

Lee County Zoning Regulations

**Adopted by the
Lee County Planning Commission on
May 19, 2021**

**Approved by the
Lee County Commission on
May 24, 2021**

**Amended
April 25, 2022**

Contents

Article I In General

Sec. 1-1 Short title	1-1
Sec. 1.2 Authority	1-1
Sec. 1.3 Adoption	1-1
Sec. 1.4 Purposes and considerations	1-1
Sec. 1.5 Applicability	1-2
Sec. 1.6 Coordination of Master Plan and Zoning Regulations	1-2
Sec. 1.7 Conflict with other laws.....	1-3
Sec. 1.8 Severability	1-3
Sec. 1.9 Saving provision	1-3
Sec. 1.10 Repeal	1-3

Article II Establishment of Zoning Districts and Zoning Map

Sec. 2.1 Establishment of zoning in beats	2-1
Sec. 2.2 Establishment of zoning districts	2-1
Sec. 2.3 Lee County Zoning Map	2-3

Article III District Use Regulations

Sec. 3.1 Applicability of district use regulations	3-1
Sec. 3.2 Use limitations due to zoning standards	3-1
Sec. 3.3 Accessory and combined uses	3-1
Sec. 3.4 Classification of uses	3-1
Sec. 3.5 New and unusual uses	3-2
Sec. 3.6 Rights of railroads and utilities not impaired	3-2

Sec. 3.7 Permitted uses	3-2
Sec. 3.8 Supplemental use regulations	3-6

Article IV District Dimensional Regulations

Sec. 4.1 Compliance with district dimensional regulations.....	4-1
Sec. 4.2 Dimensional requirements	4-1

Article V Supplemental District Regulations

Reserved.	5-1
----------------	-----

Article VI Administration

Sec. 6.1 Planning Director	6-1
Sec. 6.2 Compliance.....	6-1
Sec. 6.3 Remedies for violations.....	6-1
Sec. 6.4 Administrative Appeal procedures	6-2
Sec. 6.5 Special Exception Use procedures	6-2
Sec. 6.6 Variance procedures.....	6-3
Sec. 6.7 Amendments to Zoning Regulations	6-3
Sec. 6.8 Application to amend the Zoning Regulations.....	6-3
Sec. 6.9 Conditional Rezoning.....	6-4
Sec. 6.10 Nonconformities	6-5
Sec. 6.11 Types of nonconformities.....	6-6
Sec. 6.12 Continuation of nonconformities	6-6
Sec. 6.13 Repair and maintenance of nonconformities.....	6-7
Sec. 6.14 Alteration, enlargement, or restoration of nonconformities.....	6-7
Sec. 6.15 Change in use.....	6-7

Article VII Exceptions to Zoning Regulations

Sec. 7.1 Authority of Planning Commission to grant exceptions	7-1
Sec. 7.2 Appointment of Zoning Review Board by County Commission ...	7-1
Sec. 7.3 Appeal to Zoning Review Board	7-1
Sec. 7.4 Appeal to Circuit Court.....	7-2

Article VIII Definitions

Sec. 8.1 Purpose of definitions	8-1
Sec. 8.2 Interpretation.....	8-1
Sec. 8.3 Word usage	8-1
Sec. 8.4 Uses defined	8-1
Sec. 8.5 General terms defined	8-12

Article IX

Sec. 9.1 Zoning Map	9-1
---------------------------	-----

Article X

Sec. 10 Applications and Forms	10.1
--------------------------------------	------

Article I In General

Section 1.1 Short Title

These Zoning Regulations shall be known and may be cited as the “*Lee County Zoning Regulations.*”

Section 1.2 Authority

These Zoning Regulations are hereby adopted in accordance with the requirements of Act 2007-401 of the Alabama Legislature, as amended by Act No. 2008-409.

Section 1.3 Adoption

Following Lee County Planning Commission adoption on May 19, 2021, the Lee County Commission approved the Lee County Zoning Regulations by Resolution on May 24, 2021, which is the effective date that these Zoning Regulations take effect and are in full force.

Section 1.4 Purposes and considerations

- (a) These Zoning Regulations have been enacted for the purpose of promoting the health, safety, morals, convenience, prosperity, and general welfare of Lee County.
- (b) The portions of Lee County within the zoning jurisdiction authorized for each Beat have been divided by the Planning Commission, with approval by the County Commission, into districts of the number, shape, and area as may be found best suited to carry out these purposes and to provide within the districts for standards related to the use of land and the types and kinds of structures that may be erected in the districts and all home remodeling or modification in the districts.
- (c) The provisions of these Zoning Regulations have been made in accordance with a comprehensive plan for the area involved and have been designed to lessen congestion in the streets and highways; to secure safety from fire, flood, panic, and other dangers; to provide for health and the general welfare; to provide adequate light and air; to prevent the

overcrowding of land; to avoid undue mixed use of land; to facilitate the adequate provision of transportation, water supply, sewerage, schools, parks, and other public requirements.

- (d) These zoning provisions have been made with reasonable consideration, among other things, of the character of land and district and its peculiar suitability for particular uses and with a view of promoting desirable living conditions, sustaining the stability of neighborhoods, protecting property from blight and depreciation, securing economy in governmental expenditures, conserving the value of buildings, and encouraging the most appropriate use of building and lands and structures throughout the jurisdiction of the Planning Commission.

Section 1.5 Applicability

These Zoning Regulations apply to all election beats within unincorporated areas of Lee County, which are subject to the authority of the Lee County Planning Commission. Any beat within the unincorporated areas of Lee County in which a majority of qualified electors vote to accept the authority of the Planning Commission shall be subject to these Zoning Regulations.

Section 1.6 Coordination of Master Plan and Zoning Regulations

- (a) The effective Master Plan on the initial adoption date of these Zoning Regulations is the Lee County Master Plan October 2010. These Zoning Regulations and the Zoning Map have been developed in accordance with the Master Plan and with careful surveys and studies of existing conditions within the zoning jurisdiction of Lee County. All amendments to these Zoning Regulations shall be made in accordance with the Master Plan in effect on the date of the amendment.
- (b) The Master Plan and these Zoning Regulations share the general purpose of guiding and accomplishing a coordinated, adjusted harmonious development of Lee County, which will, in accordance with present and future needs, best promote health, safety, morals, order, convenience, prosperity, and general welfare, as well as efficiency and economy in the process of development, and promote safety from fire, flood, and other dangers, the healthful and convenient distribution of population, and the wise and efficient expenditure of public funds.

- (c) The purpose and effect of the Master Plan and Zoning Regulations intend to aid the Planning Commission in the performance of its duties, including making recommendations to the County Commission, among other duties, so as to achieve coordinated, adjusted, and harmonious development.

Section 1.7 Conflict with other laws

Whenever the requirements of these Zoning Regulations are at variance with the requirements of any other lawfully adopted statutes, rules, or regulations, the more restrictive, or that imposing the higher standards, shall govern.

Section 1.8 Severability

The provisions of these Zoning Regulations are severable and should any provision be held by a court of competent jurisdiction to be invalid, these Zoning Regulations in their entirety and remaining parts thereof, other than the part so held to be invalid, shall still be valid.

Section 1.9 Saving provision

These Zoning Regulations shall not be construed as abating any action now pending under, or by virtue of, prior existing, or as discontinuing, abating, modifying, or altering any penalty accruing or about to accrue, or as affecting the liability of any person, firm, or corporation, or as waiving any right of the County under any section or provision existing at the time of adoption of these Zoning Regulations, or as vacating or annulling any rights obtained by any person, firm, or corporation, by lawful action of the County except as shall be expressly provided for in these Zoning Regulations.

Section 1.10 Repeal

On the effective date of these Zoning Regulations, all local regulations, or parts of regulations, in conflict with or inconsistent with the provisions of these Zoning Regulations, are hereby repealed to the extent necessary to give these Zoning Regulations full force and effect.

Article II Establishment of Zoning Districts and Zoning Map

Section 2.1 Establishment of zoning in beats

The beats listed in this section have elected by a majority of qualified electors that are outside of the municipal limits in the unzoned portion of each beat to establish zoning.

Section 2.1.1 Approval of zoning in Beat 13

On May 18, 2021, a majority of qualified electors, residing in Beat 13 voted to grant the Planning Commission the authority to apply its Master Plan and zoning regulations to Beat 13. The Lee County Commission subsequently approved these Zoning Regulations, including the Lee County Zoning Map for Beat 13, on May 24, 2021, following adoption by the Planning Commission.

