

APPENDIX A

ZONING*

Article 1. Classification and Establishment of Districts

- Sec. 11. Short title; identification, adoption of map.
- Sec. 12. City divided into districts.
- Sec. 13. District boundaries.
- Sec. 14. Uses allowed; exceptions.
- Sec. 15. Building lots, yards, and open space requirements; exceptions.
- Sec. 16. Height requirements; exceptions.
- Sec. 17. Minimum parking spaces required.
- Sec. 18. Off-street loading and unloading requirements.
- Sec. 19. Structures on residential and agricultural lots.
- Sec. 19.1. Home day care facilities.

Article 2. District Requirements

- Sec. 21. Residential district requirements.
- Sec. 21.1. R-4 residential district (single-family semiattached).
- Sec. 21.2. R-5 residential district (single-family, patio home).
- Sec. 21.3. Manufactured home rental district (MHR).
- Sec. 21.4. Manufactured home subdivision district (MHS).
- Sec. 21.5. Planned unit development (PUD).
- Sec. 22. Business district requirements.
- Sec. 22.1. Central business district.
- Sec. 22.2. B-4 (interchange business) district.
- Sec. 23. Industrial district requirements.
- Sec. 24. Agricultural (AG) district.
- Sec. 25. MIP (medical, institutional, professional) district.

Article 2.5. Street Address Numbers

- Sec. 26. Display requirements.
- Sec. 27. Sign regulations.

Article 2.6. Reserved

Article 3. General Provisions

- Sec. 31. Alley setbacks.
- Sec. 32. Corner lot setbacks.
- Sec. 33. Swimming and wading pools.
- Sec. 34. Future street lines.
- Sec. 35. Abatement of noise, smoke, gas, vibration, fumes, dust, and fire and explosion hazard or nuisance.

***Editor's note**—Printed herein is Ord. No. 494, as adopted by council on January 10, 1967, and effective on February 10, 1967. Amendments to the ordinance are indicated by parenthetical history notes following amended provisions. The absence of a history note indicates that the provision remains unchanged from the original ordinance. Obvious misspellings and punctuation errors have been corrected without notation. For stylistic purposes, headings and catchlines have been made uniform and the same system of capitalization, citation to state statutes, and expression of numbers in text as appears in the Code of Ordinances has been used. Additions made for clarity are indicated by brackets.

Cross references—Any ordinance pertaining to zoning or rezoning specific property saved from repeal, § 1-12(a)(17); planning commission, § 2-96 et seq.; buildings and building regulations, ch. 14; environment, ch. 38; floods, ch. 46; streets, sidewalks and other public places, ch. 82.

HARTSELLE CODE

- Sec. 36. Rental of single-family dwellings.
- Sec. 37. Temporary trailers on construction sites.
- Sec. 38. Shipping containers.
- Sec. 39. Definitions.
- Sec. 40. Condominiums.

Article 4. Enforcement

- Sec. 41. Enforcing officer; right of entry.
- Sec. 42. Building permit required; application.
- Sec. 43. Approval of plans and issuance of building permit.
- Sec. 44. Certificate of occupancy required.
- Sec. 45. Penalties for violations of ordinance.
- Sec. 46. Remedies; court proceedings.
- Sec. 47. Site plan approval procedure.

Article 5. Board of Adjustment

- Sec. 51. Appointment, duties and responsibilities.
- [Sec. 51.1. Unused.]
- Sec. 51.2. Proceedings of the board of adjustment.
- Sec. 51.3. Powers and duties of the board.

Article 6. Amendment

- Sec. 61. Procedure, fee.

Article 7. Legal Status Provisions

- Sec. 71. Interpretation and purpose.
- Sec. 72. Saving clause.

Article 8. Effective Date

ARTICLE 1. CLASSIFICATION AND ESTABLISHMENT OF DISTRICTS

Sec. 11. Short title; identification, adoption of map.

This ordinance shall be known as the "Zoning Ordinance of Hartselle, Alabama," and the map herein referred to, identified by the title "Zoning Map of Hartselle", shall be further identified by the signature of the mayor of Hartselle, and attested by the city clerk. The Zoning Map of Hartselle and all explanatory matter thereon are hereby adopted and made a part of this ordinance. Such map shall be filed in the office of the city clerk and shall show thereon the date of adoption of this ordinance.

Sec. 12. City divided into districts.

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

- R-1 Residential district (single-family)
- R-2 Residential district (single-family)
- R-3 Residential district (multifamily)
- R-4 Residential district (single-family semiattached)
- R-5 Residential district (single-family, patio home)
- B-1 Business district (local shopping)
- B-2 Business district (general business)
- B-3 Central business district
- M-1 Manufacturing district (light industry)
- M-2 Manufacturing district (general industry)
- AG-1 Agricultural district

(Ord. No. 534, § 1, 4-28-1970; Ord. No. 716, § 2, 2-24-1987; Ord. No. 969, § 3(22.1(a)), 1-27-1998)

Editor's note—Ord. No. 994, § II, amended the zoning ordinance pertaining to the AG-1 agricultural district. The editor listed said district in § 12 to bring the district designation up to date.

Sec. 13. District boundaries.

The boundaries of the above districts are hereby established as shown on the zoning map of the City of Hartselle. Unless otherwise shown on said zoning map, the boundaries of districts are lot lines, the centerlines of streets or alleys or such

lines extended, railroad right-of-way lines, or the corporate limit lines as they existed at the time of enactment of this ordinance. Questions concerning the exact location of district boundary lines shall be decided by the board of adjustment, constituted as provided in section 51 hereof.

Sec. 14. Uses allowed; exceptions.

In each district no other use other than the types specified as "permitted" or "permitted on appeal" shall be allowed (see article 2). Uses specified as "permitted" shall be permitted upon application to the building inspector. Uses specified as "permitted on appeal" are exceptions; and no permit shall be issued for such uses except with the written approval of the board of adjustment, and subject to such conditions as said board may require to preserve and protect the character of the district.

Any use or structure existing at the time of enactment or of subsequent amendment to this ordinance, but not in conformity with its provisions, may be continued with the following limitations. Any use or structure which does not conform to the provisions of this ordinance shall not be:

- (a) Changed to another nonconforming use.
- (b) Reestablished after discontinuance for one year.
- (c) Extended except in conformity to this ordinance.
- (d) Rebuilt after fire or damage exceeding its full value above the foundation for tax purposes.

Sec. 15. Building lots, yards, and open space requirements; exceptions.

In each district each structure hereafter erected or altered shall be provided with the yards specified, and shall be on a lot of the area and width specified in article 2. No open space or lot required for a building or structure shall during its life be occupied by or counted as open space for another building or structure.

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

- (a) Where the owner of a lot of official record at the time of adoption of this ordinance does not own sufficient adjacent land to enable him to conform to the yard and other requirements of this chapter, one building and its accessory structures may be built provided the yard space and other requirements conform as closely as possible, in the opinion of the board of adjustment, to the requirements of the district in which it is located; and further provided that neither side yard shall be reduced to less than five feet in width.
- (b) No building need be set back more than the average of the setbacks of the existing residences within 100 feet each side thereof, but in no case shall it be less than 20 feet for residential lots.

Sec. 16. Height requirements; exceptions.

In each district each structure hereafter erected or altered shall not exceed the heights specified in the district requirements, article 2.

Height limitations shall not apply to church steeples, hospitals, sanitariums, barns, silos, farm structures, chimneys, flag poles, public utility poles, radio and television towers, and aerials, cooling towers, water tanks; and industrial structures when required by manufacturing process but not to exceed 25 percent of the area of the lot.

Sec. 17. Minimum parking spaces required.

At no time shall this section be construed to apply to or replace the requirements of article 2, section 22.1 Central Business District of the zoning ordinance.

The following are minimum requirements for parking within the City of Hartselle. "Sqft" is identified as the total square footage of the building unless otherwise specified.

All parking spaces and travel lanes shall be paved.

The minimum parking space size shall be nine feet wide by 18 feet deep.

The minimum width for single direction aisles shall be 11 feet.

The minimum width for two-direction aisles shall be 24 feet.

Ninety-degree parking shall have a backing area at the end of the aisle at a minimum of 20 feet by 20 feet.

Angle parking shall not be located on a dead-end single direction aisle.

The following are paint color criteria:

- (a) Customer parking, white paint.
- (b) No parking, yellow paint.
- (c) Handicapped parking, blue paint.
- (d) Fire lane, red paint.

AGRICULTURE, MINING, QUARRYING:

One space per two employees of maximum shift.

AIRPORT:

One space per 100 sqft of waiting room.

ANIMAL CARE/CLINIC/SHELTER:

One space per 300 sqft.

ART GALLERY:

Four spaces per 1,000 sqft.

ASSISTED LIVING FACILITY:

One space per four beds plus one space per employee.

ASYLUM/SANITARIUM:

One space per two beds.

AUCTION HOUSE:

One space per four seats.

AUDITORIUM, CHURCH, STADIUM, PLACE OF PUBLIC ASSEMBLY:

Church: One space per six seats.

Auditorium/Stadium: One per 2.5 seats plus one per employee of largest shift.

Where seating is not a measure of capacity, one space per 200 sqft.

AUTO WASH—SELF SERVICE:

Three stack-up spaces per washer bay.

AUTO WASH—CONVEYOR TYPE:

Five spaces per bay.

AUTOMOBILE/TRUCK REPAIR:

Two spaces per service stall or one space per 250 sqft of service area, whichever is greater; plus two spaces per three employees.

AUTOMOBILE SALES: NEW/USED:

Five spaces plus one space per 200 sqft.

AUTOMOBILE SERVICE:

One space per 500 sqft plus one space per business vehicle and two spaces per grease rack or indoor service stall.

BANK, DRIVE-IN:

Space to accommodate autos equal to five times the number of teller windows.

BANK, BUSINESS OFFICE:

One space per 300 sqft, plus one space per three employees.

BARBER SHOP/BEAUTY PARLOR:

Two spaces per barber or three spaces per beautician.

BED & BREAKFAST:

One space per room plus two spaces per permanent residence.

BILLIARD HALL:

One space per ten persons of design capacity.

BOARDINGHOUSE/ROOMINGHOUSE:

One space per sleeping room plus one space per non-resident owner or employee.

BOWLING ALLEY:

Four spaces per lane plus one space per employee of the largest shift.

BUS/TRAIN TERMINAL:

One space per 200 sqft of waiting room space.

CARPET, RUG, LINOLEUM, FLOOR COVERING SALES:

One space per 500 sqft plus one space per business vehicle.

CARTAGE/EXPRESS/PARCEL DELIVERY:

One space per two employees on largest shift plus one space per company auto.

CLUBS/LODGES/COUNTRY CLUBS:

One space per 400 sqft plus: One-fifth spaces per hole for golf courses, two spaces per tennis court, one space per 100 sqft of surface for swimming pool.

COIN OPERATED LAUNDRY/DRY CLEANING:

One space per two washing machines.

COMMUNITY CENTER:

Four spaces per 1,000 sqft.

CONSTRUCTION SALES & SERVICE:

One space per 1,000 sqft.

CONTRACTOR'S YARD:

One space per 200 sqft plus one space per employee.

CONVENIENCE MARKET/CENTER:

2.71 spaces per 1,000 sqft.

CONVENIENCE SALES & SERVICE:

One space per 150 sqft.

DANCE HALL:

One space per 100 sqft plus one space per employee.

DAY CARE CENTER:

One space per employee plus one space per eight pupils.

DISCOUNT STORE:

One space per 400 sqft plus one space per business vehicle.

DWELLING:

Single-family: Two spaces per dwelling unit.

Multifamily: Two paved and striped spaces per dwelling unit.

ELDERLY HOUSING/GROUP HOUSING:

One space per four beds plus two space per employee.

EMPLOYMENT AGENCY:

Five spaces per 1,000 sqft.

FIRE/POLICE STATION:

One space per employee and one space per three volunteer personnel on a normal shift. If a business office is included, one space per 200 sqft.

FUNERAL HOME:

One space per 100 sqft.

FURNITURE/MAJOR APPLIANCE:

One space per 400 sqft.

GASOLINE SERVICE STATION:

One space per employee plus: two spaces per service bay or one space per three fuel pumps, whichever is greater.

GYMNASIUM:

One space per three persons of maximum occupancy load plus one space per employee. In those instances when memberships are provided for, not less than one space per three memberships shall be provided plus one space per employee.

HARDWARE STORE:

One space per 400 sqft.

HEADQUARTERS, CORPORATE:

2.5 spaces per 1,000 sqft.

