

OAK GROVE ZONING ORDINANCE

East Alabama Regional Planning and Development Commission
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Abstract:

The intent of this ordinance is to regulate land use within the incorporated limits of Oak Grove. This document establishes regulations which will aid in future land development.

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ORDINANCE NO. 8

ZONING ORDINANCE OF THE TOWN OF OAK GROVE, ALABAMA

AN ORDINANCE, IN PURSUANCE OF THE AUTHORITY GRANTED BY TITLE II, CHAPTER 52, ARTICLE 4, SECTIONS 70 to 84 INCLUSIVE, CODE OF ALABAMA 1975, AS AMENDED, TO PROVIDE FOR THE ESTABLISHMENT OF DISTRICTS WITHIN THE CORPORATE LIMITS OF THE TOWN OF OAK GROVE, ALABAMA, TO REGULATE WITHIN SUCH DISTRICTS, THE HEIGHT, NUMBER OF STORIES, AND SIZE OF BUILDINGS AND OTHER STRUCTURES, THE PERCENTAGE OF LOT THAT MAY BE OCCUPIED, THE SIZE OF YARDS AND OPEN SPACES, THE DENSITY OF POPULATION AND THE USE OF BUILDINGS, STRUCTURES, AND LAND, AND TO PROVIDE METHODS OF ADMINISTRATION OF THIS ORDINANCE AND PENALTIES FOR THE VIOLATION THEREOF.

THE PUBLIC WELFARE REQUIRING IT, BE IT ORDAINED BY THE TOWN COUNCIL OF OAK GROVE, ALABAMA AS FOLLOWS: THAT THE EXISTING ZONING ORDINANCE AND ANY CONFLICTING LAWS BE REPEALED AND THAT THE FOLLOWING LAW BE ENACTED.

ARTICLE I
SHORT TITLE

This ordinance shall be known as the "Zoning Ordinance of Oak Grove, Alabama," and the map herein referred to, identified by the title "Zoning Map of Oak Grove," shall be further identified by the signature of the Mayor of Oak Grove and attested by the Town Clerk. The Zoning Map of Oak Grove 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.

ARTICLE II
DEFINITIONS

Section 201. For the purposes of this ordinance, certain terms of words used herein shall be interpreted as follows:

201.1 The work person includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.

201.2 The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular.

201.3 The word "shall" is mandatory, the word "may" is permissive.

201.4 The word used or occupied include the words intended, designed, or arranged to be used or occupied.

201.5 The word "lot" includes the words "plot" or "parcel".

Section 202. The following is an alphabetical listing of definitions used herein and shall be interpreted as follows:

202.1 Accessory Use of Structure: A use or structure on the same lot with, and of a nature customarily incidental and subordinate to the principal use or structure.

202.2 Alley. A public service way which affords only a secondary means of access to the rear or side of abutting property, and not intended for general traffic circulation.

202.3 Alteration and Altered. The word alteration shall include any of the following:

- a. Any addition to the height or depth of a building or structure;
- b. Any change in the location of any of the exterior walls of a building or structure;
- c. Any increase in the interior accommodations of a building or structure.

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

202.4 Awning. A shelter attached to and hanging from a vertical surface of a building without any other support from the ground.

202.5 Boarding House. A building other than a hotel where for compensation and by pre-arrangement for a definite period, meals or lodging and meals are provided for three (3) or more persons, but not exceeding twenty (20) persons.

202.6 Buffer Strip. A strip of land not less than fifteen (15) feet wide, planted and maintained as follows:

- Evergreen trees with an upright form spaced not less than fifteen (15) feet on center within the entire strip of land.

Evergreen shrubs with an upright to spreading form spaced not less than seven and one-half (7½) feet on center within the entire strip of land.

202.7 Building. Any structure having a roof and intended for the shelter; housing; or protection of persons, animals, or property.

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

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

202.10 Building Lines. A line showing the nearest distance to the street property line that is permissible to build, as measured from the nearest vertical point of the structure.

202.11 Building, Principal. A building in which is conducted the main or dominant use of the lot on which said building is situated.

202.12 Town Council. The Town Council of the Town of Oak Grove, Alabama.

202.13 Condominium. A multi-unit residential structure where it is possible to acquire legal ownership of a unit without title to the land on which it is located.

202.14 District. A part of the town wherein regulations of this ordinance are uniform.

202.15 Drive-In Restaurant. A restaurant or public eating business, so conducted that food, meals, or refreshments are brought to the motor vehicles for consumption by the customer or patron.

202.16 Drive-In Theater. A theater so arranged and conducted that the customer or patron may view the performance while being seated in a motor vehicle.

202.17 Dwelling. A house or other building used primarily as an abode for one (1) or two (2) families except that the word dwelling shall not include boarding or rooming house, tents, tourist camps, hotels, trailers, trailer camps, or other structures designed or used primarily for transient residents.

202.18 Dwelling, Single Family. A detached residential dwelling unit other than a mobile home designed for and occupied by one (1) family only.

202.19 Dwelling, Mobile Home. See Mobile Home, Item 202.37.

202.20 Dwelling, Two Family. A detached residential building containing two (2) dwelling units, designed for occupancy by not more than two (2) families.

202.21 Dwelling, Multi-Family. A residential building designed for or occupied by three (3) or more families, with the number of families in residence not exceeding the number of dwelling units provided.

202.22 Dwelling Unit. One (1) room or rooms, connected together, constituting a separate, independent housekeeping establishment for owner occupancy, or rental or lease on a weekly, monthly, or longer basis, and physically separated from any other rooms or dwelling units which may be in the same structure, and containing independent cooking and sleeping facilities.

202.23 Family. One (1) or more persons occupying a single dwelling unit, provided that unless all members are related by blood or marriage, no such family shall contain over five (5) persons, but further provided that domestic servants employed on the premises may be housed on the premises without being counted as a family or families.

202.24 Filling Station. Buildings and premises where gasoline, oil, grease, batteries, tires, and automobile accessories may be supplied and dispensed at retail, and where in addition, the following services may be rendered and sales made, and no other:

- a. Sale and servicing of spark plugs, batteries, distributors and distributor parts;
- b. Tire servicing and repair, but not recapping or regrooving;
- c. Replacement of mufflers and tail pipes, water hose, fan belts, brake fluid, light bulbs, fuses, floor mats, seat covers, windshield wipers and wiper blades, grease retainers, wheel bearings, mirrors, and the like;
- d. Radiator cleaning and flushing;
- e. Washing and polishing, and the sale of automobile washing and polishing materials;
- f. Greasing and lubrication;
- g. Providing and repairing fuel pumps, oil pumps, and lines;
- h. Minor servicing and repair of carburetors;
- i. Emergency wiring repairs;
- j. Adjusting and repairing brakes;
- k. Minor motor adjustments not involving removal of the head or crankcase or racing the motor;
- l. Sales of cold drinks, packaged foods, tobacco, and similar convenience goods for filling station customers, as accessory and incidental to principal operations;
- m. Provision of road maps and other informational material to customers; provision of restroom facilities.

Uses permissible at a filling station do not include major mechanical and body work, straightening of body parts, painting, welding, storage of automobiles not in operating condition, or other work involving noise, glare, fumes, smoke, or other characteristics to an extent greater than normally found in filling stations. A filling station is not a repair garage nor a body shop and does not store gasoline above ground in excess of five hundred (500) gallons.

202.25 Flood Hazard Area. Any land area that is susceptible to inundation by water from any source.

202.26 Floodway. The portion of the flood plain required in order to discharge the 100-year flood without raising the water surface elevation more than one foot above the base flood level at any point.

202.27 Floodway Fringe. The portion of the flood plain beyond the limits of the floodway.

202.29 Home Occupation. An occupation conducted in a dwelling unit, provided that:

- a. There shall be a maximum of three (3) persons involved in such home occupation of which not more than one (1) is a non-member of the household;
- b. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than twenty-five (25) percent of the floor area of the dwelling unit shall be used in the conduct of the home occupation;
- c. There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation other than one (1) sign, not exceeding one (1) square foot in area, non-illuminated, and mounted flat against the wall of the principal building;
- d. No home occupation shall be conducted in any accessory building;
- e. There shall be no public displays of goods in connection with such home occupation;
- f. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met off the street and other than in a required front yard;
- g. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot, if the occupation is conducted in a single family residence, or outside a dwelling unit if conducted in other than a single family residence. In case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.