Section 2.2 Establishment of zoning districts

(a) The unincorporated areas of Lee County that authorize zoning are hereby divided by zoning districts which shall be established to carry out the district purposes and intents described in this section and designated by the following abbreviations and titles:

- *RC Rural Center District.* These RC Rural Center Districts are within centralized locations depicted on the Master Plan as clusters of commercial activity that serve the surrounding rural community. Higher intensity development and institutional uses are encouraged within these rural centers.
- *CR Corridor District.* These CR Corridor Districts along major transportation routes, consist of certain highway frontage properties where a managed transition in land development to a higher land use intensity may occur. Compatibility with adjacent, low density residential and agricultural uses, access management, and avoidance of commercial sprawl are key objectives within this district. The CR District also allows for a compatible mix of residential and commercial land uses, such as residential, institutional, and limited light industrial uses which meet the highway corridor objectives of the CR District. Non-residential uses may be subject to restrictive development standards.

- *RP Rural Preserve District.* The overall intent of the RP Rural Preserve Districts is to preserve the rural character of neighborhoods and enhance rural community living. These RP Districts encompass outlying areas located beyond incorporated suburban areas, rural farmlands for agriculture and forestry uses, and large undeveloped tracts of land and vast open spaces. These rural residential areas are suitable for low density subdivisions of single family residences, sparsely scattered dwellings on large lots, and affordable housing options, including manufactured housing. Other appropriate uses include outdoor recreation, agricultural businesses that support farming activities, and institutional uses, such as churches and community centers, which are integral to rural communities.
- *SP Special District.* These SP Special Districts may be created and mapped upon Planning Commission adoption and County Commission approval of a zoning map amendment applied for by a property owner for a specific use and development plan at the proposed location. SP District areas are appropriate for certain industrial developments that require special considerations. Heavy industrial uses, as defined by these Zoning Regulations in Section 8.4, may conflict with other land use patterns in the vicinity of the proposed location or otherwise cause adverse disruptions to the natural environment, traffic flows, noise levels, public infrastructure, and cause other potentially adverse impacts. In establishing a SP District, consistency with Section 1.4 *Purposes and considerations* and the Master Plan objectives listed below in paragraph (b) of this section shall be met.

(b) In addition to the purposes describe for each established zoning district, all zoning districts are designed to carry out the following Master Plan objectives:

- (1) strengthen the rural character of the community;
- (2) conserve natural features, such as, streams, lakes, woodlands, wildlife habitats, etc. to the furthest extent;
- (3) maintain farm and timber lands as prominent land uses;
- (4) encourage residential development that reinforces rural character;
- (5) focus commercial development within carefully planned corridors and nodes;
- (6) carefully and sensitively locate heavy Industrial uses within special districts that minimize adverse impacts on adjacent properties and respect the rural residential character of the community.

- (c) As new beats elect to authorize zoning, new zoning districts may be established, or the existing districts and associated regulations may be amended, as necessary, to meet the unique needs of each beat.

Section 2.3 Lee County Zoning Map

- (a) The zoning districts established by these Zoning Regulations are bounded and defined by an official zoning map which shall be known as the “Lee County Zoning Map” and which, together with all explanatory materials contained therein, is hereby made a part of these Zoning Regulations. The Lee County Zoning Map depicts the zoning jurisdiction and districts for each beat that elects to apply zoning regulations.
- (b) The following rules shall be used to determine the precise locations of any district boundary shown on the Lee County Zoning Map:
 - (1) Boundaries shown as following or approximately following any jurisdictional limits shall be construed as following such limits.
 - (2) Boundaries shown as following or approximately following streets, alleys, or rights-of-way shall be construed as following such streets, alleys, or rights-of-way.
 - (3) Boundary lines which follow or approximately follow platted lot lines or other property lines as shown on the Lee County Tax Maps shall be construed as following such lines.
 - (4) Boundaries shown as following or approximately following railroad lines shall be construed to lie midway between the main tracks of such railroad lines.
 - (5) Boundaries shown as following or approximately following shorelines of any lakes or ponds shall be construed to follow the mean high waterlines of such lakes or ponds. In the event of a change in the mean high waterline, the boundaries shall be construed as moving with the actual mean high waterline.
 - (6) Boundaries shown as following or approximately following the centerline of streams, rivers, or other continuously flowing water courses shall be construed as following the channel of such water courses taken at mean low water. In the event of a natural change in the location of such streams, rivers, or other water courses, the district boundary shall be construed as moving with the channel centerline.
 - (7) Boundaries shown as separated from and parallel or approximately parallel to any of the features listed above shall be construed to be parallel to such features. In the absence of specific dimensions, the scale of the map shall

determine the distance from such features.

Article III District Use Regulations

Section 3.1 Applicability of district use regulations

Unless otherwise provided, no building, structure, or land shall be used except in the zoning districts indicated by this article and according to the additional regulations of these Zoning Regulations and other applicable regulations. Further, this article lists the Permitted Uses and Special Exception Uses within each zoning district and may establish supplemental standards for some uses.

Section 3.2 Use limitations due to zoning standards

Although a use may be permitted in a particular district, such use may not necessarily be permitted on every parcel of land in the district. A use may be permitted only if it can meet all of the standards of these Zoning Regulations and other applicable regulations.

Section 3.3 Accessory and combined uses

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

Section 3.4 Classification of uses

- (a) These Zoning Regulations recognize the limitations of a finite listing of use classifications given the infinite variations of essentially similar uses. Therefore, the Planning Director is empowered to assign a use to a zoning district with a use of similar impact and characteristics and which is compatible with the intent

of the zoning district.

- (b) The Planning Commission may initiate an amendment to these Zoning Regulations to clarify the classification of a use.

Section 3.5. New and unusual uses

- (a) In the event the Planning Director finds a new or unusual use that is unclassified and cannot appropriately fit a listed use in any zoning district, the following procedures shall be followed:

- (1) if compatible with the existing zoning district intent, the unclassified use may be permitted as a Special Exception Use upon approval and subject to the conditions set by the Planning Commission; or
- (2) if the unclassified use would not be compatible with the intent of the existing zoning district, the use shall be prohibited. If, however, another zoning district would permit the unclassified use, the property may require a rezoning to the appropriate zoning district.

- (b) The Planning Commission may initiate an amendment to these Zoning Regulations to classify a new use.

Section 3.6 Rights of railroads and utilities not impaired

Nothing in these Zoning Regulations shall impair the rights of railroads and utilities, both public and private, to construct, use, and maintain structures reasonably required in the public service.

Section 3.7 Permitted uses

- (a) Unless otherwise provided, all uses, as defined by Section 8.4 *Uses defined*, shall be permitted as listed in the following *Table of Permitted Uses and in accordance with all other provisions of these Zoning Regulations, all required permits, and all other applicable codes and regulations*. Accessory and combined uses and structures may be permitted subject to Section 3.3 Accessory and combined uses, and similar uses to those listed may be permitted subject to Section 3.4 *Classification of uses*.
- (b) The key to abbreviations used in the Table of Permitted Uses is as follows:

Key to Table of Permitted Uses

P	PERMITTED USE. Use permitted in accordance with these Zoning Regulations.
S	SPECIAL EXCEPTION USE. Use permitted subject to Special Exception Use approval by the Planning Commission.
N	USE NOT PERMITTED. Prohibited use.
RP	RURAL PRESERVE DISTRICT
CR	CORRIDOR DISTRICT
RC	RURAL CENTER DISTRICT
SP	SPECIAL DISTRICT

Table of Permitted Uses

USE CLASSIFICATION	ZONING DISTRICT			
	RP	CR	RC	SP*
<i>Agricultural and Forestry Uses</i>				
Commercial farm	P	P	P	N
Hobby or recreational farm	P	P	P	N
Kennel	P	P	P	N
Large animal clinic	P	P	P	N
Stable	P	P	P	N
<i>Rural Residential Uses</i>				
Accessory dwelling unit	P	P	P	N
Apartment	N	P	P	N
Boarding house	N	P	P	N
Combination dwelling	P	P	P	N
Day care home	P	P	P	N
Duplex	P	P	P	N
Garage, yard, or estate sale	P	P	P	N
Group care home	P	P	P	N
Home instruction	P	P	P	N
Home occupation	P	P	P	N
Home-based trade or craft	P	P	P	N
Manufactured (mobile) home	P	P	P	N
Manufactured (mobile) home accessory dwelling	P	P	P	N
Manufactured (mobile) home park	S	P	P	N
Single family residence	P	P	P	N
Townhouse	P	P	P	N
<i>Institutional Uses</i>				
Airport or heliport	S	N	N	N
Animal shelter	P	P	P	N
Cemetery	P	P	P	N
Community center	S	P	P	N
Community service club	S	P	P	N