HOME IMPROVEMENT STORE:

2.85 spaces per 1,000 sqft.

HOSPITAL:

One space per four beds plus one space per two staff and visiting doctors.

HOTEL:

One space per guest unit and one space per 200 sqft of public meeting rooms and restaurants.

JUNK YARD/SALVAGE YARD:

One space per employee plus one space per 10,000 sqft of storage area.

LANDFILL:

One space per two employees of maximum shift.

LAUNDRY/DRY CLEANING COLLECTION STATION:

One space per 400 sqft.

LIBRARY/MUSEUM:

One space per 400 sqft.

LUMBER YARD:

One space per 500 sqft.

MANUFACTURING/INDUSTRIAL USE:

One space per two employees of largest shift plus space for all vehicles associated with use.

MAUSOLEUM:

Parking area equal to ground floor area.

MEDICAL/DENTAL CLINIC or COMPLEX:

Three spaces per doctor plus one space per employee.

MOTEL/TOURIST COURT:

One space per guest unit and one space per 200 sqft or public meeting rooms and restaurant.

MUNICIPAL BUILDING:

One space per employee plus one space per four patrons at capacity plus spaces equal to municipal vehicles located on site.

NURSERY, PLANT:

One space per two acres of land within the lot where the use is located or five spaces, plus one space per business vehicle.

NURSING HOME:

One space per five beds plus one space per employee.

OFFICE UNIT (more than one office in a building):

One space per 250 sqft.

OFFICE (single):

One space per 300 sqft.

PARK:

One space per three users at maximum utilization.

PERFORMING ARTS CENTER/THEATER:

One space per three patrons at capacity.

PHOTOGRAPHY STUDIO:

Five spaces per 1,000 sqft.

PLUMBING/HEATING SUPPLY:

One space per 1,000 sqft plus one space per employee and one space per company vehicle.

POST OFFICE:

Four spaces per 1,000 sqft.

RADIO/TV STATION:

One space per two employees.

RECREATION/AMUSEMENT/COMMUNITY BUILDING:

One space per three patrons based on design capacity.

RESTAURANT:

One space per employee plus eight spaces per 1,000 sqft or one space per three seats, whichever is greater.

RESTAURANT, FAST-FOOD:

One space per 60 sqft with a minimum of four spaces.

RETAIL, OUTDOOR:

One space per 1,000 sqft used for display purposes.

RETAIL/PERSONAL SERVICE (except as otherwise specified herein):

One space per 200 sqft.

SCHOOL, DANCE:

One space per 200 sqft.

SCHOOL:

Pre-K, Kindergarten: Two spaces per three teachers/employees plus one space per eight pupils.

Elementary/Junior High: One space per classroom plus one space per 100 students at capacity.

High School: Two spaces per three teachers/employees plus one space per five students at capacity.

SELF-SERVICE STORAGE FACILITY:

One space per 100 individual storage spaces, two spaces per manager and one space per additional employee, with a minimum of three spaces.

SHOPPING CENTER:

Five spaces per 1,000 sqft within the principal building, excluding theaters, restaurants, banks and auto service stations which shall comply with the parking requirements for their particular use.

SKATING RINK:

One space per 200 sqft.

STABLES:

One space per horse at design capacity.

STADIUM/SPORTS ARENA:

Ten spaces per acre of land plus one space per four spectator seats.

SUPERMARKET/GROCERY STORE:

One space per 300 sqft.

SWIMMING POOL:

One space per 30 sqft of water area.

TRANSPORT AND WAREHOUSING:

One space per 1,000 sqft or one space per employee, whichever is greater.

UNDERTAKING SERVICE:

One space per 100 sqft or with a chapel, one space per four seats.

WHOLESALE ESTABLISHMENT/BUSINESS SERVICE:

One space per 50 sqft of customer service area plus two spaces per three employees at capacity of the largest shift.

ZOO/PUBLIC ANIMAL CENTER:

One space per 2,000 sqft of land area.

OTHER BUSINESS BUILDING OR USE NOT SPECIFICALLY IDENTIFIED:

One sqft of parking space per one sqft of building. (Ord. No. 1034, § 7, 8-24-1999; Ord. No. 1365, § 2, 3-26-2012)

Sec. 18. Off-street loading and unloading requirements.

In each business and industrial district each structure hereafter erected or altered shall be provided with off-street loading and unloading facilities as specified in the district schedule, article 2.

Sec. 19. Structures on residential and agricultural lots.

(a) On any "R" zoned lot, no more than one main structure will be permitted. Accessory structures allowed in these zones are not permitted in the absence of a main structure except on tracts being at least five acres in size, in which case no more than one accessory structure will be permitted in the absence of a main structure. In no case shall the combined footprint size of all accessory structures exceed the footprint size of the main structure if existing. Accessory structures shall not include living quarters, except for protective shelters intended to provide essential temporary living quarters in times of danger or emergency.

(b) On any "AG" zoned lot, no more than one main structure will be permitted. Accessory structures allowed in these zones are permitted with or without the presence of a main structure and may exceed the footprint size of the main structure. Accessory structures shall not include living quarters, except for protective shelters intended to provide essential temporary living quarters in times of danger or emergency. (Ord. No. 1373, § 1, 3-26-2012)

Sec. 19.1. Home day care facilities.

(a) *Purpose.* The purpose of this section is to establish guidelines for the establishment and operation of home day care facilities in the City of Hartselle. It is intended that the operation of these activities be compatible with the integrity of the surrounding area by not creating adverse impacts such as additional traffic, or noise.

(b) *Goals.* The goals of this section are:

- (1) To maintain the integrity of Hartselle residential neighborhoods.
- (2) To have strict and enforceable criteria for the establishment and operation of home day care facilities in residential neighborhoods in the City of Hartselle.

(c) *Definitions.* Whenever used in this chapter, the definitions set forth in Code of Ala. 1975, tit. 38, ch. 7, are hereby adopted by reference, and made a part hereof as if fully set forth herein.

(d) *Usage.* For the purpose of these regulations, certain numbers, abbreviations, terms, and words used herein shall be used, interpreted, and defined as set forth in this section.

- (1) Unless the context clearly indicates to the contrary, words used in the present tense include the future tense.
- (2) Words used in the plural number include the singular.
- (3) The word "herein" means "in these regulations".
- (4) The word "regulations" or "these regulations" mean "Appendix A of the Code of the City of Hartselle, Alabama".
- (5) The word "person" includes a corporation, a partnership, an incorporated association of persons such as a club, or any other legal entity.
- (6) The word "shall" is always mandatory.
- (7) The word "may" is discretionary.
- (8) The words "building" or "structure" includes any part thereof.

- (9) The words "used" or "occupied" as applied to any land or building shall be construed to include the word "intended, arranged, or designed to be used or occupied".
- (e) *Terms defined.*
- (1) *Home day care facilities:* A child care facility which is primarily a family home and which receives children for care. Such facility shall be licensed by the State of Alabama.
- a. *Day care home:* A home day care facility which receives not more than six children for care during the day (not after 7:00 p.m.).
- b. *Nighttime home:* A home day care facility which receives not more than six children for care 24 hours a day.
- c. *Group day care home:* A home daycare facility which receives seven to 12 children for care during the day (not after 7:00 p.m.).
- d. *Group nighttime home:* A home daycare facility which receives seven to 12 children for care 24 hours a day.
- (f) *Applicability.*
- (1) In all "R" (Residential) zoning districts, as well as in "R" areas within a PUD zoned development as shown on the approved development master plan, day care homes between the hours of 6:00 a.m. and 7:00 p.m. may be permitted by the board of zoning adjustment as a use permitted on appeal, provided all other requirements of this section are met.
- (2) In AG-1 (Agricultural) zoning districts, day care homes and nighttime homes may be permitted by the board of zoning adjustment as a use permitted on appeal, provided all other requirements of this section are met.
- (3) In single-family detached residences located within "B" (Business) zoning districts, day care homes between the hours of 6:00 a.m. and 7:00 p.m. are permitted without variance by the board of zoning adjustment, provided all other requirements of this section are met.
- (4) Home day care facilities shall be prohibited in all other zoning districts and in all other arrangements not specifically permitted above.
- (g) *Requirements applicable to all home day care facilities.*
- (1) All home day care facilities for children shall be located in a single family detached dwelling occupying a lot of not less than 7,000 square feet in area. Under no circumstances shall a home day care facility be permitted in any structure occupying a lot of less than 7,000 square feet in area, regardless of zoning designation.
- (2) Under no circumstances shall a home day care facility be permitted in a multifamily structure or semi-attached (townhouse) structure, regardless of zoning designation.
- (3) Group day care homes and group nighttime homes are prohibited in all zones.
- (4) All home day care facilities shall conform to all standards and regulations for a Home Occupation as defined in section 39.23 of the Hartselle Zoning Ordinance.
- (5) No structural or decorative alterations shall be made or permitted that will alter the single-family character of an existing residential structure or be incompatible with surrounding residences.
- (6) When exterior alterations or additions are made, lot size, setbacks, and all other aspects of the premises must conform to those applicable to the zoning district.
- (7) All state, county, and city licensing requirements shall be met including those pertaining to building, fire, safety, and health codes.
- (8) Any special exceptions or modifications obtained shall be nontransferable without prior approval of the board of zoning adjustment.

- (9) Play area and play ground equipment is restricted to the rear yard only.
- (10) Outdoor play areas shall be a minimum of 600 square feet in size and shall be enclosed with not less than a four-foot high solid-panel privacy fence or wall with locking gate.
- (11) Off-street all-weather driveway surface shall be available as required to accommodate parking of at least four cars, each being 15 feet in length.
- (12) Prior to operation of a home day care facility for children, a copy of the state license certifying that the department of human resources has granted approval of such facility shall be presented to the department of development and be placed on file. Therefore, any home day care facility permitted or permitted on appeal shall be only given conditional approval by the board of zoning adjustment until this requirement is met.
- (h) *Required permits and approvals.*
- (1) *Use permitted on appeal:* The granting of a use permitted on appeal to operate a home day care facility may be accomplished by submitting an application to the Hartselle City Planner on forms provided by him/her and providing such information as may be necessary for a determination that the request complies in all respects to the terms of this section.
- a. *Public hearing by the board of zoning adjustment:* A use permitted on appeal to operate a home day care facility may be granted by the board of zoning adjustment after holding a public hearing during the regular or special called board of zoning adjustment meeting. The board may approve, approve on condition or deny the request after the public hearing and their determination that the home day care facility conforms to this article.
- (i) *Termination of previously granted permits and approvals.*
- (1) Any grant of a certificate of approval for a home day care facility shall be deemed a privilege and requires the continual compliance with all rules, regulations and conditions applied to the permit or approval. At any time after the granting of same, the board may set a public hearing to revoke a previously granted permit or approval, upon being presented with evidence of potential violation of the previously granted permit or approval. The grantee of such certificate of approval shall have not less than 30 days notice of such public hearing.
- (2) No entity receiving a certificate of approval for a home day care facility shall receive thereby any property right or other interest by such approval or permit.
- (3) Should a previously granted certificate of approval be revoked, the certificate holder shall be allowed 90 days to close the home day care facility.
- (j) *Severability.* The requirements and provisions of this article are severable. Should any section or part thereof be declared by any court of competent jurisdiction to be unconstitutional or invalid, the decision of the court shall not affect the validity of this article as a whole nor any section or part thereof other than the section or part so declared to be unconstitutional or invalid. (Ord. No. 1207, § 1, 11-22-2005)

ARTICLE 2. DISTRICT REQUIREMENTS

Sec. 21. Residential district requirements.

