

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**

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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 with 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 Establishment 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 the adoption of the Planning Commission.

Section 2.1 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 are areas of rural areas depicted on the Master Plan as clusters of commercial activity and higher intensity development that serve the surrounding rural community in centralized locations.
- *RU Rural Use District.* These are mixed use rural areas, primarily comprised of residences, farms, and forested lands, but may also include scattered institutional uses, churches, and small scale businesses. These rural character areas are depicted on the Master Plan as Rural Residential, General Residential, Rural Agricultural, Conservation, and Corridor.

(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 2.2 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 of 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 Administrator 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 Administrator 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 RC Rural Center District use regulations

- (a) The following Permitted Uses, as defined by *Section 8.4 Uses defined*, are allowed by right, provided all requirements of these Zoning Regulations and other applicable regulations are met:
- *Agricultural and Forestry Uses*
 - *Rural Residential Uses*
 - *General Institutional Uses*
 - *Light Commercial Uses*
 - *General Commercial Uses*
 - *Temporary Use for seasonal sales*
- (b) The following Special Exception Uses, as defined by *Section 8.4 Uses defined*, may be permitted, subject to approval by the Planning Commission and any approval conditions stipulated by the Planning Commission:
- *Heavy Commercial Uses*
 - *General Industrial Uses*
 - *Temporary Use for special event*
- (c) All other uses that are not listed as Permitted Uses by right or Special Exception Uses shall be prohibited, except as provided for in Sections 3.4 and

3.5 of these Zoning Regulations in which the Administrator makes a use classification determination for similar uses and new and unusual uses,

Section 3.8 RU Rural Use District use regulations

(1) The following Permitted Uses, as defined by *Section 8.4 Uses defined*, are allowed by right, provided all requirements of these Zoning Regulations and other applicable regulations are met:

- *Agricultural and Forestry Uses*
- *Rural Residential Uses*
- *General Institutional Uses*
- *Temporary Use for seasonal sales*

(2) The following Special Exception Uses, as defined by *Section 8.4 Uses defined*, may be permitted, subject to approval by the Planning Commission and any approval conditions stipulated by the Planning Commission:

- *Restricted Institutional Uses*
- *Light Commercial Uses*
- *Temporary Use for special event*

Sections 3.9 through 3.25 Reserved

Section 3.26 Supplemental use regulations

This section assigns supplemental standards over and above those imposed by other sections of these Zoning Regulations. Although permitted in certain districts, some uses have unique characteristics that require these supplemental standards.

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 established by this article.

Sections 4.2 through 4.20 Reserved.

Article V Supplemental District Regulations

Reserved.

Article VI Administration

Section 6.1 Administrator

The County Commission shall appoint an individual or position among the Lee County staff to serve as Administrator 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 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

In case any 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 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 Administrator. All actions by the Administrator 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 Administrator 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 on a form made available by the Administrator 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 Administrator 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 conditional use shall be filed with the Administrator 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 on a form made available by the Administrator 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 Administrator 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 on a form made available by the Administrator 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 of 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

- (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 made on a form made available by the Administrator and with Administrator 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.

Section 6.9 Conditional rezoning

Reserved.

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 exceeds 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 Administrator 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 Administrator 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 Administrator'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.

- (1) Words used or defined in one tense or form shall include other tenses and derivative forms.
- (2) Words in the singular number shall include the plural number, and words in the plural number shall include the singular number.
- (3) The masculine gender shall include the feminine, and the feminine gender shall include the masculine.
- (4) The word *shall* is mandatory, and the word *may* is permissive.
- (5) 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*, including the following specific types of uses:
 - *commercial farm*;
 - *hobby or recreational farm*;
 - *forage and sod crops*;
 - *grain and seed crops*;
 - *dairy animals and products*;
 - *poultry and egg production*, excluding poultry processing;
 - *livestock*, such as beef cattle, sheep, goats, or any similar livestock, including the breeding and grazing of such animals but excluding

- commercial feed lots and 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;
- *kennels* for boarding or raising of small household pets for commercial purposes;
- *fruits and vegetables* of all kinds, including growing and harvesting of such fruits and vegetables, but excluding food processing;
- *stable* engaged in the raising, keeping, boarding, or training of horses, ponies, and similar animals, including riding academies and incidental sales of riding accessories and animals raised or regularly kept on the premises;
- *large animal clinic* where large farm animals are given veterinary medical treatment, and short term boarding may be provided.