USE CLASSIFICATION	ZONING DISTRICT			
	RP	CR	RC	SP*
Country club	S	P	P	N
Day care center	N	P	P	N
Domiciliary care/assisted living facility	P	P	P	N
Hospital	N	P	P	N
Military installation	S	P	P	N
Nursing care facility	N	P	P	N
Park	P	P	P	N
Penal institution	N	N	S	N
Pet cemetery	P	P	P	N
Place of worship	P	P	P	N
Public assembly center	N	P	P	N
Public facility	P	P	P	N
Public utility facility	P	P	P	N
Public utility service	P	P	P	N
Rehabilitation facility	S	P	P	N
School	P	P	P	N
Special event, outdoors	S	S	P	N
<i>Light Commercial Uses</i>				
Bank or financial service	S	P	P	N
Bed and breakfast inn	P	P	P	N
Broadcast studio	N	P	P	N
Business or professional office	S	P	P	N
Business support service	S	P	P	N
Campground	S	P	P	N
Commercial parking lot	N	P	P	N
Farm support business	S	P	P	N
Garden center or nursery	S	P	P	N
Laundry service	N	P	P	N
Medical clinic	S	P	P	N
Medical support service	S	P	P	N
Open air market	S	P	P	N
Personal service	S	P	P	N
Pet grooming shop	S	P	P	N
Small animal clinic	S	P	P	N
Specialty retail establishment or service	S	P	P	N
Studio	S	P	P	N
Telecommunications tower	S	S	S	N
<i>General Commercial Uses</i>				
Commercial school	N	P	P	N
Convenience store	S	P	P	N
Entertainment, indoor	N	P	P	N
Funeral home	S	P	P	N

USE CLASSIFICATION	ZONING DISTRICT			
	RP	CR	RC	SP*
General retail business	S	P	P	N
Maintenance service	S	P	P	N
Mini-warehouse/storage facilities	N	P	P	N
Recreation, indoor	S	P	P	N
Recreation, outdoor	S	P	P	N
Restaurant, standard	S	P	P	N
Seasonal sales	S	P	P	N
Vehicle repair service	S	P	P	N
Vehicle service station	S	P	P	N
<i>Heavy Commercial Uses</i>				
Car wash	S	N	P	N
Entertainment, outdoor	N	N	P	N
Home improvement center	S	N	P	N
Hotel or motel	N	N	P	N
Liquor lounge	N	N	P	N
Livestock sales	S	N	P	N
Manufactured (mobile) home sales	N	N	P	N
Restaurant, fast food or drive-thru	S	N	P	N
Vehicle sales or rental establishments	N	N	P	N
Vehicle and equipment repair, major	N	N	P	N
Vehicle and equipment sales, major	N	N	P	N
<i>General Industrial Uses</i>				
Construction service	S	N	P	N
Manufacturing, light	N	N	P	N
Recycling collection center	N	P	P	N
Research lab	N	P	P	N
Warehousing/wholesaling/distribution, enclosed	N	N	P	N
Warehousing/wholesaling/distribution, open	N	N	P	N
<i>Heavy Industrial Uses</i>				
Hazardous storage or manufacturing	N	N	N	P*
Manufacturing, general	N	N	N	P*
Meat or poultry processing and slaughterhouses	N	N	N	P*
Resource extraction	N	N	N	P*
Salvage yard	N	N	N	P*
Sanitary landfill	N	N	N	P*
NOTES:				
*Permitted uses and development criteria unique to a particular property are established when the SP District is created.				

Section 3.8 Supplemental use regulations

Reserved.

Article IV District Dimensional Regulations

Section 4.1 Compliance with district dimensional regulations

Unless otherwise provided by these Zoning Regulations, all uses and activities established after the effective date of these regulations shall comply with the dimensional requirements of this article. These regulations control the height, area, bulk, and location of buildings and land, as required by Section 6 *General Powers and Duties of the Commission*, Alabama Act 401, as amended.

Sections 4.2 Dimensional requirements

All uses shall comply with the following dimensional requirements:

- (1) The minimum lot area shall be 15,000 square feet or as otherwise required by the Lee County Health Department.
- (2) All lots shall meet the minimum dimensional requirements of the *Lee County Subdivision and Land Development Regulations, as amended*.
- (3) The maximum building height shall be 45 feet for residential buildings and 60 feet for nonresidential buildings.

Article V Supplemental District Regulations

Reserved.

Article VI Administration

Section 6.1 Planning Director

The County Commission shall appoint an individual to serve as Planning Director who is charged with the administration and enforcement of these Zoning Regulations.

Section 6.2 Compliance

- (a) No building or structure may be erected, constructed, reconstructed, altered, repaired, converted, or maintained, or any subdivision established, or land used, except in compliance with the provisions of these Zoning Regulations.
- (b) All building permits, certificates of occupancy, and any other permits or licenses issued by any Lee County department, official, or employee shall be in full compliance with these Zoning Regulations. Any permit or license issued in conflict with or in violation of any terms of these regulations shall hereby be declared null and void.

Section 6.3. Remedies for violations

- (a) In case the Planning Director finds a building or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained, or any subdivision is established, or land used in violation of these Zoning Regulations, the Planning Director shall issue a written notification and order to correct to all persons in violation, to include the owner(s) of the property, as listed in the property tax records maintain by the Lee County Revenue Commissioner. The written notification shall specify a reasonable time to correct such violation, but in no case more than thirty (30) days. The notification shall be served by U.S. Postal Service certified mail, return receipt requested.
- (b) Appeal of the Planning Director's finding of a violation may be filed by the violator in accordance with Section 6.4 *Administrative appeal procedures*.
- (c) In the event the violation is not corrected within the time period specified in the written notification to the violator(s), the Planning Director shall notify the Lee County Attorney of such failure to correct the violation. Upon receipt of the Planning Director's notification, the Lee County Attorney shall initiate any appropriate action or proceeding to prevent the unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or subdivision of the land or use of the land to restrain, correct, or abate the violation, or to prevent the occupancy of the building, structure, subdivision, or land or to prevent the occupancy of the building, structure, subdivision, or land or to prevent any

illegal act, conduct, business, or misuse in or upon any premises regulated under the authority conferred by these Zoning Regulations. If the County Attorney is successful in the proceeding, then, all court costs and reasonable attorney fees for time spent by the County Attorney shall be assessed against the losing violator.

Section 6.4 Administrative Appeal procedures

Administrative Appeals to the Planning Commission may be taken by any person aggrieved by any decision of the Planning Director. All actions by the Planning Director on the matter subject to appeal shall be frozen until the appeal is acted upon by the Planning Commission. An Administrative Appeal shall require the submission of an application to the Planning Commission to be filed with the Planning Director at least 15 days before the scheduled hearing date before the Planning Commission. The application shall be filed by the property owner or the authorized agent of the owner and shall, at minimum, include the following information and materials:

- Name, signature, and address of the property owner and authorized agent for the property owner, if any.
- Address of the property under consideration.
- The decision of the Planning Director under appeal.
- A statement specifying the grounds for appeal.

Section 6.5 Special Exception Use procedures

All Special Exception Uses where listed in Article III *District Use Regulations* shall require the submission of an application to the Planning Commission. An application for a special exception use shall be filed with the Planning Director at least 15 days before the scheduled hearing date before the Planning Commission. The application shall be filed by the property owner or the authorized agent of the owner and shall, at minimum, include the following information and materials:

- Name, signature, and address of the property owner and authorized agent of the property owner, if any.
- Address of the property under consideration.
- Zoning and land use of the property under consideration.
- A complete description of the proposed use.
- A vicinity map showing the location of the property.

- A plot plan showing the property boundaries and proposed development layout.

Section 6.6 Variance procedures

- (a) Variances to the terms of these Zoning Regulations may be granted individual cases upon a finding by the Planning Commission that the Variance will not be contrary to the public interest, where, owing to special conditions of the building site or land, a literal enforcement of the provisions of the regulation subject to a variance will result in unnecessary hardship, all in order that the spirit of these Zoning Regulations shall be observed and substantial justice done.
- (b) An application for a Variance shall be filed with the Planning Director at least 15 days before the scheduled hearing date before the Planning Commission. The application shall be filed by the property owner or the authorized agent of the owner and shall include the following information and materials:
- Name, signature, and address of the property owner and authorized agent of the property owner, if any.
 - Address of the property under consideration.
 - Zoning and land use of the property under consideration.
 - Nature of the Variance with reference to applicable zoning provisions.
 - Justification for the Variance in accordance with all the above criteria.
 - A vicinity map showing the location of the property.
 - A plot plan showing the property boundaries and proposed development layout with the Variance noted or highlighted.

Section 6.7 Amendments to Zoning Regulations

These Zoning Regulations, including the Zoning Map, which is made a part of these regulations, shall not be changed until an amendment with the proposed change has been published for three weeks in a newspaper of general circulation within Lee County together with a notice stating the time and place that the change in regulations will be considered by the Planning Commission, and stating further that at such time and place all persons who desire have an opportunity to be heard in favor of or in opposition to the change in these Zoning Regulations. The amendment must be approved by the Planning Commission and the County Commission.