<i>DISTRICT</i>	<i>USE REGULATIONS</i>
All R Districts	<p><i>Uses permitted:</i> Accessory structures; gardens; playgrounds; parks; public buildings, including schools and libraries; public utilities, not including electrical power or gas substations or pumping stations.</p> <p><i>Uses permitted on appeal:</i> Public utilities, including electrical and gas substations and pumping stations; home occupations; general hospitals for humans; private schools; church facilities; church daycare facilities.</p> <p><i>Uses prohibited:</i> Commercial and industrial uses, not specifically permitted.</p>
R-1	<p><i>Uses permitted:</i> Single-family dwellings. (See also regulations common to all R districts, listed above.)</p> <p><i>Uses permitted on appeal:</i> Bed and breakfast inns; keeping of equine animals for noncommercial purposes only, not to exceed two such animals per five acres of land and with any conditions deemed by the board of adjustment to be necessary for the protection of the neighborhood and welfare of animals. (See also regulations common to all R districts listed above.)</p>
R-2	<p><i>Uses permitted:</i> Single-family dwellings. (See also regulations common to all R districts, listed above.)</p> <p><i>Uses permitted on appeal:</i> Bed and breakfast inns; keeping of equine animals for noncommercial purposes only, not to exceed two such animals per five acres of land and with any conditions deemed by the board of adjustment to be necessary for the protection of the neighborhood and welfare of animals. (See also regulations common to all R districts listed above.)</p>
R-3	<p><i>Uses permitted:</i> Single-family dwellings; apartments containing any number of dwelling units; any use permitted in the R-4 (single-family semi-attached) district provided that such uses conform to all requirements of section 21.1 herein as if zoned R-4; any use permitted in the R-5 (single-family, patio homes) district provided that such uses conform to all requirements of section 21.2 herein as if zoned R-5; group homes complying with all applicable laws and codes. (See also regulations common to all R districts, listed above.)</p> <p><i>Uses permitted on appeal:</i> Bed and breakfast inns. (See also regulations common to all R districts, listed above.)</p>
R-4	For regulations, requirements and conditions, see § 21.1.
R-5	For regulations, requirements and conditions, see § 21.2.

District	Minimum Yard Size			Minimum Lot Size		Maximum Height		Maximum Building Area Percent
	Front Yard Feet	Rear Yard Feet	Side Yard Feet	Area Sq. Ft.	Width Feet	Feet	Stories	
All R Districts	Public and semipublic structures: 35 35 35					50	3	50
	Accessory structures: 5 5							
R-1	35	30	10	12,000	85	35	2½	25
R-2	30	30	10	9,000	75	35	2½	35
R-3	One- or two-family dwellings: 25 25 10			7,000	60	35	2½	40
	For each additional family unit add:			2,000	5			
R-4	For regulations, requirements and conditions, see § 21.1.							
R-5	For regulations, requirements and conditions, see § 21.2.							

(Ord. No. 558, § 1, 9-26-1972; Ord. No. 951, § I, 5-13-1997; Ord. No. 1034, § 2, 8-24-1999; Ord. No. 1215, § 1, 11-22-2005; Ord. No. 1319, § 1, 3-24-2009; Ord. No. 1346, §§ 1, 2, 7-13-2010; Ord. No. 1361, §§ 2, 5, 10-25-2011; Ord. No. 1413, §§ 1—3, 1-27-2015)

Sec. 21.1. R-4 residential district (single-family semiattached)*.

There is hereby created an R-4 residential district (single-family semiattached) for those areas so designated by this ordinance and the zoning map of the City of Hartselle, Alabama, which R-4 districts shall allow single-family semiattached residences, subject to use regulations common to all R districts as set forth in section 21 hereof, and further subject to the following requirement and conditions:

(1) *General requirements.*

- (a) Single-family semiattached dwellings shall not form long, unbroken lines of row housing. No more than eight contiguous units shall be allowed.
- (b) Each single-family semiattached dwelling unit shall be constructed on its own lot.

***Editor's note**—Ord. No. 716, § 1, adopted Feb. 24, 1987, created an R-4 residential district and designated such section as § 21. In order to preserve the format of the ordinance, such provisions have been redesignated by the editor as § 21.1, and the user's attention is directed to § 21 for requirements in other residential districts.

- (c) No unit located in an R-4 district shall be located closer than 20 feet to a dedicated exterior street or exterior lot line on the perimeter of the district.
- (d) Maximum density (exclusive of public right-of-way) shall not exceed 12 dwelling units per acre per development.
- (e) No unit within an R-4 district shall have direct access to an existing major thoroughfare or collector as defined by the zoning ordinance or comprehensive plan; or a major thoroughfare or collector as shall be defined by future plans adopted by the planning commission of the City of Hartselle.

(2) *Specific requirements.*

- (a) Minimum lot size—2,000 square feet.
- (b) Minimum lot size at building line—20 feet.
- (c) Minimum front yard setback—25 feet.
- (d) Minimum side yard setback on interior at unattached ends ten feet (one-

story), 12 feet (two-story), except at street intersections, where the minimum side yard will be not less than 25 feet.

- (e) Minimum side yard setback on unattached end at exterior of development—25 feet.
- (f) Minimum rear yard setback—20 feet.
- (g) Maximum height in stories—2½.
- (h) Maximum building height—35 feet.
- (i) Off-street parking spaces per unit—Two.
- (j) Maximum building area percentage—60 percent of lot area.
- (k) Accessory structure setbacks—Five feet near yard and zero feet on the side yard.

(3) *Uses prohibited.* Any use not permitted, or permitted on appeal, is prohibited.

(Ord. No. 716, § 1, 2-24-1987)

Sec. 21.2. R-5 residential district (single-family, patio home).

(a) *Purpose.* R-5 residential districts allow detached, single-family residences at a higher density than other residential districts. The intent is to provide affordable, single-family housing with lower maintenance requirements. It provides flexibility in locating structures to allow for changes in market demands, yet provides safeguards against some negative effects attributed to single-family housing on smaller lots.

(b) *Establishment of districts.* There is hereby created an R-5 residential district (single-family, patio home) for those areas so designated by this ordinance and the official zoning map of the City of Hartselle, Alabama. R-5 districts shall be subject to all regulations common to all R districts as set forth in section 21 of the Hartselle Zoning Ordinance, and further subject to the following requirements and conditions.

(c) *Land use.*

- (1) Uses permitted by right: single-family residences, as well as those uses permitted in all R districts as set forth in section 21.
- (2) Uses permitted on appeal: all uses permitted on appeal in the general use regulations of section 21, except home occupations.

(3) Uses prohibited: any other than those permitted by right or on appeal.

(4) Each dwelling unit shall be constructed on its own lot.

(d) *Dimensional and density requirements.*

- (1) Minimum lot size: 5,000 square feet.
- (2) Minimum lot width at building line: 45 feet.
- (3) Minimum setbacks from property line or right-of-way:
 - a. Front yard: 20 feet.
 - b. Side yard: Seven feet.
 - c. Rear yard: 25 feet.
 - d. Lots adjoining major thoroughfares: Where R-5 lots adjoin (in any manner or configuration) a major thoroughfare (i.e. collector street or higher classification), an additional 20-foot setback shall be added to those setback requirements set forth in subsections (4)(a) through (4)(c) of section 21.2 and shall be measured from the right-of-way.
 - e. Lots adjoining those of a different zoning district: Where R-5 lots adjoin (in any manner or configuration) those in any other zoning district, minimum building setbacks from the common property line shall be equal to or greater than the minimum required in the adjoining district.

(4) Maximum building area: 50 percent of lot area.

(5) Maximum density: Seven dwelling units per gross acre.

(e) *Structural requirements.*

(1) Maximum building height: 35 feet.

(f) *Vehicular access.* No lot within an R-5 district shall have direct vehicular access to an existing or planned major thoroughfare (i.e. "collector street" or higher street classification) as

defined by the comprehensive plan, zoning ordinance, or future plans adopted by the Hartselle Planning Commission.

(Ord. No. 900, § 1, 12-13-1994; Ord. No. 1034, § 3, 8-24-1999; Ord. No. 1256, §§ 4, 5, 11-28-2006)

Sec. 21.3. Manufactured home rental district (MHR).

(a) *Purpose.* The purpose of this chapter is to ensure a minimum standard of site development for manufactured home park developments in the city.

(b) *Definitions.* The following definitions shall be applicable for the purposes of this chapter:

Manufactured home. A manufactured home is a structure defined by and constructed in accordance with the national Manufactured Housing Construction and Safety Standards Act of 1974 as amended, 422 U.S.C. section 5401, et seq. The definition at the date of adoption of this part is as follows:

Manufactured home means a structure, transportable in one or more sections, which in the traveling mode, is eight body feet or more in width or 40 body feet or more in length, or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained therein; except that such term shall include any structure which meets all the requirements of this paragraph except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the secretary and complies with the standards established under this title.

Manufactured home space means a well-defined area of sufficient size to accommodate one manufactured home within a manufactured home park development.

Manufactured home stand means a permanent foundation of sufficient area to accommodate a manufactured home and its appurtenances, such as canopies, patios and porches.

Roadway means a vehicular circulation route within a manufactured home rental district.

Site means a parcel of raw land comprising the total land area proposed for development as a manufactured home park development.

(c) *Construction permit required.* Construction of, addition to, or extension of a manufactured home park development may not commence until a construction permit has been obtained. A construction permit may not be issued until the development plan has been approved by the Hartselle Planning Commission in accordance with this chapter.

(d) *Application for construction permit—Information required.* The following shall be reflected on the application for a construction permit:

- (1) Name and address of the applicant;
- (2) Legal description of the site;
- (3) Development plan, prepared in accordance with this chapter;
- (4) Proof of ownership or legal land option.

(e) *Manufactured home park developments—general requirements.*

- (1) The development shall be sited on not less than five acres and subject to the density provisions of the R-2 district;
- (2) The development shall be located on a well drained site, graded to insure proper drainage and freedom from stagnant pools of water;
- (3) The site shall abut and have direct access to a public street. The minimum width of the site for said access shall be 60 feet;
- (4) Permanent residential structures, other than manufactured homes, shall not be located within a site to be developed as a manufactured home park development;
- (5) Each development shall have at its perimeter a minimum yard of 25 feet allowing no structures to be placed or erected within this requirement;
- (6) No building or structure erected or placed shall have a height greater than three stories or 35 feet;

- (7) Accessory structures shall not exceed one story in height and shall be no larger than 33 percent of the total square footage floor area of the dwelling which occupies that space. Accessory structures must be located in the rear yard behind the main dwelling and shall have a rear setback of five feet;
- (8) All required yards shall be landscaped and maintained;
- (9) A development shall be entirely enclosed, exclusive of driveways, at its external boundaries by an opaque structure and planting, such as a fence and evergreen hedge, not less than six feet in height;
- (10) Each development shall be permitted to display on each public street frontage one identifying sign of five square feet per development acre, up to a maximum of 50 square feet. Said sign shall contain thereon only the name, address and telephone number of the development. Such sign shall be placed at a point not closer than 25 feet to a public right-of-way;
- (11) Roadways shall be designed to provide convenient circulation and access to manufactured home spaces and to facilities for common use by occupants. Roadways shall recognize existing easements and otherwise permit connection to existing facilities where necessary for the proper functioning of the drainage and utility systems;
- (12) Entrances and exits to the development shall be designed for safe and convenient movement of traffic into and out of the development. Access points to public streets shall have a right-of-way width of 60 feet. The minimum pavement width of access points shall be 40 feet;
- (13) The minimum distance between access points along street frontages shall be as follows: Between a one-way access point and another access point, centerline to centerline/200 feet; Between two-way access points, centerline to centerline/300 feet;
- (14) A point of access shall not be permitted within 100 feet of the curbline (or street line if there is no curb) of any public street intersection;
- (15) On sites with less than 100 feet of street frontage, there shall be only one point of access; on sites with less than 400 feet of street frontage, there shall be not more than two points of access;
- (16) Restrictive covenants or homeowner's agreement shall be recorded in the office of the probate judge of Morgan County, Alabama as part of the development plan;
- (17) Improvements within a development shall meet the minimum requirements of the Hartselle subdivision regulations;
- (18) All foundations and supports shall meet current city building codes;
- (19) Each development shall be provided with a connection to a public sanitary sewer line and a public water line of sufficient size and capacity to meet all current city and utility requirements;
- (20) There shall be provided open space within the development at a minimum of ten percent of the total land area of the site;
- (21) All access points to public streets shall be by internal streets. No dwelling unit shall have direct access to a public street;
- (22) All improvements shall be the responsibility of the developer;
- (f) *Specific requirements.*
 - (1) Minimum lot size: 4,000 square feet.
 - (2) Maximum building area: 50 percent of the lot area.
 - (3) Minimum lot width: 40 feet for singlewides, 50 feet for doublewides.
 - (4) Minimum front setback: 20 feet.
 - (5) Minimum rear setback: Ten feet, unless at perimeter, then 25 feet.
 - (6) Minimum side setback: Ten feet.
 - (7) Maximum density: Ten lots per acre.

(8) Off-street parking: Two paved spaces per lot; access street by paved driveway.

(g) *Additional requirements.*

(1) Manufactured homes on the lot of an authorized and licensed manufactured home dealer exhibiting same for sale are exempt from these provisions;

(2) Service buildings housing laundry, sanitation or other facilities for use by development occupants shall be permanent structures complying with all applicable codes. Service buildings shall be well lighted at all times and shall be adequately ventilated, heated and maintained;

(3) There shall be at least 25 feet between permanent buildings on the development site and any manufactured home space;

(4) Parking for the clubhouse/office shall be a minimum of two parking spaces for every ten manufactured home spaces.

