

**CITY OF ABBEVILLE
COMPREHENSIVE LAND
DEVELOPMENT ORDINANCE
ORDINANCE 3-17-1
MARCH 20, 2017**

TABLE OF CONTENTS

Article 1	PURPOSE AND ENACTMENT	
§1.1.	Short Title; Zoning Map	1-1
§1.2.	Purpose	1-1
§1.3.	Jurisdiction	1-1
§1.4.	Interpretation	1-1
§1.5.	Severability	1-1
§1.6.	Fees	1-2
§1.7.	Penalties and Remedies	1-2
Article 2	DEFINITIONS	
§2.1.	Purpose	2-1
§2.2.	Definitions	2-1
Article 3	CLASSIFICATION AND ESTABLISHMENT OF DISTRICTS	
§3.1.	Purpose	3-1
§3.2.	Zoning Districts	3-1
§3.3.	Intent of Zoning Districts	3-2
§3.4.	Interpretation and Rules Governing District Boundaries	3-3
§3.5.	Zoning of Annexed Land	3-4
Article 4	DISTRICT REGULATIONS	
§4.1.	Use Regulations	4-1
§4.2.	Area and Dimensional Regulations	4-2
Article 5	SPECIAL ZONING DISTRICT REGULATIONS	
§5.1.	F-H Flood Hazard Overlay District	5-1
§5.2.	Planned Development Districts	5-1
§5.3.	<i>Reserved</i>	5-4
Article 6	GENERAL REGULATIONS	
§6.1.	Purpose	6-1
§6.2.	Use	6-1
§6.3.	Height and Dimensional Regulations	6-1
§6.4.	Nonconformities	6-2
§6.5.	Access to Public Streets	6-3
§6.6.	Curb Cuts and Intersection Visibility	6-3
§6.7.	Street Address Standards	6-4
§6.8.	Lighting Standards	6-5
Article 7	SUPPLEMENTAL REGULATIONS	
§7.1.	Purpose	7-1
§7.2.	Accessory Buildings and/or Structures	7-1
§7.3.	Accessory Dwelling Units	7-2
§7.4.	Home Occupations	7-3

§7.5.	Storm Shelters / Safe Rooms	7-5
§7.6.	Manufactured Homes	7-5
§7.7.	Manufactured Home Parks	7-8
§7.8.	Recreational Vehicle (RV) Parks	7-11
§7.9.	Townhouse Complexes	7-13
§7.10.	Group Homes	7-14
§7.11.	Agricultural Activities / Farms	7-14
§7.12.	Cemeteries	7-14
§7.13.	Automobile Convenience Stations	7-15
§7.14.	Junkyards / Scrap Operations	7-16
§7.15.	Truck Stop / Travel Plaza	7-17
Article 8	OFF-STREET PARKING AND LOADING REGULATIONS	
§8.1.	Purpose	8-1
§8.2.	General Regulations	8-1
§8.3.	Storage and Parking of Commercial Vehicles, Recreational Vehicles, Boats, and Trailers in Residential Areas	8-1
§8.4.	Parking Structure Requirements and Limitations	8-2
§8.5.	Shared Parking	8-3
§8.6.	Construction and Maintenance	8-3
§8.7.	Calculating Parking Requirements	8-4
§8.8.	Off-Street Loading Requirements	8-7
§8.9.	Change in Parking and Loading Requirements	8-8
Article 9	SIGNS	
§9.1.	Purpose	9-1
§9.2.	Scope	9-1
§9.3.	Severability	9-1
§9.4.	Signs Not Needing a Permit	9-2
§9.5.	Prohibited Signs	9-3
§9.6.	Sign Permits	9-4
§9.7.	General Requirements for Permanent On-Premise Signs	9-6
§9.8.	General Requirements for Permanent Off-Premise Signs	9-6
§9.9.	Measurement Standards	9-8
§9.10.	Sign Illustrations	9-9
§9.11.	Sign Standards in Residential Districts and Residential-Office (R-O) District	9-11
§9.12.	Sign Standards in Residential-Commercial (R-C) and Non-Residential Districts	9-12
§9.13.	Temporary Signs	9-15
§9.14.	Standards for Electronic Message Displays (EMC's)	9-17
§9.15.	Sign Illumination Standards	9-17
§9.16.	Nonconforming Signs	9-19
Article 10	LANDSCAPING AND BUFFERS	
§10.1.	Purpose	10-1

§10.2.	Applicability	10-1
§10.3.	Landscaping Plan	10-1
§10.4.	Modifications	10-2
§10.5.	Perimeter Landscape Requirements	10-2
§10.6.	Interior Landscape Requirements	10-3
§10.7.	Screening Requirements	10-3
§10.8.	Fence Standards	10-5
§10.9.	Buffer Requirements	10-6
§10.10.	Landscaping Maintenance	10-7
Article 11	ADMINISTRATION AND ENFORCEMENT	
§11.1.	Purpose	11-1
§11.2.	Enforcing Officer	11-1
§11.3.	Fees	11-1
§11.4.	Zoning Compliance Permit Required	11-1
§11.5.	Application and Plan Requirements for Zoning Compliance Permit and Issuance of Certificate of Occupancy	11-2
§11.6.	Development Plan Requirement	11-3
§11.7.	Development Plan Review	11-4
§11.8.	Approval and Certification of Development Plan	11-4
§11.9.	Conditional Use Procedures	11-5
Article 12	AMENDMENT AND REZONING PROCEDURE	
§12.1.	Purpose	12-1
§12.2.	Zoning Amendment	12-1
§12.3.	Zoning Amendment Petition	12-1
§12.4.	Planning Commission Action	12-1
§12.5.	City Council Action	12-2
§12.6.	Withdrawal of Application	12-3
§12.7.	Limitation on Application for Ordinance Amendment	12-3
Article 13	BOARD OF ZONING ADJUSTMENT	
§13.1.	Purpose	13-1
§13.2.	Membership	13-1
§13.3.	Procedures	13-1
§13.4.	Powers and Duties	13-2
§13.5.	Administrative Appeals	13-2
§13.6.	Variances	13-4
§13.7.	Special Exceptions	13-5
§13.8.	Action by Board of Zoning Adjustment	13-7
§13.9.	Additional Hearings	13-7
§13.10.	Withdrawal of Application	13-7
§13.11.	Appeal from Board of Zoning Adjustment Decision	13-7
Article 14	SUBDIVISION PLATS	
§14.1.	Platting Authority	14-1

§14.2.	Pre-Application Review	14-1
§14.3.	Procedure for Preliminary Plat Approval	14-1
§14.4.	Preliminary Plat Specifications	14-2
§14.5.	Final Plat Procedure	14-5
§14.6.	Final Plat Specifications	14-6
§14.7.	Certificate of Final Approval by the Planning Commission	14-9
§14.8.	Recording of Final Plat	14-9
§14.9.	Subdivisions not Exceeding Five Lots	14-9
Article 15	DESIGN REQUIREMENTS AND MINIMUM STANDARDS	
§15.1.	General Requirements	15-1
§15.2.	General Requirements for Streets and Other Rights-of-Way	15-1
§15.3.	Right-of-Way Width Requirements	15-3
§15.4.	Street Design Requirements	15-3
§15.5.	Design Standards for Blocks and Lots	15-3
Article 16	REQUIRED SUBDIVISION IMPROVEMENTS	
§16.1.	Monuments	16-1
§16.2.	Special Classifications of Streets for Construction	16-1
§16.3.	Grades, Horizontal Curves, Vertical Curves, Tangents, and Sight Distances	16-1
§16.4.	Basic Construction Requirements for All Classes of Streets	16-2
§16.5.	Roadway Surfacing and Paving	16-3
§16.6.	Installation of Utilities	16-4
§16.7.	Sidewalks and Street Signs	16-4
§16.8.	Public Sites and Open Space	16-5
§16.9.	Administrative Procedures	16-6

Article 1 – Purpose and Enactment

Section 1.1. – Short Title; Zoning Map

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

Section 1.2. – Purpose

The fundamental purpose of this ordinance is to promote health and general welfare; to lessen congestion in the streets; to secure safety from fire, panic, and other dangers; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; and to facilitate the adequate provision of transportation, public water and sewer, schools, parks, and other public requirements in accordance with adopted policies and the Code of Alabama, Title 11, Chapter 52, as amended.

Section 1.3. – Jurisdiction

The zoning provisions of this ordinance shall apply within the corporate limits of the City of Abbeville, Alabama, which exist at the time of adoption of this Ordinance, as well as to any future revisions to the corporate limits. Subdivision regulations shall apply to all land within the corporate limits and extraterritorial planning jurisdiction, as established, of the City of Abbeville, Alabama.

Section 1.4. – Interpretation

In the 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 impose 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.

Section 1.5. – Severability

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 1.6. – Fees

A schedule of application fees for consideration of all approvals, permits, certificates, and public hearings required under this Ordinance shall be established by separate resolution or Ordinance. Such fees shall be computed so as to recover all costs incurred by the City in reviewing and processing zoning-related requests, including advertising fees, and shall be adopted and revised as necessary by the City Council.

Section 1.7. – Penalties and Remedies

Any person, firm, corporation, or other organization which violates any provisions of this Ordinance shall be fined, upon conviction, not less than twenty-five dollars (\$25.00) nor more than five hundred dollars (\$500.00) plus court costs for each offense. Each day such violation continues shall constitute a separate offense. The conviction of a violation and imposition of any fine shall not constitute an exemption from compliance with the provisions of this Ordinance.

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 Administrative Official may seek an injunction or writ of mandamus or take other appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or to stay or prevent occupancy of such building, structure, or land.

Article 2 - Definitions

Section 2.1. - Interpretation of Words and Terms

For the purpose of this ordinance, words used in the present tense include the future and past tense. Words used in the singular case include the plural and words used in the plural case include the singular. Words, terms, and phrases not defined in this article shall be construed according to the common and approved usage of the language. Any reference to “map” or “zoning map” shall mean the “*Official Zoning Map of the City of Abbeville, Alabama*”.

Section 2.2. - Specific Definitions

Abutting: Property that is touching at one point, or along a common side, boundary, or property line. Two parcels separated by a street, alley, or other right-of-way are “adjacent”, but not “abutting”.

Access: The provision for the immediate entrance and exit of vehicles from an abutting property to an adjacent street.

Accessory structure: Any detached minor structure in the rear of the main building consisting of masonry, steel, or frame walls and roof, one or two stories in height, necessary as an adjunct to the use or occupancy of a principal or main building and/or structure. An accessory structure shall be in accordance with **Section 7.2** of this Ordinance and the following guidelines:

- (A) Is not used as a residential dwelling;
- (B) Is subordinate to and serves the principal building and/or principal use;
- (C) Is subordinate in area, extent, or purpose to the principal building and/or principal use served;
- (D) Contributes to the comfort, convenience, or necessity of occupants of the principal building and/or principal use served; and
- (E) Is located on the same zoning lot as the principal building and/or principal use served, with the single exception of such accessory off-street parking facilities as are permitted to be located elsewhere than on the same zoning lot with the building and/or use served.

Accessory use: A use customarily incidental and subordinate to the principal use and located on the same lot with such principal use.

Adaptive reuse: The practice of adapting existing buildings for new purposes when the original use of a building changes or becomes obsolete.

Adjacent: Properties that are nearby, but not necessarily touching. May be separated by a street, alley, right-of-way, or other parcel. Nearby parcels may be “adjacent”, but not necessarily “abutting”.

Administrative official: A person designated by the city council to administer and enforce this ordinance. The administrative official may appoint a representative as appropriate.

Agricultural activity: The growing or cultivation of crops or raising of animals as a commercial venture or for profit; or lands that are devoted to soil conservation or forestry management. This does not include any food processing. An agricultural activity shall be in accordance with **Section 7.11** of this Ordinance.

Aircraft landing field: A private facility for loading and unloading from aircraft and helicopters. Included are runways, hangars, refueling and repair facilities, parking, and all other facilities needed to operate aircraft. This use is not intended to be open to the public.

Airport/heliport: A facility used for loading and unloading passengers and freight from aircraft and helicopters. Included are runways, hangars, refueling and repair facilities, parking, and all other facilities needed to operate aircraft. Ticket purchasing, restaurants, and retail stores are permitted as accessory uses.

Aisle: A maneuvering space in a parking lot with a minimum width of 22 feet.

Alley: A public right-of-way, generally less in size than a street, designed to provide a secondary access to the side or rear of properties.

Alteration; 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 and/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 50 percent of its value prior to the commencement of such repairs, renovation, remodeling, or rebuilding.

Animal hospital: A place where animals are given medical or surgical treatment, and where animals may be boarded during their treatment and convalescence (also see definition of "veterinary clinic").

Animal shelter: Non-profit or public organization providing shelter for small domestic animals.

Annexed land: Any land incorporated into the City of Abbeville.

Apartment: See "Dwelling, Multi-Family".

Architectural planter: A container within which plantings may be placed to meet the requirements of this ordinance.

Assisted living facility: An entity, licensed under the Code of Alabama, that provides, or offers to provide, residence and personal care to two or more individuals who are in need of assistance with activities of daily living.

Automobile convenience station (or Convenience store): A facility where gasoline and other motor fuels, are stored and subsequently dispensed, by use of fixed approved dispensing

equipment by customers of the facility on a self-service basis and/or by employees on a full-service basis and which may include an automatic car wash for washing one automobile at a time, within an enclosed building; in addition, a facility which also provides sandwiches, snacks, staple groceries and other similar retail products or services, which are not recognized or defined by this ordinance as separate uses or as necessary components of separate uses, for sale on premises for consumption off premises by the customer. Automobile convenience stations (convenience stores) shall be in accordance with **Section 7.13** of this Ordinance.

Automobile rental / leasing: The rental or leasing of automobiles, motorcycles, recreational vehicles, boats, recreational equipment, and light trucks and vans, including incidental parking and servicing of vehicles for rent or lease (e.g. rental car agencies and taxi-cab dispatch areas). No "automobile repair" or "scrap operation" activities may occur onsite and no non-operating vehicles shall be stored on the premises.

Automobile repair service: Any building and/or structure, improvements, or land used for the general repair, adjusting, overhauling, removing, replacing, rebuilding, or reconditioning of automobiles and engines, including but not limited to body, frame or fender straightening or repair, welding, painting, or upholstery work, collision repair, vehicle steam cleaning, but excluding the assembly, disassembly, dismantling or salvage of automobiles, in whole or in part. Non-operating vehicles shall not be stored on the premises.

Automobile sales: A retail business which sells operable automobiles that pass state vehicle inspection requirements upon display in the open for sale or trade. Secondary supporting uses may include onsite facilities for the repair and service of automobiles previously sold, rented, or leased as defined under "automobile repair" and "automobile service". No "scrap operation" activities may occur onsite and no non-operating vehicles shall be stored on the premises.

Automobile service station: Any building and/or structure, improvements, or land used for the replacement of any part, or repair of any part, to an automobile that does not require removal of the engine head or pan, engine transmission or differential, including, but not limited to oil change and lubrication, cooling, electrical, fuel and exhaust systems, wheel alignment and balancing, brake adjustment, relining and repairs, mufflers, batteries, new tire services and sales, shock absorbers, installation of stereo equipment, car alarms or cellular phones, but excludes dismantling, rebuilding, reconditioning, or salvage of automobiles, in whole or in part. No non-operating vehicles shall be stored on the premises. No vehicle to be serviced shall remain on the premises more than 45 days.

Automobile wash: A building or portion thereof containing facilities for washing, cleaning, and/or detailing of automobiles and other light vehicles.

Awning: An architectural projection that provides weather protection, identity or decoration and is wholly supported by the building to which it is attached. An awning is comprised of a lightweight, rigid skeleton building or structure over which a covering is attached.

Balcony: A platform enclosed by a railing or parapet projecting from the wall of a building for the private use of tenants or for exterior access to the above-grade living units. When a balcony is roofed and enclosed, it is considered part of the room it serves.

Bank or financial institution: Any building, room, space or portion thereof where an establishment provides a variety of financial services, including generally, banks, credit unions, and mortgage companies.

Bar (tavern or lounge): A business whose primary activity is the sale of alcoholic beverages to be consumed on the premises. Bars include taverns, night clubs, private clubs, bottle (BYOB) clubs, and similar facilities serving alcoholic liquor.

Beacon (or searchlight): Any light with one or more beams directed into the atmosphere or directed at one or more points not on the same lot or parcel as the light source.

Bed and breakfast: A transient lodging establishment either converted from a single-family dwelling or specifically constructed for the purpose of providing overnight or otherwise temporary lodging for the general public and may provide meals for compensation.

Berm: An earthen mound that can physically and visually separate areas and provide visual and physical screening.

Billboard: Any sign, structure, or device which advertises or contains information unrelated to a business, profession, or activity conducted, or to a commodity or service sold or offered upon the premises where the sign is located. Also see definition of “sign, off-premise”.

Block: A piece or parcel of land entirely surrounded by public streets, railroad rights-of-way, waterways, or any other barrier to the continuity of development.

Board: The Abbeville Board of Zoning Adjustment.

Boarding house: See definition of “rooming house”.

Buffer: An open space, landscaped area, fence, wall, berm, or any combination thereof used to physically and visually separate one use or property from another in order to mitigate the effects of one land use on another.

Building: Any structure attached or placed to the ground, enclosed by exterior walls, built, erected, and framed of a combination of materials, and intended for shelter, housing, or enclosure of persons, animals, or property.

Building, principal: A building constructed to serve the principal use of the lot on which such building is situated.

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

Building envelope: The designated area within a lot formed by the front, side, and rear building setback lines of a parcel within which the principal buildings must be located.

Building height: The vertical distance from the average level of the highest and lowest point of that portion of a lot covered by the building to the top-most point of the roof.

Building permit: An authorization to construct a structure as issued by the City of Abbeville.

Building setback line: A line establishing the allowable minimal distance between the street right-of-way and the front of a structure within which no building or other structure shall be placed except as provided for otherwise in this Ordinance.

Business or vocational school: An facility offering instruction and training, including four-year degrees and/or postgraduate degrees, in a service, trade skill, or the arts such as secretarial, cosmetology, commercial artist, computer software, legal, and similar training, provided that such enterprise does not offer student housing or athletic facilities at the site.

Campground, tent only: A parcel upon which two or more campsites are located, established, or maintained for occupancy by tents for overnight camping.

Campsite: A plot of land within a campground for the placement of a single tent or group of tents.

Canopy: See definition of “awning”.

Cash advance: Any building, room, space, or portion thereof where unsecured, short-term cash advances are provided, including those made against future pay checks.

Cemetery: Land used or dedicated to the burial of the dead, including crematoriums, mausoleums, necessary sales, and maintenance facilities. Mortuaries shall be included when operated within the boundary of such cemetery. A cemetery shall be in accordance with **Section 7.12** of this Ordinance.

Check cashing: Any building, room, space, or portion thereof where checks are cashed in exchange for a fee.

Clinic, outpatient: See definition of “medical clinic”.

Club (fraternal): A facility which offers social, educational, cultural or other similar activities that is only available to members and their guests.

Collection center/transfer station (solid waste or recycling): A facility which is staffed and fenced that has waste receptacles on site that are open to the public, when an attendant is present, to receive household waste, municipal solid waste, and recyclable material.

College (or university): An institution of higher education offering undergraduate or graduate degrees.

Commercial amusement, inside: The provision of spectator entertainment within an enclosed building, including but not limited to a concert hall or indoor movie theater. This use does not include an arena.

Commercial amusement, outside: The provision of spectator entertainment outside of a building, including but not limited to a drive-in theater or amphitheater facilities. This use does not include a stadium.

Commercial message: Any sign wording, logo, or other representation that, directly or indirectly, names, advertises, or calls attention to a business, product, service, or other commercial activity.

Commercial vehicle: Any vehicle designed, used for transportation of people, goods, or things, other than private passenger vehicles.

Commission: The Abbeville City Planning Commission.

Common area: Land in a residential development held in common and/or single ownership and not reserved for the exclusive use or benefit of an individual tenant or owner. For the purpose of this Ordinance, “Common area” is further classified into the following categories:

Common area, basic: Common area maintained in a natural state and without other substantial improvement.

Common area, improved: Common area retained as outdoor living space for residents. Such space shall include lawns and other landscaped features such as walkways, terraces, sitting areas, and outdoor recreational areas when such features are incorporated into these areas.

Community education (K-12): Public or private instructions on an elementary, middle, and high school level, approved under the regulations of the State of Alabama.

Conditional use: A conditional use is a land use that would generally not be considered as an appropriate land use in a particular zoning district as a use permitted by-right, but could be considered appropriate with certain controls and/or restrictions which promote the public health, safety, welfare, order, comfort, convenience, appearance, prosperity, or general welfare. A conditional use is subject to approval by the City Council, as outlined in **Section 11.9** of this Ordinance.

Condominium: A form of property ownership in which each owner holds title to his/her individual unit, plus a fractional interest in the common areas of the multi-unit project. Each owner pays taxes on his/her property, and is free to sell or lease it.

Construction/demolition landfill: See definition of “landfill, construction/demolition”.

Convenience store: See definition of “automobile convenience station”.

Corner lot: See definition of “lot, corner”.

Correctional facility: A facility for the housing and care for persons legally confined for violations of law.

Council: The mayor and council for the City of Abbeville, Alabama.

Crematory: A facility containing properly installed, certified apparatus intended for use in the act of cremation.

Crown: The main point of branching or foliage of a tree or plant, or the upper portion of a tree or plant.

Crown spread: The distance measured across the greatest diameter of a plant.

Cultural center: Services to the public, such as, but not limited to museums, art galleries, and libraries by a public or private, non-profit facility.

Curb (or curblin): The outside vertical face of a masonry curb, the centerline of a valley gutter, or the edge of the pavement where no curb or gutter exists.

Custom assembly: The onsite production of goods by hand manufacturing that generally involves only the use of hand tools. Incidental direct sale to consumers of the goods produced onsite is permitted.

Daycare: The provision of care for persons (preschool age, disabled or the elderly), who are not related to the primary caregiver, for less than 24 hours per day including:

- (A) *Daycare center.* A licensed facility that provides daycare for more than six persons;
- (B) *Daycare home.* A licensed service accessory to a single-family dwelling; up to six persons, shall be in accordance with **Section 7.4** of this Ordinance;
- (C) *School daycare.* Licensed daycare centers of unlimited size for before, during, and after school programs.

Deciduous plants: Trees/plants whose leaves fall off.

Dedication: The deliberate assignation of land by its owner for any general or public use, reserving to himself no other rights than such as are compatible with the full exercise and enjoyment or the public use to which the property has been devoted.

Density: The number of lots or dwelling units per acre of land unless specifically provided otherwise.

Detention (or retention) basin: A facility for the temporary storage of stormwater runoff.

Development plan: A dimensional presentation of a proposed development of a specified parcel (or parcels) of land that illustrates the location of buildings, easements, parking arrangements, public access, street pattern, and other similar features.

Distributive business / wholesale: The sale or distribution of goods from the premises that may consist of the flexible use of the floor area for warehouse, assembly, showroom, and office space within tenant areas, with the showroom and office area not exceeding 50 percent of the total floor area permitted on the parcel.

District: A section of the City of Abbeville within which the zoning regulations are uniform.

Donation center, drop-off: Any lot, building, and/or structure or premises used solely for the collection of clothing, furniture, housewares, small electrical appliances, household textiles, toys, and other small household items. The center shall not pay for materials collected or sell any collected materials on the premises. Collected materials shall be stored in an enclosed location onsite until picked up and taken to a central sorting and distribution center. Types of drop-off donation centers range from storefront centers, which may include a drive-thru facility, to other enclosed facilities.

Drip line: The outer perimeter of the crown of a plant.

Driveway: A private, vehicular access connecting a house, carport, parking area, garage, or other buildings with the street.

Driveway, shared: A private, vehicular access which provides secondary access to two or more lots, meets all minimum City of Abbeville standards for pavement thickness, and is covered by an ingress/egress easement for emergency and service vehicles and for the exclusive use by the residents and their guests of the lots which it serves.

Dry cleaners: A facility providing laundering services that include cleaning plants using nonflammable, non-explosive type cleaning solvent. This does not include a laundry or dry cleaning pick-up station.

Dustproof paving: Parking, maneuvering, ingress and egress areas maintained by paving with one of the following methods: (1) asphaltic concrete, (2) cement concrete, (3) penetration treatment of bituminous material and seal coat of bituminous binder and a mineral aggregate, or (4) the equivalent of the above as approved by the Administrative Official.

Dustproof surface: For single-family and duplex residential uses, the following alternative methods of dustproofing parking and maneuvering areas are permitted: (1) a smooth layer of crushed rock or gravel no smaller than one-quarter inch and no larger than three-quarters of an inch maintained to a minimum depth of two inches, contained within a permanent border or (2) an alternative surface treatment as approved by the Administrative Official that will equal or exceed the dust-free characteristics of the above listed alternatives.

Dwelling, accessory unit (ADU): A secondary residential dwelling on the same lot as the principal residential dwelling. An ADU is an accessory use to the principal residential dwelling and may include accessory apartments, garage apartments, and guest houses. An ADU shall not be rented or used as income-producing property. Recreational vehicles are not considered as an ADU. An ADU shall be in accordance with **Section 7.3** of this Ordinance.

Dwelling unit: Any portion of a building providing complete, independent living facilities for one or more persons including permanent living quarters to include:

(A) *One-family (single-family):* A building containing one detached dwelling unit.

(B) *Two-family (duplex):* A building containing two attached dwelling units.

(C) *Multi-family:* A building containing at least three attached dwelling units.

(D) *Townhouse:* See definition of “Townhouse”.

Easement: A grant by a property owner of the use of land for a specific purpose or purposes by the general public, or a corporation or a certain person or persons.

Employee: For purposes of parking regulations, maximum number of employees on the premises at any one time.

Engineer: A professional engineer registered by the state board of registration for professional engineers and surveyors.

Façade: The exterior wall of a building extending the entire width of a building elevation that faces or is visible from a public right-of-way.

Family: This term is meant to include the following:

(A) An individual or two or more persons related by blood, marriage, or adoption, maintaining a common household in a dwelling unit.

(B) A group of persons not related by blood, marriage, or adoption, living together as a common household in a dwelling unit. However, the number of unrelated persons shall not exceed the number of bedrooms in the dwelling. This definition does not include group homes, rooming houses, hotels, or motels.

Farm: See definition of “agricultural activity”.

Fence: An artificially constructed barrier of any material or combination of materials erected to enclose or screen areas of land.

Flood (or flooding): A general and temporary condition of partial or complete inundation of normally dry land areas from:

(A) The overflow of inland or tidal waters; or

(B) The unusual and rapid accumulation of runoff or surface water from any source.

Flood hazard area: Any area shown on the flood insurance rate maps as being located within the boundaries of flooding under regulatory flood conditions.

Flood insurance rate map (FIRM): An official map of a community, issued by the Federal Insurance Administration, delineating the areas of special flood hazard and/or risk premium zones applicable to the community.

Flood, regulatory: A 100-year frequency flood as delineated on the flood insurance rate maps which has a probability of occurring once every 100 years or having a one percent chance of occurring each year.

Foot candle: An English unit of measurement of the amount of light falling upon a surface (illuminance). One foot candle is equal to one lumen per square foot and is measured with an illuminance meter.

Frontage, street: All the property on the side of a street between two (2) intersecting streets (crossing or terminating), or if the street is dead ended, then all the property abutting on one side between an intersecting street and the dead end of the street.

Fruit stand: See definition of “open air market”.

Funeral home: An establishment with facilities for the preparation of the dead for burial or cremation, for the viewing of the body, and for funerals.

Garden center / nursery: The growing, cultivation, storage, and sale of garden plants, trees, flowers, shrubs, and fertilizers, as well as the sale of garden tools and similar accessory products, to the general public.

Greenway: A linear park, alternative transportation route, or open space conservation area that provides passive recreational opportunities, pedestrian and/or bicycle paths, and/or the conservation of open spaces or natural areas.

Grocery store: A facility primarily selling food, for off-premises consumption and/or preparation, as well as other convenience and household goods.

Gross floor area: The sum of the areas of all floors within the outside edge of the outside walls of a building, excluding basements.

Ground cover: Natural (mulch) or low growing plants other than deciduous varieties installed to form a continuous cover over the ground.

Group home: A facility which serves as a home for six or fewer persons with disabilities as defined by the Fair Housing Act of 1988 reside and may include up to two additional persons acting as house-parents or guardians who need not be related to each other or to any of the persons residing in the home. Group homes shall be in accordance with **Section 7.10** of this Ordinance.

Halfway house: A facility, which is licensed by the State of Alabama, for housing persons on release from more restrictive custodial confinement or initially placed in lieu of such more

restrictive custodial confinement, wherein supervision, rehabilitation, and counseling are provided to mainstream residents back into society; enabling them to live independently.

Hardscape: That portion of a landscaped space consisting of masonry, woodwork, or other non-plant materials.

Hazardous operation: All uses which involve the storage, sale, manufacture, processing or handling of materials which are easily ignited and likely to burn at a moderate or rapid rate or cause smoke, including materials which are highly flammable, explosive, noxious, toxic, or inherently dangerous to humans, animals, land, crops, or property.

Health Department: Henry County Health Department.

Heavy equipment sales and service: The retail or wholesale sale or rental of heavy motorized vehicles or equipment, along with incidental service or maintenance such as, but not limited to construction equipment rental yards, tractor-trailers, semi-trailers, boats, buses, recreational vehicles, farm equipment, and moving trailer rental (see "automobile sales").

Heavy manufacturing: See definition of “manufacturing, heavy”.

Historical monuments and/or structures: Any antique structure or building existing contemporaneously with and commonly associated with an outstanding event or period of history, and any structure or building which the relics and/or mementos of such event or period are housed and preserved.

Historic preservation: Historic preservation as defined and regulated by the City of Abbeville by ordinance.

Home improvement center: A facility for the retail sale of a diverse range of hardware and related materials generally used in the maintenance, repair, or construction of buildings and/or structures, including lawn and garden supplies.

Home occupation: A business use conducted at a residential property which is clearly incidental and secondary to the use of the property for residential purposes. Home occupations shall be categorized as either “major” or “minor” home occupations in accordance with **Section 7.4** of this Ordinance and the following definitions:

Home occupation, major: A home occupation that includes characteristics that might, in the opinion of the Administrative Official, generate or involve external impacts to the residential area and meets the requirements of **Section 7.4.2** of this Ordinance.

Home occupation, minor: A home occupation that does not include characteristics that might, in the opinion of the Administrative Official, affect the residential character of the neighborhood and meets the requirements of **Section 7.4.1** of this Ordinance.

Homeowners association: A community association, other than a condominium association, that is organized in a manner which individual members share common interests and the responsibility of costs and upkeep of common areas and/or facilities.

Hospital: An institution where medical or surgical care is provided for the sick or injured on a primarily inpatient or long-term basis.

Hotel: Any building, or portion thereof, in which lodging is provided, intended for occupancy by persons for compensation, and in which access to and from all rooms are made through an inside lobby or office supervised by a person in charge at all hours.

Illuminance: The amount of light falling upon a real or imaginary surface, commonly called “light level” or “illumination”. Measured in foot candles (lumens/square foot) in the English system and lux (lumens/square meter) in the SI (metric) system.

International Code Council (ICC): A membership driven association that develops building codes and standards used to construct residential and commercial buildings and provides minimum safeguards for people at home, at school and in the workplace. The I-Codes are a complete set of comprehensive, coordinated building, life safety and fire prevention codes.

Junkyard or scrap operation: The use of a lot, or portion of a lot, for storage, processing, and/or sale of used or waste material, including dismantled automobiles, or other vehicles, machinery, or parts thereof, including junk, metals, or other scrap materials. Junkyards or scrap operations shall be in accordance with **Section 7.14** of this Ordinance.

Kennel or stable: Any lot, building, and/or structure or premises used for the boarding, breeding, training, and/or raising of domestic animal/wildlife (excluding livestock), whether by owners of such animals or by persons providing facilities and care, whether or not for compensation, but shall not apply to the keeping of animals in a municipal animal pound, pet store, a bona fide laboratory for scientific or experimental purposes (e.g. dental, veterinary, pharmaceutical, or biological) or in a veterinary establishment for the purpose of observation and/or recovery necessary to veterinary treatment.

