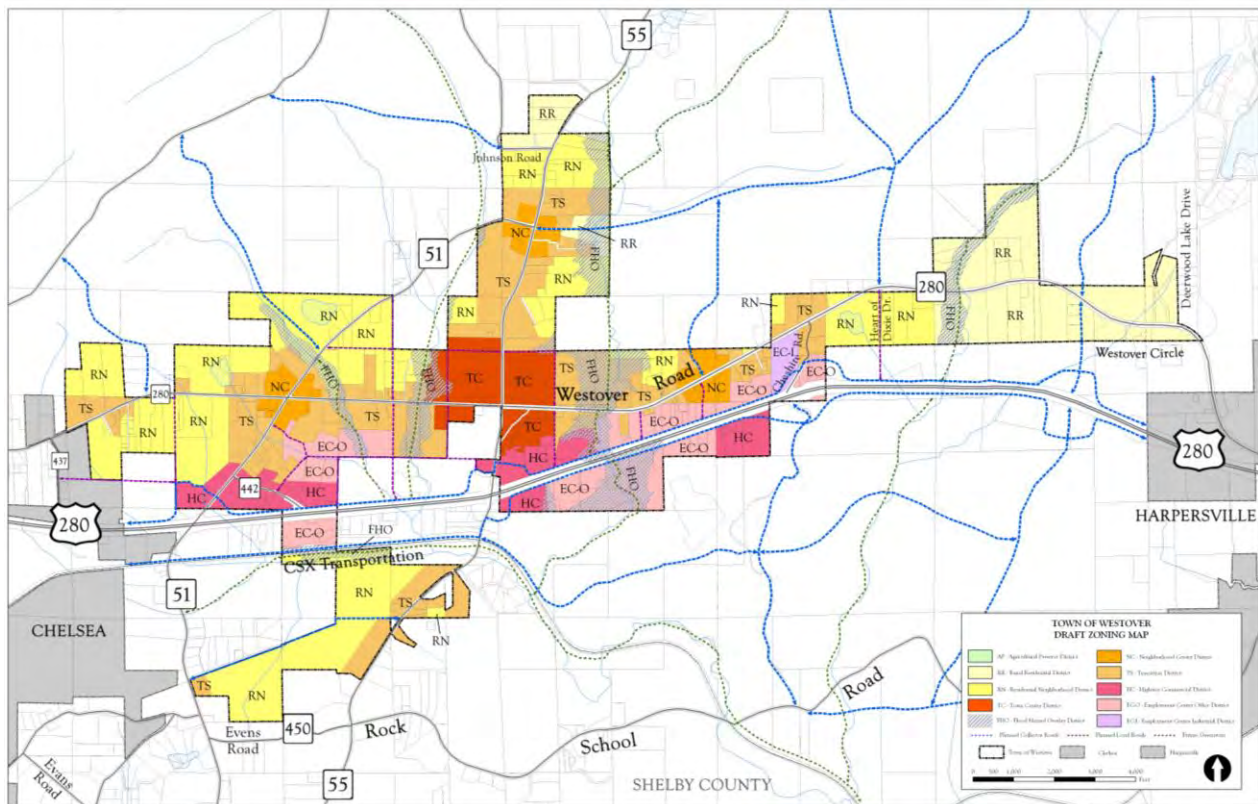


# ZONING ORDINANCE

## TOWN OF WESTOVER SHELBY COUNTY ALABAMA



Prepared by  
the Regional Planning Commission of Greater Birmingham  
For the Town of Westover, Alabama



Funding Assistance Provided by Shelby County Commission

Adopted: December 21, 2004  
Amended: January 26, 2008



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**ZONING ORDINANCE of WESTOVER, ALABAMA****ARTICLE I. PURPOSE**

Section 10.0 GENERALLY. Pursuant to the authority granted by Section 11-52-70 of the Code of Alabama, recompiled 1975, the zoning regulations and districts as herein established have been made in accordance with a comprehensive plan and designed to lessen congestion, to secure safety from fire and other hazards; to promote public health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentrations of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements. The regulations have also been made with reasonable consideration to the character of each district of the town and to the peculiar suitability of each for particular uses and with a view to conserving the value of buildings, property, and natural areas and toward encouraging appropriate uses of land throughout the Town as defined in the Town's Comprehensive Plan or parts thereof.

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## ARTICLE II. DISTRICTS, MAP, BOUNDARIES AND ANNEXED PROPERTY

Section 20.00 SHORT TITLE. The ordinance shall be known as the *Zoning Ordinance of Westover, Alabama*, and the map herein referred to as the *Zoning Map of Westover, Alabama*. The map and all explanatory matter thereon are hereby adopted and made a part of this ordinance. Such map shall be filed in the office of the Town Clerk and shall show thereon the date of adoption of this ordinance and of any amendments thereto.

Section 21.00 ESTABLISHMENT OF USE DISTRICTS. For the purposes of this ordinance, there are hereby established, and the town is divided into, several use districts, the names and purposes of which are set out below. The location, boundaries and area of each are and shall be shown on the zoning map.

Section 21.01 AP AGRICULTURAL PRESERVE DISTRICT. This district is intended for the preservation of agricultural lands and rural open space and for low-density single-family residential development.

Section 21.02 RR RURAL RESIDENTIAL DISTRICT. This district is intended for low-density single-family detached residential development.

Section 21.03 RN NEIGHBORHOOD RESIDENTIAL DISTRICT. This district is intended for medium-density single-family detached residential development.

Section 21.04 TS TRANSITION DISTRICT. This district is intended for medium- and high-density residential, limited commercial, and combination uses developed in a manner to create appropriate transitions in scale, density, character, and level of activity from business areas to neighborhoods.

Section 21.05 TC TOWN CENTER DISTRICT. This district is intended for a wide-range of uses, including commercial, institutional, recreational, and residential, developed in a compact, walkable pattern to serve as a primary activity center for the community.

Section 21.06 NC NEIGHBORHOOD CENTER DISTRICT. This district is intended for small-scale, convenience retail and service, limited office and residential uses that cater primarily to adjacent neighborhoods, developed in a compact, walkable pattern.

Section 21.07 HC HIGHWAY COMMERCIAL DISTRICT. This district is intended for a range of retail and service uses catering primarily to highway traffic and to provide appropriate locations for auto-oriented businesses.

Section 21.08 EC-O EMPLOYMENT CENTER-OFFICE DISTRICT. This district is intended for the development of individual offices and office employment centers in accessible locations within the Town.

Section 21.09 EC-I EMPLOYMENT CENTER-INDUSTRIAL DISTRICT. This district is intended for the development of individual industrial uses and industrial employment centers in accessible locations within the Town.

Section 22.00 ESTABLISHMENT OF OVERLAY DISTRICTS. For the purposes of this ordinance, there are hereby established several overlay districts, the names and purposes of which are set out below. The location, boundaries and area of each are and shall be shown on the zoning map.

Section 22.01 FH FLOOD HAZARD OVERLAY DISTRICT. This district is intended to provide special requirements for development within FEMA-designated floodplains to minimize potential damage to persons and properties due to flooding and to prevent the expansion of floodplains.

Section 22.02 PUD PLANNED UNIT DEVELOPMENT DISTRICT. This district is intended to provide the opportunity for appropriate development of tracts of land sufficiently large to allow comprehensive development planning and design and to provide flexibility in the application of certain of the regulations of this ordinance in a manner consistent with its general purposes.

Section 23.00 DISTRICT BOUNDARIES. The boundaries of the above districts are hereby established as shown on the map. Unless otherwise shown on said map, the boundaries of districts shown thereon are intended to follow lot lines, centerlines of streets or alleys, the centerline of railroad tracks, or the corporate limit lines as they exist at the time of enactment of this ordinance or amendments thereto. Where uncertainty exists with respect to the boundaries of any of the aforesaid districts as shown on said map, the Board of Zoning Adjustments shall determine said boundaries as set forth in Article XIII.

Section 24.00 ANNEXED PROPERTY. Any property hereafter annexed to the Town shall be classified AP Agricultural Preserve District or by request of the property owner shall be classified under the zoning district most similar to the land use description provided in the Town of Westover Comprehensive Plan 2004-2025, as amended.

## ARTICLE III. DEFINITIONS

Section 30.00. GENERALLY. For purposes of interpreting this ordinance, certain words or terms are herein defined.

Section 31.00. INTERPRETATION OF CERTAIN WORDS AND TERMS. Words used or defined in one tense shall include other tenses and derivative forms. Words used in the singular number shall include the plural, and words used in the plural number shall include the singular. The word *person* shall include a firm, corporation, association, organization, trust or partnership. The word *lot* shall include the meanings of the words *plot*, *property* and *parcel*. The word *shall* is mandatory and not directory. The word *may* is permissive. The masculine gender shall include the feminine, and the feminine gender the masculine.

Section 32.00. DEFINITIONS. Except as defined herein or in the *Subdivision Regulations of Westover, Alabama*, all other words used in this ordinance shall have their customary dictionary definition.

### Section 32.01. GENERAL DEFINITIONS:

*Accelerated Erosion.* The removal of the surface of the land through the combined action of man's activities and natural processes at a rate greater than would occur because of the natural processes alone.

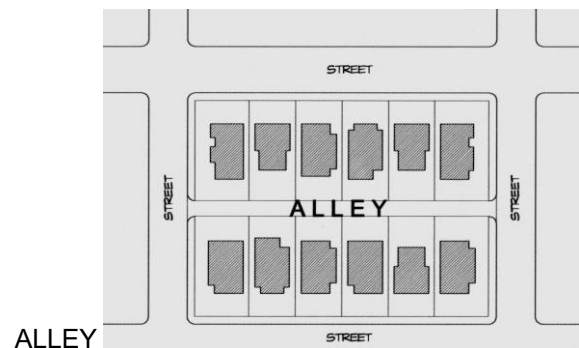
*Access Drive.* A private drive providing vehicular access between a public or private street and a parking area within a land development.

*Access Road.* See "Street, Access Road."

*Accessory Building or Structure.* A detached, subordinate building, the use of which is customarily incidental to that of the principal building, and which is located on the same lot as that occupied by the principal building. Unroofed decks and patios shall be considered as accessory buildings within the meaning of this Ordinance. (See also "Deck" and "Patio")

*Accessory Use.* A use customarily incidental and subordinate to the principal use of the land or principal building and located on the same lot with such principal use or principal building. A sign is considered accessory to the use permitted. Billboards and other off-premise signs are not so considered, but are rather considered separate and distinct business uses or activities.

*Alley.* A minor right-of-way, privately or publicly owned, for access to the back or sides of properties. See also "Street, Service Street (Alley)."



*Alteration, Altered.* Any addition to the height, width or depth of a building or structure; or any change in the location of any of the exterior walls of a building or structure; or any increase in the interior accommodations of a building or structure.

*Animal Equivalent Unit.* One thousand (1,000) pounds of live weight of any animal.

*Applicant.* A landowner or developer, as hereinafter defined, who has filed an application for development including his heirs, successors and assigns.

*Application for Development.* Every application, whether preliminary, tentative or final, required to be filed and approved prior to start of construction or development including but not limited to an application for a building permit, for the approval of a subdivision plat or plan or for the approval of a development plan.

*Base Zoning District.* The zoning district within which a development or structure is located.

*Basement.* That portion of a building which is completely below grade or partially below grade where the average distance between the finished surface of the above floor and the ground level along the perimeter of all exterior walls is less than six (6) feet.

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

*Building.* Any structure constructed or used for a residence, business, industry, or other public or private purpose, or accessory thereto, and including porches, decks, swimming pools, greenhouses, stables, garages, roadside stands, manufactured homes, and similar structures, whether stationary or movable, but excluding fences, walls, signs and awnings. Features which are structurally essential and connected to the structure shall be considered as part of the structure within the meaning of this Ordinance.

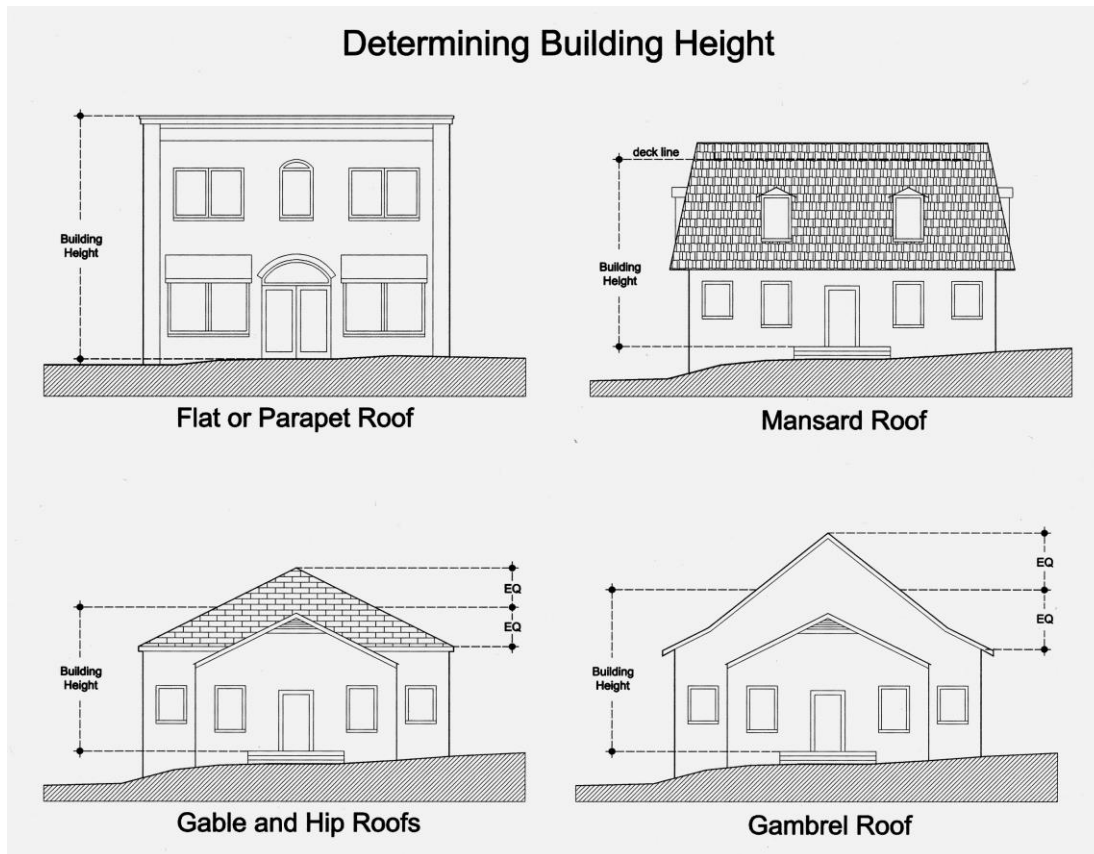
*Buildable Area.* The area of a lot remaining after the minimum yard and open space requirements of the Zoning Ordinance have been met.

*Building Area.* The portion of the lot occupied by the main building, including porches, carports, accessory building, and other structures.

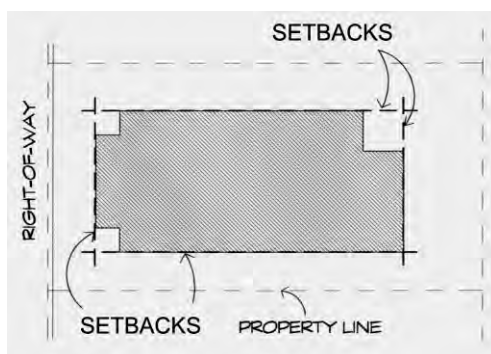
*Building Frontage.* The side of the building which abuts on a street; the length or area of the front of the building measured between the side walls.

*Building Height.* The vertical distance from entry level to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or to the average height between eaves and ridge for gable, hip and gambrel roofs.

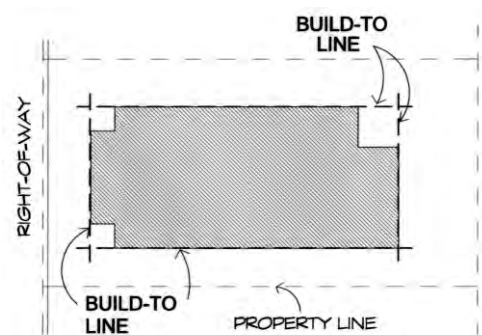




**Building Setback Line.** A line that is the required minimum distance from any lot line and that establishes the area within which the principal structure must be erected or placed. Minimum front yard depth is measured from the front property line.



SETBACK LINE



BUILD-TO LINE

**Build-to Line.** A line contiguous or parallel to the property line to which the facade(s) of the main and/or accessory structure(s) shall extend.

**Caliper.** The width of a tree measured six inches above grade.

**Cartway.** The surface of a street or alley available for vehicular traffic.

**Certificate Of Occupancy.** A certificate issued by the duly authorized representative of the Town upon completion of the construction of a new building or upon a change or conversion of the

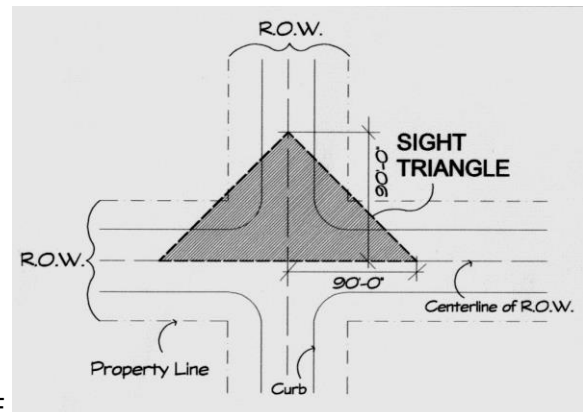
structure or use of a building, which certifies that all requirements and regulations as provided herein, and within all other applicable requirements, have been complied with.

*Channel.* A natural or artificial watercourse with a definite bed and banks which confine and conduct continuously or periodically flowing water.

*Cistern.* An underground reservoir or tank for storing rainwater. Also referred to as "Well."

*Clear-cutting.* The removal of all trees or a significant majority of the trees within an area of land.

*Clear Sight Triangle.* An area of unobstructed vision at a street intersection defined by a line of sight between points at a given distance from the intersection of the street centerlines.



CLEAR SIGHT TRIANGLE

*Comprehensive Plan.* The official public document prepared in accordance with Section 11-52-8 of the Code of Alabama, as amended, consisting of maps, charts, and textual material, that constitutes a policy guide to decisions about the physical and social development of the Town of Westover.

*Concentrated Animal Operation.* A property with more than two (2) animal equivalent units per acre.

*Cul-de-sac.* See "Street, Cul-de-sac."

*Culvert.* A structure with appurtenant works which carries a watercourse under or through an embankment or fill.

*Deck.* An elevated structure constructed for use as an outdoor living area. (See also "Patio" and "Accessory Building or Structure".)

*Dedication.* The deliberate appropriation of land by its owner for general public use.

*Deed.* A written instrument whereby an estate in real property is conveyed.

*Deed Restriction.* A restriction upon the use of a property placed in a deed.

*Density.* The number of units of occupancy per acre of lot area within a block.

*Detention Basin.* A basin designed to drain completely after retarding stormwater runoff by temporarily storing the runoff and releasing it at a predetermined rate.

*Developer.* Any landowner, agent of such landowner or tenant with the permission of such landowner, who makes or causes to be made a subdivision of land or a land development.

*Development.* Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

*Development Plan.* A plan as defined by this Ordinance. (See also "Plan")

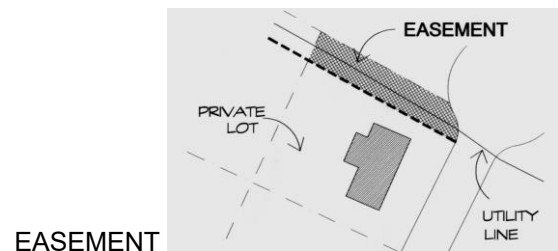
*Drainage Easement.* A right granted by a landowner in a grantee, allowing the use of private land for storm water management purposes.

*Dripline.* The height above grade level from the base of a tree equal to the circumference of the tree's natural, unaltered canopy.

*Driveway.* A private drive providing access between a public or private street or access drive and a parking area for a single unit of occupancy. (See also "Street")

*Earthmoving, Grading.* The movement of dirt, top soil, grass, native material, landscaping or other forms of surface material which will result in a difference of six (6) inches or greater from the original elevation.

*Easement.* A right granted by a landowner to a grantee, allowing for limited use of private land for a public or quasi-public or private purpose, and with which the landowner of the property shall not have the right to make use of the land in a manner that violates the right of the grantee.



*Engineer.* A professional engineer registered by the State of Alabama.

*Erosion.* The removal of soil particles by the action of water, wind, ice, or other geological agents.

*Family.* Any one (1) or more of the following:

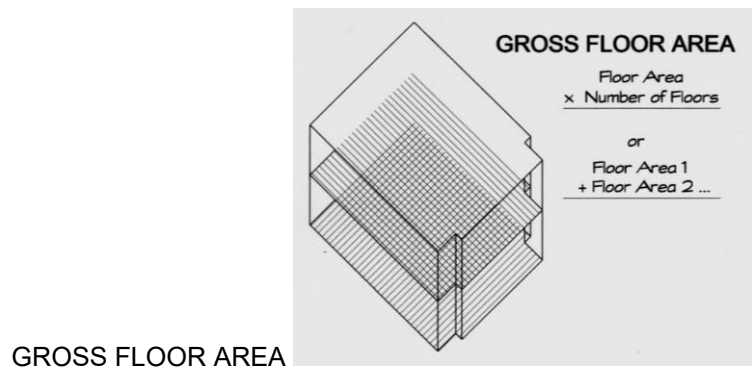
- A. A single individual occupying a dwelling unit.
- B. Two (2) or more persons related by blood, marriage or adoption occupying a dwelling unit.
- C. Not more than three (3) unrelated persons occupying a dwelling unit.
- D. Not more than eight (8) related or unrelated persons who are the functional equivalent of a family in that they live together, participate in such activities as meal planning, shopping, meal preparation and the cleaning of their dwelling unit together and who are part of a community based residential home which qualifies as a community living arrangement licensed by the Alabama Department of Human Resources or other appropriate federal or state agency having jurisdiction, where the persons occupying the home are handicapped persons under the terms of the Fair Housing Amendments Act of 1988, and where the operator of the home provides room and board, personal care, rehabilitative services and

supervision in a family environment. The presence of staff persons in a home meeting this definition shall not disqualify the group of persons occupying the dwelling unit as a family.

*Final Plan.* See "Plan, Final Plan."

*Floodplain.* An area adjacent to a watercourse, which area is subject to flooding as the result of the occurrence of an intermediate regional flood and which area thus is so adverse to past, current or foreseeable construction or land use as to constitute a significant hazard to public health and safety and to property.

*Floor Area, Gross.* The sum of the total horizontal areas of the several floors of all buildings on a lot, measured from the faces of exterior walls. The term gross floor area shall include basements; elevator shafts; stairwells at each story; floor space used for mechanical equipment with structural headroom of six (6) feet, six (6) inches or more; penthouses; attic space, whether or not a floor has actually been laid, providing structural headroom of six (6) feet, six (6) inches or more; interior balconies; and mezzanines.



*Floor Area Ratio (FAR).* A unit of measuring development intensity determined by dividing the gross floor area of all buildings on a lot by the area of that lot.

*Grading Plan.* A topographical map, of a planned subdivision, with sufficient perimeter area to provide a clear definition of the initial elevations, watercourses, vegetative cover and drainage patterns. In addition, a grading plan includes one (1') foot contours, spot elevations, and flow arrows. The plan is sufficient in detail and scale to determine limits and depths of excavations, fills and removal of native vegetation. The plan must be signed and sealed by a Registered Professional Engineer.

*Greenway.* An open space corridor that links urban, suburban, and rural communities to natural and scenic areas with a network of connected trails, walkways, and natural preservation areas.

*Impervious Surface.* Any surface or structure, composed of non-porous materials, that prevents natural absorption of runoff into the ground.

*Improvements Construction Assurance.* A legally-binding agreement with the Town by which a developer assures the construction of improvements required by this Ordinance.

*Improvements Construction Guarantee.* Financial security filed by the developer with the Town to assure the construction of all required improvements at a specified time in the future. Also referred to as a "Bond".

*Improvements Construction Plan.* See "Plan, Improvement Construction Plan."

*Improvements.* Those physical additions and changes to the land that may be necessary to produce usable and desirable developments including but not limited to driveways, streets, sidewalks, curbs and gutters, sewer, and stormwater control facilities.

*Infiltration Structures.* A structure designed to direct runoff into the ground.

*Junk.* Junk shall include scrap, copper, brass, rope, rags, batteries, paper, trash, rubber debris, waste iron, steel and other old or scrap ferrous or non-ferrous material, including wrecked, scrapped, ruined, dismantled or junked motor vehicles or parts thereof.

*Land Development.* Any of the following activities:

- A. The improvement of one (1) lot or two (2) or more contiguous lots, tracts or parcels of land for any purpose involving:
  - 1. a group of two (2) or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure; or
  - 2. the division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups, or other features;
- B. A subdivision of land.
- C. Developments, limited to the following, shall be excluded from this definition:
  - 1. the conversion of an existing single-family detached dwelling or single family semi-detached dwelling into not more than three (3) residential units, unless such units are intended to be a condominium;
  - 2. the addition of an accessory building, including farm buildings, on a lot or lots subordinate to an existing principal building.

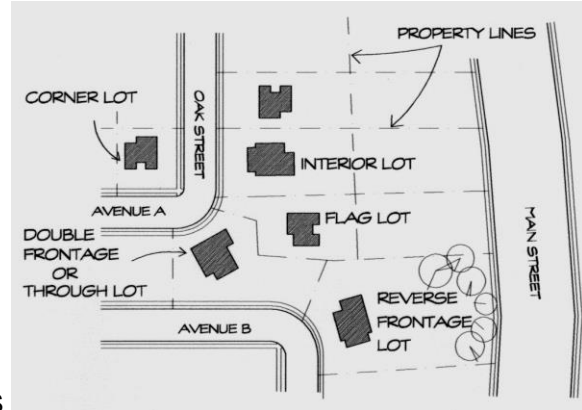
*Landowner.* The legal or beneficial owner or owners of land including the holder of an option or contract to purchase (whether or not such option or contract is subject to any condition), a lessee if he is authorized under the lease to exercise the rights of the landowner, or other persons having a proprietary interest in land.

*Landscape Architect.* A landscape architect registered by the State of Alabama.

*Loading, Off-Street.* Land occupied, necessary and maintained for loading or unloading of goods, materials or things, for delivery and shipping, in a manner that vehicles may provide for such services without encroaching on or interfering with the public use of streets and alleys by pedestrians and vehicles.

*Local Street.* See "Street, Local Street."

*Lot.* A designated parcel, tract or area of land established by a plat or otherwise as permitted by law and to be used, developed or built upon as a unit.



LOT TYPES

*Lot of Record.* A lot which is part of a subdivision, the plat of which has been recorded in the office of the Probate Judge of Shelby County, Alabama, or a parcel of land described by metes and bounds, the plat or description of which has been recorded in said office. If a portion of a lot or parcel has been conveyed at the time of the adoption of this ordinance, the remaining portion of said lot or parcel shall be considered a lot of record.

*Lot, Corner.* A lot abutting two (2) or more street rights-of-way at their intersection in which the average centerlines of such roads along the frontage of the lot form an interior angle of less than one hundred thirty-five (135) degrees.

*Lot, Double Frontage.* A lot which is not a corner lot and abuts two or more streets, with possible vehicular access to both streets.

*Lot, Interior.* A lot which is not a corner lot.

*Lot, Reverse Frontage.* A lot which is not a corner lot and abuts two or more streets, where vehicular access is permitted solely from one (1) street.

*Lot Add-On Plan.* See "Plan, Lot Add-On Plan".

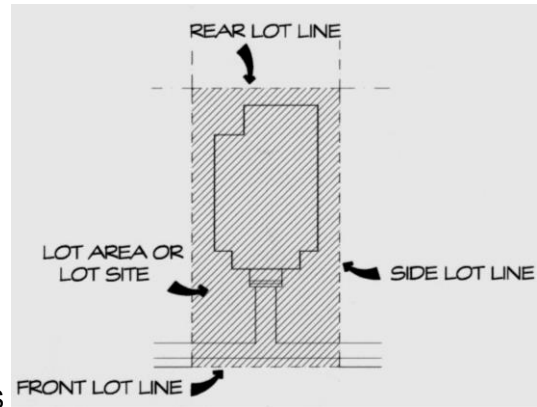
*Lot Area.* The area contained within the property lines of the individual parcels of land, excluding space within any street or ultimate right-of-way, but including the area of any easement. Lot area shall be measured to the legal right-of-way line of the street.

*Lot Coverage.* The portion of a lot which is occupied by impervious surfaces, including but not limited to buildings, parking areas, and sidewalks.

*Lot Depth.* The average distance between the street right-of-way line and the rear lot line, measured perpendicular or radial to the street right-of-way line. Lot depth shall be measured to the legal right-of-way line of the street. In the case of a double frontage lot, such distance shall be measured from each street right-of-way.

*Lot Frontage.* Distance measured along the front lot line. When a lot fronts on a curved street, the frontage shall be determined by utilizing the arc length.

*Lot Line.* A line of record bounding a lot that divides one (1) lot from another lot or from a public or private street or any other public space.



LOT AREA AND LOT LINES

*Lot Line, Front.* A lot line separating the front of the lot from the street. On corner lots and double frontage lots, all lot lines which abut a street shall be front lot lines.

*Lot Line, Rear.* A lot line which does not intersect a front lot line and is most distant from, and most nearly parallel to a front lot line. Corner lots shall not have a rear lot line. For the purposes of this Zoning Ordinance, where the side lot lines of an interior lot meet in a point, the rear lot line shall be assumed to be a line not less than ten (10) feet long drawn within the lot between the two side lot lines, which is equidistant to the front lot line.

*Lot Line, Side.* Any lot line which is not a front or rear lot line.

*Lot Line Marker.* A metal plate or pin used to identify lot line intersections. Lot line markers shall consist of iron pipes or steel bars at least thirty (30) inches long and not less than three-quarters ( $\frac{3}{4}$ ) of an inch in diameter.

*Lot Width.* In the case of an interior lot, the distance between the side lot lines. In the case of a corner lot, lot width shall mean the distance between each front lot line and its opposite side lot line. Such distance shall be measured along a straight line which is at right angles to the axis of a lot. When a lot abuts on a curved street the width shall be determined by utilizing the arc length.

*Maintenance Guarantee.* Financial security filed by the developer with the Town to secure structural integrity of all required improvements as well as the functioning of said improvements for an initial period of time.

*Major Street.* See "Street, Major Street."

*Non-conforming Lot.* A lot the area or dimension of which was lawful prior to the adoption or amendment of this Zoning Ordinance, but which fails to conform to the requirements of the zoning district in which it is located by reasons of such adoption or amendment.

*Non-conforming Structure.* A structure or part of a structure manifestly not designed to comply with the applicable use or extent of use provisions of this Zoning Ordinance or amendment heretofore or hereafter enacted, where such structure lawfully existed prior to the enactment of such Ordinance or amendment or prior to the application of such Ordinance or amendment to its location by reason of annexation. Such non-conforming structures include, but are not limited to, non-conforming signs.

*Non-conforming Use.* A use, whether of land or of a structure, which does not comply with the applicable use provisions of this Zoning Ordinance or amendment heretofore or hereafter enacted, where such use was lawfully in existence prior to the enactment of such Ordinance or amendment, or prior to the application of such Ordinance or amendment to its location by reason of annexation. Any use whether of land or a structure which is permitted as a special exception or as a conditional use in the zoning district in which the land or structure is located shall be deemed to be a non-conforming use unless that use complies with every provision of this Ordinance.

*Open Space, Common.* Land area within a development that is held in common ownership and maintained by a homeowners' association of all of the residents for recreation, protection of natural land features, amenities or buffers; is freely accessible to all residents of the development; and is protected by the provisions of this Ordinance to ensure that it remains in such uses. Common open space does not include surface water bodies (i.e., rivers, streams, lakes or ponds) nor land occupied by common driveways or parking areas, or street rights-of-way; nor does it include lots for single family or multi-family dwellings. Common open space shall be left in a natural state or landscaped, except in the case of recreational structures.

*Ordinance.* The Zoning Ordinance of the Town of Westover.

*Parcel.* A part or portion of land. Parcel, in relationship to land, is a contiguous quantity of land in the possession of an owner. The words lot, parcel, and tract can be used interchangeably.

*Parking Space, Off-Street.* An accessible space permanently reserved for the temporary storage of one vehicle, connected with a street by a driveway or an alley, having a minimum area of not less than 175 square feet, a minimum width of nine feet, and a minimum length of 18 feet, exclusive of driveways and maneuvering area.

*Party Wall.* A wall on an interior lot line used or adopted for joint service between two (2) buildings; such walls shall fully comply with fire and all other provisions and standards established for such walls in the Building Code.

*Patio.* An area consisting of natural or man-made material, which is constructed at or near grade level and intended for use as an outdoor living area. (See also "Deck" and "Accessory Building")

*Paved Area or Surface.* Areas or surfaces paved with a hard, all-weather surface. A surface consisting of stone, cinders, aggregate, gravel, sand, or similar material, whether compacted or not, shall not be considered a paved area or surface.

*Peak Discharge.* The maximum rate of flow of water at a given point and time resulting from a specified storm event.

*Performance Bond.* See "Improvements Construction Guarantee".

*Performance Standards.* Detailed regulations and restrictions provided by means of specific minimum criteria, which must be met by uses in order to protect neighbors from adverse impacts of adjoining land uses and to protect the general health, safety and welfare by limiting where uses may be established, insuring that traffic congestion is minimized, controlling the intensity of use, and prescribing other such performance criteria necessary to implement the comprehensive plan.

*Permeable Surface.* Any surface, composed of porous materials, that allows absorption of runoff into the ground. Also referred to as "Pervious Surface".

*Plan.* The provisions for development, including a planned residential development, a plat of subdivision, all covenants relating to use, location and bulk of buildings and other structures,



intensity of use or density of development, streets, ways and parking facilities, common open space and public facilities. A plan shall be categorized as one of the following classifications:

- A. Final Plan. A complete and exact subdivision or land development plan including all supplementary data prepared for official recording as required by statute.
- B. Improvements Construction Plan. A complete and exact subdivision and/or land development plan, the sole purpose of which is to permit the construction of only those improvements required by this Ordinance, as an alternative to guaranteeing the completion of those improvements by filing of a financial security.
- C. Lot Add-On Plan. A complete and exact subdivision plan including all supplementary data for the sole purpose of increasing the lot size of an adjacent contiguous lot.
- D. Preliminary Plan. A tentative subdivision or land development plan including all required supplementary data, in lesser detail than the final plan, indicating the approximate proposed layout of a subdivision or land development as a basis for consideration prior to preparation of a final plan.
- E. Record Plan. A final plan which contains the original endorsement of the Town of Westover Planning Commission and which has been recorded with the Shelby County Tax Assessor.
- F. Sketch Plan. An informal plan, not necessarily to exact scale, indicating salient existing features of a tract and its surroundings, with the general layout of a proposal.

*Planned Unit Development (PUD).* A development approach, which may include mixed uses and densities within one development site and which may include multiple phases of development described in a master plan for the development. An overlay zoning district which includes provisions and special application and review requirements for large-scale, phased developments consisting primarily of, but not limited to, residential subdivisions.

*Planning Commission.* The Town of Westover Planning Commission.

*Plat.* A map or plan of a subdivision or land development, whether preliminary or final.

*Preliminary Plan.* See "Plan, Preliminary Plan."

*Property Line.* A recorded boundary of a lot. However, any property line which abuts a "street" or other public or quasi-public way shall be measured from the legal street right-of-way line.

*Public Hearing.* A formal meeting held pursuant to public notice by the governing body or planning agency, intended to inform and obtain public comment, prior to taking action in accordance with the Code of Alabama.

*Public Meeting.* A forum held pursuant to notice under the act of July 3, 1986 (P.L. 388, No. 84), known as the Sunshine Act.

*Public Notice.* Notice given in accordance with the Code of Alabama Sections 11-52-77 and 11-52-78, provided that Public Notice for Planning Commission Public Hearings shall be given in accordance with the rules of procedure of the Planning Commission.

*Record Plan.* See "Plan, Record Plan."

*Recreational Vehicle.* A vehicular, either motorized or non-motorized, built on a chassis designed as a temporary dwelling for travel, recreation, vacation, and other short-term use. This term shall include portable campers attached to the bed of pickup trucks.

*Retention Basin.* A basin designed to retard storm water runoff with its primary release of water being through the infiltration of said water into the ground.

*Right-Of-Way.* The total width of any land reserved or dedicated as a street, pedestrian way, or for other public or private use.

*Riparian Buffer or Riparian Forest Buffer.* An area of trees and other vegetation which can intercept surface runoff, subsurface flow and deeper groundwater flows for the purpose of removing or buffering the effects of nutrients, pesticides or other chemicals from upland land use, which could otherwise enter bodies of water.

*Runoff.* That part of precipitation which flows over the land.

*Sediment.* Solid material, both mineral and organic, that is in suspension, is being transported, or has been moved from its site of origin by water.

*Sediment Basin.* A barrier, dam, retention or detention basin designed to retain sediment.

*Seepage Pit/Seepage Trench.* An area of excavated earth filled with loose stone or similar material and into which storm water runoff is directed for infiltration into the ground.

*Service Streets.* See, " Street, Service Street (Alley)"

*Setback.* The distance between the building line and any lot line.

*Setback Line.* See "Building Setback Line."

*Shared Parking.* The provision of off-street parking areas shared amongst contiguous uses developed with the intent to maximize efficiency in parking lot design and accessibility; encourage pedestrian access and safety; support access management and other goals of the Comprehensive Plan; and to reduce the number of required spaces for individual uses.

*Sight Distance.* The length of road visible to the driver of a passenger vehicle at any given point in the road when viewing is unobstructed by traffic. See also "Clear Sight Triangle."

*Sign.* See Article X of the Town of Westover Zoning Ordinance.

*Sketch Plan.* See "Plan, Sketch Plan."

*Special Exception.* A use or condition of use permitted in a particular zoning district pursuant to the provisions of Articles XIII.

*Storm Sewer.* A system of pipes, conduits or other similar structures including appurtenant works which carries intercepted runoff, street wash, and other wash waters, or drainage, but excluding domestic sewage and industrial wastes.

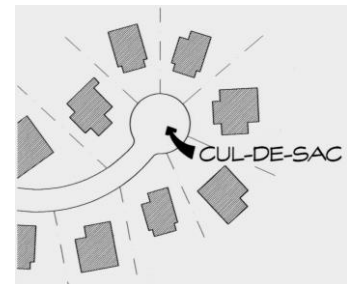
*Stormwater Management.* A program of controls and measures designed to regulate the quantity and quality of stormwater runoff from a development while promoting the protection and conservation of ground waters and groundwater recharge.

*Stormwater Management Facilities.* Those controls and measures used to affect a stormwater management program.

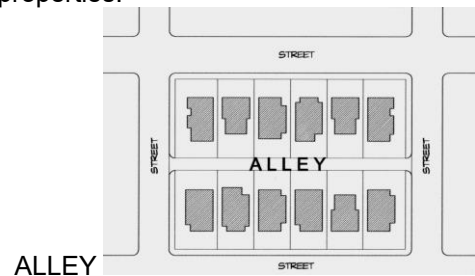
*Story.* That part of a building between the surface of any floor and the next floor above it, or in its absence, the finished ceiling or roof above it.

*Street.* A strip of land, including the entire right-of-way, publicly or privately owned, serving primarily as a means of vehicular and pedestrian travel, and furnishing access to abutting properties, which may also be used to provide space for sewers, public utilities, shade trees, and sidewalks. Streets shall conform to one of the following categories:

- A. Access Road. A minor street one side of which is parallel and in close proximity to a major street and the other side of which provides access to abutting properties. Also referred to as a Frontage Road or Service Road.
- B. Cul-de-sac. A local street terminating in a vehicular turnaround at one end.

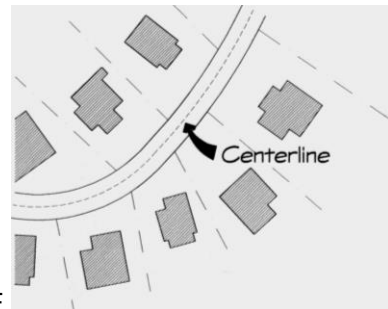


- C. Local Road or Street. A street used primarily to provide access to abutting properties.
- D. Major Road or Street. A street which provides for inter-community travel, connecting population centers and carrying large volumes of traffic at speeds higher than desirable on local streets.
- E. Service Street (Alley). A strip of land over which there is a publicly or privately owned right-of-way, and on which no parcel fronts, which provides access for two (2) or more properties typically along the side or rear of such properties.



*Street, Private.* A street not offered for dedication or whose dedication was not accepted by the Town.

*Street Centerline.* The center of the surveyed street right-of-way, or where not surveyed, the center of the traveled cartway.



STREET CENTERLINE

*Street Right-Of-Way Line.* The line dividing a lot from the legal street right-of-way, not just the cartway.

*Structure.* Any man-made object having an ascertainable stationary location on or in land or water, whether or not affixed to the land.

*Subdivision.* The division or redivision of a lot, tract or parcel of land by any means into two or more lots, tracts, parcels or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs or devisees, transfer of ownership or building or lot development: provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than ten acres, not involving any new street or easement of access or any residential dwelling, shall be exempted.

*Surveyor.* A professional land surveyor registered by the State of Alabama.

*Town.* Town of Westover, Shelby County, Alabama.

*Town Engineer.* A registered professional engineer, licensed as such by the State of Alabama, employed by the Town or engaged as a consultant to the Town.

*Town Zoning Ordinance.* The Zoning Ordinance of the Town of Westover, 2004 and as amended.

*Tract.* See "Lot"

*Unit of Occupancy.* A building, or a portion of a building, which is used as a dwelling unit or used as an independent non-residential use involving the storage or use of equipment, merchandise, or machinery in any public, commercial, or industrial building.

*Use.* The function, activities, or purpose for which land, a building, or other structure is designed, arranged, occupied, or maintained.

*Variance.* Relief granted pursuant to the provisions of Article XIII.

*Waiver.* A process for alleviating specific requirements imposed by the Town of Westover Subdivision Regulations.

*Watercourse.* A permanent or intermittent stream, river, brook, run, creek, channel, swale, pond, lake or other body of surface water, carrying or holding surface water, whether natural or manmade.

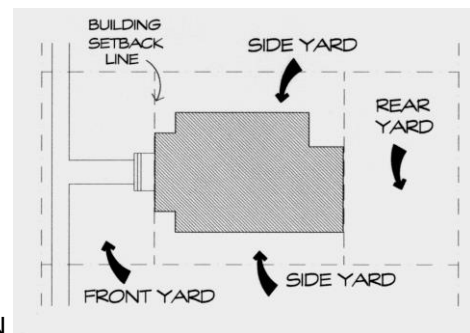
*Watershed.* All the land from which water drains into a particular watercourse.

*Wetland.* Areas that are inundated or saturated by surface water or groundwater at a frequency

and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation; provided that lands which are periodically irrigated for agricultural purposes are not considered to be wetlands as the term is used herein.

**Yard.** An open space between a building or use and the adjoining lot lines, unoccupied and unobstructed by any structure or use from the ground upward. For the purpose of determining the width or depth of a yard, the minimum distance between the lot line and the main building shall be used. A required yard shall mean a yard the depth of which is specified in the district regulations.

- A. Front Yard - A space extending the full width of the lot between any building and the front lot line and measured between the front lot line and the building line nearest the front lot line.
- B. Rear Yard - A space extending across the full width of the lot between the principal building and the rear lot line and measured between the rear lot line and the building line nearest the rear lot line. Corner lots shall not have a rear yard.
- C. Side Yard - A space extending from the front yard to the rear yard between the principal building and the side lot line and measured between the side lot line and the building line nearest the side lot line. On a corner lot, the side yard is the area between the principal building and the side lot line, exclusive of all front yards.



YARD CONFIGURATION

**Zoning Permit.** A permit stating that the purpose for which a building or land is to be used is in conformity with the use permitted and all other requirements under this Ordinance for the zoning district in which it is located or is to be located.

**Zoning Officer.** The municipal official designated to administer and enforce this Ordinance. For the purposes of this ordinance, the term "Zoning Officer" may also include a designated representative of the Zoning Officer such as the Town Building Inspector.

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**Section 32.02. USE DEFINITIONS.**

*Accessory Dwelling.* A dwelling unit (other than a manufactured home) used in combination with a non-residential use, such as the family residence of a manager, business owner, or security guard, within the same building or on the same lot of a non-residential use. Accessory dwellings also include secondary dwelling units permitted on residential lots such as garage apartments and granny flats or mews.