(h) *Review procedure.*

(1) *Preliminary review.* Seven copies of the preliminary development plan, drawn to a scale of not less than 1"=100', containing the information required, shall be submitted to the Hartselle Planning Office for preliminary review. The fee for submittal shall be \$100.00. Upon approval by the Hartselle Planning Commission, the preliminary development plan is valid for a period of 12 months from the date of such approval.

(2) *Final review.* Thirteen copies (seven full construction sets, six layout sets) of the final development plan, drawn to a scale of not less than 1"=100', containing the information required, shall be submitted to the Hartselle Planning Office for final review. The fee for submittal shall be \$200.00. Upon approval by the Hartselle Planning Commission, the final development plan is valid for a period of 24 months from the date of such approval, after which it becomes void unless a con-

struction permit has been issued as per the provisions outlined in the Hartselle Municipal Code.

The following notes must appear on the face of the preliminary and final development plans:

"Road grades shall not exceed ten percent."

"This development shall be served by public sanitary sewer."

"This property is not (is) in an area designated as a special flood area, as shown on Community Map/Panel Number _____, Effective Date _____."

(i) *Plans and schedules required.*

(1) Preliminary. All preliminary development plan requirements as specified in the City of Hartselle Municipal Code, as well as the following, shall be shown on the preliminary development plan.

- a. General location map;
- b. Boundaries of the site;
- c. Warranty deed(s);
- d. Total acreage;
- e. Name and address of applicant(s) and property owner(s);
- f. Name and address of the preparer of the development;
- g. Location and size of all open area;
- h. Manufactured home spaces numbered in consecutive order;
- i. Location and dimensions of proposed internal streets, structures, manufactured home spaces, refuse dumpster pad(s) and off-street parking spaces;
- j. Location and size of all existing and proposed utilities, including fire hydrants;
- k. Dimensions and points of access to public streets;
- l. Location and size of all easements on and adjacent to property;

- m. Site topography map;
- n. Existing and proposed drainage ways and improvements;
- o. Location of all fences/plantings and indication of their height and the materials of their construction;
- p. Location and use of all permanent buildings;
- q. All setback lines as required;
- r. Date of revision.

(j) *Final.* All final development plan requirements as specified in the City of Hartselle Municipal Code, as well as the following, shall be shown on the final development plan.

- (1) General location map;
- (2) Boundaries of the site;
- (3) Total acreage;
- (4) Name and address of the applicant(s) and property owner(s);
- (5) Name and address of the preparer of the development;
- (6) Manufactured spaces numbered in consecutive order;
- (7) Points of access to public streets;
- (8) All notes as required;
- (9) Certificate of Approval of Streets and Drainage:

The streets and drainage shown on this development plan have been reviewed and approved by the City of Hartselle.

By: _____
 Hartselle City Engineer
 Date: _____

- (10) Certificate of Approval for Issuance of Construction Permit:

This development plan was approved by the Hartselle Planning Commission on _____, _____. This development plan is approved for the issuance of a construction permit.

By: _____
 Hartselle City Planner
 Date: _____

NOTE: This development plan is void 24 months from the date of its approval unless a construction permit has been issued.

- (11) Certificate of Approval of Utilities:

The utilities shown on this development plan have been reviewed and approved by _____ (servicing utility).

By: _____
 Utility Operations Manager
 Date: _____

(Ord. No. 1010, § 2, 3-11-1999)

Sec. 21.4. Manufactured home subdivision district (MHS).

(a) *Purpose.* The purpose of this chapter is to ensure a minimum standard of site development for manufactured home subdivisions in the City of Hartselle.

(b) *Definitions.* The following definitions shall be applicable for the purposes of this chapter:

Manufactured home. A manufactured home is a structure defined by and constructed in accordance with the national Manufactured Housing Construction and Safety Standards Act of 1974 as amended, 422 U.S.C. 5401, et seq. The definition at the date of adoption of this part is as follows:

Manufactured home means a structure, transportable in one or more sections, which in the traveling mode, is eight body feet or more in width or 40 body feet or more in length, or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained therein; except that such term shall include any structure which meets all the requirements of this paragraph except the size requirements and with respect to which the manufacturer voluntarily

files a certification required by the Secretary and complies with the standards established under this title.

Manufactured home stand means a permanent foundation of sufficient area to accommodate a manufactured home and its appurtenances, such as canopies, patios and porches.

Roadway means a vehicular circulation route within a manufactured [home subdivision.]

Site means a parcel of raw land comprising the total land area proposed for development as a manufactured home subdivision.

(c) *Construction permit required.* Construction of, addition to, or extension of a manufactured home subdivision may not commence until a construction permit has been obtained. A construction permit may not be issued until the final plat of the subdivision has been approved by the Hartselle Planning Commission in accordance with this title.

(d) *Application for construction permit information required.* The following shall be reflected on the application for a construction permit:

- (1) Name and address of the applicant;
- (2) Legal description of the site;
- (3) Final plat of the proposed subdivision, prepared in accordance with this chapter;
- (4) Proof of ownership or legal land option.

(e) *Manufactured home subdivisions—General requirements.*

- (1) Each manufactured home shall be installed on its own lot;
- (2) No manufactured home or lot within an MHS district shall have vehicle access to an existing collector or arterial street;
- (3) All principal structures within an MHS district shall be single-family only;
- (4) All towing devices, wheels, axles, hitches and license plates shall be removed;
- (5) All manufactured homes shall have permanent steps, porches or decks on all outside doorways, the supports for which

shall be permanently anchored in the ground to meet all applicable building codes;

- (6) All manufactured homes shall have at least a nominal 3:12 roof pitch and the roof shall have a surface of wood shakes, asphalt composition shingles, fiberglass or metal tiles;
- (7) Manufactured homes shall be installed as provided in the rules of the Alabama Manufactured Housing Commission Administrative Procedures Code;
- (8) The subdivision shall be sited on not less than three acres;
- (9) The development shall be located on a well drained site, graded to insure proper drainage and freedom from stagnant pools of water;
- (10) Permanent residential structures, other than manufactured homes, shall not be permitted.
- (11) Each development shall have at its perimeter a minimum yard of 25 feet allowing no structures to be placed or erected within this requirement.
- (12) No building or structure erected or placed shall have a height greater than three stories or 35 feet;
- (13) Accessory structures shall not exceed one story in height and shall be no larger than 33 percent of the total square footage floor area of the dwelling which occupies that space. Accessory structures must be located in the rear yard behind the main dwelling and shall have a rear setback of five feet;
- (14) All residential structures shall be placed parallel to the existing public street.

(f) *Specific requirements.*

- (1) Minimum lot size: 9,000 square feet.
- (2) Maximum building area: 50 percent of the lot area.
- (3) Minimum lot width: 75 feet.
- (4) Minimum front setback: 20 feet.

- (5) Minimum rear setback: 20 feet; unless at perimeter, then 25 feet.
- (6) Minimum side setback: Ten feet.
- (7) Maximum density: Seven lots per acre.
- (8) Off-street parking: Two paved spaces per lot.

(g) *Uses prohibited.* Any use not permitted or permitted on appeal is prohibited.

(h) *Review procedure.* The development shall meet all requirements of the Hartselle subdivision regulations.

The following notes must appear on the face of the preliminary and final development plans:

"Road grades shall not exceed ten percent."

"This property is not (is) in an area designated as a special flood area, as shown on Community Map/Panel Number _____, Effective Date _____."

(Ord. No. 1010, § 2, 3-11-1999)

Sec. 21.5. Planned unit development (PUD).

(a) *Intent.* It is the intent of the PUD zone to permit a single zoning designation for developments planned to include a variation of residential and/or community shopping and service uses. The PUD zone, when approved in accordance with the preapproved master plan, is intended to grant the developer the ability to integrate a variety of uses without the establishment of multiple traditional zoning types. In exchange for this increased flexibility, the developer is required to provide common open space and amenities in excess of that required in traditional residential subdivisions. This exchange is intended to benefit the residents of the community through increased amenities and improved environmental protection and the city as a whole through the allowance of more unique and creative development designs.

(b) *Implementation procedure.*

- (1) In order to obtain PUD zoning, the developer must submit a standard application for rezoning, signed by all property owners, and master plan of all phases of the

development to the Hartselle Planning Commission for consideration and approval.

- (2) The submittal fee for the rezoning application shall be \$150.00 plus advertising costs and the submittal fee for the preliminary master plan review shall be established based on the number of lots in all phases of the planned unit development as established for traditional layout plat submittals in the Hartselle Subdivision Regulations.
- (3) The master plan, application for rezoning, and all fees shall be submitted to the commission for consideration at the same meeting.
- (4) The submitted master plan shall include all elements required for a standard subdivision layout plat and shall also include a boundary designation of traditional zoning areas within the development (i.e., R-1, R-2, R-3, R-4, R-5, or B-1). These traditional zoning designations will determine the use, lot size, and setback standards for that area as stated in the regulations of that standard zoning type. Once approved, these area designations shall not be revised except with the resubmittal of the full master plan with submittal fee and approval thereof by the planning commission.
- (5) Upon approval of the master plan, the commission may forward a recommendation to approve a PUD zoning designation to the city council for the entire development property. Under no circumstances shall PUD zoning be granted for only a portion or single phase of the master planned property.
- (6) Following approval of the master plan by the planning commission, the city council shall hold public hearing on the matter and make a final ruling with regard to the zoning of the property to PUD under advisement of the planning commission recommendation. Under no circumstances shall a property be zoned to PUD without

the preliminary approval of the development master plan by the planning commission.

- (7) In cases where PUD zoning is granted by the city council and the developer wishes to proceed with the development of the entire master planned property in a single phase, submittal of engineering plans for the development and the appropriate filing fee as designated in the Hartselle Subdivision Regulations may be submitted to the Hartselle Planning Commission for review as scheduled in the Hartselle Subdivision Regulations.
- (8) In cases where PUD zoning is granted by the city council and the developer wishes to proceed with the development of less than 100 percent of the development in phases, the developer shall resubmit a layout plat of the phase(s) to be initiated with the submittal fee as designated in the Hartselle Subdivision Regulations to the Hartselle Planning Commission for approval prior to the submittal of engineering plans.

(c) *General provisions.*

- (1) Under no circumstances shall a parcel or combination of parcels totaling less than 30 acres be zoned PUD.
- (2) Under no circumstances shall a portion of an approved PUD zone be rezoned to another zoning designation without resubmittal and approval of the revised master plan by the planning commission and a minimum of 30 acres remaining zoned PUD.
- (3) Under no circumstances shall a single phase of a planned unit development be considered on less than 15 acres.
- (4) Under no circumstances shall less than 15 percent of the land area of any individual planned unit development phase be designated as common open space as defined in section IV. An exception to this requirement may be considered by the planning commission in cases where the 15 percent required common open space

for the phase, or fraction thereof, was fulfilled within a previously developed phase. In such cases, the planning commission may approve construction of the phase with only common open space set aside as needed to continue overall 15 percent allotment for the subdivision as developed and in conformance with all other requirements for common open space areas.

- (5) All parcels within a phase of the planned unit development shall be numbered as lots, including those areas designated as common open space, and shall further be considered as lots for the purpose of assessing submittal fees as stated in section II.