Landfill, construction/demolition: A facility for the disposal of non-biodegradable waste, resulting from road building, construction, remodeling, repair, or demolition of buildings and/or structures.

Landfill, sanitary: A facility for the burial of nonhazardous and non-medical farm, residential, institutional, commercial, or industrial waste according to the provisions of subtitle "D" of the Resource Recovery and Conservation Act.

Landscaping: The placement of landscape material in the planting area in accordance with the requirements of this ordinance.

Landscape material: Living material including, but not limited to, trees, shrubs, vines, lawn grass, ground cover, and landscape water features. Non-living material may be used in such a

manner as to present a finished appearance and to complete coverage, and may consist of pine or cypress bark, crushed pecan shell, pine straw, or other decorative mulch. In no instance shall pebbles, gravel, or marine shells be used. At least 50 percent of such materials shall be living.

Liquor sales: The retail sale of alcoholic spirituous beverages to patrons or customers, in sealed packages, and not for consumption on the premises.

Live / work: A building or space within a building that is used jointly for commercial and residential purposes by the owner or employee of the business where the residential use of the space is secondary or accessory to the primary use as a place of work and located in the rear or upper level of the building. Any commercial use permitted in the zoning district applicable to the property is permitted in the live/work unit.

Livestock: A domesticated farm animal, kept for pleasure, utility, or sale. Examples of livestock may include cattle, horses, donkeys, mules, goats, sheep, swine, and other hoofed animals; poultry, ducks, geese, pigeons, peacocks, and other live fowl; and fur or hide-bearing animals.

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

Living space: The floor space in a dwelling to be calculated on the basis of total habitable room area.

Living quarters: Housing providing facilities for sleeping and bathing.

Light manufacturing: See definition of “manufacturing, light”.

Loading, off-street: Land occupied, necessary, and maintained for loading and 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.

Lodge / Summer Camp: A place where children, youth and/or adults gather together for spiritual, recreational, or educational purposes in an organized and supervised manner, and where overnight lodging (e.g. tents, cabins), food, counseling, religious, and outdoor recreational activities may be provided.

Lot: A parcel of land occupied or to be occupied by one or more main buildings, accessory buildings, and incidental uses with such open and parking spaces as required by the provisions of this ordinance and having its frontage upon a public street or streets. Lots are further classified into the following categories:

Corner lot: A lot abutting two or more streets at their intersection. On corner lots, the narrower side shall be considered the front, regardless of the location of the main entrance of the dwelling. Where both frontages of the lot are equal, the front yard shall be considered the side on which the majority of the lots front the block.

Double-frontage lot: A lot having frontage on two nonintersecting streets, as distinguished from a corner lot.

Interior lot: A lot other than a corner lot or double-frontage lot.

Lot coverage: The percentage of a lot covered by the building area.

Lot frontage: The width of a lot measured along the front lot line.

Lot line: A line of record bounding a lot that divides one lot from another lot or from an alley, street, or other public space. Lot lines are classified into the following categories:

Front lot line: A lot line separating the front of the lot from the street. For corner lots, there shall be a “front lot line” and a “street side lot line”.

Rear lot line: A lot line, which is most distant from a front lot line.

Side lot line: Any lot line, which is not a front or rear lot line.

Street side lot line: A lot line, other than the front lot line of a corner lot, which abuts a street. The street side lot line is generally longer than the front lot line.

Lot of record: A lot or parcel where existence, location, and dimensions have been recorded in the office of the Judge of Probate of Henry County prior to the adoption of this ordinance.

Lot width: The width of a lot measured at the building setback line.

Lounge: See definition of “bar (tavern or lounge)”.

Luminance: The light that is emitted by or reflected from a surface. Measured in units of luminous intensity (candelas) per unit area (square meters in SI measurement units or square feet in English measurement units). Expressed in SI units as cd/m^2 , and in English units as foot lamberts. Sometimes also expressed as “nits”, a colloquial reference to SI units and measured with a luminance meter.

Lux: The SI (metric) unit for illuminance. One lux equals 0.093 foot candles.

Major highway: A type of street having more than two (2) lanes which is divided in the center by a median or other such device for separating the flow of traffic. (Ord. No. 8-77B, § 1, 8-1-1977)

Manufactured home: A factory-built structure that conforms to federal performance standards established by the Department of Housing and Urban Development (HUD), is transportable in one or more sections, is built on a permanent chassis, and is used for human habitation. Any manufactured home being installed or moved into or within the City of Abbeville shall be in accordance with **Section 7.6** of this Ordinance.

Manufactured home park: A parcel of land designed for or which is intended to be used for the accommodation of two (2) or more residential manufactured homes. A manufactured home park shall be in accordance with **Section 7.7** of this Ordinance.

Manufactured home subdivision: A subdivision designed and intended for selling individual parcels for location of manufactured homes.

Manufacturing, heavy: The manufacture or compounding process of raw materials. These activities or processes would necessitate the storage of large volumes of potentially flammable, toxic or explosive materials needed for the manufacturing process. These activities may involve outdoor operations as part of their manufacturing process. Typical heavy manufacturing uses include but are not limited to: concrete batch plants; concrete, tile, or brick manufacturing; automobile, truck, and tire assembly; ammonia or chlorine manufacturing; metal casting or foundries; gas manufacturing; grain milling or processing; metal or metal ore production, refining, smelting, or alloying; petroleum or petroleum product refining; boat, pool and spa manufacturing; slaughtering of animals; glass manufacturing; paper manufacturing; and wood or lumber processing.

Manufacturing, light: The manufacture, predominately from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment and packaging of such products, and incidental storage, sales and distribution of such products, but excluding basic industrial processing and custom manufacturing. Typical light manufacturing uses include but are not limited to: electronic goods, food and bakery products, non-alcoholic beverages, paper imprinting, household appliances, leather products, jewelry, food and bakery products, and clothing apparel.

Maximum occupancy: The maximum number of persons, which may be accommodated by the use as determined by its design or by fire code standards.

Medical clinic: A facility providing medical, psychiatric, or surgical services for sick or injured persons exclusively on an outpatient basis.

Microbrewery: The production of beer, regardless of the percentage of alcohol by volume (ABV), in quantities not to exceed five-thousand (5,000) barrels per month, with a barrel containing thirty-one (31) U.S. liquid gallons.

Mineral extraction: The extraction of metallic and nonmetallic minerals or materials, including rock crushing, screening, and the accessory storage of explosives.

Minor plan amendment: Alterations to existing developments which do not increase either the building area or the square footage of existing building(s) by more than 50 percent and which, in the judgment of the administrative official, will not significantly affect neighboring property or public services and facilities, including but not limited to water, sanitary sewer, transportation and storm drainage systems.

Minor modification (PUD's only): Any change which does not alter the scope or intent of the PUD or adversely affect adjacent areas or increase financial or maintenance responsibility to the city.

Mixed-use: A development contained within a single parcel (horizontally or vertically) or adjacent parcels that contain different uses that is complementary to each other and provides activity throughout the day.

Mixed use building: A building in which a minimum of 50 percent of the ground floor building frontage includes an active use that is in a different land use category from the floor above. Parking is not considered a separate use for mixed use buildings.

Mixed use development: A site in which a minimum of 50 percent of the ground floor building frontage is developed with an active use, and at least two land use categories exist on site that are designed to be interconnected. Parking is not considered a separate use for mixed use developments.

Mobile home: See definition of “manufactured home”.

Mobile home park: See definition of “manufactured home park”.

Mobile storage unit: The purchase, lease, or rental of any storage unit or container that is either set on the ground or on wheels, and which is typically used for, but is not limited to the storage of equipment, excess inventory, layaway items, back-to-school merchandise, seasonal merchandise, records, or clearance sale items. A mobile storage unit excludes semi-trailers, and/or containers belonging to a railroad or barge operation located in a railroad yard or on a railroad track.

Modular home: A dwelling unit constructed or assembled onsite in accordance with the applicable building code and composed of components substantially assembled in a manufacturing plant and transported to the building site for final assembly on a permanent foundation.

Motel: A building or group of buildings containing one or more guestrooms having separated outside entrances for each such room or suite of rooms and for each of which room’s or suite of room's automobile parking space is provided.

Motor freight: Facilities engaged in the shipment of goods from shippers to receivers for a charge including the services of other transportation establishments to effectuate delivery.

Multimedia productions: A facility for the staging and recording of video or audio productions such as, but not limited to music commercials, programs, and motion pictures.

Nits: The unit of measurement for luminance which is the total amount of light emitted from a sign divided by the surface area of the sign (candelas per square meter, or cd/m²).

Non-commercial message: A message that carries no statement or expression related to the commercial interests of the sign owner, lessee, author, or other persons responsible for the sign message.

Nonconforming building and/or structure, illegal: A building and/or structure which was erected or altered outside the provisions of a prior zoning ordinance.

Nonconforming building and/or structure, legal (grandfathered building and/or structure): A building and/or structure which was lawfully erected or altered in conformity with all applicable municipal ordinances or through variances granted by the Board of Zoning Adjustment, but which the building and/or structure does not comply with all the provisions of this ordinance.

Nonconforming use, illegal: A use of land existing at the time of the enactment of this ordinance or at the time of a zoning amendment, which was operating outside the provisions of a prior zoning ordinance, such as a commercial establishment operating in a residential zone in defiance of zoning restrictions.

Nonconforming use, legal (grandfathered use): A use of land existing at the time of the enactment of this ordinance or at the time of a zoning amendment, which was lawfully operated in accordance with the provisions of any prior zoning ordinance or through a variance granted by the Board of Zoning Adjustment, and which does not conform with the regulations of the use district in which it is located.

Non-operating vehicle: Any motor vehicle, including a boat, which cannot be operated for reasons including, but not limited to, being unlicensed, wrecked, abandoned, in a state of disrepair, or incapable of being moved from one location to another under its own power.

Nursing home: A State of Alabama licensed facility providing full-time convalescent or chronic care to persons who, by reason of advanced age, chronic illness, or infirmity are unable to care for themselves and require skilled nursing and related medical services.

Office, general: A building providing space for professional, administrative, or clerical services, but not involving medical services.

Open air market: A facility, located partially or wholly outside a building, at which sales of arts, crafts, produce, or other goods, including but not limited to a flea market, produce market, or craft market.

Open space: An area open to the sky which may be on the same lot with a building. The area may include, along with the natural environmental features, swimming pools, tennis courts, or any other recreational facilities. Streets, buildings, and/or structures for habitation and the like shall not be included.

Outdoor display: Display of goods, merchandise, or products outdoors, such that the items are readily available for sale at retail on the same lot, and in conjunction with a permitted or special use which is otherwise operated entirely within a permanent fully enclosed building.

Ownership: This term is meant to include the following:

(A) A person, partnership or corporation.

(B) An association of property owners legally bound to one another.

(C) The homeowners' association of a condominium project, established under laws of the State of Alabama.

Parcel: A lot or contiguous group of lots in single ownership or under single control usually considered a unit for purposes of development.

Park: Any facility that is open to the public for recreational uses, including, but not limited to, hiking, swimming, boating, camping; predominately kept in a natural state; or the property of the local, state, or federal government, or any department or agency thereof, specifically designated as a park, natural area, or recreation area.

Parking lot: The use of property for the commercial parking or storage of operable automobiles on a temporary basis. This does not include the providing of off-street parking required by this ordinance. Such parking shall be for the use of licensed vehicles only and is not intended to include merchandise or vehicles for sale.

Parking, off-street: This term shall mean the parking on the lot of automobiles affiliated with the land use, in order to relieve traffic congestion by the removal of automobiles, when not in actual use, from public or private streets.

Parking space: An accessible space reserved for the temporary storage of one vehicle. Not less than an area nine (9) feet wide and twenty (20) feet long shall be provided for each parking space, and all parking spaces required shall be provided with necessary lanes and maneuvering areas.

Parking space, accessible: A parking space, in accordance with the Americans with Disabilities Act requirements and/or any building code, which is designated to those vehicles which prominently display a handicapped parking identification insignia or license plate.

Pawnshop: Any building, room, space or portion thereof where a pawnbroker regularly conducts business. This includes advancing of money on the security of pledged goods or engaging in the business of purchasing tangible personal property on the condition that it may be redeemed or repurchased by the seller for a fixed or variable price within a fixed or variable period of time.

Perennial plants: A plant whose root remains living more than two years.

Person: Any individual, including any trustee, receiver, assignee, or personal representative thereof.

Personal care services: Services such as fitness centers, spas, tanning salons, nail salons, beauty and barber care, and dry cleaning and laundry services, not to include a laundry plant.

Personal instruction: Services for training individuals or groups in the arts, personal defense, crafts, or other subjects of a similar nature.

Planned unit development (PUD): A development that:

(A) Is land under unified control, planned and developed as a whole in a single development operation or approved programmed series of development operations for dwelling units and related uses and facilities;

(B) Includes principal and accessory uses and buildings substantially related to the character of the development itself and the surrounding area of which it is a part; and

(C) Is developed according to comprehensive and detailed plans which include streets, utilities, building sites and the like.

Planting area: Any area designed for landscaped material installation, having a minimum of thirty (30) square feet, a minimum depth, as measured perpendicular to the adjacent property line, of seven (7) feet, and consisting of suitable growing medium with proper drainage.

Plat: A map, plan, or layout of a county, city, town, section, or subdivision indicating the location and boundaries of properties.

Plat, final: The completed subdivision plat in form for approval and recording.

Plat, preliminary: A tentative plat of a proposed subdivision for presentation to the Planning Commission for its consideration.

Power/gas substation: A facility that regulates electric current or natural gas pressure for distribution to individual neighborhoods.

Principal use: The specific primary purpose for which land or a building is used.

Printing and publishing: The production and distribution of books, magazines, newspapers, and other printed matter, including retail photocopying and blueprinting services, as well as record pressing and publishing, engraving, and photoengraving.

Public assembly facility: A building and/or structure designed and constructed to be utilized by the public at-large for community events, including but not limited to arenas, civic centers, or community centers.

Public uses, buildings: A building that provides public services not otherwise defined by this Article, such as municipal administrative and operation, county buildings and activities, state agency offices and similar land uses, and federal uses such as post offices, internal revenue offices, military installations, etc.

Public uses, utilities: A facility providing transmission and distribution of public utility services to the public at large, including water, sewer, gas, electric, and cable facilities.

Radio/television/satellite station: A building and/or structure for transmitting and receiving radio, television, satellite, and other broadcast signals, including radar surveillance.

Recreation facility, indoor: A commercial or public recreational land use conducted entirely within a building, including but not limited to arcade, athletic and health clubs, bowling alley, gymnasium, pool or billiard hall, skating rink, swimming pool, etc.

Recreation facility, outdoor: A commercial or public recreational land use conducted in open or partially enclosed or screened facilities, including but not limited to driving range, miniature golf courses, golf courses, tennis courts, etc.

Recreational vehicle (RV): A vehicular portable building designed as a temporary dwelling unit for travel, recreation, and vacation uses, which is identified on the unit by the manufacturer as a "camper," "travel trailer," or "motor home," is not more than eight feet in body width and does not exceed 40 feet in length.

Recreational vehicle (RV) park: A parcel upon which two or more recreational vehicles are located and used as temporary living or sleeping quarters for a period of less than thirty (30) days. RV parks shall be in accordance with **Section 7.8** of this Ordinance.

Recycling plant: A facility, other than a collection center, where recycling materials are accumulated, stored, sorted, or processed. Materials may be processed on site or accumulated in large quantities for eventual sale or transfer to other processors. The use or reuse of a solid waste may not be used in a manner that would constitute solid waste disposal.

Rehabilitation facility: A facility offering treatment for addictive, mental, or physical disabilities on either a 24 hour per day or outpatient basis.

Religious institution: Any building and/or structure or lot used primarily for religious practices.

Residential: Any land area used and/or zoned for housing activities with personal use or enjoyment without the intent of realizing a profit or recovering costs through the sale of goods or services.

Restaurant, fast-food: Any building, room, space, or portion thereof where food is sold for consumption onsite or offsite within a short period of time, orders are made at either a walk-up, drive-through, or drive-in basis, payment for food is made prior to consumption, and the packaging of food is done in disposable containers.

Restaurant, full-service: Any building, room, space or portion thereof where food is sold for consumption onsite, customers are provided an individual menu, a restaurant employee serves the customers at the same table or counter at which items are consumed, or where seating turns over at a rate of 30 minutes or more. A restaurant shall not be considered a restaurant, fast-food or restaurant, take-out solely on the basis of incidental, or occasional take-out sales.

Restaurant, take-out: Any building, room, space or portion thereof where a limited variety of food or beverages are sold principally for offsite consumption, but which may include incidental seating for onsite consumption containing no more than 20 seats. Typical uses include bakeries, candy, nut, and confectionery stores, coffee houses, ice cream and frozen dessert stores, small delicatessens, and similar establishments.

Retail: The sale of goods and/or services at retail. For purposes of calculating required parking, retail includes "retail, general" and "retail, shopping center".

Retail, general: An establishment providing general retail sales, services, or rental from the premises, of goods and/or services not specifically classified in another commercial activity type. Exterior displays and sales are allowed.

Retail, shopping center: A single building containing two or more different individual stores engaged in general retail sales.

Retention basin: See “detention basin”.

Right-of-way: The total width of any land reserved or dedicated as a street, alley, or similar public or private uses.

Rooming house (or boarding house): Any building or portion thereof which contains between three and nine guestrooms which are designed or intended to be used, let, or hired out for occupancy by individuals for compensation, whether paid directly or indirectly, for a period longer than thirty (30) days.

School: Refer to the following definitions in this article:

- (A) Business or vocational school;
- (B) Daycare;
- (C) Community education (Grades K-12); and
- (D) College or university.

Screening: A method of visually shielding or obscuring one use or building from another or from public view by fencing, walls, berms, densely planted vegetation, or other means.

Searchlight: See definition of “beacon”.

Seasonal use: See definition of “temporary / seasonal use”.

Self-service laundry: A building and/or structure containing washing machines and usually drying machines, which are coin-operated by the customer. It may or may not have an attendant.

Self-service storage: An establishment that leases or rents storage units for the purpose of storing personal property.

Semi-public land use: A philanthropic and charitable land uses including Y.M.C.A.'s, Y.W.C.A.'s, Salvation Army, orphanages, private welfare organizations, Red Cross, and other general charitable institutions.

Setback line: See definition of “building setback line”.

Shade tree: Any self-supporting woody plant of a species that is well shaped, well branched, and well foliated which normally grows to an overall height of at least thirty-five (35) feet and normally develops an average mature spread of crown greater than thirty (30) feet.

Shelter, storm: A building and/or structure intended to provide protection to human life during periods of danger from nuclear fallout, air raids, storms, or other emergencies, subject to the provisions of **Section 7.5** of this Ordinance.

Shrub: A woody perennial plant differing from a perennial herb by its persistent and woody stems and from a tree by its low stature and habit of branching from the base.

Sign: Any writing, pictorial representation, number, illustration, or other device which is supported by or contained within a structure specifically designed to announce direct attention to, identify, advertise, or otherwise make anything known. Excluded are governmental signs erected for public safety; signs located completely within an enclosed building; and flag emblems or insignia of a nation, political unit, school, or religious group. The term sign shall not be deemed to include incidental architectural embellishments. Regulations pertaining to signage are located in **Article 9**. Definitions for specific sign types are included below.

Sign, aerial view: A sign applied to or placed upon a roof surface and intended to be viewed from above. An aerial view sign is not visible from ground level.

Sign, animated: A sign that uses movement, lighting, or special materials to depict action or create a special effect to imitate movement. This definition does not include “sign, electronic message display” as defined by this Article.

Sign, architectural ledge: A sign that stands on a horizontal shelf on a wall or architectural element projecting from the building.

Sign, awning: A sign displayed on or attached flat against the surface or surfaces of an awning. Signs on awnings shall be included in the applicable sign area requirements for wall signs. Only the sign area displayed on an awning shall be used to determine the permitted sign area. The entire awning shall not be included in a Sign Area calculation.

Sign, banner, flag or pennant: Any sign made of cloth, bunting, plastic, paper, or similar non-rigid material, which is not rigidly and permanently attached to a building or the ground by a permanent support structure, not including official flags of the United States, the State of Alabama, and other states of the nation, counties, municipalities, official flags of foreign nations, and nationally or internationally recognized organizations.

Sign, building identification: Any sign identifying a building by name or symbol only. Such signs must be built into the building and shown on its structural plans.

Sign, business identification: A sign that serves to identify only the name, address, and lawful use of the premises upon which it is located and provides no other advertisements or product identification.

Sign, canopy: Any sign placed directly upon or suspended from a fixed overhead shelter, used as a roof.

Sign, center identification: Any sign which identifies a shopping center, industrial center, or office center, or a group of three or more uses or businesses by name, address, or symbol.

Sign, channel letters: A sign comprised of multi-dimensional, individually fabricated letters, numbers or figures that are affixed to a building or structure. Sign may be illuminated or unilluminated.

Sign, combination: Any sign which is supported partly by a pole and partly by a building structure.

Sign, directional: Any sign which is designed solely for the purpose of traffic or pedestrian direction and placed on the property to which or on which the public is directed.

Sign, directly illuminated: Any sign which has as its source of illumination directly visible to the eye and is not internally or indirectly illuminated.

Sign, directory: Any sign including a series of two or more names or addresses of people, offices or destinations at a specific building, facility or venue, within a common cabinet or face area. A directory sign may also include maps, site plans, or diagrams for the building, facility or venue.

Sign, double-faced: A sign constructed to display its message on the outer surfaces of two identical and opposite parallel planes and not more than five feet apart. The faces may be on common or separate structures.

Sign, electric: Any sign which has electrical wiring in, on, or attached to it or which is intended to be energized by electricity.

Sign, electronic message display (EMC): A sign capable of displaying words, symbols, images, or figures that can be illuminated electronically or mechanically changed by remote or automatic means. EMC's typically use light emitting diodes (LED) as a lighting source.

Sign, flashing: Signs whose illumination is characterized by a repetitive cycle in which the period of illumination is either the same as or less than the period of non-illumination.

For the purposes of this Ordinance, flashing will not be defined as occurring if the cyclical period between on-off phases of illumination exceeds eight (8) seconds.

Sign, freestanding: Any sign supported by structures or supports that are placed on or anchored in the ground and that are independent from any buildings or other structure. The posts or other supporting structures shall be considered part of the sign, except that they shall not be included in computing the sign display area.

Sign, home-occupation: A non-illuminated sign, attached to the residence, containing the name and occupation of a permitted home occupation, and which is no more than two square feet (12" x 24") in size.

Sign, identification: Any sign identifying by name, message, or symbol a business, activity, institution, establishment, operation, merchandise, product, or service available at the property on which the sign is displayed.

Sign, indirectly illuminated: Any sign the facing of which is illuminated from a source intentionally directed upon it. This shall include silhouettes of letters or symbols placed before a background of reflected light.

Sign, instructional: A sign that has a purpose secondary to the use on the lot and that is intended to instruct employees, customers, or users as to matters of public safety or necessity.

Sign, internally illuminated: A sign whose light source is located in the interior of the sign so that light rays go through the face of the sign. This does not include a sign with a light source that is attached to the face of the sign and is perceived as a design element of the sign.

Sign, kinetic: A ground or building mounted sign that has the ability to move due either to the presence of a motor that drives the moveable parts or an environmental catalyst, e.g. wind or gravity.

Sign, listed: A sign manufactured and labeled in accordance with specifications promulgated by a recognized testing laboratory designed to assure compliance with American National Standards (ANSI) and/or the National Electric Code (NEC).

Sign, marquee: Any sign which is painted, inscribed, or otherwise depicted upon or attached to, or supported by a part of a marquee.

Sign, monument: A freestanding sign that is detached from a building and having a support structure that is a solid-appearing base constructed of a permanent material, such as concrete block or brick.

Sign, multi-faced: Any sign that uses more than one (1) side to relay a message, statement, or expression.

Sign, nonconforming: Any sign which was lawfully erected and maintained in compliance with the requirements in effect at the time, but which does not conform to the provisions of this Ordinance.

Sign, off-premise: Any sign displaying a message unrelated to a business, profession, or activity conducted, or to a commodity or service sold, offered, or conducted, upon the premises where the sign is located.

Sign, on-premise: Any sign displaying a message related to a business, profession, or activity conducted, or to a commodity or service sold, offered, or conducted upon the premises where the sign is located.

Sign, political: Any sign erected for the purpose of expressing support for or opposition to a candidate or stating a position regarding an issue to be decided by vote.

Sign, portable: 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 public right-of-way, unless such vehicle is used in the normal day-to-day operations of the business.

Sign, projected image: A sign using an image projected onto the face of a wall, awning, canopy or other building element or a light reflective surface from a separate device.

Sign, projecting: A sign, other than a wall sign, that is attached to or projects more than eighteen (18) inches from a building face or wall of a structure whose primary purpose is other than the support of a sign.

Sign, real estate: An on-premise sign indicating that is used to identify property for sale, lease, rent, or directing people to a property.

Sign, reader board: Permanent sign containing messages in the form of removable letters or changeable copy. A reader board may be a wall sign or part of a freestanding sign.

Sign, rider: A small sign attached as a rider to a real estate sign that provides limited information about the property (e.g., number of bedrooms, agent's name, open house, etc.).

Sign, roof: Any sign mounted on the main roof of a building or on the uppermost edge of a parapet wall of a building and which is wholly or partially supported by such building. Signs mounted on mansard facades, pent eaves, and architectural projections such as canopies or marquees shall not be considered a roof sign.

Sign, supergraphic: A type of sign that consists of an image printed on vinyl, mesh, window film, or other material supported or attached to a wall, window or freestanding structure.

Sign, temporary: Any sign displaying information for a use or event for a limited period of time.

Sign, time and/or temperature: Any sign displaying current time and/or temperature for the location in which the sign is placed.

Sign, under canopy / awning: Any sign attached to the underside of a canopy or awning.

Sign, V-type: A structure or structures with two or more sign faces forming the shape of the letter "V" or a triangle, when viewed from above, with an angle between any two (2) faces of not more than ninety (90) degrees.

Sign, wall: A sign that is affixed in any manner to an exterior wall of a structure and that projects no further than eighteen (18) inches from the surface of the structure wall. Also includes signs painted on the wall or affixed to architectural projection that extends from a building provided the copy area of such signs remain parallel to the face of the building façade or to the face of the architectural projection to which it is affixed.

Sign, warning: Any sign displaying warnings or other messages necessary for the safety of persons or protection of property, and which has no advertising copy.

Sign, wayfinding: A pedestrian or vehicle-oriented sign that indicates the route to, direction of or location of an on-site or off-site destination.

Sign, wind: Any sign, pennant, ribbon, spinner, streamer, flag, feather, captive balloon, or other objects or materials fastened in such a manner as to move upon being subjected to pressure by wind and/or acting to draw attention to a business, product, service, or activity whether it contains a message or not.

Sign, window: Any 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. Sunscreen applications to windows are not signs provided opacity is less than fifty percent (50%).

Sign area: The area of a sign or advertising device that can be enclosed or measured by the smallest square, circle, rectangle, triangle, or other geometric figure 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, also including any supporting framework, bracing, or decorative fence or wall.

Sign embellishment: Letters, figures, characters, or representations in cutouts, irregular forms, or similar ornamentation attached to or superimposed upon a sign to provide a three-dimensional effect.

Sign face: The entire area of a sign which is built on one structure, including the advertising surface and any framing, trim, or molding, but not including the support structure, and which faces traffic such that the traffic is moving in one direction.

Sign height: The vertical distance from the uppermost part of a sign to the highest elevation of the finished grade immediately below and adjoining the sign.

Slaughterhouse: A place where animals are slaughtered and prepared for distribution to butcher shops or retail sales establishments such as grocery stores. A slaughterhouse is designed to accommodate the confinement and slaughtering of live animals and may include packing, treating, storage, or sale of the product on the premises.

Solid Waste: Any garbage, bulk trash, yard waste and other materials, or products, including foul smelling and decomposing wastes, organic and inorganic wastes, combustible and non-combustible wastes, and liquid non-hazardous waste, but not including hazardous waste or human body parts.

Special exception: A special exception is a land use that would generally not be considered as an appropriate land use in a particular zoning district as a use permitted by-right, but could be considered appropriate with certain controls and/or restrictions which promote the public health, safety, welfare, order, comfort, convenience, appearance, prosperity, or general welfare. A special exception use is subject to approval by the Board of Zoning Adjustment, as outlined in **Section 13.7** of this Ordinance.

Stable: See definition of “kennel or stable”.

Stacking space: An off-street space, separate from or in addition to a required parking area, reserved for the temporary queuing of motor vehicles with an aisle intended to serve a teller window, take-out restaurant window, or similar type drive-through service unit.

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

Street: A public or dedicated way or a public proposed right-of-way, widening, or extension of an existing street or way. (Ord. No. 8-77B, § 1, 8-1-1977). Streets may be classified as the following:

Street, arterial: A principal route for through traffic flow that primarily serves long-distance travel. Arterial streets serve as the primary streets within the city and connect areas of activities to one another.

Street, collector: A route that collects traffic from local streets and connects them with arterial streets.

Street, local: A route used primarily for direct access to residential, commercial, industrial areas, or other abutting properties. They do not include routes carrying through traffic.

Structure: Anything constructed or erected, the use of which requires a location on the ground, or attached to something having a location on the ground, including signs, billboards, fences, and walls, but not including utility poles, overhead wires, and structures used for the housing of household pets.

Subdivider: Any individual or other legal entity commencing proceedings to effect a subdivision or land for himself or for another.

Subdivision: Any division of a tract or parcel of land into two (2) or more lots, building sites or other divisions for the purpose, whether immediate or future, of sale, legacy or building development, and includes any division of land involving a new street or a change in existing streets, and includes resubdivision and, where appropriate to the context, relates to the process of subdividing or to the land or area subdivided; provided, however, that the following are not included in this definition:

- (a) The division of land into parcels of five (5) acres or more where no new street is involved; and
- (b) The sale or exchange of parcels of land between separate or common owners of adjoining properties, provided that additional lots are not thereby created, and that the lots created are in accordance with the provisions of this ordinance.

Surveyor: A land surveyor registered in the state by the board of registration for professional engineers and land surveyors.

Tank farm: An open air facility containing aboveground large containers for the bulk storage of material in liquid, powder, or pellet form.

Tavern: See definition of “bar (tavern or lounge)”.

Taxidermy: The art of preparing, stuffing, and mounting the skins of animals.

Temporary festival: The provision of rides, games, food, amusements, and/or activities open to the public. The use shall have duration of no more than 14 days in one month.

Temporary / seasonal use: A use established for a fixed period of time, including but not limited to fireworks sales, Christmas trees, and similar seasonal uses, with the intent to discontinue such use upon the expiration of such time that does not involve the construction or alteration of any permanent building and/or structure. A temporary / seasonal use requires an application for permit.

Townhouse: An attached dwelling unit located within a townhouse building having a separate ground floor entrance and separate private yard space, with common sidewalls on one or both sides of the dwelling unit. A townhouse shall be in accordance with **Section 7.9** of this Ordinance.

Townhouse complex: A group of townhouse buildings each containing between two or and seven attached townhouse units.

Townhouse building: A single building within a townhouse complex containing as many as seven individual residential units sharing at least one common wall.

Truck stop / travel plaza: A commercial establishment primarily engaged in the retail sale of automotive fuels (e.g. diesel fuel, gasoline, alternative fuels) in combination with activities, such as providing a convenience store, food services, designated areas for the temporary parking for trucks or similar commercial vehicles, including overnight parking, and the sale of vehicle parts, motor oil, or other accessories. Such a facility may also engage in minor vehicle repair activities, as defined in this Ordinance; however, such facility shall not be used for the permanent storage of the types of equipment mentioned above. There shall be no display of vehicles offered for sale or the storage of non-operating vehicles. All gasoline storage tanks shall be in complete compliance with Alabama Department of Environmental Management requirements as well as all local regulations. A truck stop / travel plaza shall be in accordance with **Section 7.15** of this Ordinance.

Understory tree: Any self-supporting woody plant of a species that normally grows to an overall height of less than twenty-five (25) feet in height at maturity, but still provides shade and a degree of protection to the vegetation beneath it.

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

Utility equipment: Poles, towers, supports, wires, conductors, conduits, guys, stubs, cross arms, braces, transformers, insulators, cut-outs, switches, communication circuits, used or useful in supplying electricity, natural gas, water, communication, or similar or associated services.