Section 6.8 Application to Amend the Zoning Regulations or Zoning Map

- (a) An application or request for amendment of these Zoning Regulations or a rezoning to change the zoning district boundaries on the Zoning Map may be initiated by the Planning Commission or the owner of such property subject to rezoning.
- (b) The amendment when initiated by the property owner shall meet the application requirements of this section. The application for rezoning shall be filed with Planning Director at least 30 days prior to the Planning Commission hearing. The applicant shall provide the following information and materials:
- Name, signature, and address of the property owner and authorized agent of the property owner, if any.
 - Address and legal description of the property under consideration, accompanied by a copy of the applicable tax maps clearly identifying the property subject to rezoning.
 - Present and proposed zoning and land use of the property under consideration.
 - Reason for the rezoning request.
 - Master Plan designation of the subject property and the consistency of the request with the Master Plan policies.
 - A vicinity map, drawn to scale, showing the size and location of the property.
 - A site plan, drawn to scale and dimensioned, showing the property boundaries, public rights-of-way, and the proposed use and development layout.
 - A filing fee to cover the cost of the required advertising the proposed amendment in a local newspaper.
- (c) The Planning Commission shall hold a public hearing at its first regularly scheduled meeting after compliance with the application and newspaper publication requirements of these regulations.
- (d) Any application to amend the Zoning Regulations or Zoning Map shall be subject to the zoning amendment procedures in Section 6.7 *Amendments to Zoning Regulations*.

Section 6.9 Conditional rezoning

- (a) In situations where more flexible and adaptable zoning methods are needed,

rezoning amendments may be allowed subject to certain conditions that are not generally applicable to land similarly zoned. Proposed rezoning amendments may include the voluntary submittal in writing, signed by the property owner (and the authorized agent of the property owner, if any), of reasonable conditions in addition to the regulations provided for in the desired zoning district. Any such voluntary conditions must be submitted prior to the public hearing held by the Planning Commission and must adhere to the following criteria:

- (1) The rezoning itself must give rise for the need for the conditions.
 - (2) Such conditions shall have a reasonable relation to the rezoning.
 - (3) Such conditions shall not include a cash contribution to Lee County, dedication of property or facilities to the Lee County, or payment to Lee County for construction of off-site improvements, unless required by the Subdivision Regulations.
 - (4) No condition shall be offered that is not related to the physical development or operation of the property subject to rezoning.
 - (5) No condition shall allow for the reversion of zoning held before the rezoning unless a new application for rezoning is filed.
 - (6) All such conditions shall be in conformity with the purposes and consideration of these Zoning Regulations.
- (b) The Planning Director shall be vested with all necessary authority to administer and enforce conditions attached to a rezoning amendment.
- (c) The official zoning map shall show by an appropriate symbol the existence of conditions attaching to the zoning. The Planning Director shall keep and make available for public inspection a Conditional Zoning Index. The index shall reference the County Commission resolution amending the zoning map and approving the rezoning conditions. The zoning designation of the property shall carry a C suffix in addition to the zoning district designation (for example, RP-C).
- (d) Any amendment, waiver, or variation of conditions created pursuant to the provisions of this section shall be subject to zoning amendment procedures in Section 6.7 *Amendments to Zoning Regulations*.

Section 6.10 Nonconformities

Within the zoning districts established by these Zoning Regulations or by subsequent amendments, lawful uses, lots, buildings, and characteristics of uses existed before these regulations were adopted or amended. However, as a result

of adoption or subsequent amendment, such lawful activities no longer conform to all applicable zoning provisions. These activities shall be deemed lawful nonconformities which are permitted to remain under the provisions of these Zoning Regulations. It is the intent of this section that the continuation of lawful nonconformities should not be indefinite and that all nonconformities should gradually be removed.

Section 6.11 Types of nonconformities

- (a) *Nonconforming building.* An otherwise legal building that does not conform with the yard, height, or other dimensional requirements for the district in which it is located or is designed or intended for a nonconforming use.
- (b) *Nonconforming characteristics of use.* An otherwise legal characteristic of use, lot, or structure which does not conform with the supplemental regulations for the district in which it is located or is designed or intended for a nonconforming use.
- (c) *Nonconforming lot.* An otherwise legally platted lot that does not conform with the dimensional requirements for the district in which it is located.
- (d) *Nonconforming use.* The otherwise legal use of a building, structure, or lot that does not conform with the permitted uses for the district in which it is located.

Section 6.12 Continuation of nonconformities

- (a) Nonconformities may be continued as provided by this section:
- (b) If any changes in ownership or tenancy occurs, any nonconformity may be continued by the new owner or tenant under the provisions of these regulations.
- (c) A nonconformity may continue if it does not cease for any reason for a period exceeding six months.
- (d) Plans for nonconforming construction, site development, site alteration, use or occupancy for which a valid building permit, certificate of occupancy, site plan, special exception, preliminary subdivision plat, or other permit was approved prior to the effective date of these regulations or subsequent amendment may proceed. However, all construction, site development, or site alteration must be completed within one year and use or occupancy must be established within 30 days after the effective completion date.
- (e) A lot that was legally platted prior to the effective date of these regulations that does not meet the lot area, width, or dimensional requirements for the district in which it is located may be developed or used in conformity with all other provisions of these regulations.

- (f) Any use in existence prior to the effective date of these regulations or subsequent amendment that results in a nonconforming characteristic of use may continue in nonconformity so long as the kind or extent of such nonconformity use does not increase.
- (g) A nonconforming use may occupy any part of a structure or lot that was arranged or designed for such use unless occupancy of that part of the structure or lot has been discontinued for a period exceeding six months.

Section 6.13 Repair and maintenance of nonconformities

Ordinary maintenance or repair of a nonconforming building or structure shall be permitted.

Section 6.14 Alteration, enlargement, or restoration of nonconformities

- (a) No nonconforming use shall be enlarged within a structure or occupy a greater area of land than at the effective date of these regulations or subsequent amendment.
- (b) No nonconforming use or structure shall be moved to any portion of the lot other than that occupied at the effective date of these regulations or subsequent amendment.
- (c) No nonconforming use, structure, or characteristic of use may be altered or enlarged or intensified in any way which increases its nonconformity but may be altered or reduced to decrease its nonconformity.
- (d) If a nonconforming structure is removed or damaged in any manner to the extent that the restoration costs exceed 50% of the original value of the structure immediately before the damaging occurrence, subsequent use of the lot shall be in full compliance with the district in which it is located.

Section 6.15 Change in use.

Any nonconforming use which changes to a permitted use within the district in which it is located shall not revert to a nonconforming use.

Article VII Exceptions to Zoning Regulations

Sec. 7.1 Authority of Planning Commission to grant exceptions

- (a) The Planning Commission, in appropriate cases and subject to appropriate conditions and safeguards, may make special exceptions to the terms of these Zoning Regulations in harmony with its general purposes and interests and in accordance with general or specific rules adopted by the Planning Commission.
- (b) Anyone wishing to appeal from an existing zoning regulation may file a written petition stating the basis for the appeal, whereupon the Planning Commission shall fix a date for such hearing, giving notice as the Planning Commission may deem appropriate, and on such hearing the Planning Commission shall have the following powers:
 - (1) *Administrative Appeal* - to hear and decide appeals where it is alleged there is an error in any order, requirement, decision, or determination by the Planning Director in the enforcement of these Zoning Regulations.
 - (2) *Special Exception Use* - to hear and decide on requests for special exceptions to the term of provisions of the regulations upon which the Planning Commission is required to pass.
 - (3) *Variance* - to authorize upon appeal in special cases a variance from the yard, open space, land use, bulk, and height requirements of the regulation as will not be contrary to the public interest, where, owing to special conditions of the building site or land, a literal enforcement of the provisions of the regulation will result in unnecessary hardship, all in order that the spirit of the regulations shall be observed and substantial justice done.

Section 7.2 Appointment of Zoning Review Board by County Commission

The County Commission shall appoint a five member Zoning Review Board, one member being the planning director or equivalent county staff position, one member being the public works director or equivalent county staff position, two members who are experts in related fields of planning (planner, architect, or civil engineer), and one public member.

Section 7.3 Appeal to Zoning Review Board

- (a) Any party aggrieved by any final judgment or decision of the Planning Commission, within 15 days, may request a review of the record by the Zoning Review Board.
- (b) The Zoning Review Board may require that the Planning Commission

reconsider its earlier decision. If such reconsideration is ordered, the Planning Commission may reconsider the previous record and any additional material which the Planning Commission considers relevant.

Section 7.4 Appeal to Circuit Court

- (a) If upon reconsideration by the Planning Commission, any party remains aggrieved by any final judgment of the Planning Commission, any party within 30 days thereafter, may appeal therefrom to the Circuit Court, as provided in this section.
- (b) If no review by the Zoning Review Board is requested by any party aggrieved by any judgment or decision of the Planning Commission, or reconsideration is not granted by the Zoning Review Board, then the aggrieved party, within 30 days thereafter, may appeal therefrom.
- (c) The appeal shall specify the judgment or decision from which the appeal is taken and shall rest upon the contention that the regulations in question are unreasonable, discriminatory, unconstitutional, or otherwise invalid.
- (d) The appeal shall be filed with the Thirty Seventh Judicial Circuit Court of Alabama, the circuit court having jurisdiction within Lee County where the affected property of the aggrieved party is located.
- (e) In case of any appeal, the Planning Commission shall cause a transcript of the proceedings in the case to be certified to the Circuit Court to which the appeal is taken.