(d) *Commercial use areas.*

- (1) Under no circumstances shall more than 10 percent of the land area of any individual planned unit development phase be designated and/or used for B-1 purposes.
- (2) Under no circumstances shall the operation of B-1 establishments within an approved planned unit development phase be permitted prior to the completion of all common open space areas and at least 50 percent of the residential units within that phase, including the issuance of certificates of occupancy for all said residential units.
- (3) Under no circumstances shall a structure within a B-1 area exceed 5,000 square feet in size.
- (4) Any establishment located within a B-1 area shall be subject to all site plan submittal, review and approval requirements of the Hartselle Subdivision Regulations prior to their construction within the planned unit development.
- (5) The expansion or exterior reconfiguration of any building or reconfiguration of any commercial site within a B-1 area of a planned unit development shall be subject to all site plan submittal, review and

- approval requirements of the Hartselle Subdivision Regulations prior to implementation.
- (6) The planning commission may require specific building placement, exterior building materials, and landscaping in excess of typical commercial site measures as deemed necessary to ensure aesthetic harmony with the surrounding community. Under no circumstances shall metal or exposed cinder block buildings be permitted.
- (e) *Common open space.*
- (1) Common open space shall be considered as parks, lakes, walking trails, playgrounds, picnic areas, or pavilions owned and maintained by the owners association or similar body for perpetual use by the residents of the community or, when accepted by the city council, owned by the City of Hartselle for perpetual use by all residents of Hartselle.
- (2) Under no circumstances shall streets, required sidewalks, residential yards, street or other rights-of-way, center medians, B-1 use areas and/or establishments, entryway gardens, parking lots or storage facilities of any kind be considered as common open space.
- (3) Undeveloped property such as forested areas or grassland may be considered as open common area when improved for safety and maintained so that such areas may be used for walking, hiking, and outdoor recreation.
- (4) Common open space required for any individual planned unit development phase shall be set aside in tracts of no more than 10 acres in size. An exception to this requirement may be granted by the planning commission in cases where a large lake and/or walking trail is proposed, in which case the area required for the development of such a feature may be increased beyond ten acres as deemed necessary by the planning commission.
- (5) Under no circumstances shall a combination of tracts less than one acre each in size together comprise more than 25 percent of required common open space in a development phase.
- (6) Upon review of the master plan, the planning commission may determine a proposed common open space to be inappropriate for such use due to location, topography, access, easements or other reasons. In such cases, the proposed common space shall not be counted toward the fulfillment of the 15 percent common open space requirement.
- (f) *Permitted uses.*
- (1) The preapproved development master plan shall include defined areas classified as either R-1, R-2, R-3, R-4, R-5, or B-1.
- (2) In all areas within any phase of a planned unit development designated for R-1, R-2, R-3, R-4, or R-5 purposes, uses permitted, permitted on appeal or prohibited shall be the same as those uses defined in the Hartselle Zoning Ordinance for that traditional zoning type.
- (3) In all areas within any phase of a planned unit development designated for B-1 purposes, the following use regulations shall apply.
- a. Uses permitted shall include only the following:
1. Neighborhood stores and markets to include: markets; drug stores; florists; hardware stores; restaurants; fitness centers; daycare centers.
 2. Neighborhood services to include: laundry dry cleaning pickup stations; barber and beauty shops; shoe repair; offices; banks; post offices; pet grooming.
- b. Uses permitted on appeal to the board of zoning adjustment shall include only the following: self-service mini-storage facilities for use only by residents of the planned unit develop-

ment; boat and/or recreational vehicle storage facilities for use only by residents of the planned unit development; general stores with the limitations stated in 1—5 below; any low-impact service or commercial use deemed by the board of zoning adjustment to be in conformance with the design of the master planned community and cause no negative impacts on area residents.

General store limitations:

1. No more than two fuel pumps shall be permitted.
2. No more than two fuel hoses per pump shall be permitted.
3. No more than one canopy or awning shall be permitted.
4. Canopy or awning shall not exceed 24' x 24' in size.
5. Exterior lighting shall be subject to Planning Commission review upon site plan submittal and may be increased or

reduced as deemed necessary by the commission to ensure a balance of safety and harmony with the surrounding neighborhood.

- c. Uses prohibited shall include auto service/repair centers; automobile dealerships; salvage yards; general stores not conforming to the limitations stated above; any use not specifically permitted or permitted on appeal herein.

(g) *Lot and building regulations.*

- (1) All areas within the planned unit development shall be subject to the lot area, frontage, setback, and building height requirements of that traditional zone as noted on the approved master plan.
- (2) Under no circumstances shall the board of zoning adjustment grant variance from lot area or street frontage requirements for any lot within a planned unit development.

(Ord. No. 1185, § 1, 5-10-2005)

Sec. 22. Business district requirements.

DISTRICT

USE REGULATIONS

B-1
(Local Shopping District)

Uses permitted: Neighborhood retail stores and markets, including the following types of stores: food; general merchandise; apparel; furniture; household and hardware; building supply with or without exterior lumber storage, provided that no on-site lumber milling is conducted; interior or exterior lawn and garden centers; radio and television; drugs and sundries; jewelry and gifts; florist; sporting goods; pet shops; new or used automobile dealerships not including otherwise prohibited uses; and similar types.

Neighborhood services, including the following types: dry cleaning and laundry pickup stations; barber and beauty shops; tattoo/piercing parlors; shoe repair; offices; banks; post offices; restaurants; theaters; convention centers; performing arts centers; automobile service stations with no above-ground gasoline or oil storage; minor auto repair; and similar services.

Any use permitted or permitted on appeal in an R-3 (multifamily residential) district or MIP (medical, institutional, and professional) district.

*DISTRICT**USE REGULATIONS*

Uses permitted on appeal: Self-storage facilities; RV storage facilities; warehouses; machine shops and light manufacturing operations with no exterior storage of materials or manufactured products, producing no exterior noise or emissions, and being incidental to a retail business where articles are sold at retail on the premises; indoor shooting or archery ranges, provided that such establishments conform to all applicable operating laws; motorcycle repair shops; small engine repair shops; farm supply centers; any otherwise permitted business use being operated within an office or dwelling unit(s) of a multifamily residential building.

Uses prohibited: Towing service; major auto repair; automobile salvage yards; automobile storage yards; junkyards; laundry and dry cleaning plants; machine shops and manufacturing not otherwise permitted on appeal herein.

B-2
(General
Business)

Uses permitted: Major auto repair; towing service; automobile storage yards; automobile salvage yards completely screened on all sides by a minimum six-inch high privacy fence; machine shops and light manufacturing operations with no exterior storage of materials or manufactured products and producing no exterior noise or emissions; any nonresidential use permitted or permitted on appeal in the B-1 (local shopping) district.

Uses permitted on appeal: Laundry and dry cleaning plants; machine shops and light manufacturing operations with limited exterior storage of materials or manufactured products and producing no exterior noise or emissions.

Uses prohibited: Stockyard; live animal sales; coal yard; lumber yard or mill; gasoline or oil storage above the ground; grist or flour mill; junkyards, recycling centers; scrap paper/rag storage or baling; residential dwellings.

*DISTRICT**SPACE AND HEIGHT REGULATIONS*

B-1
(Local
Shopping
District)

Minimum lot size: It is the intent of the [this] ordinance that lots of sufficient size be used for any business or service use to provide adequate parking and loading space in addition to the space required for the other normal operations of the business or service.

Minimum yard size: Front, 20 feet; rear, 20 feet; side, not specified, except on a lot adjoining along its side lot line a lot which is in a residential district, there shall be a side yard not less than eight feet wide.

Maximum height: 35 feet or two stories.

Off-street loading and unloading: Shall use required rear or side yard for loading and unloading.

B-2
(General
Business)

Minimum lot size: Same as for B-1 business district.

Minimum yard size: None specified.

Maximum height: 65 feet or five stories.

DISTRICT

SPACE AND HEIGHT REGULATIONS

Off-street loading and unloading: Shall provide space for loading and unloading for structures hereafter erected or altered when same is on lot adjoining a public or private alley.

Cross reference—Businesses, ch. 18.

(Ord. No. 1034, § 4, 8-24-1999; Ord. No. 1082, §§ 2, 5, 12-12-2000; Ord. No. 1344, § 1, 7-13-2010; Ord. No. 1382, § 1, 10-23-2012; Ord. No. 1410, §§ 1, 2, 1-27-2015)

Sec. 22.1. Central business district.

(a) *B-3 district established.* In addition to those districts designated and provided for therein there is hereby established and added to the list of such districts provided for in Ordinance Number 494 of the City of Hartselle, Alabama, as amended, a district to be designated and known as B-3, central business district (CBD).

(b) *Permitted principal and accessory uses and structures.* The following uses and structures shall be permitted in the B-3 district:

1. Reserved.
2. Retail stores and shops which sell goods such as: arts and crafts; antiques; bakery goods; bicycles; books; cameras; candy; tobacco products; confectionery products; dairy products; computers and related equipment; dry goods; flowers; frozen goods; furniture; garden supplies; gifts; glass or mirrors; hardware; health foods; interior decorating goods; jewelry; music; newspapers and magazines; pharmaceutical goods; photography equipment; pottery and ceramics; shoes; sporting goods; stationery; and toys.
3. Service establishments and repair shops to include: Bicycle sales or service; copying or photocopying; dry cleaning and laundry pickup stations (other than specifically prohibited herein); barber and beauty shops; tanning salons; catering;

- interior decorating services; computer sales or repair; photography; day spa; appliance sales or leasing.
- 4. Professional offices including: accounting; advertising; architectural; attorneys; engineers; insurance; real estate; travel agency.
- 5. Hotels and bed and breakfast inns.
- 6. Financial institutions including: banks; brokerage firms; credit unions; loan offices.
- 7. Eating and drinking establishments including: delicatessen; cafe; coffee shops; cafeteria; restaurant; tearoom; donut shop; ice cream shop.
- 8. Indoor recreational and amusement establishments to include: theaters; pool or billiard hall; small auditoriums.
- 9. Reserved.
- 10. On-premises signs which pertain to goods, products, or services sold or offered on the premises and subject to the provisions of subsection (1) of this ordinance [section].
- 11. Reserved.

(c) *Uses permitted on appeal.* The following uses may be permitted in the B-3 district only upon review and approval by the board of zoning adjustment in accordance with the provisions contained in article 5: Medical offices and clinics for humans; appliance service or repair; upholstery shops; tattoo and/or piercing parlors; fitness

centers; any use permitted without appeal in the B-1 (local shopping district) zone and not otherwise listed as permitted or prohibited herein.

(d) *Prohibited uses.* The following uses are prohibited in the B-3 district: Gasoline service stations; auto or tractor sales or repair; manufacturing (except for jewelry, dress, and craft makers displaying and offering at least 75 percent of resulting products for sale at retail on the premises); service or repair of gasoline or diesel motors; sale or installation of mechanical equipment and/or parts; sale or installation of electrical/plumbing fixtures and/or parts; warehousing and storage

(except inventory storage for a permitted use, located within the same building as said use and with said permitted use occupying at least 50 percent of the building); feed and grain stores; laundromat and dry cleaning (except for walk-in pick-up and drop-off locations not conducting cleaning on the premises or serving commercial/ industrial clients); drive-through windows for any purpose; pet grooming or boarding; veterinary clinics; child or adult care facilities; rehabilitation facilities; group housing; dwelling quarters on the ground floor or below; any use prohibited or permitted only on appeal in the B-1 (local shopping district) zone.

(e) *Area and dimension regulations:*

<i>Maximum Height of Structure</i>	<i>Minimum Yards</i>			<i>Maximum Lot Coverage</i>	<i>Maximum Size of Building</i>
	<i>Front</i>	<i>Rear</i>	<i>Side</i>		
45/3 stories	10*	(feet) 20**	0***	None required	10,000 square feet (on first floor)

*Front yard setback includes sidewalk and right-of-way.

**Rear yard setback can be waived if building abuts an alley, parking lot, or if loading and unloading facilities are provided.

***A 10-foot side yard will be required including sidewalk and right-of-way if the building abuts a public street.

(f) *Intensity of uses.* Reserved.

(g) *Access.* Reserved.

(h) *Parking and loading regulations.* No off-street parking will be required. No off-street parking will be permitted in front of a building. If side parking is needed, screening must be provided to shield view of cars from the street.

(i) *Landscaping and screening regulations.* Screening shall be provided if the use abuts a residential land use or zone. This shall consist of natural, living plant material such as shrubs or trees. The width and design needed will be determined by the design review board in keeping with established criteria.

(j) *Sidewalk benches and displays.*

1. One sidewalk sitting bench per lot frontage shall be allowed. Such sitting benches shall not exceed nine feet in length or two feet in width. Benches shall be placed with back against the building wall and shall not be positioned in a manner as to obstruct a building entrance or sidewalk traffic. Benches are to be constructed with such material and in such a manner as is necessary to ensure safe use by the general public. Any bench deemed unsafe for use by the general public shall be removed from the city sidewalk.

2. Sidewalk displays of merchandise shall be allowed from one hour prior to store hours until one hour after store hours. Such displays, including the table or display device, shall not be placed on the sidewalk during other times. Said displays shall be placed a minimum of two feet from the face of curb. Displays shall not exceed six feet in height and shall occupy no more than one square foot of sidewalk area per lineal foot of street frontage for each lot. Corner lots shall only place merchandise within that sidewalk area adjacent to the front entry door. In no case shall the width of the walking surface be diminished to less than six feet.
3. No merchandise or displays shall be attached, in any manner, to the canopy, canopy post or sidewalk.