Variance: A modification of the strict application of the provisions of this Ordinance, where owing to special conditions a literal enforcement of the provisions of the Ordinance will result in unnecessary hardship, as determined by the Board of Zoning Adjustment in accord with procedures specified in **Section 13.6** of this Ordinance.

Veterinary clinic: An office maintained by a licensed doctor of veterinary medicine for the treatment and care of small animals, primarily household pets and other animals of a similar size and nature, but not livestock (also see definition of “animal hospital”).

Vines: Any of a group of woody or herbaceous plants which may climb by twining, or which normally require support to reach mature form.

Visual Screen: A barrier of living or non-living landscape material, put in place for the purpose of separating and obscuring from view those areas so screened.

Warehouse: A facility used primarily for the bulk storage of goods and materials either for a private entity or the general public.

Wholesale: See definition for “distributive business / wholesale”.

Wireless communication facility (WCF): A facility that sends and/or receives wireless communication signals. A WCF may include antennas, microwave dishes, antenna structures, telecommunication towers, equipment enclosures, and the land upon which they are all situated. WCF’s can be concealed, disguised, or visible, and are subject to the provisions of **Chapter 48** of the Code of Ordinances.

Wrecker service: An establishment for the removal of a motor vehicle by towing, carrying, hauling or pushing from public or private property when such vehicle is inoperable or has been ordered to be impounded to a public or private impound lot. This shall not include an "automobile service" use that has a tow truck and services vehicles onsite.

Yard: A space on the same lot with a main building, such space being open, unoccupied and unobstructed by buildings or structures from ground to sky except where encroachments and accessory buildings are expressly permitted.

Yard, front: An open, unoccupied space on the same lot with the main building, extending the full width of the lot and situated between the right-of-way line and the front line of the building projected to the side lines of the lot. The depth of the front yard shall be measured between the front line of the building and the right-of-way line. Covered porches, whether enclosed or unenclosed, shall be considered as part of the main building and shall not project into a required front yard. On corner lots the front yard shall be considered as parallel to the street upon which the lot has its least dimension.

Yard, rear: An open space on the same lot with the main building, such space being unoccupied except possibly by an accessory building and extending the full width of the lot and situated between the rear line of the lot and the rear line of the main building projected to the side lines of the lot. On all corner lots the rear yard shall be at the opposite end of the lot from the front yard.

Yard, side: An open, unoccupied space on the same lot with a main building, situated between the side line of the building and the adjacent side line of the lot extending from the rear line of the front yard to the front line of the rear yard. If no front yard is required, the rear boundary of the side yard shall be the rear line of the lot. On corner lots, the side yard shall be considered as parallel to the street upon which the lot has its greatest dimension.

Article 3 - Classification and Establishment of Districts

Section 3.1 - Purpose

The City of Abbeville, Alabama is hereby divided into zoning districts as established by this ordinance. The purpose of this article is to achieve compatibility among land uses within the various districts, to implement the City’s official zoning map, and to serve the citizens of Abbeville by providing for the implementation and administration of the regulations of the City’s zoning ordinance.

Section 3.2. - Zoning Districts

For the purpose of this ordinance, the City of Abbeville is hereby divided into types of districts designated as follows:

Zoning Districts	
R-A	Low-Density and Agricultural Single-Family Residential District
R-1	Low-Density Single-Family Residential District
R-2	Medium-Density Single-Family Residential District
R-3	High-Density Residential District
MH-1	Manufactured Home Park District
R-O	Residential-Office District
R-C	Residential-Commercial Transition District
B-1	Neighborhood Commercial District
B-2	Highway Commercial District
B-3	Central Business District
M-1	Industrial District
FH	Flood Hazard Overlay District
PUD	Planned Unit Development District

Section 3.3. - Intent of Zoning Districts

R-A Low-Density and Agricultural Single-Family Residential District: The R-A district is intended to provide single-family residential dwelling units at low densities, and allowance of agricultural activities in compatible areas. Regulations concerning this district are designed to protect the residential and agricultural character of these areas by prohibiting incompatible land uses and to maintain the low density character of these areas.

R-1 Low-Density Single-Family Residential District: The R-1 district is intended to provide for single-family residential dwelling units at relatively low densities. Regulations concerning this district are designed to protect the residential character of these areas by prohibiting incompatible land uses and to maintain the low density character of these areas.

R-2 Medium-Density Single-Family Residential District: The R-2 district is intended to provide for single-family residential dwelling units at medium densities. Regulations concerning this district are designed to protect the residential character of these areas by prohibiting incompatible land uses and to maintain the medium density character of these areas.

R-3 High-Density Residential District: The R-3 district is intended to provide for single-family and multiple-family residential dwelling units at higher densities, including garden homes, apartments, and townhouses. Regulations concerning this district are designed to protect the residential character of these areas by prohibiting incompatible land uses.

R-O Residential-Office District: The R-O district is intended to protect the character of traditional single-family residential areas located along arterial streets that are susceptible to non-residential development by permitting limited office or commercial uses, while allowing continuation of residential uses and reconversion to residential uses. This district is intended for areas near the B-3 Central Business District, including areas on Kirkland Street, West Washington Street, and East Washington Street.

R-C Residential-Commercial Transition District: The R-C district is intended to allow a mixture of residential and commercial uses in close proximity to or integrated within the same structure within an area that is transitioning between mostly residential dwellings to more commercial in character. This district is intended for areas along arterial corridors, including Ozark Road, Dothan Road, and West Washington Street.

MH-1 Manufactured Home Park District: The MH-1 district is intended to provide for residential development for manufactured homes that are located in approved manufactured home parks and subdivisions and accessory structures necessary for operation of the developments. Regulations concerning this district are designed to provide an affordable, quality living environment.

B-1 Neighborhood Commercial District: The B-1 district is intended to provide locations of mostly small-scale local retail and personal services that provide for the regular needs and convenience of those residing in adjacent residential areas.

B-2 Highway Commercial District: The B-2 district is intended to provide a variety of retail and service activities that serve community-wide and regional needs, and which are oriented toward major traffic corridors, especially the Highway 431 corridor.

B-3 Central Business District: The B-3 district is intended to meet the variety of particular needs within the traditional downtown center of Abbeville, including developments of abutting buildings with little or no setbacks from right-of-way lines. It is designed to facilitate compatible development and redevelopment within the core area of downtown, recognizing the historic pattern of development in the area.

M-1 Industrial District: The M-1 district is intended to serve a wide range of industrial operations, including manufacturing, assembly, wholesale distribution, and storage.

FH Flood Hazard Overlay District: The Flood Hazard overlay district is intended to impose special development standards and restrictions in areas identified by the Federal Emergency Management Agency as subject to special flood hazards. For review of regulations pertaining to the SFHA (Special Flood Hazard Area), consult the Abbeville Flood Damage Prevention Ordinance (Ordinance # 8-07-1). When the requirements of this district are in conflict with the requirements of an underlying zoning district, or with other applicable ordinances and regulations, the more restrictive requirements shall be followed.

PUD Planned Unit Development District: A Planned Unit Development district is intended to encourage the unified planning and development of a large parcel of land suitable in location, area, and character for the uses and structures proposed. A mix of residential and commercial uses is encouraged, provided the proposed project is consistent with the Comprehensive Plan and the land uses proposed will be compatible with neighboring areas.

Section 3.4. – Interpretation and Rules Governing District Boundaries

The boundaries of the zoning districts are established as shown on the Official Zoning Map. Unless otherwise indicated, the zoning district boundaries are land lot lines, centerlines of streets or alleys, centerlines of railroad tracks, shorelines of streams, reservoirs, or other bodies of water, or the corporate boundary. Where any zoning district boundary cannot be accurately determined from the Official Zoning Map, the Administrative Official shall make an interpretation of the boundary location.

Where any uncertainty exists with respect to the zoning district boundaries as shown on the Official Zoning Map, the following rules shall apply:

- 3.4.1 Where district boundaries are approximately parallel to the centerlines of streets and or alleys, centerlines of railroad tracks, shorelines of streams, reservoirs, or other bodies of water, or said lines extended, such district boundaries shall be construed as being parallel to and at such distance from those lines as indicated on the Official Zoning Map. If no distance is given, such dimensions shall be determined by the use of the scale appearing on the Official Zoning Map.

Article 3 – Classification and Establishment of Districts

- 3.4.2 Where a district boundary divides a lot, the location of such boundaries shall be determined by the use of the scale appearing on the Official Zoning Map.
- 3.4.3 Whenever a public street, alley, or other public right-of-way is vacated or abandoned by official action of the City of Abbeville, the zoning district adjoining each side of such street, alley, or other public right-of-way shall be automatically extended to the center of same and all area included therein shall be subject to all appropriate regulations of the extended zoning district.
- 3.4.4 In case any further uncertainty exists after the Administrative Official's interpretation; where physical or cultural features existing on the ground are at variance with those shown on the Zoning Map; or in other circumstances not covered by the preceding rules, the Board of Zoning Adjustment shall determine the location of district boundaries.

Section 3.5. - Zoning of Annexed Land

The zoning of any property annexed into the corporate limits of the City of Abbeville shall be reviewed by the Planning Commission and a recommendation made to the City Council. Once approved by the City Council, the annexed property will be subject to all zoning regulations therein. Any subsequent rezoning of such property shall follow the procedures for zoning amendment specified in this Ordinance.

Article 4 - District Regulations

Section 4.1. – Use Regulations

The Table of Permitted Uses (Table 4.1) specifies which uses are permitted in each zoning district and defines the use categories utilized in this Ordinance through indicating which land uses may locate in each zoning district. A further distinction of permitted uses is made between uses that may locate in a given district upon obtaining a “special exception” or a “conditional use”.

Permitted uses “by right”, as a “special exception”, or as a “conditional use” shall be subject, in addition to use regulations contained in this Ordinance, to other regulations regarding area and dimensional regulations and such other provisions specified within this Ordinance.

- 4.1.1. *Permitted uses by right:* Land uses that are allowed "by-right" in each zoning district will be identified by the letter "P" in the Table of Permitted Uses.
- 4.1.2. *Uses by special exception:* Land uses that are specified as "special exceptions" in each zoning district will be identified as such by the letter "S" in the Table of Permitted Uses. Said uses are exceptions, and no permit shall be issued for such uses except those with the written approval of the Board of Zoning Adjustment and subject to such conditions as the board may require preserving and protecting the character of the district in which the use is located. The process for making application for a special exception is outlined in Section 13.7 of this Ordinance.
- 4.1.3. *Permitted uses by conditional use:* Land uses that are specified as “conditional uses” in each zoning district will be identified as such by the letter “C” in the Table of Permitted Uses. Said uses are conditional, and no permit shall be issued for such uses except those with review of the Planning Commission and the written approval of the City Council and subject to such conditions as the Council may require preserving and protecting the character of the district in which the use is located. The process for making application for a conditional use is outlined in Section 11.9 of this Ordinance.
- 4.1.4. *Prohibited use:* If a land use is listed in the Table of Permitted Uses but is not either a permitted use, special exception, or conditional use, then the land use is prohibited. Land use variances are prohibited under the terms of the Ordinance. When an applicant desires to pursue a prohibited land use, then the applicant would be required to request rezoning of the subject property. The process for making application for rezoning is outlined in Section 12.3 of this Ordinance.
- 4.1.5. *Unlisted uses:* If a land use is not listed in the Table of Permitted Uses, the Administrative Official shall be authorized to make an interpretation about whether or not the land use should be allowed by-right, as a special exception, or as a conditional use, based on land uses that are in the Table of Permitted Uses that have similar land use impacts. If the Administrative Official is unable to make a determination, then the land use shall be prohibited in that district. The Administrative Official shall provide a letter to

Article 4 – District Regulations

the applicant regarding land use interpretation decisions and maintain an official written file of all such interpretation decisions. Appeals of land use interpretations may be taken to the Board of Zoning Adjustment as outlined in Section 13.5 of this Ordinance.

Section 4.2. – Area and Dimensional Regulations

The Table of Area and Dimensional Regulations (Table 4.2) specifies standards relating to the size and placement of buildings within each of the zoning districts. The required specifications for lot area, residential density, setbacks, building heights, and separation between buildings are specified in this Article on the basis of zoning district classification. Building permits and/or zoning compliance approval shall only be issued for properties in compliance with these regulations.

Article 4 – District Regulations - TABLE OF PERMITTED USES

LEGEND P – Permitted By Right S – Special Exception Required C – Conditional Use Required Blank – Not Permitted	Residential Districts					Mixed-Use Districts		Non-Residential Districts			
	R-A	R-1	R-2	R-3	MH-1	R-O	R-C	B-1	B-2	B-3	M-1
Accessory structures and uses, when located on the same lot or parcel as the principal structure and that are customarily incidental to any permitted use, subject to the provisions of Section 7.2	P	P	P	P	P	P	P	P	P	P	P
Agricultural Activity (Farm), subject to the provisions of Section 7.11	P	S	S	S			S				P
Aircraft Landing Field	C										C
Airport / Heliport	C										C
Animal Hospital							P	P	P		P
Animal Shelter									S		P
Assisted Living Facility				C			C		P		
Automobile Convenience Station, subject to the provisions of Section 7.13							S	P	P	S	P
Automobile Rental / Leasing							S	S	P		P
Automobile Repair Service							S	S	P		P
Automobile Sales							S		P		P
Automobile Service Station							S	S	P		P
Automobile Wash							S	S	P		P
Bank / Financial Institution						S	P	P	P	P	
Bar, Lounge, or Tavern							C	C	P	P	
Bed and Breakfast	S	S	S	P		P	P	P	P	P	
Campground, Tent Only	C										
Cemetery, subject to the provisions of Section 7.12	C	C	C	C	C	C	C	C	C	C	C
Club (Fraternal)				S		S	P	P	P	P	
Collection Center (Solid Waste / Recycling)									C		P
Commercial Amusement, Inside							S	S	P	P	
Commercial Amusement, Outside									P	C	
Correctional Facility									C	C	C
Crematory							S	S	P		
Cultural Center						S	P	P	P	P	

Article 4 – District Regulations - TABLE OF PERMITTED USES

LEGEND P – Permitted By Right S – Special Exception Required C – Conditional Use Required Blank – Not Permitted	Residential Districts					Mixed-Use Districts		Non-Residential Districts			
	R-A	R-1	R-2	R-3	MH-1	R-O	R-C	B-1	B-2	B-3	M-1
USES / DISTRICTS											
Custom Assembly							S	S	P	S	P
Daycare Center		S	S	S		S	P	P	P		
Daycare Home, subject to the Home Occupation provisions of Section 7.4	P	P	P	P		P	P				
Distributive Business / Wholesale									P	C	P
Donation Center, Drop-Off							S	S	P		P
Dry Cleaners (Plant)									C		P
Dwelling, Accessory Unit (Family), subject to the provisions of Section 7.3	P	P	P	P		P	P				
Dwelling, Single Family	P	P	P	P		P	P				
Dwelling, Duplex			S	P		S	P				
Dwelling, Multi-Family (Apartments)				P			P				
Dwelling, Townhouse, subject to the provisions of Section 7.9				P			P				
Funeral Home							P	P	P		
Garden Center / Nursery	S						S	S	P		P
Grocery Store							P	P	P	P	
Group Home, subject to the provisions of Section 7.10				C		C	C				
Halfway House				C		C	C	C			
Hazardous Operation											C
Heavy Equipment Sales and Service									P		P
Home Improvement Center							S	S	P	S	
Home Occupation, subject to the provisions of Section 7.4	P	P	P	P	P	P	P				
Hospital							C		C		
Hotel / Motel									P	P	
Junkyard (Scrap Operation), subject to the provisions of Section 7.14											C
Kennel / Stable	P								P		P
Landfill, Construction / Demolition											C
Landfill, Sanitary											C
Liquor Sales							S	P	P	S	
Live / Work						P	P	P	P	P	
Livestock Sales	C										P

Article 4 – District Regulations - TABLE OF PERMITTED USES

LEGEND P – Permitted By Right S – Special Exception Required C – Conditional Use Required Blank – Not Permitted	Residential Districts					Mixed-Use Districts		Non-Residential Districts			
	R-A	R-1	R-2	R-3	MH-1	R-O	R-C	B-1	B-2	B-3	M-1
Lodge / Summer Camp	C										
Manufactured Home, Single Family, subject to the provisions of Section 7.6	S				P						
Manufactured Home Park, subject to the provisions of Section 7.7					P						
Manufactured Home Subdivision					P						
Manufacturing, Heavy											C
Manufacturing, Light											P
Medical Clinic							P	P	P	S	
Mineral Extraction											C
Mobile Storage Unit									P		P
Modular Home	P	P	P	P		P	P				
Motor Freight									C		P
Multimedia Productions							S	S	P	S	P
Nursing Home				C			C		P		
Office (General)						P	P	P	P	P	P
Open Air Market	C						C	C	P	C	C
Park / Greenway	P	P	P	P	P	P	P	P	P	P	P
Parking Lot							P	P	P	P	
Pawnshop							S	P	P	S	
Personal Care Services						S	P	P	P	P	
Personal Instruction						S	P	P	P	P	
Printing and Publishing									P	C	P
Public Assembly Facility							C	C	P	P	
Public Uses, Buildings	C	C	C	C	C	C	P	P	P	P	P
Public Uses, Utilities	C	C	C	C	C	C	P	P	P	P	P
Radio / TV Station								S	P	S	P
Recreation Facility, Indoor						C	C	C	P	C	
Recreation Facility, Outdoor	C	C	C	C		C	C	C	P	C	
Recreational Vehicle (RV) Park, subject to the provisions of Section 7.8									C		C
Recycling Plant											S
Rehabilitation Facility				C			C	P	P		
Religious Institution	C	C	C	C		C	P	P	P	C	

Article 4 – District Regulations - TABLE OF PERMITTED USES

LEGEND P – Permitted By Right S – Special Exception Required C – Conditional Use Required Blank – Not Permitted	Residential Districts					Mixed-Use Districts		Non-Residential Districts			
	R-A	R-1	R-2	R-3	MH-1	R-O	R-C	B-1	B-2	B-3	M-1
Restaurant, Fast-Food							S	P	P		
Restaurant, Full-Service							P	P	P	P	
Restaurant, Take-Out							P	P	P	P	
Retail, General							P	P	P	P	
Retail, Shopping - Center							C	C	P	C	
Rooming House (Boarding House)				P			P				
School, Business / Vocational							C	C	P	C	
School, College / University							C	C	P		
School, Daycare	S	S	S	S		S	P	P	P		
School, Community Education (K-12)	C	C	C	C		C	C	C	P	C	
Self-Service Laundry							P	P	P	S	
Self-Service Storage									S		P
Semi-Public Land Use						P	P	P	P	P	
Shelter, Storm, subject to the provisions of Section 7.5	P	P	P	P	P	P	P	P	P	P	P
Slaughterhouse											C
Tank Farm											C
Taxidermy									P		P
Temporary Festival									C	C	C
Temporary / Seasonal Use	C						C	C	C	C	C
Truck Stop / Travel Plaza, subject to the provisions of Section 7.15									C		C
Veterinary Clinic							P	P	P	S	
Warehouse									S		P
Wireless Communication Facility, subject to the provisions of Chapter 48								C	C	C	P
Wrecker Service							S	S	P		P

Article 4 – District Regulations - TABLE OF AREA AND DIMENSIONAL REGULATIONS

Zoning District	Residential Districts					Mixed-Use		Non-Residential Districts			
	Single-Family Districts			Multi-Family Districts		Mixed-Use Districts		Business Districts			Manu. District
	R-A	R-1	R-2	R-3 ¹	MH-1 ²	R-O	R-C	B-1	B-2	B-3	M-1
Min. Lot Area / Max. Density, Sq. Feet	20,000	15,000	12,000	7,000	3 Acres	12,000	7,000 ³	N/A	N/A	N/A	10,000
Lot Area per Additional DU, Sq. Feet	N/A	N/A	N/A	2,500	N/A	N/A	2,500	N/A	N/A	N/A	N/A
Min. Lot Width @ Building Line, Feet	100	100	80	60	100	80	60 ³	N/A	N/A	N/A	N/A
Min. Front Yard Setback, Feet	40	30	25	25	40	30	25	25	25	10	50
Min. Rear Yard Setback, Feet	35	30	30	25	30	30	25	0 ⁴	0 ⁴	0 ⁴	0 ⁴
Min. Side Yard Setback, Feet	10	10	10	10	25	10	10	0 ⁵	0 ⁵	0 ^{5,6}	0 ⁵
Min. Side Yard Abutting Street, Feet, Arterial and Collector Streets	40	30	25	25	35	30	25	30	25	10	50
Max. Building Area, % of Gross Lot Area	25	30	35	40	35	35	40	40	50	N/A	50
Max. Building Height – Feet	N/A	N/A	N/A	45	N/A	45	45	45	45	45	45
Max. Building Height – Stories	N/A	3	3	3	N/A	3	3	3	3	3	3
Landscaping Requirements	See Article 10 – Landscaping and Buffers										
Off-Street Parking Requirements	See Article 8 - Off-Street Parking and Loading Regulations										
¹ For Townhouse developments, see Section 7.9. ² Requirements are for Manufactured Home Park developments; see Section 7.7 for individual manufactured home space, buffer, and related requirements. ³ No minimum shall apply to permitted non-residential uses. ⁴ Lots abutting any Residential District shall have a 20’ setback. ⁵ Lots abutting any Residential District shall have a 15’ setback. ⁶ Lots abutting a public street shall have a 10’ setback for sidewalk and right-of-way.											

Article 5 - Special Zoning District Regulations

Section 5.1. – Flood Hazard Overlay District

- 5.2.1. *Purpose:* The purpose of the flood hazard overlay district is to ensure enforcement of the City of Abbeville Flood Damage Prevention Ordinance which was adopted to promote the public health, safety, and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions intended to:
- (a) Restrict or prohibit uses which are dangerous to health, safety and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities.
 - (b) Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction.
 - (c) Control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of flood waters.
 - (d) Control filling, grading, dredging and other development which may increase erosion or flood damage.
 - (e) Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.

As an overlay district, the flood hazard district does not replace the requirements of the underlying zoning district, but provides additional development requirements and standards which must be met by any development on the property.

- 5.2.2. *Area of application:* The flood hazard overlay district applies to lands under the planning and zoning jurisdiction of the City of Abbeville which are subject to fluvial flooding as determined by the Federal Emergency Management Agency (FEMA) and delineated on the Flood Insurance Rate Map(s) (FIRM) of the City of Abbeville (Henry County, Alabama).
- 5.2.3. *Requirements:* Areas which lie in flood hazard districts as determined by FEMA and delineated on the FIRM are subject to the requirements of the City of Abbeville Flood Damage Prevention Ordinance adopted February 17, 1987 (as amended).

Section 5.2. – Planned Unit Development District

- 5.3.1. *Purpose:* The purpose of the Planned Unit Development District (PUD) is to provide planned, coordinated large-scale development of a parcel of land. The regulations in this section are intended to encourage flexible, creative site planning that provides multiple options for building sites, mixture of housing types, mixture of land uses, usable open spaces, and preservation of significant natural resources.

5.3.2. *Approval Process:* In order to obtain PUD approval, the following procedures shall be followed:

- (a) It is desirable that an applicant for a PUD consult with the Administrative Official and/or Planning Commission prior to formal submission of plans in order to discuss the project scope and requirements.
- (b) An approval of a Development Plan in accordance with Sections 12.7 and 12.8 of this Ordinance. The approval of the PUD Development Plan shall state the Planning Commission's consideration of the following:
 - 1. The proposed PUD Development Plan is consistent with the intent and purpose of the City's Comprehensive Plan and of this Ordinance to promote public health, safety, and the general welfare.
 - 2. That the value and character of the property or properties adjacent to the parcel of land under consideration will not be adversely affected.
 - 3. That the approved final plan for the proposed PUD development meets the requirements of all applicable regulating bodies.
- (c) Properties that do not have the PUD overlay zoning will be required to go through the rezoning process in accordance with Article 13 of this Ordinance. The Planning Commission's recommendation of the zoning amendment to the City Council shall accompany the approval of the PUD Development Plan.
- (d) If, within 365 days from the effective date of the zoning amendment, the Administrative Official has not received an application for a building permit, the City Council may, by appropriate action, repeal the amendment establishing the PUD district. Once a building permit is issued, the improvements set forth in the PUD Development Plan must be completed within 12 years from date of issuance, otherwise, the City Council may repeal the amendment establishing the PUD district.
- (e) The Administrative Official may not issue a building permit unless the proposed improvements are substantially completed as shown in the PUD Development Plan approved as a prerequisite to the zoning amendment establishing the PUD district.
- (f) Unless specific variations are noted on the PUD Development Plan and approved by the Planning Commission, the most restrictive requirements for parking, loading, and area and dimensional requirements for the proposed use(s) as provided in this Ordinance shall apply.
- (g) The Planning Commission and/or City Council retain the authority to waive any provisions in this Section or to impose requirements greater than herein stated in any PUD district.

- (h) When a PUD includes the subdivision of land, a preliminary plat shall be required and shall be submitted in accordance with the Subdivision Regulations in Article 14.

5.3.3. *General Requirements:* The general requirements in this section shall apply to all PUD's:

- (a) A property owners association shall be created and incorporated for the purpose of providing for the maintenance of any common elements identified on the approved plan of the development. Covenants shall be created and recorded establishing the conditions and responsibilities of all parties.
- (b) The PUD shall be in conformity with the City's comprehensive plan or portion thereof as may apply.
- (c) The PUD shall be consistent in all respects with the purposes and intent of this Ordinance.
- (d) Ten (10) acres in area in single ownership, with adequate frontage serving as the principal means of access to the property, shall be the minimum for development.
- (e) The PUD will provide, through desirable arrangement and design, benefits which justify the deviations from subdivision development standards which would otherwise apply.
- (f) All land proposed in the project for residential use, including outdoor use of space, off-street parking, interior drives and other circulation ways, community facilities such as schools, recreation centers, libraries, shopping, and public safety facilities, may be counted in computing the density requirements.
- (g) All open space not assigned to public use or to private occupancy as set forth in this section shall be assigned to the common use of all occupants of the development with such use ensured in perpetuity. Assignment and development of such open spaces shall provide for the common enjoyment of all residents.
- (h) Minimum open space shall be ten percent (10%) of the development with permanent useable open space determined by the nature of the development and of the site. At least one-half (50%) of the open space area shall consist of developable land area. Existing trees and natural features shall be preserved where possible. The open space shall be integrated into the overall development design and not consigned to an isolated area of the development site in order to provide maximum access to the residents and other users of the development. All open space areas shall be at least twenty (20) feet in width.
- (i) The open space between buildings shall be so designed as to provide adequate privacy, safety, and aesthetic value.

Article 5 – Special Zoning District Regulations

- (j) Every dwelling or ground floor dwelling unit shall be accessible to service and emergency vehicles.
- (k) Private and public streets shall comply with the intent of the PUD and as approved by the planning commission.
- (l) On-street parking shall be permitted only along easements or streets adequate in size internal to the project, and not along a peripheral street or major thoroughfare serving other uses.
- (m) The outside perimeter building line setback is recommended to be thirty (30) feet.
- (n) The planning commission may modify these requirements for cause

5.3.4. *Permitted Uses:* Uses allowed within a PUD include allowed uses in R-1, R-2, R-3, R-O, or R-C districts.

Section 5.3. – *Reserved*

Article 6 – General Regulations

Section 6.1. – Purpose

The regulations contained in this article establish certain conditions that must be met except as otherwise provided in this Ordinance.

Section 6.2. – Use

Unless specifically provided elsewhere in this Ordinance, no building, structure, or parcel of land shall hereafter be used, occupied, or modified into a use not permitted within the zoning district in which it is located. Any use that is not specifically listed as a permitted use, special exception, or conditional use within the applicable zoning district shall be prohibited.

Section 6.3. – Height and Dimensional Regulations

- 6.3.1 Any building and/or structure erected, enlarged, reconstructed, moved, or structurally altered shall comply with the dimensional regulations set forth in this Ordinance.
- 6.3.2 The minimum lot area, yard setbacks, open spaces, and parking spaces required by this Ordinance for each building and/or structure shall not be encroached upon or counted toward the requirements for any other building unless specifically provided for otherwise in this Ordinance.
- 6.3.3 A building hereafter erected or structurally altered shall be located on a lot as herein defined and in no case shall there be more than one principal building and one principal use on one lot except as otherwise permitted for non-residential uses and multi-family dwelling units. Accessory structures shall not include living quarters, except as provided in Section 7.3. – Accessory Dwelling Units.
- 6.3.4. No private permanent building and/or structure shall be placed or constructed within a public right-of-way or easement.
- 6.3.5. No lot shall be reduced in area so that yards and other open spaces total less than the minimum area required under this Ordinance.
- 6.3.6. In each zoning district, each structure erected or altered shall not exceed the heights specified in the district requirements in Article 4 of this Ordinance, except upon approval of the Board of Zoning Adjustment.
- 6.3.7. Height limitations shall not apply to barns, silos, or other farm structures when located on farms; church spires, belfries, cupolas, or domes; flagpoles, public utility poles, telecommunications towers, water tanks, or to any ventilation structures, chimneys, or any other such facilities are not intended for human occupancy and that are normally required to be placed on the roof.

Section 6.4. – Nonconformities

The purpose of this section is to provide for the regulation of legally nonconforming uses, structures, and lots; and to specify the circumstances and conditions under which such nonconformities can be continued, expanded, or modified; and under which they shall be terminated.

6.4.1. *Nonconforming Uses:* Any land use lawfully existing at the time of enactment of this Ordinance, or subsequent amendment to, but not in conformity with its provisions, will be considered a nonconforming use.

(a) Nonconforming uses may be continued unless:

(1) The use is discontinued for a period exceeding one calendar year after which it may not be re-established for any reason.

(2) The use is extended, expanded or altered except in conformity to this Article.

(b) No accessory use to a principal nonconforming use shall continue after such principal uses shall have ceased or terminated, unless it shall thereafter conform to all regulations of this Ordinance.

(c) A nonconforming use may be changed to another nonconforming use provided the new use is in the same or a lesser intensity of use as the original use.

(d) A nonconforming use shall not be enlarged or occupy a greater area of land than it did at the enactment of this Ordinance, or subsequent amendment.

(e) A nonconforming use shall not be altered, enlarged, or intensified in any way that increases its nonconformity, but may be altered or reduced to decrease its nonconformity.

(f) A structure containing a nonconforming use shall not be moved to any portion of the lot other than that occupied at the enactment of this Ordinance, or subsequent amendment.

(g) A nonconforming use that changes to a permitted use within the applicable district shall not thereafter revert to a nonconforming use.

6.4.2. *Nonconforming Buildings and/or Structures:* Any building and/or structure existing at the time of enactment of this Ordinance, or subsequent amendment to, but not in conformity with its provisions, will be considered a nonconforming building and/or structure. The use of a nonconforming building and/or structure may be continued subject to the provisions of Section 6.4.1.

Article 6 – General Regulations

- (a) Alterations to any nonconforming building and/or structure, whether residential or nonresidential, must be made in conformity to this Article.
- (b) Nothing in this Article shall be interpreted to prohibit routine maintenance, restoration of a structure to a safe condition, internal renovations and modifications, and external improvements that do not increase in scope or scale the nonconformity of the building and/or structure.
- (c) Nothing in this Article shall be deemed to prevent the strengthening or restoration to a safe condition of a structure in accordance with an order of a public official who is charged with protecting the public safety and who declares such structure to be unsafe and orders its restoration to a safe condition; provided such restoration of such structure is not otherwise in violation of the provisions of this Ordinance.
- (d) No accessory building and/or structure to a principal nonconforming building and/or structure shall continue after such principal building and/or structure shall have ceased or terminated, unless it shall thereafter conform to all regulations in this Ordinance.

6.4.3. *Nonconforming Lots of Record:* Any lot existing at the time of enactment of this Ordinance, or subsequent amendment to, but not in conformity with its provisions, will be considered a nonconforming lot of record. Where the owner of a lot of record does not own sufficient adjacent land to enable construction of a building and/or structure which conforms to the dimensional regulations of this Ordinance, development may occur provided such development conforms to all other regulations in this Ordinance, or if the owner is granted a variance, as outlined in Section 13.6 of this Ordinance, by the Board of Zoning Adjustment.