(2) *Rural Residential Uses*, including the following specific types of uses listed and defined here:

- *single family residence* detached from any other dwelling and located on a its own lot;
- *duplex* for occupancy by two families in attached dwelling units;
- *townhouse* residence in a building with two or more attached dwelling units, with each unit on a separately subdivided lot;
- *apartment* for occupancy by three or more families;
- *accessory dwelling unit* for a single family, attached or detached to the primary single family residence located on the same lot;
- *manufactured (mobile) home* occupied by a single family on its own lot or in a manufactured (mobile) park;
- *manufactured (mobile) home park* on a tract of land used or designed to accommodate a community of multiple spaces for lease;
- *manufactured home used as an accessory dwelling* to the primary single family residence on the same lot;
- *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 a non-

residential establishment;

- *boarding house* for the residency of two or more boarders on a long term basis and in which unit intended to be rented does not constitute a "dwelling unit" as defined by these Zoning Regulations;
- *group care home* for persons who may be unrelated adults or children living together as a single housekeeping unit under supervised care;
- *home occupation* 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;
- *garage, yard, or estate sale* of personal property belonging to the occupant or the late occupant of property where the sale is conducted.

(3) *General Institutional Uses*, including the following specific types of uses listed and defined here:

- *animal shelter* operated by a non-profit or public organization providing shelter for small domestic animals;
- *cemetery* for human burials or pet cemetery;
- *community center* 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* 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* with recreational facilities and club house for private club members and their guests;
- *day care center* in a licensed non-residential facility providing day care on a regular basis to children, elderly, or handicapped or infirm persons.
- *day care home* a licensed service operated from a dwelling by the resident, providing day care on a regular basis to children, elderly, or handicapped or infirm persons;
- *home instruction* in the arts, music, or academic subjects given from a dwelling by the resident for a limited number of students at a time;
- *place of worship* for religious services, such as churches, synagogues, and mosques and related facilities for worship, instruction, meeting, recreation, lodging, eating, and other integrally related activities;
- *public 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* 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* which is essential and necessary to support development, and which involves only minor structures such as lines and poles;
- *school* licensed for public or private instruction to children or adults.

(4) *Restricted Institutional Uses*, including the following specific types of uses with possible adverse impacts on surrounding properties and the community:

- *airport* where aircraft can land and take off, including related facilities;
- *assisted living or independent living facility* that is licensed for room, board, personal care, and other services to residents, primarily for the aged;
- *nursing care facility* that is licensed provide skilled nursing care and medical supervision to patients and residents;
- *hospital* which is licensed to provide health services for inpatient and outpatient medical care;
- *rehabilitation facility* that is licensed to provide residential and custodial care for the rehabilitation of socially-impaired individuals;
- *public assembly center* for the general assembly of the public for large community events, including coliseums, stadiums, civic centers, and similar uses.

(5) *Light Commercial Uses*, including the following specific types of uses with limited impact on surrounding properties and the community, listed and defined here:

- *bank or financial service* 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* which may be operated in a dwelling and which provides lodging for a limited number of transient guests on a short term basis;
- *broadcast studio* primarily engaged in the provision of broadcasting and other information relay services accomplished through the use of electronic, broadband, and telephone mechanisms, including film and sound recording, such as a radio studio, TV studio, or a music recording studio;

- *business or professional office* where the administrative affairs of a business or profession is conducted such as the office of a law firm, real estate agency, insurance agency, architect, secretarial service, the administrative staff of business or industry, and the like;
- *business support service* which supplies support services 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* on a large site planned for seasonal recreation or vacation uses, including tent campsites, travel trailer or recreational vehicle sites, vacation cottages, recreational facilities, eating facilities, bathrooms, and sale of personal care items and gifts;
- *commercial parking* of motor vehicles on a temporary basis within a commercially operated, off-street parking lot or garage.
- *farm support 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* with sales of plants, trees, shrubs, and the like for ornamental or landscaping purposes, and the conducted from a building, greenhouse, outdoor incidental sales of items customarily associated with such sales activities, such as containers, fertilizers, ornaments, small gardening tools and equipment, and seeds.
- *laundry service* providing laundering, dry cleaning, or dyeing service, such as a laundry and dry cleaning plant, diaper or linen service, or laundromat;
- *medical clinic* providing services for sick or injured persons on an outpatient basis;
- *medical support service* 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* for 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* 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, travel agency, interior decorator, formal wear rental, and similar uses;
- *pet grooming shop* providing 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* where small household pets are given veterinary medical and short term boarding of pets may be provided;

- *studio* for work by an artist, photographer, or craftsman, including instruction, display, production, and retail sales of works produced on the premises;
- *transmission tower or wire communications facility* used for the commercial transmission of radio, television, and cellular signals to the general public or private receivers.