(k) *Building orientation and form.* The CBD is unique because of its physical locations and design. The integrity of the area must be maintained by requiring new structures to fit contextually. Also, renovations, repairs, alterations, and rehabilitation to the exterior facade of existing buildings must follow the design criteria and review processes as established by the design review board. No new building shall be constructed, nor any facades on existing buildings be altered except in accordance with the following and unless similar in texture, color, material, and design character to the existing buildings in the B-3 district in the following respects:

1. Height.
2. Bulk and general massing.
3. Major divisions or rhythms of the facade.
4. Proportion of openings (window to wall relationship).
5. Roof treatment.
6. Materials, colors, and textures of building materials and signs. The structure of the building must conform to the Southern Building Code [Standard Building Code]. Natural material such as stone, brick, wood siding, shingles, slate, etc., or synthetic materials designed to emulate these,

shall be required. Industrial or artificial materials such as raw or exposed aggregate concrete, anodized or galvanized metal, tinted glass, plastics, and vinyls can be used for trim or embellishments in a ten percent proportion to the entire facade.

7. General architectural character, including horizontal or vertical emphasis, scale, stylistic features and themes.
8. Relation to street.
9. Modern construction techniques can be used on the exterior of the building as long as the use of these techniques do not, in the opinion of the design review board, distract from the character and nature of the district.
10. That portion of the building adjacent to a public street must conform to the requirements of subsection (k)6 of this ordinance [section].
11. All structures must build-up to the sidewalk or provide a landscaped front yard for pedestrian use only. If a front lawn is provided, a fence constructed of natural material not to exceed four feet in height must be constructed adjacent to the sidewalk. In cases where there is no building on a lot, open grass lawns for pedestrian use and/or landscaping shall be permitted. Fences not to exceed ten feet in height are also permitted to screen vacant lots.

(l) *Sign regulations.*

1. Building wall signs are permitted on both the front and rear of the building. Buildings on the corner of public streets may substitute the rear building wall sign for one sign on the side of the building, but shall in no case be permitted both a side and rear sign. Building signs permitted in the CBD district shall each be limited to a maximum size of one square foot per lineal foot of primary street frontage per lot; except that where more than one business is located on the same lot, each business shall be permitted a maximum sign size of 15 square feet or one square

foot per lineal foot of primary street frontage for each individual store front, whichever is greater. For the purposes of this ordinance, "primary street" shall be interpreted to mean the public street upon which the primary customer entrance faces.

2. Only the following signs shall be permitted:

- A. Building wall signs within the sizing parameters above, projecting not more than 12 inches from the surface to which they are attached and not projecting above the parapet wall.
- B. One canopy sign per store front, suspended from an approved canopy. Suspended canopy signs shall contain the name and symbol of that establishment only. Such sign shall have a maximum size of two square feet and be no less than eight feet above the sidewalk at its lowest level.
- C. One freestanding sandwich sign or freestanding post sign per store front. Such signs shall cover no more than six square feet of area and shall be no more than four feet in height. Such signs shall not be attached to the sidewalk, canopy, or canopy post and shall not diminish the width of the walking surface to less than six feet.
- D. One decorative or patriotic flag per store front. Such flags shall be no more than nine square feet in size and shall contain no messages of more than three words in length. Flags shall be mounted to the front of the building by means of a mount bracket and extended pole of no more than four feet in length. Flags shall not be mounted flat against the building and shall not be mounted to the canopy, canopy post, or sidewalk.
- E. One banner per store front made of flexible reinforced canvas, plastic, or vinyl material, excluding cotton, linen or similar cloth. Such banners shall be secured tightly at all four corners

to the approved canopy, shall not exceed two feet in vertical width by six feet in horizontal length, shall be mounted parallel with the public street, and shall maintain a minimum clearance of eight feet between the bottom of the banner and the sidewalk surface.

(m) *Design review board.*

- 1. There is hereby established a design review board. The members of the design review board shall be appointed by the city council and shall be subject to the supervision and direction of the planning commission. Such board shall consist of five members, at least three of whom shall be property owners or lessees within the B-3 district regardless of city residency, and no more than two of whom may be city residents at large. With exception of the first board as structured by the original ordinance, terms of office shall be four years with vacancies filled by appointment by the city council and such appointees serving the remainder of the unexpired term. All members shall serve without compensation.
- 2. The design review board shall establish bylaws which shall include establishment of regular meeting dates. Such meetings shall be open to the public with notice of time and place published in a local paper with general circulation in the area.
- 3. The design review board shall receive assistance from the Hartselle city planner, the city engineer, and the building inspector in performing its functions. Publication costs and other authorized expenditures shall be paid by the city within the budget set up by the city council. If private consultant fees are encountered, grant money or private funds must be used. All grants written for the use in the CBD shall be coordinated with city government. All projects initiated by the city or other authorized entities within the city which will affect the CBD area shall be coordinated with the design review board.

4. The [design] review board shall have the following responsibilities:
 - A. Establish criteria for reviewing plans of pedestrian plazas, parking areas, parks and landscape areas.
 - B. Establish criteria for reviewing plans for renovations, remodeling or construction of new buildings and signs.
 - C. Develop and maintain a design for an open space network in the district which will serve as the basis for coordination of pedestrian plazas, parking areas, landscape areas, and parks.
 - D. Review and approve or deny all site plans for pedestrian plazas, parking areas, landscape areas, and parks; plans for renovation, exterior remodeling, exterior color change, or construction of buildings; proposed color, size, and placement of exterior signage. The reasons for any denial shall be clearly documented in the meeting minutes, and shall be based on nonconformance with adopted criteria.
5. Criteria for reviewing site plans and construction plans shall be established by the board and shall be placed on file with the city planner and the city building inspector within four months from the date the board is approved.
6. No building permit or occupancy certificate shall be issued until the design review board has given its approval for same and reported such approval in writing to the building inspector.
7. Any persons aggrieved by any decision of the design review board may appeal the decision to the planning commission by notifying the planner within 30 days from the date of the board's action. Appeals must be documented by a full report from the design review board. Decisions of the planning commission shall be subject to review by the city council by application

for review within 30 days of any such decision. The council's decision shall be final and binding.

(Ord. No. 969, § 3, 1-27-1998; Ord. No. 1068, § 1, 9-26-2000; Ord. No. 1163, § 1, 6-22-2004; Ord. No. 1219, § 1, 1-10-2006; Ord. No. 1343, §§ 1—3, 7-13-2010; Ord. No. 1414, §§ 1, 2, 1-27-2015)

Editor's note—Ord. No. 969, §§ 2 and 4 read as follows:

"SECTION 2. STATEMENT OF INTENT.

"The B-3 District provided herein is designed to facilitate and preserve a central area of intensive commercial, professional, and cultural activities. The district will also provide a unique shopping area for clientele looking for merchandise and service associated with specialty shops. This district is scaled to pedestrian rather than vehicular traffic."

"SECTION 4. CONTINUATION OF EXISTING USES AND STRUCTURES.

"(a) Any use and structure existing at the time of enactment or of subsequent amendment to this ordinance, but not in conformity with its provisions, may be continued with the following limitations. Any use or structure which does not conform to the provisions of this ordinance shall not be:

- "1. Changed to another nonconforming use.
- "2. Reestablished after discontinuance for one year.
- "3. Extended except in conformity to this ordinance.
- "4. Rebuilt after fire or damage exceeding its full value above the foundation for tax purposes.

"(b) This section shall be cumulative with any other provision of the Zoning Ordinance (Ordinance No. 494), as amended, and is restated here for purposes of clarity of the intent of the City Council."

Cross reference—Businesses, ch. 18.

Sec. 22.2. B-4 (interchange business) district.

(a) *Purpose.* The purpose of this district is to ensure the protection of the transient nature of the areas immediately surrounding the interchanges with Interstate 65. The B-4 district is built on the transient demands unique to these areas and is designed to facilitate and preserve the nature of these areas by providing for restricted uses. This zoning designation will only be considered for tracts lying entirely within 1,500 feet of the Interstate 65 median centerline.

(b) *Uses permitted.* Convenience store/center; restaurant; restaurant, fast food; motel; hotel; bank; fruit/vegetable market; public recreation facility; visitor center; department store; mall/shopping center; retail building materials/home improvement store.

(c) *Uses permitted on appeal.* Truck stop; truck wash/scales; dealership of new automobiles.

(d) *Uses prohibited.* Used automobile sales and/or automobile service outside the confines of an approved dealership of new automobiles; junkyard/salvage yard; stockyard; live animal sales; manufacturing; lumberyard or mill; any use not specifically permitted or specifically permitted on appeal.

(e) *Specific requirements.*

- (1) Minimum lot area: 15,000 square feet.
- (2) Maximum building area: 60 percent of the lot.
- (3) Minimum lot width: 150 feet.
- (4) Minimum front setback: 40 feet.
- (5) *Minimum side setback:* Ten feet, except where it adjoins a residential district or public street the setback shall be 20 feet.
- (6) *Minimum rear setback:* Ten feet, except where it adjoins a residential district or public street the setback shall be 20 feet.

(7) *Maximum height of principal structure and appurtenances:* 65 feet.

(8) *Signs:* As otherwise allowed by this ordinance with exception of tracts either adjoining the interstate right-of-way or being at least two and one-half acres in area, which shall be allowed one additional pole sign not to exceed 120 feet in height and not to exceed 300 square feet in cabinet size.

(9) *Reserved.*

(f) *Reserved.*

(g) *Reserved.*

(h) *Access roads.* Grouping of uses to provide an access off of the main road is strongly encouraged. The planning commission shall review each proposal for continuity and ease of travel. When an access road is required, each developer shall construct the road across that individual site.

(i) *Plan approval.* The Hartselle Planning Commission shall review each proposal as a "Site Plan."
(Ord. No. 1012, § 1, 3-11-1999; Ord. No. 1319, § 5, 3-24-2009; Ord. No. 1336, §§ 1—3, 6-8-2010)

Sec. 23. Industrial district requirements.

<i>DISTRICT</i>	<i>USE REGULATIONS</i>
M-1 (Light Industry)	<p><i>Uses permitted:</i> Light industrial operations not obnoxious, offensive or detrimental to neighboring property by reason of dust, smoke, vibration, noise, odor, or effluents, and including the following types of business or industry: ice cream plants and creameries; cold storage plants; ice plants; bottling plants; baking plants; machine shops, computer equipment manufacturing; machine manufacturing; freight centers; distribution facilities; warehouses; call centers.</p> <p><i>Uses permitted on appeal:</i> Lumber yards or mills gasoline or oil storage above the ground; recycling centers; self-storage facilities; RV storage facilities; retail sales subordinate to an on-site manufacturing facility and offering only those products manufactured or assembled on-site; any use similar to those permitted herein.</p>

DISTRICT *USE REGULATIONS*

Uses prohibited: Residential dwellings; slaughterhouse; stockyard; mixing plant for cement, mortar, plaster, or paving material; curing, tanning or storage of hides; distillation of petroleum, coal, tar or similar; forge plant; manufacture of acetylene, acid, alcohol, ammonia, bleaching, brick, pottery, terracotta or tile, concrete blocks, candles, disinfectants, fertilizers, fuel, paint, turpentine, varnish, soap, and tar products; wool pulling or scouring; commercial mining; junkyards; automobile salvage yards; automobile storage yards; major auto repair; minor auto repair; towing services; any use not specifically permitted or permitted on appeal herein.

M-2
(General Industry)

Uses permitted: Any use permitted or permitted on appeal in the M-1 (light-industrial) zone.

Uses permitted on appeal: Any industrial or manufacturing use not specifically permitted herein, subject to such conditions and safeguards as the board of adjustment may require to preserve and protect any portion of the city which otherwise could be adversely affected.

Uses prohibited: Residential dwellings; commercial mining; junkyards; automobile salvage yards; automobile storage yards; major auto repair; minor auto repair; towing services; retail sales not otherwise permitted or permitted on appeal.

DISTRICT *SPACE AND HEIGHT REGULATIONS*

M-1
(Light Industry)

Minimum lot size: It is the intent of the ordinance that lots of sufficient size be used for any industrial, service or business use to provide adequate parking and loading space in addition to the space required for the other normal operations of the enterprise.

Minimum yard size:

Front yard: None specified, except where existing establishments (other than residential) are set back, any new structures shall be set back not less than the average of the setbacks of the existing establishments within 100 feet each side thereof.

Side yards: None specified, excepting a lot, adjoining its side lot line another lot which is in a residential district, there shall be a side yard not less than eight feet wide.

Rear yard: None specified.

Maximum height: 45 feet or three stories.

Off-street loading or unloading: Shall provide adequate space for loading or unloading all vehicles or trucks incidental to the operation of the industry or use.

M-2
(General Industry)

Minimum lot size: Same as for M-1 industrial district.

Minimum yard size: None specified.