Section 6.5. – Access to Public Streets

Access to public streets shall be maintained in accordance to the following requirements, in order to provide safe and convenient access for servicing, fire protection, and required off-street parking:

- 6.5.1. Each principal use shall be located on a lot or parcel which provides frontage on a public street having a right-of-way at least thirty (30) feet in width.
- 6.5.2. Any additional dwelling shall have access to a public street by means of a permanent easement at least fifteen (15) feet in width.

Section 6.6. – Curb Cuts and Intersection Visibility

The requirement for controlling curb cuts and maintaining intersection visibility shall be as follows, unless more stringent requirements are specified elsewhere in this Ordinance:

- 6.6.1 No curb cut shall exceed 50 feet in length, nor shall curb cuts be closer than 20 feet to other curb cuts and/or an intersection of two (2) streets measured along the curb line, with the exception of no curb cut closer than 250 feet to other curb cuts or closer than 300 feet to an intersection of two (2) streets as measured along the curb line along a major highway, provided the requirements of Section 7.13 are met.
- 6.6.2 No structure, planting, or other obstruction to traffic visibility shall be permitted or maintained between the heights of two and one-half (2½) feet and ten (10) feet above street level shall be permitted within 20 feet from the intersection of the right-of-way lines of two (2) streets or railroad lines, or of a street intersection with a railroad line.

Section 6.7. – Street Address Standards

Street addressing standards, as adopted in Ordinance 10-10-1, shall be as follows.

- 6.7.1. Any structures which have been assigned a street address number, or which may be assigned one in the future, shall be identified by such number permanently displayed as provided for herein. This requirement shall apply to all existing and future structures within the corporate limits of the City of Abbeville.
- 6.7.2. Street address numbers shall be assigned by the City Clerk of the City or by such other person as may, from time to time, be designated for such purpose by the governing body of the City.
- 6.7.3. All street address numbers shall be constructed of durable, weather-resistant material. The street address numbers shall be a minimum of three (3) inches in height and must be constructed of reflective material for ease of viewing; as an alternative, the street numbers shall be a minimum of four (4) inches in height and constructed of a highly visible, non-reflective material. All street address numbers whether reflective or non-reflective shall be maintained in a clearly legible condition.
- 6.7.4. Street address numbers shall be placed so as to be clearly visible from the street from either direction. The number shall be conspicuously placed immediately above, on or at the side of the front door of the structure or immediately above, on or at the side of the door immediately visible from the public street or drive. In addition, if the structure and corresponding street address numbers are for any reason not clearly visible from the street, the street address numbers of the structure shall also be conspicuously displayed on the owner's property at the property line, near the walkway, driveway or entrance to such building, upon a gatepost, fence post, mail box or other appropriate place so as to be easily viewed from the street for which said building has been assigned a number.
- 6.7.5. Any structure that is utilized for multiple occupancies, whether business or residential that is subdivided in the form of suites or individual residential sub-units shall have each unit identified individually with a letter or numeral that complies with the stated requirements. It shall remain the responsibility of the structure owner to maintain compliance by each sub-unit.

Article 6 – General Regulations

- 6.7.6. All structures existing at the time of the effective date of this section shall be brought into compliance with the stated requirements within 90 days of its effective date.
- 6.7.7. It shall be the responsibility of the owner of any structure to comply with the provisions of this section.
- 6.7.8. Failure to comply with the requirements of this section shall constitute a misdemeanor and any person (which shall include any corporation or other corporate entity which may be an owner in violation hereof) violating any provision of this section shall be fined not more than \$100.00 for any violation hereof. Each day of noncompliance with the provisions of this section shall constitute a separate offense.

Section 6.8. – Lighting Standards

For non-residential uses, no exterior lighting fixture, including lighting for parking areas, walkways, general illumination or any other purposes, shall exceed 25 feet in height measured from grade level and shall be designed and installed so as to direct the beam of light away from any adjacent residential areas.

Article 7 – Supplemental Regulations

Section 7.1. – Purpose

The regulations contained in this article supplement or modify the district regulations appearing elsewhere in this Ordinance.

Section 7.2. – Accessory Buildings and/or Structures

It is the intent of this section that accessory buildings and/or structures may be permitted on any lot used pursuant to zoning district regulations. The following standards apply to accessory buildings and/or structures:

7.2.1. Storage Buildings and Similar Buildings and/or Structures:

- (a) No accessory building and/or structure other than a permitted sign shall be erected in any required front yard.
- (b) Accessory buildings and/or structures shall be located a minimum of ten (10) feet from any building and/or structure and a minimum of five (5) feet from any property line.
- (c) Accessory structures on a corner lot shall be set back the minimum front yard depth required on each street.
- (d) Total square footage of all accessory buildings and/or structures shall be included in calculations for lot coverage or any other site design requirements applying to the principal use of the lot.
- (e) Vehicles, including recreational vehicles, and travel trailers, shall not be used as temporary or permanent living quarters, storage buildings, utility buildings, or other such uses, unless otherwise permitted in this Ordinance.

7.2.2. Swimming Pools and Similar Buildings and/or Structures:

- (a) Private swimming pools shall be constructed no closer than ten (10) feet from the waterline to any property line and shall be completely enclosed by a protective fence or wall at least five (5) feet in height with suitable locks on all gates and exits. All gates shall be locked at all times when the pool is not in use. Fences and gates shall be so constructed and of such materials so as to prevent the entry of children and household pets into the pool area.
- (b) Enclosures for pools shall not be considered a part of the principal building and/or structure unless physically attached to the principal building and/or structure and shall comply with standards for minimum setback requirements, and other building location requirements of this Ordinance.

- (c) Approval of the Henry County Health Department shall be obtained.

7.2.3 *Fences/Walls:*

- (a) Fences may be located along all front, side and rear yards and may be constructed on any common property line. However, no fence, wall, or hedge located in a required front yard shall exceed four (4) feet in height, unless it meets the minimum required front yard setback for the zoning district in which it is located.
- (b) In areas where the property faces two roadways or is located in any other area construed to be a corner lot, no opaque fence or hedge exceeding two and one-half (2½) feet in height shall be located in the line of sight referred to in Section 6.6.
- (c) No fence shall generally exceed six (6) feet in height; however, where lot line is adjacent to a non-residentially zoned property, fences, walls, or hedges may be maintained to a height not exceeding eight (8) feet in height.
- (d) Fences must be constructed of a permanent weatherproof material such as wood, vinyl, or masonry. Fabric, plastic sheeting, or metal (unless specially designed and created as a fence) is not permitted.

7.2.4. *Awning, Carport, or Porch:* An unattached awning, carport, or porch, open on three or more sides, may be constructed or erected on the side of or behind any principal building and/or structure in any district, provided that:

- (a) No such awning, carport, or porch shall be constructed closer than ten (10) feet to any property line.
- (b) Any such awning, carport or porch located on a corner lot shall be set back at least the minimum front yard setback for the district in which it is located.

Section 7.3. – Accessory Dwelling Units

7.3.1. Accessory dwelling units shall only be permitted as an accessory use to a permitted single-family detached dwelling in order to provide an inexpensive housing option available to family members who might otherwise have difficulty finding homes. This section is also intended to protect the property values and residential character of neighborhoods where accessory dwelling units are located.

7.3.2. Accessory dwelling units may be allowed in single-family residential lots provided that all of the following requirements shall be met:

- (a) Any accessory dwelling unit must be located on the same lot as the principal dwelling and must be clearly subordinate, incidental, and in connection with the principal dwelling.

- (b) No more than one accessory dwelling unit shall be permitted on any residential lot.
- (c) An accessory dwelling unit shall not exceed 800 square feet.
- (d) The accessory dwelling unit shall be located and designed not to interfere with the appearance of the principal building as a single-family dwelling unit.
- (e) If detached from the principal dwelling, accessory dwelling units shall be to the rear of the principal dwelling or within the upper floor of a detached garage or similar permitted accessory building and/or structure and shall be set back as otherwise required of accessory buildings and/or structures.
- (f) One parking space, in addition to that required for the principal dwelling, shall be provided for the accessory dwelling unit, and must be located on the same lot on which the accessory dwelling unit is located.
- (g) A manufactured home may not be used as an accessory dwelling unit.
- (h) Recreational vehicles and travel trailers shall not be used as accessory apartments.
- (i) No existing building and/or structure may be converted to an accessory apartment unless it complies with all other minimum district dimensional regulations.
- (j) No variations, adjustments, or waivers to the requirements of this code shall be allowed in order to accommodate an accessory apartment.

Section 7.4. – Home Occupations

A home occupation is intended to be a business use conducted in a residential property, with operations occurring entirely within a dwelling and is clearly incidental and secondary to the use of the dwelling for residential purposes. The City recognizes the need to afford opportunities for residents to work from home and to establish regulations that will permit certain home occupations that are compatible with other uses permitted within the same zoning district.

All home occupations shall be classified as either “minor” or “major” home occupations. It shall be the applicant’s responsibility to clearly explain the scope of the business to the Administrative Official to ensure the proper regulations are administered.

7.4.1. *Minor Home Occupations:* Are home-based businesses that have no outward appearance of business activity. Examples of minor home occupations include (but are not limited to) the following: business office; internet based business; and mail order or phone order. No public hearing is required for minor home occupation applications, and the Administrative Official has authority to approve light home occupation applications. All dwellings containing a minor home occupation shall comply with the following standards:

Article 7 – Supplemental Regulations

- (a) The person conducting the home occupation shall be a full-time resident of the dwelling in which the home occupation is being conducted. There shall be no employment of help other than members of the resident family.
- (b) Any work conducted is confined to the principal dwelling and any business-related equipment or materials are kept inside the principal dwelling.
- (c) A maximum of twenty-five percent (25%) of the gross floor area of the dwelling, excluding attics, garages, and basements, shall be used for a home occupation.
- (d) There are no signs or advertisements on the property, including on the mailbox.
- (e) There are no customers at the home.
- (f) The business operator is responsible for observing any private covenants which may impact the home occupation.
- (g) Any other restriction as may be considered appropriate by the Administrative Official or the Board of Zoning Adjustment.
- (h) Violation of any of the aforementioned conditions could result in revocation of the approval.

7.4.2 *Major Home Occupations:* Are home-based businesses that exhibit any outward or visible signs of business activity, including (but not limited to) the following: small appliance repair; lawn care business; home maintenance business, etc. Major home occupations shall be considered special exceptions and shall be subject to board of zoning adjustment approval, as outlined in Article 13 of this Ordinance. All dwellings containing a major home occupation shall comply with the following standards:

- (a) The person conducting the home occupation shall be a full-time resident of the dwelling in which the home occupation is being conducted. The home occupation shall employ no more than two employees on site other than the residents of the dwelling unit.
- (b) Any work conducted shall be entirely within the principal dwelling or an accessory building. Storage of materials, productions, or machinery used for the home occupation should be shielded from view of the street and adjacent properties.
- (c) A maximum of twenty-five percent (25%) of the gross floor area of the dwelling, excluding attics, garages, and basements, shall be used for a home occupation.
- (d) One sign with a maximum size of two (2) square feet may be allowed on the property.
- (e) There shall be no excessive noise, odors, or vibrations associated with the business.

Article 7 – Supplemental Regulations

- (f) Any customers or deliveries to the home shall be kept to a minimum and shall not restrict traffic circulation.
- (g) Not more than one (1) major home occupation shall be permitted at any one property.
- (h) The business operator is responsible for observing any private covenants which may impact the home occupation.
- (i) Any other restriction as may be considered appropriate by the Administrative Official or the Board of Zoning Adjustment.
- (j) Violation of any of the aforementioned conditions could result in revocation of the approval.

Section 7.5. – Storm Shelters / Safe Rooms

Storm shelters and/or safe rooms are permitted as principal or accessory uses and structures in any district, subject to the following conditions:

- 7.5.1. Such shelters may contain or be contained in other structures or may be constructed separately, and in addition to shelter use may be used for any principal or accessory use permitted in the district, subject to the district regulations on such use, but shall not be used for principal or accessory uses prohibited expressly or by implication in the district.
- 7.5.2. Any above ground shelter, or portion of shelter that extends above ground level, is subject to the area and dimensional regulations of the district in which it is located.
- 7.5.3. Shelters that are placed completely underground do not have to comply with the area and dimensional regulations of the district in which it is located.
- 7.5.4. A shelter, above ground or underground, shall not be erected in any required front yard.

Section 7.6. – Manufactured Homes

All manufactured homes being installed or moved into or within the City of Abbeville shall apply for a Manufactured Home Installation Permit from the Administrative Official to demonstrate compliance with the following requirements prior to occupancy. Any lawfully existing manufactured home not meeting these requirements shall be treated as a nonconforming building and use in accordance with the regulations established in Section 6.4 of this Ordinance.

- 7.6.1. *HUD Seal Requirement:* Prior to installation, each manufactured home shall bear a seal certifying compliance with the Manufactured Home Construction and Safety Standards Act promulgated by the U.S. Department of Housing and Urban Development.

Article 7 – Supplemental Regulations

- 7.6.2. *Age of Manufactured Home:* No manufactured home over ten (10) years of age may be moved into the City or to another location within the City, either on a single lot or in a manufactured home park, without an approved Special Exception from the Board of Zoning Adjustment.
- 7.6.3. *Own or Lease Lot:* Any applicant for a manufactured home not located within a manufactured home park must own the lot of placement or have a minimum two (2) year lease on the lot of placement.
- 7.6.4. *Anchoring Requirement:* All manufactured homes shall be set up, installed, and anchored in full compliance with the requirements of the Alabama Manufactured Housing Commission. Each manufactured home site shall be properly prepared for set up and installation as may be necessary and appropriate to prevent the accumulation of standing water or the drainage of stormwater runoff beneath the manufactured home.
- 7.6.5. *Skirting Requirement:* All manufactured homes shall be skirted with a weather-resistant material which resembles siding materials commonly found on a single-family dwelling. Exterior siding should not have a high-gloss finish and should be residential in appearance, including, but not limited to, clapboards such as conventional vinyl or metal siding, wood shingles, shakes, or similar material, but excluding smooth, ribbed, or corrugated metal or plastic panels. Concrete block or brick and mortar foundation walls, constructed in compliance with all applicable building code requirements, shall be the preferred method of skirting. The exterior siding material must extend to the ground, except that when a solid concrete or masonry perimeter foundation is used, the exterior covering material need not extend below the top of the foundation. Where the space beneath a manufactured home that is to be enclosed by skirting is not completely covered by a concrete pad, then a ground vapor retarder of 6 mil rated polyethylene sheeting or greater shall be installed over the entire area enclosed by skirting. All skirting should be adequately vented.
- 7.6.6. *Axles and Tow Bars Removal:* Once a manufactured home has been placed on an individual lot or site, all tow bars and axles shall be removed and stored in a location on the lot where they cannot be seen from the street, neighboring homes, or adjoining properties.
- 7.6.7. *Access to Exterior Entrances:* Immediately after installation and prior to occupation, steps from a landing or porch shall be constructed at each raised exterior entrance or doorway to the manufactured home. At a minimum, the front or main entrance to a manufactured home shall be served by a stairway (at least three feet in width) leading to a landing or porch not narrower than five (5) feet in depth (as measured outward from the exterior of the structure) nor shorter than eight (8) feet in length (centered along the entranceway) and containing a railing along all exterior edges of the landing and stairway. A stairway (at least three feet in width) with exterior railings shall be erected at all other entrances to the manufactured home. All required stairways and landings/porches shall be constructed of pressure treated wood or brick materials, or

Article 7 – Supplemental Regulations

some combination of both. Required railings may be constructed of pressure treated wood or metal materials.

- 7.6.8. *Sanitary Facilities:* Each manufactured home shall contain at least one shower or tub, a flush toilet, a lavatory, hot and cold running water, and a central source of heat for the occupants thereof.
- 7.6.9. *Landscaping:* All manufactured homes shall be landscaped in a manner consistent with other adjoining residential home sites in the area or neighborhood. At a minimum, ornamental shrubs shall be applied along the front yard foundation or skirting of each manufactured home.
- 7.6.10. *Orientation:* Each manufactured home shall be oriented on the lot so that it meets all setback and area requirements of the zoning district. Wherever possible, the unit shall be located with its long axis parallel with the street.
- 7.6.11. *Minimum Width:* Each manufactured home shall be at least 12 feet in width.
- 7.6.12. *Fuel Storage Facilities:* All fuel oil supply systems serving a manufactured home shall be constructed and installed within the foundation wall or underground in accordance with all applicable building and safety codes, except that any bottled gas tanks may be fenced or screened as not to be clearly visible from the street or abutting properties.
- 7.6.13. *Number allowed:* Not more than one (1) manufactured home shall be permitted on any individual lot that is not located within a manufactured home park.
- 7.6.14. *Use Limitations:* No manufactured home may be used for any purpose other than as regulated for residential use herein except in a nonresidential zoning district as provided below:
- (a) As an office and storage for parts at a legally licensed manufactured home sales lot by the owner, real estate office, or sales office.
 - (b) A temporary construction office or a temporary residence at a construction job site provided that such use shall cease when a certificate of occupancy is issued.
 - (c) Campaign headquarters, to be removed immediately after election day.
 - (d) Showing of exhibits or special products for a period not to exceed 14 days.
 - (e) For special sales or promotions by civic or nonprofit organizations, to be removed on a specified date.
 - (f) For temporary or seasonal uses in applicable zoning districts.

Section 7.7. – Manufactured Home Parks

Approval of a Manufactured Home Park requires submission and approval of a Development Plan by the Planning Commission in accordance with Article 11 of this Ordinance. All manufactured home parks shall comply with the following minimum standards:

- 7.7.1. *Park Site:* A manufactured home park site shall contain a minimum area of three (3) acres and have at least 100 feet frontage upon a public street.
- 7.7.2. *Allowable Manufactured Homes:* Only approved permitted manufactured homes, as specified in Section 7.6, are allowed in a Manufactured Home Park.
- 7.7.3. *Park Administration:* Manufactured home parks shall have a resident manager, or similar officer, who shall be the agent of the owner(s) with responsibility for the enforcement of park rules and regulations.
- 7.7.4. *Area and Dimensional Requirements for Manufactured Home Spaces:*
 - (a) Minimum Area: 5,000 square feet.
 - (b) Minimum Width: 50 feet.
 - (c) Minimum Depth: 80 feet.
 - (d) Minimum Yard Size: 25 feet from any park property boundary line; 15 feet from other lot line; 20 feet from an internal street; no manufactured home shall be closer than 30 feet to any other manufactured home.
- 7.7.5. *Buffer / Screening Requirements:* A 15-foot minimum buffer around the perimeter of the manufactured home park shall be provided and maintained. A fence between six (6) and eight (8) feet in height shall be erected and maintained along the side and rear boundaries of the manufactured home park.
- 7.7.6. *Off-Street Parking:* Each designated manufactured home space shall provide at least two (2) paved parking spaces. All off-street parking spaces shall have access to an interior roadway within the park. No direct access shall be allowed between manufactured home spaces and any exterior street.
- 7.7.7. *Park Streets:* Manufactured homes within a manufactured home park shall front upon an interior roadway having a minimum right-of-way of 50 feet, and a paved surface of at least 24 feet in width. This interior roadway shall be an all-weather surface of concrete or asphalt and built to City standards. The Planning Commission may require wider streets when deemed necessary for safety and circulation.
- 7.7.8. *Street Lighting:* Street lighting shall be provided throughout the park with lighting units so spaced and equipped with luminaries placed at such heights as will provide an average

luminance of four (4) lumens per square meter reaching the ground surface, and the luminance ratio shall be set at a maximum of six (6) to one (1). Light shall be directed downward.

7.7.9 *Site Drainage:* A manufactured home park shall be located on a well-drained piece of property, and shall be graded to ensure adequate treatment of surface water runoff.

7.7.10. *Utilities / Public Services:*

- (a) **Sewer:** A sanitary sewer collection system shall be extended to every manufactured home space. The connection from each shall be made under and/or within five (5) feet of the manufactured home, and shall be equipped with a seal. If a Manufactured Home Park cannot be connected to the sanitary sewer system, Health Department approval shall be required to determine appropriate sewage disposal.
- (b) **Water:** Every manufactured home space shall be provided with an individual branch service line with a minimum diameter of $\frac{3}{4}$ inches, and delivering potable water. A cut-off shall be installed on each branch, as well as a back flow prevention device approved by a nationally recognized testing agency. All connections to the water distribution system shall be under, and/or within five (5) feet of the manufactured home. Each lot shall have a water meter; and the service line from the meter to the manufactured home shall be buried a minimum depth of 12 inches in the ground.
- (c) **Electrical:** Every manufactured home space within the park shall be provided with individual electrical service. Each service shall be mounted on a treated wooden pole or a metal pedestal; and shall be equipped with a circuit breaker, or a switch and fuses, housed in a panel approved for exterior use. The power supply wiring from the service to the manufactured home shall be of a direct burial type, properly sized, and buried in the earth from the service to a connection point underneath the individual manufactured home. The supply cable shall be encased in metal or plastic pipe and buried to the depth required by City regulations. A primary service line shall not be located across the top of any manufactured home.
- (d) **Natural Gas:** Any natural gas service provided to a manufactured home space shall be installed conforming to the rules and regulations of the Southeast Alabama Gas District (SEAGD) guidelines and the City of Abbeville.
- (e) **Sanitation Disposal:** Every manufactured home space within the park shall have two designated spaces for city refuse cans. Regular garbage and refuse pick-up service shall be provided by the City of Abbeville.
- (f) **Fire Protection:** A fire hydrant must be within 1,000 feet of any manufactured home within the park, or provide adequate fire protection, as certified by the Fire Chief.

7.7.11. *Accessory Uses Allowed:*

- (a) Clubhouse, laundry, swimming pool, and other similar facilities for the common use of the residents of the park.
- (b) No more than one (1) caretaker dwelling unit of conventional construction, containing at least 600 square feet of floor space.
- (c) Storage areas for boats, recreational vehicles, and other types of vehicles that exceed 30 feet in length shall be fenced and landscaped. Storage of such vehicles shall not be allowed upon individual manufactured home spaces or on the internal roads of the park.

7.7.12. *Permitted Interests:* Manufactured home parks shall not be platted or otherwise divided for fee simple ownership; however, the sale of interests or memberships on a condominium basis is permitted. All facilities, including roads, shall be privately owned, or owned in common by the residents of the park, and shall not occupy parcels of land which are deeded separately from the common facilities within the park.

7.7.13. *Manufactured Home Spaces:* Manufactured home spaces shall be clearly staked or otherwise identified; and shall have a permanent marker giving a number and/or letter of a minimum height of three (3) inches so that they may easily be read from the interior roadway. All individual utility meters shall also be numbered for easy identification by service personnel.

7.7.14. *Installation Requirements:* All manufactured homes shall be set up, installed, and anchored in conformance with the standards of the Alabama Manufactured Housing Commission. Each manufactured home site shall be properly prepared for set up and installation as may be necessary and appropriate to prevent the accumulation of standing water or the drainage of storm water runoff beneath the manufactured home.

7.7.15. *Skirting Requirements:* All manufactured homes shall be skirted with a weather-resistant material which resembles siding materials commonly found on a single-family dwelling. Exterior siding should not have a high-gloss finish and should be residential in appearance, including, but not limited to, clapboards such as conventional vinyl or metal siding, wood shingles, shakes, or similar material, but excluding smooth, ribbed, or corrugated metal or plastic panels. Concrete block or brick and mortar foundation walls, constructed in compliance with all applicable building code requirements, shall be the preferred method of skirting. The exterior siding material must extend to the ground, except that when a solid concrete or masonry perimeter foundation is used, the exterior covering material need not extend below the top of the foundation. Where the space beneath a manufactured home that is to be enclosed by skirting is not completely covered by a concrete pad, then a ground vapor retarder of 6 mil rated polyethylene sheeting or greater shall be installed over the entire area enclosed by skirting. All skirting should be adequately vented.

7.7.16. *Storm Shelter*: Storm shelters are recommended, but not required in a manufactured home park. If a manufactured home park installs storm shelters, the following guidelines shall be followed.

- (a) Every manufactured home park of ten (10) or more spaces shall be provided with above- or below-grade storm shelters, which shall:
 1. Have a minimum floor area of seven (7) square feet for each manufactured home space in said manufactured home park.
 2. Be designed by a licensed structural engineer or architect and built in accordance with plans as approved by the Administrative Official.
 3. Be designed and constructed to meet all Federal Emergency Management Agency (FEMA) requirements.
 4. Be designed and constructed to meet all City codes, where applicable.
 5. Be designed and constructed to meet all applicable requirements of the Americans with Disabilities Act (ADA).
 6. Be located no farther than 1,320 linear feet from the furthest manufactured home space in the park.
- (b) The manufactured home park owner shall be responsible for making the storm shelter accessible and usable in times of need. It is unlawful for any required storm shelter to be used for storage purposes if such storage reduces the minimum floor area available for shelter of persons below the requirements of this subsection.
- (c) For any addition of ten (10) or more manufactured home spaces, a storm shelter complying with this subsection shall be provided. For any addition of fewer than ten (10) manufactured home spaces to an existing manufactured home park, there is no requirement that an additional shelter be provided to serve such additional spaces. However, when two (2) or more such additions of fewer than ten (10) manufactured home spaces result in a cumulative addition of ten (10) or more manufactured home spaces, a storm shelter which complies with the requirements of this subsection shall be provided to serve such additional spaces.
- (d) Any manufactured home park of ten (10) or more manufactured home spaces, which has an existing above- or below-grade storm shelter as of the effective date of this Ordinance, which does not conform to the requirements of this subsection, shall be deemed a nonconforming manufactured home park with regard to these requirements and may continue to exist for so long as said existing shelter remains in place and usable; provided, however, any manufactured home spaces added to such community after such effective date shall require storm shelters as provided herein.

Section 7.8. – Recreational Vehicle (RV) Parks

Approval of a recreational vehicle (RV) park requires submission and approval of a Development Plan by the Planning Commission and shall be considered a conditional use subject to City Council approval, as outlined in Article 11 of this Ordinance. All RV parks shall comply with the following minimum standards:

Article 7 – Supplemental Regulations

- 7.8.1. *RV Park Site:* All RV park sites shall contain a minimum of three (3) acres and have direct access to a county, state, or federal highway with a minimum width of 50 feet and shall not direct traffic into adjacent residential areas.
- 7.8.2. *RV Park Spaces:* Each RV park individual vehicle space shall be at a minimum 30 feet in width and 70 feet in depth with a paved pad. Each vehicle space shall be no closer than 20 feet to any other vehicle space and no closer than 30 feet to any public street right-of-way.
- 7.8.3. *RV Park Administration:* All RV parks shall have a resident manager, or similar officer, who shall be the agent of the owner(s) with responsibility for the enforcement of park rules and regulations.
- 7.8.4. *Length of Stay:* The placement of a recreational vehicle for occupancy longer than 30 days shall not be permitted.
- 7.8.5. *Restroom / Bathing Facilities:* All RV park sites shall provide on-site toilet and bathing facilities for the use of tenants of the RV park. These facilities shall consist of at least one (1) lavatory, one (1) water closet, and one (1) shower stall, one (1) of each provided and distinctly marked for each gender for each ten (10) recreational vehicle spaces in the RV park. These facilities shall be connected to a water distribution and sanitary sewer collection system. Such establishments shall be restricted in their use to occupants of the RV park.
- 7.8.6. *Sanitation Disposal:* All RV parks shall provide an accessible watertight, rodent-proof container within 150 feet of any recreational vehicle space. Trash shall be removed a minimum of once per week.
- 7.8.7. *Water Supply:* All RV parks shall provide an accessible, adequate, potable water supply to each recreational vehicle space.
- 7.8.8. *Sewage Disposal:* Sewage disposal facilities at all RV parks shall be provided by one of the following methods:
- (a) Each vehicle space is provided with an individual connection to the sanitary sewer collection system. In such cases, the system shall accommodate a sewage flow of at least 100 gallons per recreational vehicles space per day; or
 - (b) If a connection to the sanitary sewer system is not possible, Health Department approval shall be required to determine appropriate sewage disposal.
- 7.8.9. *Second Party Rental:* There shall be no recreational vehicles available for second party rental within any RV park.

Article 7 – Supplemental Regulations

7.8.10. *Camping*: Camping tents within any RV park are limited to recreational vehicle occupants within the individual vehicle site. Campfires are prohibited.

7.8.11. *Security Lighting*: A security light shall be provided for each ten (10) recreational vehicles spaces.

7.8.12. *Grilling Area*: There shall be no grilling within a recreational vehicle space. All RV parks shall provide permanent grilling sites for the use of tenants of the RV park.

Section 7.9. – Townhouse Complexes

Approval of a townhouse complex requires submission and approval of a Development Plan in accordance with Article 11 of this Ordinance. All townhouse complexes shall comply with the following additional standards:

7.9.1. *Development Site*:

(a) Townhouse complex sites shall contain a minimum area of one and one-half (1 ½) acres and have at least 100 feet frontage upon a public street.

(b) No townhouse building shall contain less than three (3) or more than ten (10) townhouse units that are contiguous with the same front line.

7.9.2. *Covenants and Deed Restrictions*: A copy of all proposed covenants and deed restrictions shall accompany the Development Plan and must show all land held in undivided common interest.

7.9.3. *Yard Requirements*:

(a) The end of the building in any grouping shall conform to the side yard requirements of the applicable district.

(b) All other yard requirements in any grouping shall conform to the regulations of the applicable district.

(c) No more than 50 percent of the lot area shall be occupied by buildings.

7.9.4. *Parking Requirements*: Off-street parking shall be provided at the rate of two spaces per townhouse unit. So far as reasonably practical, off-street parking facilities shall be provided on the individual townhouse lots or grouped in bays in the interior of blocks. No off-street parking space shall be more than one hundred (100) feet by the most direct pedestrian route, from a door of the townhouse unit it intends to serve.

7.9.5. *Sewage Disposal*: Each townhouse complex shall be required to connect to the sanitary sewer collection system. No other means of waste disposal shall be permitted.

Article 7 – Supplemental Regulations

7.9.6. *Sanitation Disposal*: Each townhouse complex shall provide adequate on-site containers for the collection of household garbage generated by residents. All garbage containers shall be placed and kept within three- or four-sided enclosures with walls at least four (4) feet high to provide proper screening.

7.9.7. *Other Requirements*: All other requirements within the district in which the townhouse complex is located shall prevail.

Section 7.10. – Group Homes

Approval of a group home shall be considered a conditional use subject to City Council approval, as outlined in Article 11 of this Ordinance

7.10.1. A group home may be conducted in a building other than a single-family dwelling, provided the group home conforms to the area and dimensional regulations applicable to the zoning district.

7.10.2. Where applicable, the group home shall provide evidence that it will operate in compliance with any State licensing requirements.

Section 7.11. – Agricultural Activities / Farms

The following requirements shall apply to agricultural activities and/or farms in permitted districts:

7.11.1. Agricultural activities shall be located on a site containing at least ten (10) acres in area.

7.11.2. No structure containing poultry or livestock and no storage of manure, odor, or dust producing substance or use shall be located within 200 feet of a property line; provided, however, any such structure existing at the time of passage of this Ordinance shall be allowed to extend to the existing building line, but no closer to the property line than any existing portion of such structure.

7.11.3. All livestock shall be kept in a stable, kennel, or similar structure.

7.11.4. Fowls are allowed for personal use on sites less than ten (10) acres, provided all other district requirements are met.

Section 7.12. – Cemeteries

The following requirements shall apply to cemeteries:

7.12.1. Any proposed new cemetery shall be considered a conditional use and shall be subject to City Council approval, as outlined in Article 11.

Article 7 – Supplemental Regulations

- 7.12.2. The site proposed for a cemetery shall not interfere with the development of a system of collector or larger streets in the vicinity of such site. In addition, such site shall have direct access to a street.
- 7.12.3. Any new cemetery shall be located on a site containing at least twenty (20) acres.
- 7.12.4. All structures shall be set back at least twenty-five (25) feet from any property line or non-collector or arterial street right-of-way line.
- 7.12.5. All graves or burial lots shall be set back at least twenty-five (25) feet from any property line or non-major highway right-of-way line, and at least fifty (50) feet from any collector or arterial street right-of-way line.
- 7.12.6. The entire cemetery property shall be landscaped and maintained.
- 7.12.7. Any extension of an existing cemetery application must be appealed to the Board of Zoning Adjustment, as outlined in Article 13.

