE 2006-13

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

ORDINANCE 99-07, as may have been previously amended, is hereby further amended to allow Manufactured Homes to be placed in the rear yards of single family lots within the city limits on a temporary basis for the purpose of taking care of a family member who needs special supervision and attention. An application form with a strict set of rules will be required of all applicants. The applicants must apply to the Board of Adjustments for approval as a special exception in residential and FAR (Forestry, Agricultural & Recreation) districts.

Rules and Regulations to Be Eligible For A Temporary Hardship Housing Permit to Place

A Manufactured Home On An Existing Occupied Lot Within The City Limits of Valley, Alabama

1. Applicant must attach a letter to the application from a Medical Doctor stating the reasons why the person or persons who will be living in the Temporary Emergency Manufactured Home needs special attention.
2. Applicant shall attach a site layout of the property showing the location of the Temporary Home in relation to property lines and other buildings or structures as follows:
 - A. *The length in feet of all property lines.*
 - B. *The outline of all existing buildings or structures and any proposed buildings, structures or building additions on the property in their proper locations.*
 - C. *The shortest distance in feet from all property lines to the closest point on any existing building, accessory structure or nre construction on the property.*
 - D. *The maximum height in feet of any proposed new structure or addition.*
 - E. *The location of any existing or proposed street access or curb cut.*
 - F. *The location of any known easements on the property other than utility blanket easements.*
3. The permit is only good for six months and must be renewed on or before it expires.
4. Temporary home must have a separate telephone number from the main residence. This is for emergency 911 purposes.
5. The 911 address of the temporary home shall be the same as the main

- residence address but with a letter added (A, B, C).
6. Temporary Manufactured Home must be used exclusively for the person or persons listed on the application. An overnight caregiver is permissible, but not on a continuous basis.
 7. The property owner shall be the permanent caregiver (Such as a family member or a close companion).
 8. The permit is non-transferable and cannot be used for adding or changing occupants of the Temporary Home.
 9. The Manufactured Home must be removed from the premises within sixty days (60 days) after the discontinued use for which the permit was issued.
 10. Manufactured Home cannot exceed one thousand Square Feet (1000 Sq. Ft.).
 11. All utilities will be provided by the applicant and must meet the requirements and approval of the utility companies (Water, Sanitary Sewer, Electricity and Gas) and in cases where septic tanks are required it must be approved by the Chambers County Health Department.
 12. Placement of the Temporary Manufactured Home will comply with the setback requirements of an accessory structure or building.

In all other respects, Ordinance 99-07 as may have been previously amended shall remain the same.

ADOPTED AND APPROVED THIS THE 22ND. OF MAY, 2006.

Arnold D. Leak, Mayor

Martha Cato, MMC, City Clerk