*Age-Restrictive Uses.* Any one of the following areas of sales, service or entertainment:

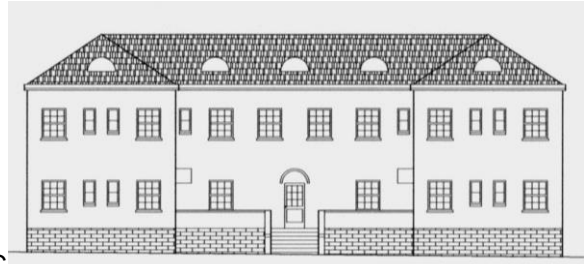
- A. Adult Bookstore. Any establishment or place:
  - 1. which has a substantial or significant portion of its stock in trade consisting of either:
    - a. Books, magazines or other periodicals, films or other forms of audio or visual representation which are distinguished or characterized by an emphasis on depiction, description or display of sexual activities or conduct or uncovered male or female genital areas; or
    - b. Instruments, devices or paraphernalia which are designed primarily for use in connection with sexual activities or conduct; or
  - 2. to which the public is permitted or invited wherein coin or slug operated electronically or mechanically controlled still or motion picture machines, projectors or other image producing devices are maintained to present material distinguished or characterized by an emphasis on depiction, description or display of sexual activities or conduct or uncovered male or female genital areas.
- B. Adult Theatre. Any theatre, auditorium, concert hall or other place of assembly (1) presenting any form of audio or visual material, and in which a substantial portion of the total presentation time measured over any consecutive twelve (12) month period is or will be characterized by emphasis on depiction, description or display of sexual activities or uncovered male or female genital areas, or (2) featuring live performances on a regular basis which are distinguished or characterized by emphasis on depiction, description or display of sexual activities or by exposure of uncovered male or female genital areas for observation by patrons.
- C. Other Adult-Oriented Retail, Commercial Service or Entertainment Establishment. Any other business or club which primarily offers its patrons or members retail goods, commercial services, or entertainment which is characterized by an emphasis on matter or activities relating to, depicting, describing or displaying sexual activity or conduct or uncovered male or female genital areas.

*Agriculture.* The tilling of soil, the raising of crops, forestry, horticulture and gardening, including the keeping or raising of domestic animals, fowl, and riding horses, and including sale of crops, dairy and horticultural farm products incidental to the operation of a farm.

*Animal Hospital.* See "Veterinary Clinic".

*Apartment.* An individual dwelling unit within a building consisting of five or more attached, multi-family dwellings.

*Apartment Building.* A building consisting of five or more attached, multi-dwelling units, whether as part of an apartment complex or on an individual lot.



APARTMENT BUILDING

*Apartment Complex.* A cluster of detached apartment buildings on one lot and in which, typically, individual entrances are provided for each dwelling unit.

*Assisted Living Facility.* A building, establishment, complex, or distinct part thereof which:

- accepts primarily aged persons for domiciliary care, not nursing or medical care;
- provides on site to its residents private lockable residential spaces; meal service in a community dining facility and non-medical personal care services appropriate to the resident's respective needs;
- other than supervision of self medication, medical services are not a service provided by the facility. The facility may provide space for an unrelated Home Health Service or a Medical Doctor's Office for ease of access to those services by the residents;
- provides linkages with hospitals, community services and makes transportation available; and
- provides timely assistance to residents for response to urgent or emergency needs.

*Automobile Gas Station.* A building or lot or part thereof supplying and selling gasoline or other equivalent fuel for motor vehicles at retail direct from pumps and storage tanks and which excludes accessory facilities for rendering services, such as lubrication, washing and minor repairs.

*Automobile Repair Service, Major.* A place of business engaged in the repair and maintenance of automobiles and light trucks including the sale, installation, and servicing of mechanical equipment and parts including painting, body work, upholstery work, fabrication of parts, or rebuilding of engines.

*Automobile Repair Service, Minor.* A place of business engaged in the repair and maintenance of automobiles and light trucks including the sale, installation, and servicing of mechanical equipment and parts but not including painting, body work, upholstery work, fabrication of parts, or rebuilding of engines.

*Automobile Sales, Major.* A sales establishment offering new or used automobiles and light trucks where total sales inventory exceeds 30 vehicles.

*Automobile Sales, Minor.* A sales establishment offering new or used automobiles and light trucks where total sales inventory does not exceed 30 vehicles.

*Automobile Service Station.* A building or lot or part thereof supplying and selling gasoline or other equivalent fuel for motor vehicles at retail direct from pumps and storage tanks and which may include accessory facilities for rendering services, such as lubrication, washing and minor repairs.

*Bank or Financial Service.* A business engaged in providing banking or financial services to

business and the general public, such as a bank, savings and loan association, credit union, finance company, and similar businesses.

*Bed and Breakfast.* A dwelling unit where lodging for persons not of the immediate family is provided for by compensation for definite periods.

*Billboard.* A freestanding, off-premise sign located on a lot not containing a building designed with the intent to be viewed by motorists.

*Broadcast Studio.* Establishments primarily engaged in the provision of broadcasting and other information relay services accomplished through the use of electronic and telephonic mechanisms, including film and sound recording, such as a radio studio, TV studio, or a telegraphic service office.

*Business or Professional Office.* A place where the administrative affairs of a business or profession is conducted such as the office of a law firm, real estate agency, insurance agency, architect, secretarial services, the administrative staff of business or industry, and the like.

*Business Support Service.* A place of business which supplies support services primarily to business or professional offices or services, such as photocopy, computer, and office equipment, supplies and services.

*Car Wash.* A commercial establishment engaged in washing or cleaning automobiles and light vehicles.

*Commercial Greenhouse.* A private establishment that grows and sells plant material on a wholesale and retail basis.

*Commercial Parking.* Parking of motor vehicles on a temporary basis within a commercially operated, off-street parking lot or garage.

*Commercial School.* Private, gainful business providing instructional service in the arts, business, crafts, trades, and professions.

*Community Center.* Buildings arranged for community gathering for social, cultural, or community service purposes, including community meeting rooms, community recreation centers, YMCAs, YWCAs, and similar uses.

*Community Service Club.* A building or group of buildings arranged for the gathering of private club members and their guests, including social club, professional association, fraternal lodge, union hall, civic association, and similar uses.

*Conditional Use.* A use of unique character and impact which is typically not associated with or permitted in any zoning district but which may be allowed by granting of a conditional use permit by the Town Council according to special conditions to abate potential negative impacts to surrounding properties and neighborhoods. Examples: airport, correctional facility, landfill, racetrack, stadium, etc.

*Convenience Store.* A retail store containing less than 2,000 square feet of gross floor area that is designed and stocked to sell primarily food, beverages, and other household supplies to customers who purchase only a relatively few items (in contrast to a supermarket), excluding automotive fuel service islands.

*Construction Service.* A place of business engaged in construction activities, incidental storage,



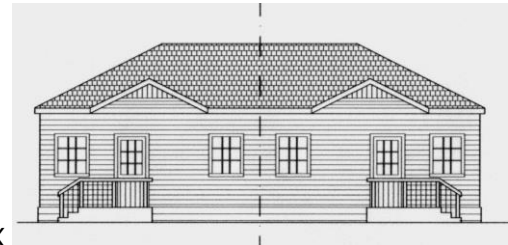
and wholesaling of building material (but not a home improvement center which also sells at retail), such as a building contractor, trade contractor, or wholesale building supplies store.

*Country Club.* Land and buildings containing recreational facilities and club house for private club members and their guests.

*Day Care Center.* A licensed facility, other than a residence, providing day care on a regular basis to more than six persons.

*Day Care Home.* See "Family Day Care Home".

*Duplex.* A building designed for or occupied exclusively by two families living independently of each other.



*Dwelling.* Any building or portion thereof in which people live.

*Dwelling, Multi-Family.* A building designed for or occupied exclusively by three or more families living independently of each other.

*Dwelling, Single Family.* A building designed for or occupied exclusively by one household or family.

*Emergency Care Home.* See "Group Home".

*Entertainment, Indoor.* A commercial establishment providing spectator entertainment within an enclosed building, including movie theaters, playhouses, and similar indoor facilities.

*Entertainment, Outdoor.* A commercial establishment providing spectator entertainment in open or partially enclosed or screened facilities, including sports arenas, and amusement parks.

*Farm Support Business.* A commercial establishment engaged in the sale of farm support goods and services, including the following activities:

- the sale of feed, grains, fertilizers, pesticides, and similar farm support goods;
- the provision of warehousing and storage facilities for raw farm products; and
- the provision of veterinary services to large animals.

*Family Day Care Home.* A care facility, licensed by the State of Alabama Department of Human Resources, which is a family home and which receives no more than six children for care during part of the day.

*Farm.* A five-acre or larger tract of land used for the production, keeping or maintenance, for sale or lease, of plants and animals useful to man, including the following farming activities:

- forages and sod crops;

- grains and seed crops;
- dairy animals and products;
- poultry, including egg production but excluding poultry processing;
- livestock, such as beef cattle, sheep, goats, or any similar livestock, including the breeding and grazing of such animals but excluding meat processing;
- nursery operations involving the raising of plants, shrubs, and trees for sale and transplantation and including greenhouses and incidental sales of items customarily associated with a nursery operation;
- forestry operations involving the operation of timber tracts, tree farms, forest nurseries, the gathering of forest products, or performing forest services, including temporary sawmills and chippers for cutting of timber growth on the same premises but excluding lumber yards, mills, and similar activities;
- bees and apiary products;
- fisheries, excluding fish and seafood processing;
- fruits and vegetables of all kinds, including growing and harvesting of such fruits and vegetables, but excluding food processing.

*Funeral Home.* A commercial establishment engaged in funeral and undertaking services for human burial.

*Garage Apartment.* A single-unit apartment located above a garage sited behind the principal dwelling unit on a single-family residential lot.

*Garden Center or Nursery.* Retail sales of plants, trees, shrubs, and the like for ornamental or landscaping purposes, conducted from a building, greenhouse, outdoor display area, or stand, including incidental sales of items customarily associated with such sales activities, including such items as containers, fertilizers, ornaments, small gardening tools, and equipment, and seeds.

*General Retail Business, Enclosed.* Retail sales of goods and services, not otherwise defined by this section, conducted within an enclosed building, including, but not limited to, food sales, department stores, clothing stores, home furnishings sales, appliance stores, auto supplies stores, gift shops, specialty stores, jewelry stores, cosmetics sales, package liquor stores, tobacco stores, drug stores, variety stores, and similar retail businesses.

*General Retail Business, Unenclosed.* Retail sales of goods and services, not otherwise defined by this section, conducted partially or fully outside of a building, including, but not limited to, sidewalk sales, outdoor food service, outdoor tire sales, and outdoor display or sales.

*Granny Flat, Mews Apartment.* A freestanding, single-unit (usually single-story) apartment building located behind the principal dwelling unit on a single-family residential lot.

*Group Day Care Home.* A care facility, licensed by the State of Alabama Department of Human Resources, which is a family home and which receives at least seven but no more than twelve children for care during part of the day where there are at least two adults present and supervising the activities.

*Group Home.* A dwelling shared as a residence by persons who reside together as a single housekeeping unit, in which staff persons may provide supervision, counseling, treatment or therapy for the residents therein, and which may be licensed by, certified by, registered with, or

otherwise authorized, funded or regulated, in whole or in part, by an agency of the state or federal government. The term shall include adult care homes, homes for the chronically mentally ill, homes for abused women or children, group care agencies, and similar residential living arrangements for handicapped persons, but shall not include boarding houses, homes for the developmentally disabled, nursing homes, substance abuse treatment facilities, or any facility providing treatment, counseling, or therapy to patients or clients who do not reside on the premises.

*Heavy Industry.* Meat or poultry processing and slaughterhouses or the storage or manufacturing involving flammable or explosive materials or involving potentially hazardous or commonly recognized offensive conditions.

*Hobby Farm.* A two-acre or larger tract of land used for the production, keeping, or maintenance of farm animals including horses, but excluding poultry and large swine and other livestock, personally useful to the occupants of a dwelling on the same tract.

*Home Improvement Center.* A place of business providing building, appliance, yard and garden materials, tools, and supplies at retail and wholesale.

*Home Instruction.* Instruction in the arts, music, or academic subjects given from a dwelling by the resident to up to four students at a time, except in the case of musical instruction which shall be limited to up to two students at a time.

*Home Occupation, Minor.* A home occupation which:

- has no exterior evidence of the home occupation;
- does not generate traffic in excess of 20 (twenty) trips in one (1) day in addition to trips generated by the residence. (A "trip" is a vehicle traveling in one direction to or from a source. In other words, twenty (20) trips equals ten (10) round trips);
- does not create a need for off-street parking beyond normal dwelling needs; and
- is operated by and employs family members residing on the premises of the home occupation.

*Home Occupation, Major.* A home occupation which:

- has no exterior evidence of the home occupation with the exception of signs permitted by Article X of this Ordinance;
- is conducted within a single family dwelling including a single family detached dwelling, a single family semi-detached dwelling, or a single family attached dwelling;
- accommodates the off-street parking needs of both the dwelling and home occupation; and
- involves or employs no more than one (1) person who is not a family member residing on the premises in the operation of the home occupation.

*Hospital.* An establishment which provides health services primarily for in- patient medical or surgical care of the sick or injured, including accessory facilities such as laboratories, pharmacies, out-patient clinics, training facilities, gift shops, coffee shops, cafeterias, and staff offices.

*Hotel.* A building in which lodging, or boarding and lodging, are provided and offered to the public for compensation and in which ingress and egress to and from all rooms are made through an inside lobby or office supervised by a person in charge at all hours. A hotel is open to the transient public in contradistinction to a rooming house or boarding house, which are herein

separately defined.

*Independent Living Facility.* A residential building or complex, which groups seniors for the purpose of social interaction and mutual support in a common interest community. Group facilities may be provided on premises for recreation and social interaction, but only limited support services are typically provided.

*Kennel.* The keeping of more than three dogs over six months of age or the boarding or raising of small household pets for commercial purposes.

*Laundry Service.* A commercial establishment providing laundering, dry cleaning, or dyeing service (other than a laundry or dry cleaning pick-up station defined under personal service), such as a laundry and dry cleaning plant, diaper or linen service.

*Liquor Lounge.* A licensed establishment engaged in the preparation, sale, or serving of liquor for consumption on the premises where such sales account for greater than 50% of the sales activities on the premises. Not included within this definition are establishments which sell liquor, beer, or wine in packages for off-premises consumption only.

*Livestock Sales.* The sale of animal livestock within an enclosed yard or structure, including livestock markets, horse auctions, and similar activities.

*Maintenance Service.* An establishment providing building and yard maintenance services, such as janitorial services, exterminating services, landscape services, and window cleaning services.

*Manufactured Home (Class A, B, C).* (See also individual definitions below) A residential unit that is not constructed in accordance with the standards set forth in the Standard Building Code and is composed of one or more components, each of which was substantially assembled in a manufacturing plant and designed to be transported to a site on its own chassis. Such manufactured homes are distinguished from modular homes because a modular home meets the standards set forth in the Standard Building Code. The term "manufactured home" does not include park trailers, travel trailers, and other similar vehicles. Within this ordinance, when the term single-family dwelling is used it shall not include a manufactured home unless otherwise specified.

*Manufactured Home, Class A.* (double wide, pitched roof built after 1976) A manufactured home constructed after July 1, 1976 that meets or exceeds the construction standards promulgated by the US Department of Housing and Urban Development that were in effect at the time of construction and that satisfies the following criteria:

- The manufactured home has a length not exceeding 4 times its width, with length measured along the longest axis and width measured at the narrowest part of the other axis.
- The manufactured home has a minimum of 960 square feet of enclosed and heated living area per dwelling area.
- The pitch of the roof of the manufactured home has a minimum vertical rise of 3 feet for each 12 feet of horizontal run and the roof is finished with a type of shingle that is commonly used in standard residential construction.
- All roof structures shall provide an eave projection of no less than 6 inches, which may include a gutter.
- The exterior siding consists predominantly of vinyl or aluminum horizontal siding (whose reflectivity does not exceed that of gloss white paint), wood, or hardboard, comparable in

composition, appearance and durability to the exterior siding commonly used in standard residential construction

- The manufactured home is set up in accordance with the standards set by the Alabama Manufactured Home Institute. Screening of the foundation area shall be by a continuous, permanent masonry foundation or skirting, unbroken except for required ventilation and access, and which is installed under the perimeter of the manufactured home.
- Stairs, porches, entrance platforms, ramps, and other means of entrance and exit to and from the manufactured home shall be installed or constructed in accordance with the standards set by the Building Code, freestanding or attached firmly to the primary structure and anchored securely to the ground.
- The moving hitch, wheels and axles, and transporting lights have been removed.
- It is the intent of these criteria to insure that a Class A manufactured home, when installed, shall have substantially the appearance of an on-site, conventionally built, single-family dwelling.

*Manufactured Home, Class B.* A single-wide manufactured home constructed after July 1, 1976 that meets or exceeds the construction standards promulgated by the US Department of Housing and Urban Development that were in effect at the time of construction.

*Manufactured Home, Class C.* A manufactured home built before 1976 that does not meet the definition of a Class A or Class B manufactured home. Class C Manufactured Homes shall not be allowed in the Town of Westover, except as existing structures permitted prior to the adoption of this ordinance.

*Manufactured Home Park.* Any parcel of ground upon which one or more Class A or Class B manufactured homes occupied for dwelling purposes are located, regardless of whether a charge is made for accommodations.

*Manufactured Home Subdivision.* A subdivision designed and/or intended for the sale of lots for siting Class A Manufactured Homes and in accordance with the requirements of the Town of Westover Subdivision Regulations.

*Manufacturing, General.* The basic processing and manufacturing of materials or products predominately from extracted or raw materials and the incidental storage, sales, and distribution of such products.

*Manufacturing, Light.* The manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assemble, treatment, and packaging of such products, and incidental storage, sales, and distribution of such products.

*Medical Clinic.* A facility providing medical, psychiatric, or surgical services for sick or injured persons exclusively on an out patient basis.

*Medical Support Service.* A place of business which supplies medical support services to individuals, medical practitioners, clinics, and hospitals, such as a pharmacy (where the business activity is limited to the filling of medical prescription and the sale of drugs and medical supplies), medical and surgical supply store, and optician, and the like.

*Mini-Warehouse.* A building or group of buildings containing separate storage spaces which are leased on an individual basis for the exclusive purpose of storing non-hazardous household goods, but not including the storage of materials for a commercial or industrial enterprise or for any activity other than dead storage.

*Modular Home.* A factory fabricated transportable 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 meets the standards of the Standard Building Code.

*Motel.* A building or group of buildings used for the temporary occupancy of transients in which direct ingress and egress to and from all rooms is from the exterior of the building and in which individual units contain no facilities for cooking. A motel is open to the transient public in contradistinction to a rooming house or boarding house, which are herein separately defined

*Multiplex.* Three or four attached, multi-family dwellings within a building.



*Nursing Care Facility.* A licensed institution maintained for the purpose of providing skilled nursing care and medical supervision at a lower level than that provided in a hospital but at a higher level than provided in a domiciliary care facility.

*Open Air Market.* Retail sales of arts, crafts, produce, discount or used goods partially or fully outside of an enclosed building, such as a flea market, produce market, craft market, or farmers' market.

*Patio Home.* A detached, single-family dwelling, constructed on-site in accordance with the Building Code that occupies a small lot and has an enclosed yard area with a porch or patio.

*Personal Service.* A retail establishment engaged in providing services involving the care of a person, such as a barber shop, beauty shop, cosmetic studio, dry cleaning and laundry pick-up station, indoor exercise and fitness center, tanning salon, seamstress, tailor, shoe repair shop, key repair shop, travel agency, interior decorator, formal wear rental, and similar uses.

*Place of Worship.* Buildings arranged for religious service purposes, such as churches and synagogues, including related facilities for instruction, meeting, recreation, lodging, eating, and other integrally related activities.

*Principal Structure.* The primary structure developed on a property, which is intended to be the largest and closest to the street of all structures permitted on one property except in the AP Agricultural Preserve District, where farm structures shall be considered accessory structures and may be greater in gross floor area than the principal residence.

*Principal Use.* The primary use of a property as distinguished from other uses which shall be permitted only as accessory uses or prohibited altogether as provided for each zoning district.

*Public Assembly Center.* Buildings arranged for the general assembly of the public at-large for community events, including coliseums, stadiums, civic centers, and similar uses.

*Public Facility.* Buildings arranged for the purpose of providing public services, not otherwise listed in this section, including government offices, post offices, transit stations, police stations, fire and emergency service stations, civil defense operations, and similar uses.

*Public Utility Facility.* Facility that provides public utility services to the public at large, including water and sewerage facilities, gas distribution facilities, electric transmission and distribution facilities, and cable transmission and distribution facilities.

*Recreation, Indoor.* A commercial establishment providing recreational or sports activities to participant within an enclosed building, including bowling alleys, billiard parlors, video game centers, ice and roller skating rinks, and other commercial indoor recreational and sports activities.

*Recreation, Outdoor.* A commercial establishment providing recreation or sports activities to participants in open or partially enclosed or screened facilities, including driving ranges, miniature golf courses, golf courses, swimming pools, tennis courts, and other similar commercial outdoor recreational and sports activities.

*Recreational Vehicle.* A self-propelled vehicle used for recreational activities such as camping or travel.

*Rehabilitation Facility.* An institutional facility providing residential and custodial care for the rehabilitation of socially-impaired individuals who are indigent, recovering from addiction to drugs or alcohol, or recently released from a penal institution.

*Research Lab.* An establishment engaged in research of an industrial or scientific nature, excluding product testing, such as an electronics research lab, research and development firm, or pharmaceutical research lab.

*Resource Extraction.* The removal of soil, sand, clay, gravel, minerals, or similar materials for commercial purposes, including quarries, borrow pits, sand and gravel operations, gas extraction, and mining.

*Restaurant, Fast Food.* An establishment where food and drink are rapidly prepared for carry out, fast delivery, drive-through, or drive-in and may also include standard sit-down consumption.

*Restaurant, Lounge.* Any place or premises in which foods, refreshments and liquor are offered for consumption within the building in which the establishment is located, which is operated by a responsible person of good reputation and which meets the following additional requirements:

- A dining area of at least 1,000 square feet equipped with tables and chairs accommodating at least 50 persons at one time;
- A kitchen separate and apart from the dining area, but adjoining the dining area, in which food is prepared for consumption by the public and in which the food or meals served in the dining area are prepared;
- At least one meal per day shall be served at least six days a week, with the exception of holidays, vacations, and periods of redecorating;
- Such place shall be duly licensed by the ABC board of the state for the sale of liquor for on-premises consumption; and
- The serving of such food or meals shall constitute the principal business of such establishment, with the serving of liquor, malt or brewed beverages, wines, or other alcoholic beverages being only an incidental part of the business. During any 90-day period, the gross receipts from the serving of meals and food shall constitute more than 50 percent of the gross receipts of the business.

*Restaurant, Pub.* Any place or premises in which foods, refreshments, and malt or brewed

beverages and/or table wines (but not liquor) are offered for sale for consumption within the building in which the establishment is located, which is operated by a person of good reputation and which meets the following additional requirements:

- A dining area of at least 800 square feet equipped with tables and chairs accommodating at least 35 persons at one time;
- A kitchen separate and apart from the dining area, but adjoining the dining area, in which food is prepared for consumption by the public and in which the food or meals served in the dining area are prepared;
- At least one meal per day shall be served at least six days a week, with the exception of holidays, vacations, and periods of redecorating;
- Such place shall be duly licensed by the ABC Board of the state for the sale of malt or brewed beverages and/or table wines for on-premises consumption; and
- The serving of such food or meals shall constitute the principal business of such establishment, with the serving of malt or brewed beverages and/or table wines being only an incidental part of the business. During any 90-day period, the gross receipts from the serving of meals and food shall constitute more than 50 percent of the gross receipts of the business.

*Restaurant, Standard.* An establishment where food and drink are prepared, served, and primarily consumed within the building where guests are seated and served. Also referred to as "Dine-in Restaurant."

*Restaurant, Take Out.* An establishment where food and drink are prepared and purchased for consumption off the premises.

*Rooming House, Boarding House.* A building other than a hotel or motel where lodging for more than three persons not of the immediate family is provided for definite periods and for compensation.

*Salvage Yard.* A place of business engage in the storage, sale, dismantling or other processing of used or waste materials, such as a junk or automotive salvage yard.

*Sanitary Landfill.* A State-approved site for solid waste disposal.

*School.* Public or non-profit school.

*Shopping Center, Major.* A group of commercial establishments (as permitted in the district) located on a lot of ten or more acres planned and developed in a unified design with shared parking and driveway facilities and under common management authority.

*Shopping Center, Minor.* A group of commercial establishment (as permitted in the district) located on a lot of three to less than ten acres planned and developed in a unified design with shared parking and driveway facilities and under a common management authority.

*Special Exception Use.* A use of unique character which may be integral to surrounding neighborhoods or districts but which may require special consideration and case-by-case criteria to ensure consistency with and to abate potential negative impacts to surrounding properties. Such uses shall require a Special Exception Permit granted by the Board of Zoning Adjustments upon review of development plans and specific criteria required by the Board

*Stable.* A commercial establishment engaged in the raising, keeping, boarding, or training of



horses, ponies, and similar animals, including riding academies and incidental sales of riding accessories and animals raised or regularly kept on the premises.

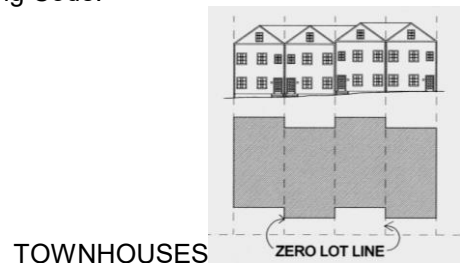
*Studio.* A place of work by an artist, photographer, or craftsman, including instruction, display, production, and retail sales of materials produced on the premises.

*Telecommunications Tower.* A tower used for the transmission of wireless communication signals to the general public or private receivers, other than amateur radio towers and towers used by a public facility.

*Temporary Shelter.* A structure or part thereof operated on a nonprofit basis to temporarily house families or individuals who are victims of disaster, who are affected through action on the part of or on behalf of the municipality other than routine redevelopment-related relocation activities, or who have bona fide emergency housing needs.

*Therapeutic Massage Clinic.* Any establishment or business which provides the services of massage and body manipulation, including exercises, heat and light treatments of the body, and all forms of physiotherapy, operated by a medical practitioner, chiropractor or professional physical therapist licensed by the State of Alabama. This definition does not include an athletic club, health club, school, gymnasium, reducing salon, spa or similar establishment where massage or similar manipulation of the human body is offered as an incidental or accessory service.

*Townhouse.* A single-family attached dwelling constructed in a series of attached units with property lines separating each unit as defined by the Building Code.



*Upper-Story Apartment.* A dwelling located in the upper story of a building where the ground floor is devoted to non-residential use.

*Vehicle and Equipment Repair, Major.* A place of business engaged in the repair and maintenance of heavy trucks (over one ton), travel trailers, recreational vehicles, boats, construction equipment, tractors and implements or engaged in painting, body repair, upholstery repair, fabrication of parts, or rebuilding of engines.

*Vehicle and Equipment Sales, Major.* A place of business engaged in the sale or rental of heavy trucks (over one ton), construction equipment, tractors and farm implements, manufactured homes, and similar heavy equipment, including incidental storage, maintenance, and servicing.

*Vehicle Sales or Rental, Major.* A commercial establishment engaged in the sale or rental of travel trailers, recreational vehicles, boats, including incidental parking, storage, maintenance, and servicing.

*Veterinary Hospital or Clinic.* A place where small household pets are given medical or surgical treatment and short term boarding of pets within an enclosed building may be provided.

*Warehousing, Wholesaling, and Distribution, Enclosed.* A place of business engaged in

warehousing, wholesaling, or distribution services enclosed within a building or group of buildings.

*Warehousing, Wholesaling, and Distribution, Open.* A place of business engaged in open air warehousing, wholesaling, or distribution services.

Section 32.03. ABBREVIATIONS USED IN THIS ORDINANCE.

ABC – Alcoholic Beverage Control Board, State of Alabama.

ac – Acre(s)

ATM – Automated Teller Machine.

BMP – Best Management Practice(s).

BZA – Board of Zoning Adjustments.

FAR – Floor Area Ratio.

ft – Foot or Feet.

GFA – Gross Floor Area.

lf – Linear Feet.

Sf – Square Feet.

## ARTICLE IV. GENERAL REQUIREMENTS.

Section 40.00 USES. In each use district no use other than the types specified as "Permitted" or "Permitted Subject to Performance Standards" shall be allowed. Uses specified as "Permitted" shall be permitted as of right. Uses specified as "Permitted Subject to Performance Standards" shall be permitted in accordance with all conditions specified for the use in the applicable base zoning district as described in Article VIII. Uses specified as "Special Exception Uses" shall be subject to review by the BZA subject to the provisions of Article XIII. Conditional Uses shall be subject to review by the Town Council subject to the provisions of Article XII.

Section 41.00 LOTS AND YARDS. In each use district each structure hereafter erected or altered shall be provided with the yards specified, and shall be on a lot of a size at least the area and width specified in the "Lot Area and Dimensional Requirements" for each base zoning district and overlay zoning district as applicable. No lot or yard required for a building or structure shall during its life be occupied by or counted as all or part of a lot or yard for another building or structure. No portion of a required front yard shall be occupied by off-street parking except as otherwise provided for in this ordinance.

Section 41.01. REDUCTIONS IN LOT AREA. No lot shall be reduced in area so that yards and other open space total less than the minimum area required under this ordinance. Any two (2) adjacent undersized lots under common ownership as of the effective date of this Ordinance shall be considered as one (1) lot for the purposes of establishing compliance with the requirements of this Ordinance.

Section 41.02. FRONTAGE REQUIREMENT AND ACCESS. All lots shall front on a public street. Every building hereafter erected or moved shall be on a lot which is adjacent to a public street, or on a lot which has access to a public street by an improved private street which has a cartway width of at least twenty-four (24) feet; or said building shall be located within one hundred (100) feet of a public street. All buildings shall be located so as to provide safe and convenient access for servicing, fire protection and required off-street parking.

Section 41.03. PROJECTIONS INTO REQUIRED YARDS. Projections into required yards may be allowed as follows:

- A. Architectural features, chimneys, eaves, and similar features may project up to two feet into any required yard, but no closer than three feet to any lot line.
- B. Terraces, steps, uncovered porches, and similar features less than three feet above the ground may project into the required yard, but no closer than three feet to any lot line except as otherwise permitted within this ordinance.
- C. Within residential districts only, satellite dish antennas and other ground mounted antennas may be located within the required rear yard only, but no closer than ten feet from any lot line, measured from the closest edge of the structure, and subject to all height limitations of this ordinance.

Section 41.04. CORNER VISIBILITY. No fence, wall, shrubbery, sign, marquee, or other obstruction to vision between 3½ and 10 feet above street level shall be permitted within 15 feet of the intersection of the right-of-way lines of two streets or railroads or of a street and a railroad or as otherwise required by this ordinance.

Section 41.05. FLAG LOTS. Flag lots may be permitted in residential districts as a special exception, when in compliance with the following requirements.

- A. Flag lots shall only be permitted on tracts of land which are excessively deep and narrow. A sketch plan of the proposed lot configuration shall be submitted to the Planning

Commission for review and comment.

- B. Flag lots shall have access to a public street or to an approved private street.
- C. The access strip to each lot shall have a minimum width of at least twenty-four (24) feet.
- D. Flag lots shall conform to the required minimum lot size and setback requirements for the pertinent zoning district. Front yard setbacks shall be measured from the front part of the flag portion of the lot.

#### Section 41.06. FRONT AND SIDE YARD SETBACK MODIFICATIONS.

- 41.06.01. FRONT YARD MODIFICATIONS. A building may be permitted closer to the street than otherwise required by this ordinance when there is an adjacent existing building on the same side of the street which is closer to the street than the required setback and is within one hundred (100) feet of the building to be erected. If the building to be erected is within one hundred (100) feet from only one such existing adjacent building, the building setback from the street shall not be less than the average of the setback of the existing building and the minimum setback requirement, provided however, this formula shall not require the placing of a building more than ten (10) feet back of the front main wall of the existing adjacent buildings. If the building to be erected is between two such existing buildings within one hundred (100) feet of the building to be erected, the minimum setback shall not be less than the average setback of the two adjacent existing buildings.
- 41.06.02. SIDE YARD MODIFICATIONS. In the TC, HC, NC, EC-I, and EC-O Districts, buildings, designed with approved party walls or approved side walls designed to provide adequate fire-separation from adjacent structures, shall have no required side yard setback on each side where said party wall or fire-separation wall is provided. After construction, no such wall shall be altered so as to reduce the fire-separation rating of such wall.

Section 42.00 HEIGHT. All buildings and structures shall be required to conform to the maximum height regulations specified within the pertinent zoning district, except roof structures for the housing of elevators, stairways, tanks, ventilating fans or similar equipment required to operate and maintain the building, skylights, towers, flag poles, chimneys, smoke stacks, antennae, utility poles, farm silos, church spires, or similar structures. However, no penthouse, roof structure or any space above the height limit shall be allowed for the purpose of providing additional floor space for any use. Telecommunications towers shall be subject to the provisions of Article VIII Performance Standards.

Section 43.00 DESIGN STANDARDS. It is the intent of this ordinance that there shall be but one main structure plus any permitted accessory structures on any lot used for residential purposes, excepting as otherwise provided for in this ordinance; no accessory structures shall be constructed or moved upon a lot until the construction of the main building has commenced, except as otherwise provided for by the Board of Zoning Adjustments. The following requirements shall apply to all structures constructed and properties improved as of the effected date of this Ordinance

#### 43.01. BUILDINGS.

- 43.01.01. Except as otherwise permitted, all buildings shall meet the minimum requirements of the adopted Building Code of the Town of Westover.
- 43.01.02. The facades of all buildings fronting on a public street and within ten (10) feet of the established front building line shall be constructed of or clad with stone, masonry, wood, vinyl siding, stucco, or other material as approved by the Planning Commission. Building facades fronting on public streets and within ten

(10) feet of the front building line shall not include more than 25% of applicable façade areas clad with metal siding.

- 43.01.03. Roof overhangs which are not an integral part of the architectural design of a roof system shall not be attached to the front façade of any building. Canopies and awnings shall be located no less than 12" inches below the uppermost edge of a parapet roof located along the front façade of a building.
- 43.01.04. Front facades of all commercial (office, retail, or services) and mixed use buildings shall have at a minimum 40% glazing area, along any portions of the façade covering the first floor of the building.
- 43.01.05. Front facades of all commercial (office, retail, or services) and mixed use buildings shall contain no flat, uninterrupted, un-glazed span longer than fifty (50) feet. Changes in material, recesses, glazing and similar architectural elements shall be used to reduce the monotony of long, façade spans and ensure human scale.

43.02. LANDSCAPING. All commercial, industrial, and non-residential uses shall be screened from adjoining residential uses by a wall or fence as required within the applicable district or by a landscape screen to be installed within the required planting strip as described below:

- 43.02.01. The landscape screen shall be composed of a combination of trees and shrubs.
  - A. Shrubs shall have a minimum height of four (4) feet measured from ground level at the time of planting.
  - B. Trees shall have a minimum height of ten (10) feet above finished ground level and a trunk caliper of one and one-half (1) inches taken six (6) inches above finished ground level.
- 43.02.02. The plants selected for use in the landscape screen shall be suited for such plantings and be arranged in such manner as to provide an effective visual barrier within two (2) years of planting.
- 43.02.03. In order for the Zoning Officer to determine compliance with the requirements of this Section, a plan shall be submitted showing the proposed design of the landscape screen. Said plan shall include a plant schedule and include sufficient information as required for the installation of the screen. The plan shall be sealed by a landscape architect.

Section 44.00 FUTURE STREET LINES. On any lot which may be reduced in area by widening a public street to a future street line as indicated on the Town's Thoroughfare Plan, the required minimum lot area, lot width, and yards shall be measured by considering the future street line as the lot line of such lot.

Section 45.00 SIDEWALKS. Continuous sidewalks, paved with concrete, brick or such other material as may be approved by the Planning Commission and separated from public streets by a raised curb, shall be provided along the full length of lot frontage for all developments in accordance with all provisions of the Town of Westover Subdivision Regulations pursuant to Shelby County Resolution No.03-07-28-05 and according to the following requirements and as described in Table 45.00. ON-STREET SIDEWALK AND LANDSCAPED BUFFER STRIP REQUIREMENTS BY ZONING DISTRICT:

Section 45.01. REQUIRED SIDEWALKS IN **TS** AND **RN** DISTRICTS. Continuous on-street sidewalks shall be provided on any lots to be developed with any principal uses other than single-family homes or duplexes. Minor subdivisions, as defined by the Town of Westover Subdivision Regulations, shall similarly be exempt from these sidewalk requirements except when such properties are to be developed with uses other than duplexes or single-family homes. All major subdivisions, as defined by the Town of Westover Subdivision Regulations, shall provide

sidewalks and landscaped or grass buffer strips according to the table following. All sidewalks and required buffer strips shall be located within the right-of-way of planned public or private residential streets and within the right-of-way of existing public streets to the extent feasible upon written approval of the Planning Commission. Refer also to Table 45.00.

Section 45.02. REQUIRED SIDEWALKS IN **TC, HC, NC, EC-I, AND EC-O** DISTRICTS. Continuous on-street sidewalks shall be provided along the full length of lot frontage and sidewalks of not less than four (4) feet shall be provided between any parking area and the building or buildings, which they serve. All sidewalks and required buffer strips shall be located within the right-of-way of planned streets and within the right-of-way of existing public streets to the extent feasible upon written approval of the Planning Commission. Refer also to Table 45.00.

TABLE 45.00 ON-STREET SIDEWALK AND LANDSCAPED BUFFER STRIP REQUIREMENTS BY ZONING DISTRICT				
Zoning District	On-Street Sidewalk Requirement	Minimum Sidewalk Width	On-Street Buffer Strip Required	Minimum Buffer Strip Width
AP	none	na	no	na
RR	none	na	no	na
RN	On one side of street	5 feet	yes	<ul style="list-style-type: none"> <li>▪ 4 feet along local streets</li> <li>▪ 5 feet along collector roads</li> </ul>
TS	Required for developments other than single-family dwellings or duplexes	5 feet	yes	<ul style="list-style-type: none"> <li>▪ 4 feet along local streets</li> <li>▪ 5 feet along collector roads</li> </ul>
TC	Along full length of lot frontage and along both sides of street where applicable	8 feet	Required along County Roads 55 and 280 only	<ul style="list-style-type: none"> <li>▪ 3 feet along local streets, if provided</li> <li>▪ 4 feet along Co. Rds. 55 and 280</li> </ul>
NC	Along full length of lot frontage and along both sides of street where applicable	6 feet	Required along collector roads only	<ul style="list-style-type: none"> <li>▪ 3 feet along local streets, if provided</li> <li>▪ 4 feet along collector roads</li> </ul>
HC	Along full length of lot frontage	5 feet	yes	<ul style="list-style-type: none"> <li>▪ 4 feet</li> </ul>
EC-I	Along full length of lot frontage and along both sides of street where applicable	5 feet	Required along collector roads only	<ul style="list-style-type: none"> <li>▪ 3 feet along local streets, if provided</li> <li>▪ 4 feet along collector roads</li> </ul>
EC-O	Along full length of lot frontage and along both sides of street where applicable	5 feet	Required along collector roads only	<ul style="list-style-type: none"> <li>▪ 3 feet along local streets, if provided</li> <li>▪ 4 feet along collector roads</li> </ul>

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**Section 46.00. SUPPLEMENTAL REGULATIONS.**

**Section 46.01. SPECIFIC USES PROHIBITED.** The following uses are specifically prohibited in all zoning districts:

- A. Adult Bookstores, Adult Theaters, and Sexually-Oriented Retail Establishments.
- B. Lounges or Night Clubs for which alcohol sales are the principal activity.
- C. Dead animal or other rendering plants.
- D. Piggeries for the feeding of garbage.
- E. Any occupation, trade or process which may be in any way dangerous, noxious, or injurious to the health or be offensive to the inhabitants of the neighborhood.

**Section 46.02. SLOPE CONTROL REGULATIONS.** The following controls shall apply to all areas of the Town where the conditions are applicable and to all Zoning Districts. It is the purpose of these regulations to limit the amount of the removal of natural resources, to protect the watershed areas, and to minimize erosion of the soil. Upon the receipt of an application for a building permit, the Zoning Officer may require that the applicant submit a topographic survey prepared by a registered surveyor or professional engineer which shall show the degree of slope. If the proposed building site is located in those areas of the Town where the natural slope of the land exceeds twenty-five (25) percent, the following regulations shall apply.

- A. All uses as permitted in the Zoning District in which the slope is located are permitted.
- B. If more than fifty (50) percent of the minimum required lot area is on slopes which exceed twenty-five (25) percent, a minimum lot area of forty thousand (40,000) square feet is required for each principal building to be constructed.

**Section 46.03. FENCES.** No fence that exceeds four (4) feet in height and no fence of a type that would totally obscure vision shall be permitted within the required front yard in AP, RR, and RN Districts except upon approval of the Board of Zoning Adjustments.

**Section 46.04. DRIVEWAYS.** For the purpose of this section the word driveway shall mean any entrance or exit used by vehicular traffic to or from properties abutting a public street. The term driveway shall include private streets, lanes, alleys, curb cuts, residential drives and other such access ways deemed by the Zoning Officer to be of a similar nature.

**46.04.01. Intent.** The following limitations are provided to increase motorist and pedestrian safety, ensure the useful lifespan of public and private road investments, and reduce the potential for crashes, fatalities and serious injuries due to conflicts between thru-traffic and the turning movements of individual motorists. These regulations are further intended to support the Town's goals for access management which are further regulated by the Town of Westover Subdivision Regulations and to support the Town's goals for increased coordination and efficiency in development through shared vehicular infrastructure including driveways, circulation, and parking.

**46.04.02. Number of driveways per lot.**

- A. Single family dwellings shall not have more than one (1) driveway entering or exiting on the same street except for dwellings on a local road with a lot frontage of 100 feet or greater in which case loop driveways having two access points to a public street may be permitted. Access points to a loop drive shall be separated by a minimum of 50 feet.
- B. Gas Stations, service stations, car washes and all drive-through type establishments

shall be permitted one (1) driveway per street frontage and shall be further subject to all applicable limitations of the Town of Westover Subdivision Regulations.

- C. For all other uses fronting on a Collector Road, no more than one (1) driveway shall be permitted for each 300 feet of frontage except as otherwise provided by the Town of Westover Subdivision Regulations. No driveway shall be located closer than 100 feet to another driveway on the opposing side of a Collector Road except as otherwise provided by the Town of Westover Subdivision Regulations or as permitted upon review by the Planning Commission.
- D. For all other uses fronting on a Local Road, no more than one (1) driveway shall be permitted for each 100 feet of frontage except as otherwise provided by the Town of Westover Subdivision Regulations. No driveway shall be located closer than 50 feet to another driveway on the opposing side of a Local Road except as otherwise provided by the Town of Westover Subdivision Regulations or as permitted upon review by the Planning Commission.

46.04.03. Location.

- A. Any driveway access used for exiting a commercial or industrial lot shall be designed and located so as to permit the following minimum sight distances measured from a point at least ten (10) feet behind the curbline or edge of cartway of the public street. No sight obstructions shall be permitted which are greater than 3.5 feet or less than ten (10) feet above street surface.
- B. On corner lots, no driveway access may be located within fifty (50) feet of the point of tangency of the existing or proposed curb radius of the site. Access shall be to the street of lesser classification when two street classifications are involved.
- C. Driveways serving residential lots shall be located at least five (5) feet from a side property line. Where a proposed driveway is to serve two (2) or more adjacent lots, the Town may permit a driveway to be located on or within five (5) feet of the side property line between the lots, measured from the outside edge of the driveway.
- D. Driveways serving commercial lots shall be located at least eight (8) feet from the property line of any single-family dwelling or duplex, measured from the outside edge of the driveway.
- E. Driveways serving industrial lots shall be located at least twenty-five (25) feet from the property line of any residential dwelling(s), measured from the outside edge of the driveway.
- F. No driveway serving other than a single-family dwelling or duplex shall be located closer than 100 feet to an existing driveway along the same side of the street.

46.04.04. Design.

- A. In general, driveways used for two-way operation shall intersect public streets at ninety (90) degrees as site conditions permit; however, in no case shall driveways intersect public streets at less than seventy (70) degrees. Driveways used for one-way operation, right turn only, shall not intersect public streets at any angle less than forty-five (45) degrees. Said angle shall be measured from the centerline of the street to the centerline of the driveway.
- B. Driveway and curb cut dimensions and construction shall be designed to adequately accommodate the type and volume of vehicles expected to use the site on a daily basis.
  - 1. *Single Family Dwellings and Duplexes* - a maximum of fifteen (15) feet in width at the street right-of-way line and a maximum of 20 feet in width within any required



front yard.

2. *Industrial Uses* - a maximum of 35 feet in width at the street right-of-way line.
3. *Other Uses* – a maximum of 25 feet in width at the street right-of-way line

C. Vertical alignment of driveways shall be as follows:

1. *Residential* - a maximum of twelve (12) percent for the first ten (10) feet measured from the right-of-way line.
2. *Commercial and Industrial* - a maximum of five (5) percent for the first seventy-five (75) feet measured from the right-of-way line.

D. Residential driveways on the turnaround of a cul-de-sac street may be exempted from the above requirements at the discretion of the Zoning Officer.

46.04.05. Permit Required. Notwithstanding any other provisions set forth in this Ordinance, no person, individual, firm or corporation shall construct, reconstruct, alter or enlarge an existing or proposed driveway onto any public street without first having obtained a Driveway Permit as required by Article XII of this Ordinance. Nothing in this section shall prohibit a person, firm or corporation, however, from combining his or its application for a Driveway permit with an application for a building permit providing all of the information required by this section is contained on the application.