Section 7.13. – Automobile Convenience Stations

Approval of an automobile convenience station requires submission and approval of a Development Plan in accordance with Article 11 of this Ordinance. The following requirements shall apply to automobile convenience stations in permitted districts:

- 7.13.1. *Location:* The property on which an automobile convenience station is located shall not be within 100 feet of any residential district, or any property containing a school, public playground, church, hospital, public library, or institution for children or dependents.
- 7.13.2. *Site Requirements:* An automobile convenience station shall have a minimum street frontage of 120 feet and a minimum area of 12,000 square feet. All building shall be set back 40 feet from all street right-of-way lines and all canopies shall be set back 15 feet from all street right-of-way lines.
- 7.13.3. *Access to Site:* Vehicular entrances or exits at an automobile convenience station:
- (a) Shall not be provided with more than two (2) curb cuts for the first 120 feet of street frontage or fraction thereof.
 - (b) Shall contain an access width along the curb line of the street of less than 40 feet as measured parallel to the street at its narrowest point and shall not be located closer than 20 feet to a street intersection or closer than ten (10) feet to an adjoining property.
 - (c) Shall not have any two (2) driveways, or curb cuts, any closer than 20 feet at both the right-of-way line and the curb or edge of the pavement along a single street, including a major highway.

7.13.4. *Gasoline pump islands:* All gasoline pump islands shall be set back at least 15 feet from the right-of-way line; or where a future widening line has been established, the setback line shall be measured from such line, and where pump islands are constructed perpendicular to the right-of-way line. However, the pumps shall be at least 60 feet from the centerline of an arterial street, 55 feet from the centerline of a collector street, and 45 feet from the centerline of other streets.

7.13.5. *Off-Street Parking:* A minimum of two (2) off-street parking spaces are required, with an additional off-street parking space for each lubrication or wash bay.

7.13.6. *Other Site Improvements:* In addition to the above requirements, the following additional site improvements shall be adhered to:

- (a) A raised curb of at least six (6) inches shall be erected along the street property lines, except for driveway openings.
- (b) A solid fence or wall six (6) feet in height shall be erected along all adjacent property lines facing any adjacent residential lot.
- (c) Exterior lighting shall be arranged to deflect away from adjacent properties.
- (d) Signs, whether permanent or temporary, shall not be placed within the public right-of-way and shall be arranged to not obstruct visibility for drivers or pedestrians.
- (e) All driveways, parking storage, and service areas shall be paved and curbed and a good strand of grass shall be maintained on the remainder of the lot.

7.13.7. *Storage of Inflammable Products:* Outside above ground tanks for the storage of gasoline, liquefied petroleum gas, oil, or other inflammable liquids or gases shall be prohibited at any automobile convenience stations in all allowed zoning districts.

Section 7.14. – Junkyards / Scrap Operations

Approval of junkyards / scrap operations shall be considered a conditional use subject to City Council approval, as outlined in Article 11 of this Ordinance

7.14.1. No automobile scrap operation or junkyard shall be established closer than 300 feet to a residential district.

7.14.2. All outdoor storage of salvage operations shall be completely contained within a fence or wall between six (6) and eight (8) feet in height. Such fence shall be designed in accordance with Section 5.6.3.

7.14.3. Storage of wrecked automobile, junk, or salvaged materials shall not exceed the height of the required screen fence or wall.

Section 7.15 – Truck Stop / Travel Plaza

Approval of a truck stop / travel plaza requires submission and approval of a Development Plan by the Planning Commission and shall be considered a conditional use subject to City Council approval, as outlined in Article 11 of this Ordinance. The following requirements shall apply to truck stop / travel plaza developments in permitted districts:

7.15.1. *Minimum Parcel Area and Location:* The minimum parcel area for establishment of a new truck stop or travel plaza is ten (10) acres with at least two hundred (200) feet of direct road frontage on a major highway, as defined in Article 2 of this Ordinance.

7.15.2. *Fueling Stations:* Fueling areas for automobiles and fueling areas for trucks and similar commercial vehicles must be separated.

7.15.3. *Indoor Operations:* All activities and operations shall be conducted entirely within an enclosed structure, except as follows:

- (a) The dispensing of petroleum products, water, and air from pump islands.
- (b) The provision of emergency service of a minor nature.

In addition, no vehicle shall be parked on the premises for the purposes of offering the vehicle for sale and no used or discarded automotive parts or equipment or non-operating vehicles shall be located in any open area.

7.15.4. *Buffer:* There shall be a 15 foot wide landscaped buffer area that otherwise meets the specifications of **Section 10.9**.

7.15.5. *Lighting:* Outdoor lighting standards shall be fully shielded, shall not exceed a height of 25 feet, and shall be deflected away from adjacent properties.

Article 8 - Off-Street Parking and Loading Regulations

Section 8.1. – Purpose

The regulations contained in this article are intended to provide off-street parking and loading facilities to reduce street congestion and potential traffic hazards in land uses within the City.

Section 8.2. – General Regulations

- (a) The requirements of this article shall apply to all parking and loading areas in all districts, with the exception of the B-3 Central Business District zone where on-street parking is permitted, unless otherwise provided herein. In situations where the required number of parking spaces is not readily determinable by Table 8.1, the administrative official is authorized to determine the parking space requirements using the table as a guide.
- (b) All off-street parking and loading facilities shall be located entirely off of street rights-of-way and provided with vehicular access to a public right-of-way and shall be equal to the minimum requirements for the specific land use set forth, unless otherwise provided herein.
- (c) The provision for and maintenance of off-street parking and loading facilities herein required shall be the joint responsibility of the operator and owner of the land, building, structure, or use on which is located the use for which off-street parking facilities are required.
- (d) Handicapped parking spaces shall be provided and designed in accordance with the applicable provisions of the Americans with Disabilities Act (ADA) and/or City Building Code.
- (e) Areas reserved for off-street parking in accordance with the requirements of this ordinance shall not be reduced in area or changed to any other use unless the permitted use which it serves is discontinued or modified, except where equivalent parking space is provided to the satisfaction of the Board of Zoning Adjustment.
- (f) Off-street parking existing at the effective date of this ordinance in connection with the operation of an existing building or use shall not be reduced to an amount less than hereinafter required for a similar new building or use.

Section 8.3. – Storage and Parking of Commercial Vehicles, Recreational Vehicles, Boats, and Trailers in Residential Areas

The intent of this section is to regulate the use of commercial vehicles within residential zoning districts. Residential areas typically have streets designed for local access of passenger-type vehicles. Due to size and/or weight, commercial vehicles often have difficulty maneuvering or parking on residential streets without causing damage to the street surface or impeding sight distance.

Article 8 – Off-Street Parking and Loading Regulations

Commercial vehicles and trailers of all types, including recreational vehicles, boats, and other camping or hauling vehicles, shall not be parked or stored on any lot, street, alley, or public right-of-way in any residential district, except in accordance with these requirements:

- (a) No solid waste collection vehicle, tractor truck or tractor truck/semitrailer or tractor truck/trailer combination, dump truck, concrete mixer truck, towing and recovery vehicle, or any heavy construction equipment, or any commercial vehicle used for hauling explosives, gasoline, or liquefied petroleum products shall be permitted to park in a residential district.
- (b) No recreational vehicle, hauling trailer, utility trailer, boat, boat trailer, or commercial vehicle shall be parked or stored in the front yard; or the side yard on corner lots that abut a public right-of-way or upon the right-of-way.
- (c) Vehicles, including recreational vehicles, and travel trailers, shall not be used as temporary or permanent living quarters, with the following exceptions:
 - (1) Temporary placement within a recreational vehicle park, as authorized in Section 7.8 of this Ordinance.
 - (2) Temporary placement, due to extenuating circumstances beyond the occupant's control, such as a house fire or similar hardship. A permit shall be requested from the Administrative Official for a defined period of time, not to exceed one year.
- (d) A non-operating vehicle shall not be permitted to be located on lots with residential structures.

Section 8.4. – Parking Structure Requirements and Limitations

- (a) Each off-street parking space shall be at a minimum nine (9) feet width by twenty (20) feet length with a minimum net area of 180 square feet, exclusive of access or maneuvering area, ramps, and similar features.
- (b) Stacking spaces, for aisles intended to serve drive-in / take-out windows or similar types of activities, shall be at a minimum ten (10) feet in width and twenty (20) feet in length and be separate from parking aisles and spaces.
- (c) All required parking spaces shall be located on the same lot as the use served by the parking, except as provided below:
 - (1) If the number of required parking spaces cannot be feasibly provided on the same lot as the served use, remote parking may be permitted by Special Exception if within 600 feet of the property line of the parcel in use and located within a zoning district where off-street parking facilities are permitted. Such remote parking space shall be associated with the permitted use and shall not thereafter be reduced or encroached upon in any manner. Such Special Exception requires written legal documentation that the user of such remote space has the right to such space.

Article 8 – Off-Street Parking and Loading Regulations

(2) Uses that meet the requirements of Shared Parking conditions, as described in Section 8.5.

(d) Limitations on use of parking lots include:

(1) It shall be unlawful for any person, firm, or corporation to use private property for vehicle parking without the express consent, authorization, or ratification of the owner, or other authorized agent, of the property.

(2) Off-street parking areas are intended only for temporary vehicle parking for public safety by keeping parked cars off the streets. Except when land is used as storage space in connection with the business of automobile repair or service station, use of parking areas or open land is not permitted for the storage or parking or wrecked or junked cars, or for creating a junk yard or nuisance in the area.

(3) Parking lots and loading areas shall not be used for the storage of trucks or trailers, except for uses approved for this in B-2 or M-1 districts. Overnight parking or storage of commercial vehicles shall be prohibited, except for uses and locations approved for vehicle storage. Illegally parked vehicles shall be towed at the owner's expense.

Section 8.5. – Shared Parking

In meeting the requirements of this section, adjacent land uses, or sites, may share parking under the following conditions and standards, subject to approval by the Planning Commission:

(a) With an approved Shared Parking Agreement, required parking may be reduced 15% from the cumulative amount of the uses sharing the parking on the lot.

(b) If individual landowners agree to share parking, a written agreement between the various property owners providing for cross-access easements and stipulating that only those buildings, structures, or units shown on the development plan may share parking.

(c) In the case of a single owner, an overall shared parking plan for the properties or development sites may be submitted with the application for development plan approval. Only those buildings, structures, or units shown on the development plan may participate in the shared parking agreement.

(d) Should there be a change in the number of structure or units within any individual development or location, which is bound by a shared parking agreement or plan, the shared parking agreement shall be subject to the review and approval of the administrative official, or at their discretion, the review and approval of the Planning Commission.

Section 8.6. – Construction and Maintenance

Article 8 – Off-Street Parking and Loading Regulations

Off-street parking facilities shall be constructed, maintained, and operated in accordance with the following specifications:

- (a) Parking spaces, with the exception of single-family and duplex dwelling units, shall be delineated by striping or similar techniques, indicating their location and maintained in good condition.
- (b) All parking spaces, including driveways and maneuvering areas, shall be hard surfaced with concrete or plant bituminous materials and shall be maintained in a dustproof condition, with natural landscaping maintained on the remainder of the lot.
- (c) Drainage in parking areas shall direct storm water toward adequate drainage channels. Parking areas of twenty (20) or more spaces are recommended to provide on-site storm water detention to mitigate the sudden discharge of high volumes of storm water into the public drainage system. Drainage plans may be subject to approval by the Planning Commission.
- (d) Boundary or perimeter areas shall be provided with a raised curb of at least six (6) inches, so located that no part of a parked vehicle will extend beyond the property line of the parking area.
- (e) Any parking facilities abutting residential districts shall establish a buffer at least eight (8) feet in width with plantings at least six (6) feet in height adjacent to the residential districts.
- (f) Lighting facilities shall be arranged so that they do not unreasonably disturb occupants of the site or of adjacent residential properties or interfere with traffic.
- (g) Parking areas shall be provided with entrances and exits so located as to minimize traffic congestion and backing onto a public street, as well as adequately providing access for sanitation, emergency, and other public service vehicles.
- (h) To the maximum extent feasible, site plans for proposed developments shall separate movement of pedestrians from movement of vehicles and bicycles, and protect bicyclists from conflicts with vehicles.

Section 8.7. – Calculating Parking Requirements

The minimum number of parking spaces required is based on the type of use. To determine the minimum number of parking spaces required, locate the applicable standard based on the uses in Table 8.1 below.

- (a) Unless a specific use is listed, the required number of parking spaces shall be the sum of the combination of uses on the lot.
- (b) If the calculation of required spaces results in a fraction of a parking space, the number shall be rounded up to the nearest whole number.

TABLE 8.1 – MINIMUM PARKING SPACES REQUIRED			
Residential Uses			
Use	Spaces Required per square foot (sf) GFA	Stacking Space	Other Standards
Dwelling, Accessory Unit	1 per dwelling unit		
Dwelling, Duplex	2 per dwelling unit		
Dwelling, Manufactured Home, Single-Family	2 per dwelling unit		
Dwelling, Multi-Family / Townhouse	1.5 per dwelling unit plus 1 per employee		
Dwelling, Single-Family	2 per dwelling unit		
Public Assembly			
Use	Spaces Required per square foot (sf) GFA	Stacking Space	Other Standards
Cultural Center (Library, Museum)	1 per 500 sf GFA		
Funeral Home	5 per parlor chapel unit, or 1 per 4 seats, whichever is greater		
Indoor Assembly (Religious Facility, Auditorium, Arena)	1 per 4 seats in main auditorium or sanctuary		
Indoor Recreation Facility without Fixed Seating: Bowling Alley Other (Skating Rink, Exhibition Hall, Poolroom)	4 per bowling lane 1 per 200 sf GFA		
Outdoor Recreation: Golf Course Golf Driving Range Miniature Golf Other	5 per hole 1 per tee 1 per tee 1 per 3 persons maximum occupancy		
Private Club / Lodge / Fraternal Buildings (not providing overnight accommodations)	1 per 5 active members		
School (Daycare, K-12, College, Vocational)	1 per 4 seats in assembly facility, or 1 per employee, whichever is greater		Plus 5 per classroom for high school or college facility
Health Facilities			
Use	Spaces Required per square foot (sf) GFA	Stacking Space	Other Standards
Animal Hospital / Veterinarian	1 per 300 sf GFA		
Hospital / Assisted Living Facility / Nursing Home	1 per 4 beds		Plus 1 per employee

Article 8 – Off-Street Parking and Loading Regulations

TABLE 8.1 – MINIMUM PARKING SPACES REQUIRED (Continued)			
Medical Clinic	1 per 200 sf GFA		
Commercial/Office			
Use	Spaces Required per square foot (sf) GFA	Stacking Space	Other Standards
Automobile Convenience Station (w/ Gas Sales)	1 per 200 sf GFA	3 per car wash lane	Pump spaces shall not be included
Automobile Repair / Service Station	1 per employee plus 1 per 250 sf GFA	1 per service bay	
Automobile Sales / Leasing	1 per 1,000 sf GFA	1 per service bay	
Automobile Wash (Automated)	1 per employee	3 per lane	
Automobile Wash (Self-Service)	1 per stall		
Commercial Lodging (Bed and Breakfast, Hotel, Motel, Rooming House)	1 per room plus 1 per employee		Parking for accessory uses in accordance with applicable standard
Office, including Bank and Government (not including Medical Clinic)	1 per 300 sf GFA, plus 1 per 500 sf upper floor area	4 per teller lane for office w/ drive-through	
Open Air Market (Produce Stand / Nursery)	1 per 500 sf display area		Plus 1 per employee
Retail, General (Grocery Store, Personal Care, Other)	1 per 200 sf floor area for retail sales		
Retail, Shopping Center : Under 100,000 sf GFA 100,000 + sf GFA	1 per 200 sf GFA 1 per 250 sf GFA		
Recreational Vehicle (RV) Park	1 per space		Plus 1 per employee
Restaurant / Bar / Tavern / Similar Uses	1.25 per 4 seats	5 per lane for drive-through	
Manufacturing/Industrial			
Use	Spaces Required per square foot (sf) GFA	Stacking Space	Other Standards
Industrial / Manufacturing	1 per 1.5 employees		Plus 1 per company vehicle stored on site
Public Use, Utilities	Parking area 25% of GFA		
Self-Service Storage	1 per 200 sf GFA in office		24 ft minimum building separation
Warehouse / Wholesaling	1 per 50 sf customer service area, plus 1 per 1.5 employees		Plus 1 per company vehicle stored on site

NOTE: GFA is Gross Floor Area.

Section 8.8. – Off-Street Loading Requirements

All nonresidential structures and uses shall provide and maintain adequate off-street space for the loading and unloading of materials or goods, and for delivery and shipping, so that such operations can be accomplished without encroaching upon or otherwise interfering with the use of public streets, alleys, and sidewalks by pedestrians and vehicles.

- (a) **Size of Spaces:** Each loading space shall be at a minimum twelve (12) feet width by fifty-five (55) feet length, exclusive of access or maneuvering area, ramps, and similar features. Each space shall allow vertical clearance of fourteen (14) feet. Upon sufficient demonstration that a particular loading space will be used exclusively by shorter trucks, the Board of Adjustment may reduce the minimum length to a minimum of thirty-five (35) feet.
- (b) **Connection to Street or Alley:** Each required off-street loading space shall have direct access to a street or alley or have a driveway that offers satisfactory access for trucks.
- (c) **Number of Loading Spaces:** There shall be provided for each land use requiring the receipt or distribution of materials and merchandise, at least one (1) off-street loading space for each 10,000 square feet of floor space or fraction thereof. For uses with under 10,000 square feet of floor space, a full loading space is not required if a full space is shared with an adjacent establishment.
- (d) **Loading Space Restrictions:** No loading space shall be used to meet off-street parking requirements, interfere with the on-site circulation of traffic, nor allow a truck to extend into any right-of-way or over any property line.
- (e) **Yard Requirements:** No loading space shall be located within the front yard or within five (5) feet of any property line.
- (f) **Sharing of Loading Space:** Joint or combined off-street loading space for two (2) or more buildings on the same lot can be provided as long as the amount of such combined off-street space is equal in size and capacity to the combined requirements of the several buildings to be served.
- (g) **Loading Space in Development Plans:** Plans for buildings or uses requiring off-street loading facilities as stipulated above shall clearly indicate the location, dimensions, clearances and access of such required off-street loading facilities.
- (h) **Permanent Reservation:** Areas reserved for off-street loading in accordance with this ordinance shall not be reduced in area or changed to any other use unless the permitted use which is served is discontinued or modified, except where equivalent loading space is provided and approved by the Board of Zoning Adjustment.

Section 8.9. – Change in Parking and Loading Requirements

Whenever there is an alteration of a structure, an expansion in use, or a change in use that requires off-street parking and loading facilities, the site shall conform to the off-street parking and loading standards of this Article.

Article 9 – Signs

Section 9.1. – Purpose

The regulations contained in this article shall provide uniform standards and regulations in order to ensure the public safety and welfare, convenience, and enjoyment of the general public.

Section 9.2. – Scope

- 9.2.1. Promote a positive city image reflecting order, harmony and pride, and thereby strengthening the economic stability of the City of Abbeville’s business, cultural, historical, and residential areas.
- 9.2.2. In the consideration of these regulations, it is determined that signs with a commercial or non-commercial message are a proper use on private property having the function of identifying businesses, services, residences, events, and other matters of public interest.
- 9.2.3. Signs shall be regulated according to standards for the number, size, height, spacing, and illumination in the interest of the public safety and welfare and promote a higher aesthetic and visual character in all areas of the city.
- 9.2.4. Nothing in these regulations is intended to inhibit an individual’s right to express non-commercial messages protected by the First Amendment to the Constitution of the United States.
- 9.2.5. The requirements of these regulations shall apply to all signs, sign structures, awning, and other types of sign devices located in the city except:
 - (a) Signs that cannot be seen from the public roadway and are located entirely on private property.
 - (b) Signs that are located in any existing or future overlay district or planned unit development are subject to the requirements or restrictions established in those regulations.

Section 9.3. – Severability

Should any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this Article be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this Article.

Section 9.4. – Signs Not Needing a Permit

The following signs may be erected without a sign permit and are not included in the determination of allowable numbers, type, area, illumination of signs, etc. Nothing in this section shall exempt an individual, who desires to erect a sign from the necessity of obtaining a building permit, should such be required by the adopted building code. Signs permitted by this Section must conform to the standards enumerated and shall not be placed or constructed in a way that creates a hazard of any kind. Exemption from permitting shall not relieve the owner of the sign from responsibility for ensuring its erection, placement, and maintenance in accordance with other provisions of this Ordinance. Signs allowed without a permit shall be limited to the following:

- 9.4.1. Any sign required to be maintained or posted by law or governmental order, rule, or regulation.
- 9.4.2. Public signs erected by the federal, state, or local government, or a governmental entity so long as they do not contain logos or text advertising a commercial product or activity.
- 9.4.3. Address numbers complying with **Section 6.7** of this Ordinance.
- 9.4.4. Flags or insignia of any government, religion, association, fraternal order, charitable organization, academic, corporate, sporting, or civic organization except when displayed in connection with commercial promotions. Flags of the United States must be flown in a manner that meets U.S. Congressional protocol (see United States Code, Title 36, Chapter 10).
- 9.4.5. Normal servicing of previously permitted sign structures, including a change of copy for billboards and a panel change in structures designed to allow changeable copy.
- 9.4.6. Signs indicating date of construction, name of building, principals involved in a building construction, or other historical facts. Historic or memorial markers can be erected by a governmental agency or private, nonprofit historic preservation or education organization. Building-mounted signs shall not exceed six (6) square feet in area. Freestanding signs shall not exceed 16 square feet in area.
- 9.4.7. Directory signs listing the businesses, tenants, or activities conducted within a building or group of buildings may be erected so long as they do not exceed twenty (20) square feet and are limited to one sign per building.
- 9.4.8. Window signs not exceeding twenty-five percent (25%) of the glass area (pane) to which they are applied. Window signs shall be included in the total area allowed.
- 9.4.9. Changing the copy, announcement, or message on a manual reader board.
- 9.4.10. Cleaning, painting, or maintaining a sign that does not otherwise alter the size or height of the sign.

Article 9 – Signs

- 9.4.11. Murals or other forms of public artwork applied directly to a wall or ceiling provided any sponsorship information or logo does not exceed one and one-half (1.5) square feet.
- 9.4.12. Time and temperature signs are permitted on non-residential parcels notwithstanding a general prohibition on animated signs. These signs may only display numerical information related to the time of day and/or temperature and must be kept accurate. They may be freestanding or attached to a building and are subject to any other applicable regulations. They shall not be counted as part of the occupant’s allowable sign area.
- 9.4.13. Signs attached to a vehicle or trailer that is used in the normal day-to-day operation of the business being advertised and serves a useful function in the transportation of persons or commodities from one place to another. Signs attached to a vehicle or trailer and parked at a location other than the registered place of business are prohibited.
- 9.4.14. A sign advertising a home occupation complying with **Section 7.4** of this Ordinance.
- 9.4.15. An on-premise sign giving information or direction for the convenience and necessity of the public, such as “entrance”, “exit”, “no admittance”, “telephone”, “parking”, etc. Such signs shall not exceed three (3) square feet per sign or four (4) feet in height and shall not contain any logos.

Section 9.5. – Prohibited Signs

The following signs are prohibited in all zoning districts, unless indicated elsewhere:

- 9.5.1. Signs erected without a permit, unless otherwise allowed.
- 9.5.2. Window signs exceeding twenty-five (25%) of the glass area (pane) to which they are applied.
- 9.5.3. Signs erected or painted upon a tree, building, or other structure besides a frame for which it was designed.
- 9.5.4. Any sign or sign structure identifying a previous use or activity that has not occupied the site for a period of greater than sixty (60) days, does not maintain a current business license, or pertains to a time, event, or purpose which no longer applies shall be deemed abandoned and a violation of the Ordinance.
- 9.5.5. Any sign in violation of a building or safety code adopted by the City of Abbeville.
- 9.5.6. Beacons or searchlights in operation exceeding three (3) consecutive days per year.
- 9.5.7. Any sign that, in the opinion of the Administrative Official, does or will constitute a safety hazard.

Article 9 – Signs

- 9.5.8. Signs with visibly moving, revolving, or rotating parts or visible mechanical movement of any description or other apparent visible movement achieved by electrical or mechanical means or that emit audible sounds, vapor, smoke, steam, or involves the use of live animals.
- 9.5.9. Animated signs.
- 9.5.10. Freestanding signs which project into the public right-of-way except as otherwise permitted by these regulations.
- 9.5.11. Signs in the public right-of-way.
- 9.5.12. Signs that are of such intensity or brilliance as to cause glare or impair the vision of motorists, cyclists, or pedestrians or that illuminate adjacent residential areas. Please see **Section 9.15** for additional information.
- 9.5.13. Signs mounted to the structure of the roof and that project above the roof line.
- 9.5.14. Signs placed or painted or displayed on a motor vehicle or trailer parked or towed with the primary purpose of providing advertising for a product, service, business, or activity not established at that location.
- 9.5.15. Posters or handbills affixed to any structure or natural object in the right-of-way.
- 9.5.16. Temporary signs, such as portable signs, A-frame signs, wind signs, captive balloons or banners, except as permitted under **Section 9.14**.
- 9.5.17. Pursuant to 23-1-6 of the Code of Alabama, signs, markers, and advertising on the rights-of-way of state controlled highways are prohibited, except those official signs or markers placed thereon by the State Department of Transportation or under its authority.

Section 9.6. – Sign Permits

Permanent signs require a permit and are to be located, placed, constructed, erected, or modified on a lot or parcel as described on the pertinent application.

- 9.6.1. No sign permit shall be issued until all signs on the site comply with the provisions of this Article.
- 9.6.2. A sign shall not be erected, altered, relocated, repaired, or changed without first obtaining a permit unless a permit is not required in accordance with **Section 9.4**.
- 9.6.3. It shall be the applicant's responsibility to submit a complete permit application to the City of Abbeville on a form provided for that purpose signed by the property owner and/or sign owner and the sign contractor including all submission materials, as required.

- 9.6.4. Signs requiring electrical service, foundation work, etc. shall obtain a building permit conforming to the adopted building code and standards contained in this Article. The building permit shall also be the sign permit. A permit application shall be required for each sign and accompanied by the following information and any other data considered necessary by the Administrative Official for review:
- (a) Two (2) copies of a site plan, drawn to scale, indicating the location of all existing and proposed signs, both freestanding and wall mounted relative to public right-of-way, lot lines, easements, and buildings on the site. Design drawings for each sign including the dimension of any supporting structure including the maximum height of the sign as measured from the finished grade.
 - (b) Construction data shall be provided for signs exceeding a height of twenty (20) feet including, but not limited to: electrical load, wind load, anchorage, or footing details certified by a Registered Engineer licensed to do business in the State of Alabama. The Administrative Official may require construction data for any sign.
 - (c) Plans and specifications containing methods of construction, electrical connections, and attachments to the building or ground for any freestanding or projecting sign.
 - (d) Front façade with linear dimensions and calculation of sign size.
 - (e) Type of illumination to be used.
 - (f) A general description of materials to be used (e.g. metal, plastic, wood, etc.).
- 9.6.5. Signs not requiring electrical service, foundation work, etc. shall first obtain a sign permit conforming to the standards contained in this Article. A permit application shall be required for each sign and accompanied by the following information and any other data considered necessary by the Administrative Official for review:
- (a) Two (2) copies of a site plan, drawn to scale, indicating the location of all existing and proposed signs, both freestanding and wall mounted relative to public right-of-way, lot lines, easements, and buildings on the site.
 - (b) Front façade with linear dimensions and calculation of sign size.
 - (c) A general description of materials to be used (e.g. metal, plastic, wood, etc.).
- 9.6.6. A placement permit is required for temporary signs as defined in **Section 9.14**. There is no charge for a placement permit. Placement permits are required to establish the beginning and end dates that a temporary sign will be on display. Placement permits are valid for thirty (30) days prior to installation.

Section 9.7. – General Requirements for Permanent On-Premise Signs

- 9.7.1. Permanent on-premise signs are allowed in all zoning districts.
- 9.7.2. All signs or sign structures must be erected and attached totally on or within the site or property to which the message refers.
- 9.7.3. Unless specified elsewhere in these regulations, no portion of any type of sign shall project or be located closer than three (3) feet from the nearest right-of-way line or property line.
- 9.7.4. The owner of any sign projecting into the right-of-way or placed on or over a public sidewalk shall be liable for damage to any property or injury to any person caused by the placement or failure of any supporting structure.
- 9.7.5. A-frame signs may be used in the B-3 Central Business District, but shall not impede or obstruct a pedestrian zone of at least six (6) feet in width, be located in the street, or be larger than ten (10) square feet in area.
- 9.7.6. The height and location of the sign shall not create any traffic or visual obstructions.
- 9.7.7. Multiple signs may be placed on the same parcel frontage but shall be a minimum of three-hundred (300) feet apart.
- 9.7.8. Signs must be kept in good repair and properly maintained including all electrical elements, paint, and condition of the support structure. Failure to do so is a violation of this Ordinance.
- 9.7.9. Billboards located on a parcel and are being used to advertise a good or service located on that parcel is considered on-premise and must comply with all applicable provisions of these regulations.
- 9.7.10. Signs must be constructed with and be composed of permanent, durable, weatherproof material that are not consumed or destroyed in use and can be used for a period of time, usually three (3) years or more.

Section 9.8. – General Requirements for Permanent Off-Premise Signs

- 9.8.1. Permanent off-premise signs, including billboards, are permitted on lots adjoining the right-of-way of U.S. Highway 431 within the B-2 and M-1 zoning districts, provided all required permits are obtained.
- 9.8.2. The message of the off-premise sign must be intended to be only viewed from the lanes of U.S. Highway 431.

Article 9 – Signs

- 9.8.3. The maximum size of each off-premise sign shall not exceed four hundred (400) square feet in area per structure facing.
- 9.8.4. Spacing of off-premise signs shall be no closer than five hundred (500) feet from another off-premise sign; measured along the centerline of the through traffic lane closest to the sign, on the same side of the highway.
- 9.8.5. The height of off-premise signs may not exceed sixty-five (65) feet from the base of the sign.
- 9.8.6. The lowest portion of any sign may not be less than sixteen (16) feet above adjacent road grade.
- 9.8.7. The required setback from any property line (including right-of-way) for each off-premise sign shall be ten (10) feet from the edge of the board.
- 9.8.8. All off-premise signs shall be of all-metal single-pole construction except for the sign face and trim which may be of other durable materials.
- 9.8.9. All construction and clearing debris shall be removed from the site upon completion of construction.
- 9.8.10. Off-premise signs shall be located no closer than 100 feet to any residentially zoned district.
- 9.8.11. Any off-premise sign that contains digital or electronic message displays shall conform to the following requirements:
 - (a) Shall not contain any movement, flashing, blinking, scrolling, and/or animation on any part of the sign.
 - (b) The time in which the message remains in a fixed position shall be no less than eight (8) seconds before changing to the next message.
 - (c) The transition time, or the time it takes to change to the next message, shall be two (2) seconds or less.
 - (d) Spacing between structures with digital or electronic message displays, whether single-face or back-to-back, shall be a minimum radius of 2,000 feet from the center of the display.
 - (e) Digital or electronic message displays may not be located nearer than 250 feet from any residential district.
 - (f) Brightness of the display shall conform to specifications set forth in **Section 9.15** of this Ordinance.

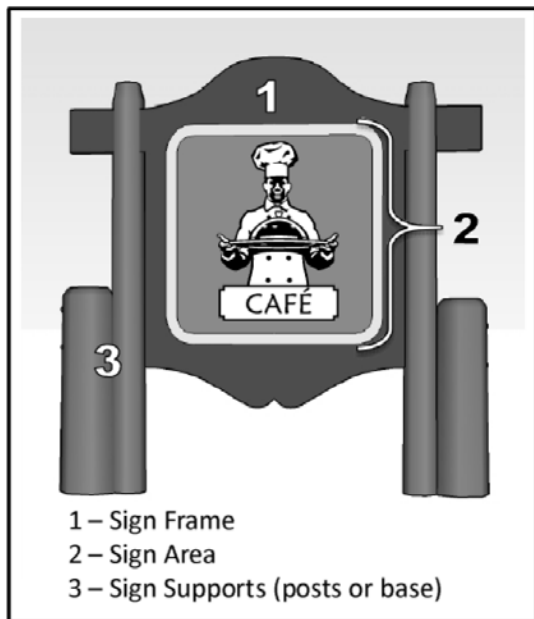
- (g) Subject to normal permitting procedures and structural capabilities, existing conforming billboards and structures may be converted to accommodate electronic or digital technology subject to compliance with all other provisions and requirements of this Ordinance (e.g. setbacks, spacing criteria, etc.).