202.29 Hotel. A building in which lodging or boarding and lodging are provided for more than twenty (20) persons 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. As such, it is open to the public in contradiction to a boarding house, a lodging house, or an apartment which are herein separately defined.

202.30 Junk Yard. Junk yards shall include any lot or parcels of land on which is kept, stored, bought, or sold articles commonly as junk, including scrap paper, scrap metal, and used automobile bodies and parts.

202.31 Loading Space, Off-Street. Space logically and conveniently located for bulk pickups and deliveries, scaled to delivery vehicles expected to be used, and accessible to such vehicles when required off-street parking spaces are filled. Required off-street loading space is not to be included as off-street parking space in computation of required off-street parking space.

In the diagram, A = corner lot, defined as a lot located at the intersection of two (2) or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle of less than one hundred thirty-five (135) degrees. See lots marked "A" in the diagram.

B = interior lot, defined as a lot other than a corner lot with only one (1) frontage on a street.

C = double frontage lot, defined as a lot other than a corner lot with frontage on more than one (1) street. Through lots abutting two (2) streets may be referred to as double frontage lots.

202.37 Mobile Home. A detached single-family dwelling unit with any or all of the following characteristics:

- a. Designed for long-term occupancy and containing sleeping accommodations, a flush toilet, a tub or shower, bath and kitchen facilities, with plumbing and electrical connections provided for attachment to outside systems.
- b. Designed to be transported after fabrication on its own wheels.
- c. Arriving at the site where it is to be occupied as a complete dwelling including major appliances and ready for occupancy except for minor and incidental unpacking and assembly operations, location of foundation supports, connection to utilities and the like.

202.38 Mobile Home Park. Any lot on which two or more mobile homes are located and occupied.

202.39 Modular Home. A manufactured structure designed to be used as a dwelling with a permanent foundation, built and is inspected in accordance with the Southern Standard Building Code and in compliance with State law.

202.40 Motel. A building or group of buildings used by transient motorists, and containing no cooking facilities in the individual units.

202.41 Net Area. The total area of a site minus the street area.

202.42 Nonconforming Use. A structure or lot lawfully occupied by a use that is not permitted in the zoning district in which it is situated.

202.43 Open Space. Space which is not occupied by a building or structure.

202.44 Parking Space, Off-Street. For the purposes of this ordinance, an off-street parking space shall consist of a space adequate for parking an automobile with room for opening doors on both sides, together with properly related access to a public street or alley and maneuvering room. Required off-street parking areas for three (3) or more automobiles shall have individual spaces marked, and shall be so designed, maintained, and regulated that no parking or maneuvering incidental to parking shall be on any public street, walk, alley, and so that any automobile may be parked and unparked without moving another.

For purposes of rough computation, an off-street parking space and necessary access and maneuvering room may be estimated at three hundred (300) square feet, but off-street parking requirements will be considered to be met only when actual spaces meeting the requirements above are provided and maintained, improved in a manner appropriate to the circumstances of the case, and in accordance with all ordinances and regulations of the town.

202.45 Outdoor Advertising Business. Provision of outdoor displays or display space on a lease or rental basis only.

202.46 Planning Commission. The Town Planning Commission of the Town of Oak Grove.

202.47 Public Land Use. Any land use operated by or through a unit or level of government, either through lease or ownership, such as municipal administration and operation, county buildings, and activities; state highway offices, and similar land uses; and Federal uses such as post offices, bureau of public roads, and internal revenue offices, military installations, etc.

202.48 Regular Zoning District. A zoning district which is delineated on the base zoning map.

202.49 Service Station. See Filling Station, 202.24.

202.50 Sign, Accessory.

- a. A non-illuminated professional or identification sign.
- b. A temporary sign pertaining only to the rent, lease, development, construction of improvements, or sale of the premises upon which it is displayed.
- c. A temporary sign pertaining to a special or unique event, such as a promotional campaign of a business or a political campaign, of a limited duration.
- d. A sign located on the premises of a church, institution, or club, which sign displays the name of and information about same.
- e. A directional or informational sign of a public nature which states the name or location of an incorporated or unincorporated community, gives information or directions to vehicular traffic, or otherwise transmits essential information to the public on behalf of a governmental entity.
- f. A directional or informational sign of a quasi-public nature which states the name or location of a public or private institution.

202.51 Sign, Area of. The area enclosed within the outer dimensions of the sign surface, provided that where the sign is composed of letters, symbols or other images having open spaces between the separate elements thereof, or having a background the same color as the building upon which placed or painted, thus forming an irregular outline, the area shall be computed by enclosing the outer edges of the outermost sign characters by a set of straight lines and taking the area of the figure formed thereby.

202.52 Sign, Attached. Any non-movable sign of durable construction and materials supported by, attached, to, painted upon, or otherwise structurally dependent upon another structure or building for support or display surface.

202.53 Sign, Outdoor Advertising. An attached or free-standing outdoor advertising structure for the purpose of conveying some information or knowledge to the public.

202.54 Sign, Principal Use. An attached, free-standing or structural sign pertaining only to the advertising, announcing or describing the principal use of the premises upon which it is displayed.

202.55 Sign, Temporary. Any sign or other advertising display using light or non-durable construction and materials such as cloth, canvas or cardboard, with or without frames, intended to be displayed for a short period of time only, whether movable or fixed in place; provided, that any movable or portable sign or advertising display shall be defined as a temporary sign for the purposes of this ordinance.

202.56 Special Zoning District. A zoning district outlined on the overlay of the zoning map.

202.57 Story. That portion of a building between the surface of any floor and the surface of the floor next above it, or, if there is no floor above it, then the space between the floor and the ceiling next above it.

202.58 Street Line. The right-of-way line of a street.

202.59 Structure. Anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground. Among other things, structures include buildings, mobile homes, walls, fences, billboards, and poster panels.

202.60 Townhouse. Buildings containing only one (1) or two (2) dwelling units, with three (3) or more buildings attached to each other by party walls without openings. Side yards shall be required only at the end of rows of attached buildings. In districts where permitted, the lot area of each building must be at least equal to the minimum lot area of that district.

202.61 Trailer. See Travel Trailer, Item 202.61.

202.62 Travel Trailer. Any vehicle or similar portable structure mounted on wheels, designed and intended primarily for short-term occupancy, for dwelling or sleeping, or other purposes, and not exceeding three hundred fifty (350) square feet in total floor space.

202.63 Use. The purpose for which land or a building or other structure is designed, arranged, or intended or for which it is or may be occupied or maintained.

202.64 Variance. A variance is a relaxation of the terms of the Zoning Ordinance where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the ordinance would result in unnecessary and undue hardship. As used in this ordinance, a variance is authorized only for height, area, and size of structure, or size of yards and open spaces; establishment or expansion of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of non-conformities in the zoning district or uses in an adjoining zoning district.

202.65 Yard. A required open space other than a court unoccupied and unobstructed by any structure or portion of a structure from thirty (30) inches above the general ground level of the graded lot upward, provided, however, that fences, walls, poles, posts, and other customary yard accessories, ornaments, and furniture may be permitted in any yard subject to height limitations and requirements limiting obstruction of visibility.

202.66 Yard, Front. A yard extending between side lot lines across the front of a lot adjoining a public street.

In any required front yard, no fence or wall shall be permitted which materially impedes vision across such yard above the height of thirty (30) inches, and no hedge or other vegetation shall be permitted which materially impedes vision across such yard between the heights of thirty (30) inches and ten (10) feet.

In the case of through lots, unless the prevailing front yard pattern on adjoining lots indicates otherwise, front yards shall be provided on all frontages. Where one of the front yards that would normally be required on a through lot is not in keeping with the prevailing yard pattern, the administrative official may waive the requirement for the normal front yard and substitute therefore a special yard requirement which shall not exceed the average of the yards provided on adjacent lots.

In the case of corner lots which do not have reversed frontage, a front yard of the required depth shall be provided in accordance with the prevailing yard pattern and a second front yard of half the depth required generally for front yards in the district shall be provided on the other frontage.

In the case of reversed frontage corner lots, a front yard of the required depth shall be provided on either frontage and a second front yard of half the depth required generally for front yards in the district shall be provided on the other frontage.