46.04.06. Plan Submittal and Application.

- A. For all proposed driveways, the developer shall submit to the Zoning Officer a permit application which is obtainable at Town Hall. The Zoning Officer may also require that a plan of the proposed driveway be submitted.
- B. When a plan is required, the Zoning Officer shall review the plan for conformance with the requirements of this Ordinance and shall:
  1. Approve the application and plan as submitted, or
  2. Return the application and plan for additional information and clarification, or
  3. Disapprove the application, indicating in writing the reason for disapproval.

46.04.07. Fees. Permit application fees shall be as adopted by resolution of the Town Council.

Section 46.05. EARTHMOVING AND GRADING ACTIVITIES. All earthmoving and grading activities, including fill and soil stockpiles but excluding land used for gardening and landscaping or agriculture, which will affect an area of ten thousand (10,000) square feet or more shall comply with the following:

46.05.01. A Grading Plan shall be submitted which shows the topographic features of the site; soil types and locations; tree types, sizes, and locations; proposed alterations to the site (lots and structures, driveways, utilities, streets, sidewalks, etc.); temporary and permanent erosion and sedimentation control measures; and types and locations of trees to be removed and any trees to be replaced as required by this section. A written narrative shall accompany the plan which details the proposed staging of earthmoving and grading activities, maintenance of erosion and sedimentation control measures and a description of the methods to be used for protecting on-site trees and vegetation.

46.05.02. The erosion and sedimentation control measures shown on the plan shall conform to the requirements of the Shelby County Soil & Water Conservation

District. The erosion and sedimentation control plan shall be reviewed and approved in writing by the Shelby County Soil & Water Conservation District.

- 46.05.03. Tree Removal. Every attempt shall be made to protect and save existing trees on a development site, except for those trees removed to allow for the erection of buildings and improvements. Whenever possible, a tree or group of trees to be preserved shall have a barrier constructed to the dripline of the tree or group of trees, given specific site considerations.
- 46.05.04. Tree Replacement. Where the removal of trees and other vegetation is required for access of construction vehicles and equipment to a building site(s), storage of said equipment, and other activities necessary for on-site construction, such vegetation shall be replaced by equivalent species upon completion of construction. This shall exclude any trees or vegetation removed from a right-of-way or similar improvement planned by the same developer for a future development phase.
- 46.05.05. Notwithstanding any other provisions set forth in this Ordinance, no person, individual, firm or corporation shall commence any earthmoving and grading activity without first having obtained a Grading Permit. The Permit shall only be issued after all applicable requirements of this section have been complied with to the satisfaction of the Zoning Officer.

Section 46.06. PRESERVATION OF GREENWAYS. The following requirements for the preservation of greenways apply to all areas of the Town where the conditions are applicable and to all zoning districts:

- 46.06.01. Purpose. The preservation of greenways in The Town of Westover is essential to link the urban, suburban, and rural areas of Shelby County and to preserve the Town's valuable natural, scenic, and recreational resources. The purpose of this section is to preserve greenways to the greatest extent possible to facilitate the development of a network of inter-municipal trails and preservation areas.
- 46.06.02. Designated Greenways. The Town of Westover Comprehensive Plan identified greenway corridors to serve as trails and natural preservation areas serving the Town of Westover. To implement the recommendations of this Plan, the Town hereby designates greenways along the following watercourses:
- A. Clear Prong Creek;
  - B. Muddy Prong Creek; and
  - C. Other unnamed tributaries and watercourses as shown on the Zoning Map.

The above greenways shall extend inland one hundred (100) feet on each side from the centerline of the watercourse.

- 46.06.03. Uses and Structures Permitted in Greenways. To the extent permitted by the applicable zoning district and Flood Hazard Overlay District, the following uses and structures shall be permitted in greenways:
- Wildlife sanctuaries, nature preserves, and fishing areas
  - Reforestation and Stream bank stabilization areas;
  - Passive recreational areas, playgrounds, and recreational trails;
  - Golf courses;
  - Greenway crossings for farm vehicles and livestock;
  - Bridges for public roads;
  - Public sewer lines, submersible pump stations protruding no more than one foot

above the original grade, and accessory features including transformers, control panels, generators, and dusk-to-dawn lights that are necessary for the operation and maintenance of pump stations and protrude to a height of no greater than four (4) feet above the ground and occupy a surface area no more than fifty (50) square feet.

- Public water lines and associated facilities at or below grade;
- Fences for containing livestock, provided that such fences are designed to allow the reservation of adequate land for a potential linear trail as required herein; and
- Public utility transmission lines.

46.06.04. Uses and Structures Prohibited in Greenways. The following uses and structures shall be prohibited in greenways:

- A. Buildings and structures not listed in Section 46.06.03;
- B. Gravel or paved areas, parking lots, driveways, and access drives not associated with the uses listed in Section 46.06.03; and
- C. Storage of hazardous or noxious materials.

46.06.05. Provisions for Future Trails. Any building or structure permitted in a greenway shall be located and designed to incorporate the reservation of adequate and appropriate area for a linear path that traverses the property. Such areas shall be designated on all subdivision and land development plans as a potential greenway trail and shall comply with the following:

- A. The minimum width of the area reserved for the trail shall be twenty-five (25) feet.
- B. The area reserved for the trail shall not contain wetlands.
- C. The grading and slope of the area reserved for the future trail shall be adequate to accommodate pedestrians and bicycles.
- D. The alignment of the trail shall traverse the property approximately parallel to the body of water adjacent to the greenway.
- E. The alignment of the area designated for the potential trail shall be the optimum alignment with designated or potential trails on adjacent properties.

46.07. OUTDOOR DISPLAY OF MERCHANDISE. Outdoor display of merchandise for sale, rent, or lease shall comply with the following:

46.07.01. Permanent outdoor display of merchandise shall only be allowed in conjunction with a permitted commercial building.

46.07.02. The maximum area to be used for permanent outdoor display shall not exceed ten (10) percent of the gross floor area of the associated commercial structure or structures on the lot except for automobile, manufactured home, heavy equipment, boat and recreational vehicle sales lots.

46.07.03. The display of merchandise shall not be located upon any driveway, street right-of-way, or any required off-street parking areas. Display of automobiles, manufactured homes, heavy equipment, boat and recreational vehicles shall not take up any portion of sidewalks abutting a street right-of-way. Prior to the establishment of any permanent display, a plot plan indicating the display area, sidewalks, walkways, driveways and required parking areas shall be submitted to the Zoning Officer for review to determine compliance with this Subsection.

46.07.04. All outdoor displays of merchandise, permanent and temporary, shall be further subject to the applicable provisions within each zoning district.

Section 46.09. ROAD CLASSIFICATION. For the purpose of applying the standards and requirements of this Ordinance, public roads have been classified as follows.

46.09.01. PRINCIPAL ARTERIAL – The following roads are classified as Principal Arterials:

- U.S. Highway 280

46.09.02. COLLECTOR ROADS - The following roads are classified as Major Roads:

- County Road 280 / Westover Road
- County Road 32
- County Road 51
- County Road 55
- County Road 450 / Rock School Road / Evens Road
- County Road 438
- Cheshire Road
- Future Collector Roads as depicted in the Comprehensive Plan

46.09.03. LOCAL ROADS - The following roads are classified as Local Roads:

- Heart of Dixie Drive
- Chow Drive
- Westover Circle
- Deerwood Lake Drive
- Johnson Road
- County Road 437
- County Road 442
- Asylan Forrest
- Hillside Lane
- Bryan Road
- Lybrand Road
- McLaughlin Lane
- April Lane
- Future Local Roads and Access / Frontage Roads as depicted in the Comprehensive Plan

## ARTICLE V. OFF-STREET PARKING AND LOADING REQUIREMENTS.

Section 50.00 OFF-STREET PARKING REQUIREMENTS. Off-street parking standards shall be in accordance with the following requirements:

Section 50.01 GENERALLY. No off-street parking required for a building or structure shall be occupied by or counted as off-street parking for another building or structure except as provided for "Shared Parking" below. Whenever a structure or use may qualify under two or more classifications, the one with the larger requirement shall govern. No off-street parking areas shall be located between the front of the building and the right-of-way line of the street on which the property fronts, except with the prior written approval of the Planning Commission.

Section 50.02. SHARED PARKING. The intent of these provisions is to encourage the unified development of access and parking for commercial, industrial, and mixed use areas and to reduce the overall requirement for parking spaces for individual uses where multiple, contiguous uses will share a common, accessible parking area and in which there is determined to be sufficient evidence that a reduction in required spaces shall not cause undue congestion in adjacent areas. The total reduction in parking spaces per use for shared parking areas shall be determined by the Planning Commission only upon a Site Plan review for a proposed development and such reductions shall be contingent on the following:

- 50.02.01. Applicability. Shared parking shall be permitted in the TC, NC, HC, EC-O, and EC-I Districts only.
- 50.02.02. Where the request for shared parking reductions involves a lot(s) to be developed and abutting, previously-developed lots with existing parking, a written agreement shall be provided to the Planning Commission in which consent of the owner(s) of the previously-developed lot(s) is offered to provide permanent access between those existing parking areas and the parking area to be built as required for the new development.
- 50.02.03. Where the request for shared parking reductions involves a lot(s) to be developed on a block that is otherwise undeveloped, a written agreement shall be provided to the Planning Commission in which consent of the owner(s) of such abutting lot(s) is offered to provide permanent access between the proposed parking area on the lot in question and any future parking areas to be developed as required by the future development of the abutting lots. The Planning Commission may require that adequate land be reserved on the developing lot for the total number of spaces normally required for the use in the event that abutting lots do not develop in a timely manner. The developer shall be required to surface and finish only those parking spaces as required by the Planning Commission, with reductions permitted. Land held in reserve to accommodate the normally required parking spaces for the use may be left in a natural, unimproved state or otherwise provided with an all-season ground cover.
- 50.02.04. For the development of lot(s) under common ownership or lots proposed for a PUD development, shared parking reductions shall be permitted by the Planning Commission upon review of Development Plans as otherwise required by this ordinance.
- 50.02.05. Access and Design. Shared parking areas shall provide permanent, convenient, and safe pedestrian and vehicular access between all abutting developments which hold such parking areas in common by written agreement. Where feasible, shared parking areas shall be designed as a unified parking lot and access shall be provided by an existing driveway or a service street provided at the mid-point(s) of the block where permitted or otherwise along the rear lot line where

appropriate. Where shared parking areas are designed as a unified lot, landscaping shall be required as such in accordance with the provisions of Section 52.03.

- 50.02.06. Calculating Reductions. The amount of possible parking space reductions shall be based on the average length of parking space usage for all land uses involved, the time frames of peak usage of parking, the mix of uses involved, the total number of on-street parking spaces adjacent to the lot or block under development, as applicable, and the minimum total number of employee spaces required for all uses involved. In the case of a lot being developed in an already developed block or a PUD development, a request for parking reductions based on the provision of shared parking areas, shall require a parking study as outlined by the Institute of Traffic Engineers and prepared and sealed by a professional engineer.
- 50.02.07. The total amount of on-street parking needed to accommodate any overflow parking shall not exceed the total number of on-street parking spaces abutting the lot or block under development or 10% of the unified parking lot's total spaces, whichever is greater.

Section 50.03. SINGLE-FAMILY RESIDENTIAL AND DUPLEXES. For new structures or converted structures which are increased in capacity, two off-street parking spaces for each dwelling unit shall be provided and maintained on the premises as follows:

- No garage shall be located closer to the street right-of-way line than the front building line. Garages for more than two cars shall not front on a public street.
- Detached carports shall be located behind the principal dwelling unit. Attached carports shall be designed as an integral element of the architectural design of the residence.

Section 50.04. MULTI-FAMILY AND NON-RESIDENTIAL. For new structures or converted structures which are increased in capacity, off-street parking requirements shall be as follows:

- a. MULTIPLEXES, APARTMENT BUILDINGS, APARTMENT COMPLEXES, AND DWELLING UNITS WITHIN MIXED USE BUILDINGS: Two spaces for each dwelling unit with three or more bedrooms, 1.5 spaces for each two-bedroom dwelling unit, and one space for each dwelling unit with less than two bedrooms.
- b. SCHOOL: One parking space for each eight seats in the main assembly room or three spaces for each classroom, whichever is greater.
- c. CHURCH, SYNAGOGUES, STADIUM, MEMBERSHIP CLUB, FUNERAL HOME, THEATER, AUDITORIUM, AND SIMILAR PLACE OF PUBLIC ASSEMBLY: One parking space for each four seats in the main assembly area.
- d. HOTEL, MOTEL, BOARDING HOUSE, BED AND BREAKFAST ESTABLISHMENT: One parking space for each guest room plus one space for each employee per shift.
- e. MEDICAL OR DENTAL CLINIC - Four (4) spaces for each practitioner engaged in practice at the clinic plus one (1) space for each employee on duty at any one time.
- f. RESTAURANT OR OTHER EATING PLACE: One (1) space for each four (4) seats of planned capacity, plus one (1) space for each two (2) employees on duty.
- g. PROFESSIONAL AND MEDICAL OFFICE AND BUILDING: One (1) space for each

three hundred (300) square feet of floor area.

- h. INDUSTRIAL USE, AND WHOLESALE USE, STORAGE BUILDING, WAREHOUSE, LUMBER OR FUELS BUSINESS, TRUCK TERMINAL, AND SIMILAR USES: One parking space for each employee, plus two parking spaces.
- i. MANUFACTURED HOME PARK: Two parking spaces for each manufactured home.
- j. SHOPPING CENTER: One parking space for each 200 square feet of gross leaseable floor area.
- k. NURSING HOME or REHABILITATION FACILITY: One parking space for each six beds, plus one (1) space for each two (2) employees; where individual dwelling units are provided in the form of multi-family or other type of unit, 1.5 spaces for each unit is required.
- l. ASSISTED LIVING FACILITY: Three spaces for every five residential units.
- m. PRIVATE CLUB OR LODGE: One parking space for each two members.
- n. FOOD STORE AND MARKET: One parking space for each 200 square feet of gross floor area.
- o. ANY USE NOT OTHERWISE SPECIFIED: One parking space for each 200 square feet of gross floor area.

Section 50.05. EXISTING PARKING. Any use, which does not meet the parking requirements of this ordinance or of an amendment thereto, shall be deemed a nonconforming use.

Section 50.06. ACCESSIBLE DESIGN. No parking space shall be so located or designed as to require the vehicle parked therein to back directly onto a public street, with the exception of those at single-family dwellings and duplexes. All required parking areas in the TC, HC, NC, EC-I, and EC-O Districts shall be surfaced with a suitable, hard surface permanent type of pavement.

Section 51.00. OFF-STREET LOADING AND UNLOADING. In each district, excepting the RR and RN Residential Districts, adequate off-street loading and unloading space shall be provided on the same premises with every building or part thereof hereafter erected or occupied for any use which involves the receipt or distribution of materials or merchandise by motor vehicle. This space shall be so placed and arranged as not to interfere with the free movement of vehicles and pedestrians over a public road. The Board of Zoning Adjustments may grant a special exception where hardship would result when an existing use is expanded and the off-street loading and unloading requirements of this Ordinance would otherwise have to be met.

#### Section 52.00. LANDSCAPING REQUIREMENTS.

Section 52.01. SCREENING ALONG STREET RIGHT-OF-WAY. All parking lots with more than ten (10) spaces shall be screened from any street right-of-way by a wall or fence as required within the applicable district or by a landscape screen to be installed within a ten (10) feet wide planting strip measured from the front sidewalk.

- A. The landscape screen shall be composed of a combination of shrubs, deciduous trees and earthen berms.
  - 1. Shrubs shall have a minimum height of two (2) feet measured from ground level at the time of planting.

2. Deciduous trees shall have a minimum height of ten (10) feet above finished ground level and a trunk caliper of at least one and one-half (1-1/2) inches taken six (6) inches above finished ground level.
3. Earthen berms shall have a minimum height of one (1) foot.
- B. The plants selected for use in the landscape screen shall be suited for such plantings and be arranged in such manner as to provide an effective visual barrier within two (2) years of planting.
- C. The landscape screen shall be broken only at points of vehicular or pedestrian access.
- D. In order for the Zoning Officer to determine compliance with the requirements of this Section, a plan shall be submitted showing the proposed design of the landscape screen. Said plan shall include a plant schedule and sufficient information as required for the installation of the screen. The plan shall be sealed by a landscape architect.

Section 52.02. SCREENING OF PARKING LOTS FROM ADJOINING RESIDENTIAL USES. All parking lots with more than four (4) spaces shall be screened from single-family and duplex uses on adjoining lots by a wall or fence as required within the applicable district or by a landscape screen as described following:

- A. The landscape screen shall be composed of shrubs that have a minimum height of at least four (4) feet, measured from ground level at the time of planting. The plants shall be arranged in such manner as to provide an effective visual barrier.
- B. The Zoning Officer may require the submittal of such information necessary to determine compliance with the requirements of this Section.

Section 52.03. PARKING LOT INTERIOR LANDSCAPING. All parking lots with twenty (20) or more spaces shall be provided with interior landscaped areas equal to ten (10) square feet for each parking space, excluding those spaces located directly along the lot perimeter for which landscape screens have been provided. The intent of this Section is to require landscaping within parking lots; therefore, landscaping screens, planting strips and landscaping surrounding buildings shall not be considered as interior landscaping.

- A. The interior landscaping shall be provided within curbed island planters having a minimum area of fifty (50) square feet. The interior parking lot landscaping shall be placed so as to delineate driving lanes, define rows of parking and generally to mitigate the visual impact of parking lots.
- B. The interior parking lot landscaping shall be composed of a combination of shrubs and trees. At least one shade or ornamental tree shall be required for each twenty (20) parking spaces.
- C. For the Zoning Officer to determine compliance with the requirements of this Section, a plan shall be submitted showing the proposed design of the interior landscaping. Said plan shall include a plant schedule and sufficient information as required for the installation of the landscaping. The plan shall be sealed by a landscape architect.

#### Section 53.00. VEHICLE STORAGE.

Section 53.01. Automotive vehicles and trailers of any kind or type without required, current license plates or required, current inspection stickers shall not be parked or stored on any AP, RR, RN, or TS property, other than in enclosed accessory buildings.

Section 53.02. All automotive vehicles, excluding motorcycles, cars and light trucks, and including but not limited to campers, boats, trailers, travel trailers, motor homes and other types of recreational vehicles are permitted on the property provided they are parked or stored in



accordance with one or more of the following criteria:

- A. In a part of the principal building;
- B. In an accessory building;
- C. If stored outside on the property;
  - 1. They are not permitted in the minimum required front yards,
  - 2. They are not permitted in the minimum required side yards for principal buildings in the area from the front to the rear of the principal building, and
  - 3. Their placement shall be subject to the minimum yard requirements that are applicable to the placement of accessory buildings; and
- D. Provided, however, that they are permitted on any part of the property for a period of time which does not exceed ninety-six (96) hours in any one thirty (30) day period.

#### Section 54.00. MINIMUM SETBACK REQUIREMENTS.

Section 54.01. In the TC, NC, HC, and TS districts, a parking lot containing more than four (4) spaces shall not be permitted closer than ten (10) feet to any property line of a single-family or duplex dwelling.

Section 54.02. In the EC-O and EC-I districts, no parking lot shall be permitted closer than twenty (20) feet to any property line of a single-family or duplex dwelling.

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## ARTICLE VI. USE DISTRICT REGULATIONS

Section 60.00. GENERALLY. Each of the use districts as defined and established Section 21.0 shall be subject to specific regulations regarding uses permitted; special exception uses; conditional uses; uses not permitted; and required lot area and width, yard setbacks, maximum building height, maximum density and gross floor area.

Section 60.01. USE LIMITATIONS. Although a use may be permitted according to specified procedures in a particular district, such use may not necessarily be permitted on every parcel of land in the district. A use may be permitted only if it can meet **all** of the standards of this ordinance and other applicable codes, ordinances and regulations.

Section 60.02. CLASSIFICATION OF USES. This ordinance recognizes the limitations of a finite listing of use classifications. Therefore, the Zoning Officer is empowered to make interpretations so as to classify any questioned use within a use classification of most similar impact and characteristics. Appeals of such interpretations may be made to the Board of Zoning Adjustments per Section 132.02.

Section 60.03. UNCLASSIFIED USES. In the event the Zoning Officer receives application for permitting of a use that is not listed or that cannot appropriately fit a use listed, the following procedure shall apply:

- 60.03.01. If compatible with the existing use district intent, the unclassified use may be permitted as a special exception by the Board of Zoning Adjustments pursuant to Section 132.04.
- 60.03.02. If the unclassified use would not be compatible with the intent of the existing use district, the Zoning Officer shall make a determination of the most appropriate use district, and require the applicant have the property rezoned, and special exception granted by the Board of Zoning Adjustments pursuant to Section 132.04 before granting approval.
- 60.03.03. Following final action of the unclassified use per above paragraphs, the Planning Commission may initiate an amendment to this ordinance to list the newly permitted use in the most appropriate district(s).

Section 60.04. ACCESSORY AND COMBINED USES.

- 60.04.01. Unless otherwise prohibited by this ordinance, more than one permitted use may be combined on a lot if all of the combined uses are commonly associated with and integrally related to one another and if all zoning regulations for each of the combined uses shall be met.
- 60.04.02. Whenever a use or activity, which may or may not be separately listed as a permitted use, is conducted in conjunction with a listed permitted use as an incidental or insubstantial part of the total activity on a lot, the incidental activity shall be permitted as an accessory use if the combined uses are commonly associated with and integrally related to one another.
- 60.04.03. For this purpose of this section, *commonly associated* means that the association of such combined uses takes place with sufficient frequency that there is common community acceptance of their relatedness.

Section 61.00. SPECIAL EXCEPTION USES. Uses listed as Special Exception Uses within each base zoning district require a Special Exception Permit and shall be further subject to approval by

the BZA upon review of development plans and further subject to any conditions the Board may require pursuant to the provisions of § 132.04.

Section 62.00. CONDITIONAL USES. Uses listed as Conditional Uses within each base zoning district require a Conditional Use Permit and shall be subject to approval by the Town Council upon review of development plans and further subject to any conditions the Council may require pursuant to the provisions of Section 122.00 Conditional Uses.

## ARTICLE VII. REGULATIONS BY DISTRICT

### Section 70.00 **AP** AGRICULTURAL PRESERVE DISTRICT

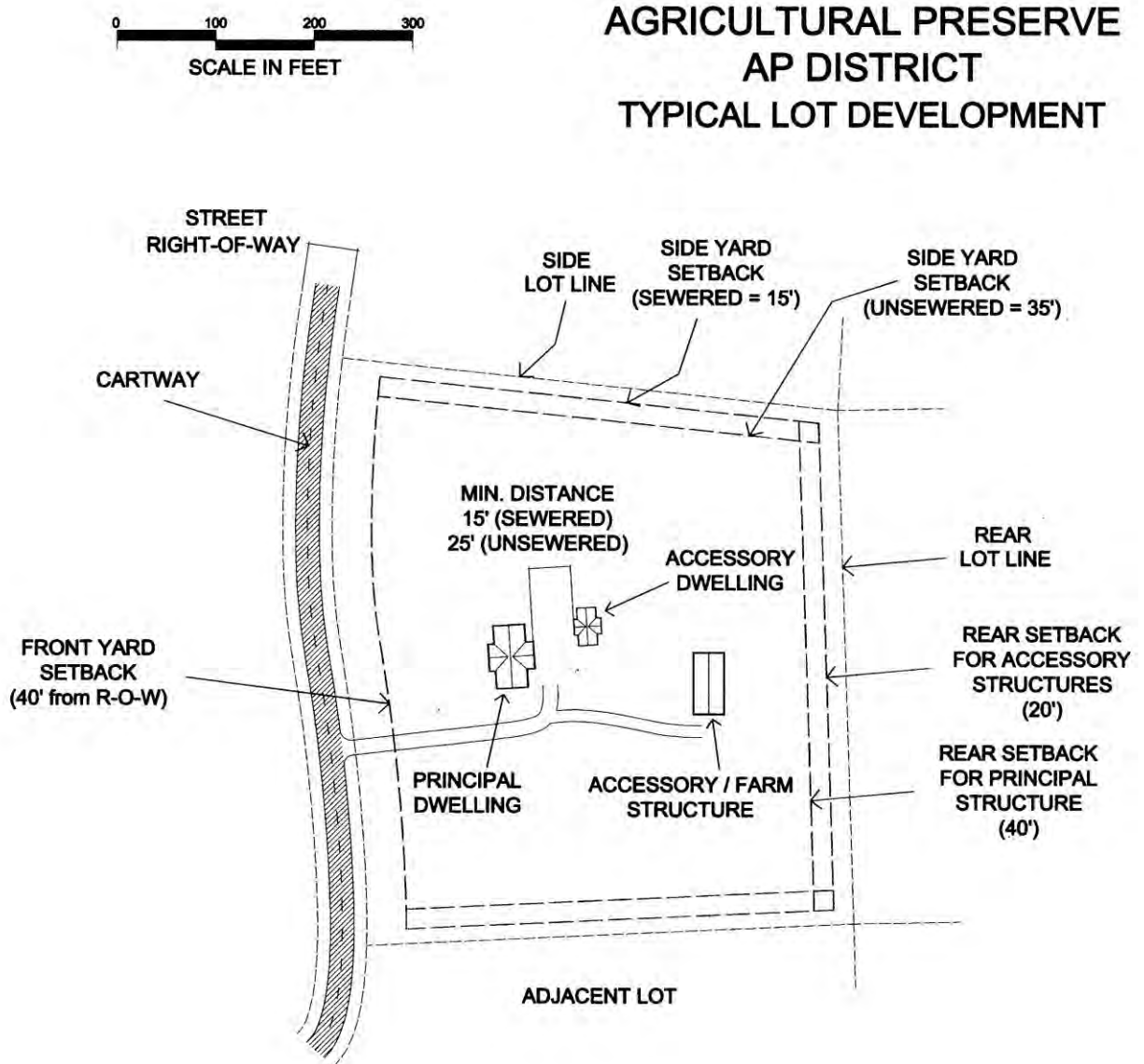
The AP Agricultural Preserve District is intended to provide for low-density residential development, continued residential agricultural uses, and other low-density uses to preserve the rural character of the outlying areas within the community.

70.01. USES PERMITTED BY RIGHT.	70.02. USES PERMITTED SUBJECT TO PERFORMANCE STANDARDS.
<ul style="list-style-type: none"> <li>▪ Accessory Use, customarily incidental to principal permitted use.</li> <li>▪ Accessory Building or Structure, customarily incidental to principal permitted use.</li> <li>▪ Church or Place of Worship</li> <li>▪ Farmer's Market</li> <li>▪ Farm Support Business</li> <li>▪ Fishing</li> <li>▪ Garden Shop or Nursery</li> <li>▪ Manufactured Home Subdivision</li> <li>▪ Manufactured Home (class A), on individual lot</li> <li>▪ Nature Preserve</li> <li>▪ Passive Recreational Park</li> <li>▪ Playground</li> <li>▪ Single-Family Detached (Site Built)</li> <li>▪ Wildlife Refuge</li> <li>▪ Woodworking or Millworks</li> </ul>	<ul style="list-style-type: none"> <li>▪ Accessory Dwelling § 81.01.</li> <li>▪ Agricultural Uses § 81.02.</li> <li>▪ Camper Park § 81.23.</li> <li>▪ Cemetery § 81.07.</li> <li>▪ Day Care Facilities § 81.08.</li> <li>▪ Group Home § 81.19.</li> <li>▪ Home Occupation, Major § 81.09.</li> <li>▪ Home Occupation, Minor § 81.09.</li> <li>▪ Kennel or Animal Shelter § 81.11.</li> <li>▪ Produce Stand § 81.22.</li> <li>▪ Stables and Corrals § 81.20.</li> <li>▪ Telecommunications Tower § 81.18.</li> </ul>
70.03. SPECIAL EXCEPTION USES.	
<ul style="list-style-type: none"> <li>▪ Golf Course</li> <li>▪ Nursing or Convalescent Home</li> <li>▪ Outdoor Entertainment</li> <li>▪ Public Utility Facility</li> <li>▪ Railroad Right-of-Way</li> </ul>	<ul style="list-style-type: none"> <li>▪ Railroad Facility or Station</li> <li>▪ Recreational Camp, Summer Camp, Campground</li> <li>▪ Transmission Line</li> </ul>
70.04. CONDITIONAL USES.	
<ul style="list-style-type: none"> <li>▪ Airport</li> <li>▪ Correctional Facility</li> <li>▪ Fairgrounds, permanent</li> <li>▪ Firing, Shooting Range</li> </ul>	<ul style="list-style-type: none"> <li>▪ Military Installation</li> <li>▪ Raceway</li> </ul>

70.05. LOT AREA AND DIMENSIONAL REQUIREMENTS. The following regulations govern lot area, setbacks, building size, and density, further subject to the applicable regulations of Article IV: General Requirements and Article VIII Performance Standards.

<b>For All Uses</b>	<b>Sewered</b>	<b>Unsewered</b>
Minimum Lot Size	5 acres	5 acres
Minimum Lot Width	100 ft	100 ft
Maximum Building Height	45 ft + 1 ft for every 5 linear feet beyond required setbacks and 3 stories*	45 ft and 2 stories*
Maximum Lot Coverage (Impervious Surfaces)	10%	10%
Front Setback	40 ft from front property line / ROW	40 ft from front property line / ROW
Rear Setback for Principal Structure	40 ft	40 ft
Rear Setback for other Structures	20 ft	20 ft
Side Setback	15 ft	35 ft
<b>For Residential Uses</b>	<b>Sewered</b>	<b>Unsewered</b>
Maximum Dwelling Unit Density	1 dwelling unit / 2 acres	1 dwelling unit / 2 acres or 3 total per lot, whichever is smaller
Minimum GFA of Principal Dwelling Unit	1,200 sf	1,200 sf
Maximum GFA of Secondary Dwelling Units	75% GFA of principal residence	50% GFA of principal residence
Minimum separation between dwelling units on same lot	15 ft	25 ft

\* Any basement which includes occupiable space greater than 33% of the gross floor area of the structure shall be counted as a story.



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Section 71.00 **RR RURAL RESIDENTIAL DISTRICT**

The RR Rural Residential District is intended to provide for low-density residential development and limited agricultural uses.

71.01. USES PERMITTED BY RIGHT.	71.02. USES PERMITTED SUBJECT TO PERFORMANCE STANDARDS.
<ul style="list-style-type: none"> <li>▪ Accessory Use, customarily incidental to principal residential use.</li> <li>▪ Accessory Building or Structure, customarily incidental to principal residential use.</li> <li>▪ Church or Place of Worship</li> <li>▪ Manufactured Home Subdivision</li> <li>▪ Manufactured Home (class A), on individual lot</li> <li>▪ Passive Recreational Park</li> <li>▪ Playground</li> <li>▪ Railroad Right-of-Way</li> <li>▪ Single-Family Detached (Site Built)</li> </ul>	<ul style="list-style-type: none"> <li>▪ Accessory Dwelling § 81.01.</li> <li>▪ Cemetery § 81.07.</li> <li>▪ Day Care Facilities § 81.08.</li> <li>▪ Group Home § 81.19.</li> <li>▪ Hobby Farm § 81.02.</li> <li>▪ Home Occupation, Major § 81.09.</li> <li>▪ Home Occupation, Minor § 81.09.</li> <li>▪ Kennel or Animal Shelter § 81.11.</li> <li>▪ Open Space Conservation Subdivision § 81.12.</li> <li>▪ Stable or Corral § 81.20.</li> <li>▪ Telecommunications Tower § 81.18.</li> </ul>
71.03. SPECIAL EXCEPTION USES.	71.04. CONDITIONAL USES.
<ul style="list-style-type: none"> <li>▪ Nursing or Convalescent Home</li> <li>▪ Golf Course</li> <li>▪ Nature Preserve</li> <li>▪ Public Utility Facility</li> <li>▪ Transmission Line</li> <li>▪ Wildlife Refuge</li> </ul>	<ul style="list-style-type: none"> <li>▪ None.</li> </ul>

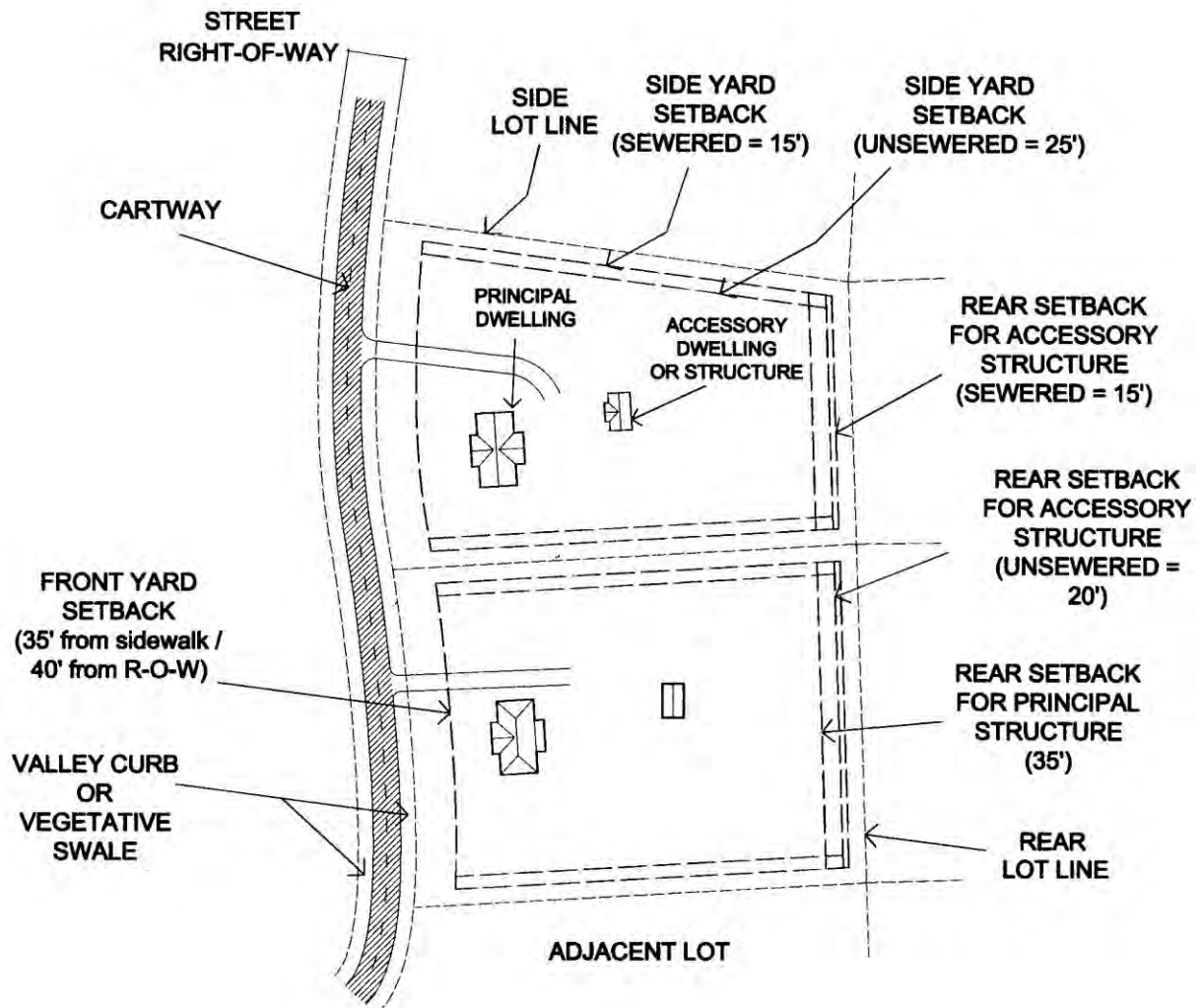
71.05. LOT AREA AND DIMENSIONAL REQUIREMENTS. The following regulations govern lot area, setbacks, building size, and density, further subject to the applicable regulations of Article IV: General Requirements and Article VIII Performance Standards.

<b>For All Uses</b>	<b>Sewered</b>	<b>Unsewered</b>
Minimum Lot Size	2 acres	2 acres
Minimum Lot Width	80 ft	100 ft
Maximum Building Height	45 ft + 1 ft for every 5 linear feet beyond required setbacks and 3 stories*	45 feet and 2 stories*
Maximum Building GFA	10,000 sf	5,000 sf
Maximum Lot Coverage (Impervious Surfaces)	25%	20%
Front Yard Setback	35 ft from sidewalk where applicable and no less than 40 ft from front property line / ROW	
Rear Setback for Principal Structure	35 ft	35 ft
Rear Setback for other Structure(s)	15 ft	20 ft
Side Yard Setback	15 ft	25 ft
<b>For Residential Uses</b>	<b>Sewered and Unsewered</b>	
Maximum Dwelling Unit Density (including accessory dwellings)	1 dwelling unit / acre	
Minimum GFA of Principal Dwelling Unit	1,200 sf	
Minimum GFA of Accessory Dwelling Unit	600 sf	
Maximum GFA of Accessory Dwellings	50% of GFA of principal dwelling unit	

\* Any basement which includes occupiable space greater than 33% of the gross floor area of the structure shall be counted as a story.



## RURAL RESIDENTIAL RR DISTRICT TYPICAL LOT DEVELOPMENT



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Section 72.00 **RN** NEIGHBORHOOD RESIDENTIAL DISTRICT

The RN Neighborhood Residential District is intended to provide for medium density residential development and uses and amenities customary to neighborhoods.

72.01. USES PERMITTED BY RIGHT.	72.02. USES PERMITTED SUBJECT TO PERFORMANCE STANDARDS.
<ul style="list-style-type: none"> <li>▪ Accessory Use, customarily incidental to principal residential use.</li> <li>▪ Accessory Building or Structure, customarily incidental to principal residential use.</li> <li>▪ Bus Stop (Public only)</li> <li>▪ Duplex</li> <li>▪ Manufactured Home Subdivision</li> <li>▪ Passive Recreational Park</li> <li>▪ Playground</li> <li>▪ Railroad Right-of-Way</li> <li>▪ Single-Family Detached (Site Built)</li> </ul>	<ul style="list-style-type: none"> <li>▪ Accessory Dwelling § 81.01.</li> <li>▪ Cemetery § 81.06.</li> <li>▪ Day Care Facilities § 81.08.</li> <li>▪ Group Home § 81.19.</li> <li>▪ Home Occupation, Minor § 81.09.</li> <li>▪ Home Occupation, Major § 81.09.</li> <li>▪ Manufactured Home Park § 81.17.</li> <li>▪ Open Space Conservation Subdivision § 81.12.</li> <li>▪ Patio Home § 81.13.</li> <li>▪ Townhouse § 81.14.</li> </ul>
72.03. SPECIAL EXCEPTION USES.	72.04. CONDITIONAL USES.
<ul style="list-style-type: none"> <li>▪ Boarding House, further subject to § 81.06.</li> <li>▪ Church or Place of Worship</li> <li>▪ Golf Course</li> <li>▪ Nature Preserve</li> <li>▪ Nursing or Convalescent Home</li> <li>▪ Public Utility Facility</li> <li>▪ Transmission Line</li> </ul>	<ul style="list-style-type: none"> <li>▪ None.</li> </ul>

72.05. LOT AREA AND DIMENSIONAL REQUIREMENTS. The following regulations govern lot area, setbacks, building size, and density, further subject to the applicable regulations of Article IV: General Requirements and Article VIII Performance Standards.

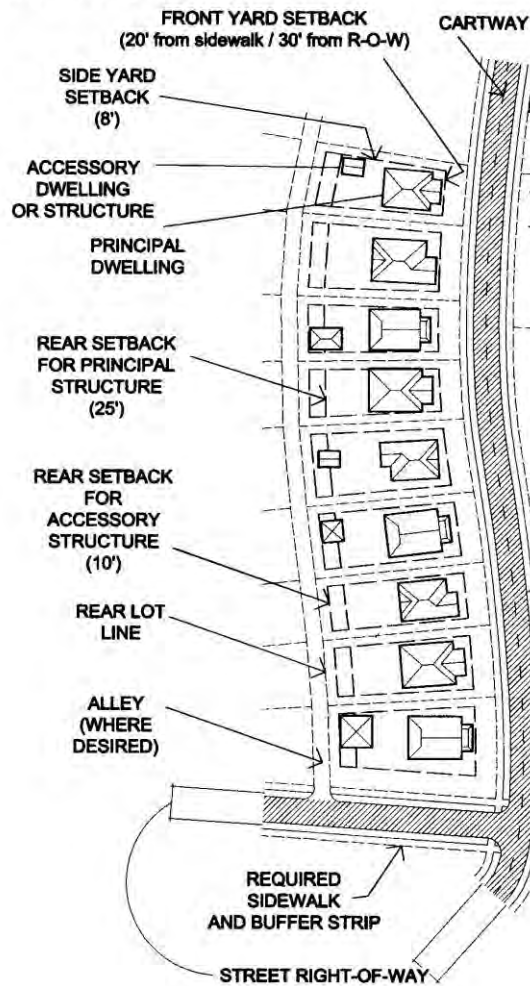
<b>For All Uses</b>	<b>Sewered</b>	<b>Unsewered</b>
Minimum Lot Size	6,200 sf	30,000 sf
Minimum Lot Width	50 ft	100 ft
Maximum Building Height	45 ft and 2 stories*	45 ft and 2 stories*
Maximum Building GFA	8,000 sf	3,500 sf
Maximum Lot Coverage (Impervious Surfaces)	50%	20%
Front Yard Setback	20 ft from sidewalk where required and no less than 30 ft from front property line / ROW	25 ft from sidewalk where required and no less than 35 ft from front property line / ROW
Rear Setback for Principal Structure	25 ft	35 ft
Rear Setback for other Structure(s)	10 ft	15 ft
Side Setback	8 ft	25 ft
<b>For Residential Uses</b>	<b>Sewered</b>	<b>Unsewered</b>
Maximum Dwelling Unit Density (including accessory dwellings)	7 dwelling units / acre	2 dwelling unit / acre
Minimum GFA of Principle Dwelling Unit	1,200 sf	1,200 sf
Minimum GFA of Accessory Dwelling Unit	600 sf	600 sf
Maximum GFA of Accessory Dwellings	50% of GFA of principal dwelling unit	50% of GFA of principal dwelling unit

\* Any basement which includes occupiable space greater than 33% of the gross floor area of the structure shall be counted as a story.

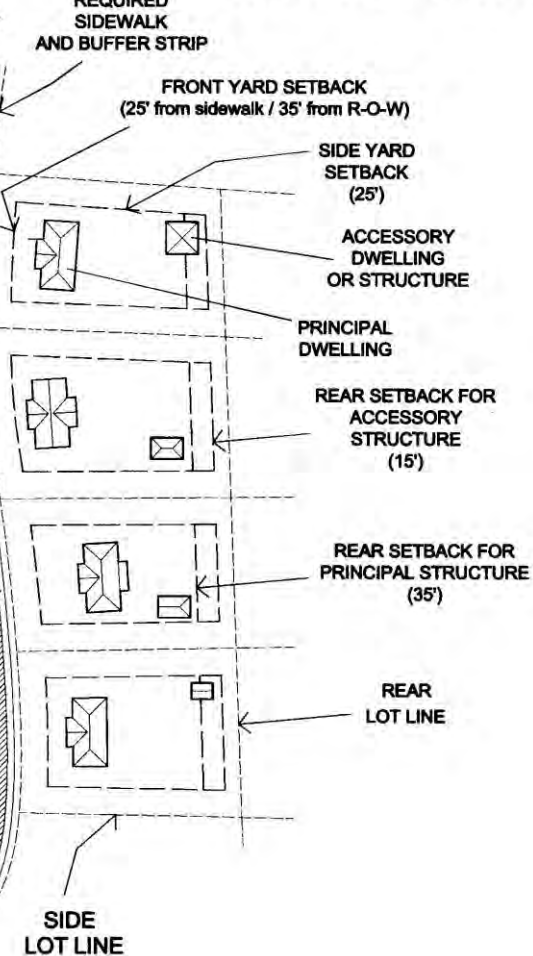


## RESIDENTIAL NEIGHBORHOOD RN DISTRICT TYPICAL LOT DEVELOPMENT

### RN DISTRICT (SEWERED)



### RN DISTRICT (UNSEWERED)



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Section 73.00 **TS** TRANSITION DISTRICT

The TS Transition District is intended to provide for medium density, single-family residential and limited-density multi-family residential development, institutional uses and live-work developments to ensure flexibility in use within areas abutting mixed-use and non-residential districts and to maintain a primarily residential character, density, and intensity of use within areas abutting residential districts.

## 73.01. USES PERMITTED BY RIGHT.

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|--|---|
| <ul style="list-style-type: none"> <li>▪ Accessory Use, customarily incidental to principal residential use.</li> <li>▪ Accessory Building or Structure, customarily incidental to principal residential use.</li> <li>▪ Studio, Art Gallery</li> <li>▪ Passive Recreational Park</li> <li>▪ Civic Park or Garden</li> <li>▪ Playground</li> <li>▪ Medical or Dental Clinic</li> <li>▪ Office Building, Minor</li> <li>▪ Church or Place of Worship</li> <li>▪ Duplex</li> </ul> | <ul style="list-style-type: none"> <li>▪ Single-Family Detached (Site Built)</li> <li>▪ Shoe Repair</li> <li>▪ Alterations</li> <li>▪ Photographic Studio</li> <li>▪ Catering Service</li> <li>▪ Bus Stop (Public only)</li> <li>▪ Railroad Right-of-Way</li> <li>▪ Retail Sales, Minor</li> <li>▪ Garden Shop/Nursery</li> <li>▪ Barber/Beauty Shop</li> <li>▪ Therapeutic Massage Clinic</li> </ul> |
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## 73.02. USES PERMITTED SUBJECT TO PERFORMANCE STANDARDS.