Section 9.9. – Measurement Standards

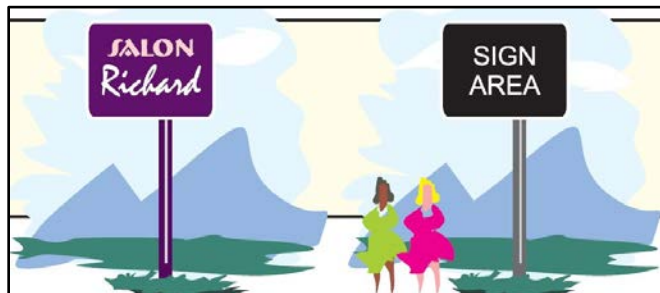
- 9.9.1. Signs with integral background: the area of a sign with a clearly defined background shall be the area of the smallest standard geometric shape capable of encompassing the sign copy and background. Where the sign copy is contained with multiple background areas separated by open space, the sign area shall be expressed as the sum of the separate areas of each background and without regard to the open space between the separate background areas.
- 9.9.2. Signs without integral background: where a sign consists of individual elements such as letters, symbols, or graphic objects that are painted on, attached to or otherwise affixed to a surface that is not specifically designed to serve as a sign background, the sign area shall be the sum of the areas of the smallest standard geometric shape capable of encompassing the sign copy.
- 9.9.3. Multi-faced signs: The sign area for a sign with more than one (1) face shall be computed by adding together the area of all sign faces visible from any vantage point.
- 9.9.4. The height of a sign shall be computed as the distance from the base of the sign to the highest attached component of the sign exclusive of any filling, berming, mounding, or excavating solely for the purpose of locating the sign. Where a freestanding sign is mounted along a roadway, height shall be measured from the grade of the road to the highest attached component of the sign.
- 9.9.5. The addition of cladding covering the support structure is encouraged and shall not be considered in the calculation sign area unless the cladding exceeds 25% of the width of the sign face. The cladding shall not exceed 30 inches total width.
- 9.9.6. Monument signs, including embellishments, shall not exceed twelve (12) feet in width or eight (8) feet in height.

Section 9.10. – Sign Illustrations

9.10.1 Freestanding signs:



Freestanding sign with thematic embellishment and/or concealed support. Calculate sign face area by actual panel dimensions containing copy.



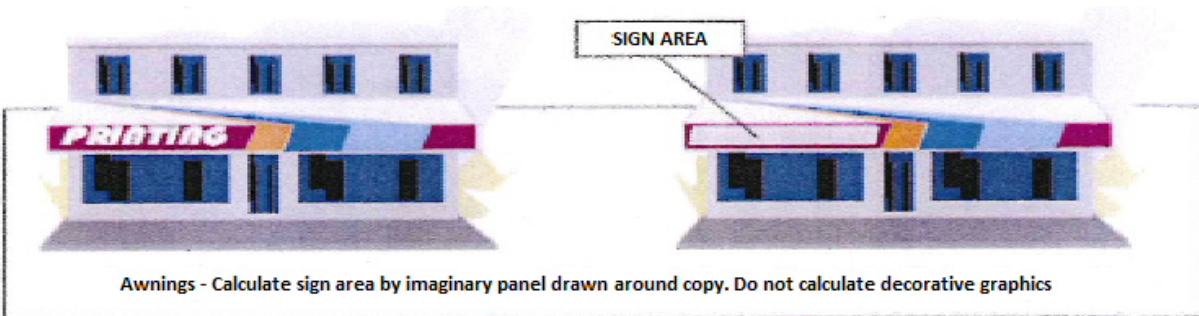
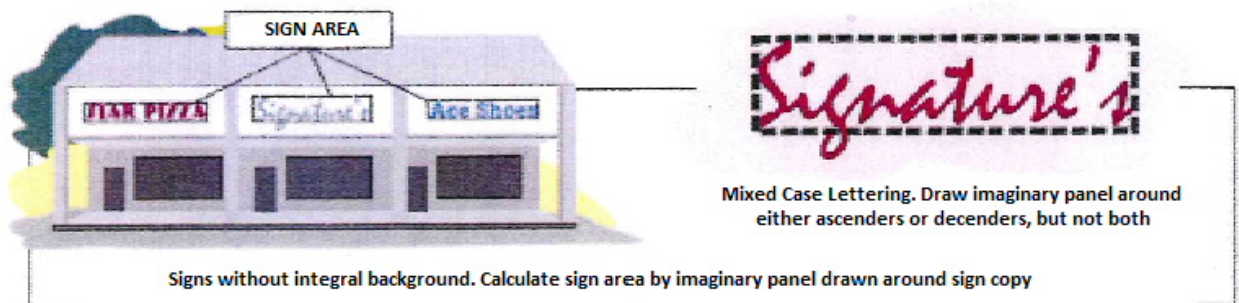
Freestanding sign with exposed pole support. Calculate sign face area by actual panel dimensions containing copy.



Freestanding monument sign with thematic embellishment and concealed support. Calculate sign face area by defining smallest geometric figure drawn around sign copy unless copy is integral to background.



9.10.2. Wall Signs:



Section 9.11. – Sign Standards in Residential Districts and Residential-Office (R-O) District

Unless specified elsewhere in this Article, sign standards for on-premise signs in a residential district and the R-O district are described below and in Table 9.1.

9.11.1. Residential development signs may be placed on two (2) separate structures flanking the entrance, each face being of equal size (32 square feet maximum) or may be on one (1) double faced structure, each face being of equal size (48 square feet maximum).

9.11.2. All signs shall be maintained perpetually by the developer, the owner of the sign, a pertinent homeowners association, or some other person who is legally responsible.

9.11.3. Non-residential uses located in a residential district and the R-O district may have one (1) sign per street front but shall maintain a separation distance of 300 feet between signs.

Table 9.1 – Signs in Residential Districts and R-O District					
	Types of Signs	Number of Signs	Permitted Sign Area	Maximum Height	Lighting
Individual Residential Properties: Single Family Detached or Attached, Townhomes	Freestanding or Wall	1 per street front	6 SF	6 feet	None
Residential Developments: Single-Family Subdivisions, Apartment/Condominium Complexes	Monument	1 per street front	32/48 SF (See 9.11.1)	8 feet	External
	Wall	1 per façade	5% of façade area	N/A	External
	Incidental or Directional	N/A – but not visible from public ROW	N/A	N/A	None
Permitted Non-Residential Uses in Residential Districts and R-O District	Monument	1 per street front	48 SF	8 feet	Internal or External*
	Wall	1 per façade	5% of façade area	N/A	Internal or External*
	Incidental or Directional	N/A – but not visible from public ROW	N/A	N/A	None
	*Illumination (including EMC signs) of signs for non-residential uses in residential districts requires Special Exception approval. See Section 9.15 for standards.				

Section 9.12. – Sign Standards in Residential-Commercial (R-C) and Non-Residential Districts

Sign standards for on-premise signs in the R-C district and non-residential districts (B-1, B-2, B-3, and M-1) are described below. Area and height dimensional standards are provided in Table 9.2 for freestanding signs and Table 9.3 for wall mounted signs.

- 9.12.1. A sign for a residential use within the R-C or non-residential district shall conform to standards listed in **Section 9.11**.
- 9.12.2. Freestanding signs generally: Signs may be placed in a freestanding location on a non-residential zoned parcel subject to the following limitations:
 - (a) All freestanding signs must comply with wind load criteria established for this region.
 - (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 provisions for freestanding signs.
 - (c) If the property has multiple frontages, 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 (1) frontage.
 - (d) On the same parcel, no freestanding sign on one (1) frontage may be closer than one hundred (100) feet to a sign on another frontage.
 - (e) Allowable sign area may be divided among multiple signs provided they are at least three-hundred (300) feet apart.
 - (f) Signs at secondary entrances shall be permitted for shopping centers or industrial parks but shall not exceed nine (9) square feet or be taller than eight (8) feet.
 - (g) Except as modified above, buildings containing multiple units are limited to one (1) freestanding sign regardless of unit ownership.
- 9.12.3. Freestanding Sign Standards. Unless specified elsewhere, the area and height above grade of any freestanding sign shall not exceed the amounts specified in Table 9.2.

Zoning District	Sign Type	Number of Signs	Permitted Sign Area	Maximum Height
R-C	Freestanding	1 per street front	1.5 SF per building front, not exceeding 200 SF	18 feet with 8 feet vertical clearance
B-1	Freestanding	1 per street front	1.5 SF per building front, not exceeding 200 SF	18 feet with 8 feet vertical clearance
B-2	Freestanding	1 per street front	2 SF per building front, not exceeding 300 SF	25 feet with 8 feet vertical clearance
B-3	Freestanding	1 per street front	1.5 SF per building front, not exceeding 50 SF	16 feet with 8 feet vertical clearance
M-1	Freestanding	1 per street front	2 SF per building front, not exceeding 200 SF	25 feet with 8 feet vertical clearance
*See Section 9.15 for Sign Illumination Standards				

9.12.4. Building Signs: Unless expressly prohibited or modified elsewhere in this Article, signs may be attached to a wall, fascia, or awning or permanently applied to a window of a building subject to the following standards:

- (a) The total area of all signs affixed shall not exceed an area computed as a percentage of the building façade facing the public right-of-way including window and door areas subject to the limitations in Table 9.3 below.
- (b) In the case of a shopping center or a group of stores held in single and separate ownership, the provision of this section relating to the total area of signs permitted on the premises shall apply with respect to each building or separate store. Only building signs shall be permitted for individual stores.

Distance of Sign from Road	Percentage of Façade Area
1 to 100 feet	Lesser of 10% or 100 square feet
101 to 300 feet	Lesser of 15% or 125 square feet
Over 300 feet	Lesser of 20% or 150 square feet

- (c) 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 the sign face area calculated from Table 9.3.
- (d) Each occupant located in a multiple occupancy complex may display two (2) 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 the sign face area calculated from Table 9.3.

9.12.5. Signs on Awning or Canopies:

- (a) Canopy signs, marquee signs, and signs on architectural projections are signs mounted or affixed to either a structure that projects off the face of a building at least eighteen (18) inches or is mounted to a freestanding structure not attached to a building that effectively covers an area below.
- (b) Signs shall be affixed in an essentially flat plane to the face of the canopy, marquee, or architectural projection and are permitted in non-residential zones but shall not exceed forty percent (40%) of the area of the mounting surface. The area of any sign shall count towards the total façade area in Table 9.3.
- (c) Signs may be affixed or applied to the face or sides of an awning provided the copy area does not exceed forty percent (40%) of the area to which it is affixed or applied. The area of any sign shall count towards the total façade area in Table 9.3.

9.12.6. Projecting Signs: Notwithstanding the general prohibition of signs in the right-of-way, signs attached to the face of a structure that projects over the right-of-way are permitted in the B-3 district only subject to the following standards:

- (a) Projecting signs shall be limited to one (1) per façade except for uses that front on more than one (1) street in which case, one (1) sign shall be permitted per façade. For buildings with a façade exceeding two-hundred (200) linear feet, one (1) sign shall be permitted for each two-hundred (200) linear feet.
- (b) The area of a projecting sign shall not exceed one (1) square foot per two (2) linear feet of building facade. No projecting sign shall exceed the area indicated in Table 9.3 for the speed limit on which the façade fronts.
- (c) Projecting signs may not extend above the highest point on the façade or occupy a vertical dimension greater than twenty-five percent (25%) of the total façade height.
- (d) Projecting signs may not extend over a public sidewalk greater than one-half (1/2) the distance to the street curb or eight (8) feet whichever is less.
- (e) Projecting signs shall be no lower than ten (10) feet above the sidewalk.
- (f) Projecting signs shall not be permitted in addition to any permitted freestanding sign on that street front.

9.12.7. Under Canopy/Awning Signs: Notwithstanding the general prohibition on signs in the right-of-way, signs attached to the underside of a permitted canopy or awning that project

Article 9 – Signs

over the right-of-way are permitted in the B-3 district only subject to the following standards:

- (a) No more than one (1) Under Canopy/Awning Sign shall be permitted per establishment per façade.
- (b) There shall be a minimum of eight (8) feet of clearance below the bottom edge of the Under Canopy/Awning Sign.
- (c) No Under Canopy/Awning Sign shall exceed four (4) square feet in size.
- (d) An Under Canopy/Awning Sign shall be limited to a maximum of two (2) feet in height and four (4) feet in length but may not exceed the projection of the Awning or Canopy.
- (e) Under Canopy/Awning Signs shall be oriented perpendicular to the adjacent wall, located directly adjacent to the business entrance and attached in a manner acceptable to the Administrative Official that prevents swinging.
- (f) The area of Under Canopy/Awning Signs shall count towards the total façade sign area permitted in Table 9.3.
- (g) Under canopy mounted signs shall be securely attached as approved by the Administrative Official.
- (h) Under Canopy/Awning Signs may be illuminated with an indirect or external light source not otherwise attached to the sign; internally illuminated and/or neon signs are specifically prohibited.

Section 9.13. – Temporary Signs

Temporary forms of advertising may be used by commercial establishments subject to the limitations below. For the purpose of these regulations, temporary signs include commercial banners, portable signs on fixed legs or wheels, and wind signs. The permittee shall be directly responsible for the condition of the sign.

9.13.1. A placement permit for a temporary sign is required per **Section 9.6.6**.

9.13.2. No temporary sign may be used as a permanent sign.

9.13.3. Temporary signs may only be used for on-premise advertising.

9.13.4. Temporary signs shall not be located on the public right-of-way, in the sight triangle of any intersection, or attached to a natural object, utility appurtenance, or traffic control device.

Article 9 – Signs

- 9.13.5. Temporary signs shall comply with any regulations applying to signs in general such as setback, sight distance requirements, etc. as all other signs.
- 9.13.6. Commercial banners and wind signs may be displayed at any non-residential zoned location, for the purpose of announcing a grand opening, sale, or special event provided:
- (a) Commercial banners may not be displayed for longer than fifteen (15) days per address no more than eight (8) times per year. Display periods may not be consecutive with at least fifteen (15) days in between display periods.
 - (b) No banner or wind sign may be illuminated.
 - (c) Only one (1) banner or wind sign per address.
 - (d) Only used for on-premise advertising.
 - (e) Banners and wind signs containing date or time information shall be removed at the conclusion of the event.
 - (f) Banners and wind signs must be kept in good condition and legible or replaced or removed as conditions warrant.
 - (g) Banners may not be attached to any traffic control device or utility appurtenance.
- 9.13.7. Portable signs shall be allowed at any non-residential zoned location, provided:
- (a) Portable signs may not be displayed for longer than thirty (30) days per address no more than three (3) times per year. Display periods may be consecutive.
 - (b) Portable signs may be illuminated but may not contain flashing, intermittent, rotating or moving lights.
 - (c) Portable EMC's shall adhere to the provisions in **Section 9.14**.
 - (d) The electrical power supply to portable signs shall comply with the adopted electrical code and the power cord is protected from vehicle traffic. An electrical permit is required.
 - (e) Portable signs must be properly anchored to the ground as approved by the Administrative Official.
 - (f) Portable signs shall not occupy a required parking space.
 - (g) Messages displayed on portable signs shall be complete and legible.

- (h) Portable signs must be kept in good condition and repair including the letter backing material, frame, cabinet and legs.
- (i) Portable signs without any message for longer than thirty (30) days shall be deemed abandoned.

Section 9.14. – Standards for Electronic Message Displays (EMC’s)

Signs using electronic, digital, or video technology are permitted in all mixed use and non-residential zoning districts subject to the following limitations:

- 9.14.1. An EMC may occupy a portion or all of the area for a building sign or freestanding sign permitted for that district.
- 9.14.2. There shall be no effects of movement, blinking, scrolling, flashing, spinning, flying in/out, scintillation, animation, or similar effects of the individual images displayed.
- 9.14.3. Approved EMC’s shall have a minimum display time of eight (8) seconds with at least a two (2) second transition time.
- 9.14.4. Transitions between messages may include fade, dissolve, or other similar effects but may not include continuous scrolling, traveling, flashing, spinning, rotating, or other similar moving effects.
- 9.14.5. Full motion video is prohibited.
- 9.14.6. EMC signs shall not display color that interferes with or mimics a traffic control device.
- 9.14.7. No EMC sign shall use the words “stop,” “danger,” “go,” or any other word which imitates or approximates any official traffic instruction or traffic control sign or be illuminated in any manner which imitates or approximates any official traffic directional or traffic control device.
- 9.14.8. If at any time the programming or technology that controls the brightness, time on message, or visual display characteristic fails or malfunctions and is determined to be a hazard to the safety of the traveling public, the sign shall be immediately turned off, disconnected or disabled.
- 9.14.9. Electronic message display signs may not be located within or nearer than 250 feet of any residential district.

Section 9.15. – Sign Illumination Standards

Signs may be illuminated, unless as otherwise provided herein, subject to the following conditions:

Article 9 – Signs

9.15.1. Unless otherwise provided, signs located in residential districts (R-A, R-1, R-2, R-3, and MH-1) and the R-O district may not be illuminated at night. Signs for approved non-residential uses in a residential district may be illuminated with Special Exception approval.

9.15.2. Lighting fixtures for signs externally illuminated shall be fully shielded to prevent glare or light leak.

9.15.3. Brightness of the display shall be controlled automatically to reduce light levels at night or under cloudy or other darkened conditions and shall not be brighter than is necessary for clear and adequate visibility, or that might impair the vision of a driver, or interferes with traffic control. Either of the following options may be used to measure brightness:

(a) All digital billboards and/or EMC signs shall be equipped with automatic dimming capability to adjust the brightness of the sign relative to ambient light conditions so that sign brightness does not exceed three-tenths (0.3) foot-candle (lux) over ambient light levels as measured using a foot candle (lux) meter in conformance with the following process:

1. Ambient light levels shall be measured between the period of one (1) hour after sunset and one (1) hour before sunrise as determined by the National Weather Service with the sign turned off (black screen).
2. Light measurements shall be taken with a lux meter aimed directly at the sign face displaying full white.
3. Measuring distance shall be determined using the following equation: the square root of the product of the sign area and one-hundred (Example using a 12 square foot sign: $\sqrt{[12 \times 100]} = 34.6$ feet measuring distance).
4. If brightness measurement by the above methodology is impractical, certification using Option 2 shall be provided.

(b) The maximum level of brightness for digital billboards and/or EMC signs shall not exceed 5,000 nits when measured from the sign's face at its maximum brightness, during daylight hours. The maximum level of brightness for digital billboards and/or EMC signs shall not exceed five hundred (500) nits when measured from the sign's face at its maximum brightness, between sunset and sunrise as determined by the National Weather Service.

9.15.4. Signs may be illuminated from 5 a.m. until 10 p.m., or one-half (1/2) hour past the close of business of the facility being identified, whichever is later.

Section 9.16. – Nonconforming Signs

- 9.16.1. Existing signs prohibited by this Article shall be regarded as illegal signs upon the effective date of this Ordinance. All illegal signs shall be removed immediately. Examples of these signs are listed in **Section 9.5.**
- 9.16.2. Existing signs not conforming to the provisions stated in this Article shall be regarded as nonconforming signs.
- 9.16.3. Permanent signs and sign structures that are moved, removed, replaced, or structurally altered must be brought into conformance with these regulations.
- 9.16.4. Nonconforming signs that have been removed may be replaced within six (6) months in compliance with these regulations.
- 9.16.5. Nonconforming signs required to be moved resulting from the acquisition of right-of-way may be reestablished in conformance with other provisions of these regulations.
- 9.16.6. Removable faces or sign panel inserts in a cabinet style sign may be changed by right and does not constitute a structural alteration or cause the loss of nonconforming status.
- 9.16.7. The status of a nonconforming sign is not affected by ownership.
- 9.16.8. Within thirty (30) days from the effective date of this Ordinance, existing digital or EMC signs permitted prior to this Ordinance shall comply with the sections of this Article pertaining to brightness if they are able to comply. If existing digital or EMC signs do not have the ability to comply with the ordinance (i.e. if they are not equipped with automatic dimming technology, ability to dim, etc.) they shall either retrofit their sign so as to comply with the Ordinance, adjust their brightness to six percent (6%) of maximum brightness daily between dusk and dawn, or they shall be turned off daily between dusk and dawn.
- 9.16.9. Owners of existing temporary signs (e.g. banners, wind signs, and portable signs) are subject to **Section 9.13** and must send in a placement permit within ninety (90) days of the effective date of these provisions or become nonconforming and be subject to the applicable provisions.
- 9.16.10. Loss of nonconforming sign status:
- (a) When a sign or sign structure is destroyed or intentionally removed, the replacement sign and sign structure must comply with the standards in these regulations.
 - (b) Signs or sign structures that are damaged or in need of repair to the extent of fifty percent (50%) or more of its replacement value must comply with the standards in these regulations.

Article 9 – Signs

- (c) If the business or operation to which the sign pertains has ceased to operate for a period of sixty (60) consecutive days, or has otherwise changed, the sign is considered abandoned.
- (d) The sign is erected without a permit.
- (e) Once a sign is altered to conform or replaced with a conforming sign, the nonconforming sign may not be reestablished.
- (f) Signs which are no longer functional, or are abandoned, shall be reestablished, removed, or relocated, at the owner's expense, in compliance with the provisions of this ordinance within thirty (30) days following dysfunction.

Article 10 – Landscaping and Buffers

Section 10.1. – Purpose

The regulations contained in this article shall provide landscaping standards for the development of property enhancing the appearance of Abbeville, protecting public and private investment through enhancing property values, and providing for the buffering between incompatible land uses.

The City of Abbeville does not prescribe the types of vegetation used for landscaping, but plant characteristics should be taken into consideration when selecting a particular species. However, the planting of native species, including flowering dogwoods in celebration of our natural heritage, should be considered where appropriate.

Section 10.2. – Applicability

Landscaping requirements shall apply to the following:

- 10.2.1. Any new development or construction for which development plans are required (see Section 11.6), which shall include public and semi-public buildings and uses located in residential zoning districts, but shall not apply to single-family residences or two-family residences.
- 10.2.2. Any development or construction of a non-residential or multi-family use that increases lot area or building floor area by 50% or more.
- 10.2.3. Property for which development plans approved by the Planning Commission prior to the effective date of this Article shall not be subject to its provisions. However, any property for which development plan approval has lapsed will be subject to the provisions of this Article.

Section 10.3 – Landscaping Plan

A landscaping plan for required developments shall be submitted to the Administrative Official for review and approval. Landscaping plans shall be fully dimensioned and drawn to scale and shall include, at minimum, the following:

- 10.3.1. The location and dimension of all areas proposed for landscaping and planting, including a description of the proposed landscape materials. This shall include:
 - (a) Species, size, and location of existing trees to be retained.
 - (b) Species, size, and location of trees to be planted.
 - (c) Location of shrubs and other landscape material to be provided.

Article 10 – Landscaping and Buffers

- 10.3.2. The actual shape, proportion, and dimensions of the lot, including easements, rights-of-ways, and required screening and buffers.
- 10.3.3. Existing and proposed buildings and other structures, including signs, garbage containers, utility and drainage structures.
- 10.3.4. Driveways, vehicular areas, existing and proposed parking spaces, access aisles, and other vehicular areas.
- 10.3.5. Relationship of site to adjacent public or private streets and properties.
- 10.3.6. Bodies of water, including detention and retention areas.
- 10.3.7. Such other information as the Administrative Official may reasonably require for compliance.

Section 10.4 – Modifications

The Planning Commission may modify or waive the requirements in the following circumstances:

- 10.4.1. Existing natural vegetation, which substantially meets buffer or screening requirements, may be applied toward the requirements of this Article. Where natural vegetation (trees and/or shrubs) exist on a lot, when application is made for a Zoning Compliance Permit, such natural vegetation shall remain undisturbed until the Administrative Official has evaluated it for its suitability as a buffer or screen, as applicable. The Administrative Official may require the natural vegetation be retained. However, additional planting may be required to fully achieve buffer or screening requirements.
- 10.4.2. Where the requirements would conflict with utilities, easements, or similar impediments.
- 10.4.3. Where, after inspection by the Administrative Official, it is found that the view from adjoining properties is blocked by a change in grade or other natural or man-made features.
- 10.4.4. Where planting cannot, in the professional opinion of an expert, be expected to thrive due to poor soil conditions, intense shade, or similar conditions.

Section 10.5. – Perimeter Landscape Requirements

Requirements pertaining to landscaping adjacent to the public rights-of-way include:

- 10.5.1. All developments shall include a perimeter landscaped area of at least six (6) feet in width separating the public right-of-way frontage from all interior development and vehicular use areas. Where this requirement for a landscaping strip overlaps or conflicts with any other landscaping requirement, the greater requirement shall govern.

- 10.5.2. The landscaped area may be reduced to four (4) feet in width when a fence, meeting the requirements of Section 10.8 and between two and one-half (2 ½) and four (4) feet in height, is provided.
- 10.5.3. The landscaping strip may include grass, mulch, or similar groundcover. At least 50% of such materials shall be living. If a sidewalk is provided at the edge of the interior development or vehicular use area, the landscaping strip shall be provided along the outside edge of the sidewalk. Shrubs, trees, and other plantings shall be set back from the edge of the planted area to protect from damage by vehicles.
- 10.5.4. At a minimum, one (1) tree for each 100 linear feet, or fraction thereof, shall be planted along the perimeter landscaped area. Fifty percent (50%) or more shall be shade trees. Understory trees shall be utilized when planting trees in the vicinity of overhead utility lines.
- 10.5.5. Shrubs shall be provided throughout the landscaping strip. Shrubs shall be evergreen and spaced no more than 10 feet on center. If used in combination with a fence meeting requirements in Section 10.5.2, shrubs may be deciduous and may be spaced no more than 15 feet on center.

Section 10.6. – Interior Landscape Requirements

All vehicular use areas having 50 or more parking spaces, interior landscaping areas shall be provided according to the following requirements:

- 10.6.1. Interior landscaping areas shall be located within or adjacent to the parking area to break the expanse of pavement and to guide traffic flow. These areas shall be located to most effectively accommodate stormwater runoff and provide shade.
- 10.6.2. Interior landscaping areas shall cover at least ten percent (10%) of the total paved area for parking and access.
- 10.6.3. No more than 15 continuous parking spaces shall occur without an intervening planting area at least six (6) feet in width located adjacent and parallel to the parking spaces.
- 10.6.4. Required trees and ground cover shall be the same as provided in Section 10.5.
- 10.6.5. In vehicular use areas with 50 or more parking spaces, solid raised curbs shall be installed for protection of landscaped areas and to control traffic flow within the parking lot. Openings may be provided as required for pedestrian access or drainage structures.

Section 10.7. – Screening Requirements

Screening provides visual separation of certain activities and site elements from public view.

Article 10 – Landscaping and Buffers

10.7.1. For required developments per Section 10.2, the following shall be screened from public view:

- (a) Garbage collection, recycling, and refuse handling areas.
- (b) Maintenance areas or utility structures associated with a building or development.
- (c) Water meters, gas meters, electric meters, and air conditioners/mechanical units.
- (d) Loading areas.
- (e) Outside runs for veterinary clinics, animal shelters, and kennels.
- (f) Outdoor storage of materials, stock, equipment, and vehicles (such as those stored for repair)
- (g) Any other uses which screening may be required by the Planning Commission or other reviewing authority.

10.7.2. Screening shall be in accord with the following requirements:

- (a) Location on site should be the first consideration in providing required screening. The Planning Commission may lessen screening requirements when the location of the use to be screened reduces its visibility to the public and neighboring properties.
- (b) Screening shall not impede any drainage flow and shall not block access to any above-ground, pad-mounted transformer and shall provide the minimum clear distance required by the utility company.
- (c) The method of screening, including height and materials, shall be sufficient to visually screen the use. The minimum height needed for screening is preferred.
- (d) Fences, berms, or landscaping used for other purposes, but that are proposed as part of a required screen and that meets the requirements of this Article, may count toward these requirements.
- (e) Uses requiring screening, when co-located, may be screened together.
- (f) Uses that produce objectionable noise or odors shall be located on-site to minimize impacts to the public and abutting properties.
- (g) Shrubs used for screening shall be evergreen and spaced no more than five (5) feet on center. If used in combination with a fence, shrubs may be deciduous and may be spaced no more than eight (8) feet on center.

- (h) Trees used for screening shall be evergreen and, when used in the absence of a fence, shall be used together with shrubs to provide a continuous, opaque screen.

10.7.3. The following uses shall be have the following screening requirements:

- (a) Refuse and recycling containers shall not be located forward of the front building line. Such containers shall be screened by a combination of opaque fence and plant material on three sides. Opaque gates shall be installed for access. The fence shall be at least one (1) foot taller than the container.
- (b) For restaurants, enclosures shall be sized, as needed, to accommodate the storage of grease containers.
- (c) Mechanical equipment on roofs or on site shall be screened to not be visible from public streets or adjacent properties. The screening of building-mounted mechanical equipment shall be an integral component of the building design. Mechanical equipment installed on site shall be adequately screened by plant materials and/or fences to blend in with site landscaping.
- (d) Outdoor storage, where permitted, shall be screened to a height of six (6) feet or two (2) feet taller than the material or equipment to be screened, whichever is greater.
- (e) Service areas, loading docks, work yards, and similar uses should be located to minimize their visibility to the public and to any abutting properties to which such functions would be objectionable. Where their location is insufficient to effectively screen the use, screening shall be at least six (6) feet in height.

Section 10.8. – Fence Standards

Fences used as part of any required buffer, screen, or perimeter landscaping shall comply with the following:

- 10.8.1. Fences shall be of masonry, durable wood, or a combination thereof. Fences of untreated wood, chain-link, plastic or wire shall not be counted toward landscaping requirements. No more than 25% of the fence surface shall be left open. The finished side of the fence shall face abutting property (horizontal supports, if any, shall be on the inside face of the fence).
- 10.8.2. Required shrubs and trees shall be planted on the exterior side of the fence.
- 10.8.3. If a fence is longer than 100 feet in one direction, it shall have columns of wood or masonry, which project outward from the fence surface. Such columns shall be spaced no greater than 50 feet.

Section 10.9. – Buffer Requirements

Buffers shall be provided and maintained when certain land uses are adjacent to or directly across from each other in order to protect uses from associated impacts, such as traffic, noise, lighting, and other issues associated with a more intensive land use. The width of the buffer and its required contents will vary depending on the adjacent uses.

10.9.1. Buffer requirements may be modified in certain cases as follows:

- (a) When the proposed use will abut an existing, nonconforming use on a property that is designated for another use in the Comprehensive Plan and is zoned accordingly with said plan, the buffer may be modified to be consistent with the planned use of such neighboring property.
- (b) If the land use relationship between two (2) abutting lots changes so that a lesser buffer would be required, the width of the previously provided buffer may be reduced accordingly.
- (c) Up to one-half (1/2) of the width of an abutting alley may be counted toward the buffer width requirement but the landscaping density requirements shall not be reduced.
- (d) Whenever the proposed use abuts vacant land, buffer requirements shall be based on the zoning of the abutting property of the use projected by the Comprehensive Plan, whichever requires a lesser buffer.

10.9.2. General standards for buffer requirements include:

- (a) For any request where the Administrative Official determines a buffer is required, a Landscaping Plan shall be provided in accordance with Section 10.3.
- (b) Required yards, where corresponding with the buffer areas, may overlap and may be counted toward a buffer width requirement.
- (c) Buffers shall not be used for parking, recreational use, or any other purpose, except as provided herein. The Planning Commission may permit a pedestrian access way through a required buffer, where appropriate. Public utilities and storm drainage facilities may be constructed in a required buffer, provided the buffer is otherwise installed in compliance with the approved Landscaping Plan. The City may require supplemental plantings to mitigate the effect of any such land disturbance in the buffer.