Maximum height: 45 feet or three stories.

Off-street loading and unloading: Same as for M-1 industrial district.

Cross reference—Businesses, ch. 18.
(Ord. No. 1411, §§ 1, 2, 1-27-2015)

Sec. 24. Agricultural (AG) district.

A. *Purpose and intent.* The agricultural (AG) zoning district is intended as a temporary holding category to be applied to parcels that have been annexed into the city and have not yet been developed. Parcels in the AG district should be rezoned before subdivision or development with any urban or semiurban use or structure.

B. *Permitted uses.* The following uses and structures are allowed in the AG zoning district as permitted uses:

1. Single-family detached dwellings.
2. The conduct of agricultural operations such as: crop lands; cattle ranches; orchards; plant nurseries; poultry-raising for personal use, not including any operation in which poultry is sold; keeping of goats and/or mules; placement of agricultural structures such as barns, greenhouses, and utility sheds.
3. Horse ranches, boarding stables, riding stables and schools, dog training and/or boarding facilities; and structures normally associated with those uses such as but not limited to barns, stables, dog runs.

C. *Accessory uses.* The following uses and structures are allowed in the AG zoning district accessory to a permitted use:

1. Uses and structures normally associated with a single-family residence such as utility sheds; garages; dog houses; green houses; swimming pools and pool houses; tennis courts; play houses; and workshops.
2. Farmers' markets for the sale of only fruits and vegetables that were grown on the property.

D. *Uses permitted on appeal.* The following uses and structures are allowed in the AG zoning district upon approval of a variance from the board of zoning adjustment:

1. Any use permitted or permitted on appeal in an R-1 residential district.

E. *Review and approval process.* Structures and uses in the AG district are permitted upon issuance of a building permit, when appropriate, by the chief building official.

F. *Development standards.*

1. *Lots.*

Minimum area:	5 acres
Setbacks:	
Front	35 feet
Side	10 feet
Side (street)	35 feet
Rear	25 feet
Minimum width	100 feet
Minimum depth	200 feet
Minimum frontage	100 feet
Maximum coverage	10 percent

2. *Structures.*

Minimum floor area	n/a
Height limit	35 feet

(Ord. No. 534, § 1, 4-28-1970; Ord. No. 994, § II, 8-25-1998; Ord. No. 1215, § 2, 11-22-2005; Ord. No. 1319, §§ 3, 4, 3-24-2009)

Cross reference—Animals, ch. 10.

Sec. 25. MIP (medical, institutional, professional) district.

(a) *Purpose.* The purpose of this district is to provide a zone district dedicated solely to medical, institutional and professional enterprises.

(b) *Uses permitted.* Public, semipublic and private educational facilities; library; daycare; assisted living facilities; nursing home; hospital; municipal building; performing arts center; medical complex; pharmacy; professional offices for dentist, physician, psychiatrist, optometrist, surgeon, chiropractor, engineer, accountant, or attorney; any use permitted or permitted on appeal in the R-1 district.

(c) *Uses permitted on appeal.* Any use determined by the board of zoning adjustment to be similar in nature to the permitted uses.

(d) *Uses prohibited.* Any use not specifically permitted or specifically permitted on appeal.

(e) *Specific requirements.*

- (1) Minimum lot area:
Educational: Three acres
All other uses: 20,000 sqft.
- (2) Maximum building area: 60 percent of the lot.
- (3) Minimum lot width:
Educational: 250 feet
Professional offices: 75 feet
All other uses: 100 feet.
- (4) Minimum front setback: 40 feet.
- (5) Minimum side setback: Ten feet; where it adjoins a residential district, the setback shall be 20 feet; where it adjoins a public street, the setback shall be 40 feet.
- (6) Minimum rear setback: 20 feet.
- (7) Maximum height: 65 feet.

(f) *Parking.* Parking spaces shall be based on total square footage of the principal structure as follows, unless provided for otherwise:

- (1) Assisted living facility: One space per four beds plus one space per employee.
- (2) Educational facility:
Pre-K, Kindergarten: Two spaces per three teachers and employees plus one space per eight pupils.
Elementary/Junior High: One space per classroom plus one space per 100 students at capacity.
High school: Two spaces per three teachers and employees plus one space per five students at capacity.
Daycare: One space per employee plus one space per eight pupils.
Hospital: One space per four beds plus one space per two staff and visiting doctors.
Library: One space per 400 sqft. of floor space.
Medical complex: Three spaces per doctor plus one space per employee.

Municipal building: One space per employee plus one space per four patrons at capacity plus spaces equal to municipal vehicles located on site.

Nursing home: One space per five beds plus one space per employee.

Performing arts center: One space per three patrons at capacity.

Professional office unit (more than one office in a building): One space per 250 sqft.

Professional office (single): One space per 300 sqft.

(g) *Plan approval.* The Hartselle Planning Commission shall review each proposal as a "Site Plan" with the appropriate requirements of said plan approval.
(Ord. No. 1027, § 1, 4-13-1999; Ord. No. 1319, § 2, 3-24-2009; Ord. No. 1361, § 4, 10-25-2011)

ARTICLE 2.5. STREET ADDRESS NUMBERS*

Sec. 26. Display requirements.

(a) Any buildings which have been assigned a street address number, or which may be assigned one in the future, shall be identified by such number permanently displayed as provided for herein. This requirement shall apply to all existing and future buildings within the corporate limits of the City of Hartselle.

(b) Street address numbers shall be assigned by the city engineer or by such other person as may, from time to time, be designated for such purpose by the governing body of the city.

(c) Street address numbers shall be of durable weather-resistant, highly visible material. Numbers shall be a minimum of three inches in height. All street address numbers shall be maintained in a clearly legible condition.

***Editor's note**—Ord. No. 712, § 1, adopted Nov. 10, 1986, added provisions designated as § 25 to app. A, art. 2. Such provisions pertained to street address numbers for all buildings in the city and have been further designated as art. 2.5 for purposes of classification.

Cross reference—Uniform building numbering system, § 82-76 et seq.

(d) Street address numbers shall be placed so as to be clearly visible from the street from either direction. Appropriate locations include but are not limited to:

- (1) On, above or beside the front door.
- (2) On a free-standing marker located in the front yard of the lot on which the building is located, provided that such sign is located within ten feet of the back of the curb, sidewalk, ditch or other public improvements, or as otherwise approved by the city engineer or such other person as may be designated by the governing body of the city.
- (3) On a curb-type mailbox provided such mailbox is located in the front yard of the lot on which the building is located.
- (4) On the curb of the street.

(e) For the purpose of this section the front yard of any corner lot shall mean the yard bordering the right-of-way of the street for which the building has been assigned a street address number.

(f) The front yard of any lot shall include that portion of the publicly unimproved street right-of-way contiguous to the lot.

(g) Whenever a building is located more than 60 feet from the street right-of-way, the street address number shall be displayed on a freestanding marker, or on a curb-type mailbox located as described above, or on the building if visible from the street.

(h) All buildings existing at the time of the effective date of this section, January 1, 1987, shall comply with the requirements hereof within six months of its effective date.

(i) No building completed or constructed on or after the effective date of this section shall be provided permanent water, sanitary sewer, or electrical service until the requirements of this section are met.

(j) It shall be the responsibility of the owner of any building to comply with the provisions of this section.

(k) Failure to comply with the requirements of this section shall constitute a misdemeanor and any person violating any provision of this section shall be fined as provided in section 45 of article 4 of the zoning ordinance, being Appendix A to the Code of Ordinances, City of Hartselle, Alabama. (Ord. No. 712, § 1, 11-10-1986; Ord. No. 1027, § 1, 4-13-1999)

Sec. 27. Sign regulations.

27.1 Purpose and intent. It is the purpose of this article to provide regulations for the orderly display and control of signs within the City of Hartselle. It is the intent of this article to encourage the effective use of signs as a means of communication in the city; to provide for the protection of the public's safety and general welfare; to maintain and enhance the aesthetic environment and the city's ability to attract sources of economic development and growth; to improve pedestrian and traffic safety; to minimize the possible adverse effect of signs on nearby public and private property; to prevent the erection of unsafe structures which may be hazardous or cause injury; and to enable the fair and consistent enforcement of these sign regulations. This sign ordinance is adopted under the zoning authority of the city in furtherance of the more general purposes set forth in the zoning ordinance.

27.2 Applicability and effect. A sign may be erected, placed, established, painted, created, or maintained in the city only in conformance with the standards, procedures, exemptions, and other requirements of this ordinance. The effect of this ordinance as more specifically set forth herein, is:

To establish a permit system to allow a variety of sign types in commercial and industrial zones, and a limited variety of signs in other zones subject to the standards and the permit procedures of this ordinance.

To prohibit all signs not expressly permitted by this ordinance; and

To provide for the enforcement of the provisions of this ordinance.

27.3 Definitions and interpretation. Words and phrases used in this ordinance shall have the meanings set forth in this section. Words and

phrases not defined in this section but defined in the zoning ordinance of the city shall be given the meanings set forth in such ordinance. All other words and phrases shall be given their common, ordinary meaning, unless the context clearly requires otherwise. Section headings or captions are for reference purposes only and shall not be used in the interpretation of this ordinance.

Abandoned sign: A sign which advertises an activity or business no longer being conducted, or a service or product no longer being offered or produced; or a sign that has become damaged or obscured in such a way that its message is no longer clearly visible, or is structurally unsafe. An abandoned sign may be a rigid or flexible on-premise or off-premise sign.

Alteration: The replacement, enlargement, reduction, or reshaping of or addition to a sign; or any change in the structural integrity of sign trim, frame, pole, brackets, or any supporting member; or any change in the number of poles supporting a sign.

Animated sign: Any sign that uses rotation or other physical movement of parts to convey a message or attract attention, and/or includes blinking or flashing lights on the sign face or rigid structure, except as permitted for the change of messages or characters on electronic signs.

Balloon: Any flexible device of less than nine square feet or twenty-seven cubic feet in size, with or without a commercial message, made of cloth, canvas, plastic sheeting, or any other flexible material which utilizes air, or other medium lighter than air, for structural support.

Banner: A temporary sign made of flexible reinforced canvas, plastic, or vinyl material, excluding cotton, linen or similar cloth, which is not permanently attached to a building or the ground through a permanent support structure.

Beacon: Any light with one or more beams directed into the atmosphere or directed at one or more points not on the same zone lot as the light source; also any light with one or more beams that rotate or move.

Billboard: A sign, including the supporting structure, which is visible from a street or

highway and advertises goods or services or contains a message unrelated to a business, profession, or activity conducted, or to a commodity or service sold or offered, upon the premises where such sign is located. See also "Off-premises sign".

Boulevard sign: A development sign located within an island between two roadway travel lanes, containing only the name and logo of the development.

Building director: The chief enforcement officer of the zoning ordinance of the City of Hartselle, Alabama, or any of his or her authorized assistants or inspectors.

Building signs: A sign displayed upon or attached to any part of the exterior of a building, including walls, doors, and parapets. Canopy signs, awning signs, and projecting signs are considered types of building signs.

Canopy sign: Any sign that is a part of or attached to an awning, canopy, or other fabric, plastic, or structural protective cover over a door, entrance, window, or outdoor service area.

Commercial message: Any sign wording, logo, or other representation that, directly or indirectly, names, advertises, or calls attention to a business, product, service, or other commercial activity, not including real estate signs or garage or yard sale signs located on private property.

Community event: An event being held within the Hartselle postal zip code (35640) that is open to the general public and is sponsored by a non-profit group based and operating from within the Hartselle postal zip code (35640).

Community event banner: A banner notifying the public of a community event, being placed no more than three weeks prior to the start of said community event and being removed within three days of the end of said community event.

Development sign, apartment: Any sign located at the primary entrance(s) of a multifamily apartment complex, used to identify only the name of such development.

Development sign, commercial: Any sign located at the primary entrance(s) of a commercial

subdivision, used to identify the name of such development and/or the names of commercial businesses located therein.

Development sign, industry: Any sign located at the primary entrance(s) of an industrial/manufacturing subdivision, used to identify the name of such development and/or the names of companies located therein.

Development sign, residential: Any sign at the primary entrance(s) of a single-family residential subdivision used to identify only the name of such development.

Directional sign: A sign not conveying a commercial message, which directs the reader to the location of a public, religious, or educational institution, or to the location of a historical structure or area, or to the location of a public park or building; or signs directing traffic on private property, such as ingress and egress signs; or temporary signs located on private property with owner consent directing motorists to other real estate for sale; or temporary signs located on private property with owner consent directing motorists to other garage or yard sale locations; or signs displayed for the direction and convenience of the public, including signs which identify rest rooms, public telephones, public parking and entrances, freight entrances.