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|--|--|
| <ul style="list-style-type: none"> <li>▪ Accessory Dwelling § 81.01.</li> <li>▪ Apartment Building § 81.02.</li> <li>▪ Apartment Complex § 81.03.</li> <li>▪ Assisted Living Facility § 81.24.</li> <li>▪ Boarding House § 81.06.</li> <li>▪ Cemetery § 81.07.</li> <li>▪ Day Care Facilities § 81.08.</li> <li>▪ Group Home § 81.19.</li> <li>▪ Home Occupation, Major § 81.09.</li> <li>▪ Home Occupation, Minor § 81.09.</li> </ul> | <ul style="list-style-type: none"> <li>▪ Independent Living Facility § 81.25.</li> <li>▪ Kennel or Animal Shelter § 81.11.</li> <li>▪ Multiplex § 81.15.</li> <li>▪ Patio Homes § 81.13.</li> <li>▪ Produce Stand § 81.22.</li> <li>▪ Bed and Breakfast § 81.05.</li> <li>▪ Townhouses § 81.14.</li> <li>▪ Veterinary Clinic or Hospital § 81.21.</li> </ul> |
|--|--|

## 73.03. SPECIAL EXCEPTION USES.

- Club, Private or Service Organization
- Museum
- Nursing or Convalescent Home
- Postal Facility
- Public Utility Facility
- Rehabilitation Facility
- Taxidermist
- Transmission Line

## 73.04. CONDITIONAL USES.

- Athletic fields or complex
- Commercial School
- Library
- Swimming Pool Facility

73.05. USES COMBINED ON ONE LOT. No single lot in the TS district shall be permitted more than one principal use and one accessory use. Lots developed with a single-family dwelling unit as the principal use shall also be permitted an accessory dwelling or other accessory use. Lots developed with a commercial use as the principal use shall be permitted only a single-family dwelling unit as an accessory use. Lots developed with residential uses other than single-family dwellings shall not be permitted additional uses or structures other than those customarily

incidental to the principal use. Lots developed with a non-residential use as the principal use shall be permitted accessory structures customarily incidental to the principal use. Accessory uses and structures shall be located to the rear of the principal structure.

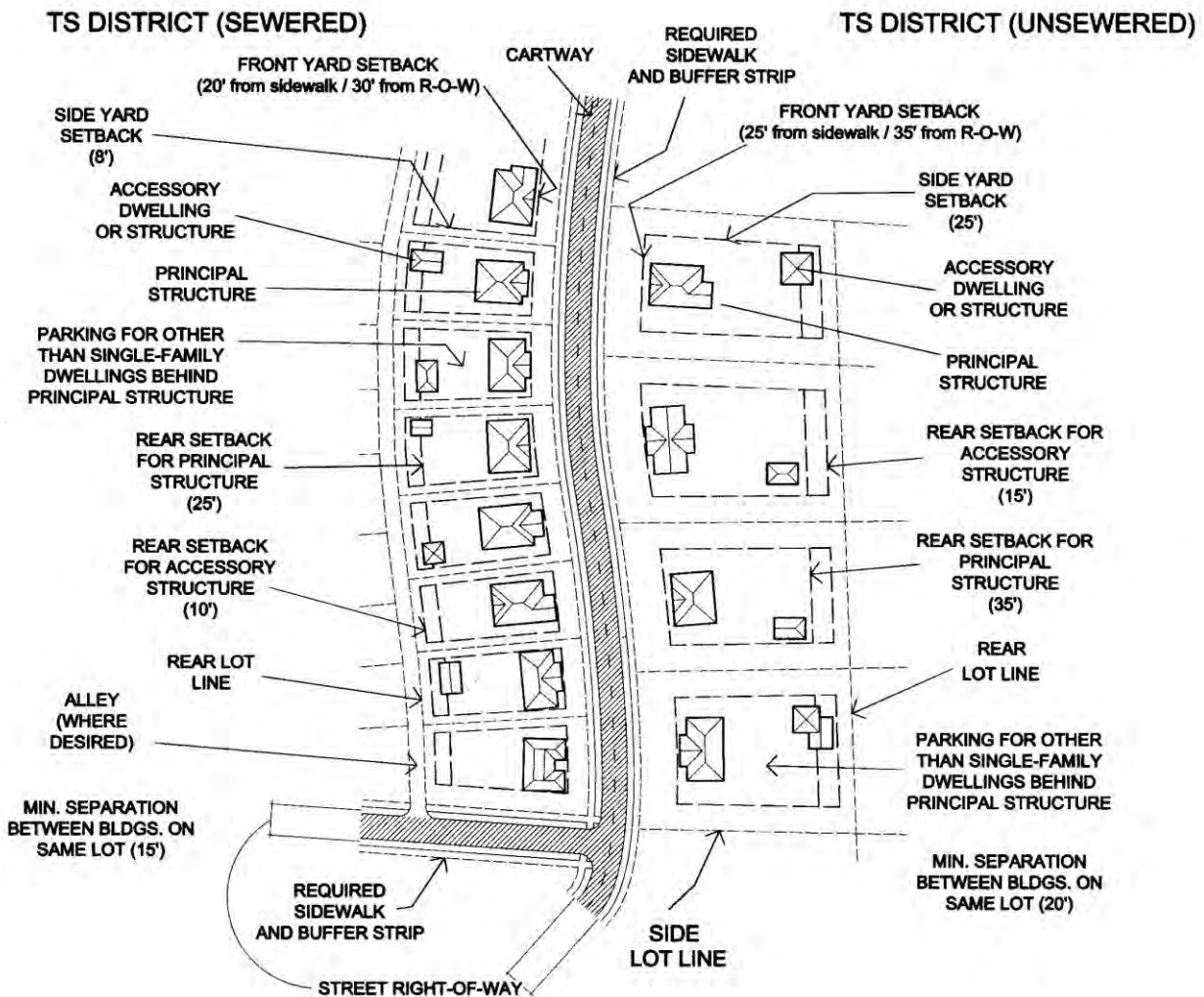
73.06. LOT AREA AND DIMENSIONAL REQUIREMENTS. The following regulations govern lot area, setbacks, building size, and density, further subject to the applicable regulations of Article IV: General Requirements and Article VIII Performance Standards.

<b>For All Uses</b>	<b>Sewered</b>	<b>Unsewered</b>
Minimum Lot Size by Use/Combination		
▪ Single-family dwelling only	6,000 sf	30,000 sf
▪ Duplex	8,000 sf	1 acre
▪ Single-family with accessory use	8,000 sf	1 acre
▪ Multiplexes or apartment buildings	10,000 sf	30,000 sf / dwelling unit
▪ Commercial or Institutional Use only	10,000 sf	1 acre
Minimum Lot Width	75 ft	100 ft
Maximum Building Height	45 ft and 2 stories*	45 ft and 2 stories*
Maximum Total GFA on lot	8,000 sf	4,000 sf
Maximum Lot Coverage (Impervious Surfaces)	50%	20%
Front Setback	20 ft from sidewalk where required and no less than 30 ft from front property line / ROW	25 ft from sidewalk where required and no less than 35 ft from front property line / ROW
Rear Setback for Principal Structure	25 ft	35 ft
Rear Setback for other Structure(s)	10 ft	15 ft
Side Setback	8 ft	25 ft
Required setback between structures on same lot	15 ft	20 ft
<b>For Residential Uses</b>	<b>Sewered</b>	<b>Unsewered</b>
Maximum Dwelling Unit Density	7 dwelling units / acre	2 dwelling unit / acre
Minimum GFA of Dwelling Unit	1,200 sf**	1,200 sf**
Maximum GFA of Accessory Dwellings	50% of GFA of principal residence**	25% of GFA of principal residence**

. Any basement which includes occupiable space greater than 33% of the gross floor area of the structure shall be counted as a story.

\*\* This requirement shall not be applied to dwelling units in multi-family developments (apartment buildings, apartment complexes, and multiplexes), and manufacture home parks.

## TRANSITION TS DISTRICT TYPICAL LOT DEVELOPMENT



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## Section 74.00 **TC TOWN CENTER DISTRICT**

The TC Town Center District is intended to provide for diverse uses developed in a compact, pedestrian accessible pattern to facilitate the creation of a sustainable, activity center for the community-at-large and which allows for greater interaction among residents through collocation of businesses, residences, public facilities, entertainment and recreational venues, and civic open spaces. This district is limited to lots within ¼ mile from the intersection of County Road 55 and County Road 280.

### 74.01. USES PERMITTED BY RIGHT.

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|--|---|
| <ul style="list-style-type: none"> <li>▪ Accessory Use, customarily incidental to principal use.</li> <li>▪ Accessory Structure or Building, customarily incidental to principal use.</li> <li>▪ Entertainment, Outdoor</li> <li>▪ Farm Support Business</li> <li>▪ Package Store</li> <li>▪ Grocers, Convenience Stores, etc. with incidental alcohol sales</li> <li>▪ Restaurant, Lounge</li> <li>▪ Restaurant, Pub</li> <li>▪ Entertainment, Indoor (including incidental sales of alcohol)</li> <li>▪ Pet Sales and Supplies</li> <li>▪ Automotive Supplies and Parts Store</li> <li>▪ Printing, Reprographic or Publishing</li> <li>▪ Automotive Sales, Minor (less than 2 tons)</li> <li>▪ Automotive Rental</li> <li>▪ Business Equipment Repair</li> <li>▪ Sign Manufacturing and Sales</li> <li>▪ Hospital</li> <li>▪ Nursing or Convalescent Home</li> <li>▪ Business Equipment Sales</li> <li>▪ Medical or Dental Clinic</li> <li>▪ Medical Support Service</li> <li>▪ Studio, Art Gallery</li> <li>▪ Library (public or private)</li> <li>▪ Museum</li> <li>▪ Bowling alley</li> <li>▪ Skating rink</li> <li>▪ Movie theater</li> <li>▪ Construction, Trade Sales Indoor sales and storage only</li> <li>▪ Postal Facility</li> <li>▪ Public or Municipal Facility</li> <li>▪ Church or Place of Worship</li> <li>▪ Public Assembly Hall</li> <li>▪ Community Center</li> <li>▪ Mortuary or Funeral Home</li> <li>▪ Club, Private or Service Organization</li> <li>▪ Hotel</li> <li>▪ Passive Recreational Park</li> <li>▪ Civic Park or Garden</li> </ul> | <ul style="list-style-type: none"> <li>▪ Playground</li> <li>▪ Office, Major</li> <li>▪ Office, Minor</li> <li>▪ Restaurant, Dine-in (excluding drive thru/drive-in)</li> <li>▪ Restaurant, Take-out or delivery only</li> <li>▪ Convenience Store (excluding gas sales)</li> <li>▪ Drug Store or Pharmacy</li> <li>▪ Pawn Shop</li> <li>▪ Food and Grocery Retail Sales</li> <li>▪ Garden Shop/Nursery (fully-enclosed)</li> <li>▪ Garden Shop/Nursery (unenclosed or partially-enclosed)</li> <li>▪ Retail Sales, Minor</li> <li>▪ Retail Sales, Major</li> <li>▪ Shopping Center</li> <li>▪ Barber/Beauty Shop</li> <li>▪ Laundromat or Dry Cleaner Pick-Up only</li> <li>▪ Shoe Repair</li> <li>▪ Alterations</li> <li>▪ Therapeutic Massage Clinic</li> <li>▪ Salon or Day Spa</li> <li>▪ Gym</li> <li>▪ Photographic Studio</li> <li>▪ Catering Service</li> <li>▪ Locksmith</li> <li>▪ Gun Sales and Repair</li> <li>▪ Bus Station</li> <li>▪ Bus Stop, Public (transit)</li> <li>▪ Park and Ride Lot (with mixed uses)</li> <li>▪ Railroad Right-of-Way</li> <li>▪ Wholesale Sales Center</li> <li>▪ Studio, Radio &amp; Television Broadcast</li> <li>▪ Photographic Processing Lab</li> <li>▪ Small Engine Sales and Repair</li> <li>▪ Furniture Repair and Upholstery</li> <li>▪ Light Equipment Sales or Rental</li> <li>▪ Farmer's Market</li> </ul> |
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**74.02. USES PERMITTED SUBJECT TO PERFORMANCE STANDARDS.**


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|---|---|
| <ul style="list-style-type: none"> <li>▪ Apartment Building § 81.03.</li> <li>▪ Assisted Living Facility § 81.24.</li> <li>▪ Automated Teller Machine § 81.26.</li> <li>▪ Bed &amp; Breakfast § 81.05.</li> <li>▪ Boarding House § 81.06.</li> <li>▪ Cemetery § 81.07.</li> <li>▪ Day Care Facilities § 81.08.</li> <li>▪ Group Home § 81.19.</li> <li>▪ Home Occupation, Minor § 81.09.</li> </ul> | <ul style="list-style-type: none"> <li>▪ Home Occupation, Major § 81.09.</li> <li>▪ Independent Living Facility § 81.25.</li> <li>▪ Kennel or Animal Shelter § 81.11.</li> <li>▪ Mini-Warehouse § 81.16.</li> <li>▪ Residential in a Mixed-Use Building § 81.27.</li> <li>▪ Telecommunications Tower § 81.18.</li> <li>▪ Temporary Outdoor Retail Sales § 81.22.</li> <li>▪ Veterinary Clinic or Hospital § 81.21.</li> </ul> |
|---|---|

74.03. SPECIAL EXCEPTION USES.	74.04. CONDITIONAL USES.
<ul style="list-style-type: none"> <li>▪ Mini-golf, batting cage, mini-track</li> <li>▪ Parking Lot or Structure (as principal use)</li> <li>▪ Public Utility Facility</li> <li>▪ Recycling Facility (drop-off only)</li> <li>▪ Taxidermist</li> <li>▪ Transmission Line</li> </ul>	<ul style="list-style-type: none"> <li>▪ Commercial School</li> <li>▪ Correctional Facility</li> <li>▪ Fairgrounds (temporary)</li> <li>▪ Post-Secondary School</li> <li>▪ Private School</li> <li>▪ Public School</li> <li>▪ Stadium</li> <li>▪ Swimming Pool Facility</li> </ul>

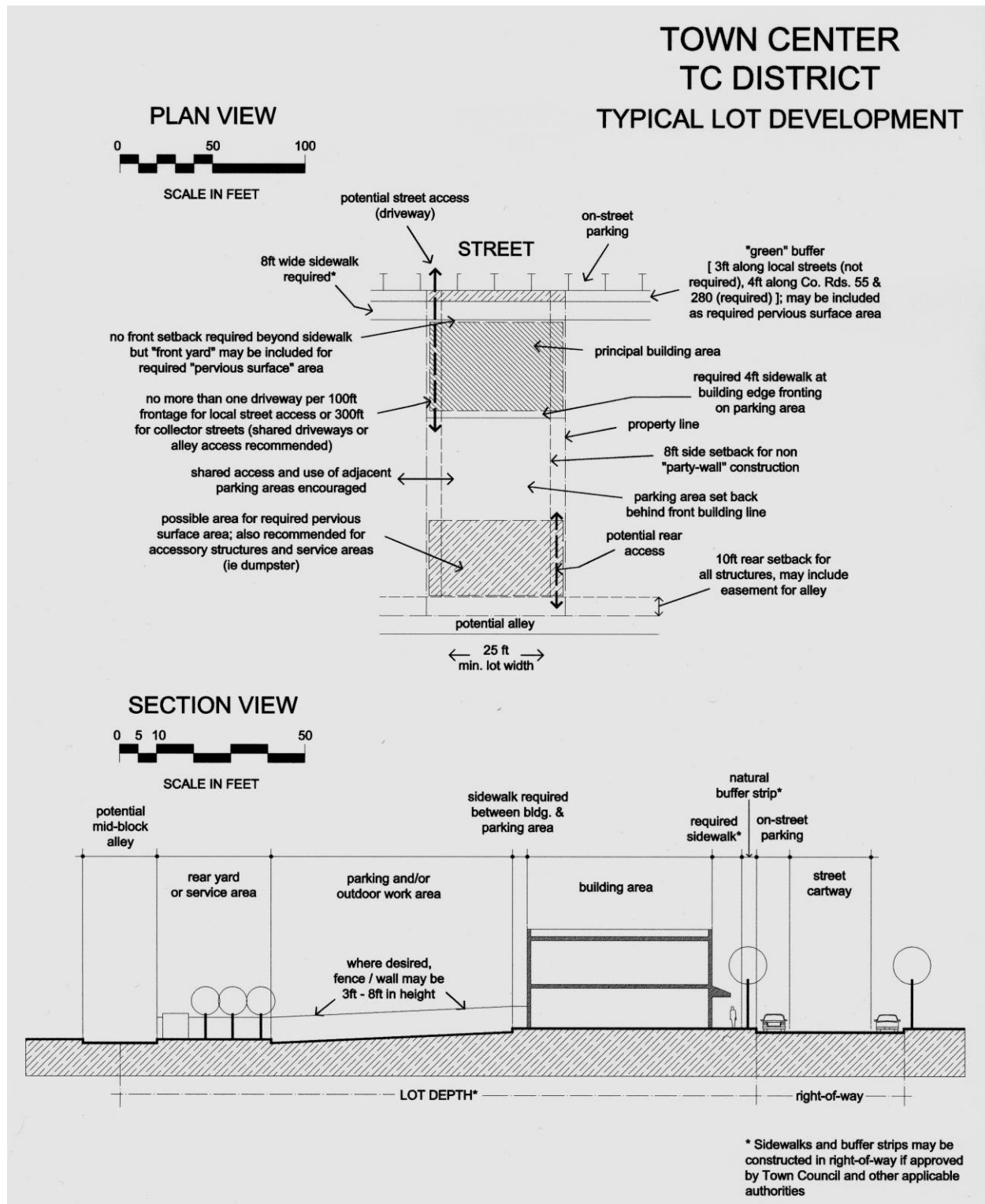
**74.05. LOT AREA AND DIMENSIONAL REQUIREMENTS.** The following regulations govern lot area, setbacks, building size, and density, further subject to the applicable regulations of Article IV: General Requirements and Article VIII Performance Standards.

For All Uses	Requirement
Minimum Lot Size	None
Minimum Lot Width	25 ft
Maximum Building Height	None
Maximum Total GFA on lot	None
Maximum Lot Coverage (Impervious Surfaces)	80%
Front Yard Setback	No setback required except to provide sidewalk / buffer strip, see Section 45.02
Rear Setback for Principal Structure	10 ft
Rear Setback for other Structure(s)	10 ft
Side Setback	8 ft
Required setback between structures on same lot	15 ft

Fences and walls – Minimum Height	3 ft
Fences and walls – Maximum Height	8 ft
<b>For Residential Uses</b>	
Minimum GFA of Dwelling Units	600 sf
Maximum Density of Dwelling Units	12 units / acre

74.05. OUTDOOR WORK AREAS. All outdoor storage, repair, and work yards shall be located behind the front building line and shall be setback from the front property line no less than 20 feet. All outdoor storage, repair, and work yards shall be within an enclosed building or screened from adjacent properties and public streets by a building, landscaped berm, stone or masonry wall, wooden fence, or other opaque wall or fence as approved by the Planning Commission.

74.06. OUTDOOR DISPLAY, SALES, AND SEATING AREAS. Outdoor display, sales, and seating areas shall be permitted forward of the front building line provided a continuous, unobstructed path of no less than five feet in width is maintained along the sidewalk fronting on the lot.





## Section 75.00 **NC NEIGHBORHOOD CENTER DISTRICT**

The NC Neighborhood Center District is intended to provide for convenient and diverse uses developed in a compact, pedestrian accessible pattern to serve surrounding residences and neighborhoods and which allows for greater interaction among residents through collocation of businesses, residences, institutions, and other amenities. Individual NC Districts shall not be expanded to encompass any total area greater than 15 acres, excluding any acreage used for public school and recreational facilities, public utility facilities, cemeteries, or Town facilities.

### 75.01. USES PERMITTED BY RIGHT.

- |  |  |
|--|--|
| <ul style="list-style-type: none"> <li>▪ Accessory Use, customarily incidental to principal use.</li> <li>▪ Accessory Structure or Building, customarily incidental to principal use.</li> <li>▪ Grocers, Convenience Store, etc. with incidental alcohol sales</li> <li>▪ Restaurant, Pub</li> <li>▪ Entertainment, Indoor with incidental alcohol sales</li> <li>▪ Automobile Repair Service, Minor</li> <li>▪ Medical/Dental Clinic</li> <li>▪ Studio/Art Gallery</li> <li>▪ Postal Facility</li> <li>▪ Public Assembly Hall</li> <li>▪ Community Center</li> <li>▪ Church or Place of Worship</li> <li>▪ Car Wash (Self Service)</li> <li>▪ Passive Recreational Park</li> <li>▪ Civic Park or Garden</li> <li>▪ Playground</li> </ul> | <ul style="list-style-type: none"> <li>▪ Office, Minor</li> <li>▪ Convenience Store (excluding gas sales)</li> <li>▪ Drug Store or Pharmacy</li> <li>▪ Food and Grocery Retail Sales</li> <li>▪ Garden Shop/Nursery (enclosed)</li> <li>▪ Retail Sales, Minor (smaller than 8,000 sf)</li> <li>▪ Barber/Beauty Shop</li> <li>▪ Laundromat or Dry Cleaner Pick-Up only</li> <li>▪ Shoe Repair</li> <li>▪ Alterations</li> <li>▪ Salon or Day Spa</li> <li>▪ Garden Shop/Nursery (partially enclosed or unenclosed)</li> <li>▪ Gym</li> <li>▪ Small Engine Sales and Repair</li> <li>▪ Locksmith</li> <li>▪ Bus Stop, Public</li> <li>▪ Railroad Right-of-Way</li> <li>▪ Mortuary or Funeral Home</li> </ul> |
|--|--|

### 75.02. USES PERMITTED SUBJECT TO PERFORMANCE STANDARDS.

- |   |   |
|---|---|
| <ul style="list-style-type: none"> <li>▪ Apartment Building § 81.03.</li> <li>▪ Assisted Living Facility § 81.24.</li> <li>▪ Automated Teller Machine § 81.26.</li> <li>▪ Bed &amp; Breakfast § 81.05.</li> <li>▪ Cemetery § 81.07.</li> <li>▪ Day Care Facilities § 81.08.</li> <li>▪ Group Home § 81.19.</li> </ul> | <ul style="list-style-type: none"> <li>▪ Home Occupation (Minor) § 81.09.</li> <li>▪ Independent Living Building § 81.25.</li> <li>▪ Temporary Outdoor Retail Display § 81.22.</li> <li>▪ Residential in a Mixed-Use Building § 81.27.</li> <li>▪ Veterinary Clinic or Hospital § 81.21.</li> </ul> |
|---|---|

75.03. SPECIAL EXCEPTION USES.	75.04. CONDITIONAL USES.
<ul style="list-style-type: none"> <li>▪ Furniture Repair and Upholstery</li> <li>▪ Gas Station</li> <li>▪ Light Equipment Sales or Rental</li> <li>▪ Mini-Warehouse, further subject to § 81.16.</li> <li>▪ Parking Lot or Structure (as principal use)</li> <li>▪ Park and Ride Lot (with mixed uses)</li> <li>▪ Public Utility Facility</li> <li>▪ Recycling Facility (drop-off only)</li> <li>▪ Retail Sales, Major (8,000 – 20,000 sf)</li> <li>▪ Service Station</li> <li>▪ Transmission Line</li> </ul>	<ul style="list-style-type: none"> <li>▪ Athletic fields or complex</li> <li>▪ Private School (elementary and secondary)</li> <li>▪ Public School (elementary and secondary)</li> <li>▪ Swimming Pool Facility</li> </ul>

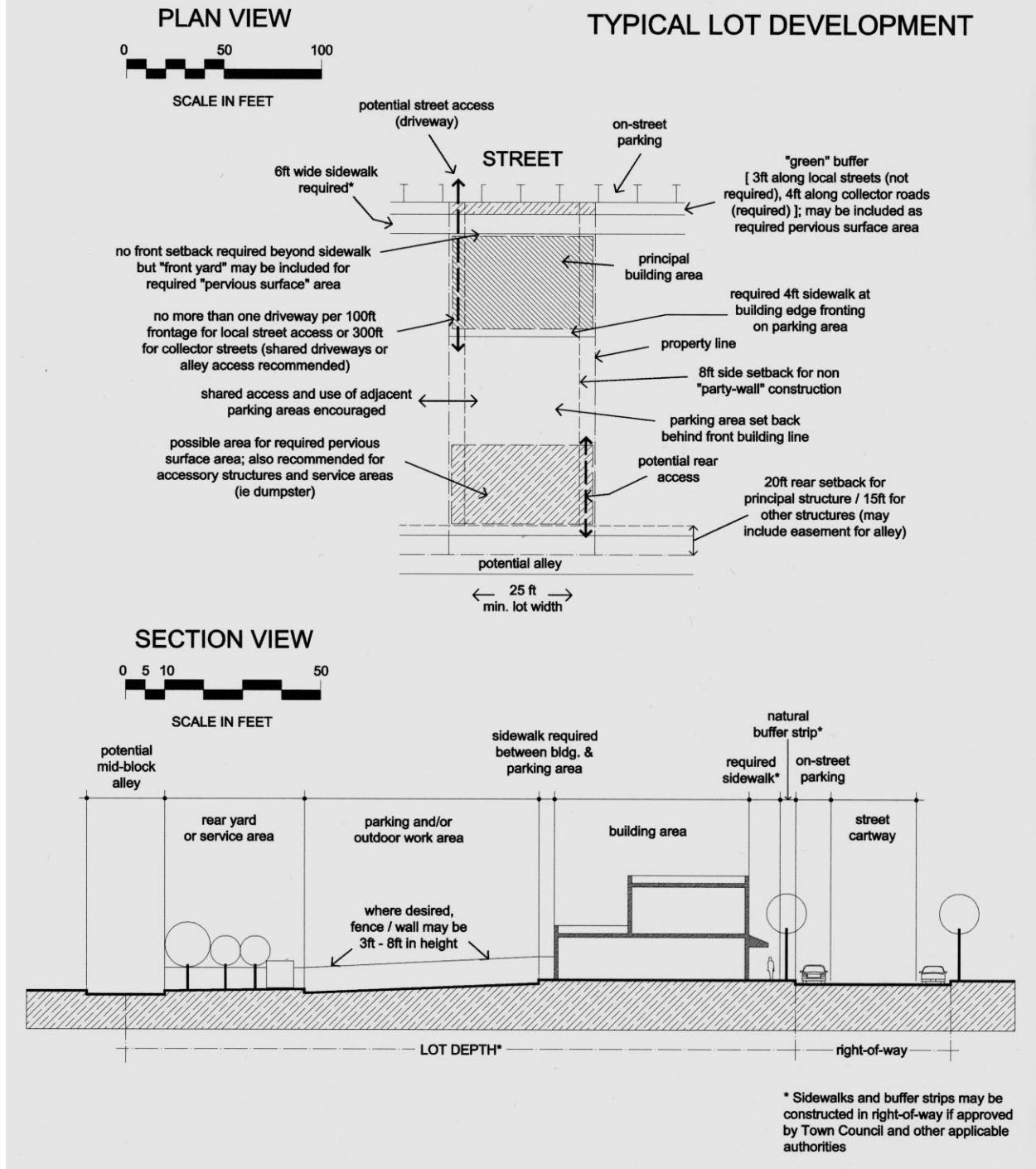
75.05. LOT AREA AND DIMENSIONAL REQUIREMENTS. The following regulations govern lot area, setbacks, building size, and density, further subject to the applicable regulations of Article IV: General Requirements and Article VIII Performance Standards.

For All Uses	Requirement
Minimum Lot Size	None
Minimum Lot Width	25 ft
Maximum Building Height	None
Maximum Total GFA on lot	20,000 sf
Maximum Lot Coverage (Impervious Surfaces)	70%
Front Yard Setback	No setback required except to provide sidewalk / buffer strip, see Section 45.02
Rear Setback for Principal Structure	20 ft
Rear Setback for other Structure(s)	15 ft
Side Setback	8 ft
Required setback between structures on same lot	15 ft
Fences and walls – Minimum Height	3 ft
Fences and walls – Maximum Height	8 ft
<b>For Residential Uses</b>	
Minimum GFA of Dwelling Units	600 sf
Maximum GFA of Dwelling Units	12 dwelling units / acre

75.06. OUTDOOR WORK AREAS. All outdoor storage, repair, and work yards shall be located behind the front building line and shall be setback from the front property line no less than 20 feet. All outdoor storage, repair, and work yards shall be within an enclosed building or screened from adjacent properties and public streets by a building, landscaped berm, stone or masonry wall, wooden fence, or other opaque wall or fence as approved by the Planning Commission.

75.07. OUTDOOR DISPLAY, SALES, AND SEATING AREAS. Outdoor display, sales, and seating areas shall be permitted forward of the front building line provided a continuous, unobstructed path of no less than four feet in width is maintained along the sidewalk fronting on the lot.

## NEIGHBORHOOD CENTER NC DISTRICT TYPICAL LOT DEVELOPMENT



Section 76.00 **HC HIGHWAY COMMERCIAL DISTRICT**

The HC Highway Commercial District is intended to encourage compact development of businesses primarily providing automotive-related goods and services to the community and other business accommodations providing goods, services, and lodging primarily for travelers and commuters along U.S. Highway 280. The HC District is further intended to guide the development of such business areas in a pattern that shall prevent local congestion along the heavily traveled highway, ensure safety for motorists and pedestrians, and support other access-management goals as described in the Town Plan.

76.01. USES PERMITTED BY RIGHT.	76.02. USES PERMITTED SUBJECT TO PERFORMANCE STANDARDS.
<ul style="list-style-type: none"> <li>▪ Accessory Use, customarily incidental to principal use.</li> <li>▪ Accessory Structure or Building, customarily incidental to principal use.</li> <li>▪ Package Store</li> <li>▪ Grocers, Convenience Stores, etc. with incidental alcohol sales</li> <li>▪ Restaurant, Lounge</li> <li>▪ Restaurant, Pub</li> <li>▪ Entertainment, Indoor with incidental alcohol sales</li> <li>▪ Automobile Repair Service, Minor</li> <li>▪ Car Wash (Full Service)</li> <li>▪ Car Wash (Self Service)</li> <li>▪ Automobile Sales, Major (less than 2 tons)</li> <li>▪ Automobile Sales, Minor (less than 2 tons)</li> <li>▪ Automobile Rental</li> <li>▪ Gas Station</li> <li>▪ Service Station</li> <li>▪ Automobile Supplies and Parts Store</li> <li>▪ Wrecker Service</li> <li>▪ Motel</li> <li>▪ Restaurant, Dine-in (excluding drive thru/drive-in)</li> <li>▪ Restaurant, Drive-thru or Drive-In</li> <li>▪ Restaurant, Take-out or delivery only</li> <li>▪ Bus Station</li> <li>▪ Bus Stop, Public</li> <li>▪ Railroad Right-of-Way</li> <li>▪ Park and Ride Lot (with mixed uses)</li> <li>▪ Boat or Recreational Vehicle Rental, Sales or Repair</li> </ul>	<ul style="list-style-type: none"> <li>▪ Automated Teller Machine § 81.26.</li> <li>▪ Gambling Arcade § 81.28.</li> <li>▪ Mini-Warehouse § 81.16.</li> <li>▪ Temporary Outdoor Retail Sales § 81.22.</li> <li>▪ Telecommunications Tower § 81.18.</li> </ul>
	76.03. SPECIAL EXCEPTION USES.
	<ul style="list-style-type: none"> <li>▪ Heavy Equipment Rental, Sales or Repair</li> <li>▪ Light Equipment Sales or Rental</li> <li>▪ Major Vehicle Rental, Sales or Repair (greater than 2 tons)</li> <li>▪ Manufactured Home Sales (Excluding Repair)</li> <li>▪ Parking Lot or Structure (as principal use)</li> <li>▪ Public Utility Facility</li> <li>▪ Residential in a Mixed Use Building, further subject to § 81.27.</li> <li>▪ Railroad Facility or Station</li> <li>▪ Transmission Line</li> <li>▪ Truck Stop or terminal</li> </ul>
	76.04. CONDITIONAL USES.
	<ul style="list-style-type: none"> <li>▪ Drive-in theater</li> <li>▪ Fairgrounds (temporary)</li> </ul>

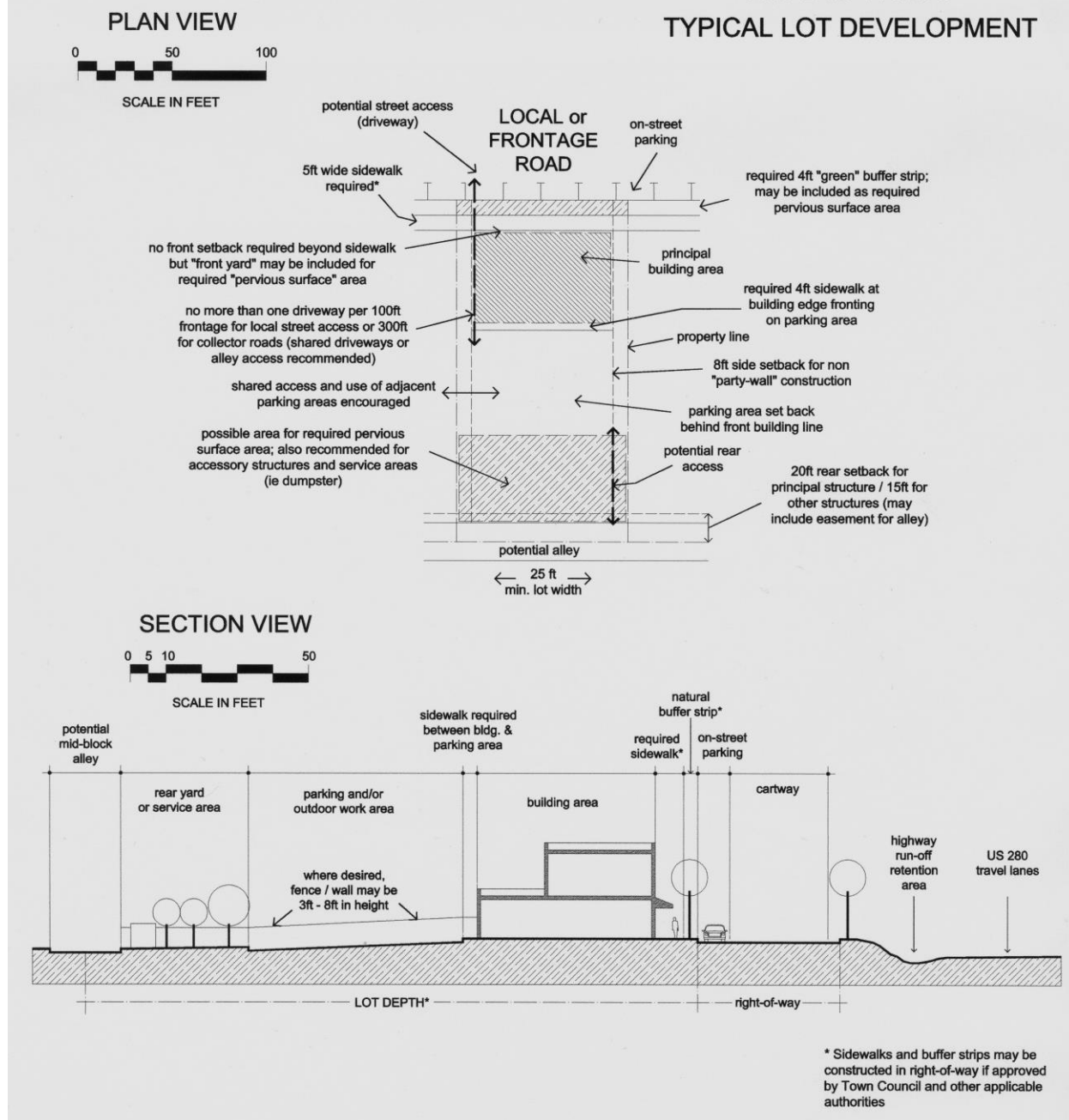
76.05. LOT AREA AND DIMENSIONAL REQUIREMENTS. The following regulations govern lot area, setbacks, building size, and density, further subject to the applicable regulations of Article IV: General Requirements and Article VIII Performance Standards.

<b>For All Uses</b>	<b>Requirement</b>
Minimum Lot Size	5,000 sf
Minimum Lot Width	25 ft
Maximum Building Height	None
Maximum Total GFA on lot	None
Maximum Lot Coverage (Impervious Surfaces)	70%
Front Yard Setback	No setback required except to provide sidewalk / buffer strip, see Section 45.02
Rear Setback for Principal Structure	20 ft
Rear Setback for other Structure(s)	15 ft
Side Setback	8 ft
Required setback between structures on same lot	15 ft
Fences and walls – Minimum Height	3 ft
Fences and walls – Maximum Height	8 ft
<b>For Residential Uses</b>	
Minimum GFA of Dwelling Units	600 sf

76.06. OUTDOOR WORK AREAS. All outdoor storage, repair, and work yards shall be located behind the front building line and shall be setback from the front property line no less than 20 feet. All outdoor storage, repair, and work yards shall be within an enclosed structure or screened from adjacent properties and public streets by a building, landscaped berm, stone or masonry wall, wooden fence, or other opaque wall or fence as approved by the Planning Commission.

76.07. OUTDOOR DISPLAY, SALES, AND SEATING AREAS. Outdoor display, sales, and seating areas shall be permitted forward of the front building line provided a continuous, unobstructed path of no less than four feet in width is maintained along the sidewalk fronting on the lot.

# HIGHWAY COMMERCIAL HC DISTRICT TYPICAL LOT DEVELOPMENT



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## Section 77.00 **EC-O** EMPLOYMENT CENTER - OFFICE DISTRICT

The EC-O Employment Center - Office District is intended to encourage compact development of employment centers including individual professional office buildings, office parks or campuses, workforce education and training facilities, and supporting uses in centralized locations within the community. The EC-O District is further intended to guide the development of such areas in a pattern that shall prevent local congestion along major roads, ensure safety for motorists and pedestrians, and support other access-management goals as described in the Town Plan.

### 77.01. USES PERMITTED BY RIGHT.

- |   |   |
|---|---|
| <ul style="list-style-type: none"> <li>▪ Accessory Use, customarily incidental to principal use.</li> <li>▪ Accessory Structure or Building, customarily incidental to principal use.</li> <li>▪ Printing, Reprographic or Publishing</li> <li>▪ Business Equipment Repair</li> <li>▪ Business Equipment Sales</li> <li>▪ Sign Manufacturing and Sales</li> <li>▪ Medical or Dental Clinic</li> <li>▪ Medical Support Service</li> <li>▪ Postal Facility</li> <li>▪ Hotel</li> <li>▪ Passive Recreational Park</li> <li>▪ Civic Park or Garden</li> <li>▪ Office Park</li> <li>▪ Office, Major (greater than 15,000 sf)</li> <li>▪ Office, Minor (less than 15,000 sf)</li> <li>▪ Restaurant, Dine-in (excluding drive thru/drive-in)<sup>1</sup></li> <li>▪ Restaurant, Take-out or delivery only<sup>1</sup></li> </ul> | <ul style="list-style-type: none"> <li>▪ Convenience Store (excluding gas sales)<sup>1</sup></li> <li>▪ Drug Store or Pharmacy<sup>1</sup></li> <li>▪ Food and Grocery Retail Sales<sup>1</sup></li> <li>▪ Barber/Beauty Shop<sup>1</sup></li> <li>▪ Laundromat or Dry Cleaner Pick-Up only<sup>1</sup></li> <li>▪ Shoe Repair<sup>1</sup></li> <li>▪ Alterations<sup>1</sup></li> <li>▪ Salon or Day Spa<sup>1</sup></li> <li>▪ Gym<sup>1</sup></li> <li>▪ Photographic Studio</li> <li>▪ Catering Service</li> <li>▪ Photographic Processing Lab</li> <li>▪ Bus Station</li> <li>▪ Bus Stop, Public</li> <li>▪ Railroad Right-of-Way</li> <li>▪ Studio, Radio &amp; Television Broadcast</li> <li>▪ Park and Ride Lot (with mixed uses)</li> <li>▪ Computer and Electronic Parts Assembly</li> <li>▪ Research and Development Laboratory</li> </ul> |
|---|---|

### 77.02. USES PERMITTED SUBJECT TO PERFORMANCE STANDARDS.

- Automated Teller Machine (ATM)<sup>1</sup> § 81.26.
- Day Care Facilities § 81.08.
- Telecommunications Tower § 81.18.

77.03. SPECIAL EXCEPTION USES.	77.04. CONDITIONAL USES
<ul style="list-style-type: none"> <li>▪ Rehabilitation Facility</li> <li>▪ Recycling Facility (drop-off only)</li> <li>▪ Public Utility Facility</li> <li>▪ Light Equipment Sales or Rental</li> <li>▪ Railroad Facility or Station</li> <li>▪ Transmission Line</li> <li>▪ Parking Lot or Structure (as principal use)</li> </ul>	<ul style="list-style-type: none"> <li>▪ Airport</li> <li>▪ Commercial School</li> <li>▪ Hospital</li> <li>▪ Post-Secondary School</li> </ul>

<sup>1</sup> These uses shall be wholly contained within a building primarily devoted to professional office uses and shall be permitted within the EC-O District only as accessory uses. Said uses shall be permitted interior and exterior pedestrian access as desirable. No such use shall be permitted as a principal use on its own lot. Hours of operation shall be limited to 6am to 6pm.

77.05. LOT AREA AND DIMENSIONAL REQUIREMENTS. The following regulations govern lot area, setbacks, building size, and density, further subject to the applicable regulations of Article IV: General Requirements and Article VIII Performance Standards.

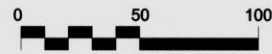
<b>For All Uses</b>	<b>Requirement</b>
Minimum Lot Size	5,000 sf
Minimum Lot Width	25 ft
Maximum Building Height	40' + 1 ft for every 5 linear feet beyond required setbacks
Maximum Total GFA on lot	None
Maximum Lot Coverage (Impervious Surfaces)	70%
Front Yard Setback	No setback required except to provide sidewalk / buffer strip, see Section 45.02
Rear Setback for Principal Structure	20 ft
Rear Setback for other Structure(s)	15 ft
Side Setback	8 ft
Required setback between structures on same lot	15 ft
Fences and walls – Minimum Height	3 ft
Fences and walls – Maximum Height	8 ft

77.06. OUTDOOR WORK AREAS. All outdoor loading, storage, repair, sales, and work yards greater in area than 1,000 square feet shall be located behind the front building line and shall be setback from the front property line no less than 20 feet and shall be screened from adjacent properties and public streets by a building, landscaped berm, stone or masonry wall, wooden fence, or other opaque wall or fence as approved by the Planning Commission.

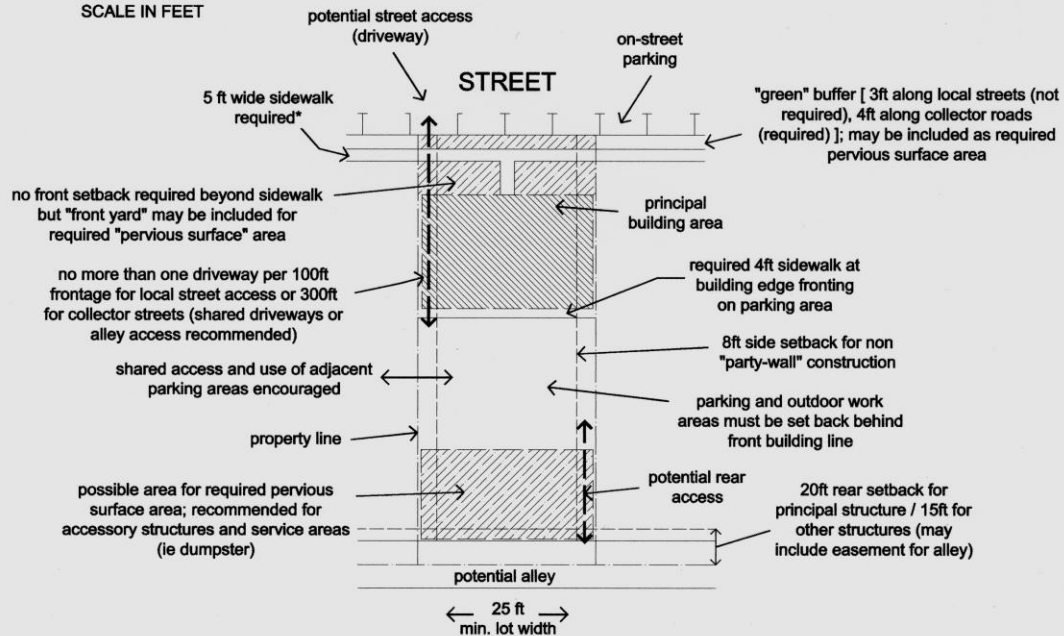
77.07. OUTDOOR DISPLAY, SALES, AND SEATING AREAS. Outdoor display, sales, and seating areas less than 1,000 square feet in area shall be permitted forward of the front building line provided a continuous, unobstructed path of no less than five feet in width is maintained along the sidewalk fronting on the lot.