Article VIII Definitions

Section 8.1 Purpose of definitions

For the purpose of these Zoning Regulations, certain terms used in these regulations shall have the meanings defined by this article. In the event a term is not listed in this article or is not defined elsewhere in these regulations, the conventional meaning of the term shall apply.

Section 8.2 Interpretation

The Planning Director is authorized to make a final determination of the meaning of any term used in these Zoning Regulations. In case of any dispute, an appeal of the Planning Director's determination may be filed with the Planning Commission.

Section 8.3 Word usage

In the interpretation of the words used in these Zoning Regulations, the provisions and rules of this section shall be observed and applied, except when the context clearly requires otherwise.

- Words used or defined in one tense or form shall include other tenses and derivative forms.
- Words in the singular number shall include the plural number, and words in the plural number shall include the singular number.
- The masculine gender shall include the feminine, and the feminine gender shall include the masculine.
- The word *shall* is mandatory, and the word *may* is permissive.
- The word *person* includes an individual, firm, association, organization, partnership, trust, company, corporation, or other legal authority.

Section 8.4 Uses defined

The following uses when referred to in these Zoning Regulations shall have the meanings defined by this section.

(1) *Agriculture and Forestry Uses.*

Commercial farm. A large tract of land used for the commercial production, keeping or maintenance, for sale or lease, of plants and

animals useful to man, including the following farming activities:

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

Hobby or recreational farm. A large tract of land used for the production, keeping or maintenance of farm animals personally useful to the occupants of a dwelling on the same tract.

Kennel. The boarding or raising of small household pets for commercial purposes.

Large animal clinic. A clinic where large farm animals are given veterinary medical treatment, and short term boarding may be provided.

Stable. The raising, keeping, boarding, or training of horses, ponies, and similar animals, including riding academies and incidental sales of riding accessories and animals raised or regularly kept on the premises.

(2) *Rural Residential Uses.*

Accessory dwelling unit. A dwelling for a single family, attached or detached to the primary single family residence located on the same lot.

Apartment. A residential building for occupancy by three or more families.

Boarding house. A building for the residency of two or more boarders on a long term basis and in which the unit intended to be rented does not constitute a "dwelling unit" as defined by these Zoning Regulations.

Combination dwelling. A dwelling unit used in combination with a non-residential use, such as the family residence of a manager, business owner, or security guard within the same building or on the same lot of the principal commercial, institutional, or industrial establishment.

Day care home. A licensed service operated from a dwelling by the resident, providing day care on a regular basis to a limited number of children, elderly, or handicapped or infirm persons.

Duplex. Residences intended for occupancy by two families in attached dwelling units.

Garage, yard, or estate sale. Sale of personal property belonging to the occupant or the late occupant of property where the sale is conducted.

Group care home. A state-licensed facility for persons who may be unrelated adults or children living together as a single housekeeping unit under supervised care.

Home instruction. Private lessons in the arts, music, or academic subjects given from a dwelling by the resident for a limited number of students at a time.

Home occupation. A business operated as an incidental activity out of the residence of the business owner, such as a home office, but not including retail sales or services to customers coming to the residence.

Home-based trade or craft. A trade (e.g., plumber, electrician, carpenter, painter, or other comparable trades) or craft (e.g., furniture maker, jewelry making, watch and clock repairs, seamstress, and other comparable crafts) operated out of the residence of the business owner with no outside employees, as an incidental activity, including enclosed storage of tools, equipment, and supplies.

Manufactured (mobile) home. A transportable dwelling, on its own lot or

in a manufactured (mobile) park, which bears a seal certifying compliance with the Manufactured Home Construction and Safety Standards of the U.S. Department of Housing and Urban Development and is occupied by a single family.

Manufactured (mobile) home accessory dwelling. A manufactured home used as an *accessory dwelling unit*, as defined in this section.

Manufactured (mobile) home park. A tract of land used or designed to accommodate a community of multiple manufactured home spaces for lease.

Single family residence. A dwelling detached from any other dwelling and located on its own lot.

Townhouse. A residential building with two or more attached dwelling units, with each unit on a separately subdivided lot.

(3) *Institutional Uses.*

Airport or heliport. A commercial facility where aircraft can land and take off, including related facilities.

Animal shelter. A facility operated by a non-profit or public organization providing shelter for small domestic animals.

Cemetery. Land or structures used for human burials.

Community center. A facility for the community gathering for social, cultural, or community service purposes, including museums, galleries, community meeting rooms, community recreation centers, libraries, and similar community uses.

Community service club. A facility for the gathering of private club members and their guests, including social club, professional association, fraternal club or lodge, union hall, civic association, and similar uses.

Country club. A facility with recreational facilities and club house for private club members and their guests.

Day care center. A licensed non-residential facility providing day care on a regular basis to children, elderly, or handicapped or infirm persons.

Domiciliary care/assisted living facility. A licensed home for the aged, intermediate institutions, and related institutions (not otherwise defined by this section), whose primary purpose is to furnish room, board, personal care, and other non-medical supervised care to persons, who because of age or disabilities, are incapable of living independently.

Hospital. A licensed facility that provides health services for inpatient and outpatient medical care.

Military installation. A government-sponsored defense facility, including military bases, national guard centers, military reserve centers, armories, and similar uses.

Nursing care facility. A licensed facility that provides skilled nursing care and medical supervision to patients and residents.

Park. Publicly-owned and operated parks, playgrounds, recreation facilities, and open spaces.

Penal institution. A public institution housing inmates for correction or rehabilitation.

Pet cemetery. Burial grounds for small household pets, including funeral and undertaking services.

Place of worship. A facility used for religious services, such as churches, synagogues, mosques, temples, and related facilities for worship, instruction, meeting, recreation, eating, and other integrally related activities.

Public assembly center. A facility used for the general assembly of the public for large community events, including coliseums, stadiums, civic centers, and similar facilities.

Public facility. A facility providing public services, not otherwise listed in this section, including government offices, post offices, transit stations, police stations, fire and emergency service stations, emergency management operations, and similar uses.

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

Public utility service. A facility which provided essential and necessary services to support development, and which involves only minor structures, such as lines and poles.

Rehabilitation facility. A licensed facility that provides residential and custodial care for the rehabilitation of socially-impaired individuals.

School. A licensed public or non-profit facility for public or private instruction to children or adults.

Special event, outdoors. Fairs, carnivals, festivals, benefits, religious events, or similar types of temporary outdoor events that run temporarily, are likely to attract large crowds, and are unlike the usual activities on the lot where the event occurs.

(4) *Light Commercial Uses.*

Bank or financial service. A business providing banking or financial services to the general public, such as a bank, savings and loan association, credit union, finance company, and similar businesses.

Bed and breakfast inn. Lodging, which may be operated in a dwelling, for a limited number of transient guests on a short term basis.

Broadcast studio. A business primarily engaged in the provision of broadcasting and other information relay services by use of electronic, broadband, and telephone mechanisms, and film and sound recording, such as a radio studio, TV studio, or a music recording studio.

Business or professional office. An office in which the administrative affairs of a business or profession is conducted such as the office of a law firm, real estate agency, insurance agency, architect, secretarial service, the administrative staff of business or industry, travel agency, and the like.

Business support service. Support services provided primarily to business or professional offices or services, such as document reproduction and printing, computer and office equipment, office supplies and services, and the like.

Campground. A privately-operated facility on a large site planned for seasonal camping and incidental recreation or vacation uses, including tent campsites, travel trailer or recreational vehicle sites, vacation cottages, recreational facilities, fishing, boating, eating facilities, bathrooms, and sale of camping supplies, fishing supplies, personal care items, and gifts.

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

Farm support business. A business engaged in the sale of farm support goods and services, including the sale of feed, grains, fertilizers, pesticides, and similar farm support goods.

Garden center or nursery. Sales of plants, trees, shrubs, and the like for ornamental or landscaping purposes, conducted from a building, greenhouse, including outdoor incidental sales of containers, fertilizers, ornaments, small gardening tools and equipment, seeds, and similar products.

Laundry service. Laundering, dry cleaning, or dyeing service, such as a laundry and dry cleaning plant, diaper or linen service, or laundromat.

Medical clinic. A facility that provides medical services for sick or injured persons on an outpatient basis.

Medical support service. A business which supplies services to individuals, medical practitioners, clinics, and hospitals, such as a pharmacy, medical and surgical supply store, an optician, and the like.

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

Personal service. An establishment involving the care of a person, such

as a barber shop, cosmetic studio, dry cleaning and laundry pick-up station, indoor exercise and fitness center, tanning salon, seamstress, tailor, shoe repair shop, key repair shop, interior decorator, formal wear rental, and similar uses.

Pet grooming shop. A shop that provides grooming services for small animals and pets, including incidental sales of grooming supplies such as soaps, shampoos, other associated items, and short term boarding of small animals and pets.