In the case of corner lots with more than two (2) frontages, the administrative official shall determine the front yard requirements, subject to the following limitations:

- a. At least one (1) front yard shall be provided having the full depth required generally in the district;
- b. No other front yard on such lot shall have less than half the full depth required generally.

Depth of required front yards shall be measured at right angles to a straight line joining the foremost points of the side lot lines. The foremost point of the side lot line, in the case of rounded property corners at street intersections, shall be assumed to be the point at which the side and front lot lines would have met without such rounding.

202.67 Yard, Rear. A yard extending across the rear of the lot between inner side yard lines. In the case of through lots and corner lots, there will be not rear yards, but only front and side yards.

Depth of a required rear yard shall be measured in such a manner that the yard established is a strip of the minimum width required by district regulations with its inner edge parallel with the rear lot line.

202.68 Yard, Side. A yard extending from the rear line of the required front yard to the rear lot line, or in the absence of any clearly defined rear lot line to the point on the lot line to the point on the lot farthest from the intersection of the lot line involved with the public street. In the case of the through lots, side yards shall extend from the rear lines of front yards required. In the case of corner lots, yards remaining after full-and half-depth front yards have been established shall be considered side yards.

202.69 Yard, Width. The width of a required side yard shall be measured in such a manner that the yard established is a strip of the minimum width required by district regulations with its inner edge parallel with the side lot line.

202.70 Yard, Special. A yard behind any required yard adjacent to a public street, required to perform the same functions as a side or rear yard, but adjacent to a lot line so placed or oriented that neither the term "side yard" nor the term "rear yard" clearly applies. In such cases, the administrative official shall require a yard with minimum dimensions as generally required for a side yard or a rear yard in the district, determining which shall apply by the relation of the portion of the lot on which the yard is to be located to the adjoining lot or lots, with due regard to the orientation and location of structures and areas suitable for building thereon.

202.71 Zoning District. A section of the Town of Oak Grove, for which the zoning regulations are uniform, as delineated on the Zoning Map.

202.72 Zoning Map. The "Zoning Map of Oak Grove, Alabama", which includes a base map of the regular zoning district and an overlay of the special district.

ARTICLE III
APPLICATION OF REGULATIONS

Section 301. Jurisdiction. The provisions of this ordinance shall govern the location and use of buildings, structures, and land within the incorporated areas of Oak Grove, Alabama.

Section 302: Uses. Except as hereinafter provided, no building or parcel of land shall hereafter be used or occupied and no building or part thereof shall be erected, moved, or altered except for a use permitted within the zoning district in which it is located.

Section 303. Nonconforming Uses and Structures. Any use or structure existing at the time of enactment or of subsequent amendment to this ordinance, but not in conformity with its provisions, may be continued with the following limitations:

- 303.1 Any use which does not conform to the provisions of this ordinance shall not be:
 - a) changed to another non-conforming use.
 - b) re-established after discontinuance for one year.
- 303.2 Any structure which does not conform to the provisions of this ordinance shall not be:
 - a) Extended except in conformity to this ordinance.
 - b) Rebuilt after fire or damage exceeding 50% above the replacement cost of the total structure.

303.3 Any use of property that was classed as a non-conforming use under the prior zoning ordinance that was in effect on the date of the adoption of this ordinance, shall not be permitted to escape abatement by the terms of Section 303 or 305 of this ordinance.

Section 304. Height and Density. In each district, each structure hereafter erected or altered shall not exceed the heights specified in this ordinance. Height limitations shall not apply to church steeples, barns, silos, farm structures, chimneys, flag poles, public utility poles, radio and television towers and aerials, cooling towers, water tanks and similar structures not intended for human occupancy.

Each building and lot shall not be used or occupied hereafter by more families than permitted in the zoning district in which is is located.

Section 305. Building Lots, Yards, and Open Space. In each district, each structure hereafter erected or altered, shall be provided with the yards specified and shall be a lot of the area and width specified in the ordinance. No open space or lot required for a building or structure shall, during its life, be occupied by or counted as open space for another building or structure. Except as hereafter provided, no yard or other open space provided, nor the off-street parking and loading spaces required, about any building for the purpose of complying with the regulations of this ordinance shall hereafter be included as a part of a yard or other open space or the off-street parking or loading spaces for any other building.

Exceptions to the district requirements for building lots and yard follow:

305.1 Where the owner of property at the time of adoption of this ordinance has a lot or lots of official record, which are substandard to the requirements of the district in which located according to this ordinance, the 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 Adjustment to the requirements of the district in which it is located; as provided, further that neither side yard shall be reduced to less than five (5) feet.

305.2 No building shall be required to set back more than the average of the setbacks of the existing residences within 100 feet each side thereof, but in no case shall the setback of any building hereafter erected or altered be less than 20 feet.

Section 306. Yards and Buildings Setback Lines. When any required yard abuts a street in any zoning district, the following setbacks from the center line of such street shall be required; however, in no case shall the setback from the right-of-way line be less than that which is specified in Article XI.

Setbacks from Street Centerline by Zoning District

	<u>Ag, R-1 & MHP</u>	<u>HC & M</u>
Arterial	100	110
Local Street	60	75

Section 307. Yards in Group Developments. More than one dwelling, institutional, commercial or industrial building may be located upon a lot in a zoning district where such a use would be permitted, but no such building shall encroach upon the front, side, or rear yards required for any other building site. For dwellings, the open space between buildings shall not be less than 20 feet for one story buildings, 30 feet when either building is a two story building, 40 feet when either building is a three story building and 40 feet plus an additional 10 feet for each story over three stories when either building is over three stories in height. The minimum dimension of the yard upon which any entrance or exit of a dwelling faces shall be 20 feet; such space shall not be counted as a yard for any other building.

Section 308. Structures. It is the intent of this ordinance that there shall be located on one lot one main structure plus any permitted accessory structures which shall not include living quarters.

Section 309. Development Plan for Industrial Use. In all proposed new industrial structures, the development must be preceded by submitting to the Planning Commission of a plan of such proposed development, showing all the details as required in Article IX and the approval of the Planning Commission must be obtained prior to the start of construction of such new development.

ARTICLE IV
GENERAL PROVISIONS

Section 401. Reduction in Lot Area. No lot shall be reduced in area so that yards and other open spaces total less than the minimum area required under this ordinance unless as provided for under Article 305.1

Section 402. Future Street Lines. On any lot which, at the time of adoption of this ordinance or at any time this ordinance is changed by amendment hereafter, may be reduced in area by widening a public street to a future street line as indicated on the duly adopted "Major Street Plan", or as reserved under the mapped street provisions of Title 35, Chapter 2, Article 3, Sections 50-62, inclusive, Code of Alabama 1975 (and as amended), the minimum required yards, the minimum required lot area, the minimum required lot width and the maximum building area shall be measured by considering the future street lines as the lot lines of such lots.

Section 403. Frontage on Corner Lots and Double Frontage Lots. On lots having frontage on more than one street, the minimum front yard shall be provided for each street in accordance with the provisions of this ordinance.

Section 404. Access to Streets. No building for human occupancy shall be erected without unrestricted vehicular access to a public street.

Section 405. Accessory Structures. Accessory structures in residential districts or any lot used primarily for residential purposes, shall conform to the following regulations:

405.1 No accessory structure shall be in any required front or side yard. Accessory structures shall not exceed two stories in height, and shall not cover more than 30 percent of any required rear yard and shall be at least five feet from all lot lines ten feet from any other structures on the same lot.

405.2 On any lot adjoining along its side lot line another lot which is in a residential district, no part of any accessory building shall be located within 60 feet of any front lot line.

Section 406. Fences and Walls. Fences or walls may be erected, placed, maintained, or grown along a lot line on residentially zoned property or adjacent to a height not exceeding five feet above the ground. Where such lot line is adjacent to a non-residentially zoned property, fences and walls, may be maintained at a height not exceeding eight feet. No fence or wall shall be erected, placed, maintained, or grown along a lot line on any non-residentially zoned property to a height exceeding eight feet.

No fence or wall exceeding 2½ feet in height and capable of obstructing driver vision may be erected within 20 feet of an intersection of the right-of-way lines of streets or streets and railroads.

A permit from the Building Inspector will be necessary for fences in front yards.