# EMPLOYMENT CENTER - OFFICE EC-O DISTRICT TYPICAL LOT DEVELOPMENT

## PLAN VIEW



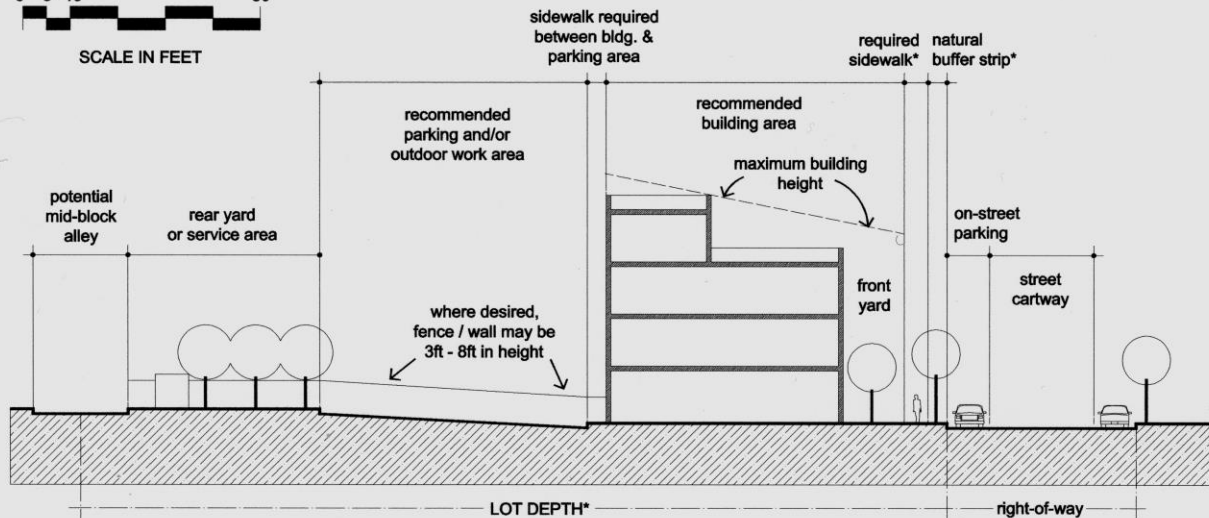
SCALE IN FEET



## SECTION VIEW



SCALE IN FEET



\* Sidewalks and buffer strips may be constructed in right-of-way if approved by Town Council and other applicable authorities

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## Section 78.00 **EC-I** EMPLOYMENT CENTER - INDUSTRIAL DISTRICT

The EC-O Employment Center - Industrial District is intended to provide for employment centers comprised primarily of limited industrial, heavy commercial, and workforce training facilities and supporting uses in centralized locations within the community. The EC-O District is further intended to guide the development of such areas in a pattern that shall prevent local congestion along major roads; ensure safety for motorists and pedestrians; support other access-management goals as described in the Town Plan; and minimize air, water, and noise pollution and incompatibility with abutting districts.

### 78.01. USES PERMITTED BY RIGHT.

<ul style="list-style-type: none"> <li>▪ Accessory Use, customarily incidental to principal use.</li> <li>▪ Accessory Structure or Building, customarily incidental to principal use.</li> <li>▪ Farm Support Business</li> <li>▪ Grain or Feed Mill</li> <li>▪ Automobile Repair Service, Major</li> <li>▪ Automobile Repair Service, Minor</li> <li>▪ Service Station</li> <li>▪ Wrecker Service</li> <li>▪ Printing, Reprographic or Publishing</li> <li>▪ Business Equipment Repair</li> <li>▪ Sign Manufacturing and Sales</li> <li>▪ Construction, Storage yard</li> <li>▪ Construction, Trade Sales Including outdoor storage (lumber, plumbing, electrical, or building supplies)</li> <li>▪ Construction, Trade Sales Indoor sales and storage only</li> <li>▪ Computer and Electronic Parts Assembly</li> <li>▪ Dry Cleaning / Laundry Plant</li> <li>▪ Woodworking or Millworks</li> <li>▪ Recycling Facility</li> <li>▪ Research and Development Laboratory</li> <li>▪ Small Engine Sales and Repair</li> <li>▪ Locksmith</li> <li>▪ Furniture Repair and Upholstery</li> <li>▪ Gun Sales and Repair</li> </ul>	<ul style="list-style-type: none"> <li>▪ Light Equipment Sales or Rental</li> <li>▪ Photographic Processing Lab</li> <li>▪ Bus Stop, Public</li> <li>▪ Heavy Equipment Rental, Sales or Repair</li> <li>▪ Major Vehicle Rental, Sales or Repair (greater than 2 tons)</li> <li>▪ Wholesale Sales Center</li> <li>▪ Railroad Right-of-Way</li> <li>▪ Railroad Facility or Station</li> <li>▪ Distribution Center</li> <li>▪ Warehousing and Distribution (Enclosed)</li> <li>▪ Warehousing and Distribution (Unenclosed or Partially Unenclosed)</li> <li>▪ Boat or Recreational Vehicle Rental, Sales or Repair</li> <li>▪ Manufactured Home Sales (Excluding Repair)</li> <li>▪ Manufactured Home Sales and Repair</li> <li>▪ Restaurant, Dine-in (excluding drive thru/drive-in)<sup>1</sup></li> <li>▪ Restaurant, Take-out or delivery only<sup>1</sup></li> <li>▪ Convenience Store (excluding gas sales)<sup>1</sup></li> <li>▪ Drug Store or Pharmacy<sup>1</sup></li> <li>▪ Food and Grocery Retail Sales<sup>1</sup></li> <li>▪ Barber/Beauty Shop<sup>1</sup></li> <li>▪ Laundromat or Dry Cleaner Pick-Up only<sup>1</sup></li> <li>▪ Shoe Repair<sup>1</sup></li> <li>▪ Alterations<sup>1</sup></li> </ul>
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### 78.02. USES PERMITTED SUBJECT TO PERFORMANCE STANDARDS.

<ul style="list-style-type: none"> <li>▪ Automated Teller Machine <sup>1</sup> § 81.26.</li> <li>▪ Daycare Facilities <sup>1</sup> § 81.08.</li> <li>▪ Industrial Uses § 81.10.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Mini-Warehouse § 81.16.</li> <li>▪ Telecommunications Tower § 81.18.</li> </ul>
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78.03. SPECIAL EXCEPTION USES.	78.04. CONDITIONAL USES.
<ul style="list-style-type: none"> <li>▪ Animal Processing or Slaughtering</li> <li>▪ Parking Lot or Structure (as principal use)</li> <li>▪ Public Utility Facility</li> <li>▪ Salvage Yard or Junkyard</li> <li>▪ Transmission Line</li> </ul>	<ul style="list-style-type: none"> <li>▪ Airport</li> <li>▪ Commercial School</li> <li>▪ Military Installation</li> <li>▪ Post-Secondary School (Trade, Vocational, College or University)</li> <li>▪ Sanitary Landfill</li> <li>▪ Truck Stop or terminal</li> </ul>

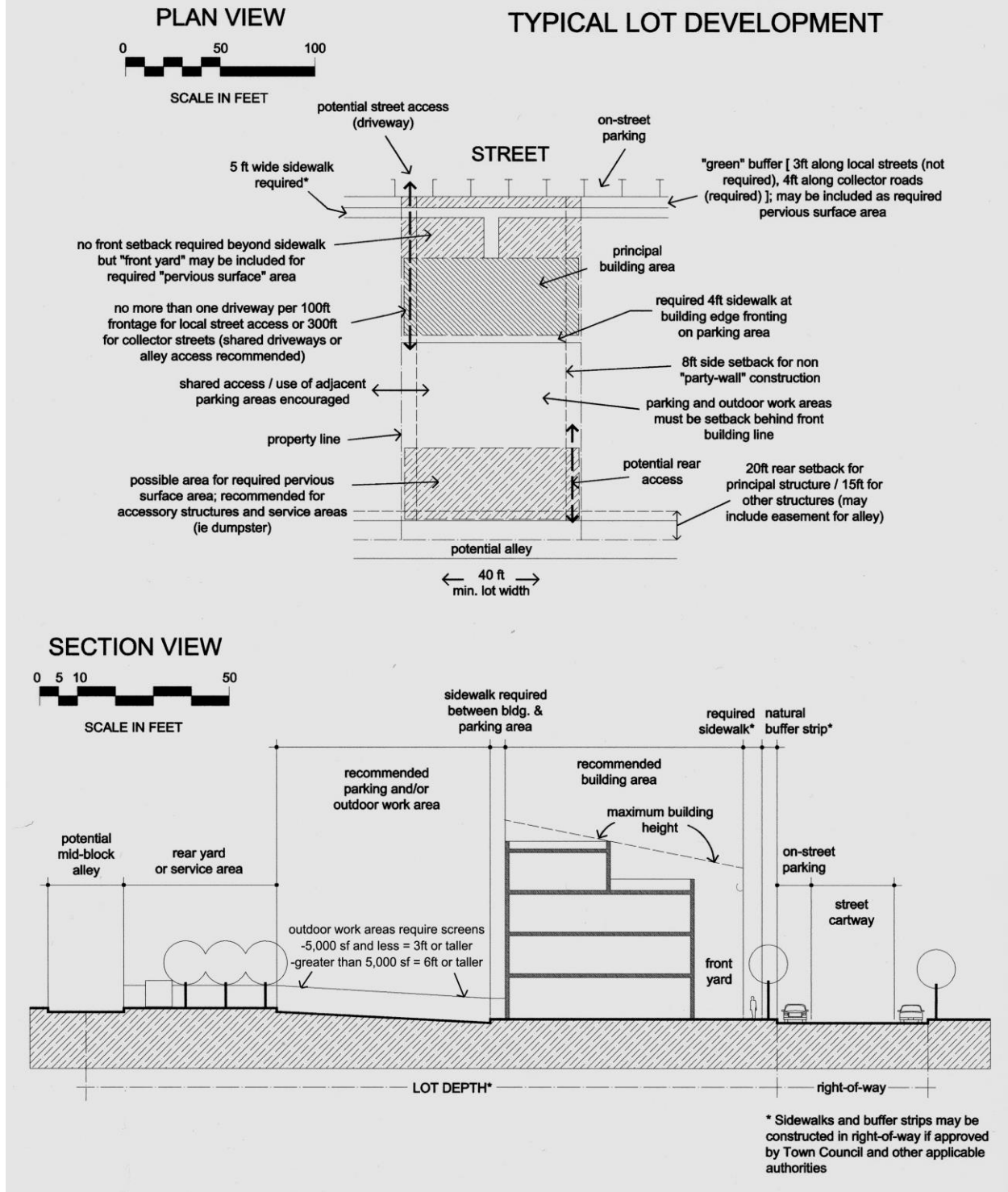
<sup>1</sup> These uses shall be wholly contained within a building primarily devoted to industrial, heavy commercial, or workforce training uses and shall be permitted within the EC-I District only as accessory uses. Said uses shall be permitted interior and exterior pedestrian access as desirable. No such use shall be permitted as a principal use on its own lot.

**78.05. LOT AREA AND DIMENSIONAL REQUIREMENTS.** The following regulations govern lot area, setbacks, building size, and density, further subject to the applicable regulations of Article IV: General Requirements and Article VIII Performance Standards.

For All Uses	Requirement
Minimum Lot Size	10,000 sf
Minimum Lot Width	40 ft
Maximum Building Height	40' + 1 ft for every 5 linear feet beyond required setbacks
Maximum Total GFA on lot	None
Maximum Lot Coverage (Impervious Surfaces)	70%
Front Yard Setback	No setback required except to provide sidewalk / buffer strip, see Section 45.02
Rear Setback for Principal Structure	20 ft
Rear Setback for other Structure(s)	15 ft
Side Setback	8 ft
Required setback between structures on same lot	15 ft

**78.06. OUTDOOR WORK AREAS.** All outdoor storage, repair, sales, and work yards shall be located behind the front building line and shall be setback from the front property line no less than 20 feet. All outdoor storage, repair, sales, and work yards greater in area than 5,000 square feet shall be screened from adjacent properties and public streets by a building, landscaped berm, stone or masonry wall, wooden fence, or other opaque wall or fence as approved by the Planning Commission. Required walls and fences shall be no less than six feet in height. All smaller outdoor yards shall be screened by a wall or fence no less than three feet in height or a landscaped berm or buffer providing similar screening.

# EMPLOYMENT CENTER - INDUSTRIAL EC-I DISTRICT TYPICAL LOT DEVELOPMENT



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## ARTICLE VIII. PERFORMANCE STANDARDS.

Section 80.00. The uses identified in Article VII as subject to performance standards shall comply with all applicable performance standards for the use as defined within this Article.

Section 80.01. APPLICABILITY AND ENFORCEMENT. After the effective date of this ordinance, any existing building proposed for a change in use that under this Ordinance is subject to performance standards, shall be required to obtain a Certificate of Occupancy from the Zoning Officer stating that the structure, lot and proposed use complies with all performance standards for the stated use. A Certificate of Occupancy required for a new building shall similarly reflect the Zoning Officer's satisfaction that all requirements have been met for a use subject to performance standards.

### 81.01. ACCESSORY DWELLING.

- 81.01.01. The gross floor area of the accessory dwelling shall be at least 300 square feet.
- 81.01.02. If attached to the principal dwelling, the accessory dwelling shall maintain the appearance of the principal dwelling, and shall not create additional entrances toward the front of the property.
- 81.01.03. If detached from the principal dwelling, the accessory dwelling shall be limited to the rear of the principal dwelling or within the upper floor of a garage, and shall be so placed as to avoid objectionable views from the street and surrounding properties.

### 81.02. AGRICULTURAL USES.

- 81.02.01. Poultry houses for housing more than five hundred (500) birds shall not be located closer than three hundred (300) feet from all property lines and street right-of-way lines.
- 81.02.02. Structures for housing more than twenty-five (25) head of livestock shall not be located closer than three hundred (300) feet from all property lines and street right-of-way lines.
- 81.02.03. If the owner of the proposed structure owns the land on the other side of the street opposite the location of the proposed structure, such structure need only be set back from the street right-of-way line the distance as required in the District where it is to be located; provided however, that the structure shall not be closer than three hundred (300) feet to any property line.
- 81.02.04. The Board of Zoning Adjustments may permit the expansion of existing poultry and livestock facilities closer to the property and street right-of-way lines than permitted above, provided that the Board of Adjustments finds that the expansion of such facilities will not be more detrimental to surrounding properties than the existing use.
- 81.02.05. All concentrated animal operations shall require a nutrient management plan prepared by the USDA – NRCS that is approved by the Shelby County Soil & Water Conservation District prior to the commencement of such operation.
- 81.02.06. All agricultural practices shall comply with the USDA – NRCS Field Office Technical Guide's Standards and Specifications for such practices.
- 81.02.07. Prior to the issuance of a building permit for any manure storage facility, the applicant shall provide the Zoning Officer with a letter from the Shelby County Soil

and Water Conservation District or the USDA-Natural Resources Conservation Service (NRCS) approving the construction of the facility.

#### 81.03. APARTMENT BUILDING.

- 81.03.01. Entrances to individual units shall be from the interior of the building. Mailboxes and laundry rooms shall also be within the same building.
- 81.03.02. Parking areas for tenants shall be setback no less than 15 feet from the building and a sidewalk of no less than 4 feet in width shall be provided between the building and parking area.
- 81.03.03. No less than 10% of the site area shall be improved for the passive recreational use of tenants.
- 81.03.04. All utilities shall be placed underground; all apartment buildings shall be served by public water and sewer.

#### 81.04. APARTMENT COMPLEX.

- 81.04.01. Minimum site area: 12,000 square feet.
- 81.04.02. All buildings shall be set back at least 15 feet from all parking areas. A sidewalk of no less than 4 feet in width shall be provided between all buildings and parking areas.
- 81.04.03. Buildings shall be spaced front-to-front, front-to-rear, front-to-side, and rear-to-rear at least to a distance equal to twice the tallest building height and spaced side-to-side and side-to-rear at least to a distance equal to the tallest building height.
- 81.04.04. No less than 10% of the site area, and not less than 2,500 square feet, shall be improved for the passive recreational use of tenants.
- 81.04.05. All utilities shall be placed underground; all apartment complexes shall be served by public water and sewer.

#### 81.05. BED AND BREAKFASTS.

- 81.05.01. Bed and breakfast establishments shall only be permitted in single family detached dwelling units. The owner/operator shall be the primary resident occupant of the establishment.
- 81.05.02. Meals may be served to guests as part of the room fee, but in no case shall meals be served to persons not staying in a bed and breakfast room.
- 81.05.03. No cooking facilities shall be permitted in any bed and breakfast guest room.
- 81.05.04. There shall be no external alteration to the building except as may be necessary for safety facilities such as fire escapes.
- 81.05.05. Rooms shall be rented on a nightly basis for periods not to exceed one (1) week.
- 81.05.06. Not more than one (1) non-family member of the owner shall be employed within the establishment.

#### 81.06. BOARDING HOUSES.

- 81.06.01. All boarding houses shall be served by public water and sewer.
- 81.06.02. Boarding houses shall only be permitted in single-family detached dwellings and shall be operated by the owner and primary occupant of the dwelling.

- 81.06.02. At least three (3), but not more than six (6), boarding rooms shall be available in a boarding house.
- 81.06.03. Meals may be served for compensation only to boarders; in no case shall meals be served for compensation to persons who are not boarders of the establishment. No cooking facilities shall be permitted in any boarding room.
- 81.06.05. There shall be no external alteration to the building except as may be necessary for safety facilities such as fire escapes.
- 81.06.06. Rooms shall be rented on a weekly or monthly basis.
- 81.06.07. The applicant for a Use permit and certificate of use and occupancy shall demonstrate that adequate public sewer and water service will be provided to the establishment and shall also demonstrate that the boarding home will comply with all State of Alabama requirements for such uses.

#### 81.07. CEMETERIES.

- 81.07.01. Minimum Site Area: 2 acres
- 81.07.02. All gravesites shall be set back no less than 30 feet from all property lines. All columbaria and mausoleums shall be setback no less than 50 feet from all property lines.
- 81.07.03. No gravesite shall be located closer than 150 feet from a water line or underground water supply.

81.08. DAY CARE FACILITIES. Day care facilities, operated within a residence, are not subject to the requirements for home occupations but shall comply with the following requirements:

- 81.08.01. Application of Regulations. The provisions of this Section shall apply to day care facilities providing service for part of a twenty-four (24)-hour day for children under sixteen (16) years of age, for the aged, or for persons who are disabled, by persons giving care (excluding care provided by relatives). Day care facilities shall include family day care homes, group day care homes, and day care centers. This Section does not apply to baby-sitting or child day care service furnished in places of worship during religious services or related activities.
- 81.08.02. General Provisions. The following general provisions apply to all day care facilities.
  - A. All child day care facilities shall comply with all applicable State regulations.
  - B. The operator of a day care facility shall allow appropriate representatives of the municipality to enter the property to inspect such use for compliance with the requirements of this Ordinance.
  - C. Hours of outside play shall be limited to between the hours of 8:00 a.m. and sunset, as defined by the National Weather Service and an outdoor play area shall be provided for child day care facilities and shall not be located in the front yard.
  - D. Day care facilities utilizing, or proposing to utilize, an on-site sewage disposal system shall obtain a written statement from the Shelby County Health Department certifying that the system is properly designed to accommodate the use and that there are no apparent signs of system failure.
  - E. Fencing shall be provided to restrict children from hazardous areas, such as open drainage ditches, wells, holes, and principal arterial and minor arterial roads. Natural or physical barriers may be used in place of fencing so long as such barriers functionally restrict children from these areas.

- F. The expansion of a family day care home to a group day care home or the expansion of a group day care home to a day care center shall require a special exception.

1) When applying for a special exception, the applicant shall submit a plan showing any existing or proposed outdoor play areas, outdoor play equipment, fencing, access drives, adjacent streets, adjacent hazardous land uses, on-site hazardous areas (as previously defined), merchandise delivery areas, on-lot sewage disposal facilities, parking spaces, and the child or adult drop-off circulation pattern.

81.08.03. Family Day Care Homes. In addition to the other provisions of this Section, family day care homes shall comply with the following:

- A. The facility must have a current State registration certificate. Proof of registration renewal must be supplied to the Town every two (2) years.
- B. Any external evidence of such use shall be limited to one (1) non-illuminated sign subject to Article X.
- C. Family day care homes shall only be permitted in single-family detached dwellings.

81.08.04. Group Day Care Homes. In addition to the other provisions of this Section, group day care homes shall comply with the following:

- A. The facility shall have a minimum of one (1) off-street parking space per non-resident employee plus one (1) safe passenger off-street loading/unloading area per six (6) persons receiving care, or any fraction thereof.
- B. The facility must have a current State license. Proof of State annual license renewal must be supplied to the Town every year.
- C. Any external evidence of such use shall be limited to one (1) non-illuminated sign subject to Article X.
- D. A fence with a minimum height of four (4) feet shall physically contain the children within the outdoor play area. Natural or physical barriers may be used in place of fencing so long as such barriers functionally contain children.
- E. Group day care homes shall be permitted in only single-family detached dwellings.

81.08.05. Day Care Centers. In addition to the other provisions of this Section, day care centers shall comply with the following:

- A. The facility must have an approved and currently valid State license. Proof of State annual license renewal must be supplied to the Town every year.
- B. A fence with a minimum height of four (4) feet shall physically contain the children within the outdoor play area. Natural or physical barriers may be used in place of fencing so long as such barriers functionally contain children.
- C. If the facility has access to streets of different classifications, access shall be provided using the street of lesser functional classification.
- D. Play equipment shall be located at least ten (10) feet from an abutting property line.
- E. All pedestrian pathways shall be adequately lit for safety if utilized during non-daylight hours. Specific areas for lighting are entrance ways, pedestrian access to the outdoor play areas, sidewalks, drop-off areas, merchandise delivery areas, and all parking lots. Such lighting shall not produce objectionable glare on adjacent properties.

- 81.08.06. Application and Permitting Procedure. Family day care homes and group day care homes shall be subject to the following application and approval process. Day care centers shall not be subject to an application and permit procedure when located within non-residential zoning districts.
- A. Family Day Care Homes - Any individual proposing a family day care home shall submit an application for a Family Day Care Home Permit to the Zoning Officer who will review the application for compliance with the Zoning Ordinance. If the application demonstrates compliance with the Zoning Ordinance, the Zoning Officer shall grant the permit.
  - B. Group Day Care Homes - All group day care homes shall be subject to the following application and approval process:
    - 1. The applicant shall demonstrate compliance with the requirements of this Ordinance and shall request a special exception from the Board.
    - 2. If a special exception is granted, the applicant shall submit an application for a Group Day Care Home Permit to the Zoning Officer. After confirming that the conditions of the Board have been satisfied, the Zoning Officer shall issue the permit. Such review of the application may require the Zoning Officer to visit the dwelling if deemed necessary.
    - 3. Group Day Care Home Permits shall expire one (1) year from the date of issuance, and once granted may be renewed without additional hearings, subject to the provisions of this Section. An application form for permit renewal must be completed and submitted to the Zoning Officer with the annual permit fee prior to the annual deadline but not earlier than thirty (30) days. Failure to renew or pay any required fees shall be grounds for revocation of a permit.
    - 4. The annual fee for a Group Day Care Home Permit shall be established by the Town Council.
- 81.08.07. Inspections. The Zoning Officer, or a person designated by the Zoning Officer or Town Council, shall have the right to enter and inspect the dwelling or accessory buildings for compliance purposes following advance notice to the property owner.

#### 81.09. HOME OCCUPATIONS

- 81.09.01. Background. The Town recognizes the need to establish regulations pertaining to home-based occupations as a result of increased opportunities and requirements to work at home. Home occupations will particularly benefit individuals with physical disabilities, as well as those having to care for children or the elderly within their home. The Town also recognizes the potential benefits to the local community that could be realized by those seeking services or goods supplied through home occupations.
- 81.09.02. Purpose. It is the intent of this Section to establish regulations which will permit home occupations in a manner which will preserve the peace, quiet and tranquility of residential neighborhoods and to ensure the compatibility of such uses with other uses permitted within the same zoning district.
- 81.09.03. Classifications of Home Occupations. All home occupations shall be classified as either "minor home occupations" or "major home occupations" as defined in Article II of this Ordinance.
- A. To the extent that such uses are consistent with the definition of a "minor home occupation" found in Article II, minor home occupations shall include but are not

limited to the following uses:

1. Professional office uses including realtors and insurance sales;
2. Artists, craftsmen and sculptors;
3. Cake baking and decorating;
4. Dance instruction;
5. Dress making, sewing, tailoring contract sewing (maximum one machine);
6. Grooming of dogs and cats;
7. Gun repair;
8. Computer programming and word processing;
9. Laundry and ironing services;
10. Locksmith;
11. Mail order or phone order;
12. Millinery;
13. Music composing or instruction;
14. Saw, scissors, and blade sharpening;
15. Telephone related services;
16. Television, radio, electronics, and small appliance repair;
17. Tutoring (limited to a maximum of four (4) students at any one time); and
18. Wallpapering.

B. Major home occupations shall include the following:

1. Any use listed above as a minor home occupation that exceeds the performance standards specified in Section 81.08.03.A.
2. Any home occupation that satisfies the definition of a "major home occupation" as defined in Article II of this Ordinance.

81.09.04. Uses Not Permitted as Home Occupations. The following uses by the nature of the investment or operation have a pronounced tendency once started to rapidly increase beyond the limits permitted for home occupations and thereby impair the use and values of a residentially zoned area for residence purposes and are more suited to non-residential zoning districts. Therefore, the following uses shall not be permitted as home occupations in residential districts, except as otherwise permitted within the AP District:

- A. Ambulance services;
- B. Animal boarding/kennels or veterinary services;
- C. Appliance repair (major appliances);
- D. Gift or antique shop;
- E. Health salon, gym, dance studio, aerobic exercise studio, or massage parlor;
- F. Helicopter service;
- G. Limousine, hearse, or cab service;
- H. Minor or major repair, detailing, or painting of engines (small or large), vehicles, trailers, or boats;
- I. Mortician or funeral home;
- J. Palm reading/fortune telling;
- K. Material or metal fabrication shops or machine shops;
- L. Photo development;
- M. Private club;
- N. Private school with organized classes;
- O. Production woodworking and cabinet making;
- P. Rental services, businesses, or sales from site (except direct distribution);
- Q. Restaurants or taverns;
- R. Towing;
- S. Welding shop;

- T. Well drilling; and
- U. Other similar uses which may, in the opinion of the Zoning Officer, result in an adverse impact on a residential neighborhood.

81.09.05. Conditions. All dwellings containing a home occupation shall comply with the following:

- A. The person conducting the home occupation shall be a full-time resident of the dwelling in which the home occupation is being conducted.
- B. A maximum of twenty-five (25) percent of the gross floor area of the dwelling, excluding attics, garages, and basements, shall be used for any home occupation(s).
- C. Not more than one (1) major home occupation shall be permitted within any single dwelling unit.
- D. No displays or change in the building facade, including the dwelling and all accessory buildings, shall indicate from the exterior that the dwelling is being utilized for purposes other than a dwelling.
- E. Storage of materials, products, or machinery used for the home occupation shall be wholly enclosed by the dwelling or accessory building, within the maximum floor area previously defined.
- F. The home occupation shall be conducted entirely within the dwelling or accessory building. The attached garage or detached garage area may be used for the home occupation purposes provided that such use does not cause the elimination of the required off-street parking spaces for the dwelling.
- G. Deliveries from commercial suppliers shall comply with all applicable State regulations and shall not restrict traffic circulation.
- H. A home occupation shall not produce noise, obnoxious odors, vibrations, lighting glare, fumes, smoke, or electrical interference detectable to normal sensory perception on any adjacent lots or streets.
- I. There shall be no illegal discharge of any materials, fluids, or gases into the sewage disposal facilities or in any other manner that would be in violation of any applicable governmental law, rule, or regulation.
- J. Sales of goods on the premises shall be limited to goods lawfully made on the premises; goods relating to services performed on the premises; and goods ordered previously by telephone or at a prior sales meeting, that are not made on the premises and that do not relate to services performed on the premises.
- K. Home occupations shall not involve the use or storage of explosive, highly combustible, or hazardous materials.
- L. "Parties" for the purpose of taking orders for the selling of merchandise shall not be held more than one (1) time per week.
- M. The size of commercial vehicles used for the home occupation shall not exceed twenty (20) feet in overall length or seven (7) feet in height and shall not have a load capacity in excess of one (1) ton.

81.09.06. Application and Permitting Procedure. Home occupations shall be subject to the following application and approval process:

- A. Minor Home Occupations - No application required.
- B. Major Home Occupations - All major home occupations shall be subject to the

following application and approval process:

1. The applicant shall demonstrate compliance with the requirements of this Ordinance and shall request a special exception from the Board.
2. If a special exception is granted, the applicant shall submit an application for a Major Home Occupation Permit to the Zoning Officer. After confirming that the conditions of the Board have been satisfied, the Zoning Officer shall issue the permit. Such review of the application may require the Zoning Officer to visit the dwelling if deemed necessary.
3. Major Home Occupation Permits shall expire one year from the date of issuance, and once granted may be renewed without additional hearings, subject to the provisions of this Section. An application form for permit renewal must be completed and submitted to the Zoning Officer with the annual permit fee prior to the annual deadline but not earlier than thirty (30) days. Failure to renew or pay any required fees shall be grounds for revocation of a permit.
4. The annual fee for a Major Home Occupation Permit shall be established by the Town Council.

81.09.07. Inspections. The Zoning Officer, or a person designated by the Zoning Officer or Town Council, shall have the right to enter and inspect the dwelling or accessory buildings for compliance purposes following advance notice to the property owner.

81.10. INDUSTRIAL USES. All industrial uses shall conform to the following standards:

- 81.10.01. All industrial operations shall be in compliance with all State and Federal Government regulations as required by the most recent regulations made available by these governmental bodies, including but not limited to noise, air pollution, vibration, radiation, and the pollution of groundwater, surface water, and soils.
- 81.10.02. Odor. Emission of odorous gases or other odorous matter in such quantities as to be offensive at any lot lines shall not be permitted.
- 81.10.03. Toxic Gases. All industrial uses shall emit no noxious, toxic or corrosive fumes or gases.
- 81.10.04. Glare and Heat. All industrial uses shall carry on no operations that would produce heat or glare beyond the property line of the lot on which the industrial operation is located.
- 81.10.05. Waste Products. Storage of waste materials shall not be permitted except in an enclosed building or approved containers. No potentially dangerous effluent shall be discharged.
- 81.10.06. Screening. Where any industrial parcel is contiguous to a residential or commercial zoning district or to a public right-of-way, all outdoor storage areas shall be screened from such districts and said public right-of-way by a landscape screen or other visual barrier with plantings. The landscape screen shall be composed of evergreen plants and trees arranged to form both a low level and a high level screen. The high level screen shall consist of evergreen trees planted at an initial height of not less than four (4) feet and planted at intervals of not more than ten (10) feet. The low level screen shall consist of two rows of evergreen shrubs or hedges planted at an initial height of not less than two (2) feet and spaced at intervals of not more than five (5) feet. The low level screen



plantings shall be placed in an alternating or staggered pattern to produce a more effective visual barrier. An alternative visual barrier shall be a six (6) foot high opaque fence or wall with plantings of trees, shrubs and/or vines along the outside surfaces of the fence or wall.

81.10.07. Landscaping. Any part or portion of the site that is not used for buildings, other structures, loading or parking spaces, aisles, sidewalks and designated storage areas, shall be provided with an all-season ground cover.

81.10.08. Access and Traffic Control. Access to and from the site shall be designed in a manner conducive to safe ingress and egress. The developer shall be responsible for the construction of any necessary traffic control devices or additional lanes required by the Alabama Department of Transportation. All entrances and exits shall conform to the applicable driveway regulations of this Ordinance.

#### 81.11. KENNELS AND ANIMAL SHELTERS.

81.11.01. Kennels and animal shelters shall not be located within two hundred (200) feet of an RN District.

81.11.02. A kennel or animal shelter shall not be located within one thousand (1,000) feet of another kennel.

81.11.03. Not more than ten (10) animals shall be housed or boarded at any one time.

81.11.04. All waste material shall be stored in closed containers which are screened from all streets and adjoining properties by a fence, wall or plant screen at least as high as the containers.

81.11.05. Emission of any offensive odors is not permitted at any time.

#### 81.12. OPEN SPACE CONSERVATION SUBDIVISION

81.12.01. Purpose. It is the intent of this Section to implement the Westover Comprehensive Plan and promote desirable community development by:

- A. Maintaining a healthy residential environment with adequate open space and recreational amenities;
- B. Supporting the Shelby County Comprehensive Plan by integrating open space within future development and in areas which are of strategic importance to potential greenway corridors throughout the Town;
- C. Encouraging land use and development patterns which complement and accentuate the distinctive features of the Town's natural environment including prime agricultural soils, woodlands, wetlands, stream corridors, steep slopes, and scenic views;
- D. Directing growth to areas of the Town, which are the most appropriate for development;
- E. Reducing private infrastructure costs by minimizing the amount of infrastructure required for future growth;
- F. Providing an opportunity for flexibility in lot designs and building arrangement not afforded by conventional lot-by-lot development;
- G. Providing for a more varied, innovative, and efficient development pattern;
- H. Promoting new development that is compatible with existing uses, architecture, landscapes and community character;

- I. To create neighborhoods with direct visual access to open land, with amenities such as neighborhood open space, and with a strong neighborhood identity; and

#### 81.12.02. Eligibility

- A. Areas Permitted. - Open space development shall be permitted in the RR, and RN Districts. The applicant shall demonstrate, to the satisfaction of the Town Council, compliance with all design standards and criteria of this Section, as well as all other applicable provisions of the Zoning Ordinance.
- B. Water Supply. - Open space developments shall be served by a public water supply system in accordance with the provisions of the Town of Westover Subdivision Regulations. The applicant shall demonstrate, to the satisfaction of the Town Council that an adequate water supply exists for the intended residential and open space uses. The Town Council may also require agreements and financial assurances to ensure proper long-term operation, maintenance, and ownership of the water system.
- C. Sewage Disposal. Open Space developments shall be served by a public sewer system consistent with the Town Sewage Facilities (Act 537) Plan and in accordance with the provisions of the Town of Westover Subdivision Regulations, subject to demonstration of compliance with all applicable regulations of the ADEM.
- D. Consistency with Comprehensive Plan. The proposed development shall be consistent with the goals and strategies of the Westover Comprehensive Plan.
- E. Plan Processing. The tract of land to be developed shall be in one ownership or, if in multiple ownership, shall be developed according to a single plan with common authority and responsibility. The applicant is strongly encouraged to submit a sketch plan to the Town Planning Commission and to discuss community development and open space resource conservation objectives with the Planning Commission prior to the preparation of a preliminary plan.

#### 81.12.03. General Regulations

- A. Permitted Uses. The following uses are permitted within an open space development:
  1. Within the RR zoning district:
    - a. Single-family detached dwellings
    - b. Open space uses as set forth in this Section.
  2. Within the RN Zoning District:
    - a. Single-family detached dwellings
    - b. Townhouses
    - c. Patio Homes
    - d. Duplexes
    - e. Open space uses as set forth in this Section

#### 81.12.04. Area and Bulk Regulations

- A. Minimum Restricted Open Space. - The minimum restricted open space shall not be less than the following percentage of the gross acreage of the tract, as stipulated for the appropriate zoning district. Designated restricted open space shall comply with all standards and criteria for restricted open space established in this Section.

<u>Zoning District</u>	<u>Minimum Restricted Open Space</u>
RR District	40 %

RN District	25 %
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- B. Permitted Density Calculation. - To determine the potential number of dwelling units permitted for open space developments, the applicant shall prepare a conceptual "yield plan" depicting the conventional development of the parent tract according to the design standards of the base zoning district. The yield plan shall comply with the minimum requirements for sketch plans as stated in the Town's Subdivision Regulations as well as any other applicable Town ordinances. The applicant shall then prepare a conceptual open space development plan with a maximum number of dwellings not to exceed the number of dwellings depicted on the yield plan. The Town Planning Commission shall review the yield plan and provide comments to the Town Council regarding compliance with this Section. Applicants are strongly encouraged to present the yield plan to the Planning Commission as early as possible to obtain input regarding the calculation of the number of dwellings permitted.
- C. Residential Area and Bulk Regulations. - The following lot and yard area regulations shall apply to any principal residential structure and any other buildings. Proposed lots are not subject to a minimum lot area. The applicant shall indicate for each permitted use, including potential accessory uses, the limits of the building envelope within which compliance with these provisions is feasible:
1. The minimum separation between principal structures at any point shall be twenty (20) feet, except that the minimum separation measured perpendicularly from the rear wall of any dwelling to any point on any other building not accessory to such residential structure shall be fifty (50) feet.
  2. Accessory structures shall be set back at least five (5) feet from any property line and shall be permitted only in rear yards.
  3. No exterior windows, doors, or other openings shall be permitted in any portion of any principal or accessory structure located less than five (5) feet from any lot line.
  4. Where any portion of any principal or accessory structure is located less than five (5) feet from any lot line, a perpetual easement providing for maintenance of such structure, and measuring no less than five (5) feet in width from the affected walls, shall be provided on the adjacent lot(s). This provision shall not apply to lot lines which separate patio homes and townhouses on the interior of the same principal structure.
  5. The minimum setback of principal buildings from the right-of-way shall not be less than ten (10) feet except as provided under Subsection 6 below.
  6. All proposed dwelling units in an open space development shall be situated so that they are set back a minimum distance from the pre-development perimeter boundary of the tract equal to the applicable minimum yard dimension under the base zoning district provisions. Existing dwellings and dwellings resulting from the conversion of existing structures shall be exempt from this requirement except that additions to such existing structures shall not further reduce required setbacks.
  7. The maximum length of any residential building, including townhouses, shall not exceed one hundred sixty (160) feet.
  8. The maximum building heights for principal and accessory structures shall be the same as stated in the base zoning district.

9. The maximum lot coverage (including all impervious surfaces) for all building lots shall be twenty (20) percent greater than the base zoning district. The maximum lot coverage for all restricted open space parcels shall be thirty (30) percent.
  10. Although conformance to these area and bulk regulations is not dependent upon any specific minimum lot area or dimensions, the applicant shall be required to demonstrate to the satisfaction of the Town Council that all lots established under the provisions of this Section are of appropriate size and shape relative to provide for the establishment of suitable private yard areas for all dwellings and adequate access for the management of any adjacent open space areas.
  11. Flag lots may be utilized where appropriate; however, no more than ten (10) percent of the total number of lots may be designed as flag lots and each flag lot shall have a minimum area of ten thousand (10,000) square feet.
  12. No dwelling units within the open space development shall have direct driveway access to surrounding existing Town or State roads. All driveways shall access internal street systems as designed for the project.
  13. All open space developments shall include adequate parking for visitors. Such visitor parking areas shall provide a minimum of one (1) parking space per two (2) dwellings or fraction thereof.
  14. On-street parking will be permitted provided that such parking spaces are painted and designed in accordance with the Town of Westover Subdivision Regulations.
  15. Where adjacent curb cuts accessing separate residential properties are separated by less than twenty-five (25) feet, one additional off-street parking space shall be provided on each property which abuts the curb cut or in an off-street common parking area.
  16. As a condition of approval, the Town Council at its sole discretion may agree to vary any of the standards stipulated in this Section where the Applicant has demonstrated to the satisfaction of the Planning Commission that the purposes of this Section are better served through such variation.
- 81.12.04. Conservation and Development Design Standards.
- A. General Development Standards
    1. Except where this Section specifies otherwise, all design and performance standards and other regulations applicable in the base zoning district shall apply to any open space development.
    2. The applicant shall demonstrate compliance with applicable state and/or federal regulation of streams and wetlands. For any proposed activity requiring the submission of a wetland delineation report, stream or wetland encroachment permit or mitigation plan to the ADEM and/or US Army Corps of Engineers or successive agencies, a copy of all such documentation shall be submitted to Town by the applicant.
  - B. Architectural Design. - It is not the intention of the Town to govern specific architectural design nor to link approval to any specific architectural design criteria. Open space developments proposing residential buildings other than single family detached and duplexes shall comply with the following:
    1. The applicant shall provide drawings illustrating the general character of the intended exterior design of all principal structures.

2. Where the Planning Commission determines that the architectural design, as presented by the applicant, is an essential means by which the proposed development complies with the objectives of this Section, the Planning Commission may require, as a condition of approval, the establishment of appropriate means to guarantee general adherence to the intended architectural character.
  - C. Conservation of Historic Resources. Historic resources shall be preserved to the greatest degree practicable, through incorporation into development plans and design, including historic structures, ruins or sites, historic roads or other transport traces, paths and trails, and any other historic landscape features. Applicants are encouraged to contact the Alabama Historic Commission and/or Shelby County Historical Society for information regarding historic resources.
- 81.12.04. Open Space Designation and Management Standards.

A. General Standards for Open Space Designation

1. The location and layout of restricted open space shall be configured so as to serve residents adequately and conveniently and to promote the conservation of the following resources to the greatest extent practicable.
  - a. Prime agricultural soils;
  - b. Scenic views from public roads and neighboring residential properties;
  - c. Mature trees and woodland tree masses, hedgerows, native flowering trees and shrubs, fence rows, rock outcroppings, steep slopes (in excess of twenty-five (25) percent) and other noted landscape features;
  - d. Lands adjoining and within one hundred fifty (150) feet of any historic structure listed on the National Registration of Historic Places;
  - e. Existing open space areas; and
  - f. Any greenways or other natural resources identified in the Town Comprehensive Plan.
2. The following areas shall not be measured as contributing to the minimum required restricted open space:
  - a. Areas within fifteen (15) feet of any structure except structures devoted to permitted open space uses;
  - b. Open space areas extending less than one hundred (100) feet in the narrowest dimension at any point;
  - c. Stormwater management facilities. At the discretion of the Town Council, areas devoted to stormwater management facilities may be included within the minimum required restricted open space area where the applicant can demonstrate to the satisfaction of the Board that such facilities are designed to:
    - 1). Promote recharge of the groundwater system;
    - 2). Be available and appropriate for active or passive recreational use or scenic enjoyment; and
    - 3). Otherwise conform to the purposes, standards, and criteria for open space set forth in this Section.

For example, a long low berm graded to reflect natural contour could be designed to: 1) blend into the scenic landscape; 2) permit passive recreational use over the top of it; while 3) providing a relatively large linear area for seepage of stormwater into the groundwater system.

- d. Streets and access drives.
- 3. Subject to the provisions of the measurement of the minimum required open space stipulated herein, sewage service, stormwater management, and/or water supply facilities may be located entirely or partially within restricted open space areas. Where such facilities are so located, maintenance agreements and easements satisfactory to the Town Council shall be established to require and enable maintenance of such facilities by the appropriate parties.
- 4. Areas designated for open space purposes may be used for any of the following:
  - a. Crop or pasture land, subject to submission of a conservation plan approved by the Shelby County Conservation District;
  - b. Woodland, meadow, wetland, wildlife habitat, game preserve, or similar conservation-oriented area;
  - c. Public, common, or private park or outdoor recreation area;
  - d. Sewage disposal facilities provided that the Town Council is satisfied that adequate provision(s) for the long-term management and maintenance of the facilities are guaranteed.
  - e. Parking for the exclusive use of individuals using recreational areas within the required open space where deemed appropriate by the Town Council. Such parking areas shall not be used as overflow parking for adjacent dwellings.
- 5. Open space shall be interconnected with open space areas on abutting parcels wherever possible including, where appropriate, provisions for pedestrian pathways for general public use to create linked systems within the Town, including linkages to schools and mixed use areas.
- 6. Where deemed appropriate by the Town Council, open space areas shall be provided with sufficient perimeter parking, and with safe and convenient access by adjoining street frontage or other right-of-way or easement capable of accommodating pedestrian, bicycle, and maintenance and vehicle traffic, and containing appropriate access improvements.
- 7. Where open space development is planned to occur in two (2) or more development phases, a proportionate amount of designated restricted open space and required parking shall be permanently recorded with each phase.
- 8. Open space shall incorporate greenways if required in accordance with this Ordinance.
- B. Standards for Ownership of Restricted Open Space. Except to provide for permitted open space uses, designated open space shall be restricted from further subdivision and land development by deed restriction, conservation easement, or other agreement in a form acceptable to the Town and duly recorded in the office of the Recorder of Deeds of Shelby County. Subject to such permanent restrictions, restricted open space land in any open space development may be owned by a homeowners' association, the Town, a land trust or other conservation organization recognized by the Town, or may remain in private ownership.
  - 1. Offer of Dedication: The Town may, but shall not be required, to accept dedication in the form of fee simple ownership of restricted open space land provided:
    - a. Such land is accessible to the residents of the Town;

- b. There is no cost of acquisition other than any costs incidental to the transfer of ownership such as title insurance and recording fees; and
- c. The Town agrees to and has access to maintain such lands.

Where the Town accepts dedication of restricted open space land that contains improvements, the Town Council may require the posting of financial security to ensure structural integrity of said improvements as well as the functioning of said improvements for a term not to exceed eighteen (18) months from the date of acceptance of dedication. The amount of financial security shall not exceed fifteen (15) percent of the actual cost of installation of said improvements.