Small animal clinic. A clinic where small household pets are given veterinary medical services; short term boarding and grooming of pets may also be provided.

Specialty retail establishment or service. Store of a specialized nature, such as an antique shop, art shop, bicycle shop, bookstore, camera shop, curio shop, florist shop, gift shop, hobby shop, music store, photography studio, and similar specialty goods and services.

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

Telecommunications Tower. A ground or roof-mounted structure, including a lattice tower, guyed tower, monopole tower and other structures designed to support one or more antennae, and used for the transmission of radio/television broadcasts, telegraph signals, two way radio communications, cellular telephone signals, or other communications signals; not including towers for amateur radio communications as an accessory use.

(5) *General Commercial Uses.*

Commercial school. Profit-making enterprise providing instruction in the arts, business, crafts, trades, and professions.

Convenience store. A store stocked to sell primarily food, beverages, and other household supplies to customers who purchase only a relatively few items (in contrast to a supermarket), which may also include fuel service islands and fast food outlets.

Entertainment, indoor. Spectator entertainment within an enclosed building, including movie theaters, playhouses, and similar indoor facilities.

Funeral home. A business engaged in undertaking services for human burial or cremation.

General retail business. Sales of goods and services not otherwise defined by this section, including, but not limited to, grocery stores, department stores, clothing stores, home furnishings sales, appliance stores, auto supplies stores, tobacco stores, drug stores, variety stores, and similar retail businesses.

Maintenance service. Building and yard maintenance services, such as janitorial services, exterminating services, landscape services, and window cleaning services.

Mini-warehouse or storage facility. Separate storage spaces which are leased on an individual basis for the exclusive purpose of storing non-hazardous household goods within an enclosed building, but not including the storage of materials for a commercial or industrial enterprise or for any activity other than dead storage.

Recreation, indoor. Indoor recreational and sports activities, including bowling alleys, pool halls, video game centers, ice and roller skating rinks, and similar sports activities.

Recreation, outdoor. Commercial outdoor recreational and sports activities, including driving ranges, miniature golf courses, swimming pools, tennis courts, and similar outdoor activities.

Restaurant, standard. Establishment where food and drink are prepared, served, and primarily consumed within the building where guests are seated and served.

Seasonal sales. Sales of produce, ornamental plants, firewood, Christmas trees, and other temporary sales that are unlike the usual activities on the lot where the sales occur.

Vehicle repair service. Business engaged in the repair and maintenance

of automobiles, light trucks, travel trailers, recreational vehicles, or boats, including the sale, installation, and servicing of mechanical equipment and parts but not including major vehicle repair, such as painting, body work, upholstery work, fabrication of parts, or rebuilding of engines.

Vehicle service station. A business that provides fuel, lubricants, parts, and accessories, and incidental repair and maintenance service to motor vehicles.

(6) *Heavy Commercial Uses.*

Car wash. A business engaged in washing or cleaning automobiles and light trucks.

Entertainment, outdoor. Spectator entertainment in open or partially enclosed or screened facilities, including sports arenas, racing facilities, and amusement parks.

Home improvement center. A much larger and varied sales outlet than a traditional neighborhood hardware store, providing building, appliance, yard and garden materials, tools, and supplies at retail and wholesale.

Hotel or motel. Transient lodging accommodation on a daily or weekly basis, which may include such additional services as restaurants, meeting rooms, banquet rooms, gift shops, and recreational facilities.

Liquor lounge. An establishment that is licensed to engage in the preparation, sale or serving of liquor for consumption as a primary activity on the premises, including taverns, bars, cocktail lounges, pubs, night clubs, bottle clubs, private clubs, restaurant lounges, hotel lounges; this does not include incidental sales of beer or wine in a restaurant or package stores which sell liquor, beer, or wine for off-premises consumptions.

Livestock sales. A business in which the primary activity is the sale of animal livestock within an open yard or enclosed structure, such as livestock markets, horse auctions, and similar activities.

Manufactured (mobile) home sales. A business engaged in the sale of manufactured (mobile) homes, including incidental repairs and servicing.

Restaurant, fast food or drive-thru. Establishment where food and drink are rapidly prepared for carry out, fast delivery, drive-thru, or drive-in but may also include standard sit down consumption.

Vehicle sales or rental establishment. A business engaged in the sale or rental of automobiles, light trucks, campers, travel trailers, recreational vehicles, boats, or motorcycles, including incidental parking, storage, maintenance, and servicing.

Vehicle and equipment repair, major. A business engaged in the repair and maintenance of heavy trucks, construction equipment, tractors and implements or engaged in painting, body repair, upholstery repair, fabrication of parts, or rebuilding of engines.

Vehicle and equipment sales, major. A business engaged in the sale or rental of heavy trucks, construction equipment, tractors and farm implements, and similar heavy vehicles and equipment, including incidental storage, maintenance, and servicing.

(7) *General Industrial Uses.*

Construction service. A business engaged in construction activities and incidental storage as well as wholesaling of building materials (but not a home improvement center which also sells at retail), such as a building contractor, trade contractor, or wholesale building supplies store.

Manufacturing, light. Manufacturing business involving the assembly, fabrication, treatment, and packaging of finished products from previously prepared materials and incidental storage, sales, and distribution of such products.

Research lab. A business engaged in research of an industrial or scientific nature, such as an electronics research lab, research and development firm, or pharmaceutical research lab.

Warehousing, wholesaling, and distribution, enclosed. A business engaged in warehousing, wholesaling, or distribution services within a building.

Warehousing, wholesaling, and distribution, open. A business engaged in open air warehousing, wholesaling, or distribution services.

(8) Heavy Industrial Uses.

Hazardous storage or manufacturing. Business operations involving flammable or explosive materials or involving potentially hazardous or commonly recognized offensive conditions.

Manufacturing, general. Industrial operation which involves the basic processing and manufacturing of materials or products predominantly from extracted or raw materials and the incidental storage, sales, and distribution of such products.

Meat or poultry processing and slaughterhouses. The slaughtering of animals or processing of slaughtered animals for consumption.

Recycling collection center. A facility for the collection and temporary storage of recyclable household waste, such as plastics, glass, cans.

Resource extraction. A state-approved facility for the extraction of soil, sand, clay, gravel, rock, minerals, or similar materials for commercial purposes, including quarries, borrow pits, sand and gravel operations, and mining.

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

Sanitary landfill. A state-approved site for solid waste disposal.

Section 8.5 General terms defined

The following general terms when referred to in these Zoning Regulations shall have the meanings defined by this section:

Accessory structure. A structure detached from a principal building on the same lot and customarily incidental and subordinate to the principal building or use.

Accessory use. A use of land or of a building or portion thereof commonly associated with and integrally related to the principal use of the land or

building on the same lot and which constitutes a customarily incidental and insubstantial part of the total activity on the lot.

Building. A structure designed to be used as a place of occupancy, storage, or shelter.

Building, accessory. A subordinate building detached from a principal building on the same lot and that is used incidentally to a principal building or that houses an accessory use.

Building, principal. The primary building on a lot or a building that houses a principal use.

Building front. The exterior wall of a building which faces a street line on the lot.

Building line. A line generally parallel to the street right-of-way line at a distance equal to the depth of the front yard required for the zoning district in which the lot is located.

County Commission. The County Commission of Lee County, Alabama.

Development. The division of a parcel of land into two or more parcels; the construction, reconstruction, conversion, alteration, relocation, or enlargement of a structure; any mining, dredging, filling, grading, paving, excavation, drilling, or disturbance of land; and any use or extension of use of land.

Dwelling. Any building or portion thereof which is designed and used for residential occupancy.

Dwelling unit. An enclosure containing sleeping, kitchen, and bathroom facilities designed for and used or held ready for use by a single family.

Lot. A parcel of land in one ownership used, or set aside and available for use, as the site of one or more buildings and accessory buildings, or for any other purpose. A lot is not divided by a street and does not include any land within the abutting right-of-way of a public or private street even if the ownership to such right-of-way is in the owner of the lot. A lot for the purpose of this ordinance may or may not coincide with a lot of record.

Lot line. A line bounding a lot which divides one lot from another or from a street or from any other public or private space.

Manufactured home. If constructed on or after June 15, 1976, the unit bears a seal certifying compliance with the Manufactured Home Construction and

Safety Standards of the U.S. Department of Housing and Urban Development.

Owner. The person or persons having the right to legal title or beneficial interest in a lot or parcel of land.

Planning Commission. The Planning Commission of Lee County, Alabama.

Premises. A lot, parcel, tract, or plot of land together with the structures thereon.

Property line. The lot line.