10.9.3. Buffers shall be designed in accordance with the following requirements:

- (a) A buffer shall be at least five (5) feet in width and may be up to twenty (20) feet in width depending on intensity of uses. Landscaping and type of material used for the

Article 10 – Landscaping and Buffers

buffer may be at the discretion of the Administrative Official and/or Planning Commission.

- (b) The responsible party of such site shall install adjacent to the common boundary a solid, unbroken visual screen, as defined in Section 10.7.
- (c) If such use includes any outdoor operation, equipment, or storage of materials, there shall be a fence, as defined in Section 10.8, wall, or other barrier of at least six (6) feet in height or two (2) feet above the stored material, whichever is greater.
- (d) The part of a buffer strip not occupied by other landscaping (e.g. trees, shrubs, fencing) shall be planted with grass or other living ground cover.

Section 10.10. – Landscaping Maintenance

- 10.10.1. All plantings required in this Article shall be permanently maintained in good growing condition by the responsible party for such plantings and, when necessary, replaced with new materials. All buffers, natural or fencing, shall be permanently maintained in good condition and whenever necessary, be repaired or replaced by the responsible party required to provide such buffer.
- 10.10.2. All plant material shall be tended and maintained in a healthy growing condition, replaced when dead, and kept free of weeds, refuse, and debris.
- 10.10.3. All required landscaping shall be drought-tolerant, native species, or shall be irrigated by an automatic irrigation system.

Article 11 - Administration and Enforcement

Section 11.1. – Purpose

The regulations contained in this article specify the process of administration and enforcement of the City of Abbeville’s zoning regulations and identifies remedies when enforcement action becomes necessary. This article also specifies an applicant’s responsibility for obtaining development approval, including required certificates of zoning compliance, certificates of occupancy, development plan approval, and the process for requesting a conditional use permit. Regulations in this article are not intended to modify regulations established in the City of Abbeville, Code of Ordinances, Chapter 10, Buildings, Construction and Related Activities, or any other regulations established in this Ordinance.

Section 11.2. – Enforcing Officer

Regulations in this Ordinance shall be administered and enforced by the Administrative Official or his/her duly authorized agent. The Administrative Official shall have the right to enter upon any premises at any reasonable time prior to the issuance of a Certificate of Occupancy for the purpose of making inspections of buildings or premises necessary in carrying out their duties in the enforcement of this Ordinance. The Administrative Official shall keep records of all permits and certificates issued, and all submitted subdivision plats, with notations of all special conditions involved. The Administrative Official shall organize and archive copies of all sketches and plans submitted for public record.

Section 11.3. – Fees

A schedule of application fees for consideration of all approvals, permits, certificates, and public hearings required under this Ordinance shall be established by separate resolution or Ordinance. Such fees shall be computed so as to recover all costs incurred by the City in reviewing and processing zoning-related requests, including advertising fees, and shall be adopted and revised as necessary by the City Council.

Section 11.4. – Zoning Compliance Permit Required

11.4.1. The Administrative Official shall not issue a zoning compliance permit, which may be incorporated into the building permit requirement process, for any proposed construction or development activity until an application and accompanying site plans or documentation has been filed and reviewed in conformance with this Ordinance.

11.4.2. A zoning compliance permit shall be required in advance of construction or alteration for the following improvements:

- (a) All new construction.
- (b) Addition to any existing structure (e.g. new rooms, garages, etc.) that modifies the structure footprint.

- (c) Accessory uses over 120 square feet in area, including detached sheds and swimming pools.
- (d) Reroofing of a structure.
- (e) Change in type of occupancy or use of any building on premises.

11.4.3. It shall be unlawful to commence excavation for the construction of any improvements listed in Section 11.4.2., installation of any manufactured home, storage of building materials, or erection of temporary field offices until the Administrative Official has issued a permit for such work.

Section 11.5. – Application and Plan Requirements for Zoning Compliance Permit and Issuance of Certificate of Occupancy

11.5.1. Application for a zoning compliance permit and submittal of the required fee shall be submitted to the Administrative Official on a form provided for that purpose and supplemented with site plans, specifications, and intended use of such land, structure, or structural alteration to demonstrate conformance to this Ordinance.

11.5.2. It shall be unlawful for the Administrative Official to approve any site plans or issue any zoning compliance permit for excavation or construction until the Administrative Official has inspected such plans in detail and found them in conformity with this Ordinance.

To this end, an application for a zoning compliance permit shall be accompanied by two (2) copies of a site plan showing the following in detail sufficient to enable the Administrative Official to ascertain whether or not the proposed development is in conformance with this Ordinance. The site plan shall be signed by the owner, or the owner's authorized agent, and shall include, at a minimum:

- (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, both above and below grade.
- (c) The existing and intended use of all such buildings or other buildings or other structures, including the number of dwelling units within each structure, where appropriate.
- (d) Information such as the location of property lines, easements (private and public), and locations of existing buildings or structures on adjoining lots may be essential for determining conformance with this Ordinance. Other information may be requested by the Administrative Official.

- 11.5.3. The Administrative Official shall review the permit application for general completeness and compliance with this Ordinance. After concluding that zoning regulations have been satisfied, the Administrative Official shall authorize the release of the respective permit and shall sign and return one copy of the site plan to the applicant, and keep one copy of the site plan for public record. Each permit shall be conspicuously posted and displayed on the applicable premises during the period of construction or alteration. Issuance of a zoning compliance permit shall, in no case, be construed as waiving any provision of this Ordinance.
- 11.5.4 If zoning regulations have not been satisfied, the Administrative Official shall return one copy of the site plan to the applicant, along with stating in writing on the application, the cause of any disapproval, including a specific reference of noncompliance to the Ordinance. The Administrative Official shall keep one copy of the site plan and application with disapproval for public record.
- 11.5.5. Any permit under which no construction work has been done above the foundation wall or other foundation support within six (6) months from the date of issuance shall expire by limitation, but shall upon reapplication, be renewable. Renewing of the zoning compliance permit shall be subject to the provisions of any ordinances in force at the time of permit renewal. Under no circumstance shall any permit be renewed more than one time. This means that a permit with one renewal is only good for one year in Abbeville.
- 11.5.6. Any permit under which construction work has not been fully completed within 12 months from the date of issuance shall expire by limitation, but shall upon reapplication, be renewable. Renewing of the zoning compliance permit shall be subject to the provisions of any ordinances in force at the time of permit renewal. In no event shall any permit be renewed more than one time.
- 11.5.7. A certificate of occupancy shall be issued by the Administrative Official in advance of occupancy of use of improvements listed in Section 11.4.2. A certificate of occupancy shall not be issued unless the proposed use of the land, structure, or structural alteration conforms to this Ordinance, and construction or alteration complies with the permitted site plan.

Section 11.6. – Development Plan Requirement

Prior to issuance of a zoning compliance permit, a development plan must be approved by the Planning Commission for any of the following land uses:

- a) Parcel of land proposed for non-residential use.
- b) Parcel of land proposed for multi-family dwellings (e.g. apartments).
- c) Parcel of land containing a non-residential use or multi-family dwellings that is proposed to be expanded by fifty (50) percent or more of lot area or building floor area.

- d) Parcel of land, which is to be developed utilizing a planned unit development (PUD) district zoning classification.
- e) Parcel of land where, due to the unique characteristics of the land, surrounding uses, proposed use, or other features of the development, the Administrative Official determines it to be in the interest of the public health, safety, or welfare that such project be subject to the development plan review process.

Section 11.7. – Development Plan Review

Developments subject to development plan review shall submit two (2) copies with the following information:

- a) The outer boundary or perimeter of the total development site, including a valid legal description.
- b) A topographic map showing contours at two-foot intervals.
- c) An identification of the characteristics of existing land uses and development for land adjoining the project site.
- d) The rights-of-way, pavement, and typical cross-sections of all streets within the development, and access to the public street system.
- e) The type, number, and location of all structures.
- f) The location, extent, and approximate acreage of all resource protection, recreation, and open space lands and other common areas.
- g) The location and nature of all common amenities, such as clubhouses, swimming pools, laundries, etc.
- h) Location of all utilities and surface water drainage facilities.

The plan submittals shall be drawn to scale by an engineer or architect registered in the State of Alabama.

Section 11.8. – Approval and Certification of Development Plan

11.8.1. The Planning Commission shall hold a public hearing, notice of which shall be given, for the consideration of any proposed development plans. Public hearings may be held during a regular meeting of the Planning Commission.

- (a) The Administrative Official shall give public notice for hearings by the Planning Commission, as required by law.

- (b) A public notice sign, which shall not be less than twelve (12) square feet in area, must be erected and maintained at the applicant's expense not less than fifteen (15) calendar days prior to the date of the public hearing. The public notice sign must be placed on all street frontages for proper notification of adjacent property owners, which shall contain information as to the proposed request and the time, date, and location of the public hearing. The applicant will be responsible for making sure the sign is erected and conforms to specifications established by the City. Any tabled items from the agenda until the next month will need to have the sign changed to note the new date.
- (c) Written notice shall be mailed by the Administrative Official to parties of interest in advance of the hearing and shall contain information of the proposed request, and the time, date, and location of the hearing.

11.8.2. A development plan approved or approved conditionally by the Planning Commission shall be the official development plan. All certified development plans are valid for twelve (12) months, but may be extended with Planning Commission approval.

11.8.3. Once approved, a development plan will become a binding condition upon the development of the site. If any development substantially deviates from the approved development plan, a new development plan shall be submitted for review and approval. Any of the following shall constitute a substantial deviation:

- (a) An increase or reduction in the land area of the project site of more than five (5) percent.
- (b) A change in the total number, or in the type, of dwelling units approved of more than five (5) percent.
- (c) A reduction of five (5) percent or more of the approved percentage of resource protection, recreation, or open space land.
- (d) Any significant addition, removal, or rearrangement of land uses or streets.

Section 11.9. – Conditional Use Procedures

11.9.1. Conditional uses are those that have some special effect, which differs from the potential impacts of permitted uses or exceeds them in intensity, or have uniqueness such that their effect upon the surrounding environment cannot be determined in advance of a use being proposed in a particular location. As such, conditional uses must be reviewed in terms of existing zoning and land use in the vicinity of the proposed use, and whether and to what extent all steps possible have been taken by the developer to minimize any adverse effects of the proposed use on the immediate vicinity and on the public health, welfare, and safety in general.

11.9.2. All conditional uses listed in Table 4.1 must be requested as follows:

- (a) An applicant shall complete appropriate forms provided by the Administrative Official, along with documentation required to ensure compliance with the review criteria below.
- (b) Applications shall be filed in a timely manner before the scheduled hearing date before the Planning Commission. Public hearings may be held during a regular meeting of the Planning Commission.

11.9.3. For purposes of providing information concerning applications for conditional use requests, the Administrative Official shall also cause the following notice to be given:

- (a) The Administrative Official shall give public notice of hearing upon each application, as required by law.
- (b) A public notice sign, which shall not be less than twelve (12) square feet in area, must be erected and maintained at the applicant's expense not less than fifteen (15) calendar days prior to the date of the public hearing. The public notice sign must be placed on all street frontages for proper notification of adjacent property owners, which shall contain information as to the proposed request and the time, date, and location of the public hearing. The applicant will be responsible for making sure the sign is erected and conforms to specifications established by the City. Any tabled items from the agenda until the next month will need to have the sign changed to note the new date.
- (c) Written notices shall be mailed by the Administrative Official to parties of interest in advance of the hearing and shall contain information of the proposed request, and the time, date, and location of the hearing.

11.9.4. The Planning Commission shall review the conditional use application for compliance with this Ordinance and all other applicable City codes and ordinances, and for compatibility with the purposes of the proposed zoning district. In particular, the Planning Commission shall determine that satisfactory provisions have been made concerning the following, among other considerations of this Ordinance:

- (a) Access to and from the property and the proposed structure and/or uses, with particular attention to vehicular and pedestrian safety and convenience, traffic flow and control, and emergency access.
- (b) The location and accessibility of off-street parking and loading areas.
- (c) The location and accessibility of refuse and service areas and their potentially adverse effects upon surrounding properties.
- (d) The screening and buffering of potentially adverse views and activities from surrounding properties.

- (e) Control of noise, glare, odor, surface water runoff, and other potentially disturbing impacts upon surrounding properties.
- (f) The availability, location, and capacity of utilities.
- (g) The location and scale of signs and lighting with particular reference to traffic safety, glare, and visual compatibility with surrounding properties.
- (h) The bulk, density, and lot coverage of structures, yards, and open areas, with reference to their compatibility with the character of the surrounding areas.

The Planning Commission may impose such conditions for approval that it deems necessary in the particular case to protect the public interest and the intent of this Ordinance in relation to the items listed above and as may otherwise be reasonably necessary. Such conditions shall apply to the land, structure, and use for which the conditional use is granted and not to a particular person. Violations of conditions lawfully attached to any conditional use shall be deemed to be violations of this Ordinance.

11.9.5. The Planning Commission, by majority vote, shall recommend approval, approval with conditions, or denial of the application for conditional use to the City Council. The Planning Commission shall submit its recommendations to the City Council within 45 days of the public hearing on the conditional use application, unless the City Council grants an extension of such period. The failure of the Planning Commission to act within this time period shall constitute a recommendation to the City Council that the application be approved.

Article 12 - Amendment and Rezoning Procedure

Section 12.1. – Purpose

The regulations contained in this article are to identify and clarify the processes associated with making application for amendments to this Ordinance, including changes to the official zoning map.

Section 12.2. – Zoning Amendment

A proposed change of district boundaries or regulations of this Ordinance may be initiated by the City Council, the Planning Commission, or by request of property owners or their agent, within the area proposed to be changed. Following submission and review by the Planning Commission, the regulations and the number, area, and boundaries of districts established by this Ordinance may be amended, supplemented, changed, modified, or repealed by the City Council. No amendment shall become effective unless it is first submitted to the Planning Commission for its recommendation.

Section 12.3. – Zoning Amendment Petition

Any person desiring a change in zoning classification or other provisions of this Ordinance must petition the City of Abbeville according to the following procedure:

12.3.1. A zoning amendment application shall be submitted to the Administrative Official on a form, provided by the City, in a timely manner prior to a scheduled meeting of the Planning Commission.

12.3.2. A zoning amendment application shall be accompanied by the following attachments:

- (a) A map of the property proposed to be rezoned. The map shall contain information, including a legal description, property as presently zoned, proposed zoning, and proposed use. The map shall also include the existing land use of adjoining properties. The written legal description may be submitted on a separate sheet and labeled as an attachment to the map.
- (b) A vicinity map identifying the exact location of the property to be rezoned, illustrating a one-half (½) mile radius from the site. The vicinity map may be drawn on the rezoning map, or submitted as a separate attachment.

Section 12.4. – Planning Commission Action

12.4.1. Any proposed amendment, modification, or repeal shall first be submitted to the Planning Commission for its recommendation and report.

12.4.2. The Planning Commission shall hold a public hearing, notice of which shall be given, for the consideration of any proposed amendment to this Ordinance and report its

recommendation to the City Council. Public hearings may be held during a regular meeting of the Planning Commission.

- (a) The Administrative Official shall give public notice for hearings by the Planning Commission, as required by law.
- (b) A public notice sign, which shall not be less than twelve (12) square feet in area, must be erected and maintained at the applicant's expense not less than fifteen (15) calendar days prior to the date of the public hearing. The public notice sign must be placed on all street frontages for proper notification of adjacent property owners, which shall contain information as to the proposed request and the time, date, and location of the public hearing. The applicant will be responsible for making sure the sign is erected and conforms to specifications established by the City. Any tabled items from the agenda until the next month will need to have the sign changed to note the new date.
- (c) Written notice shall be mailed by the Administrative Official to parties of interest in advance of the hearing and shall contain information of the proposed request, and the time, date, and location of the hearing.

12.4.3. The Planning Commission, by majority vote, shall recommend approval or denial of the requested zoning amendment to the City Council. The Planning Commission shall submit its recommendations to the City Council within thirty (30) days of the hearing, unless the City Council grants an extension of such period. If the Planning Commission fails to submit a report within the thirty (30) day period, it shall be deemed to have recommended the proposed amendment and the City Council shall proceed to hold a public hearing, in accord with State law. Any party or parties wishing to speak for or against an amendment shall appear and speak at the public hearing.

Section 12.5. – City Council Action

12.5.1. Upon receipt of the recommendation of the Planning Commission, the City Council shall hold a public hearing on the proposed amendment at the next regularly scheduled City Council meeting.

12.5.2. The City Council shall hold a public hearing, notice of which shall be given, for the consideration of any proposed amendment to this Ordinance. Notice of the proposed zoning amendment shall be disseminated as required by law. Required notice shall include a written legal description and map of the property to be rezoned. The applicant will pay the cost of publication as determined by the newspaper to the City Clerk. Further processing shall be withheld until the cost of publication is paid. Upon passage by the City Council, the approved ordinance will be advertised according to Section 11-52-77 of the Code of Alabama, 1975, as amended. The cost of advertising will be the responsibility of the applicant as determined by the City Clerk's office.

Section 12.6. – Withdrawal of Application

Any petition for a hearing before the Planning Commission or City Council may be withdrawn prior to action by either board at the discretion of the applicant upon written notice to the City Clerk.

Section 12.7. – Limitations on Application for Ordinance Amendment

No action shall be initiated for an amendment to this Ordinance affecting the same parcel of land more than once every six (6) months, unless specifically authorized by the City Council on the grounds that the circumstances and conditions relevant to the amendment request have changed significantly since the prior hearing.

Article 13 - Board of Zoning Adjustment

Section 13.1. – Purpose

The purpose of this article is to identify the duties, responsibilities, powers and proceedings of the Board of Zoning Adjustment (hereinafter called the “Board”) as authorized under Sections 11-52-80 and 11-52-81 of the Code of Alabama, 1975, as amended. This article is also intended to identify and clarify the processes associated with making application to the Board of Zoning Adjustment.

Section 13.2. – Membership

13.2.1. The Board shall consist of five (5) members to be appointed by the City Council. Each member is to be appointed for a term of three (3) years, except that in the first instance, one (1) member shall be appointed for a term of three (3) years, two (2) members for a term of two (2) years, and two (2) members for a term of one (1) year. Thereafter, each member appointed shall serve for a term of three (3) years or until a successor is duly appointed.

13.2.2. In addition to the five (5) regular members of the Board, two (2) supernumerary members shall be appointed to serve on the Board at the call of the Board Chair only in the absence of regular members, and while serving shall have and exercise the power and authority of regular members. Such supernumerary members shall be appointed to serve for three (3) year terms and shall be eligible for reappointment.

13.2.3. Members of the Board may be removed from office by the City Council for cause upon written charges and after a public hearing. Vacancies shall be filled by the City Council for the remaining term of any member whose term becomes vacant. All members of the Board, including supernumerary members, shall be residents of the City.

13.2.4. No member of the Board shall hold any other public office or position, with the exception that one member may be on the Planning Commission.

Section 13.3. – Procedures

13.3.1. The Board 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 Board Chair and at such times and places as the Board may determine. The Board Chair, or in their absence the acting Chair, may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public.

13.3.2. The Board shall 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 13.4. – Powers and Duties

The Board, in appropriate cases and subject to appropriate conditions and safeguards, shall have the following powers:

- 13.4.1. To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by a City official, acting under the authority of this Ordinance.
- 13.4.2. To authorize upon appeal in specific cases such variance from the provisions of this Ordinance that is not contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of the Ordinance will result in unnecessary hardship and so that the spirit of the Ordinance shall be observed and substantial justice done. Such variance may be granted in such individual case of unnecessary hardship upon a finding by the Board that:
 - (a) There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, and topography; and
 - (b) The application of this Ordinance to this particular piece of property would create an unnecessary hardship; and
 - (c) Such conditions are peculiar to the particular piece of property involved; and
 - (d) Relief, if granted, would not cause substantial detriment to the public good or impair the purpose and intent of this Ordinance; provided, however, that no variance may be granted for a use of land, building, or structure that is prohibited by this Ordinance.
- 13.4.3. To hear and decide special exceptions to the terms upon which the Board is required to act on by the provisions of this Ordinance.

Section 13.5. – Administrative Appeals

- 13.5.1. Appeals to the Board may be taken by any person aggrieved or affected by any provision of the Ordinance or by any decision of the Administrative Official. The Administrative Official shall present all of the papers constituting the record upon which the action appealed was taken to the Board.
- 13.5.2. An appeal shall stay all proceedings in furtherance of the action related to the decision which is being appealed, unless the Administrative Official certifies to the Board that by reason of facts stated in the certificate, a stay would cause imminent peril to life or property. In such case, proceedings shall not be stayed other than by a restraining order, which may be granted by the Board or by a court of record.
- 13.5.3. Administrative appeals to the Board must be presented as follows:

Article 13 – Board of Zoning Adjustment

- (a) An applicant shall complete appropriate forms provided by the Administrative Official, along with documentation required to describe the specific details of the appellant's request.
- (b) Appeals to the Administrative Official's decision shall be submitted within thirty (30) calendar days of decision.

13.5.4 For purposes of providing information concerning such applications, the Board shall also cause the following notice to be given:

- (a) The Board shall give public notice of hearing, as required by law.
- (b) A public notice sign, which shall not be less than twelve (12) square feet in area, must be erected and maintained at the applicant's expense not less than fifteen (15) calendar days prior to the date of the public hearing. The public notice sign must be placed on all street frontages for proper notification of adjacent property owners, which shall contain information as to the proposed request and the time, date, and location of the public hearing. The applicant will be responsible for making sure the sign is erected and conforms to specifications established by the City. Any tabled items from the agenda until the next month will need to have the sign changed to note the new date.
- (c) Written notices shall be mailed by the Administrative Official to parties of interest in advance of the hearing and shall contain information of the proposed request, and the time, date, and location of the hearing.

13.5.5 The Board shall hold a public hearing on the appeal request and act on the appeal within 45 days of the public hearing based on the review criteria established in this Article. Public hearings may be held during a regular meeting of the Board.

- (a) The Board shall grant to the Administrative Official's decision a presumption of correctness, placing the burden of persuasion of error on the appellant.
- (b) In exercising the appeal power, the Board shall have all the powers of the official from whom the appeal is taken, and the Board may reverse or affirm wholly or partly or may modify the decision being appealed.
- (c) If the Board determines that it is necessary to obtain additional evidence in order to resolve the matter, it shall remand the appeal to the Administrative Official from whom the appeal is taken, with directions to obtain such evidence and to reconsider the decision light of such evidence.
- (d) An appeal shall be sustained only if the Board finds that the Administrative Official erred factually in the decision.

- (e) Every decision of the Board shall be accompanied by written findings of fact specifying the reason for the decision. These findings shall be filed in the office of the Board within ten (10) days after the final action.

Section 13.6. – Variances

13.6.1. The Board may authorize upon appeal in specific cases such variances from the terms of this Ordinance where, owing to special conditions, a literal enforcement of the provisions of this Ordinance would result in unnecessary hardship.

13.6.2. Variance appeals to the Board must be requested as follows:

- (a) An applicant shall complete appropriate forms provided by the Administrative Official, along with documentation required to ensure compliance with the review criteria below.
- (b) Applications shall be filed in a timely manner before the scheduled hearing date before the Board.

13.6.3. For purposes of providing information concerning applications for variance requests, the Board shall also cause the following notice to be given:

- (a) The Board shall give public notice of hearing, as required by law.
- (b) A public notice sign, which shall not be less than twelve (12) square feet in area, must be erected and maintained at the applicant's expense not less than fifteen (15) calendar days prior to the date of the public hearing. The public notice sign must be placed on all street frontages for proper notification of adjacent property owners, which shall contain information as to the proposed request and the time, date, and location of the public hearing. The applicant will be responsible for making sure the sign is erected and conforms to specifications established by the City. Any tabled items from the agenda until the next month will need to have the sign changed to note the new date.
- (c) Written notices shall be mailed by the Administrative Official to parties of interest in advance of the hearing and shall contain information of the proposed request, and the time, date, and location of the hearing.

13.6.4. The Board shall hold a public hearing on the variance request and within 45 days of the public hearing, approve with conditions, continue, table, or deny the application based on the review criteria established in this Article. Public hearings may be held during a regular meeting of the Board.

13.6.5. A variance may be granted by the Board upon an affirmative finding that all of the following conditions exist:

Article 13 – Board of Zoning Adjustment

- (a) The requested variance arises from conditions that are unique to the subject property, that are not ordinarily found in the same zoning district, and that are not a result of the owner's intentional action.
- (b) The granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents.
- (c) The strict application of the applicable standards will constitute an unnecessary physical hardship (not economic hardship) or practical difficulty because the property cannot be used for an otherwise allowed use without coming into conflict with applicable site development standards.
- (d) The variance is the minimum action necessary to alleviate the hardship or practical difficulty and observes the spirit of this chapter.
- (e) The variance desired will not adversely affect the public health, safety, or general welfare or impair the purposes or intent of this Ordinance.

The Board may prescribe any safeguards or conditions that it deems necessary to secure substantially the objectives of the regulations or provisions of this Ordinance to which the variance applies.

13.6.6. The Board may not grant use variances, which are variances that have the effect of allowing a use within a specific zoning district that is not allowed by this Ordinance. The appropriate procedure for requesting any land use not allowed within a zoning district is rezoning.

Section 13.7. – Special Exceptions

13.7.1. The Board may hear and decide special exceptions to the terms of this Ordinance, upon which such Board is required to make judgment under this Ordinance.

13.7.2. Special exception appeals to the Board must be requested as follows:

- (a) An applicant shall complete appropriate forms provided by the Administrative Official, along with documentation required to ensure compliance with the review criteria below.
- (b) Applications shall be filed in a timely manner before the scheduled hearing date before the Board.

13.7.3. For purposes of providing information concerning applications for special exception requests, the Board shall also cause the following notice to be given:

- (a) The Board shall give public notice of hearing, as required by law.

- (b) A public notice sign, which shall not be less than twelve (12) square feet in area, must be erected and maintained at the applicant's expense not less than fifteen (15) calendar days prior to the date of the public hearing. The public notice sign must be placed on all street frontages for proper notification of adjacent property owners, which shall contain information as to the proposed request and the time, date, and location of the public hearing. The applicant will be responsible for making sure the sign is erected and conforms to specifications established by the City. Any tabled items from the agenda until the next month will need to have the sign changed to note the new date.
- (c) Written notices shall be mailed by the Administrative Official to parties of interest in advance of the hearing and shall contain and shall contain information of the proposed request, and the time, date, and location of the hearing.

13.7.4. The Board shall review the special exception application for compliance with this Ordinance and all other applicable City codes and ordinances. In particular, the Board shall determine that satisfactory provisions have been made concerning the following, among other considerations of this Ordinance:

- (a) Access to and from the property and the proposed structure and/or uses, with particular attention to vehicular and pedestrian safety and convenience, traffic flow and control, and emergency access.
- (b) The location and accessibility of off-street parking and loading areas.
- (c) The location and accessibility of refuse and service areas and their potentially adverse affects upon surrounding properties.
- (d) The screening and buffering of potentially adverse views and activities from surrounding properties.
- (e) Control of noise, glare, odor, surface water runoff, and other potentially disturbing impacts upon surrounding properties.
- (f) The availability, location, and capacity of utilities.
- (g) The location and scale of signs and lighting with particular reference to traffic safety, glare, and visual compatibility with surrounding properties.
- (h) The bulk, density, and lot coverage of structures, yards, and open areas, with reference to their compatibility with the character of the surrounding areas.

The Board may impose such conditions for approval that it deems necessary in the particular case to protect the public interest and the intent of this Ordinance in relation to the items listed above and as may otherwise be reasonably necessary. Such conditions shall apply to the land, structure, and use for which the special exception is granted and

not to a particular person. Violations of conditions lawfully attached to any special exception shall be deemed to be violations of this Ordinance.

Section 13.8. – Action by Board of Zoning Adjustment

In exercising the above mentioned powers, the Board may, so long as such action is in conformity with the provisions of this Ordinance, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from and may make such order, requirement, decision, or determination as out 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 (4) 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 affect any variation in the application of this Ordinance.

Section 13.9. – Additional Hearings

All decisions rendered by the Board shall be final and binding upon all parties. No appeal of an administrative decision or decision on an application for a variance of a special exception shall be reheard, and no further application shall be accepted once a decision has been rendered except under one or more of the following conditions:

13.9.1. New evidence or information pertinent to the request has been discovered that was not available to the applicant at the time of the original hearing.

13.9.2. The decision resulted from an error in procedure required by this Ordinance or State law and made by the Board, the Administrative Official, or any other City officials.

Section 13.10. – Withdrawal of Application

Any petition for a hearing before the Board may be withdrawn prior to action of Board at the discretion of the applicant upon written notice to the secretary of the Board.

Section 13.11. – Appeal from Board of Zoning Adjustment Decision

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

Article 14 - Subdivision Plats

Section 14.1. - Platting Authority

The Abbeville City Planning Commission shall be the official platting authority.

Section 14.2. - Pre-Application Review

Whenever the subdivision of a tract of land within the jurisdiction of the Planning Commission is proposed, the subdivider should consult early and informally with the Administrative Official for advice and assistance. The subdivider may submit sketch plans and data showing existing conditions within the site and in its vicinity and the proposed layout and development of the subdivision. The Administrative Official may distribute the sketch plan to the Planning Commission and city departments to obtain comments and suggestions. The Administrative Official shall return within fifteen (15) days the submitted sketch plans to the subdivider and shall inform the subdivider where the plans do not comply with the regulations set forth in this Ordinance. No fee shall be charged for the pre-application review and no formal application shall be required. Neither the applicant nor the Planning Commission shall be bound by the pre-application review and any favorable consideration at this stage shall not be construed as preliminary approval.

Section 14.3. - Procedure for Preliminary Plat Approval

Prior to the cutting or grading of any street or the making of any street improvements or the installation of utilities, the subdivider shall submit to the Planning Commission a preliminary plat of the proposed subdivision in accordance with the following procedure:

- 14.3.1. *Application for preliminary plat approval:* Following the pre-application review of a proposed subdivision, the subdivider, or its authorized agent, shall submit to the Administrative Official, in a timely manner prior to the next regular meeting of the Planning Commission, a letter requesting review and approval of a preliminary plat, and four (4) copies of the preliminary plat and other documents, as specified in **Section 14.4** herein.
- 14.3.2. *Review of preliminary plat:* The Administrative Official shall check the plat for conformance to the rules and regulations of this Ordinance and report such findings and recommendations to the Planning Commission, which shall afford a public hearing on the preliminary plat. Public hearings may be held during a regular meeting of the Planning Commission.
 - (a) The Administrative Official shall give public notice for hearings by the Planning Commission, as required by law.
 - (b) The subdivider shall post a sign on the property to be subdivided prior to the Planning Commission's review of the preliminary plat. The Administrative Official shall specify the size, type, number, and locations of the signs to be posted and the time period during which they shall be posted.

- (c) Written notice shall be mailed by the Administrative Official to parties of interest in advance of the hearing and shall contain information of the proposed request, and the time, date, and location of the hearing.

- 14.3.3. *Preliminary approval:* Following the hearing of the preliminary plat and other related material, the Planning Commission may express preliminary approval noting the conditions of such approval on four (4) copies of the preliminary plat with one copy being returned to the subdivider, one copy to the Henry County Health Department, one copy to the Administrative Official, and one copy to be added to the records of the Planning Commission. Approval of a preliminary plat does not constitute approval of a final plat. It indicates only approval of the layout as a guide to the preparation of the final plat.
- 14.3.4. *Expiration time:* Preliminary approval shall expire and be of no further effect twelve (12) months from the date of the preliminary approval unless the time is extended by the Planning Commission.
- 14.3.5. *Disapproval:* Following the hearing of the preliminary plat and other related material, the Planning Commission may find reasons detrimental to the public safety, health, and general welfare, or in conflict with adopted plans of the Planning Commission which required the disapproval of the preliminary plat. A statement of the reasons for disapproval shall be made on two (2) copies of the preliminary plat with one copy being returned to the subdivider and one copy being added to the records of the Planning Commission. The applicant may reapply for preliminary plat approval in accordance with **Section 14.3.1** herein.
- 14.3.6. *Automatic approval:* Failure of the Planning Commission to act on the preliminary plat within thirty (30) days after submission thereof, without due cause, shall be deemed to be approval of the plat and a certificate of preliminary approval shall be issued by the Planning Commission on demand; provided, however, that the subdivider may waive this requirement and consent to an extension of time.