(6) *General Commercial Uses*, including the following specific types of uses with possible impacts on surrounding properties and the community:

- *convenience 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 island;
- *entertainment business* providing spectator entertainment within an enclosed building, including movie theaters, playhouses, and similar indoor facilities;
- *funeral home* engaged in undertaking services for human burial;
- *general retail business* for 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* providing building and yard maintenance services, such as janitorial services, exterminating services, landscape services, and window cleaning services.
- *mini-warehouse or climate controlled storage facility* containing separate storage spaces which are leased on an individual basis for the exclusive purpose of storing non-hazardous household goods, but not including the storage of materials for a commercial or industrial enterprise or for any activity other than dead storage;
- *recreation activities*, providing indoor recreational or sports activities to participants, including bowling alleys, billiard parlors, video game centers, ice and roller skating rinks, and similar sports activities or outdoor activities, including driving ranges, miniature golf courses, swimming pools, tennis courts, and other commercial outdoor recreational and sports activities;
- *restaurant, standard*, establishment where food and drink are prepared, served, and primarily consumed within the building where guests are seated and served;
- *specialty retail establishment or service* 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;
- *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 painting, body work, upholstery work, fabrication of parts, or rebuilding of engines;

- *vehicle service station* providing fuel, lubricants, parts, and accessories, and incidental repair and maintenance service to motor vehicles.

(7) *Heavy Commercial Uses*, including the following specific types of uses with possible adverse impacts on surrounding properties and the community:

- *car wash* engaged in washing or cleaning automobiles and light vehicles;
- *entertainment, outdoor*, providing spectator entertainment in open or partially enclosed or screened facilities, including sports arenas, racing facilities, and amusement parks;
- *home improvement center*, with much greater sales volume than a traditional neighborhood hardware store, providing building, appliance, yard and garden materials, tools, and supplies at retail and wholesale;
- *hotel or motel* offering 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* that is licensed to engage in preparation, sale or serving of liquor for consumption on the premises, including taverns, bars, cocktail lounges, pubs, night clubs, bottle clubs, private clubs, restaurant lounges, hotel lounges, and similar uses where liquor consumption is a primary or incidental activity on the premises of the establishment, not including establishments which serve only beer or wine as an incidental activity, such as a restaurant, or establishments which sell liquor, beer, or wine in packages for off-premises consumptions.
- *livestock sales 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 home and RV and camper sales*;
- *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* engaged in the sale or rental of automobiles, light trucks, travel trailers, recreational vehicles, boats, or motorcycles, including incidental parking, storage, maintenance, and servicing;
- *vehicle and equipment repair, major*, 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*, engaged in the sale or rental of heavy trucks, construction equipment, tractors and farm implements, and similar heavy equipment, including incidental storage maintenance, and servicing.

(8) *General Industrial Uses*, including the following specific types of uses listed and defined here:

- *construction service* 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*, 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* 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*, engaged in warehousing, wholesaling, or distribution services within a building.

(9) *Heavy Industrial Uses*, including the following specific types of uses with potentially severe adverse impacts on surrounding properties and the community:

- *hazardous storage and manufacturing* involving flammable or explosive materials or involving potentially hazardous or commonly recognized offensive conditions;
- *manufacturing, general*, 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*;
- *resource 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* engaged in the storage, sale, dismantling or other processing of used or waste materials, such as a junk or automotive salvage yard;
- *sanitary landfill* operated on a state-approved site for solid waste disposal;
- *warehousing, wholesaling, and distribution, open*, engaged in open air warehousing, wholesaling, or distribution services.

(10) *Temporary Uses*, including the following specific types of uses:

- *seasonal 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;
- *special event, outdoors*, including circuses, 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.

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 actually takes place or is intended to take place on a lot or site.