2. Homeowners' Association: The restricted open space land and associated facilities may be held in common ownership by a Homeowners' Association through the use of a Declaration and other documents approved by the Town Council. The Association shall be formed and operated under the following provisions.
  - a. The developer shall provide a description of the Association including its bylaws and methods for maintaining the open space.
  - b. The Association shall be organized by the developer and operating with financial subsidization by the developer before the sale of any lots within the development.
  - c. Membership in the Association is mandatory for all purchasers of homes therein and their successors. The conditions and timing of transferring control of the Association from the developer to the homeowners shall be identified.
  - d. The Association shall be responsible for maintenance and insurance on common open space land, enforceable by liens placed by the Homeowners' Association. Maintenance obligations also may be enforced by the Town that may place liens to recover its costs. Any governmental body with jurisdiction in the area where the development is located may place liens on the owners of the open space to collect unpaid taxes.
  - e. The members of the Association shall share equitably the costs of maintaining and developing such common land. Shares shall be defined within the Association bylaws. Association dues shall be structured to provide for both annual operating costs and to cover projected long-range costs relating to the repair of any capital facilities (which shall be deposited in a sinking fund reserved for just such purposes).
  - f. In the event of a proposed transfer, within the methods here permitted, of common open space land by the Homeowners' Association, or of the assumption of maintenance of such land by the Town, notice of such action shall be given to all property owners within the development.
  - g. The Association shall have or hire adequate staff to administer common facilities and properly and continually maintain the common open space land.
  - h. The Homeowners' Association may lease open space lands to any other qualified person, or corporation, for operation and maintenance of such lands, but such a lease agreement shall provide:
    - 1) That the residents of the development shall at all times have access to the open space lands contained therein (except that access to land that is actively farmed shall be limited to times of the year when the fields are fallow);

- 2) That the common open space land to be leased shall be maintained for the purposes set forth in this Ordinance; and
  - 3) That the operation of open space facilities may be for the benefit of the residents only, or may be open to the residents of the Town, at the election of the developer and/or Homeowners' Association, as the case may be.
- i. The lease shall be subject to the approval of the Town Council and any transfer or assignment of the lease shall be further subject to the approval of the Council. Lease agreements so entered upon shall be recorded with the Recorder of Deeds of Shelby County within thirty (30) days of their execution and a copy of the recorded lease shall be filed with the Zoning Officer.
  - j. Homeowners' Association documentation demonstrating compliance with the provisions herein shall be filed with the Final Subdivision and Land Development Plans. At the time of Preliminary Plan submission, the applicant shall provide draft Homeowners' Association documentation with sufficient detail to demonstrate feasible compliance with this Section.
3. Condominiums: The restricted open space land and associated facilities may be held in common through the use of Condominium, Declaration and other documents, approved by the Town Council. Such documents shall be in conformance with the Uniform Condominium Act of 1980. All common open space land shall be held as "common elements" or "limited common elements". To the degree applicable, condominium agreement(s) shall comply with the provisions of Section 81.11.04.B.2 above, set forth for Homeowners' Associations. Condominium agreement(s) shall be filed with the Final Subdivision and Land Development Plans. At the time of Preliminary Plan submission, the applicant shall provide draft condominium agreement(s) with sufficient detail to demonstrate feasible compliance with this Section.
4. Dedication of Easements: The Town may, but shall not be required to, accept easements for public use of any portion or portions of restricted open space land. The title of such land shall remain in common ownership by a condominium or homeowners' association, provided:
  - a. Such land is accessible to Town residents;
  - b. There is no cost of acquisition other than any costs incidental to the transfer of ownership, such as title insurance; and
  - c. A satisfactory maintenance agreement is reached between the developer, condominium or homeowners' association and the Town.
5. Transfer of Easements to a Private Conservation Organization: With the permission of the Town, an owner may transfer easements to a private, nonprofit, organization recognized by the Town, among whose purpose it is to conserve open space and/or natural resources, provided that:
  - a. The organization is acceptable to the Town Council, and is a bona fide conservation organization with perpetual existence;
  - b. The conveyance contains appropriate provision for proper reverter or transfer in the event that organization becomes unwilling or unable to continue carrying out its functions; and
  - c. A maintenance agreement acceptable to the Town Council is entered into by the developer and the organization.



6. Private Ownership of Restricted Open Space

- a. Restricted open space may be retained in ownership by the Applicant or may be transferred to other private parties subject to compliance with all standards and criteria for restricted open space herein.
- b. All or portions of the designated restricted open space, where permitted by the Town Council, may be included within or divided among one or more of the individual lots. Where deemed appropriate, the Town Council may require that responsibility for maintenance of restricted open space be conferred upon and/or divided among the owners of one or more individual lots.

C. Required Open Space Management Plan

1. All open space development plans shall be accompanied by a conceptual plan for the long-term management of the restricted open space that is to be created as part of the development. Such plan shall include a discussion of (1) the manner in which the restricted open space will be owned and by whom it will be managed and maintained; (2) the conservation, land management and agricultural techniques and practices which will be used to conserve plan(s) approved by the Shelby County Conservation District where applicable; (3) the professional and personnel resources that will be necessary in order to maintain and manage the property; (4) the nature of public or private access that is planned for the restricted open space; and (5) the source of money that will be available for such management, preservation and maintenance on a perpetual basis. The adequacy and feasibility of this conceptual management plan as well as its compatibility with the open space resource protection objectives stated in this Section shall be factors in the approval or denial of the open space development plan by the Town Council.
2. The conceptual management plan shall be transformed into a more detailed open space management plan and presented to the Town for review and approval with the Preliminary Subdivision and Land Development Plan. The Town Council may require that the management plan be recorded, with the Final Subdivision and Land Development Plans, in the Office of the Recorder of Deeds of Shelby County. In order to allow for the changing needs inherent in the perpetual management of land, the management plan shall contain a provision to the effect that it may be changed by written application to the Town Council, so long as the proposed change is feasible and consistent with the purposes of preservation of open space set forth in this Section and so long as the plan for such change avoids a likelihood of the obligation of management and maintenance of the land falling upon the Town without the consent of the Town Council. The Council's approval of such application shall not be unreasonably withheld or delayed.

D. Open Space Performance Bond

1. All landscape improvements, plantings, access points, and recreational facilities within designated open space areas shall be provided by the developer as applicable. A performance bond or other security shall be in the same form and adhere to the same conditions as otherwise required for proposed improvements under the Town of Westover Subdivision Regulations.
2. An appropriate portion of the performance bond or other security will be applied by the Town should the developer fail to install the planting or recreational facilities.

81.13. PATIO HOMES.

81.13.01. Subdivision of lots for patio homes shall be restricted to tracts with a minimum

site area of three acres. The maximum density shall be seven dwelling units per acre.

81.13.02. The patio home lot shall meet the following dimensional requirements:

- Minimum lot area: 6,000 square feet
- Minimum lot width: 40 feet
- Minimum front yard: 20 feet
- Minimum side yard: 8 feet
- Minimum rear yard: 15 feet

81.13.03. An attached garage to a dwelling may share a common party wall with an attached garage on an adjacent lot used for a patio home on either side.

81.13.04. All yard areas behind the rear corners nearest to the side of any lot of any dwelling shall be fully enclosed by an opaque fence or wall along the side and rear lot lines to form a private yard area of at least 600 square feet. Not less than 100 square feet of the private yard area, with a minimum dimension of ten feet, shall be a hard-surfaced patio or porch. Patio homes on adjacent lots to the rear or sides may own and maintain common party fences or walls. All living spaces within the dwelling shall open onto the private yard area.

81.13.05. All utilities shall be placed underground; all lots shall be served by public water and sewer.

#### 81.14. TOWNHOUSES.

81.14.01. Subdivision of lots for townhouses shall be restricted to tracts with a minimum site area of at least 14,000 square feet. The maximum density shall be fourteen dwelling units per acre. Not more than eight dwelling units per building shall be permitted.

81.14.02. Each townhouse lot shall meet the following dimensional requirements:

- A. Minimum lot area--interior unit: 2,500 square feet
- B. Minimum lot area--end unit: 4,500 square feet
- C. Minimum lot width--interior unit: 22 feet
- D. Minimum lot width--end unit: 45 feet
- E. Minimum front yard: 20 feet
- F. Minimum side yard--end unit: 20 feet
- G. Minimum rear yard: 15 feet

81.14.03. A 300 square feet fenced or walled private yard area shall be provided on lots of less than 7,000 square feet. Not less than 100 square feet of the private yard area, with a minimum of ten feet, shall be a hard-surfaced patio or porch. Townhouses on lots adjacent to the rear or sides of the development may own and maintain common party fences or walls.

81.14.04. All utilities shall be placed underground; all lots shall be served by public water and sewer.

#### 81.15. MULTIPLEX.

81.15.01. The minimum site area shall be 12,000 square feet, and not more than four dwelling units per building shall be permitted.

81.15.02. All parking areas shall be set back at least 15 feet from the building.

81.15.03. At least 20% of the site area shall be improved for the recreational use of the apartment residents.

- 81.15.04. All utilities shall be placed underground; all multiplexes shall be served by public water and sewer.

81.16. MINI-WAREHOUSE.

- 81.16.01. No storage space shall exceed 400 square feet in area and one story in height.
- 81.16.02. All storage space shall be served by a paved driveway of 12 feet minimum width for each direction of travel.
- 81.16.03. The entire site shall be enclosed by security fencing of eight feet minimum height and be kept lit with security lighting throughout.
- 81.16.04. No storage space shall be used for other than storage purposes.

81.17. MANUFACTURED HOME PARK. All manufactured homes shall be located within manufactured home parks, as specified herein. All manufactured home parks shall be served by public water and sewer. Manufactured home parks, existing prior to the effective date of this ordinance, shall not be permitted to expand except where public water and sewer is provided. A site plan meeting the requirements as set out forth below is required to be submitted for approval of a manufactured home park:

- 81.17.01. Density. The minimum park size shall be five acres. The maximum density shall be five manufactured homes per acre, with only one manufactured home per lot if the park is subdivided.
- 81.17.02. General Requirements. There shall be set aside a recreational area or areas, within the manufactured home park, which shall be suitably restricted to such use. The size of the recreational area shall be compatible with the size of the park.
- 81.17.03. Space Requirements.
- A. Each manufactured home space or lot shall have a minimum area of 6,500 square feet, and a width of not less than 60 feet provided that no lot have less frontage on its access street than is required for a driveway allowing maneuverability of the home onto the lot.
  - B. Manufactured homes shall be located with a minimum setback of 20 feet from the access street and five feet from any lot line, provided that no manufactured home shall be closer to any other manufactured home than 15 feet.
  - C. Each manufactured home space and lot shall be improved with one patio of concrete or other suitable impervious material, having a minimum area of 150 square feet, and one gravel or better home pad of a size equal to or greater than the dimension of the manufactured home located on the pad, but in no case less than ten feet by 40 feet.
  - D. Permanent structures located within any manufactured home lot or space shall be used for storage purposes only, shall have a maximum area of 80 square feet and shall be located not less than six feet from any manufactured home nor closer to any lot lines than provided herein.
  - E. No permanent additions of any kind shall be built onto, or become a part of any manufactured home; provided, however, that this provision shall not be construed to prohibit the addition to the manufactured home of a patio cover or carport cover if same is not permanently attached to the ground. Such patio covers or carport covers shall be similar in appearance and design to the manufactured home.
  - F. Proper blocking, anchoring, and securing of manufactured homes onto foundations shall be done in compliance with the Building Code and Shelby County Health

Department regulations.

- G. With the exception of access and ventilation openings, which shall be covered with wire mesh screen, the space beneath each manufactured home shall be enclosed. All enclosing materials shall be permanently installed and shall be opaque and rust and rot resistant, and shall extend from the lower edge of the exterior walls of the manufactured home to ground surface of the lot upon which it is located.

#### 81.18. TELECOMMUNICATIONS TOWERS AND ANTENNAE.

- 81.18.01. Purpose. The purpose of these guidelines is to establish minimum considerations and criteria for the review of communication towers. It is the Town of Westover's express intent that the construction of new towers be an option of last resort; to the greatest extent feasible, location of antennae on existing towers, and other suitable structures should first be sought. These guidelines are designed to ensure the compatibility of towers with and avoid adverse impacts to nearby properties and discourage the proliferation of towers throughout the Town of Westover.
- 81.18.02. Applicability. All communication towers and antennae shall meet the minimum requirements as prescribed in this ordinance and any additional regulations adopted by the Town Council governing the development and construction of communication towers and antennae.
- 81.18.03. Objectives. The proposed locations and design of all communication towers shall duly consider the following public health, safety and general welfare objectives:
  - A. Structural Safety. The proposed tower will comply with wind loading and other structural standards contained in applicable building and technical codes so as not to endanger the health and safety of residents, employees or travelers in the event of structural failure of the tower due to extreme weather conditions or other acts of God.
  - B. View Protection. The proposed tower facility will be designed to minimize adverse visual impacts to surrounding properties and the public right-of-way, given the topography of the proposed site and surrounding area.
  - C. Land Use Compatibility. The proposed tower facility will be compatible with the surrounding land uses, given the character of the use and development of the location.
  - D. Design Harmony. The proposed tower facility will be designed in harmony with the natural setting and the surrounding development pattern as well as to the highest industry standards.
  - E. Existing Communication Services. The proposed tower facility will comply with FCC and other applicable agency standards so as not to interfere with existing communication services in the area.
  - F. Health Effects. The proposed tower will comply with all applicable federal, state, county and Town health standards so as not to cause detrimental health effects to persons in the surrounding area.
- 81.18.01. Development Criteria. The Town of Westover Zoning Officer and town engineer shall review all communications towers requesting permits for compliance with the applicable standards and criteria listed below. These criteria are considered the minimum necessary to protect the public health, safety and general welfare. The Planning Commission may also impose higher standards if it deems them to be necessary to further the objectives of this section.

A. Setbacks.

1. Where permitted, the distance between the base of the tower, including guys, accessory facilities and property lines abutting urban residential districts, public parks and roads, must equal twenty percent (20%) of the tower height. Property lines adjacent to other uses (e.g. agricultural, industrial) shall require a setback equal to the rear yard setback established for the underlying zone.
2. When located within or adjacent to a residential district or dwelling, the minimum standard setback from all adjoining residential property boundaries shall be fifty feet (50').
3. The Site Review by the Planning Commission may reduce the standard setbacks in exceptional cases where a hardship would result due to unusual conditions on the site or other impracticalities. However, the Planning Commission shall not reduce the setbacks to the detriment of affected residential properties.

B. Appearance.

1. Towers shall maintain a galvanized steel or concrete finish so as to reduce the visibility of the structure, unless other standards are required by the FAA.
2. The design of the tower shall be of a type that has the least visual impact on the surrounding area.
3. The design of the tower compound shall, to the greatest extent possible, maximize use of building materials, colors, textures, screening and landscaping that effectively blend the tower facilities within the surrounding natural setting and built environment.
4. Where communication towers are deemed appropriate for a given location, the type of tower shall be restricted to monopoles in or within 1,000 feet of residential areas and area of special aesthetic concerns such as commercial revitalization areas, historic districts and scenic corridors.

- C. Lighting. Towers shall not be artificially lighted unless required by FAA or other authority for safety purposes. Where required, the Planning Commission shall review the available lighting alternatives and approve that design that would cause the least disturbance to the surrounding views. "Dual lighting" (red at night/strobe during the day) shall be preferred unless restricted by the FAA. Security lighting may be permitted in accordance with requirements for "Security Devices" below.

D. Landscaping.

1. A landscaped buffer shall effectively screen the view of the tower compound from adjacent public ways and residential properties.
2. The standard buffer shall consist of a minimum eight feet (8') wide landscaped strip outside the dark vinyl coated steel security fencing of the perimeter of the compound. The buffer strip shall be planted with an attractive combination of trees, shrubs, vines and/or ground covers that can achieve the full height of the fence at maturity and enhances the outward appearance of the security fence. For sites within 1,000 feet of a residence, the Site Review by the Planning Commission may impose increased buffer standards to include a decay-resistant, solid wood fence, earth berms and brick or masonry walls in addition to the security fencing. All fencing and landscaping shall be maintained by the lessor/owner.
3. In isolated non-residential areas, alternative landscaping methods may be accepted, such as the use of earth toned colored, vinyl-coated steel security

- fencing in combination with four feet of evergreen trees, shrubs, vines and/or other plantings.
4. In certain locations where the visual impact of the tower would be minimal, such as remote, agricultural or rural locations, or developed heavy industrial areas, the landscaping requirements may be reduced or waived by the Planning Commission.
  5. Existing mature tree growth and natural landforms on the site shall be preserved to the maximum extent possible. In some cases, such as towers located on large, wooded lots, preservation of substantial natural growth around the property perimeter may be a sufficient buffer.
  6. Cellular facilities utilizing underground vaults in lieu of above ground switching gear buildings shall be exempted from any buffer requirements.
  7. Security Devices. The facility shall be fully secured. A minimum eight feet (8') high, dark vinyl coated steel fence shall be installed around the entire perimeter of the compound (measured to the top of the fence or barbed wire, if applicable). Security fencing shall require screening in accordance with landscaping requirements, as defined above. Other security measures shall include locks and alarms. Approved barbed or razor wire and lighting of the compound shall be permitted, if deemed necessary to fully secure the tower compound.
  8. Access. Driveways and parking shall be provided to assure the operator's access to the facility for maintenance or emergency services. In some cases, parking/access may be from an adjoining alley, public street or off-street parking area.
  9. Co-Location. No new tower shall be established if space is structurally, technically and economically available on an existing tower, which would serve the area that, the new tower would serve. Documentation that reasonable efforts have been made by the applicant to achieve co-location shall be submitted in accordance with the requirements of this Section. Towers shall be designed to maximize shared use to the greatest extent possible, given the structural and technical limitations of the type of tower proposed. In any event, co-location shall be encouraged. If feasible, each tower shall, at a minimum, be designed for double its intended use for all transmitting and receiving antennae other than microwave dish antennae.
  10. Removal of Obsolete Towers. Any tower that is no longer in use for its original communications purpose shall be removed at the owners' expense. The owner shall provide the Zoning Officer with a copy of the notice of the FCC of intent to cease operations, which shall be given ninety (90) days from the date of ceasing operations to remove the obsolete tower and accessory structures. In the case of multiple operators sharing use of single tower, this provision shall not become effective until all users cease operations.
- 81.18.05. Application. Any application submitted for approval shall submit the following items, in addition to any other required items, to show compliance with these review standards.
1. Statement of Impact on Health, Safety and Welfare. A brief written statement shall address conformance with the health, safety and welfare objectives of this guideline.
  2. Site Plan. A scaled site plan shall show the location and dimensions of all improvements, including setbacks, drives, parking, fencing, landscaping, and other information necessary to determine compliance with the development

criteria of these guidelines.

3. Rendering. A rendering of the tower, accessory facilities and compound shall depict colors, materials and treatment. If lighting or other FAA requirements for tower color is proposed, evidence of such requirement shall be submitted.
  4. Justification for a New Tower. A proposal for a new tower shall be documented by the applicant that the planned equipment for a proposed tower cannot be accommodated on an existing tower within the proposed service area. The applicant shall submit a written affidavit showing what attempts have been made to share an existing tower or that no such tower exists.
  5. Certification of Shared Use Design. A qualified engineer, registered in the State of Alabama, shall certify that the proposed tower's structural design can accommodate a minimum of two (2) shared users, in accordance with "903.05.04: Development Criteria".
  6. As Built Survey. A qualified professional engineer, registered in the State of Alabama, shall certify that the proposed communication tower was built in accordance with the submitted site plan including the installation of any required buffer yard.
  7. Total anticipated capacity of the structure, including the number and types of antennae that can be accommodated.
  8. Mitigation measures for ice and other hazardous falling debris, including setbacks and de-icing equipment.
  9. Where applicable, adequate parking shall be provided, along with buffers where such tower abuts any residential Zoning District. Such towers shall be prohibited in any residential Zoning District of the Town of Westover, Alabama.
- 81.18.06. Exceptions. Towers camouflaged to resemble woody trees or indigenous vegetation in order to blend in with the native landscape will be subject to administrative review by the Zoning Officer, as are other types of concealment techniques. Concealment techniques are design methods used to blend a wireless telecommunications facility, including any antennas thereon, unobtrusively into the existing surroundings. Such structures shall be considered wireless telecommunications facilities and not spires, belfries, cupolas, or other appurtenances usually required to be placed above the roof level for purposes of applying height limitations. Due to their height, such structures must be designed with sensitivity to elements such as building bulk, massing and architectural treatment of both the wireless telecommunications facility and surrounding development. Concealed towers on developed property must be disguised to appear as either a part of the structure housing, a principal uses, or an accessory structure that is normally associated with the principal use occupying the property. Concealed towers developed on unimproved property must be disguised to blend in with existing vegetation. *Example:* A tower of such design and treated with architectural material so camouflaged to resemble a woody tree with a single trunk and branches on its upper part (also known as a "monopine").

#### 81.19. GROUP HOMES.

- 81.19.01. A group home shall only be permitted in a detached dwelling unit situated on a lot having a minimum area of ten thousand (10,000) square feet and shall provide a minimum of three hundred and fifty (350) square feet of habitable floor area for each resident.
- 81.19.02. The maximum number of persons permitted to occupy a group home is six (6)

persons excluding staff personnel.

- 81.19.03. Common kitchen and dining facilities may be provided, however, no cooking or dining facilities shall be provided in individual resident's rooms.
- 81.19.04. A group home shall be affiliated with a parent organization, which provides for the administration of the group home through the direction of a professional staff.
- 81.19.05. A group home shall not be located within two thousand (2000) feet of another group home.
- 81.19.06. A group home shall comply with all applicable safety, fire, accessibility and building codes as required by federal, state and local governments.
- 81.19.07. A minimum of four (4) off-street parking spaces shall be provided.
- 81.19.08. The applicant shall demonstrate compliance with all State requirements for group homes.
- 81.19.09. The applicant shall demonstrate that adequate public sewer and water service is available to the proposed group home.

#### 81.20. STABLES AND CORRALS.

- 81.20.01. The minimum area for stable and corral uses shall be one (1) acre.
- 81.20.02. No more than two (2) horses or ponies shall be permitted for each one (1) acre and no more than two (2) additional horses or ponies are permitted for each additional one-half ( $\frac{1}{2}$ ) acre.
- 81.20.03. All stables shall be located a minimum of one hundred (100) feet from all lot lines and all corrals shall be located a minimum of fifty (50) feet from all lot lines.

#### 81.21. VETERINARY HOSPITALS AND CLINICS.

- 81.21.01. Veterinary facilities shall not be located within two hundred (200) feet of an RN District.
- 81.21.02. All areas where animals have access or are kept shall be soundproofed to contain all sounds on-site prior to the issuance of a Zoning Permit.
- 81.21.03. All waste material shall be stored in closed containers which are screened from all streets and adjoining properties by a fence, wall or plant screen at least as high as the containers.
- 81.21.04. Emission of any offensive odors is not permitted at any time.

#### 81.22. TEMPORARY OUTDOOR RETAIL SALES.

- 81.22.01. Applicability. This section sets standards for temporary outdoor retail sales activities, including produce stands and seasonal sales. Permanent outdoor retail sales as a principal use shall be subject to the provisions of subsection 46.07. Outdoor Display of Merchandise.
- 81.22.02. General requirements. The following standards apply to all temporary outdoor retail sales activities unless otherwise provided by this section.
  - 1. Hours of operation: Daylight hours only, with all sales facilities, signs and any related vehicles removed from the site at the close of daily business. Night operations are allowed only when specifically authorized through Conditional Use Permit approval unless otherwise provided by this section.
  - 2. Parking requirement: None, provided sufficient open area is available to accommodate all employee and customer parking needs on the site, entirely



outside of public rights-of-way other than designated parking spaces.

3. Food sales. The sale of raw or processed foodstuffs is subject to the applicable regulations of the Shelby County Health Department.
- 81.22.03. Produce Stand. A produce stand pursuant to this section is the temporary use of a site for the sale of food and farm produce items from parked vehicles and requires a Conditional Use Permit.
1. Limitation on use. Produce stands are limited to the sale of food and produce items, including raw and prepared foodstuffs, plants and cut flowers.
  2. Duration of use. Produce stands shall occur no more than three days per week on any site, unless otherwise provided for in the applicable zoning district.
- 81.22.04. Seasonal Sales. Seasonal sales include the retail sale of holiday vegetation, including pumpkins and Christmas trees or other similar activity. Seasonal sales shall be of a non-commercial nature and sponsored by a group of persons residing in the Town.
1. Time limit. The length of time during which seasonal sales may occur is limited to 30 days.
  2. Hours of operation: 8:00 am to 9:00 pm for seasonal sales.
- 81.22.05. Sales from parked vehicles. Sales from parked vehicles are prohibited except in an approved produce stand.

#### 81.23. CAMPER PARKS.

- 81.23.01. Developer shall furnish a sketch of the layout of camper trailer spaces, tent spaces, driveways, buildings, utilities and recreational area.
- 81.23.02. Each camper trailer park shall contain a minimum of five (5) acres.
- 81.23.03. Sewerage facilities, washroom or toilet facilities, and water supply shall comply with all state and county sanitary regulations governing tourist camps, cabin camps, tent camps, trailer camps and similar establishments.
- 81.23.04. The Park shall afford proper drainage and same shall be approved by the county engineer.
- 81.23.05. Parks shall be restricted to towed campers or travel trailers not exceeding thirty-one (31) feet in length, and to self-propelled vehicles not exceeding forty (40) feet in length.
- 81.23.06. Parks shall be surrounded by an unoccupied open space or buffer strip fifty (50) feet wide on all sides. The inside twenty (20) feet may be used for a driveway.
- 81.23.07. Lot Sizes.
- Minimum lot area - 1,600 square feet  
Minimum lot width - 30 feet
- 81.23.08. Driveways.
1. Minimum - Twenty (20) feet two-way traffic: Twelve (12) feet one-way traffic
  2. Maximum Grade - Six percent (6%)
  3. Minimum curve radius - fifty (50) feet
  4. Surface requirements. Minimum four (4) inch sub-base with clay or gravel surface. Regular and adequate maintenance required to afford circulation of traffic and suitable surface for travel.

5. Adequate turn-arounds shall be provided with no dead end streets.

81.23.09. Electrical Requirements.

1. Electrical outlets shall meet the minimum standards of the National Electrical Code.
2. Washrooms or toilet facilities shall remain lighted at night.
3. Outdoor lighting is required along pathways to restrooms at a maximum of one hundred (100) feet apart, not exceeding three (3) feet above ground and reflected downward, or as may be approved by the Zoning Officer to provide adequate visibility.

- 81.23.010. Camper parks may contain accessory buildings necessary for the operation of the park such as bathhouses, rest room, laundry rooms, offices, recreation buildings, if approved by the Planning Commission. One (1) single family residence is allowed on site for occupancy by the owner operator only, for each one hundred (100) campsites or portion thereof.

- 81.23.011. The Planning Commission shall have the right to require any other improvements deemed necessary for proper layout and design, or health, safety, convenience and general welfare of the residents of the Town.

81.24. ASSISTED LIVING FACILITY.

- 81.24.01. General Standards. No Certificate of Occupancy shall be issued prior to the issuance of required permits and certificates by federal, state, and local agencies.

- 81.24.02. Locational Standards: Development shall be located on an arterial street, or collector street. Off-site grocery and other commercial and medical conveniences should be within the ability of aged persons to reach them easily: by walking safely to them (within 2,000 feet on level sidewalks) or by transportation provided by project and facility owners with frequent daily schedule service within a 5-10 minute ride to grocery and other commercial and medical conveniences. The location, design, and operating characteristics of the use shall be compatible with and not adversely affect adjacent properties and the surrounding area. The proposed development shall be harmonious with surrounding buildings with respect to scale, architectural design, and building placement. The street network shall be capable of accommodating the traffic generated by the proposed use.

- 81.24.03. Site Standards. Requests for an increase in the number of units per building may be approved by the Board of Zoning Adjustments where access to public water and sewer is provided.

- These facilities should be designed so as to cluster the residential units and associated buildings based on the net density and provide sufficient open space and amenities areas.
- Ten percent of the total parking spaces shall be designated as handicap accessible.
- Each unit shall contain at least 400 sq. ft. of gross floor area.

- 81.24.04. Area Regulations. All buildings shall be set back from the street right-of-way and from all property lines as required by the zoning district within which the development is located except: Where adjacent to a residential or agricultural zoning district, the minimum setback shall be 50 feet. Where adjacent to a state highway, the minimum setback shall be 50 feet.

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**81.25. INDEPENDENT LIVING FACILITY.****81.25.01. Single Building.**

- Entrances to individual units shall be from the interior of the building. Mailboxes and laundry rooms shall also be within the same building.
- Parking areas shall be setback no less than 15 feet from the building and a sidewalk of no less than 5 feet in width shall be provided between the building and parking area.
- No less than 20% of the site area shall be improved for the passive recreational use of tenants.
- All utilities shall be placed underground; all independent living facilities shall be served by public water and sewer.

**81.25.02. Complex.**

- Minimum site area: 12,000 square feet.
- All buildings shall be set back at least 15 feet from all parking areas. A sidewalk of no less than 5 feet in width shall be provided between all buildings and parking areas.
- Buildings shall be spaced front-to-front, front-to-rear, front-to-side, and rear-to-rear at least to a distance equal to twice the tallest building height and spaced side-to-side and side-to-rear at least to a distance equal to the tallest building height.
- No less than 20% of the site area, and not less than 2,500 square feet, shall be improved for the passive recreational use of tenants.
- All utilities shall be placed underground; all independent living complexes shall be served by public water and sewer.

**81.26. AUTOMATED TELLER MACHINE (ATM).****81.26.01. "Walk-up" ATMs shall be permitted in the TC, NC, HC, EC-I, and EC-O Districts only.**

- Walk-up ATMs may be fully enclosed within the structure of a principal use and accessible from the interior or exterior of the building.
- Walk-up ATMs shall be provided solely for pedestrian access and shall not be accessible by a drive-thru for motorists. No parking spaces shall be required for a "walk-up ATM".
- Security cameras shall be provided in all exterior-accessible "walk-up" ATMs.

**81.26.02. "Drive-thru" ATMS shall be permitted in the HC, EC-I, and EC-O districts only.**

- "Drive-thru" ATMs shall be permitted only as accessory uses.
- "Drive-thru" ATMs shall not be permitted as principal uses on any lot.

**81.27. RESIDENTIAL IN A MIXED-USE BUILDING.**

- 81.27.01. Residential dwelling units in mixed-use buildings are intended to be located on a floor level above a use of another type (i.e. institutional, office, retail or service, etc.) and in no case shall be located less than four feet above grade as measured at the front building line. In all cases, provision of emergency egress and fire separation shall comply with all requirements of the Building Code.

- 81.27.02. Single-Family Dwelling in a Mixed-Use Building. Single-family dwellings in mixed-use buildings are primarily intended for the occupancy of the owner or manager of the associated use or uses within the building. In such cases, the dwelling unit may be accessible from within the associated use. In all other cases, access to the single-family dwelling unit shall be from the exterior of the building or other entrance separate from other use(s) within the building.
- 81.27.03. Multi-Family Dwellings in a Mixed-Use Building. Multi-family dwelling units shall be accessible from a shared exterior entrance or one interior entrance commonly shared between the different uses housed within the building. Dwelling units shall not be accessible directly from another unit or use within the building.

## ARTICLE IX. OVERLAY DISTRICT REGULATIONS

Section 90.00 GENERALLY. Each of the overlay districts defined and established in Section 22.0 shall be subject to specific regulations pertaining to special characteristics as follows.

Section 91.00 FLOOD HAZARD OVERLAY DISTRICT. A Flood Hazard Overlay District may overlay, or include, properties located in one or more use districts. Regulations to govern activities within such districts, as outlined herein, shall be applied in addition to other regulations required in the underlying use districts. The more restrictive of such regulations shall apply.

Section 91.01 DESIGNATION OF DISTRICTS. This district has been devised and designated in response to flood hazard information as provided by the Federal Emergency Management Agency and its Floodway, Flood Boundary and Floodway maps for the city and adjacent unincorporated area, which information has been accounted for in the development of this ordinance and map. Before the Town Council shall amend the boundaries of a Flood Hazard Overlay District, the Planning Commission shall first submit a report to the Town Council outlining the boundaries of such district and the source and nature of such new information.

Section 91.02 DEVELOPMENT IN DESIGNATED FLOODWAYS. No structure or other development that could constitute an obstruction to the discharge of base flood waters shall be permitted in the floodway unless, following appropriate engineering studies, the Planning Commission shall find that:

- a. The proposed structure is in the public interest and will not significantly increase the water surface elevation during discharge of the base flood; **and**
- b. The proposed structure is not habitable, is designed to avoid damage due to flooding and is designed to avoid interruption of utility service due to flooding.

Section 91.03 DEVELOPMENT IN SPECIAL FLOOD HAZARD AREAS. All uses permitted in the underlying use district shall be permitted, subject to a finding by the Planning Commission that the proposed use shall not be inconsistent with the principles of reasonable flood plain management, and provided that:

- a. The first floor, including the basement, of all new structures shall be raised to a point no less than two-feet above the base flood elevation.
- b. The first floor of all substantially-improved existing structures shall be raised to a point no less than two-feet above the base flood elevation, excepting in those instances when it is determined by the Planning Commission that it is not economically feasible to so elevate the first floor of an existing structure, the proposed improvements may be permitted, provided that the structure is flood proofed to a point above the elevation of the base flood.

Section 92.00 PLANNED UNIT DEVELOPMENT (PUD) OVERLAY DISTRICT. A Planned Unit Development Overlay District may overlay, or include, properties located in one or more use districts. The Planning Commission shall, in accord with this ordinance, apply additional regulation, through the Town of Westover PUD Development Guidelines, to govern development of land within such districts, and those guidelines shall be applied in lieu of or in addition to, as the case may be, other regulations required in the underlying use districts. The Planning Commission may, from time to time and subsequent to a public hearing, add to those guidelines in a manner not inappropriate to the purposes of this district.

Section 92.01 DESIGNATION OF DISTRICTS. A Planned Unit Development Overlay District may be established for any tract with a minimum site area of five acres whose development could be undertaken as an integral unit under single ownership or control. Before the Town Council shall

designate or amend the boundaries of any Planned Unit Development Overlay District(s), the Planning Commission shall first submit a report to the Town Council, which shall include the conceptual site plan required by Section 93.02 and shall, in addition, outline the boundaries of the proposed overlay district and indicate the Commission's specific intent for development within the overlay district and how implementation of the Comprehensive Plan would be furthered by such development.

**Section 92.02 APPLICATION REQUIREMENTS.** A conceptual site plan shall accompany each application for rezoning to the PUD Overlay District. The site plan shall be drawn to scale and dimensioned, prepared by a professional engineer, land surveyor, architect, or landscape architect licensed to practice in the State of Alabama. The site plan shall show, in schematic detail, the concept for use and development of the entire PUD overlay district, including the location of the proposed uses and major buildings, the proposed residential density, housing types, dimensional standards for all lots, layout of roads, location of all entrances, and layout and configuration of all common open spaces. The site plan shall be accompanied by a brief narrative text describing the general design and architectural policies for the PUD, treatment of environmentally sensitive lands, and proposed time frame for phased development.

- a. A traffic study shall be provided by the applicant demonstrating compliance with applicable elements of the adopted PUD Development Guidelines and all applicable requirements of the Zoning Ordinance and Subdivision Regulations.

**Section 92.03 PERMITTED USES AND DEVELOPMENT.** Development of the PUD shall be in substantial accord with the approved conceptual site plan required in Section 93.02, and with all other site plan and subdivision approval procedures as required by this ordinance and the Subdivision Regulations. There shall be permitted a mix of uses within a single development and within lots as shown on the Final Subdivision Plat as required by the Subdivision Regulations. Such mix shall reflect and appropriately account for the relative land areas and development densities called for in the underlying use districts, but may relocate, within the spirit of this ordinance and the Comprehensive Plan, such uses within the planned unit development. The purpose of this limitation is to ensure that this overlay district is not used, intentionally or unintentionally, to create higher density development than called for by the underlying use districts.

- a. Upon a favorable recommendation by the Planning Commission and final approval by the Town Council, uses not specifically permitted within underlying districts may be permitted within a PUD that otherwise conform to the requirements of the applicable underlying zoning districts and the requirements of adopted PUD Development Guidelines and that are in accordance with the spirit of the Ordinance and the Comprehensive Plan.

**Section 93.0 HIGHWAY 280 OVERLAY DISTRICT.** All parcels of land any portion of which lies within 500 feet of the right of way line of U.S. 280 within the corporate limits of the Town of Westover, Alabama.

**Section 93.01. HIGHWAY 280 ACCESS MANAGEMENT POLICY.** All projects shall be designed to minimize congestion on Highway 280, by incorporating the following principles into the site design:

- a. Limit the number of conflict points by limiting left turning movements and cross highway through movements.
- b. Separate conflict areas by adequate spacing between driveway and street intersections.

- c. Reduce interference with through traffic by providing turning lanes, designing driveways with large turning radii and restricting turning movements in and out of driveways.
- d. Provide sufficient spacing for at-grade signalized intersections.
- e. Provide adequate on-site and intra-site circulation and parking areas in order to minimize the number of driveways to the highway.

#### SECTION 93.02. ADMINISTRATION.

93.02.01. Intent. It is the intent of this Article to establish minimum standards for the development of property in the Highway 280 Corridor, as depicted on the Zoning Map. When regulations appear in this Article or other provisions of the Zoning Ordinance, but not both, the regulations shall apply to building or land development.

93.02.02. Compliance. Prior to issue of a building permit for property located in the Highway 280 Corridor as depicted on the Zoning Map, the property owner or his or her agent shall submit a site plan and accompanying information to the Zoning Officer. The applicant should meet with the Officer to review the proposed site plan, prior to preparation and submission of the final site plan. The site plan shall be drawn to a scale no smaller than one inch equals 50 feet and shall show the following information:

- a. All dimensions and distances, property lines, easements, landscaping, buffers and public and private rights-of-way;
- b. Existing and proposed buildings and structures, including signs, trash containers, fences, walls, light poles, power poles, outdoor utility equipment and structures, and roof and ground mounted mechanical appurtenances units;
- c. Location, height, size, materials, color and lighting of all signs;
- d. Existing and proposed buildings and structures on adjacent property affected by a required buffer;
- e. Bodies of water, water detention areas, drainage structures and sanitary sewer lines and facilities and water distribution lines;
- f. Driveways, accommodations for bicycles and pedestrians, parking areas, existing and proposed parking spaces, access aisles and other vehicle maneuvering areas; along with all required landscaping;
- g. All existing and proposed built improvements, natural features such as rock outcroppings, streams, and other landscape elements; plant materials keyed to a Planting Schedule with botanical names, common names, cultivar (if any), quantity of materials, size of materials at time of planting and plant scaping;
- h. Sufficient information and detail to clearly demonstrate that all applicable requirements and standards of this Article are fully satisfied; and

- i. The site plan shall be accompanied by:
  1. A grading plan which shows all areas of cut and fill and the grade of all finished floor elevations in relation to the elevation of the Highway 280 pavement which adjoins the property;
  2. An access management plan which shows compliance with Section 93.03. Proposed median access cuts must be approved by the Alabama DOT prior to submission of the site plan and access management plan;
  3. Certification that building orientation, materials and design comply with the requirements of Section 93.04.;
  4. An exterior lighting plan which shows compliance with Section 93.06., including the proposed foot candles of artificial light on and off premises;
  5. A sign plan which shows compliance with Section 93.08.;
  6. A landscape plan which shows compliance with Section 93.09.;
  7. An erosion and sedimentation plan which meets or exceeds the Alabama Department of Environmental Management's Best Management Practices; and
  8. Other plans or specifications necessary to show compliance with this Article.

Section 93.03 HIGHWAY 280 ACCESS. All parcels which adjoin private property shall either share access with adjoining properties or have access to a frontage road.

93.03.01. The number and location of access points to Highway 280 shall be determined as part of the site plan review process.

93.03.02. The development of each parcel in areas where a frontage road is either available or planned, shall incorporate the frontage road into the site design.

93.03.03. In areas where a frontage road is not available or planned, each parcel shall be designed to share paved highway access drives with adjoining properties, unless the adjoining property is zoned for residential use and/or recommended for residential use in the Comprehensive Plan.

93.03.04. Access. Access to Highway 280 may be prohibited from any tract having access to a street intersecting Highway 280 or any tract with frontage on Highway 280, which has access through an existing joint-use access easement or driveway. Otherwise, access to Highway 280 shall be limited to one driveway unless otherwise permitted.

93.03.05. Driveway Location. Maximum practical spacing between driveways shall be required. Unless otherwise approved by a jurisdiction's engineer, no driveway accessing Highway 280 shall be located:

- a. closer than three hundred feet (300') from the nearest adjacent driveway, unless no other access is available to a parcel of land;
- b. where the sight distance is less than ten times the posted speed limit;
- c. on the inside radius of a curve; or,



- d. where the roadway grade of Highway 280 exceeds seven and one-half percent (7.5%).

93.03.06. Intersections. Minimum spacing between local streets intersecting Highway 280 shall be six hundred feet (600') and between collector streets shall be one thousand, three hundred and twenty feet (1,320'); and, improvements to intersections will be based upon a review of a professional traffic analysis.

93.03.07. Highway 280 Median. Highway 280 median should be designed and landscaped to be compatible with the intent of these regulations. The number of median breaks on Highway 280 should be minimized. All future connecting streets should align with median breaks to the greatest extent practicable.

**SECTION 93.04. BUILDING DESIGN AND ORIENTATION.** The following standards shall apply to all development in the corridor, except single-family detached dwellings:

93.04.01. Minimum building setback from the Highway 280 right-of-way shall be 50 feet or as otherwise required to accommodate a frontage road as depicted in the Comprehensive Plan and Zoning Map. Minimum front building setback from other public street rights-of-way shall be as required by the underlying zoning district. Minimum side and rear building setbacks from other public street rights-of-way shall be as required by the underlying zoning district.

93.04.02. 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 off the premises. Trash receptacles shall be located within a four-sided structure which completely conceals the trash receptacle. The color and architecture of the structure shall be compatible with that of the building which it serves.

93.04.03. The outdoor display of sales merchandise and outdoor storage when permitted, shall not be visible from public property, except automobiles, live plants, Christmas trees and vending machines.

93.04.04. Mechanical units shall be ground mounted when feasible and screened from public view. Roof mounted units shall be screened from view from public property.

93.04.05. Building orientation shall be such that loading and service areas do not face Highway 280, except in the case of double frontage lots, where such areas must be located in a rear or side yard, which faces the highway. All loading and service areas shall be screened from view from off the premises.

93.04.06. In order to ensure the permanency of buildings, reduce the need for periodic maintenance and maintain a character which is commensurate with the public interest, the following materials shall be used as primary exterior building wall finishes on portions of the building which are visible from the Highway 280 right-of-way: brick, stone, glass, wood, stucco, imitation stucco, pre-cast concrete, poured concrete, and/or split-face concrete block.

93.04.07. Non-structural awnings, covered with cloth, plastic or other fabric, shall not project more than seven feet from the building wall; shall not be lower than eight feet nor higher than 14 feet above grade; and shall not be internally illuminated.

**Section 93.05. FENCES AND WALLS.**

93.05.01. Screening walls and fences shall match the color and materials of the building on the premises.

93.05.02. Fences designed to create privacy or separation shall be made of masonry, ornamental metal, durable wood, vinyl which is designed and fabricated to appear as wood, or a combination of these materials. Chain link, plastic or wire fencing is not permitted for fences visible from public property.

93.05.03. When visible from public property, solid fences shall have an evergreen landscaped strip on the Highway 280 side of the fence.

93.05.04. Fences and walls shall not restrict traffic intersection sight lines.

**Section 93.06. EXTERIOR LIGHTING.**

93.06.01. Lighting shall have underground electric service, except where the lights, service poles and wires are not visible from public property.

93.06.02. The intensity, location and design of lighting shall be such that not more than one foot candle of light is 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.

93.06.03. Exterior lights shall not exceed 20 feet in height.

93.06.04. Wooden light poles are prohibited on private property.

93.06.05. Light poles and fixtures shall be compatible with the architecture of the buildings on the premises.

93.06.06. Flashing, blinking or intermittent lights or neon tubing, are prohibited.

**Section 93.07. GRADING AND DRAINAGE.**

93.07.01. Except for retaining walls, smooth topographic transition shall be provided throughout the site and between properties. Slopes steeper than 1:3 rise to run are prohibited.

93.07.02. The exterior surface of retaining walls shall be compatible with the architecture and site design of the property.

93.07.03. Retaining walls which exceed eight feet in height and are visible from public property, shall be visually screened with vegetation.

93.07.04. In areas which are visible from public property, subsurface drainage structures and grass swales shall be used to manage storm water. Open ditches are prohibited.

93.07.05. The use of crushed granite or limestone for slope stabilization and storm drainage is prohibited in the public right-of-way and areas which are visible from the through and auxiliary lanes of Highway 280.

93.07.06. Prior to issue of a Certificate of Occupancy for the premises, all slopes shall be stabilized with grass or other evergreen groundcover or other vegetation.

Section 93.08. SIGNS.