Section 14.4. - Preliminary Plat Specifications

- 14.4.1. *Scale:* The preliminary plat shall be clearly and legibly drawn at a scale not smaller than one hundred (100) feet to one (1) inch.
- 14.4.2. *Sheet size:* Sheet size shall not be greater than eighteen (18) inches by twenty-four (24) inches. If the complete plat cannot be shown on sheet of this size, it may be shown on more than one sheet with an index map on a separate sheet of a reduced scale.
- 14.4.3. *Ground elevations:* The preliminary plat shall show ground elevations, based on the NAVD88 datum of the National Geodetic Survey.

- (a) For land that slopes less than approximately two (2) percent, spot elevations shall be shown at all breaks in grade, along all drainage channels or swales, and at selected points not more than one hundred (100) feet apart in all directions.
- (b) For land that slopes more than approximately two (2) percent, contours shall be shown with an interval of not more than five (5) feet if the ground slope is regular or with an interval of not more than two (2) feet if the ground slope is irregular.
- (c) A tie to one (1) or more bench marks shall be shown.
- (d) An exception to above requirements for showing ground elevation is a preliminary plat of a subdivision located in any subdivision with the average size of the lots being greater than one (1) acre. A preliminary plat of such subdivisions shall show only the location of streams (both perennial and intermittent), direction of flow of these streams, any areas subject to flooding, and selected spot elevations.

14.4.4. *Information to be provided on preliminary plat:* The preliminary plat shall contain the following information and any additional information considered necessary by the Administrative Official for consideration of the proposed subdivision:

- (a) Name and address of owner of record and of subdivider and name and registration number of surveyor and/or engineer.
- (b) Proposed name of subdivision and its acreage.
- (c) North arrow and graphic scale and date.
- (d) Vicinity map showing location and acreage of the subdivision.
- (e) Exact boundary lines of the tract by bearings and distance.
- (f) Names of owners of record of adjoining land with its approximate acreage.
- (g) Existing streets, utilities and easements on and adjacent to the tract, including the size and width of each.
- (h) Proposed layout including streets, alleys, and easements with both dimensions and proposed street names; lot lines with approximate dimensions; land to be reserved or dedicated for public uses; and any land to be used for purpose other than single-family dwellings.
- (i) Block letters and lot numbers.
- (j) Provisions for water supply, sewerage, and drainage, as required by the Henry County Health Department.

- (k) Minimum building front yard setback lines.
- (l) Such typical street cross-sections and center-line profiles as may be required.
- (m) Location of streams, lakes, swamps, and land subject to flooding as determined from past history of flooding.
- (n) Location of land dedicated for a neighborhood park or open space area for subdivisions exceeding ten (10) lots.
- (o) Existing zoning district classification of the proposed subdivision and of adjoining properties. Proposed lots shall conform to the minimum requirements of the zoning district in which they are located.
- (p) Inscription stating "Not for final recording."

14.4.5. *Digital copy:* A digital copy of the preliminary plat shall also be submitted to the City with the application in digital form in a .PDF, .JPEG, or similar format on electronic media.

14.4.6. *Approval from the health department:* A signed certificate of approval of the Henry County Health Department shall be placed on the plat if the subdivision will be constructed with individual wells and/or septic tanks.

14.4.7. *Certificate of preliminary approval:* A certificate of approval of the preliminary plat by the Planning Commission shall be inscribed on the plat as follows:

"In that all the requirements of Preliminary Approval having been fulfilled, this subdivision plat was given Preliminary Approval by the Abbeville City Planning Commission on _____/_____/_____ 20_____. The Preliminary Approval does not constitute approval of the Final Plat. This Certificate of Preliminary Approval shall expire and be null and void on _____/_____/_____, 20_____.

Date

Title of Administrative Official"

14.4.8. *Initiation of installing physical improvements:* After receiving a certificate of preliminary approval by the Planning Commission, the subdivider may then proceed to grade the streets and install all improvements required under this Ordinance and any other applicable regulations of the Council. Preliminary approval in no way approves or sanctions any noncompliance with ADEM/EPA NPDES permitting regulations or any other state or federal laws, rules, or regulations. In lieu of the completion of all improvements prior to submission of the final plat, the subdivider may post a performance bond with the city clerk in an amount and with survey conditions satisfactory to it, providing for and assuring to the Council the actual construction and

installation of such improvements within the period of time specified by the Planning Commission and stated in the bond.

Section 14.5. - Final Plat Procedure

After substantial completion of the physical development of the subdivision or the posting of a performance bond, the subdivider shall submit to the Planning Commission a final plat in accordance with the following procedure:

14.5.1. *Application for final plat approval:* After the preliminary plat of a proposed subdivision has been given preliminary approval by the Planning Commission, the subdivider, may within one (1) year or within such additional time as may be granted by the Planning Commission, submit to the Administrative Official in a timely manner prior to the next regular meeting of the Planning Commission, the following:

- (a) A letter requesting review and approval of the final plat.
- (b) Five (5) printed copies of the final plat with signed certifications and other documents as specified in **Section 14.6** herein.

14.5.2. *Review of the final plat:* The final plat shall be checked for conformance with the previously approved preliminary plat, and with conformance to regulations of this Ordinance.

- (a) *Office approval:* The Administrative Official may give final approval in the name and on behalf of the Planning Commission without a public hearing provided the final plat is the same as that granted preliminary approval by the Planning Commission and that all conditions specified by the Planning Commission and specified herein have been met; and shall sign a certificate of approval on all printed drawings with two (2) copies being returned to the subdivider, one copy to the Henry County Health Department, one copy to the Administrative Official, and one copy being added to the records of the Planning Commission. No final plat shall be approved by the Administrative Official until the required certifications have been approved by the appropriate approving agents as required in **Section 14.6**.
- (b) *Public hearing:* If the final plat is not found to be substantially in conformance with the previously approved preliminary plat, the Planning Commission shall afford a public hearing on the final plat. Public hearings may be held during a regular meeting of the Planning Commission.
 - 1. The Administrative Official shall give public notice for hearings by the Planning Commission, as required by law.
 - 2. The subdivider shall post a sign on the property to be subdivided prior to the Planning Commission's review of the final plat. The Administrative Official

shall specify the size, type, number, and locations of the signs to be posted and the time period during which they shall be posted.

3. Written notice shall be mailed by the Administrative Official to parties of interest in advance of the hearing and shall contain information of the proposed request, and the time, date, and location of the hearing.
- (c) *Disapproval:* The Planning Commission may find the final plat in conflict with the previously approved preliminary plat or with this Ordinance requiring the disapproval of the final plat. A statement of the reasons for disapproval shall be placed on two (2) copies of the final plat with one copy being returned to the subdivider and one copy being added to the records of the Planning Commission. No certificate of approval shall be given. The final plat may be resubmitted as a new application for final plat approval for hearing after the corrections noted by the Planning Commission are made.
- (d) *Automatic approval.* Failure of the Planning Commission to act on the final plat within thirty (30) days after submission thereof shall be deemed to be approval of the plat and a certificate of final approval shall be issued by the Planning Commission on demand; provided, however, that the subdivider may waive this requirement and consent to an extension of time.

Section 14.6. - Final Plat Specifications

14.6.1. *Conformance with the preliminary plat:* The final plat shall conform to the conditions of the previously approved preliminary plat.

14.6.2. *Original tracing specifications:* The final plat shall be clearly and legibly drawn on any acceptable tracing material. The scale shall be one hundred (100) feet or fifty (50) feet to an inch on a sheet size of not greater than eighteen (18) inches by twenty-four (24) inches. If the complete plat cannot be shown on one (1) sheet of this size, it may be shown on more than one (1) sheet with an index map at a reduced scale.

14.6.3. *Additional specifications:* The final plat shall contain the following information:

- (a) Name and address of owner of record and of subdivider and name and registration number of surveyor and/or engineer.
- (b) North arrow and graphic scale and date.
- (c) Vicinity map showing location and acreage of the subdivision.
- (d) Names of owners of record of adjoining land with its appropriate acreage.
- (e) Location of streams, lakes, swamps, and land subject to flood as determined from past history of flooding.

- (f) Bearings and distance to permanent points on the nearest existing street lines or bench marks or other permanent monuments (not less than three (3)) shall be accurately described on the plat.
- (g) Municipal and county lines shall be accurately tied to the lines of the subdivision by distance and angles when such lines traverse or are reasonably close to the subdivision.
- (h) The closest land-lot corner shall be accurately tied to the lines of the subdivision by distance and angles.
- (i) Location of land dedicated for a neighborhood park or open space area for subdivisions exceeding ten (10) lots.
- (j) Land-lot and land-district number shall be shown.
- (k) Exact boundary lines of the tract, determined by a field survey, giving distances to the nearest one-tenth (1/10) foot and angles to the nearest minute, shall be balanced and closed with an apparent error of closure not to exceed one in five thousand (5,000).
- (l) Name of subdivision, exact locations, widths, and names of all streets and alleys within and immediately adjoining the new subdivision shall be shown on the plat.
- (m) Street right-of-way lines shall show angles of deflection, angles of intersection, radii, and lines of tangents.
- (n) Lot lines shall be shown with dimensions to the nearest one-tenth (1/10) foot and bearings.
- (o) Lots shall be numbered in numerical order and blocks lettered alphabetically.
- (p) Each lot shall have a house number.
- (q) Location, dimensions, and purposes of any easements and any areas to be reserved or dedicated for the public use shall be shown on the plat.
- (r) Accurate location, material, and description of monuments and markers, shall be described on the plat.
- (s) Minimum building front yard setback lines shall be shown.

Article 14 – Subdivision Plats

14.6.4. *Surveyor's certification:* A signed certification by a registered land surveyor certifying to the accuracy of the survey and the plat shall be placed on the final plat as follows:

"In my opinion this plat is a correct representation of the land platted and has been prepared in conformity with the minimum standards and requirements of law and has been calculated for closure by latitudes and departures and is found to be accurate within one foot in _____ feet.

By: _____

Alabama Registered Land Surveyor No. _____”

14.6.5. *Owner's certification:* A signed certification of ownership shall be placed on the final plat as follows:

"Owner's Certification:
State of Alabama, County of Henry.

The undersigned certifies that he or she is the owner of the land shown on this plat and acknowledges this plat and allotment to be such person's free act and deed and dedicates to public use forever all areas shown or indicated on this plat as streets, alleys, easements, or parks.

Date

Owner's Name”

14.6.6. *Health department certification:* A signed certification of the Henry County Health Department shall be placed on the final plat as follows:

"I certify that the general lot layout shown on this plat has been approved by the Henry County Health Department for development with _____

Date

Health Officer”

The blanks in the above certification statement shall be completed by the health officer, or such officer's representative, so as to indicate whether approval is based upon the use of individual water supplies, a community sewerage system, a community water supply, or a combination thereof.

14.6.7. *Certificate of approval by the City:* A signed certification of the City shall be placed on the final plat as follows:

“We certify that the owner, or the owner’s agent, has completed the construction and installation of the streets, drainage, utilities, and other improvements in accordance with the laws and specifications of the City of Abbeville, Alabama, or has posted a performance bond in lieu thereof.

Date

Administrative Official

Section 14.7. – Certificate of Final Approval by the Planning Commission

Certification of final approval by the Planning Commission shall be placed on the final plat only after every item in **Section 12.5 and 12.6** of this Ordinance has been complied with and shall state the following:

"I certify that all the requirements for Final Approval of this Plat have been fulfilled in accordance with the Ordinances of the City of Abbeville, Alabama, and the requirements of the Abbeville City Planning Commission.

Date

Chairperson, Planning Commission

Section 14.8. - Recording of Final Plat

Upon the approval of a final plat by the City, the owner, or the owner's agent, shall have the final plat recorded in the Office of the Probate Judge prior to the sale of any lot in the subdivision. Upon recording of the approved final plat, a copy of any private covenants or deed restrictions shall be provided by the subdivider for the records of the Planning Commission.

Section 14.9. - Subdivisions not Exceeding Five Lots

Notwithstanding the provisions stated elsewhere in this Ordinance, the Administrative Official is hereby delegated the authority to give preliminary and final approval in the name and on behalf of the Planning Commission to applications for approval of a new subdivision not exceeding five (5) lots in size provided no new street is involved, the required certifications have been approved by the appropriate agent no variances are involved and all the requirements set forth in this Ordinance are met.

Article 15 - Subdivision Design Requirements and Minimum Standards

Section 15.1. – General Requirements

- 15.1.1. *Suitability of Land:* The Planning Commission shall review all subdivisions for suitability of the area for uses called for on the preliminary plat. If the Planning Commission finds that a tract is unsuitable for development due to flooding, improper drainage, or erosion, or which is for topographical, geological, or other reasons that will be harmful to the health, safety, or general welfare of the inhabitants of the subdivision or adjacent area, unless the hazards can be and are corrected.
- 15.1.2. *Name of subdivision:* The name of the subdivision must have the approval of the Planning Commission. The name shall not duplicate nor closely approximate the name of an existing subdivision or street within the Planning Commission’s jurisdiction.
- 15.1.3. *Access:* Every subdivision shall have access to a public street.
- 15.1.4. *Conformance to adopted comprehensive plans:* All subdivisions shall be consistent with the comprehensive plan of the City of Abbeville.
- 15.1.5. *Through traffic:* Local streets shall be so laid out that their use by through traffic will be discouraged.

Section 15.2. - General Requirements for Streets and Other Rights-of-Way

- 15.2.1. *Continuation of existing streets:* Existing streets shall be continued at the same or greater width, but in no case less than the required width.
- 15.2.2. *Connections with future subdivisions:* Streets shall be reserved at strategic locations to provide for future access to adjoining properties which may be subdivided in the future. Each street connection shall intersect property lines at a ninety-degree angle.
- 15.2.3. *Street names:* Street names shall require the approval of the Planning Commission with concurrence by the E-911 Coordinator. Streets that are obviously in alignment with streets already in existence and already named shall be given the name of the existing street. Names of new streets shall not duplicate or closely approximate those of existing streets.
- 15.2.4. *Street jogs:* Street jogs with center-line offsets of less than one hundred twenty-five (125) feet shall not be permitted.
- 15.2.5. *Cul-de-sacs:* Cul-de-sacs, or dead-end streets, shall not be greater in length than eight hundred (800) feet. They shall be provided at the closed end with a turn-around having a property line radius of at least fifty (50) feet with an outside pavement radius of at least forty (40) feet.

15.2.6. *Development along major street, limited-access highway, or railroad right-of-way:*

Where a subdivision abuts or contains an arterial or collector street, or a railroad right-of-way, the Planning Commission may require a street approximately parallel to and on each side of such right-of-way, either as a marginal access street, or at a distance suitable for an appropriate use of intervening land, with a non-access reservation suitably planted. Due regard should be given requirements for approach grades and future grade separations in determining distances. Lots shall have no access to arterial streets, but only to an accessible street in which case the Planning Commission may require double frontage lots.

15.2.7 *Half-streets:* Half-streets shall be prohibited except where essential to the reasonable development of the subdivision in conformity with the other requirements of these regulations; and where the Planning Commission finds it will be practicable to require the dedication of the other half when the adjoining property is subdivided, the other half of the street shall be platted within such tract.

15.2.8. *Alleys:* The requirements for providing alleys within a subdivision are as follows:

- (a) Alleys shall be provided in mixed-use and nonresidential districts, except where other definite and assured provision is made for service access such as off-street parking, loading, and unloading, consistent with and adequate for the uses proposed.
- (b) Alleys for residential developments shall be optional unless the Planning Commission advises of the need for alleys.
- (c) Dead-end alleys shall be avoided where possible, but if unavoidable, shall be provided with adequate turn-around facilities at the dead end, as determined by the Planning Commission.

15.2.9. *Reserve strips and easements:*

- (a) Reserve strips controlling the access to streets, alleys, and public grounds shall be prohibited except where this control is definitely placed in the hands of the Council under conditions approved by the Planning Commission. The Planning Commission may control access to arterial and collector streets by requiring all lots to face and have access to only local streets.
- (b) Easements having a minimum width of ten (10) feet and located along the side or rear lot lines shall be provided, as is necessary, for utility lines and underground mains and cables. Where a subdivision is traversed by a watercourse, drainage way, channel, or streams, there shall be provided a stormwater or drainage right-of-way of adequate width. Parallel streets may be required by the Planning Commission in connection therewith.

Section 15.3. - Right-of-Way Width Requirements

The minimum street right-of-way widths shall be as follows:

- (a) Arterial streets - 80 feet
- (b) Collector streets - 80 feet
- (c) Local commercial and industrial streets - 60 feet
- (d) Local residential streets - 50 feet
- (e) Dead-end streets (cul-de-sacs) - 50 feet
- (f) Marginal access streets - 50 feet
- (g) Alleys - 20 feet

Section 15.4. - Street Design Requirements

15.4.1. *Street intersections:* Street intersections shall be as nearly at right angles as possible with no street intersection being at any angle of less than seventy-five (75) degrees.

15.4.2. *Right-of-way radius:* The street right-of-way radius at street intersections shall be at least twenty (20) feet. Where the angle of street intersection is less than ninety (90) degrees, the Planning Commission may require a longer radius.

15.4.3. *Additional width on existing streets:* Subdivisions that adjoin existing streets shall dedicate additional right-of-way if needed to meet the minimum street width requirements set forth in **Section 15.3.**

- (a) The entire right-of-way shall be provided where any part of the subdivision is on both sides of the existing streets.
- (b) When the subdivision is located on one side of an existing street, one-half (½) of the required right-of-way, measured from the center line of the existing roadway, shall be provided.

Sec. 15.5. - Design Standards for Blocks and Lots

15.5.1. *Design lengths and widths:* Block lengths and widths shall be determined based on the following requirements:

- (a) Blocks shall not be greater than one thousand two hundred (1,200) feet, between intersections with other public or private streets unless topographic or other constraints shall make it impractical.

Article 15 – Subdivision Design Requirements and Minimum Standards

- (b) Blocks shall be wide enough to provide two (2) tiers of lots of minimum depth, except where abutting upon arterial or collector streets, railroads, or where other situations make this requirement impracticable in which case the Planning Commission may approve a single tier of lots of minimum depth.
- (c) Blocks shall have pedestrian walkways, not less than five (5) feet wide, where deemed essential, to provide circulation, or access, to schools, playgrounds, shopping centers, transportation, and other community facilities.

15.5.2. *Lot sizes:* Lot dimensions shall conform to the requirements set forth in the zoning districts in which the land to be subdivided is located. Residential corner lots shall have adequate width to permit appropriate building setback from and orientation to both abutting streets.

15.5.3. *Building lines:* A building line meeting the front and side yard setback requirements of the zoning district in which the subdivision is located shall be established on all lots.

15.5.4. *Lots abutting public streets:* Each lot shall abut upon a dedicated public street.

15.5.5. *Double frontage lots:* Double frontage lots should be avoided except where essential to provide separations of residential development from traffic arterials or to overcome specific disadvantages of topography and orientation. Access shall be taken from only one side. A planting screen easement of at least ten (10) feet, and across which there shall be no right of access, shall be provided along the line of lots abutting such a traffic artery or other disadvantageous use.

Article 16 - Required Subdivision Improvements

Section 16.1. - Monuments

Right-of-way and property line monuments shall be placed in each subdivision in accordance with the following:

16.1.1. *Right-of-way monuments:* A concrete marker imbedded at least two (2) feet into the ground shall be required at the intersection of all street right-of-ways and radius points. Such concrete marker shall be at least four (4) inches square with a one-eighth (1/8) inch iron pin imbedded in the center. The top surface of such concrete marker shall be level with the finished grade.

16.1.2. *Property line monument:* An iron pin imbedded at least two (2) feet into the ground shall be required at each lot corner and each point where the property line changes direction. Such iron pin shall be at least one-half (½) inch in diameter. The top surface of such iron pin shall be approximately level with the finished grade.

Section 16.2. - Special Classification of Streets for Construction

All streets shall be classified for construction purposes only as follows:

16.2.1. *Class I street:* A Class I street shall be paved, curbed, and guttered in accordance with the specifications required herein, and shall be required in all zoning districts except R-A, R-1, and R-2 Residential districts but may be so located if the subdivider so desires. Right-of-way width requirements shall be in accordance with **Section 15.3** herein.

16.2.2. *Class II street:* A Class II street shall be paved in accordance with the specifications required herein but no curbs and gutters shall be required and shall be required as a minimum in R-A, R-1, and R-2 Residential zoning districts. The minimum right-of-way width for all Class II streets shall be fifty (50) feet and if such streets are ever improved to Class I type street by the Council, the cost of such improvements shall be in accordance with **Section 16.9.6(c)** herein.

Section 16.3. – Grades, Horizontal Curves, Vertical Curves, Tangents, and Sight Distances

The following street design requirements shall be adhered to in addition to other requirements stated herein:

	Arterial Streets	Collector Streets	Other Streets
Maximum street grades	6%	8%	15%
Minimum street grades	0.5%	0.5%	0.5%
Minimum radii of center line curvature	800'	500'	100'
Minimum length of tangent between reverse curves and approaches at intersections	300'	200'	100'
Minimum stopping sight distance	350'	240'	200'

The maximum street grade from the centerline intersection of two streets shall be five (5) percent for a minimum distance of one hundred (100) feet.

Section 16.4. - Basic Construction Requirements for All Classes of Streets

16.4.1. *Grading:* All streets, roads, and alleys shall be graded to their full width by the subdivider so that pavements and sidewalks, where required or if installed in the future, can be constructed on the same level plane. The preparation of the right-of-way shall be completed before grading is started and the construction of cuts and fills shall be accomplished in accordance with the requirements herein and other specifications of the Planning Commission.

16.4.2. *Storm drainage:* An adequate drainage system based on at least the ten-year rainfall frequency including necessary curbs, pipes, culverts, headwalls, and ditches shall be provided for the proper drainage of all surface water.

16.4.3. *Installation of utilities:* After grading is completed and approved and before any base is applied, all of the underground utilities located in the street right-of-way, including water mains, sewer mains, gas mains, and all service connections related thereto, shall be installed completely and approved throughout the length of the street. Where alleys exist, utilities shall be installed in the alley right-of-way, unless specifically directed to otherwise by the Planning Commission. It shall be the responsibility of the subdivider or their representative to coordinate installation of utilities with the appropriate department or agencies. All driveways for houses to be built by the subdivider shall be cut and drained.

16.4.4. *Slopes and shoulders improvements:* The minimum ratio for all fill or cut slopes shall be two (2) to one (1) and the minimum width for all shoulders from back edge of the curb, if installed, shall be eight (8) feet. All shoulders shall slope one-half (½) inch to the foot. When all construction is completed, all slopes and shoulders shall be cleared of all rubbish and shall have a stand of grass to prevent undue erosion, either by sprigging or seeding.

Section 16.5. - Roadway Surfacing and Paving

For Class I and Class II streets, the following minimum requirements shall be adhered to for the surfacing and paving of said streets:

16.5.1. *Pavement base*: The pavement bases, not including the surface courses, shall be one of the following types and shall be of the following minimum thickness as designated for each street classification:

	Arterial Streets	Collector Streets	Other Streets
Graded aggregate base	8"	7"	6"
Soil bituminous stabilized base	8"	7"	6"
Soil bound macadam base	8"	7"	6"
Soil cement base	8"	7"	6"

16.5.2. *Thickness of pavement*: The pavement shall be one of the following types and shall be designated for each street classification:

	Arterial Streets	Collector Streets	Other Streets
Portland cement concrete	8"	6"	6"
Asphaltic plant mixed surface (on approved type base)	3½"***	2¾"	1½"*

* A single surface bituminous treatment and one inch of plant mix may be substituted for one and one-half (1½) inches of plant mix.

*** The three and one-half (3½) inches consists of two (2) inches binder and one and one-half (1½) inches surface.

16.5.3. *Minimum pavement width*: All local residential streets shall have a minimum pavement width of twenty-seven (27) feet from back of curb to back of curb, or twenty-four (24) feet from edge of pavement to edge of pavement if no curb and gutters are installed. All other street width pavements shall be determined by the Planning Commission as required.

16.5.4. *Pavement breaks for utility connections*: When it is necessary for a subdivider, or any utility company, to break existing pavement for the installation of utilities or drainage facilities, or for any other purpose, the subdivider, or utility company, shall be financially responsible for the repair of the pavement. The pavement shall be repaired in accordance with the specifications required herein for construction of streets.

16.5.5. *Curbs and gutters*: Either the regular six-inch or four-inch roll-over concrete curbs and gutters with a minimum overall width of twenty-four (24) inches shall be constructed on

all Class I streets. Cement concrete valley gutter shall be permitted across local residential streets at street intersections only when no storm sewers are available as determined by the Administrative Official. Valley gutters shall be at least six (6) feet in width. Whenever driveway openings are provided for lots abutting the street, the driveway shall be six (6) inches thick and a minimum of the ten (10) feet in width at the sidewalk or at the street right-of-way line. The driveway shall have a three-foot (3') radii at the curbline.

Section 16.6. - Installation of Utilities

16.6.1. *Water:* Water mains for both domestic use and fire protection shall be properly connected with the public water system, or with an alternate water supply approved by the City. The water mains and associated facilities shall be constructed in such a manner as to serve adequately all lots shown on the subdivision plat. The water mains and associated facilities shall be installed in conformance with the technical standards as established by the Water and Sewer Board.

16.6.2. *Sewer:* A publicly connected sanitary sewer system shall be installed. Where lots cannot be connected to the city sewerage system in a manner that is technically feasible or economically reasonable, the Planning Commission may provide a waiver which provides for the installation of approved septic tank and disposal fields approved by the Henry County Health Officer. The waiver may, in no case, require less than a complete sewer design for the subdivision and provisions for all easements made for future sewer construction. All sewer facilities shall be installed in accordance with the standards of the department of public health of the State of Alabama.

16.6.3. *Gas:* When gas mains are connected with the gas distribution system of the City of Abbeville the lines shall be installed in such a manner as to serve adequately all lots shown on the subdivision plats. The gas lines shall be constructed in conformance with the technical standards as established by the Council.

Section 16.7. - Sidewalks and Street Signs

16.7.1 *Location of sidewalks:* Sidewalks shall be provided in each subdivision as follows:

Zoning	Arterial	Collector	Local
R-1 R-2	5 ft. width, both sides	5 ft. width, both sides	5 ft. width, one side
R-3 MH-1 R-O	5 ft. width, both sides	5 ft. width, both sides	5 ft. width, both sides
All Other Districts	As required by the Planning Commission		

16.7.2. *Sidewalk dimensions:* Unless otherwise specified, all sidewalks shall be four (4) inches thick with a minimum width of five (5) feet and be of concrete, stone, or masonry construction, or other materials approved by the Planning Commission. A 24-inch grass

planting strip shall be provided between the back of the curb and the sidewalk. For Class II streets, the sidewalk shall be located on the right-of-way line side of the drainage ditch located parallel to the street. All sidewalks shall slope one-fourth (1/4) inch per foot toward the curb.

16.7.3. *Location of street signs:* All streets shall be designated by name on a metal street signpost approved by the City with such metal post having nameplates of metal set one above the other with a clearance of seven (7) feet. The post shall be so located as to be visible for both pedestrian and vehicular traffic. At cross-street intersections, two (2) street signposts shall be located diagonally across the intersection from each other. Only one street signpost shall be required at T-street intersections.

Section 16.8. - Public Sites and Open Space

16.8.1. *Park dedication:* In subdivisions of fifty (50) or more lots or twenty (20) or more acres in size, the subdivider shall provide suitable recreation land of at least five (5) percent of the total area of land to be subdivided. In the event the subdivision is to be developed in sections, appropriate agreement shall be made to assure the dedication of the required land.

16.8.2. *Features of the comprehensive plan:* Where public sites have been set aside, within an element of the comprehensive plan for Abbeville or when such features are recommended as essential by a local governing body or agency, such sites shall be reserved for such purpose for a period of two (2) years from the date of the recording of the subdivision.

16.8.3. *Siting of reserved or dedicated land:* The subdivider or the subdivider's engineer shall review the subdivider's tentative lot arrangement with the Administrative Official (or a person so designated by the Council) to determine the location of land to be dedicated or reserved with the following limitations:

(a) Such land shall have adequate street access and, where necessary, pedestrian easements; and

(b) Such land shall be in well-drained, useable tracts, suitable for recreation purposes, landscaping, and beautification, and shall not be used for drainage channels or holding ponds.

Review of lot arrangement and location of public sites shall be conducted at least thirty (30) days prior to the filing of a preliminary plat. Such official shall submit a statement signifying such official's findings to the Planning Commission prior to its review of the preliminary plat.

16.8.4. In subdivisions containing less than twenty (20) acres of land or less than fifty (50) lots, or in larger subdivisions where it is not practical to dedicate recreation areas, the subdivider shall be required to pay to the appropriate governing body a sum of money, equal in value to eight (8) percent of the sales value of lots within the subdivision, when

said lots are improved. The subdivider may elect to pay the required sum in either a lump-sum payment, or an appropriate amount with each section when presented for final approval.

16.8.5. Funds paid to the governing bodies under this requirement shall be utilized for the acquisition of park and recreation areas and for no other purpose.

Section 16.9. - Administrative Procedures

The administrative procedures for installing the subdivision improvements required herein shall be as follows:

16.9.1. *When construction may begin:* Construction and installation of any required public improvements as described herein shall not begin until the Planning Commission has given preliminary approval of the new subdivision. The subdivider shall then confer with the Administrative Official to determine the method and estimated cost of the construction and installation of the required improvements.

16.9.2. *Inspections and approval by the Council:* During the construction and installation of the required public improvements, the Administrative Official shall from time-to-time make field inspections and supervise said work as predetermined and agreed upon by the Administrative Official and the subdivider. After completion of all the construction and installation of the required public improvements and if said work has met the specifications as described herein, as determined by the Administrative Official, the Administrative Official shall notify the subdivider in writing of the approval of said work.

16.9.3. *Official acceptance by the Council:* The Council shall officially accept the completed work on the construction and installation of required public improvements one year from the date of the written acceptance by the Administrative Official.

16.9.4. *Performance bond:* If the subdivider does not wish to construct and install any required public improvements as described herein prior to submitting the subdivision plat to the Planning Commission for final approval, a performance bond shall be required, such bond being equal to the estimated cost of construction.

16.9.5. *Maintenance of completed work:* The subdivider shall maintain such subdivider's completed work until the official acceptance by the Council as described in **Section 16.9.3** above. The subdivider shall be required to sign a maintenance bond agreement with the Council. If a maintenance bond is posted by the subdivider a bond equaling ten (10) percent of the construction cost shall be required. During the maintenance period, the Administrative Official shall make final inspection and notify the subdivider and the bonding company, or in cases where funds are being held in escrow, the cost of making such corrections shall be deducted from these funds, and the subdivider charged with any costs above the amount of escrow funds. If the work is acceptable at this time, the remaining ten (10) percent of the escrow funds shall be released to the subdivider.

16.9.6. *Cost of improvements:* Determining the responsibility for the cost of improvement shall be done as follows:

- (a) *Subdivider's responsibility:* The subdivider shall incur the cost of construction and installation of all required public improvements based on the following:
 - 1. *Streets:* Incur the cost for the construction of the full width of streets from back of curb to back of curb, or from shoulder to shoulder.
 - 2. *Water and sewer systems:* Incur the cost for the installation of all water and sewer systems which are required to serve the new subdivision and tie in with existing water and sewer systems, based on the specifications set forth herein.
 - 3. *Sidewalks:* Entire cost.
 - 4. *Monuments:* Entire cost.

- (b) *Governing body's responsibility:* The governing body shall partially participate in sharing the cost of construction and installation of required public improvements for the following conditions:
 - 1. *Water and sewer systems:* Incur cost for any difference in the cost of the laying of oversized pipe and outfall systems which are needed in excess of the required water and sewer facilities needed to exclusively serve the new subdivision as determined by the Planning Commission and Council.
 - 2. *Street signs:* Entire cost.

- (c) *Property owner's responsibility:* Whenever the Council is petitioned by the property owners to upgrade a Class II street to Class I, the property owners shall then incur the entire cost for said improvements based on the footage along the property line of each lot abutting the street which is being improved and on the requirements in **Section 16.9.6(a)** above.

- (d) *Estimated costs for construction and installation:* The current unit prices in effect at the time of submission of plans shall be used in determining the total estimated cost for construction and installation of required public improvements in new subdivisions.