Section 407. Attachment of Accessory Buildings to Principal Buildings. When an accessory building is attached to the principal building by a breezeway, passageway, or similar means, it shall comply with the yard requirements of the principal building to which it is attached.

Section 408. Distance Between Buildings. Except as herein provided, no accessory building shall be located closer than ten feet to a principal building or to any other accessory building.

ARTICLE V
ESTABLISHMENT OF ZONING DISTRICTS

Section 501. Zoning District. For the purpose of this ordinance, the Town of Oak Grove is hereby divided into the type of districts designated as follows.

Regular Districts

- Ag Agricultural
- R-1 Single Family Residential
- MHP Mobile Home Park
- HC Highway Commercial
- M General Industry

Special Districts

- FH Flood Hazard

Section 502. District Boundaries. The boundaries of the various zoning districts are hereby established as shown on the Zoning Map. The Zoning Map includes a base map which identifies the location of the regular districts and an overlay to the base map which outlines the boundaries of the special districts. The Zoning Map and all explanatory matter thereon accompany and are hereby made a part of this ordinance. The official copy of the Zoning Map shall be on file in the office of the Town Clerk.

Section 503. Interpretation of District Boundaries. Where uncertainty exists as to the boundaries of any district shown on said map, the following rules shall apply:

503.1 Where boundaries are indicated as approximately following street and alley lines, land lot lines, such lines shall be construed to be such boundaries.

503.2 In unsubdivided property or tracts, where a district boundary divides a lot, the location of such boundaries, unless same are indicated by dimensions, shall be determined by use of the scale appearing on such map.

503.3 Where a public road, street or alley is officially vacated or abandoned, the regulations applicable to the property to which it is reverted shall apply to such vacated or abandoned road, street or alley.

503.4 Where boundaries are so indicated that they are approximately parallel to the center lines of street lines of streets or to the center lines or alley lines of alleys or the center lines of right-of-way lines of highways, such boundaries shall be construed as being parallel thereto and of such distance therefrom as indicated on the Zoning Map. If no distance is given, such dimension shall be determined by the use of the scale shown on said map.

503.5 In case any further uncertainty exists, the Board of Adjustment shall determine the location of boundaries. The Board of Adjustment may also cause to be prepared sectional maps of any part of the city which will interpret the exact location of the district boundaries following the guidelines contained in the preceding paragraphs.

ARTICLE VI
USE PROVISIONS OF AGRICULTURAL DISTRICTS

The provisions of Article VI are intended to protect and to preserve the agricultural lands within the town limits of Oak Grove and to promote the most appropriate use of land and buildings in accordance with the Land Use Plan.

Section 601. Ag - Agricultural Zoning District. The use permitted in this district shall be as follows:

601.1 Single-family dwellings.

601.2 Agricultural, dairying, and poultry and livestock raising provided that buildings used for housing fowl or animals, storing grain or feed, or processing, products shall not be located closer than 100 feet to any property line.

601.3 Non-commercial agriculture, and poultry, horse and livestock raising as an accessory use to a one family dwelling for the principal benefit of the occupant thereof; provided that all related accessory buildings are located in the rear yard and not closer than 100 feet to any property line.

601.4 Sale of products and commodities raised on the premises only, provided that any structure used for such sales shall not be closer than 30 feet to the front or side property lines.

601.5 Greenhouses.

601.6 Temporary or portable sawmills for the cutting of timber on the surrounding land, provided that machine operations are not located closer than 200 feet to any property line.

601.7 Public or private schools, including; pre-schools, day nurseries, and kindergartens, provided that any play area is enclosed on all sides to a height of at least four feet.

601.8 Publicly-owned and operated community structures and lands.

601.9 Public utility structures and lands.

601.10 Riding stables and academies, provided that any structure, pen or corral housing animals (but not including grazing areas) shall not be closer than 100 feet to any property line.

601.11 Veterinary clinic, commercial kennels and the raising of other small animals for sale, provided that no portion of a building, structure, outdoor run or pens used to house or exercise such animals shall not be located closer than 100 feet to any property line.

601.12 Public or private golf course.

601.13 Accessory uses and buildings, including accessory signs.

601.14 Home occupations.

601.15 Churches and other similar places of worship.

601.16 Cemeteries.

601.17 Off-street parking and loading spaces for vehicles in an operating condition only as an accessory use.

601.18 Principle use signs.

601.19 All uses permitted or permitted on appeal in R-1 Single-Family Residential District.

601.20 Mobile homes.

Section 602. Uses Permitted in Ag by Board of Adjustment

The following uses shall be permitted in the Ag district only after approval of the Board of Adjustment:

602.1 Athletic fields or stadiums, race tracks and other recreational areas operating on a commercial basis, including; golf driving ranges, swimming pools, public or private fishing clubs, gun clubs, tourist courts, tourist homes and similar recreational enterprises provided that all activities are located 200 feet from any property line and in the option of the Board of Adjustment, will not impair an existing or potential future residential neighborhood.

All uses not specifically permitted in this district are prohibited.

Section 603. Space and Height Regulations

Minimum Yard Size:

Front Yard: 40 feet

Side Yard: 15 feet

Rear Yard: 45 feet

Minimum Lot Size:

Area: 15,000 square feet

Width: 100 feet

Maximum Height:

Feet: 35 feet

Stories: 2½ stories

Off-Street Parking: One car space for each dwelling unit. Adequate off-street parking space for all uses to accommodate all vehicles incidental to such uses; one car space per each employee; parking space shall also be provided to adequately accommodate the normal flow of patrons of all services and businesses.

Off-Street Loading: Shall provide adequate space for loading and unloading on rear and/or side yard.

ARTICLE VII
RESIDENTIAL DISTRICT REQUIREMENTS

Within each residential district shown on the Zoning Map of the Town of Oak Grove, Alabama, the following uses shall be allowed.

Section 701. R-1 Single Family Residential District

The uses permitted in this district shall be as follows:

- 701.1 Single family dwellings.
- 701.2 Accessory uses and structures.
- 701.3 Agricultural.
- 701.4 Parks and playgrounds including accessory structure.
- 701.5 Mobile homes, placed on brick or block foundations with wheels, axle and tongue removed. Only one mobile home shall be placed on each single family lot.

Section 702. Uses Permitted in R-1 by Board of Adjustment

The following uses shall be permitted in the R-1 district only after approval of the Board of Adjustment:

- 702.1 Home occupations as defined in Article II, Definitions.
- 702.2 Churches and similar places of worship.
- 702.3 Public utility structures, including electrical sub-stations, gas metering stations, sewage pumping stations, and similar structures.
- 702.4 Schools, libraries, community and recreation buildings.
- 702.5 General hospital for humans and nursing or convalescent homes.
- 702.6 Fire stations.
- 702.7 Country club.
- 702.8 Agricultural.
- 702.9 Parks and playgrounds including accessory structure.

All uses not specifically permitted in this district are prohibited.

Section 703. Space and Height Regulations

Minimum Yard Size:

Front Yard: 35 feet

Side Yard: 15 feet

Rear Yard: 40 feet

Minimum Lot Size:

Area: 15,000 square feet

Width: 100 feet

Maximum Height:
Feet: 35 feet
Stories: 2½ stories

Maximum Building Area: 25 percent

Required Off-Street Parking: Two spaces, except use other than single family shall be as follows:

Off-street parking requirements for public and semi-public structures or use are as follows: schools, two (2) car spaces for each classroom in elementary and junior high schools and ten (10) car spaces for each classroom in high schools; churches, one (1) space for each five (5) seats of main auditorium; other public or semi-public use as determined in each individual case by the Board of Adjustment.

Section 704. MHP Mobile Home Park

The uses permitted in this district shall be as follows:

- 704.1 Mobile home park.
- 704.2 One family dwelling for the exclusive use of a watchman, caretaker, owner or manager of a mobile home park.
- 704.3 Office and maintenance buildings incidental to a mobile home park.
- 704.4 Laundromats (including coin operated dry cleaning) accessory to a specific mobile home park only.
- 704.5 Principal use signs.
- 704.6 Accessory signs.
- 704.7 In addition to the mobile homes spaces, off-street parking and loading spaces for vehicles in operating condition only.

Section 705. Uses Prohibited in MHP

This area is specifically and solely designed to accommodate the parking of mobile homes; therefore, no use which does not meet the description of "mobile home" contained in this ordinance shall be permitted.