**93.08.01 Purpose**

The purpose of this section is to provide the minimum control of signs that ensures the protection of the public safety and general welfare. These provisions are intended to lessen the hazards to pedestrian and vehicular traffic, prevent unsightly and detrimental development which has a blighting influence upon the community, prevent signs from reaching such excessive size or numbers that they obscure one another to the detriment of all concerned, preserve the general character and aesthetic quality of the various areas within the county, and promote a positive town image reflecting order, harmony and pride.

**93.08.02 Definitions**

Words and phrases used in this article shall have the meanings as set forth in this subsection. Words and phrases not defined in this section but defined elsewhere in the zoning regulations shall be given the meanings as set forth in such regulations. All other words and phrases shall be given their common, ordinary meaning unless the context clearly requires otherwise.

*Advertising.* Sign copy intended to directly or indirectly promote the sale or use of a product, service, commodity, entertainment, or real or personal property.

*Animated Sign.* Any sign that uses movement or change of lighting to depict action or create a special effect or scene.

*Banner.* Any sign of lightweight fabric or similar material that is permanently mounted to a pole or building by a permanent frame at one or more edges. National flags, state or municipal flags or the official flag of any institution or business shall not be considered banners.

*Building Marker.* Any sign indicating the name of a building, date of construction and incidental information, which is cut into a masonry surface or made of bronze or other permanent material.

*Building Sign.* A sign displayed upon or attached to any part of the exterior of a building, including walls, windows, doors, parapets, marquees and roof slopes of forty-five (45) degrees or steeper.

*Canopy Sign.* Any sign that is part of or attached to an awning, canopy or other fabric, plastic, or structural protective cover over a door, entrance, window, or outdoor service area. A marquee is not a canopy.

*Changeable Copy Sign.* A sign or portion thereof with characters, letters, or illustrations that can be changed or rearranged without altering the face or surface of the sign. A sign on which the message changes more than eight (8) times a day shall be considered a animated sign and not a changeable copy sign. A sign on which the only copy that changes is an electronic or mechanical indication of the time and temperature shall be considered a "time and temperature" portion of the sign and not a changeable copy sign.

*Commercially Developed Parcel.* A parcel of property on which there is at least one walled and roofed structure used, or designed to be used, for other than residential or agricultural purposes.

*Commercial Occupant.* A commercial use, i.e., any use other than residential or agricultural.

*Copy.* The linguistic or graphic content of a sign.

*Department.* The Shelby County Department of Development Services.

*Electric Sign.* Any sign containing electric wiring.

*Erect a Sign.* To construct, reconstruct, build, relocate, raise, assemble, place, affix, attach, create, paint, draw, or in any other way bring into being or establish a sign. It shall not include any of the foregoing activities when performed as an incident to the change of message, or routine maintenance.

*Freestanding Sign.* Any sign supported by structures or supports that are placed on, or anchored in the ground and that are independent from any building or other structure.

*Frontage.* The length of the property line of any one parcel along a street on which it borders.

*Illuminated Sign.* A sign which contains a source of light or which is designed to reflect light from an artificial source including indirect lighting, neon, incandescent lights, back-lighting, and shall also include signs with reflectors that depend upon automobile headlights for an image.

*Marquee.* A structure projecting from and supported by a building which extends beyond the building line

or property line and fully or partially covers a sidewalk, public entrance or other pedestrian way.

*Monument sign.* A monument sign is a freestanding sign, a wall with a sign permanently attached, or a decorative wall that incorporates a sign. Monument signs are typically constructed low to the ground from natural materials such as stone, brick, or wood and surrounded with additional landscape plantings. A monument sign shall be no more than ten (10) feet in height except where further restricted and shall have the lowest portion of its sign face no more than three (3) feet above the ground.

*Multiple Occupancy Complex.* A parcel of property, or parcels of contiguous properties, existing as a unified or coordinated project, with a building or buildings housing more than one occupant.

*Parcel.* A unit of land within legally established property lines. If, however, the property lines are such as to defeat the purposes of these sign regulations or lead to absurd results, a "parcel" may be as designated for a particular site by the Zoning Officer.

*Pennant.* Any lightweight plastic, fabric, or other material, whether containing a message or not, suspended from a rope, wire, string, or other similar device, designed to move in the wind.

*Portable Sign.* Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels; signs converted to A-frames or T-frames; menu or sandwich board signs; balloons or other inflatable devices used as signs; umbrellas used for advertising; and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless such vehicle is used in the normal day to day operations of the business.

*Projecting Sign.* A sign affixed to a building or wall in such a manner that its leading edge extends more than six (6) inches beyond the surface of the building or wall.

*Roof Line.* A horizontal line intersecting the highest point or points of a roof.

*Sign.* Any writing, pictorial presentation, number, illustration, decoration, flag, banner, pennant, or other device which is used to announce, direct attention to, identify, advertise or otherwise make anything known. The term sign shall not be deemed to include the terms "building" or "landscaping" or any architectural embellishment of a building not intended to communicate information.

*Sign Face Area.* The area of any regular geometric shape, which contains the entire surface area of a sign upon which copy may be placed.

*Sign Structure.* Any construction used or designed to support a sign.

*Street.* A public or private right of way for vehicular traffic, including highways, thoroughfares, lanes, roads, ways, and boulevards.

*Unit.* That part of a multiple occupancy complex housing one occupant.

*Vehicle Sign.* Any sign affixed to a vehicle.

*Window Sign.* Any sign, picture, symbol, or combination thereof designed to communicate information about a business, commodity, event, sale, or service that is placed inside or upon a window and is visible from the exterior of the window.

*Zoning Officer.* The Zoning Officer of the Town of Westover or his/her designee.

### **93.08.03 Measurement Determinations**

#### **(1) Number of Signs.**

In general, the number of signs shall be the number of non-contiguous sign faces. Multiple non-contiguous sign faces may be counted as a single sign if all the sign faces are included in the geometric figure used for determining the sign area.

#### **(2) Sign Face Area.**

(a) Individual Signs. The sign face area of individual signs shall be computed by means of the smallest square, circle, rectangle, triangle or combination thereof that will encompass the extreme limits of the writing representation, emblem, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed. This does not include the supporting framework, bracing, or decorative fence or wall when such fence or wall otherwise meets applicable regulations and is clearly incidental to the display itself.

(b) Multifaced Signs. The sign face area of a sign with more than one face shall be computed by adding together the area of all sign faces visible from any one point. When two sign faces are placed back to back so that both faces cannot be viewed from any point at the same time and

when the sign faces are part of the same sign structure and are no more than 36 inches apart, the sign face area shall be computed by the measurement of one of the faces.

*(3) Sign Height.*

The height of a sign shall be computed as the distance from the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade shall be construed to be the lower of existing grade prior to construction or the newly established grade after construction, exclusive of any filling, berming, mounding, or excavating solely for the purpose of locating the sign. In cases in which the normal grade cannot reasonably be determined, sign height shall be computed on the assumption that the elevation of the normal grade at the base of the sign is equal to the elevation of the nearest point of the crown of a public street or the grade of the land at the principal entrance to the principal structure on the parcel, whichever is lower.

*(4) Distance Between Signs.*

The minimum required distance between signs shall be measured along street rights-of-way from the closest parts of any two signs.

*(5) Facade Area.*

The facade area shall be measured by determining the area within a two-dimensional geometric figure coinciding with the edges of the walls, windows, doors, parapets, marquees, and roof slopes of greater than forty-five (45) degrees that form a side of a building or unit.

**93.08.04 Exempt Signs.**

The following signs are exempt from the requirement that a permit be obtained and shall not be counted toward any restriction regarding the number or area of signs permitted on a parcel provided they conform to the standards enumerated in this section and provided they are not placed or constructed so as to create a hazard of any kind:

- (1) Signs that are not designed or located so as to be legible from any street or adjoining property.
- (2) Signs of two (2) square feet or less and signs that include no letters, symbols, logos or designs in excess of two (2) inches in vertical or horizontal dimension, provided that such sign, or combination of such signs, does not constitute a sign prohibited by these regulations.
- (3) Signs necessary to promote health, safety and welfare, and other regulatory, statutory, traffic control or directional signs erected on public property with permission as appropriate from Town of Westover, the State of Alabama, or the United States.
- (4) Legal notices and official instruments.
- (5) Decorative flags and bunting for a celebration, convention, or commemoration of significance to the entire community when authorized by the Westover Town Council for a prescribed period of time.
- (6) Holiday lights and decorations.
- (7) Merchandise displayed behind storefront windows so long as no part of the display moves or contains flashing lights.
- (8) Memorial signs or tablets, historical markers, name of a building and dates of erection when cut into any masonry surface or when constructed of bronze or other incombustible materials and attached to the surface of a building.
- (9) Signs incorporated into machinery or equipment by a manufacturer or distributor, which identify or advertise only the product or service dispensed by the machine or equipment, such as signs customarily affixed to vending machines, newspaper racks, telephone booths and gasoline pumps.
- (10) Advertising and identifying signs located on taxicabs, buses, trailers, trucks or vehicle bumpers.
- (11) Public warning signs to indicate the dangers of trespassing, swimming, animals or similar hazards.
- (12) Works of art that do not constitute advertising.
- (13) Signs carried by a person.

**93.08.05 Prohibited Signs**

It shall be unlawful to erect, cause to be erected, maintain or cause to be maintained, any sign not expressly authorized by, or exempted from, these regulations. The following signs are expressly prohibited unless otherwise exempted or expressly authorized by this article:

- (1) Any sign with a sign face area greater than 200 square feet.
- (2) Signs that are in violation of the building code or electrical code adopted by the Town of Westover.
- (3) Any sign that, in the opinion of the Zoning Officer, does or will constitute a safety hazard.
- (4) Portable signs.
- (5) Signs with visible moving, revolving, or rotating parts or visible mechanical movement of any description or other apparent visible movement achieved by electrical, electronic, or mechanical means, except for traditional barber poles.
- (6) Signs with lights or illuminations that flash, move, rotate, scintillate, blink, flicker or vary in intensity or color except for "time and temperature" signs.
- (7) Strings of light bulbs used on commercially developed parcels for commercial purposes, other than traditional holiday decorations.
- (8) Wind signs consisting of one or more banners, flags, pennants, ribbons, spinners, streamers or captive balloons, or other objects or material fastened in such a manner as to move freely upon being subjected to pressure by wind.
- (9) Signs that incorporate projected images, emit any sound that is intended to attract attention, or involve the use of live animals.
- (10) Signs that emit audible sound, odor, or visible matter such as smoke or steam.
- (11) Signs or sign structures that interfere in any way with free use of any fire escape, emergency exit, or standpipe, or that obstruct any window to such an extent that light or ventilation is reduced to a point below that required by any provision of these regulations or any other regulation of the Town of Westover.
- (12) Signs that resemble any official sign or marker erected by any governmental agency, or that by reason of position, shape or color, would conflict with the proper functioning of any traffic sign or signal, or be of a size, location, movement, content, color or illumination that may be reasonably confused with or construed as, or conceal, a traffic-control device.
- (13) Signs that obstruct the vision of pedestrians, cyclists, or motorist traveling on or entering public streets.
- (14) Non-governmental signs that use the words "stop," "look," "danger" or any similar word, phrase or symbol.
- (15) Signs, within ten (10) feet of public right of way or one hundred (100) feet of traffic-control lights, that contain red or green lights that might be confused with traffic control lights.
- (16) Signs that are of such intensity or brilliance as to cause glare or impair the vision of any motorist, cyclist or pedestrian using or entering a public way, or that are a hazard or a nuisance to occupants of any property because of glare or other characteristics.
- (17) Signs that contain any lighting or control mechanism that causes unreasonable interference with radio, television or other communication signals.
- (18) Signs that are painted, pasted, or printed on any curbstone, flagstone, pavement, or any portion of any sidewalk or street, except house numbers and traffic control signs.
- (19) Signs placed upon benches, bus shelters or waste receptacles, except as may be authorized in writing.
- (20) Signs erected on public property or on private property located on public property (such as private utility poles) other than signs erected by a public authority for public purposes or as otherwise permitted by these regulations.
- (21) Signs erected over or across any public street except as may otherwise be expressly authorized by these regulations and except governmental signs erected by or on the order of a public officer.
- (22) Roof signs placed above the roofline of a building or on or against a roof slope of less than forty-five (45) degrees.

(23) Vehicle signs with a total sign area in excess of ten (10) square feet when the vehicle is parked for more than sixty consecutive minutes within one hundred (100) feet of any street right-of-way; is visible from the street right-of-way that the vehicle is within one hundred (100) feet of; and is not regularly used in the conduct of the business advertised on the vehicle. A vehicle used primarily for advertising shall not be considered a vehicle used in the conduct of the business.

### **93.08.06 Permitted Signs**

The signs enumerated in this subsection shall be subject to all the terms of this section including the requirement that a sign permit be obtained prior to erection of any sign in excess of one (1) sign on a parcel or a total sign face area of six (6) square feet on a parcel. Exemption from the requirement to obtain a sign permit does not necessarily indicate exemption from any other requirement or permit that may be required by this or any other agency.

#### **(1) All Parcels**

(a) Directional Signs. Directional signs limited in area to four (4) square feet, giving directions to motorists regarding the location of parking areas and access drives, shall be permitted on all parcels and shall not be counted as part of an occupant's allowable sign area.

(b) Flags. Not more than three flags or insignias of governmental, religious, charitable, fraternal or other organizations may be displayed on any one parcel of land. Such flags shall not exceed sixty (60) square feet in area and shall not be flown from a pole the top of which is more than forty (40) feet in height. All flags must be flown in accordance with protocol established by the Congress of the United States for the Stars and Stripes. Any flag not meeting the above requirements shall be considered a banner and shall be subject to the appropriate regulations.

(c) Utility Signs. Public utility signs that identify the location of underground utility lines and facilities, high voltage lines and facilities, and other utility facilities and appurtenances are permitted so long as they do not exceed three (3) feet in height, and so long as the sign face does not exceed one half (1/2) square foot.

#### **(2) Undeveloped Parcels**

Undeveloped parcels may display one (1) square foot of signage per ten (10) feet of frontage up to a maximum of ninety-six (96) square feet. No individual sign shall exceed sixty four (64) square feet nor exceed ten (10) feet in height. Signs must be spaced at least one hundred (100) feet apart.

#### **(3) One-Family and Two-Family Residences**

A parcel on which is located a single one-family or two-family residence may display not more than two signs with an aggregate sign area of not more than ten (10) square feet. No individual sign shall exceed six (6) square feet nor exceed four (4) feet in height.

#### **(4) Three-Family and Four-Family Residences**

A parcel on which is located a single three-family or four-family residence may display not more than four (4) signs with an aggregate sign area of not more than sixteen (16) square feet. No individual sign shall exceed six (6) square feet nor exceed four (4) feet in height.

#### **(5) Residential Developments, Farms and Ranches**

(a) A sign may be displayed at the entrance to a residential development, farm or ranch subject to the following restrictions. One (1) sign is permitted at only one entrance from each abutting street.

The sign may be a single sign with two (2) faces of equal size or may be two (2) single-faced structures of equal size located on each side of the entrance. No face of the sign shall exceed thirty-two (32) square feet in size, and may be illuminated in a steady light only.

(b) All such signs shall be maintained perpetually by the developer, the owner of the sign, a pertinent homeowners association or some other person who is legally accountable. Such accountability is required before a permit shall be issued. If, following the issuance of a permit and subsequent erection of such signs, no accountable person accepts legal responsibility to maintain the signs and no other provision has been made for maintenance, the signs shall be removed by the developer or owner.

### **93.08.07 Commercially Developed Parcels**

#### **(1) Freestanding Signs.**

Signs may be placed in a freestanding location on a commercially developed parcel subject to the following limitations:

**Table 93.08.07**

	If the frontage on a public right-of-way is:					
	<=50'	>50' & <=100'	>100' & <=200'	>200' & <=300'	>300' & <=400'	>400'
Maximum number of signs	1	1	1	1	2	3
Maximum total sign area	16	32	48	64	80	96
Maximum sign area for individual sign	16	32	48	64	80	96
Minimum setback from side property line	10	15	20	50	50	50
Minimum distance from any other freestanding sign on the same site	n/a	n/a	n/a	n/a	100	100
Maximum height	10	15	20	20	20	20



(a) The permissible number, area, spacing and height of freestanding signs for each multiple occupancy complex and each commercial occupant not located in a multiple occupancy complex shall be determined according to *Table 93.08.07, above*.

(b) *Multiple Frontages.* For a parcel having frontage on two (2) or more public streets, each frontage shall be considered separately for the purposes of determining compliance with the above provisions for freestanding signs, but the permitted sign area for one (1) frontage may not be combined with that permitted on another frontage to increase the permitted sign area on one frontage. However, no freestanding sign on one right-of-way may be closer than one hundred (100) feet to a sign on another right-of-way.

*(2) Building Signs.*

Signs not expressly prohibited by this article may be attached to the wall of a building on a commercially developed parcel subject to the following limitations:

(a) Building signs shall be limited to a maximum height of thirty (30) feet above grade, except that on a building of more than thirty (30) feet in height, a single sign is allowed above thirty (30) feet on each side of the building.

(b) Each multiple occupancy complex may display one (1) building sign on each side of the principal building or buildings in the complex, not to exceed a sign face area of two hundred (200) square feet or five (5) percent of the facade area of the building side, whichever is smaller.

(c) Each occupant of a multiple occupancy complex may display three (3) building signs on any exterior portion of the complex that is part of the occupant's unit, not including common or jointly owned portions, not to exceed a sign face area of two hundred (200) square feet each or a total combined sign face area of ten (10) percent of the facade area of such exterior portion, whichever is smaller.

(d) Each occupant not located in a multiple occupancy complex may display three (3) building signs on each side of the building in which the occupant is located, not to exceed a sign face area of two hundred (200) square feet each or a total combined sign face area of ten (10) percent of the facade area of the building side, whichever is smaller.

*(3) Time and Temperature Signs.*

Time and temperature signs are permitted on commercially developed parcels notwithstanding a general prohibition on changing or animated signs. These signs may only display numerical information and must be kept accurate. They may be freestanding or attached to a building and are subject to the regulations applicable to such signs. They shall be counted as part of the occupant's allowable sign area.

**93.08.08 Design, Construction, Location and Maintenance Standards**

*(1) Compliance with Building and Electrical Codes Required*

All permanent signs, and the illumination thereof, shall be designed, constructed and maintained in conformity with applicable provisions of the building and electrical codes adopted by Town of Westover. Wherever there is inconsistency between these sign regulations and the building or electrical code, the more stringent requirement shall apply.

*(2) Illumination Standards*

(a) Sign lighting may not be designed or located to cause confusion with traffic lights.

(b) Illumination by floodlights or spotlights is permissible so long as none of the light emitted shines directly onto an adjoining property or into the eyes of motorists or pedestrians using or entering public streets.

(c) Illuminated signs shall not have lighting mechanisms that project more than eighteen (18) inches perpendicularly from any surface of the sign over public space.

*(3) Placement and Clearance Standards*

(a) Signs shall be located such that there is at every intersection or driveway, a clear view between heights of 3 and 10 feet in a triangle formed by the corner and points on the curb 70 feet from the intersection or entranceway.

(b) Supports for signs or sign structures shall not be placed in or upon a public right of way or public easement, except under the terms of a lease between the owner of the easement or right of way and the owner of the sign.

(c) No freestanding sign shall project over a public right of way.

(d) No sign or sign structure shall be erected that impedes use of any fire escape, emergency exit, or standpipe.

(e) All signs over pedestrian ways shall provide a minimum of seven (7) feet six (6) inches of clearance.

(f) All signs over vehicular ways shall provide a minimum of thirteen (13) feet six (6) inches of clearance.

*(4) Relationship to Building Features*

(a) A building sign shall not extend beyond any edge of the surface to which it is attached, nor disrupt a major architectural feature of the building.

(b) A building sign may project no more than four (4) feet perpendicularly from the surface to which it is attached.

(c) The combined area of permanent and temporary signs placed on or behind windows shall not exceed twenty-five (25) percent of the total window area at the same floor level on the side of the building or unit upon which the signs are displayed.

*(5) Maintenance*

All signs, including their supports, braces, guys and anchors, electrical parts and lighting fixtures, and all painted and display areas, shall be maintained in accordance with the building and electrical codes adopted by the Town of Westover, and shall present a neat and clean appearance. The vegetation around, in front of, behind, and underneath the base of freestanding signs for a distance of ten (10) feet shall be neatly trimmed and free of unsightly weeds, and no rubbish or debris that would constitute a fire or health hazard shall be permitted under or near the sign.

**93.08.09 Administration**

*(1) Permits*

(a) Applicability. No person shall erect a sign without first obtaining a sign permit therefore, except for the following actions which shall not require a permit:

(1) Changing the copy, announcement or message on a sign;

(2) Cleaning, painting, electrical or comparable maintenance or repair of a sign that does not alter any regulated feature of such sign;

(3) Erecting a sign for which a permit is not required in accordance with "Section 93.08.04 Exempt Signs" or "Section 93.08.06 Permitted Signs."

(b) Procedure. All sign permits shall be procured in accordance with the following procedure:

(1) A written application shall be submitted to the Zoning Officer for review and processing. The application will be accepted by the Zoning Officer only upon determination that all requisite documentation and fees accompany the application form. The application shall include such supplementary information as may be specifically requested by the director to determine compliance with these regulations.

(2) The Zoning Officer shall review the application and plans and specifications to determine whether the proposed sign conforms to all applicable requirements of these regulations.

(3) Following review and determination as to conformance with these regulations, the Zoning Officer shall, in a reasonably expeditious manner, either approve or deny the application for the sign permit. In case of denial, the Zoning Officer shall specify the section or sections of these regulations with which the proposed sign is not in conformance.

(4) If an approved sign requires a permit from the building official, the Zoning Officer shall forward a copy of the completed application form and associated plans and specifications to the building official who shall determine whether the proposed sign conforms to all applicable requirements of the building regulations and who shall, in a reasonably expeditious manner, either approve or deny an application for a permit to construct the sign.

(c) *Submission Requirements.* No request for a sign permit shall be considered complete until all of the following has been submitted to the Zoning Officer:

1. Application form. The application shall be submitted to the Zoning Officer in duplicate

on forms made available by the Zoning Officer.

2. Statement of authorization. Any application form which is signed by an individual other than the property owner shall be accompanied by a notarized statement of authorization consenting to the sign placement or, if the property or building upon which the sign is to be located is leased, evidence of the executed lease shall accompany the application form. In the event the building or property is leased and the application form is signed by an individual other than the lessor, the application shall be accompanied by a notarized statement of authorization signed by the lessor consenting to the sign placement and evidence of the executed lease.

3. Plans and specifications. Plans and specifications for any proposed sign shall be submitted in duplicate, drawn to scale and include the following:

- a. lot frontage on all street rights-of-way;
- b. I area of any wall on which a sign is proposed to be placed;
- c. dimensions and elevations (including the message) of the sign;
- d. dimensions of the sign's supporting members;
- e. maximum and minimum height of sign, as measured from finished grade;
- f. location of the sign in relation to property lines, public rights-of-way, easements, buildings, and other signs on the property;
- g. for illuminated signs, the type, placement, intensity and hours of illumination;
- h. construction and electrical specifications, for the purpose of enabling determination that the sign meets all applicable structural and electrical requirements of the building code;
- i. value of the proposed sign;
- j. number, type, location and surface area of all existing signs on the same property and/or building on which the sign is to be located.

4. Application fee. The applicant shall be required to pay an application fee according to the current schedule of fees established by the Town Council for the particular category of application. This fee shall be nonrefundable irrespective of the final disposition of the application.

(d) Permit Expiration. Sign permit shall be valid for a maximum of one hundred eighty (180) days after issuance. Failure to place the sign within the allotted time period shall void the permit and necessitate re-application.

#### *(2) Variances*

Any request for variance from the standards set forth in this article shall be processed according to the procedures and criteria for variances as set forth in "Article XIII. Board of Adjustment" of these regulations.

#### *(3) Inspections*

The Zoning Officer may, if determined necessary, inspect the property to ascertain that the sign is in accord with all provisions of these regulations and the building regulations, respectively, and in accord with all terms upon which the sign permit may have been conditioned.

#### *(4) Nonconforming Signs*

(a) A nonconforming sign is any sign within the jurisdiction of the Zoning Ordinance of Town of Westover on the effective date of this article or any sign existing within any area added to such jurisdiction after the effective date of this section, which is prohibited by, or does not conform to the requirements of these regulations.

(b) All nonconforming signs shall be removed or altered to be conforming within five (5) years of the effective date of these regulations, unless an earlier removal is required by paragraph (c) below or by "(6) Illegal Signs."

(c) Subject to the limitations imposed by paragraph (b) above and "(6) Illegal Signs" below, a nonconforming sign may be continued and shall be maintained in good condition as required by these regulations, but it shall not be:

1. Structurally changed to another nonconforming sign, but its pictorial content may be changed.
2. Structurally altered to prolong the life of the sign, except to meet safety requirements.
3. Expanded or altered in any manner that increases the degree of nonconformity.

4. Re-established after damage or destruction if the estimated cost of reconstruction exceeds fifty (50) percent of the appraised replacement cost as determined by the Zoning Officer.
5. Continued in use when a conforming sign or sign structure shall be erected on the same parcel or unit.
6. Continued in use when the structure housing the occupancy is demolished or requires renovations the cost of which exceeds fifty (50) percent of the assessed value of the structure.

(e) Any nonconforming sign which is located on land adjoining an interstate or federal-aid primary highway for which just compensation is required for removal by the Federal Highway Beautification Act or the Highway Beautification Act-Outdoor Advertising of the State of Alabama shall be exempted from the removal terms of paragraph (b) above. This shall not, however, preclude the Town from seeking to remove any such sign through an eminent domain proceeding, nor achieving sign conformance by other lawful means.

*(5) Abandoned Signs*

- (a) Except as otherwise provided in this section, any sign that is located on property which becomes vacant and unoccupied, pertains to a business which does not maintain a current business license, or pertains to a time, event or purpose which no longer applies, shall be deemed to have been abandoned. Any abandoned sign shall be prohibited and shall be removed by the owner of the sign or the owner of the property. The frame of an abandoned sign shall not be required to be removed if it conforms to all applicable terms contained in these regulations (including the sign face area for sign replacement yielded by such frame).
- (b) Any sign structure which supported an abandoned sign and which structure conforms to all applicable terms contained in these regulations shall be allowed to remain in place. However, in the event a sign structure which supported or supports an abandoned sign is inconsistent with any term contained in these regulations (including the sign face area for sign replacement yielded by the frame), then the sign structure and frame shall be either altered to comply with the terms contained herein or removed by the owner of such structure or property.

*(6) Illegal Signs*

- (a) The following signs shall be considered to be illegal and a violation of the terms of this article:
  1. A sign erected or maintained after the effective date of this article inconsistent with the terms contained herein;
  2. A nonconforming sign which was erected inconsistent with the terms governing location, height, surface area or other regulatory measure applicable at the time of its erection;
  3. An abandoned sign.
- (b) Upon determination by the director that a certain sign is illegal, the Zoning Officer shall act to remedy the violation, which may include:
  1. The issuance of a notice of violation to the individual who owns, is responsible for or benefits from the display of such sign, prescribing the action necessary to make the sign legal and conforming to the terms contained herein, or ordering the removal of the illegal sign, and also prescribing the time which the individual is afforded to accomplish such action;
  2. The removal of any illegal sign located on public property or on private property located on public property, including any such sign located within a street right-of-way in which case the town of Westover shall have the right to recover from the individual erecting such a sign the full costs of removal and disposal.
- (c) Failure to bring any illegal sign into conformance with the terms contained in this section or any other violation of the terms contained in this section shall be considered a violation of the Zoning Ordinance of the Town of Westover and shall be subject to the remedies and penalties provided by such ordinance and by state law.

*(7) Conflicting Provisions*

In the case of conflict between the provisions of this section and *Article X. Sign Regulations*, the

provisions of this section shall apply. In all other cases, signs subject to this section shall also comply with the provisions of *Article X. Sign Regulations* and any other applicable provisions of the Zoning Ordinance of the Town of Westover.

Section 93.09. BUFFERS AND LANDSCAPING.

93.09.01.Purpose. The buffers and landscaping standards are provided to enhance the physical appearance of buildings, their designated parking areas, and the positive impact of parking areas on adjacent land uses.

93.09.02. Impervious Surfaces. Except for single-family dwellings, impervious surfaces such as roofs and pavement shall not cover more than 80 percent of a lot or parcel.

## 93.09.03. Buffers.

- a. Applicability. The following table shows required buffers in the corridor. When the use in Row A is developed adjacent to the use in Column B, the use in Row A shall provide the required buffer. Required buffers shall be located along all zoning district boundaries or property lines which separate property which is zoned to permit or is currently used for the uses stipulated in the following table.
- b. Buffers. Required buffers may be natural areas, planted areas or a combination of both. All required buffers shall meet or exceed the standards of this Section.

**Table 93.1: BUFFERS**

<b>WIDTH OF REQUIRED BUFFER (expressed in feet)</b>					
<b>Column B</b>	<b>Row A</b>				
	Single-Fam. Residential	Multi-Fam. Residential	Office and Institution	Retail Business	Industrial
Single Fam. Residential	0	15	15	25	25
Multi-Fam. Residential	0	0	15	20	25
Office and Institution	0	0	0	15	25
Retail Business	0	0	0	0	25
Industrial	0	0	0	0	0

- c. Maintenance. The property owner shall be responsible for maintenance and replacement of all landscaping materials and irrigation systems required by this Article. All plant material shall be tended and maintained in a healthy growing condition, replaced when dead and kept free of weeds, refuse and debris.
- d. Irrigation. All required buffers shall be irrigated with an automatic irrigation system; except for those buffers which are approved as natural buffers.

## 93.09.04. Landscaping for Parking Areas

- a. General Requirements. The following requirements shall be met concerning improvements to parking lots:
  1. Landscape plans for developments that require 100 or more off-street parking spaces shall be prepared by a registered landscape architect or a licensed landscape designer. All submitted plans shall bear the architect's/ designer's seal, signature and State of Alabama registration number.
  2. All cuts and fills and/or terraces shall have sufficient vegetative cover installed so as to prevent erosion.

b. Landscape Plan Requirements. The following plan requirements shall be fulfilled:

1. All landscaping plans shall be drawn at an appropriate scale so as to convey the design intent, to the appropriate planning and zoning authority.
2. All submitted plans shall include: the title of development, name and address of owner/developer/agent; name and address of person/ firm preparing the plans; date of preparation, scale, north arrow and dates of all revisions; location map of site to nearest public street intersection; boundaries of property in concern; location and description of all adjacent properties, streets and easements; parcel identification and zoning classification; number of parking spaces; total square footage of impervious areas and landscaping; and the location and dimensions of entrance/exit points.

c. Applicability. These regulations apply to all areas, (hereinafter referred to as parking areas), which are open to the general public or visible from public property, and used for off-street parking and loading, vehicle maneuvering and the retail sale of motor fuels.

These regulations shall apply to new parking areas and to any enlargement of parking areas by ten (10) percent or more. The enlargement of any existing parking area by ten (10) percent or more shall require that the existing and new parking areas conform the requirements of this Article. Multi-level parking structures are exempt from the interior planting requirements.

d. Design Standards. Only large trees may be planted to comply with the requirements of this Section, except when site visibility at intersections or when overhead utilities prevent the use of large trees, in which case medium or small trees may be used. Interior landscaped islands and perimeter planting areas shall be planted with trees equal to or greater than one tree for each 900 square feet of impervious parking area. Only trees listed in the Tree Selection List and noted with (\*) may be planted within or on the perimeter of a parking area.

Large parking areas shall be designed as a series of smaller lots that provide space for not more than 100 cars. The smaller lots shall be separated by internal planting areas that form a perimeter which is at least 9 feet wide, planted with large trees and shrubs. These planted areas shall be counted as part of the 10 percent internal planting requirement for parking areas.

1. Perimeter Planting. The width of required perimeter planting areas, which are located within required buffer areas, may be included as part of the minimum buffer width, provided that the plant materials meet the minimum standards for a buffer.

Parking areas shall be separated from the Highway 280 right-of-way by a 15-foot wide perimeter planting area. The perimeter planting area shall contain a double staggered row of evergreen shrubs which are at least 18 inches in height at the time of planting and which shall be maintained at a height of 36 inches at maturity, and deciduous trees equal in number to one tree per 25 feet of Highway 280 frontage. Large trees shall be planted on 35 foot centers and small and medium size trees shall be planted on 25 foot centers.

Parking areas shall be separated from other public road rights-of-way by a 10-foot wide perimeter planting area. The perimeter planting area shall contain a double staggered row of evergreen shrubs which are at least 18 inches in height at the time of planting and which shall be maintained at a height of 36 inches at maturity, and deciduous trees equal in number to one tree per 25 feet of public street frontage. Large trees shall be planted on 35 foot centers and small and medium size trees shall be planted on 25 foot centers.

Parking areas shall be separated from other private property by an eight-foot wide perimeter planting area. The perimeter planting area shall contain a double staggered row of evergreen shrubs which are at least 18 inches in height at the time of planting and which shall be maintained at a height of 36 inches at maturity, and deciduous trees equal in number to one tree per 50 feet of abutting property line. Large trees shall be planted on 35 foot centers and small and medium size trees shall be planted on 25 foot centers.

2. Interior Planting. Whenever the impervious surface of a parking area exceeds 8,000 square feet, an area equal to 10 percent of the impervious surface area shall be provided for landscaping islands in the interior of the parking area. Plant material located within six feet of a building shall not be included as part of the minimum interior planting requirement. The interior parking area planting requirement is in addition to the required perimeter planting. Gasoline service stations and automobile sales lots are exempt from the interior planting requirements.

The interior islands shall be at least 9 feet by 20 feet, planted with a combination of large trees and evergreen shrubs. One landscaped island shall be required for each row of 12 contiguous parking spaces. Each landscaped island shall contain at least one large tree which meets the minimum requirements of this Article.

- e. Maintenance. The property owner shall be responsible for the maintenance, repair and replacement of all landscaping materials, barriers and irrigation systems required by this Article. All plant material shall be maintained in perpetuity in a healthy growing condition, replaced when dead and kept free of weeds, refuse and debris.
- f. Irrigation. All required landscaping shall be irrigated by an automatic irrigation system; except required interior landscaping within an existing parking area which is being landscaped to comply with the requirements of this ordinance. Pop-up heads or drip emitters shall be installed for shrub and lawn irrigation of areas next to buildings/structures, driveways, parking spaces and pedestrian walks.

#### 93.09.05. Plant Material Standards

- a. All plant materials shall conform to the American Standard for Nursery Stock, latest edition, published by The American Association of Nurserymen and Standardized Plant Names latest edition, by The American Joint Committee on Horticultural Nomenclature.
- b. Trees. Only trees in the Tree Selection List may be planted in required landscaping and buffer areas.
  1. Shade trees shall be at least 2 to 2 ½ inch caliper in size.
  2. Flowering trees shall be at least six feet in height.



3. Pines shall be at least five gallon, or five feet in height. Spacing of pine trees in containers shall be a maximum of eight feet on centers.
- c. Tree Selection List. Trees permitted in landscaped buffers are noted with the # sign. Trees permitted in parking areas are noted with the \* sign.

SMALL DECIDUOUS TREES (Trees from 10' - 40' in height)

Acer barbatum / Florida Maple #  
Betula nigra / River Birch # \*  
Cercidiphyllum japonicum / Katsura Tree # \*  
Cercis canadensis / Redbud # \*  
Koelreuteria paniculata / Goldenrain Tree # \*  
Lagerstroemia indica / Crape Myrtle # \*  
Prunus c. pissardi / Purple Leaf Plum  
Prunus serrulata 'Kwanzan' / Kwanzan Cherry \*  
Prunus x incam 'Okame' / Okame Cherry \*  
Prunus yedoensis / Yoshino Cherry \*  
Pyrus calleryana 'Bradford' / Bradford Pear \*

LARGE DECIDUOUS TREES (Trees at least 40' in height)

Acer rubrum / Red Maple # \*  
Fraxinus americana / White Ash \*  
Ginkgo biloba / Ginkgo # \*  
Platanus occidentalis / Sycamore #  
Quercus acutissima / Sawtooth Oak \*  
Quercus alba / White Oak \*  
Quercus coccinea / Scarlet Oak\*  
Quercus falcata / Southern Red Oak \*  
Quercus nigra / Water Oak \*  
Quercus palustris / Pin Oak \*  
Quercus phellos / Willow Oak # \*  
Quercus shumardii / Shumard Oak # \*  
Ulmus parvifolia / Chinese Elm \*  
Zelkova serrata / Zelkova # \*

SMALL EVERGREEN TREES (Trees less than 25 ' in height)

Ilex x attenuata 'Fosteri' / Foster's Holly # \*  
Ilex opaca / American Holly # \*  
East Palatka # \*  
Hume No. 2 # \*  
Lusterleaf # \*  
Nellie R. Stevens # \*  
Savannah # \*  
Ilex vomitoria / Tree Form Yaupon Holly \*  
Juniperus virginiana / Eastern Red Cedar # \*  
Myrica cerifera / Wax Myrtle # \*

MEDIUM EVERGREEN TREES (Trees from 25' to 50' in height)

Cupressocyparis leylandii / Leyland Cypress # \*  
 Juniperus virginiana / Eastern Red Cedar # \*  
 Pinus echinata / Shortleaf Pine \*  
 Pinus thunbergiana / Japanese Black Pine#

LARGE EVERGREEN TREES (Trees at least 50' in height)

Magnolia grandiflora / Southern Magnolia # \*  
 Pinus caibaea / Slash Pine \*  
 Pinus strobus / Eastern White Pine \*  
 Pinus taeda / Loblolly Pine # \*  
 Pinus Virginiana / Virginia Pine # \*

- d. Shrubs. Shrubs used for screening shall be evergreen and shall obscure the view of the screened item upon installation. Only the following shrubs may be planted in required landscaping and buffer areas, in compliance with the following size / spacing relationships.

Ilex c. compacta / Compacta Holly  
 Ilex c. burfordi / Burford Holly # \*  
 Ilex. c. burford nana / Dwarf Burford Holly  
 Ilex c. rotunda / Dwarf Chinese Holly  
 Ilex c. needlepoint / Needlepoint Holly  
 Juniperus p. nana / Dwarf Pfitzer Juniper  
 Ilex vomitoria nana / Dwarf Yaupon Holly  
 Illicium anisatum / Japanese Anise Shrub  
 Ligustrum japiconica / Lusterleaf Ligustrum # \*  
 Photinia x fraseri / Photinia Fraseri  
 Photinia x. fraseri / Red Tip Photinia # \*  
 Ilex c. repandens /Repandens Holly  
 Prunus l. schipkaensis / Schip Laurel  
 Eleagnus pungens / Thorny Eleagnus  
 Myrica cerifera / Wax Myrtle  
 Prunus l. zabeliana / Zabel Laurel

**Table 93.2: SHRUB SIZE AND SPACING**

Size in Gallons	Spacing
1 (8" pot minimum)	Two feet on center
2	Two and one-half feet on center
3	Three feet on center
5	Four feet on center

- e. Ground covers. Ground covers shall be of a single species and planted in large masses. Only the following ground covers may be planted in required landscaping areas in compliance with the following size/spacing relationships.

Juniperus h. plumosa / Andorra Juniper  
Liriope muscari / Big Blue Liriope  
Ophiopogon japonicus / Mondo Grass  
Juniperus davurica parsoni / Parsons's Juniper  
Juniperus conferta / Shore Juniper

**Table 93.3: GROUND COVER SIZE AND SPACING**

Size	Spacing
One Quart	Nine inches on center
One Gallon (8" inch pot minimum)	Eighteen inches on center

Section 93.10. SPECIAL EXCEPTIONS. When over 75% of the area of a parcel of land in the Highway 280 Overlay District lies more than 500 feet from the right of way line of U.S. Highway 280, the Board of Zoning Adjustments may by Special Exception modify the strict application of the provisions of this Section 93.0 to any portion of said parcel of land lying more than 500 feet from the right of way line of U.S. Highway 280. In considering requests for Special Exceptions under this section, the Board of Adjustments shall consider, in addition to these items specified in Sections 132.04 and 132.05, the nature of the proposed use and the visibility of the parcel from the U.S. Highway 280 right of way line.

## ARTICLE X. SIGN REGULATIONS

Section 100.00. **SIGNS.** All signs are subject to a separate permit, according to permit requirements, inspection, enforcement, penalties, and appeals procedures as set forth in the city's building code, which also shall be adhered to with regard to requirements for sign maintenance and determination of unsafe signs. Permitted sign types, subject to the following additional regulations, include attached signs, building wall signs, canopy signs, ground signs, and on-premise signs. Sign types not permitted are detached signs and off-premise signs.

### Section 101.00. SIGNAGE DEFINITIONS.

*Banner.* A sign of lightweight fabric or vinyl, or similar material temporarily mounted to a building, structure, or fence at one or more edges. National, state, and municipal flags and the official flag of any institution shall not be considered banners.

*Holiday Decorations.* Decorative elements of a temporary nature intended for the acknowledgment of a holiday or holiday season, exclusive of decorations which contain business, product, sales, or service advertising content. Holiday decorations shall not be considered signs.

*Indirect Light.* Light reflected from a separate outside source aimed toward it, including silhouettes on a background or reflected light.

*Intermittent Light.* Any flashing, traveling, animated, blinking, or fluctuating light, including arrangements that spell messages, simulate motion, or form various symbols or images.

*Public Notice.* An official announcement, required by federal, state, or local law, of a public proceeding.

*Seasonal Sales and Promotions.* Extended sales activities, which may include special pricing, advertising, events, signage, and other promotions, occurring during or throughout a season for a period of no longer than six (6) months. Such shall include sales and promotions of agricultural and garden products, outdoor furnishings, Christmas trees, pumpkins and other products and services associated with a recurring season.

*Sign.* Any name, identification, description, display, illustration, or structure, which is affixed directly or indirectly upon a building, structure, or the ground, which is intended to communicate with the public or directs attention to an object, product, place, activity, service, person, institution, organization, or business; specifically excepting all public signs designed, constructed and placed in accord with the most recent edition of the *Alabama Manual on Uniform Traffic Control Devices*.

*Sign, Accessory.* Any sign attached to a building, canopy, appurtenance or other structure indicating general information, such as trading stamps, credit cards, official notices or services required by law, or giving directions to offices, restrooms, exits, and like facilities. Accessory signs are typically permanent though content may change.

*Sign, Attached.* Any sign that is permanently fastened, attached, connected, or supported by a building or structure permanently attached to the ground.

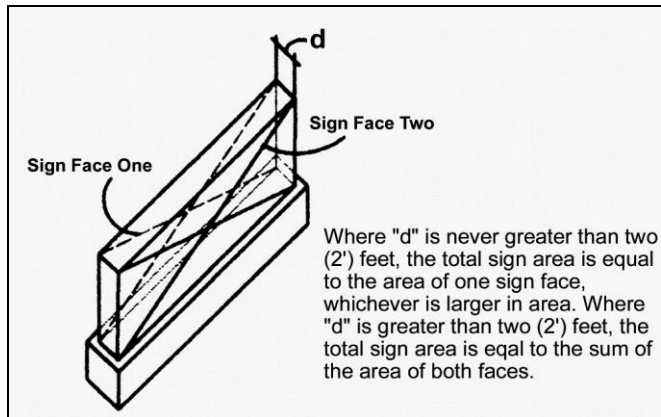
*Sign, Building Wall.* A sign painted upon the exterior wall of a building, or affixed to the exterior wall of a building but not extending more than 12 inches from the face of the building wall or above the top of the building wall.

*Sign, Canopy.* A sign directly painted or otherwise directly affixed upon a building canopy.

**Sign, Construction.** A temporary sign indicating the names of architects, engineers, landscape architects, contractors, and similar artisans involved in the design and construction of a structure or project only during the construction period and only on the premises on which the construction is taking place.

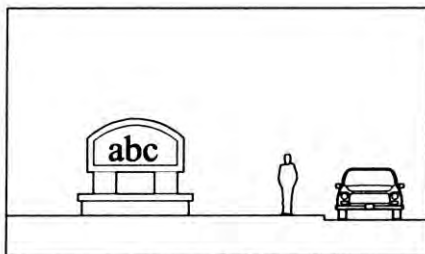
**Sign, Detached.** Any sign that is not permanently fastened, attached, connected, or supported by a building or structure permanently attached to the ground.

**Sign, Double-faced.** A sign, both sides of which are visible and used as signs. The sign area of a double-faced sign, where the two sign faces are never greater than twenty-four (24") inches apart, shall be computed as the area of one sign face, whichever is greater. When the two sign faces are greater than 24" apart, the sign area shall be computed as the sum of both faces.



Double-Face Sign

**Sign, Ground.** Any sign that is attached to or part of an upright support that stands removed from any building. A ground sign shall be setback from the front property line no less than five feet and no less than five feet from a sidewalk. A ground sign shall only be permitted where there is a minimum of fifty linear feet (50') of lot frontage, although the frontage requirements may be higher in some districts. Every face of a free standing sign shall be considered as a separate sign for purposes of computing allowable area, except as otherwise provided for double-faced signs. No part of the sign shall extend beyond a property line, building restriction line or right-of-way line.



Ground Sign

**Sign, Holiday.** Signs and displays of a temporary nature acknowledging and promoting a holiday or holiday season and which include business, product, sales, or service advertising content. Such signs and displays shall be subject to Section 102.10.