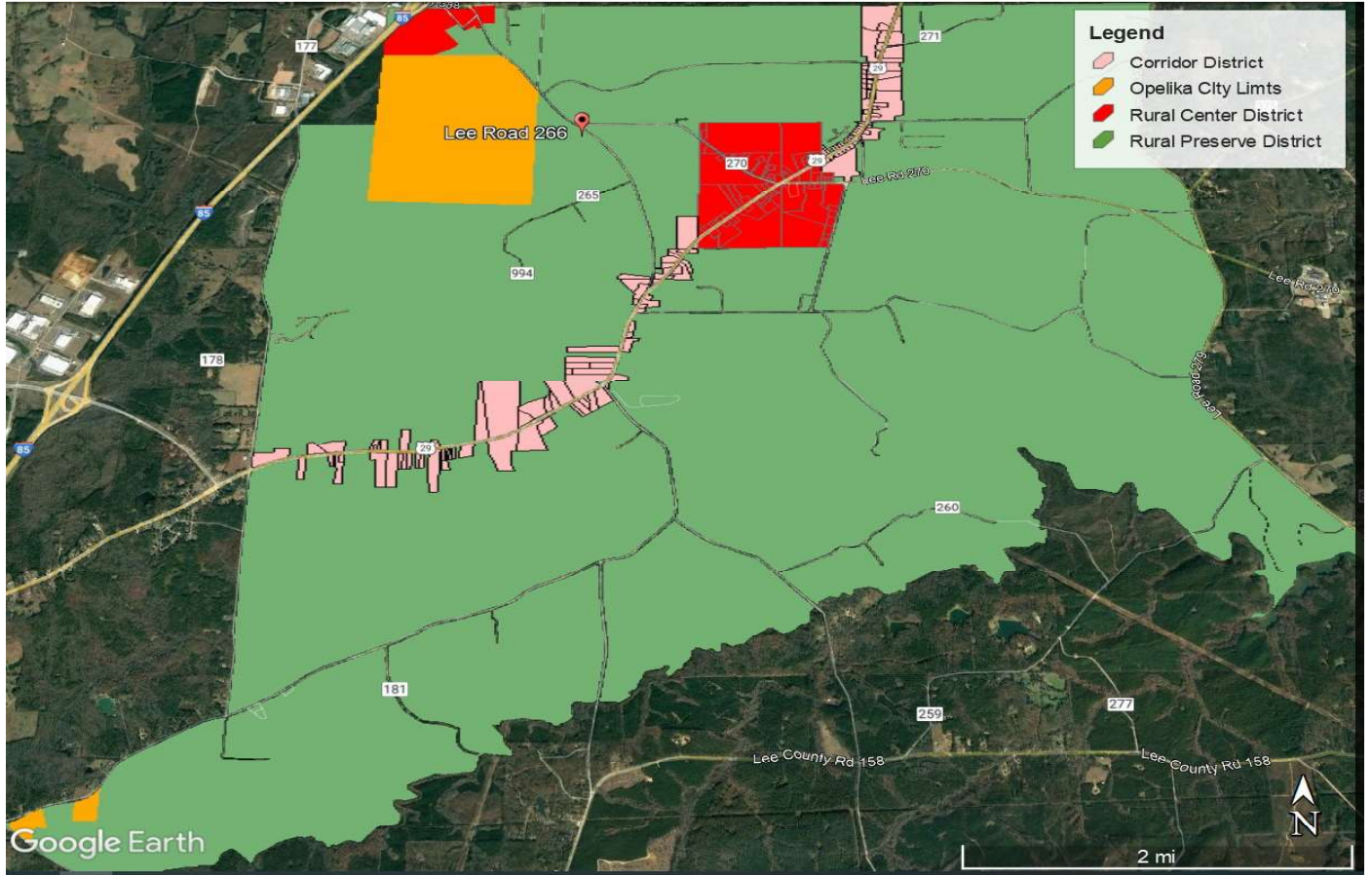
Retail. The provision of services or the sale of goods and merchandise to the public at large for personal or household use or consumption.

Street. Any vehicular way which has been dedicated to the public for public use, including all land within the right-of-way.

Structure. Anything constructed or erected with a fixed location on the ground or attached to something having a fixed location on the ground. All buildings are structures but not all structures are buildings.

“These Zoning Regulations” or “these regulations.” The Lee County Zoning Regulations.

Use. The activity or function that takes place or is intended to take place on a lot or site.



Date Received: _____



Land Use Application Form

* Approval does not imply Subdivision or Building Permit Approval
 * For new construction and additions, a Dimensioned Site Plan is required

For Office Use Only: APPLICATION # _____ FEE: _____

Applicant (print name): _____

Mailing address: _____

Phone: _____ Email: _____

Applicant Signature: _____

Land Owner: (print name): _____

Mailing address: _____

Phone: _____ Email: _____

Through applying for this application I authorize the Lee County Planning Director or staff to enter upon the property subject of the application to conduct a site visit necessary for processing the requested application. I certify that, to the best of my knowledge, the information contained in this form and within any attachments is correct and truthful. I understand that knowingly falsifying this information may be grounds for the denial or revoking of this application and the removal of all built improvements in violation, at my expense.

Land Owner Signature: _____

LOCATION

PARCEL # _____ PIN _____ Currently Zoned What? _____

Site address _____

PROPOSED USE ___Agricultural/Forestry ___Residential ___Institutional ___Commercial ___Industrial ___Utility

Briefly explain your proposal: _____

Construction: Any Bldg. Height(s) over 60' or (45' Residential)? _____ Lot Size _____ Flood zone? _____

Application: ___Approved ___Denied **By:** _____ **Date:** _____

Comments: _____



APPLICATION FOR SPECIAL EXCEPTION USE

SUBMISSION DEADLINE: _____ PC MEETING DATE: _____

SITE ADDRESS: _____

PROPERTY OWNER: _____

APPLICANT/ AUTHORIZED REPRESENTATIVE: _____

MAILING ADDRESS: _____

PHONE NUMBER: _____ **FAX NUMBER:** _____

EMAIL ADDRESS: _____

PARCEL INFORMATION #43 _____ - _____ - _____ - _____ - _____ - _____ PIN _____

Project name: _____ Address/Location: _____
Current Land Use: _____ Current Zoning: _____

Adjacent Zoning Districts: North: _____ South: _____ East: _____ West: _____

Description of Proposed Use: _____

1) How is the proposed use appropriate in the location for which it is proposed? _____

2) Will the use result in a substantial adverse effect on adjacent properties, the character of the neighborhood, traffic conditions, public infrastructure, etc. ? _____

3) What precautions will be taken to minimize any adverse effects from the proposed use on surrounding property owners? _____

READ THE FOLLOWING GENERAL USE STANDARDS.

1. No application for a Special Exception Use permit shall be approved unless the Planning Commission specifically finds the proposed use appropriate in the location for which it is proposed. This finding shall be based on the following criteria.
2. The proposed use shall be in harmony with the general purpose, goals, objectives, and standards of the Master Plan, this regulation, or any other plan, program, map, or ordinance adopted, or under consideration pursuant to official notice, by the County.
3. There shall be a community need for the proposed use and a need to provide or maintain a proper mix of uses both within the County and also within the immediate area of the proposed use: (a) the proposed use shall not result in either a detrimental concentration of a particular use within the County or within the immediate area; and (b) the area for which the use is proposed is not better suited for or likely to be needed for the uses that are permitted as a matter of right within that district, in light of policies or programs of the Lee County.
4. The proposed use at the proposed location shall not result in a substantial or undue adverse effect on adjacent property, the character of the neighborhood, traffic conditions, parking, public improvements, public sites or right-of-ways, or other matters affecting the public health, safety, and general welfare, either as they not exist or as they may in the future be developed as a result of the implementation of provisions and polices of the Master Plan, this regulation, or any other plan, program, map, or regulation adopted, or under consideration pursuant to official notice, by the County or other governmental agency having jurisdiction to guide growth and development.
5. The proposed use in the proposed area will be adequately served by and will not impose an undue burden on any of the improvements, facilities, utilities, and services specified in this subsection. Where any such improvements, facilities, utilities, or services are not available or adequate to service the proposed use in the proposed location, the applicant shall, as part of the application and as a condition to approval of the proposed conditional use permit, be responsible for establishing ability, willingness and binding commitment to provide such improvements, facilities, utilities, and services in sufficient time and in a manner consistent with the Master Plan, this ordinance, the other plans, programs, maps and ordinances adopted by the County to guide its growth and development. The approval of the Special Exception Use shall be conditional upon such improvements, facilities, utilities, and services being provided and guaranteed by the applicant.

APPLICATION REQUIREMENTS

- 1) Application must be filed with the Planning Director at least 15 days prior to the next regularly scheduled Planning Commission Meeting.
- 2) Complete 'Authorization to Act as Applicant', if applicable.
- 3) Copy of current deed.

CERTIFICATION

I _____, HEREBY CERTIFY that this application is made with my approval, as property owner or authorized applicant designated by the property owner, as evidenced by my signature below. This application, site plan, and all other information are submitted with the full authorization and knowledge of the property owner(s). The undersigned below hereby swears to be the authorized applicant designated by the property owner(s) as representative or agent for the property owner(s) and therefore the undersigned is authorized to make said application and submit said documents on this request. I certify that I have read and understand the contents of this application, and that this application together with the requirements and all supplemental information is a true representation of the facts concerning this request.