Section 706. Mobile Home Park Plan

A mobile home park preliminary site plan shall be submitted to the Planning Commission and shall conform to the following requirements.

- 706.1 The proposed park shall be a minimum of three acres and shall be located on a site properly graded to insure rapid drainage and freedom from standing water.
- 706.2 No park shall exceed a density of eight mobile homes per acre, as calculated on the total gross area within the park.
- 706.3 A buffer strip not less than 15 feet in width shall be provided completely around the mobile home park except at access roads; such strip shall be planted and maintained.
- 706.4 Minimum size lot required for each mobile home space shall not be less than 60 feet wide and 80 feet long.

706.5 Mobile homes shall be located on mobile home spaces in which there shall be at least 40 feet clearance between mobile homes, or between mobile homes and other accessory buildings within the park.

706.6 On each mobile home space, there shall be provided at least one off-street parking space for vehicles other than a mobile home not less than 10 feet wide by 20 feet long connected by a paved 12 foot drive to a common driveway or street.

706.7 All mobile home spaces shall abut a public street, or a driveway of not less than 20 feet in width having unobstructed access to a public street, alley or highway.

706.8 All driveways and walkways within the park shall be adequately lighted.

706.9 Electrical outlets supplying at least 220 volts each shall be provided for each mobile home space.

Section 707. Sanitary Facilities in Mobile Homes

Each mobile home shall contain at least one shower or tub, a flush toilet, a lavatory, hot and cold running water and a source of heat for the occupants thereof.

Section 708. Water Supply

All buildings and mobile home spaces within the park shall be connected to the public water supply system. Each mobile home space shall be provided with a cold water tap at least four inches above the ground.

Section 709. Sewage and Refuse Disposal

709.1 Waste from showers, bath tubs, flush toilets, urinals, lavatories, and laundry facilities in a mobile home and any other building within the park shall be discharged into the private disposal system approved by the County Health Officer, who may require soil percolation tests to be performed within the disposal area as a guide to the size, location and arrangement of the system.

709.2 Each mobile home space shall be provided with a trapper sewer at least four inches in diameter, which shall receive the waste from shower, bath tub, flush toilet, lavatory, laundry facilities and kitchen sink of the mobile home harbored in such space. The trapped sewer in each space shall be connected to the public sewer system or a private disposal system approved by the Health Office in accordance with applicable regulations.

Section 710. Garbage Cans

Garbage containers will be required. Mobile home licensee will be responsible to see that all garbage and rubbish are placed in approved containers.

Section 711. Fire Protection

Every park shall be equipped at all times with fire hydrant equipment in good working order, of such type, size and number so located within the park as to satisfy applicable regulations of the city. No open fires shall be permitted at any place which may endanger life or property.

Section 712. Minimum Park Density

A mobile home park may not accept trailers unless and until such time as at least four of its lots have been completely developed together with facilities as required by this ordinance, the regulations of the State of Alabama and other ordinances.

Section 713. Required Off-Street Parking and Loading

As stated in ARTICLE XIII, OFF-STREET PARKING AND LOADING.

ARTICLE VIII
COMMERCIAL DISTRICT REQUIREMENTS

Section 800. H-C Highway Commercial

801.1 Intent. This district is intended to accommodate a variety of general commercial uses characterized primarily by retail, office and service establishments and oriented primarily to major traffic arteries. It is not the intent of this ordinance to encourage the development of long, narrow, strips of commercial development fronting on major arteries, often referred to as "strip commercial" areas, but rather to accommodate and control highway commercial uses which are existing.

801.2 Permitted Principal Uses and Structures.

1. Retail establishments.
 2. Service and repair establishments, including auto and truck repair garages.
 3. Financial institutions, business and professional offices.
 4. Eating and drinking establishments, including drive-in eating and drinking establishments.
 5. Commercial recreation and entertainment structures and uses, such as theaters, bowling alleys, miniature golf courses, night clubs, and the like.
 6. Hotels and motels.
 7. Veterinary establishments and kennels provided that all animals are kept within suitable designed, soundproofed, air conditioned buildings.
 8. Medical and health related centers, clinics, laboratories, pharmacies and office.
 9. Churches and other places of worship, including educational buildings related thereto.
 10. Clubs, lodges, social and fraternal organizations.
 11. Shopping centers and malls.
 12. Automobile service stations.
 13. Automobile or truck sales agency.
 14. Building contractor's office, except outside storage of heavy equipment, and building materials.
 15. Hospitals, sanitariums, nursing homes, rest homes, convalescent homes, homes for orphans, homes for the aged provided that no such facility shall have lot area of less than twenty-five (25) feet to any lot zoned residentially.
 16. Wholesaling and distribution establishments not involving over 20,000 square feet of area for storage of wares to be wholesaled or distributed.
 17. Outside storage of equipment of materials (permitted upon appeal to the Planning Commission and Town Council).
 - * All outside storage areas approved shall be fenced and screened on all sides. Additional requirements will be made at the discretion of the Council.
 18. Parks, playgrounds, playfields.
 19. Public utility structures and lands, provided that a buffer is placed along the side and rear yards.
 20. Mortuaries.
 21. Principal use signs.
 22. Accessory signs.
 23. Outdoor advertising signs.
- 903.3 The following uses shall be prohibited in the H-C District:
1. Flea markets or other similar open air commercial establishments.
 2. Junkyards.

ARTICLE IX
MANUFACTURING DISTRICT REQUIREMENTS

Section 900. M - General Industry.

The uses permitted in this district include any industrial service, or commercial use, except those which, in the opinion of the Building Inspector, would cause noise, smoke, gas, vibration, fumes, dust, or objectional conditions which would affect a considerable portion of the town.

The uses permitted in this district, only after approval of the Board of Adjustment, include any industrial, service, or commercial uses, and are subject to such conditions and safeguards as the Board of Adjustment may require to preserve and protect any portions of the town which otherwise could be adversely affected.

The uses prohibited in the M district are residences and apartments, except quarters for a watchman or custodian and his family.

Section 901. Space and Height Regulations

Minimum Lot Size: See Article XI, Area, Yard and Height Requirements.

Minimum Yard Size: None specified.

Maximum Height: See Article XI, Area, Yard and Height Requirements.

Off-Street Parking: See Article XIII, Off-Street Parking and Loading Spaces.

Off-Street Loading and Unloading: See Article XIII, Off-Street Parking and Loading Spaces.

ARTICLE X
USE PROVISIONS OF SPECIAL DISTRICTS

The provisions of Article X are intended to promote the orderly use and development of areas of the town which exhibit special conditions.

Section 1001. Designated Floodway Zone District

The provisions of this district shall supercede the provisions of any zone district which it overlays. No structure or other development that could constitute an obstruction to the discharge of the base flood waters will be permitted in the designated floodway zone district, unless, after appropriate engineering studies, the zoning Board of Adjustment shall find that:

1001.1 the proposed structure, bridge, etc. is in the public interest and will not significantly increase the water/surface elevation during discharge of the base flood; and

1001.2 the proposed structure, if a utility, is designed to avoid damage and interruption of service due to flooding.

1001.3 Permitted Uses:

- a) agriculture
- b) recreation

Section 1002. Special Flood Hazard Area Zone District

1002.1 General Provisions. The provisions of this zone district are primarily concerned with reducing future flood hazards by requiring that the first floor of new or substantially improved structures be raised to a point above the base flood elevation.

In those instances when it is not economically feasible to elevate the first floor of an existing structure undergoing substantial improvement, the zoning Board of Adjustment may allow the improvement, provided the structure is floodproofed to a point above the elevation of the base flood.

Special tie-down provisions apply to mobile homes and house trailers to be located in the district, except that a mobile home or house trailer may be exempt from the provisions of this district provided that it is located in an established mobile home park or trailer park currently and legally in operation, where the establishment of said park predates the creation of the special flood hazard area zone district.

Should any such park cease to operate for a period of one year, it shall lose its legal non-conforming status and shall not be allowed to resume operation without meeting the full requirements of this district.