**Sign, Off-Premise.** Any sign advertising a business, person, activity, goods, products, or services not located or offered for sale on the premises where the sign is located.

**Sign, On-Premise.** Any sign advertising a business, person, activity, goods, products, or services located or offered for sale on the premises where the sign is located.

*Sign, Political.* A sign identifying or urging support for an election issue, political party, or candidate for public office

*Sign, Portable.* A sign which is carried, wheeled, or moved about without having to detach the sign from a secure anchoring device which is set in the ground or to a building which is set on an approved foundation, or a sign which is not secured in a manner approved by the Building Official, this includes but is not limited to "A frame" signs and sandwich board signs.

*Sign, Snipe.* A sign attached to utility poles, trees, other signs or structures or objects not specifically designed to accommodate signs.

*Sign Area.* The entire area of a sign within a single contiguous perimeter enclosing the extreme limits of writing, representation, emblem, or any figure or character, together with any frame or other material or color forming an integral part of the display or used to differentiate such sign from the background against which it is placed. Permitted copy area for double face signs shall be applied to the area of each of the two sign faces. See illustrations at end of this Article.

#### Section 102.00. GENERAL PROVISIONS.

Section 102.01. HAZARDOUS LOCATION. Signs shall not be located in, encroach upon, or be located, constructed, or lighted in such a manner as to constitute a hazard to the health or safety of persons on any public right-of-way. This shall include locations at or near intersections, where signs shall not obstruct the view of intersecting traffic.

Section 102.02. PROHIBITED SIGNS. The following signs shall be prohibited and shall be removed in accordance with Section 103.00.

102.02.01. Billboards.

102.02.02. Signs containing statements, words, or pictures of an obscene, indecent, or immoral character, such as will offend public morals or decency.

102.02.03. Signs which imitate an official traffic sign or signal or which contain the words "stop", "go", "slow", "caution", "danger", "warning", or similar words.

102.02.04. Signs which are of a size, location, content, coloring, or manner of illumination which may be confused with or construed as a traffic control device or which obstruct from view any traffic or street sign or signal or which obstruct a clear line of sight within the sight triangle of a street intersection.

102.02.05. Signs which advertise a terminated activity, business, product or service no longer produced or conducted. Such signs may be maintained for up to six (6) months from the date of vacancy or termination as applicable. To allow for the future re-use of a conforming sign as connected with the re-use of the business, property or structure and to allow for the preservation of signs of historical significance to the community, the sign owner may apply for an extended use permit as approved by the Planning Commission contingent on the continued maintenance of said sign.

102.02.06. Snipe signs.

102.02.07. Signs which move in any manner, have a major moving part or give illustration of motion, or which swing or otherwise noticeably move as a result of wind pressure as a result of the manner of suspension or attachment. This prohibition shall not include signs that depict only time, temperature, date, and limited news information.

- 102.02.08. Roof signs.
- 102.02.09. Portable signs, excluding temporary signs no larger than six (6) square feet in area which are used only during business hours and which are removed daily.
- 102.02.010. Street banners which are placed across a public street right-of-way without prior approval of the Town Council.
- 102.02.011. Signs with any lighting or control mechanism which causes radio, TV, or other communication interference.
- 102.02.012. Signs which are painted or otherwise attached to an inoperable vehicle.

Section 102.03. AP AGRICULTURAL PRESERVE AND FHO FLOOD HAZARD OVERLAY DISTRICTS. Signs shall be permitted incidental to an approved or permitted use. One ground sign for an approved or permitted use shall be permitted not to exceed forty (40) square feet nor eight feet in height. One wall sign shall be permitted not to exceed 20% of the front façade area of the principal building.

Section 102.04. RESIDENTIAL. Each single family and duplex residential subdivision may be permitted one non-illuminated sign at each of the public street entrances to the subdivision, each not to exceed 12 square feet of sign copy area, nor six feet in height. Apartments, group dwellings, and manufactured home parks may be permitted one indirectly illuminated sign per abutting street, each not to exceed 18 square feet of sign copy area, nor six feet in height. Other signs permitted in residential districts shall be restricted to one sign pertaining to each permitted home occupation, group home, or day care facility and to one sign, of a temporary nature, pertaining only to sale or rent of the property. Such signs shall not exceed 3.5 feet in height and shall not exceed eight (8) square feet in area.

Section 102.05. GENERAL COMMERCIAL AND MIXED-USE BUILDINGS:

- 102.05.01. Each commercial and each mixed use building or group of buildings occupied by fewer than three businesses or uses may be permitted one ground sign, which shall not exceed 25 square feet in area nor eight (8) feet in height. Wall and canopy signage shall be permitted subject to the following requirements.
  - A. Individual wall or canopy signs shall be permitted for each business or use. The area of each sign shall not exceed 20% of the façade area occupied by each business or use. Tenant uses fronting on two streets shall be permitted one wall or canopy sign per street frontage not to exceed 20% of the façade area per street.
  - B. All illuminated signs shall be indirectly lit.
  - C. Temporary signs shall be permitted in accordance with § 102.11.
  - D. Accessory signs shall be permitted in accordance with § 102.12.
- 102.05.02. Each commercial and each mixed use building or group of buildings occupied by more than three businesses or uses shall be permitted one ground sign, which shall not exceed 40 square feet in area nor eight (8) feet in height. Wall and canopy signage shall be permitted subject to the following requirements.
  - A. Individual wall or canopy signs shall be permitted for each business or use. The area of each sign shall not exceed 20% of the façade area occupied by each business or use. Tenant uses fronting on two streets shall be permitted one wall or canopy sign per street frontage not to exceed 20% of the façade area per street.

- B. Illuminated signs shall be indirectly lit.
- C. Temporary signs shall be permitted in accordance with § 102.11.
- D. Accessory signs shall be permitted in accordance with § 102.12.

Section 102.06. OFFICE AND INDUSTRIAL PARKS. Each office park and each industrial park may be permitted one (1) ground sign, located at the main entrance, not to exceed 60 square feet in area, nor eight feet in height.

- A. Individual buildings within an office park or an industrial park shall not be permitted a ground sign, but rather may be permitted one building wall sign per street frontage. Each permitted wall sign shall not exceed 20% of the façade area per street frontage.
- B. All illuminated signs shall be indirectly lit.
- C. Temporary signs shall be permitted in accordance with § 102.11.
- D. Accessory signs shall be permitted in accordance with § 102.12.

Section 102.07. MANUFACTURING, WAREHOUSE AND WHOLESALE FACILITIES. Each manufacturing, warehouse and wholesale facility located outside an office, business, or industrial park but otherwise located within an EC-O or EC-I District shall be permitted one ground sign, which shall not exceed 40 square feet in area nor eight (8) feet in height. Wall and canopy signage shall be permitted subject to the following requirements:

- A. Individual wall or canopy signs shall be permitted for each business or use. The area of each sign shall not exceed 15% of the façade area occupied by each business or use. Tenant uses fronting on two streets shall be permitted one wall or canopy sign per street frontage not to exceed 15% of the façade area per street.
- B. All illuminated signs shall be indirectly lit.
- C. Temporary signs shall be permitted in accordance with § 102.11.
- D. Accessory signs shall be permitted in accordance with § 102.12.

Section 102.08. GAS STATION SIGNS. Only the following business and identification signs are permitted, subject to the standards set forth below and to all other requirements in this Ordinance.

- 102.08.01. One permanent, sign per street frontage shall be permitted not to exceed eight (8) feet in height and not to exceed forty (40) square feet in area.
- 102.08.02. Other permanent and temporary signs, customary and incidental to the use, with the combined area of all such signs not to exceed fifty (50) square feet per frontage. No sign shall extend above the roof line if attached to a building or in any case project over or into any public right-of-way.
- 102.08.03. When fuel price information is part of a station sign, the total area occupied by fuel price information shall not exceed 75% of the total sign area.
- 102.08.04. Fuel price information and changes to such information are exempt from permitting.



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Section 102.09. RENTAL AND REAL ESTATE SIGNS.

## 102.09.01. On-premise Residential.

- B. Properties for sale or rent, rooms for rent, or other residential units for sale or rent shall be permitted one sign per lot and shall be set back no less than six feet (6') from the nearest property line and no more than five feet (5') in height and shall be allowed up to six (6) square feet in area.
- C. One (1) temporary subdivision identification sign not exceeding thirty-two (32) square feet in area and located on the property shall be allowed for each development of ten (10) lots or more.
- D. Off-Premises Residential. One (1) temporary approach sign near each major intersection leading to a subdivision of ten (10) lots or more may be erected with a maximum of four (4) such signs permissible for any one subdivision. However, none of the permitted signs shall be erected at a distance greater than two (2) miles from the tract(s) advertised. Each sign shall be no greater in area than six square feet. No illumination will be permitted and such signs shall not be less than fifteen feet (15') from the nearest edge of the pavement. The content of such directional signs shall be restricted to the name of the subdivision, the name of the developer and/or agent, and the name of the real estate company if different from agent or developer name. Multiple agents involved in the development and/or sale of properties within one subdivision may combine such signs affixed to one shared post. Each individual sign face shall meet the size regulations listed herein with the combined sign faces not to exceed ten (10) square feet. Each shared sign shall be considered one of the four possible temporary approach signs allowable for any one subdivision.
- E. To accommodate weekend sales activities, from 5:00 pm Friday through 8:00 am Monday, the number of temporary approach signs may exceed four (4) per subdivision of ten (10) lots or more; though all other size and placement requirements shall be met. All signs exceeding the normally allowable number of four (4) per subdivision shall not be posted before 5:00 pm on Friday and shall be removed no later than 10:00 am the following Monday.

## 102.09.02. On-premise Non-Residential.

- A. One temporary real estate sign not exceeding ten (10) square feet shall be allowed for each lot, parcel or tract of less than two (2) acres. If the lot, parcel or tract has multiple frontage, one (1) additional sign not to exceed eight (8) square feet shall be allowed on the lot to be placed facing the additional frontage. Under no circumstances shall more than a maximum of two (2) signs be permitted on a lot.
- B. One (1) temporary real estate sign not exceeding twenty-four (24) square feet shall be allowed on each lot, parcel, or tract of two (2) acres or more. If the lot, parcel or tract has multiple frontage, one (1) additional sign not exceeding twenty-four (24) square feet in area shall be allowed on the property to be placed facing the additional frontage. Under no circumstances shall more than two (2) signs be permitted on the property.

Section 102.10. HOLIDAY DECORATIONS AND SIGNS. Holiday decorations which exclude advertising content shall be exempt from the provisions of this ordinance in all zoning districts. However, all such decorations shall not extend into a public right-of-way except as specifically authorized by the Planning Commission. Holiday signs shall be subject to the provisions of 102.11.

Section 102.11. TEMPORARY SIGNS. Temporary signs shall be located entirely within the premises on which the event or function occurs, and shall be set back no less than five (5') feet from the property line up to a combined sign area of seventy-two (72) square feet with no individual sign exceeding twenty-four (24) square feet in area. Such signs shall be allowed no more than twenty-one (21) days prior to the event or function and must be removed within seven (7) days after the event or function except as otherwise noted below. If building mounted, these signs shall be flat wall signs and shall not project above the roof line. If ground mounted, the top shall be no more than six feet (6') in height. Such signs shall be permitted to be indirectly lit only.

102.11.01. The following signs shall be considered temporary signs and shall meet all requirements of this section, except as otherwise noted:

- Signs announcing any public, charitable, educational, or religious event or function including political signs related to an election or voting event;
- Informational and directional signs, such as those for yard sales and social events;
- Holiday signs and displays;
- Decorative flags, bunting, banners, and signs publicizing Town-wide celebrations, conventions, commemorations, and recognized community-wide events as approved by City Council resolution;
- Signs used for fundraising located within the confines of athletic fields, not exceeding four (4') feet by eight (8') feet in size, and generally visible from the seating area of such fields only;
- Temporary, non-illuminated signs, located in the AP and RR Districts, pertaining to agricultural products raised on the premises; and
- Temporary, non-illuminated window signs, located in commercial and mixed-use districts, pertaining to a special event; which advertise activities, services, or goods available within the building; and which do not exceed fifty (50%) percent of the window glass surface area.

102.11.02. All temporary signs shall have the name of the person(s), organization, or other entity posting or erecting the sign and the date of posting or erection on the back of the sign or otherwise where most applicable.

102.11.03. Temporary, non-illuminated political signs shall not exceed six (6) square feet in area and shall not be posted more than three (3) months prior to the day of voting to which the sign refers. Such signs shall be removed by the person(s), organization, or entity posting the sign within seven (7) days after the day of voting to which the sign refers.

102.11.04. Individual temporary signs less than eight (8) square feet in area shall be allowed without permit in commercial and mixed use districts for seasonal sales and promotions. Temporary signage within a parking lot shall not block or take up any required parking spaces. Temporary seasonal signs greater in area than two (2) square feet and used for longer than six (6) months shall be considered permanent signs and shall be subject to all requirements for permanent signs.

Section 102.12. ACCESSORY SIGNS. Accessory signs indicating general, non-advertising information and all accessory signs less than two (2) square feet in area shall be exempt. Exterior accessory signs which are visible from a public right-of-way and which are greater than two (2) square feet shall be considered permanent signs, the square footage of which shall be included in the calculation of the maximum attached sign area for the property as permitted within the district. No accessory sign shall be greater than eight (8) square feet in area.

Section 102.13. SCOREBOARDS. Scoreboards in athletic fields or stadiums shall be located so as to reduce visibility from adjacent residences.

Section 102.14. FLAGS, BANNERS, AND INSIGNIA. Permanent flags, banners, or insignia of a governmental, religious, charitable, or fraternal organization shall be limited to eighty (80) square feet.

Section 102.15. SECURITY COMPANY SIGNS. Signs identifying the company providing an alarm security service to a premises shall be permitted on each street frontage not to exceed one (1) square foot in area per street frontage.

Section 102.16. CONSTRUCTION AND DEVELOPMENT SIGNS. One sign shall be permitted for all building contractors, all professional firms, and all lending institutions on a site under construction. This one permitted sign shall not exceed sixteen (16) square feet in any residential district or thirty-two (32) square feet in other districts; and may include the name of persons and firms performing services, labor, or supplying materials to the premises. The sign shall be confined to the site of the construction, construction shed, or trailer and shall be removed before a Certificate of Occupancy is issued.

Section 102.17. OFF-PREMISE DIRECTIONAL SIGNS. The following provisions are intended to provide opportunities to local businesses and institutions for off-premise directional signage balanced with the community's desire to manage and minimize "visual clutter". Design and development of new off-premise directional signs shall conform to the standards below to establish a consistent, well-organized system for wayfinding throughout the community to serve its residents, businesses, institutions, and visitors.

- 102.17.01. Off-premise directional signs shall be permitted only within commercial and industrial zoning districts.
- 102.17.02. Off-premise directional signs shall be permitted only along a major street to direct pedestrian or vehicular traffic to a business or entity described on said sign.
- 102.17.03. Off-premise directional signs shall be located no further than 1,000 yards from the business or entity indicated and shall be located no closer than 1,000 feet from a pre-existing off-premise directional sign.
- 102.17.04. Written authority from the owner of the property on which the sign is to be located must accompany a permit application for an off-premise directional sign.
- 102.17.05. Off-premise directional signs shall conform to all of the following dimensional regulations and design standards and as depicted in the diagram following:
  - Signs shall be composed of two major elements – a stand or structure on which signs are affixed and a sign or placard on which text and directional graphics are provided.
  - No portion of said signs shall be located within a public right-of-way.
  - The design of the stand or structure shall be limited to eight (8) feet in height at grade and when placed at or near an intersection shall be placed and constructed in such a way as to minimize any visual obstruction within the sight triangle of the intersection.
  - Signs may include up to six (6) placards on one sign facing with a minimum visual clearance of six (6') feet from the ground to the bottom edge of the lowest placard. A sign with multiple facings shall be limited to a total of twelve (12) placards.

- The maximum size for a placard shall be twelve (12") inches in height by four (4') feet in width.
- Content on each placard shall be limited to the name of the business or institution, a corporate/institutional logo, and an "arrow" giving the general direction of the destination.
- All placards on one sign or on multiple facings of a sign shall be uniform in color. Graphic content may include colors associated with the business or institution as desired.
- Each business or institution is permitted one placard per facing of a directional sign. Placards may be double-sided where appropriate.

#### Section 102.18. ILLUMINATION.

- 102.18.01. The light from any illuminated sign or from any light source, including the interior of a building, shall be so shaded, shielded or directed that the light intensity or brightness shall not adversely affect surrounding or facing premises nor adversely affect safe vision or operators of vehicles moving on public or private roads, highways or parking areas. Light shall not shine or reflect on or into residential structures.
- 102.18.02. No sign shall have blinking, flashing, or fluttering lights or other illuminating devices which have a changing light intensity, brightness, or color except signs which provide the date, the time and temperature exclusively. Nothing contained in this Ordinance shall, however, be construed as preventing the use of lights or decorations related to religious and patriotic festivities. Beacon lights or search lights shall not be permitted as a sign or for advertising purposes.
- 102.18.03. No colored lights shall be used at any location or in any manner so as to be confused with or construed as traffic control devices.
- 102.18.04. Neither the direct, nor reflected light from primary light sources shall create a traffic hazard to operators of motor vehicles on public thoroughfares.
- 102.18.05. No exposed reflective type bulbs and no strobe lights or incandescent lamps which exceed fifteen (15) watts shall be used on the exterior surface of any sign so as to expose the face of the bulb, light or lamp to any public street or adjacent property.

#### Section 103.00. NONCONFORMING SIGNS.

It is the intent of this Ordinance that all nonconforming signs within the Town be brought into compliance with this Ordinance or eventually discontinued through the measures described below. The following provisions shall apply to all nonconforming signs within the Town.

Section 103.01. Any permanent sign legally existing on or before the date of adoption of this ordinance February 20, 2007, or any future amendment thereto that does not conform to the requirements of these regulations shall be considered a nonconforming sign. Nonconforming signs may be continued and maintained according to the provisions for nonconforming uses in general. The Zoning Officer shall order the removal of any sign erected or maintained in violation of the regulations herein. Removal shall be in accordance with Section 104.00.

Section 103.03. Alteration – A nonconforming sign shall not be rebuilt, expanded, or altered in any way that increases its nonconformity with the requirements of this ordinance. This requirement

shall not prohibit proper maintenance of a nonconforming sign or changes to sign copy that do not increase its nonconformity. No sign shall be changed to another nonconforming sign as a result of a change in ownership, use, or content.

Section 103.04. Repair – A nonconforming sign shall not be reconstructed or repaired to a nonconforming status when it has sustained damages exceeding seventy-five (75%) percent of its replacement cost at the time of damage, unless approved by the Town Council. Determining the appraised value of the sign shall be the responsibility of the Town Council.

Section 103.05. Replacement – A nonconforming sign shall be replaced only by a conforming sign.

#### Section 104.00. REMOVAL, MAINTENANCE AND SAFETY.

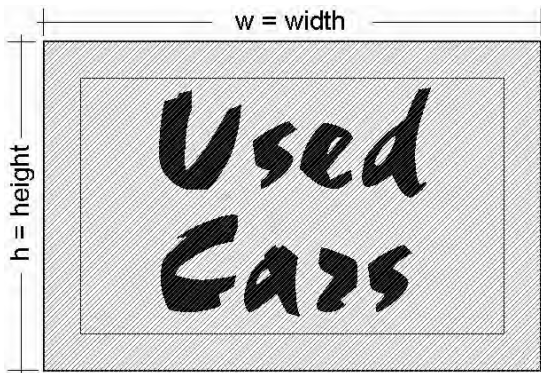
Section 104.01. STRUCTURAL REQUIREMENTS. All signs shall comply with the pertinent requirements of the Building Code.

Section 104.02. MAINTENANCE. All signs and components thereof shall be kept in good repair and in safe, neat, clean, and attractive condition. Weeds and grass shall be kept cut in front of, behind, underneath, and around the base of ground signs for a perimeter distance of ten (10') feet, and no rubbish or debris that would constitute a fire or health hazard shall be permitted under or near such signs.

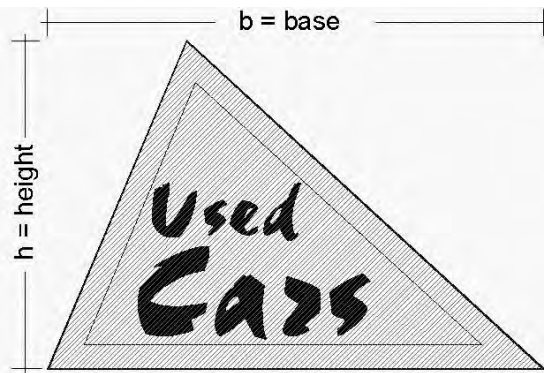
Section 104.03. REMOVAL OF SIGNS. The Zoning Officer shall order the removal of any sign erected or maintained in violation of this Ordinance. Fifteen (15) days notice in writing shall be given to the owner of such sign, or of the building, structure or premises on which such sign is located, to remove the sign or to bring into compliance with the Ordinance. Upon failure to remove the sign, the Town shall remove the sign immediately and without notice if it reasonably appears that the condition of the sign is such as to present an immediate threat to the safety of the public. Any costs of removal incurred by the Town shall be assessed to the owner of the property on which such sign is located and may be collected in the manner of ordinary debt or in the manner of taxes and such charge shall be in lien on the property.

Section 104.04. ABANDONED SIGNS. A sign shall be removed by the owner or lessee of the premises upon which the sign is located when the business which it advertises is no longer conducted on the premises. If the owner or lessee fails to remove the sign, the Town shall remove it in accordance with Section 104.03. above. These removal provisions shall not apply where a succeeding owner or lessee conducts the same type of business and agrees to maintain the signs as provided in this Ordinance or changes copy on the signs to advertise the type of business being conducted on the premises and provided the signs comply with all other provisions of this Ordinance.

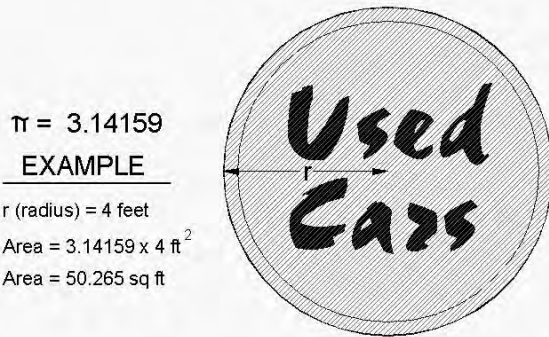
## Calculating Sign Area



Calculating Area of a Rectangular Sign =  $h \times w$



Calculating Area of a Triangular Sign =  $1/2 (h \times b)$



$\pi = 3.14159$

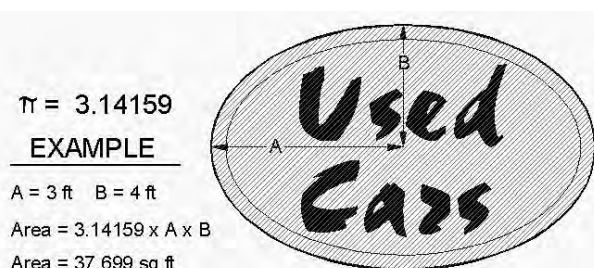
EXAMPLE

$r$  (radius) = 4 feet

Area =  $3.14159 \times 4 \text{ ft}^2$

Area = 50.265 sq ft

Calculating Area of a Circular Sign =  $\pi \times \text{radius}^2$



$\pi = 3.14159$

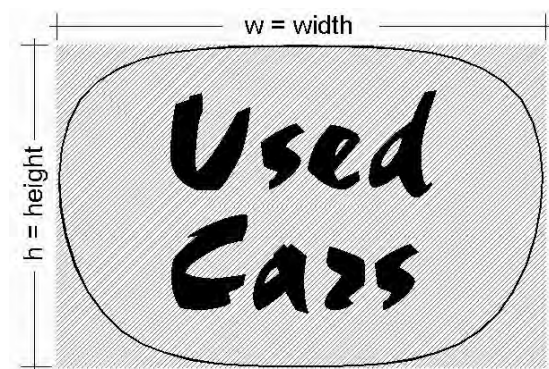
EXAMPLE

$A = 3 \text{ ft}$   $B = 4 \text{ ft}$

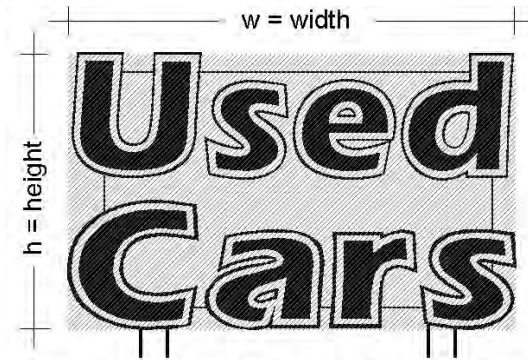
Area =  $3.14159 \times A \times B$

Area = 37.699 sq ft

Calculating Area of an Elliptical Sign =  $\pi \times A \times B$



Calculating Area of an Irregular Sign =  $h \times w$



Calculating Area of a Sign where Copy Exceeds  
Sign Area = (height of copy)  $\times$  (width of copy)

## ARTICLE XI. EXCEPTIONS AND MODIFICATIONS

Section 110.00 LOT OF RECORD. When the owner of a lot of record at the time of adoption of this ordinance does not own sufficient land to enable strict conformance to the yard and other requirements of this ordinance, one building and its accessory structures may be built, provided the yard space and other requirements conform as closely as possible, in the opinion of the Board of Zoning Adjustment, to the requirements of the district in which it is located; and further provided that neither side yard shall be reduced to less than five feet in width.

Section 111.00 NONCONFORMING USE. Any nonconforming use or structure may be continued but, except upon approval of the Board of Adjustment as provided in Article XIII, such use shall not be:

- A. re-established after discontinuance for one year; or
- B. extended except in conformity to this ordinance. (August 16, 2005, Ordinance # 2005-08-16-060)

Section 112.00. CHANGE IN NONCONFORMING USE. A nonconforming use may be changed to another non-conforming use provided that the Board of Adjustment shall find that the proposed use is equally as appropriate or more appropriate to the district as the existing nonconforming use.

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## ARTICLE XII. ADMINISTRATION, ENFORCEMENT, AND PENALTIES

Section 120.00 ENFORCING OFFICER. The provision of this ordinance shall be administered and enforced by the Zoning Officer of the Town. This official or their designated representative shall have the right to enter upon any premises at any reasonable time prior to the issuance of Certificate of Occupancy for the purpose of making inspections of buildings or premises necessary in carrying out his duties in the enforcement of this ordinance.

Section 121.00 BUILDING PERMIT REQUIRED. It shall be unlawful to commence excavation for any purpose in all but the AP District, or for the construction of any building or other structure, including accessory structures, or to store building materials or erect temporary field offices, or to commence the moving, or alteration (except repairs, painting or wall papering and work not changing the character of the structure and not exceeding \$500.00 in cost) of any structure, including accessory structures, signs and advertising structures, until the Zoning Officer has issued for any and all such work a building permit stating that plans have been reviewed for compliance with this ordinance. A request for a building permit required under this ordinance shall be made to the Zoning Officer through a Development Application and supplemented with appropriate plans, diagrams and specifications to demonstrate proposed compliance with the ordinance. The Town Council may from time to time set fees it finds appropriate to various types of permits.

### Section 122.00 CONDITIONAL USES.

122.01. PURPOSE. It is the purpose of this section to establish a process that enables and facilitates review of those uses identified as Conditional Uses in these regulations in order to determine the appropriateness of a particular Conditional Use in a given location.

122.02. AUTHORIZATION. The Town Council may, under the prescribed standards and procedures contained herein, authorize the construction or initiation of any conditional use that is expressly permitted as a conditional use in a particular zoning district; however, the Council reserves full authority to deny any request for a conditional use or to impose conditions on the use.

122.02.01. Exemptions. The following uses shall be exempt from a public hearing and may be administered by the Zoning Officer, upon receipt of a completed application and review of all required supplements:

- No new buildings or substantial structural improvements are involved;
- The proposed use would make use of existing building without substantial remodeling; and
- Temporary Fairgrounds, including Carnivals and Circuses.

### 122.03. PROCEDURES.

122.03.01. The Zoning Officer shall, upon determination that the application complies with all applicable submission requirements, receive the application and schedule it for public hearing by the Planning Commission.

122.03.02. The Zoning Officer shall, two weeks before the scheduled public hearing by the Planning Commission, provide notice of such hearing by regular mail to the owners of property adjacent to the proposed conditional use as their names appear in the county tax records.

122.03.03. The Planning Commission shall consider the application and submit a recommendation for approval, denial, or conditional approval to the Town Council.

- 122.03.04. Upon receipt of a Planning Commission decision, the Town Council shall hold a public hearing in accordance with the posting requirements described in §122.03.03 and render a decision at the conclusion of the hearing unless it is determined that action must be deferred to allow for additional input and review.

122.04. SUBMISSION REQUIREMENTS. No request for conditional use approval shall be considered complete until all of the following has been submitted to the Zoning Officer:

- 122.04.01. Application form. A development application shall be submitted to the Zoning Officer and shall be signed and, if not signed by the property owner, shall be accompanied by a notarized affidavit that the applicant is authorized to act in the owner's behalf.
- 122.04.02. Plans and specifications. Each application shall be accompanied by an accurate site plan, drawn to scale, identifying: the current off-street parking available on the site; any new proposed parking layout; ingress to and egress from the site; area of the site; existing uses on the site, including the location and floor area of all buildings; and such other information as the Zoning Officer may reasonably require. Any supplementary information, exhibits, plans or maps which are to accompany and constitute part of the application shall be submitted to the Zoning Officer at the time of filing the application. Three (3) copies of all such documents shall be required for distributional purposes.
- 122.04.03. Application fee. The applicant shall be required to pay an application fee according to the current schedule of fees established by the Town Council for the particular category of application. This fee shall be nonrefundable irrespective of the final disposition of the application.

122.05. STANDARDS FOR APPROVAL. A conditional use may be approved by the Town Council only upon determination that the application and evidence presented clearly indicate that **all** of the following standards have been met:

- 122.05.01. The proposed use shall be in harmony with the general purpose, goals, objectives and standards of the Comprehensive Plan, these regulations, or any other official plan, program, map or regulation of the Town;
- 122.05.02. The proposed use shall be consistent with the community welfare and not detract from the public's convenience at the specific location;
- 122.05.03. The proposed use shall not unduly decrease the value of neighboring property; and
- 122.05.04. The use shall be compatible with the surrounding area and not impose an excessive burden or have a substantial negative impact on surrounding or adjacent uses or on community facilities or services.

122.06. CONDITIONS AND RESTRICTIONS ON APPROVAL. In approving a conditional use, the Town Council may impose conditions and restrictions upon the property benefited by the conditional use as may be necessary to comply with the standards set out above, to reduce or minimize any potentially injurious effect of such conditional use upon other property in the neighborhood, and to carry out the general purpose and intent of these regulations. In approving any conditional use, the Town Council may specify the period of time for which such approval is valid for the commencement of the proposed conditional use. The Council may, upon written request, grant extensions to such time allotments not exceeding six (6) months each without notice or hearing. Failure to comply with any such condition or restriction imposed by the Council shall constitute a violation of these regulations. Those conditional uses which the Council approves subject to conditions, shall have specified by the Council the time allotted to satisfy such conditions.

Section 123.00 PLANS. It shall be unlawful for the Zoning Officer to approve any plans or issue any building permit for excavation of construction until he has inspected such plans in detail and found same to be in conformity with this ordinance. To this end, the Zoning Officer shall require that every application for a building permit be accompanied by a plan drawn to scale, dimensioned, and showing the following in detail sufficient to enable the Zoning Officer to ascertain whether the proposed development is in conformance with the provisions of this ordinance:

- a. The actual shape, proportion, and dimensions of the parcel or lot to be built upon
- b. The shape, size, and location of all buildings or other structures to be erected, altered, or moved, and or any buildings or other structures already on the lot, and all other information concerning the lot and its surroundings as may be required for ascertaining whether the provisions of this ordinance are and will be observed.
- c. The existing and intended use of all buildings and other structures.

Section 124.00 SITE PLAN REVIEW. New construction and substantial site development expansion of all multiplexes, patio homes, planned unit developments, townhouses, apartments, manufactured home and manufactured home parks and subdivisions, institutional uses, commercial uses, and industrial uses shall require submission and approval of a site plan prepared by an architect, landscape architect or professional engineer licensed in the State of Alabama.

Section 124.01. SITE PLAN REQUIREMENTS. Each application shall be accompanied by a site plan drawn to a minimum scale of one inch equals fifty (50) feet on an overall sheet size not to exceed twenty-four (24) by thirty-six (36) inches. When more than one sheet is required, an index sheet of the same size shall be included showing the entire parcel with individual sheet numbers referenced thereon. The following information is required on or in an acceptable form so as to accompany the site plan:

- Site plan name.
- North arrow, scale and date prepared.
- Legal description.
- Location map.
- Zoning district(s) assigned to the property, which is the subject of the site plan and adjacent properties.
- Identification of watercourses, wetlands, tree masses and specimen trees, including description and location of understory, ground cover vegetation and wildlife habitats or other environmentally unique areas.
- Gross and net site area expressed in square feet and acres.
- Number of dwelling units proposed, if any.
- Floor area devoted to each category of use.
- Delineation in mapped form and computation of the area of the site devoted to building coverage and other impervious surfaces expressed in square feet and as a percentage of the overall site.
- Number of parking spaces required (stated in relationship to the applicable formula) and proposed.
- Location of all driveways, parking areas and curb cuts and the total paved vehicular use area (including but not limited to all paved parking spaces and driveways), expressed in square feet and as a percentage of the area of the overall site.
- Location of all public and private easements and streets within and adjacent to the site.
- The location, gross floor area and height of all existing and proposed buildings and structures on the site.
- Location of all refuse collection facilities, including screening and access thereto.
- Provisions for both on-and off-site storm water drainage and detention related to the proposed development.
- Existing and proposed utilities, including size and location of all water lines, fire hydrants, sewer lines, manholes, and lift stations.

- Existing two-foot contours or key spot elevations on the site, and such off-site elevations as may be specifically required and not otherwise available which may affect the drainage or retention on the site.
- The proposed general use and development of internal spaces, including all recreational and open space areas, plazas and major landscape areas by function, and the general location and description of all proposed outdoor furniture (such as seating, lighting, and telephones).
- The location of all earth or water retaining walls, earth berms, and public and private sidewalks.
- Phase lines, if development is to be constructed in phases.
- Dimensions of lot lines, streets, drives, building lines, building setbacks, building height, structural overhangs, and building separations.

Section 124.02. APPLICATION FEE. The applicant shall be required to pay an application fee according to the current schedule of fees established by the County Commission for the particular category of application. This fee shall be nonrefundable irrespective of the final disposition of the application.

Section 124.03. SITE PLAN REVIEW AND APPROVAL. The Zoning Officer shall review the site plans for general completeness and compliance with this ordinance and shall forward copies of the plans to the Town Engineer, Fire Chief, and Police Chief for their review and comment. The Zoning Officer shall provide the applicant with a decision for approval or disapproval within two weeks of submittal. The reasons for disapproval, along with all review comments, shall be stated in writing to the applicant. A reproducible set of the final approved site plan shall be submitted by the applicant and retained on file by the Zoning Officer. All subsequent building permits and subdivision plats submitted by the applicant shall be in substantial accord with the final site plan. An approved site plan shall become null and void if significant development does not commence within twelve months of approval.

Section 125.00 CERTIFICATE OF OCCUPANCY REQUIRED. A Certificate of Occupancy shall be secured by the owner or owner's agent prior to use or occupancy of any building or structure, whose construction or substantial rehabilitation is undertaken following adoption of this ordinance. Within three days after the owner or owner's agent has notified the Zoning Officer that a building or premises or part thereof is ready for occupancy or use, the Zoning Officer shall make a final inspection thereof, and issue a Certificate of Occupancy if the building or premises or part thereof is found to conform with the provisions of this ordinance, or, if such certificate is refused, state such refusal in writing with the cause. Appeals from the decision of the Zoning Officer shall be heard by the Board of Adjustment.

Section 126.00 PENALTIES. Any person violating any provision of this ordinance shall be fined upon conviction not less than \$100.00 plus court costs for each offense. Each day such violation continues shall constitute a separate offense. The conviction of a violation and imposition of a fine shall not constitute an exemption from compliance with the provisions of this ordinance.

Section 127.00 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 Officer of the Town of Westover any other appropriate authority or any adjacent or neighboring property owner within 500 feet who would be damaged or caused hardship by such violation, in addition to other remedies, may:

- a. Institute an injunction or mandamus, or
- b. Take other appropriate action or proceedings to stay or prevent occupancy of such building, structure, or land.

## ARTICLE XIII. BOARD OF ZONING ADJUSTMENTS

Section 130.00 ESTABLISHMENT AND MEMBERSHIP. A Board of Zoning Adjustments is hereby established (hereafter referred to as the Board). The Board shall consist of five members, each to be appointed for a term of three years by the Town Council. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant. Each member may be removed for cause by the appointing authority upon written charges and after a public hearing. All members of the Board shall be citizens and residents of the Town of Westover. The Board of Zoning Adjustments shall correspond to the board referred to as the Board of Adjustment in the Code of Alabama

Section 131.00 MEETINGS, PROCEDURE, AND RECORDS. Meetings of the Board shall be held at the call of the chairman and at such time as the Board may determine. Such chairman, or in the absence of the chairman the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public. The Board shall adopt and publish its own rules of procedure and keep minutes of its proceedings, showing the vote of each member upon each question or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and of other official actions, all of which shall be immediately filed in the office of the Board and shall be a public record.

Section 132.00 POWERS AND DUTIES. The Board, in appropriate cases and subject to appropriate conditions and safeguards, shall have the following powers:

Section 132.01 INTERPRETATION OF BOUNDARIES. To hear and decide upon interpretation of the boundaries of districts established and shown on the map in accord with criteria specified in Article II.

Section 132.02 APPEALS. To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the Zoning Officer of this ordinance. Such appeal may be taken to the Board by any person aggrieved or by any officer, department, Board or bureau of the city affected by any decision of any city officer under this ordinance. Such appeal shall be taken within a reasonable time, as provided by the rules of the Board, by filing with the officer from whom the appeal is taken and with the Board a notice of appeal specifying the grounds thereof. The officer from whom the appeal is taken shall transmit forthwith to the Board all papers constituting the record upon which the action appealed was taken. An appeal stays all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the Board after the notice of appeal shall have been filed with him, that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board or by a court of record on application on notice to the officer from whom the appeal is taken and on due cause shown.

Section 132.03. VARIANCES. To authorize upon appeal in specific cases a variance from the terms of this ordinance such as will not be contrary to the public interest, where owing to special conditions a literal enforcement of the provisions of this ordinance will result in unnecessary hardship, but where the spirit of the ordinance shall be observed and substantial justice done. Such special conditions shall be limited to exceptional narrowness, shallowness or shape of a specific piece of property existing at the time of the enactment of this ordinance, or exceptional topographic conditions or other extraordinary and exceptional situation or condition of property as would result in peculiar, extraordinary and practical difficulties. No variance shall be authorized unless the Board finds **all** of the following exist:

- a. That the special circumstances or conditions applying to the building or land in question are peculiar to such premises and do not apply generally to other land or buildings in the vicinity.

- b. That the granting of the application is necessary for the preservation and enjoyment of a property right and not merely to serve as a convenience to the applicant.
- c. That the condition from which relief or a variance is sought did not result from action by the applicant.
- d. That the authorizing of the variance will not impair an adequate supply of light and air to adjacent property or unreasonably increase the congestion in public streets, or increase the danger of fire, or imperil the public safety, or unreasonably diminish or impair established property values within the surrounding areas, or in any other respect impair the health, safety, comfort, morals, or general welfare of the inhabitants of the Town of Westover.

Section 132.04. SPECIAL EXCEPTIONS. When any modification authorized pursuant to this section will not tend to impair the health, safety, convenience or comfort of the public, including that portion of the public occupying the property immediately contiguous to the parcel of land which the modification concerns, to be determined by the Board upon the adduction of competent evidence, including a view of the premises and its surroundings at the discretion of the Board, the Board may modify the strict application of the provisions of this ordinance and cause a Special Exception Permit to be issued upon such reasonable conditions as it may prescribe for the location, construction, extension, structural alteration and operation of any of the following, in addition to those uses prescribed as being permitted upon special exception in Article VII.

- a. Building on lots of record as defined in Section 110.00.
- b. Resumption, extension, reconstruction, or change of a non-conforming use as specified in Section 110.00.
- c. Erection, extension and use of a structure, or use of premises not otherwise authorized or permitted by this ordinance for a public service corporation for public utility purposes which shall be deemed reasonably necessary for the public convenience or welfare.
- d. Reduction in parking requirements specified in Article V.
- e. Unclassified uses as outlined in Article VI.
- f. Erection, and residential use of a manufactured home for temporary use (for a time period as specified by the Board not to exceed 9 month) during the construction renovation, or reconstruction of a permanent residential structure on the same lot.
- g. Modification of Highway 280 Overlay District provisions as permitted in Article IX Section 93.10.

Section 132.05. CONDITIONS FOR APPROVAL OF SPECIAL EXCEPTION USES. In considering Special Exception Uses, the Board shall, at a minimum, take into account the following and may prescribe conditions on the use to mitigate or remedy such impacts in order that the exception may be reasonably granted:

- Consistency with the Comprehensive Plan
- Vehicular and pedestrian access
- Extent of traffic, noise, or light generated by the use
- Air and water pollutants generated by the use
- Preservation of the density and character of the surrounding area
- Negative impacts on surrounding property values

Section 133.00 HEARINGS. The Board shall fix a reasonable time for hearing of each appeal or other request for interpretation or exception, give public notice thereof, as well as due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing any party may appear in person or by designated agent or by attorney.

Section 134.00 APPEALS FROM ACTION OF THE BOARD OF ZONING ADJUSTMENTS. Any party aggrieved by any final judgment or decision of the Board may, within 15 days thereafter, appeal therefrom to the circuit court or court of like jurisdiction, by filing with the Board a written notice of appeal specifying

the judgment or decision from which appeal is taken. In case of such appeal, the Board shall cause a transcript of the proceedings in the cause to be certified to the court to which the appeal is taken and the cause in such court shall be tried *de novo*.

## ARTICLE XIV. AMENDING THE ORDINANCE

Section 140.00. PETITION FOR CHANGE. A proposed change of district boundaries or regulations of this ordinance may be initiated by the Town Council, the Planning Commission or by petition of property owners or agent of such owners of property within the area proposed to be changed, subject to this ordinance. Rezoning of property shall always be reviewed for consistency with the Future Land Use Map of the Comprehensive Plan.

Section 141.00. SPOT ZONING. No property less than three acres in size shall be rezoned to a zoning classification wherever the property to be rezoned does not abut properties under the same zoning classification as requested.

Section 142.00. AMENDING THE COMPREHENSIVE PLAN. The rezoning of property shall have the effect of amending the Future Land Use Map of the Comprehensive Plan. The Planning Commission shall, in reasonable time after the Council's approval of a rezoning, cause the Future Land Use Map to be amended to reflect the change resulting from the rezoning.

Section 141.00. ACTION ON PETITION. Any proposed amendment, modification or repeal shall first be submitted to the Planning Commission for its recommendation and report. The Planning Commission shall have 60 days within which to submit its recommendations to the Town Council. If the Planning Commission fails to submit a report within the 60-day period, it shall be deemed to have approved the proposed amendment and the Town Council shall proceed to hold a public hearing pursuant to Title 11, Chapter 52 of Code of Alabama. Any party or parties wishing to protest an amendment shall appear and speak at the public hearing.

Section 142.00. FEES. Every petition for amendment by other than the Town Council or Planning Commission shall be accompanied by a fee in the amount of \$100.00 to partially defray the cost of processing the petition. Under no condition shall said sum or any part thereof be refunded for failure of such proposed amendment to be enacted into law.

Section 143.00. LIMIT ON INITIATION FOR ORDINANCE AMENDMENT. No action shall be initiated for an amendment to this ordinance affecting the same parcel of land more than once a year, unless specifically authorized by a unanimous vote of the Town Council.



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## ARTICLE XV. LEGAL STATUS PROVISIONS

Section 150.0 INTERPRETATION AND PURPOSE. In their interpretation and application, the provisions of this ordinance shall be considered minimum requirements adopted for the promotion of the public health, safety, morals, convenience, order, prosperity, and general welfare of the community. Where other ordinances or regulations which may be adopted hereafter impose greater restrictions than those specified herein, compliance with such other ordinances is mandatory. This ordinance shall not lower the restriction of plats, deeds, or private contracts, if such are greater than the provisions of this ordinance.

Section 151.0 CONFLICT WITH OTHER REGULATIONS. Whenever the regulations of this ordinance require or impose more restrictive standards than are required in or under any other statute or ordinance, the requirements of this ordinance shall govern. Whenever the provisions of any other statute or ordinance require more restrictive standards than are required by this ordinance, provisions of such statute or ordinance shall govern.

Section 152.0 SAVING CLAUSE. If any section, 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, clause, provision or portion of this ordinance which is not in and of itself invalid or unconstitutional.

Section 153.0 EFFECTIVE DATE. This ordinance shall take effect and be in force from and after the date of adoption.

ADOPTED, following a public hearing and recommendation from the Planning Commission  
on \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
Town Clerk