OWNERS/AUTHORIZED REPRESENTATIVE SIGNATURE:	DATE:
(PRINT NAME)	

STATEMENT OF UNDERSTANDING

I, _____ (property owner or authorized applicant) UNDERSTAND this Special Exception Use request must be filed with all of the requirements of the Lee County Zoning Regulations and all other information requested or required by County Departments in order to be considered complete. I UNDERSTAND that this application will not be filed until all required information has been received and further understand that the County reserves the right to postpone this request until such time as the requirements are met. I UNDERSTAND that if the request is approved the approval applies only to the property(s) shown on the site plan submitted and reviewed by the Lee County Planning Commission. I UNDERSTAND that at a later date if adjacent or other property(s) are expected to be used in association with an approved Special Exception Use then a separate Special Exception Use request must be submitted for the use of such adjacent or other property(s). I UNDERSTAND that the County may require additional information, requirements, or require modifications to the site plan at any time during the process as deemed necessary to accomplish the proper and orderly development of this proposal. I UNDERSTAND that if a Special Exception Use is granted by the Lee County Planning Commission then I must submit structural drawings (building plans) as required for review and approval by the applicable departments prior to issuing a Building Permit. The said drawings shall be submitted to the Building Inspection Department for review. I UNDERSTAND that if a request for Special Exception Use is approved or approved subject to conditions, I must acknowledge such approval in writing and unconditionally accept and agree to any conditions imposed on the approval within fifteen (15) days following approval by the Lee County Planning Commission. In the event the Special Exception Use request is not approved or is approved subject to conditions not acceptable to me, I may within the fifteen (15) days either appeal such decision to the Zoning Review Board or abandon the application at the expiration of this fifteen (15) day period.

OWNERS/AUTHORIZED REPRESENTATIVE SIGNATURE: _____ DATE: _____
 (PRINT NAME) _____



APPLICATION FOR ZONING VARIANCE

DATE:	Planning Commission Meeting Date:
Application Number:	Submission Deadline:

PART I. OWNER / APPLICANT INFORMATION

Owner Name _____ Address _____ Phone _____

Agent Name (if applicable) _____ Address _____ Phone _____

PART II. PARCEL INFORMATION

Street Address: _____

Current Zoning: _____

Current Land Use: _____

Tax Parcel/PPIN # : PARCEL 43-____-____-____-____-____-____ PIN _____

PART III. Provide a Brief Description and Reason for the Variance (attach a zoning map or site plan)

PART IV.

1) Are there extraordinary and/or exceptional conditions to the particular property, which make a variance necessary? Explain.

2) Would the strict application of this ordinance produce an unwarranted hardship not generally shared by others? If so, how?

3) Will the proposed variance alter the character of the area? If so, how?

VARIANCE APPLICATION REQUIREMENTS AND INFORMATION

1. Complete 'Authorization to Act as Applicant', if applicable.
2. Provide a vicinity map showing the location of the property.
3. Provide a plot plan showing the property boundaries and proposed development layout with the Variance noted or highlighted.
4. Application must be filed with the Planning Director at least 15 days prior to the next regularly scheduled Planning Commission meeting.

PART V.

I hereby request that the Planning Commission review a variance request for my property located at (street address) _____ . I understand that the Planning Commission may require additional information, or waive certain requirements, in order to make a decision on the request at any time during the process.

Signature _____ Date _____



APPLICATION # _____

REZONING APPLICATION

SUBMISSION DEADLINE: _____ HEARING DATE: _____

PROPERTY OWNERS/ AUTHORIZED REPRESENTATIVE: _____ MAILING ADDRESS: _____ PHONE NUMBER: _____ Email: _____
--

PARCEL INFORMATION

Site Address: _____

Description of proposed use: _____

Tax Parcel Number: _____

Adjacent Zoning Districts: North: _____ South: _____ East: _____ West: _____

OFFICE USE ONLY

Current Land Use: _____

Current Zoning: _____

Proposed Zoning: _____

Advertisement Fee: \$ _____

Reason For Request: _____

TOTAL \$ _____

I hereby request my property located at (street address) _____,

Tax Map parcel number _____ be rezoned from

_____ to _____. A copy of the tax area map, a survey of the property, a copy of the deed for the property, and the names and addresses of all adjoining property owners are enclosed. I understand that the Commission may require additional information, or waive certain requirements, at any time during the process.

OWNERS OR AUTHORIZED REPRESENTATIVE SIGNATURE:	
(PRINT NAME)	
	DATE

AUTHORIZED TO ACT AS APPLICANT FOR PROPERTY OWNER

I, _____, being owner/authorized manager of the rezoning property(s) as described in this Rezoning Application hereby authorize _____ to act as my representative in all decisions concerning the rezoning of my property(s) before the Lee County Planning Commission.

Property Owner's Signature _____ Date _____

STATE OF ALABAMA

COUNTY OF LEE

I, _____, a Notary Public in and for said County and State, hereby certify that _____, whose name is signed to the foregoing document, and who is known to me or acknowledged before me on this day, that being informed of the contents of said document, did execute the same voluntarily on the day that bears the same date.

Given my hand and seal of office this _____ day of _____, _____

Notary Public

My Commission Expires: _____

REZONING APPLICATION REQUIREMENTS AND INFORMATION

1. Application must be filed with the Planning Director at least 30 days prior to the Planning Commission Hearing.
2. Complete 'Authorization to ACT as Applicant', if applicable.
3. Provide a list of Adjacent Property Owners on a separate sheet.
4. Include the Master Plan designation of the subject property and the consistency of the request with the Master Plan policies.
5. A vicinity map, drawn to scale, showing the size and location of the property.
6. A site plan, drawn to scale and dimensioned, showing the property boundaries, public rights-of-way, and the proposed use and development layout.
7. A filing fee to cover the cost of the required advertising of the proposed amendment in the local newspaper.



APPLICATION FOR APPEAL

DATE:	Planning Commission/Review Board Meeting Date:
Application #:	Submittal Deadline: 15 days prior to next scheduled PC Meeting

PART I. OWNER / APPLICANT INFORMATION

Owner Name *Address* *Phone*

Agent Name (if applicable) *Address* *Phone*

PART II. PLANNING DIRECTOR/COMMISSION INTERPRETATION AND DECISION

Signature _____ **Date** _____

PART III. PARCEL INFORMATION 43-____-____-____-____-____-____-____ PIN _____

Street Address: _____

Current Zoning: _____

Current Land Use: _____

PART IV. Provide a Brief Description and Reason for the Appeal (attach site plan and zoning map)

PART V.

I hereby request that the Lee County Planning Commission/ Zoning Review Board review an appeal request for the property listed above.

Signature _____ Date _____

CITIZEN COMMENT FORM

Lee County Planning Commission

The Lee County Planning Commission requests that all citizen comments be submitted in writing to the Chairman even if those comments are delivered orally at the meeting.

Please note that there is a limit of three (3) minutes each per citizen.

Date: _____

Name:	Phone #:
Address:	Email:

Signature: _____

Please use the space provided below. If additional pages are needed for your written comment, please feel free to either use the back of this page or additional pages as needed. If you use additional pages please be sure to number the pages in order.



Zoning Certification Letter

Address of Proposed Development _____

Name of Owner/Applicant _____

Parcel Information or PIN _____

Current Zoning _____

- The zoning for the proposed development described above is proper for the proposed development or use. To the best of my knowledge, there are presently no zoning violations outstanding on this property. No further zoning approvals and/or special use permits are required.

- The development described above is an approved non-conforming use. To the best of my knowledge, there are presently no zoning violations outstanding on this property. No further zoning approvals and/or special use permits are required.

Signature

Printed Name

Title:

Phone:

Date:



2022 Planning Commission Meetings and Deadlines

****All Deadlines are at Noon****

Regular Meeting (Begins at 5:30 p.m.)	Deadline for Rezoning Submittals	Deadline for All Other Submittals	Special Meetings
January 19, 2022	December 17, 2021	January 7, 2022	TBA
February 9, 2022	January 9, 2022	January 26, 2022	TBA
March 9, 2022	February 9, 2022	February 23, 2022	TBA
April 13, 2022	March 11, 2022	March 30, 2022	TBA
May 11, 2022	April 11, 2022	April 27, 2022	TBA
June 8, 2022	May 6, 2022	May 25, 2022	TBA
July 13, 2022	June 1, 2022	June 29, 2022	TBA
August 10, 2022	July 8, 2022	July 27, 2022	TBA
September 14, 2022	August 12, 2022	August 31, 2022	TBA
October 12, 2022	September 12, 2022	September 28, 2022	TBA
November 9, 2022	October 7, 2022	October 26, 2022	TBA
December 7, 2022	November 7, 2022	November 23, 2022	TBA
January 11, 2023	December 7, 2022	December 28, 2022	TBA