1002.2 Permitted Uses.

- a) All uses permitted in the underlying existing zone district, provided that the first floor including the basement, of all new or substantially improved structures be raised to a point above the elevation of the base flood, or where an existing structure is to be substantially improved, and the zoning Board of Adjustment determines that it is not feasible to raise the first floor, it may allow the improvement, subject to the structure being floodproofed to a point above the elevation of the base flood.
- b) In the absence of an underlying zone district, any use that is determined by the Planning Commission to be consistent with sound principles of floodplain management. However, the requirement that the first floor, including basements, of all new structures be elevated to a point above the elevation of the base flood must be observed regardless of the use. The floodproofing provisions for structures set out in (1) above also apply.

Section 1003. Special Provisions Applying to Mobile Homes of House Trailers to be Located in the Special Flood Hazard Area Zone District

Set out below are special tie-down and anchor provisions for mobile homes in riverine situations.

Tie-downs and frame anchors will be installed as prescribed by the local building code. Spacing will be as follows:

1003.1 Over the top ties at each of the four corners of the mobile homes will be provided, with two additional per side at intermediate locations; for mobile homes less than 50 feet long; one additional over the top tie would be provided; and

1003.2 Frame ties must be provided at each corner of the mobile home with five (5) additional ties per side at intermediate points. For mobile homes less than 50 feet long, four (4) ties per side would be required; and

1003.3 All components of the anchoring system should be capable of carrying a force of 4,800 pounds, and any addition to the mobile home would be similarly anchored.

**ARTICLE XI
AREA, YARD AND HEIGHT REQUIREMENTS**

This article is established to show the minimum size, width and height requirements to the land uses within each designated district.

	Minimum Floor Area		Minimum Lot Size		Lot Width		Minimum Yards		Rear Ft.	Minimum Setback from Street Centerline		Height Ft.	
	Sq. Ft.	Area ^a Sq. Ft.	Sq. Ft.	Square Feet Per Family	Ft.	Ft.	Front Ft.	Side Ft.		Thoroughfare Ft.	Major Street ^b Ft.		Local Street
Ag	800	20,000	20,000	20,000	100	40	20	20	50	115	80	60	35 2½ stories
R-1	1,200	15,000	15,000	15,000	75	35	10	10	35	115	80	60	35 2½ stories
H-C	None					20	15 ^{cd}	15 ^{cd}	10 ^c	100	70	70	40 3 stories
M	None					20	15 ^c	15 ^c	10 ^c	100	70	60	

^aFor lots not served by sewer systems, the Talladega County Health Department can specify larger lot sizes in order to adequately accommodate septic tank filter fields.

^bMajor streets are identified in the Comprehensive Plan as principal arterial and major collectors, local streets are all streets other than thoroughfare and major.

^cSide and rear yard buffer shall be provided when property adjoins a residential district.

^dIf the adjoining property is zoned for business, interior side yard setbacks on one side of a parcel only may be reduced to zero (0) feet; however, if the structure is not built to the side lot line, a minimum setback of at least fifteen (15) feet shall be maintained.

ARTICLE XII SIGNS

Section 1201. Implementation and Permits

1201.1 Permit Required. From and after the effective date of this ordinance, no sign of any type shall be erected, constructed, painted, altered, moved or repaired within the Town of Oak Grove, Alabama, unless all the applicable provisions of this ordinance are met, and until a valid sign permit therefore has been issued by the Town Clerk provided, that this section shall not require a sign permit for routine maintenance or painting which maintains the original format and appearance of the sign.

1201.2 Temporary Permits. Sign permits for temporary accessory signs pertaining to a special or unique event of a limited duration shall state a time limit, but not to exceed thirty (30) days for each permit.

1201.3 Permits Not Required. Signs "a" (which do not exceed two (2) square feet in area), "b" (which do not exceed twelve (12) square feet in area), and "c" as defined under Section 202.49 "accessory signs" shall not require a sign permit; neither shall a permit be required for a sign of less than two (2) square feet in areas located on a parcel of property used for residential purposes, if that sign announces the name of the occupants or the street number of the property only. No permit shall be required of a temporary sign pertaining only to the rent, lease, development, construction of improvements or sale of the premises only to the rent, lease, development, construction of improvements or sale of the premises upon which it is displayed, and which does not exceed six (6) square feet in residential zoning districts or twelve (12) square feet in all other regular zoning districts.

1201.4 Information Required for a Permit. Upon application for a sign permit, the applicant must provide the following information, which shall be retained as specifications for that sign permit:

- a. Purpose and description of the sign, including the definitions used in this ordinance, and the product, business or activity advertised.
- b. Name, address, and telephone number of the applicant and sign erectors.
- c. Position of the sign in relation to property and right-of-way lines, buildings, and other improvements on the property.
- d. Plans and specifications on construction and erection, and other information required by the enforcing officer.
- e. Written consent of the owner of the property on which the sign is to be erected.
- f. Proof of bond or liability of not less than \$1,000.00 covering loss due to construction, maintenance, or location for the duration of the sign.

1201.5 Removal of Sign. Any sign no longer meeting any specification of the sign permit, or changed so as to violate the terms of this ordinance, shall be removed or made to conform to this ordinance immediately. Any non-conforming outdoor advertising sign of a business no longer operating shall be removed within thirty (30) days of the closing date of that business, at a cost assumed by the sign owner. Signs identified under the definition "accessory sign" Section 202.49 "c" shall be removed no later than thirty (30) days after the sign's subject event has passed.

Section 1202. Outdoor Advertising Signs.

1202.1 Business License Required. The owner or operator of an outdoor advertising sign shall constitute a business, for which an annual business license is required, in addition to a sign permit as provided for in Section 1201.

1202.2 Name of Owner on Face of Sign. The current name of the owner of an outdoor advertising sign shall be printed on the face of the sign and be clearly visible from the street.

Section 1203. Temporary Signs. Temporary signs as defined in Section 202.54 may only be displayed on the premises to which the sign applies and shall be constructed of a material deemed safe and appropriate by the enforcing officer, provided that all other provisions of this ordinance are met.

Section 1204. Location of Signs. All signs must be located in accordance with the use regulations and the dimensional requirements of the zoning district in which located, with the following exceptions:

1204.1 Directional or informational signs of a public nature defined in Section 202.49 under "accessory signs" may be located anywhere, including within a public right-of-way.

1204.2 Principal use signs shall be located so as to preclude any adverse affect to traffic safety.

1204.3 No outdoor advertising sign shall be located within any required yard.

1204.4 No outdoor advertising, principal use or temporary sign shall be located within a public right-of-way.

Section 1205. Height of Signs. The maximum height of free-standing signs shall be limited to twelve (12) feet above the pavement level of an adjoining street in the residential districts and twenty-five (25) feet above the pavement level of and adjoining street in all other regular zoning districts.

Section 1206. Design of Signs. All signs shall be designed, sized and located to be in keeping or to harmonize with the improvements or zoning on the property or nearby properties, and shall not be a traffic hazard.

1206.1 The wattage of sign lighting should not exceed 60 watts per bulb, and no lights shall be permitted to flash, blink or shimmer, except for structures indicating time or temperature; and sign lighting shall not include the colors of red, blue, amber or any other color used for emergency or caution lighting on public vehicles.

1206.2 No sign shall be permitted to rotate, oscillate or otherwise move.

1206.3 No business or advertising ground sign shall be erected to exceed fifty (50) feet in length (with total extensions not to exceed five (5) feet).

Section 1207. Spacing. Signs shall not be erected or maintained in such a manner as to obscure, or otherwise physically interfere with an official traffic sign, signal or device or which obstructs or physically interferes with the driver's view of approaching, merging or intersecting traffic.

Section 1208. Maintenance of Signs. All signs shall be routinely maintained by the owner of the sign or the owner of the premises upon which located so as to be structurally sound and safe, legible, and similar in appearance to that specified by the most recent valid sign permit; provided that this shall not prohibit the changing of the printed matter on the face of outdoor advertising signs.

Section 1209. Nonconforming Signs. Signs which do not conform to the provisions of this ordinance, but which conformed to the provisions of all ordinances superseded by this ordinance, shall be allowed to continue after the effective date of this ordinance. Any sign erected, moved, altered, or structurally repaired after the effective date of this ordinance shall be made to conform to the provisions thereof.

ARTICLE XIII
OFF-STREET PARKING AND LOADING SPACES

Section 1301. Off-Street Parking Spaces

Required parking spaces as set forth below shall contain not less than 200 square feet in area and shall be located entirely off of street rights-of-way. Spaces shall have an all-weather surface and shall have an unobstructed maneuvering space and access lanes of adequate width leading to a street or alley. Except for one and two-family dwellings, maneuvering and turning areas shall be provided so that no vehicles will be required to back into a street. Only vehicles in operating condition shall be allowed to occupy these spaces. The following identifies the minimum number of automobile parking spaces for specified uses. Where a particular use is not specifically mentioned, the requirements of a similar or related use shall apply.

1301.1 Automobile Service Stations - Three (3) parking spaces for each grease rack or similar facility plus one (1) for each attendant.

1301.2 Bowling Alleys - Three (3) parking spaces for each alley.

1301.3 Churches, Theatres, Auditoriums, Stadium or Other Places of Public Assembly-One (1) parking space for each five (5) seats in the principal assembly room or area.

1301.4 Dwellings - One (1) parking space per dwelling unit; except when residential structures have more than three (3) dwelling units, one-and one-half (1½) parking spaces shall be required per unit.

1301.5 Hospitals, Sanitariums or Nursing Homes - One (1) space for each bed intended for patient plus one (1) space for each four (4) staff members.

1301.6 Mobile Home Parks - One (1) parking space located on each trailer site; plus one-half (½) parking space per site to be located so as to serve the parking needs of visitors to the aprk and of occupants who have more than one automobile.

1301.7 Motels and Hotels - One (1) parking space for each room offered for tourist accommodation.

1301.8 Private Club or Lodge - One (1) space for each ten (10) members.

1301.9 Offices, or Professional or Public Buildings - One (1) parking space for each 200 square feet of floor area, or four spaces for each separate office, whichever is greater.

1301.10 Restaurant or Other Eating Place - One (1) parking space for each five (5) seats.

1301.11 Retail or Wholesale Trades or Services - One (1) parking space for each vehicle used directly in the conduct of the enterprise.

1301.12 Rooming House, Boarding Houses, and Tourist Homes - One (1) parking space for each two (2) beds.

1301.13 Schools - Two (2) parking spaces for each classroom.

a. Elementary and Middle Schools - Two (2) parking spaces for each classroom.

b. High School - Ten (10) parking spaces for each classroom.

1301.14 Shopping Centers - Four (4) parking spaces for each 1,000 square feet of area devoted to trade or service activity.

1301.15 Warehousing, Manufacturing, and Industrial Establishments - One (1) parking space for each two employees plus one (1) space for each vehicle used directly in the conduct of the enterprise.

Section 1302. Plans and Specifications Required for Off-Street Parking Spaces.

Plans and specifications showing required off-street parking spaces, including the means of access and interior circulation, shall be submitted to the enforcing officer for review at the time of application for a Building Permit.

Section 1303. Location of Parking Spaces.

Except for one and two family dwelling units, if required parking spaces can not be provided on the same lot on which the principal use is conducted, such spaces may be provided on off-street property, provided that the required spaces are located no further than 400 feet from the main entrance of the principal use. Such parking spaces shall be associated with the permitted use and shall not thereafter be reduced or encroached upon in any manner.

Section 1304. Truck Parking Restrictions.

No truck parking shall be permitted in any residential district greater than 3/4 ton pick-up trucks except a truck or commercial vehicle not greater than 1¼ tons may be parked in an accessory structure within a residential district.

Section 1305. Joint Use of Off-Street Parking Areas

Nothing in this ordinance shall be construed to prevent the joint use of an off-street parking area or facility by two or more buildings or uses if the total of such spaces when used together shall not be less than the sum of the requirements for the various individual uses or buildings computed separately.

Section 1306. Plans and Specifications Required for Off-Street Loading and Unloading Spaces.

Plans and specifications showing required loading and unloading spaces including the means of ingress and egress and interior circulation shall be submitted to the enforcing officer for review at the time of application for a Building Permit.

Section 1307. Off-Street Loading and Unloading.

All commercial and industrial structures hereafter erected or created are required to provide and maintain adequate off-street space for loading and unloading of materials, goods, or things, and for delivery and shipping, so that vehicles for these services may use this space without encroaching on or interfering with public use of streets and alleys by pedestrians and other vehicles; all such structures are also required to have sufficient off-street parking space for all vehicles owned, controlled or rented by such establishment.

1307.1 Where any structure is enlarged, or any use is intended so that the site of the resulting occupancy comes within the scope of this section, the full amount of off-street loading space shall be supplied and maintained for the structure, or use in its enlarged size.

Where the use of a structure or land, or any part thereof, is changed to a use requiring off-street loading space under this article, the full amount of off-street loading space shall be supplied and maintained to comply with this article.

1307.2 Off-street loading space shall be in area at least 12 feet wide by 45 feet along with 14½ feet of vertical clearance. Off-street loading spaces shall be provided and maintained in accordance with the following schedule:

- a. For each retail store, storage warehouse, wholesale establishment, industrial plant, freight terminal, market, restaurant, funeral home, laundry, dry cleaning plant or similar use which has an aggregate floor space of:
 - (1) Less than 8,000 square feet - No off-street loading required, but no permit will be issued without off-street loading until the Planning Commission has studied the plot plan of the proposed structure and approved the same;
 - (2) 8,000 square feet but less than 20,000 square feet - One space of off-street loading is required;
 - (3) 20,000 square feet but less than 60,000 square feet - Two (2) spaces of off-street loading is required;
 - (4) For each additional 50,000 square feet, or fraction thereof, over 60,000 square feet - One (1) additional off-street loading space is required.
- b. For each auditorium, convention hall, exhibition hall, hotel, office building, stadium, sanitarium or similar use, which has an aggregate gross floor area of:
 - (1) Less than 10,000 square feet - No off-street loading required; but no permit will be issued without off-street loading until the Planning Commission has studied the plot plan of the proposed structure and approved the same;
 - (2) 10,000 square feet but less than 40,000 square feet - One (1) space of off-street parking is required;
 - (3) For each additional 50,000 square feet, or fraction thereof, over 40,000 square feet - One (1) additional off-street loading space is required.
- c. For any use not specifically mentioned herein, the requirements of off-street loading for uses set out above and to which the unmentioned use is similar, shall apply.

1307.3 No area or facility supplied to meet the required off-street parking facilities shall be utilized for or deemed to meet the requirements of this article for off-street loading facilities.

1307.4 Nothing in this article shall prevent the collective, joint or combined provision of off-street loading facilities for two or more buildings or uses provided that such off-street loading facilities are equal in size and capacity to the combined requirements of the several buildings or uses and are so located and arranged as to be usable thereby.

1307.5 Plans for buildings or uses requiring off-street loading facilities under the provisions of this article shall clearly indicate the location, dimensions, clearance and access of all such required off-street loading facilities.

Section 1308. Continuing Character of Obligation

Required off-street parking and loading spaces associated with newly erected or altered buildings or newly established uses of land shall be a continuing obligation of the owner of said building or land so long as the structure or use exists or its use requiring which parking or loading facilities

continues, and it shall be unlawful for said owner to discontinue, change or dispense with, or to cause the discontinuance or change of the required vehicle parking or loading space apart from the discontinuance, sale or transfer of the building or use without establishing alternative vehicle parking or loading space which meet the requirements of and are in compliance with this ordinance, or of any person to use a building or lot without providing vehicle parking or loading spaces which meet the requirements of and are in compliance with this ordinance.

ARTICLE XIV
ADMINISTRATION AND ENFORCEMENT

Section 1401. Administration

1401.1 Enforcing Officer. The provisions of this ordinance shall be administered and enforced by the Municipal Building Inspector.

1401.2 Building Permit Required. It shall be unlawful to commence the excavation for or 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, alteration, or repair (except repairs, not changing the character of the structure and not exceeding \$500.00 in cost, or painting and wallpapering) of any structure, including accessory structures, until the building inspector has issued for such work a building permit including a statement that the plans; specifications and intended use of such structure in all respects conform with the provisions of this ordinance. Application for a building permit shall be made to the Building Inspector on forms provided for that purpose.

1401.3 Approval of Plans and Issuance of Building Permit. It shall be unlawful for the Building Inspector to approve any plans or issue a building permit for an excavation or construction until he has inspected such plans in detail and found them in conformance with this ordinance. To this end, the Building Inspector shall require that every application for a building permit for excavation, construction, use of land, moving, or alteration be accompanied by a map or plat drawn to scale and showing the following in sufficient detail to enable the building inspector to ascertain whether the proposed excavation, construction, use of land, moving, or alteration is in conformance with this ordinance:

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

If the proposed excavation, construction, moving or alteration as set forth in the application, are in conformity with the provisions of this ordinance, and other town codes, the Building Inspector shall issue the permit accordingly.

If the application is rejected, the Building Inspector will state in writing on the application the reason for rejection.

1401.4 Certificate of Occupancy Required. No land or building or other structure or part thereof hereafter erected, moved, or altered in its use shall be used until the building inspector shall have issued a Certificate of Occupancy stating that such land or structure or part thereof is found to be in conformity with the provisions, of this ordinance.

Within three days after the owner or his agent has notified the Building Inspector that a building or premises or part thereof is ready for occupancy or use, it shall be the duty of the Building Inspector to make final inspection thereof, and to issue a Certificate of Occupancy if the building or premises or part thereof is found to conform with the provisions of this ordinance and other city codes or if such Certificate of Occupancy is refused, to state the refusal in writing with the cause.

Section 1402. Temporary Uses.

Temporary uses, as set forth below are declared to possess characteristics which require certain controls in order to insure compatibility with other uses in the districts within which they are proposed for location.

1402.1 The Building Inspector is authorized to issue a Temporary Certificate of Zoning Compliance for temporary uses as follows:

- a. Carnival, circus, or fair in any commercial district, for a period not to exceed twenty-one (21) days, subject to the approval of the Town Council.
- b. Religious meeting in a tent or other temporary structure in any district, for a period not to exceed sixty (60) days.
- c. Open lot sale of Christmas trees in any district, for a period not to exceed forty-five (45) days.
- d. Real estate sales office in any district, for a period not to exceed one (1) year, provided that such office is to be placed on the property to which it is appurtenant.

1402.2 All Temporary Certificates of Zoning Compliance may be renewed provided that it is determined that said use is clearly of a temporary nature, will cause no traffic congestion and would not create a nuisance to surrounding uses.

Section 1403. Penalties.

Any person violating any provision of this ordinance shall be fined upon conviction not less than two dollars (\$2.00) nor more than one hundred dollars (\$100.00) and costs of court for each offense. Each day such violation continues shall constitute a separate offense.

Section 1404. Remedies.

In case any building or other structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained, or any building, or lot is used in violation of this ordinance, the Building Inspector, or any other proper authority, or any person who would be damaged by such violation, in addition to other remedies, may institute injunction, mandamus, or other appropriate action in proceeding to prevent said violation in the case of each such building or use.

ARTICLE XV
BOARD OF ADJUSTMENT

Section 1501. Appointments, Duties, and Responsibilities

A Board of Adjustment is hereby established. The appointment, procedure, powers and action of said Board of Adjustment shall be governed and controlled by Title II, Chapter, 52, Article 4, Section 80 Code of Alabama, 1975, as the same may be amended.

Section 1502. Proceedings of the Board of Adjustment.

The Board of Adjustment shall adopt rules necessary to the conduct of its affairs and in keeping with the provisions of this ordinance. Meetings shall be held at the call of the Chairman and of such other time as the Board may determine. The Chairman or in his absence, the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public.

The Board of Adjustment shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failure to vote indicating such fact, and shall keep the records of its examination and other official actions, all of which shall be of public record and be immediately filed in the office of the Town Clerk.

Section 1503. Powers and Duties of the Board

1503.1 Administrative Review. To hear and decide appeals where it is alleged there is error in order, requirement, decision, or determination made by the enforcing officer in the enforcement of this ordinance.

1503.2 Variances. To authorize upon appeal in specific cases such variance from the terms of this ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this ordinance would result in unnecessary hardship. A variance from the terms of this ordinance shall not be granted by the Board of Adjustment unless and until a written application for a variance is submitted demonstrating all of the following:

- a. That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district.
- b. That literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this ordinance.
- c. That special conditions and circumstances do not result from the actions of the applicants.
- d. That granting the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structures, or buildings in the same district.

No variance may be granted for a use of land or building or structure that is not permitted by this ordinance.

In granting any variance, the Board of Adjustment may prescribe appropriate conditions, and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this ordinance.

1503.3 Decisions of the Board of Adjustment. In exercising the above mentioned powers, the Board of Adjustment may, so long as such action is in conformity with the terms of this ordinance, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination as ought to be made, and to that end shall have the powers of the enforcing officer from whom the appeal is taken. The concurring vote of four members of the Board shall be necessary to reverse any order, requirement, decision, or determination of the matter upon which it is required to pass under this ordinance, or to effect any variation in the application of this ordinance.

1503.4 Appeals from Action of the Board of Adjustment. It is the intent of the governing authority of the city that all questions of interpretation and enforcement of this ordinance shall be presented first to the enforcing officer. Other than those applications and matters upon which the terms and provisions of this ordinance may require action and decisions by the said Board of Adjustment, only the appeals taken in the manner and form as provided in this ordinance from the actions and decisions of the enforcing officer will be considered and acted upon by the Board of Adjustment. However, any interested party who is aggrieved by any action or decision of the said Board of Adjustment may make an appeal therefrom as provided by law.

ARTICLE XVI
AMENDMENTS

Section 1601. Procedure

The regulation and number, area and boundaries of districts established by this article may be amended, supplemented, changed, modified or repealed by this Town Council, but no amendment shall become effective unless it is first submitted to the Town Planning Commission for its recommendation. The Planning Commission upon its own initiative may hold public hearings, public notice of which shall be given, for the consideration of any proposed amendment to the provisions of this article or to the Zoning Map of Oak Grove, and report its recommendations to the Town Council. The provisions of Section 78 of Title 11 of the 1975 Code of Alabama, as the same may be amended, shall apply to all changes and amendments.

Any persons, firm or corporation desiring to petition for rezoning under the authority of this section must present such petition to the Secretary of the Planning Commission in writing, 14 days prior to a scheduled meeting of the Planning Commission. The petition will be accompanied by a certified check, payable to the Town of Oak Grove in the amount \$25.00 minimum (any additional cost above the minimum will be borne by the applicant) and a plan or plat drawn to scale and showing the following in sufficient detail to enable the Planning Commission to ascertain whether the proposed rezoning is in conformance with this article.

1601.1 The actual shape, proportion, and dimensions of the lot proposed to be rezoned.

1601.2 The legal description of the lot.

1601.3 The shape, size, and location of all buildings or other structures already on the lot and a description of any planned construction, improvement, alteration, or movement of structures.

1601.4 The existing and intended use of all such buildings or other structures.

Section 1602. Time Limit

After the Town Council has voted on an application for rezoning or other amendment to the Zoning Ordinance, another application for rezoning of the same tract or parcel of land, or change of the same portion of the Zoning Ordinance will not be considered until a period of one (1) year has elapsed from the date of such action by the Town Council. Provided however, that the Town Council may adjust this time period if in the opinion of the Town Council, an unusual situation of circumstance exists.

ARTICLE XVII
LEGAL STATUS PROVISIONS

Section 1701. Interpretation and Purpose.

In this interpretation and application, the provisions of this ordinance shall be considered minimum requirements adopted for the promotion of health, safety, morals, convenience, order, prosperity, and general welfare of the community. Where other ordinances or regulations which may be adopted hereafter imposed greater restrictions than those specified herein, compliance with such other ordinances or regulations is mandatory. This ordinance shall not lower the restrictions of plats, deeds, or private contracts, if such are greater than the provisions of this ordinance, i.e. that which is more restrictive shall apply.

Section 1702. Repeal of Conflicting Ordinances

All ordinances or parts of ordinances in conflict with this Zoning Ordinance, or inconsistent with the provisions of this ordinance, are hereby repealed to the extent necessary to give this ordinance full force and effect.

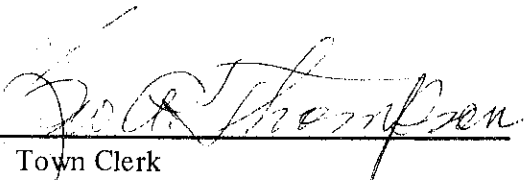
Section 1703. Saving Clause

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.

ARTICLE XVIII
EFFECTIVE DATE

Section 1801. This ordinance shall take effect immediately upon its adoption by the Town Council and its publication.

ATTEST


Town Clerk


Mayor