Electronic sign: Any sign utilizing an electronic component such as lighting to change text no more frequently than once every ten seconds and employing no scrolling or flashing, except for non-text animated characters.

Fence: An architectural accent structure constructed of prefabricated vinyl or wood fence panels not exceeding 36 inches in height and conforming to all other traffic safety provisions, as well as existing chain link fences constructed prior to the adoption of this ordinance. Under no circumstances shall wire, typical sign stakes, metal posts or makeshift wooden structures of any kind be considered as a "fence" for the purposes of this ordinance.

Flag, business: Any fabric material professionally manufactured as a flag that is no more than 15 square feet in size, is mounted on a flag pole, and displays a commercial message of the busi-

ness occupying the property on which the flag is located. No more than one business flag shall be permitted per business. Bed linens and other makeshift "flags" shall not be considered as such for the purposes of this ordinance.

Flag, government: Any fabric material professionally manufactured as a flag that is mounted on a flag pole and contains only distinctive colors, patterns, or symbols, used as a symbol of a government, political subdivision, or other entity. Bed linens and other makeshift "flags" shall not be considered as such for the purposes of this ordinance. No commercial message shall be permitted on a government flag.

Flag pole: An aluminum pole of at least 10 feet and no more than 35 feet in height, professionally manufactured for the purpose of displaying flags. Makeshift structures, or manufactured poles that have become structurally unsafe, shall not be considered as flag poles for the purposes of this ordinance.

Freestanding sign: Any sign supported by structures or supports that are placed on, or anchored in the ground and that are independent from any building or other structure to include monument signs, pylon signs, and similar signs that are not mounted on a building.

Garage or yard sale sign: A temporary sign located on private property used to advertise a garage or yard sale being held at that property. Such signs must not be placed in any street right-of-way or attached to any utility poles. Reference also "Directional sign."

Inflatable sign: Any flexible device, utilized to attract attention to a commercial business, that is greater than nine square feet or twenty seven cubic feet in size, with or without a commercial message, made of cloth, canvas, plastic sheeting, or any other flexible material which utilizes air, or other medium lighter than air, for structural support, except inflatable toys and playpens with no commercial message, which shall not be considered as inflatable signs.

Incidental sign: A sign generally informational, that has a purpose secondary to the use of the zoned lot on which it is located, such as "no parking," "entrance," "loading only," "telephone,"

and other similar directives. No sign with a commercial message legible from a position off the zoned lot on which the sign is located shall be considered incidental.

Lot: Any piece or parcel of land or a portion of a subdivision, the boundaries of which have been established by some legal instrument of record that is recognized and intended as a unit for the purpose of transfer of ownership.

Maintenance: The normal care and minor repair necessary to maintain safe, attractive and finished sign structure, trim, frame, poles, brackets, and surface. Replacing or updating of copy or logo on a valid nonconforming on-premises sign shall be considered maintenance only if the type, category, or nature of the activity or product or service being advertised remains the same, provided the sign is not altered thereby. Replacing or updating of copy or logo on a valid non-conforming off-premise sign shall be considered maintenance.

Marquee: A permanent roofed structure attached to and supported by a building and projecting over a public sidewalk.

Monument sign: A permanent sign anchored to the ground with its completed height being less than the minimum height required for pole signs and pylon signs.

Nonconforming sign: A sign not prohibited herein as a public nuisance that conformed in all respects to the sign regulations and applicable zoning provisions in effect when the sign was located, but which now violates one or more provisions of this article as of the date of the official adoption and passage of this article.

Off-premises sign: A sign containing a message unrelated to a business, profession, or activity conducted, or to a commodity or service sold or offered, upon the premises where such sign is located. See also "Billboard".

On-premises sign: A sign containing a message related to a business, profession, or activity conducted, or to a commodity or service sold or offered, upon the premises where such sign is located.

Person: Any association, company, corporation, firm, organization, or partnership, singular or plural, of any kind.

Political sign: Any temporary sign promoting the campaign of an individual for public office or an advertisement for an amendment or referendum on a public issue.

Portable sign: A sign of any material, with or without changeable lettering which is not permanently attached to the ground or other permanent structure, or a sign designed to be transported. Portable signs include, but are not limited to, signs with or without wheels, A-frame or T-frame signs (except permitted sandwich signs), signs attached to vehicles that are not part of the day-to-day operation of a business; also known as mobile signs or trailer signs; and includes temporary metal, cardboard, plastic, or wood signs inserted in the ground containing a commercial message.

Principal building: The building in which is conducted the principal use of the zoned lot on which it is located. Zoned lots with multiple principal uses may have multiple principal buildings, but allowable storage buildings, garages, and other clearly accessory uses shall not be considered principal buildings.

Projecting sign: Any sign affixed to a building or wall in such a manner that its leading edge extends more than six inches beyond the surface of such building or wall.

Reader board: A permanent sign containing messages in the form of removable letters or changeable copy. A reader board may be a building sign or an integral part of a freestanding sign.

Real estate sign: A temporary sign erected by the owner, or his agent on private property, advertising the real property upon which the sign is located for rent, for lease, or for sale. Such signs must not be placed in any street right-of-way or attached to any utility poles. Reference also "Directional sign".

Roof sign: An attached sign which is affixed primarily and directly to a building or roof and extends vertically above the highest portion of the roof.

Roof sign, integral: Any sign erected or constructed as an integral or essentially integral part of a normal roof structure of any design, such that no part of the sign extends vertically above the highest portion of the roof and such that no part of the sign is separated from the rest of the roof by a space of more than six inches.

Sandwich sign: A temporary sign constructed of nonflexible material that is placed on a sidewalk or walkway of the business which the sign promotes. Such signs shall cover no more than six square feet of area and shall be no more than four feet in height. Such signs shall not be attached to the sidewalk, building or canopy and shall not diminish the width of the walking surface to less than three feet.

Setback: The distance from the property line to the nearest part of the applicable building, structure, or sign, measured perpendicularly to the property line.

S.F.: Square foot or square feet.

Shopping center locator sign: A freestanding sign which identifies a complex of two or more occupants or tenants on the same tract of land.

Sign: Any rigid or flexible device, fixture, placard, or structure that uses any color, form, graphic, illumination, symbol, or writing to attract attention, advertise, announce the purpose of, or identify the purpose of a person or entity, or to communicate information of any kind to the public.

Street frontage: The distance for which a lot line of a zoned lot adjoins a public street, from one lot line intersecting said street to the furthest distant lot line intersecting the same street.

Temporary sign: A sign of non-permanent nature that is used in connection with a circumstance, situation, or event that is designed, intended and expected to take place or to be completed within a reasonably short and definite time period after the erection of such sign. Such sign shall be removed within three days after completion or expiration of said event.

Vehicle sign/trailer sign: Any sign, permanent or temporary, affixed, painted on or placed in or upon any vehicle or trailer in which attracts the

attention of the public and in which said vehicle is not part of the necessary day-to-day operation of the business upon the property which the sign is located. Signs on vehicles which are regularly and customarily used to transport persons or property for the business shall not be considered vehicle signs. Signs placed in or upon vehicles located on a bona fide new or used car lot shall not be considered vehicle signs.

Wall sign: Any sign attached parallel to, but within six inches of, a wall, painted on the wall surface of, or erected and confined within the limits of an outside wall of any building or structure, which is supported by such wall or building, and which displays only one sign surface.

Window sign: Any sign, pictures, symbol or combination thereof, designed to communicate information about an activity, business, commodity, event, sale, or service that is placed inside a window or upon the window panes or glass and is visible from the exterior of the window.

Zoned lot: A parcel of land in single ownership that is of sufficient size to meet minimum zoning requirements for area, coverage, and use, and that can provide such yards and open spaces as required by the zoning regulations.

27.4 Governmental signs. Nothing within this article shall prevent the installation or erection of public signs by or on behalf of a governmental body to post legal notices, identify public property, convey public information, and direct or regulate pedestrian or vehicular traffic. Likewise, informational signs of a public utility regarding its poles, lines, pipes or facilities are exempt from the requirements of this ordinance. Also exempt are emergency warning signs erected by a governmental agency, public utility or a contractor performing work for either within the public right-of-way, as well as community symbols or messages included as part of a water tower paint scheme.

27.5 Prohibited signs.

- a. Signs located in or encroaching upon the public right-of-way or public easements, except the following:
 - i. Governmental signs as identified in section 27.4;

- ii. Community event banners not obstructing motorist visibility or public services;
 - iii. Signage otherwise allowed to be attached to awnings and canopies located within the central business district;
 - iv. Boulevard signs constructed so that minimum lane width, vision clearance, and emergency vehicle turn radius standards are satisfied.
- b. Portable signs.
 - c. Vehicle and or trailer signs.
 - d. Billboards and off-premises signs, except the following:
 - i. Commercial, industry, and apartment development sign at a location other than a primary development entrance as approved by site plan approval of the Hartselle Planning Commission in cases where such signs are deemed necessary by the commission for reasonable visibility of a development by motorists;
 - ii. Community event banners not obstructing motorist visibility or public services.
 - e. Inflatable signs as defined in subsection 27.3.
 - f. Beacons and searchlights except as provided for in subsection 27.9.
 - g. Roof mounted signs.
 - h. Animated signs.
 - i. Any circular or throwaway flyer or handbill.
 - j. Signs erected, painted, or affixed to trees, rocks, other natural features, telephone or public utility poles, or to existing street or traffic informational signs and posts.
 - k. Signs in residential districts bearing a commercial message.
 - l. Directional signs other than those specifically defined as such in subsection 27.3.
 - m. Signs imitating traffic or emergency signals.
 - n. Electronic signs other than those specifically defined as such in subsection 27.3.
 - o. Signs serving as banners constructed of material other than defined as a "banner" in subsection 27.3.
 - p. Flags constructed of material or placed in a manner other than defined for "flag" in subsection 27.3.
 - q. Abandoned signs.
 - r. Internally illuminated residential or apartment development signs.
 - s. Boulevard signs exceeding the allowable size, containing information other than the development name and logo, or impeding on minimum travel lane width, vision clearances, or emergency vehicle turn radius standards.

27.6 Confiscation of signs. The city shall have the power to confiscate signs which are located in a public right-of-way or easement and not specifically allowed as indicated in subsection 27.5(a), along with other signs defined under subsection 27.5 as prohibited. Any such sign confiscated shall be forfeited to the public and be subject to disposal. The city shall have the right to recover from the owner or person placing such signs the full costs of removal and disposal.

27.7 Nonconforming signs. Signs that lawfully existed prior to the adoption of this ordinance or any amendment thereto, but would be prohibited, regulated, or restricted under the terms of this ordinance, may remain in use, as nonconforming signs until they are altered, discontinued, damaged beyond 50 percent of their replacement value exclusive of foundations and supports or removed.

Alterations, as defined in subsection 27.3, of nonconforming signs will not be allowed except in strict conformity with this article.

Maintaining, as defined in subsection 27.3, of a nonconforming sign will be allowed under the strict conditions set forth.

Discontinued use or abandonment of a nonconforming sign for a period of 30 days shall be reason to deem the sign illegal and it shall be made to conform to all provisions of this article, or be removed.

Discontinued use of a conforming sign may remain in place if the sign face is covered with a black vinyl "sign sheet", "sign wrap", or "sign case" maintained in good condition until such time that the property owner or tenant wishes to change the copy, face, or logo.

Damaged or destroyed nonconforming signs wherein the cost to repair exceeds 50 percent of their replacement value, exclusive of foundations and supports, shall be deemed illegal and shall be made to conform to this article, or be removed.

A nonconforming on-premises sign cannot change so that it advertises a business, activity, product, or service of a different type, category, or nature than the business, activity, product, or service which it advertised before the change. In such instance, said sign shall lose its nonconforming status, and shall be deemed an illegal sign and shall be made to conform to all provisions of this article, or be removed.

No freestanding on-premises sign shall be erected on the same lot with an existing nonconforming freestanding on-premises sign until the nonconforming on-premises sign has been removed or made to conform to the provisions of this article.

Any new signs erected may receive a bonus by increasing the total sign area by 25 percent of the allowable use, if all nonconforming signs are removed from the premises.

27.8 *Permit exempt signs.*

- a. Signs not exceeding two square feet in area which identify the name, address, or business hours only of the occupants of the premises. Such signs shall not have any commercial message.
- b. An official sign or notice issued by any court or public agency or office; any official federal, state or local government flags, emblems or historical markers.

- c. Directional signs as specifically defined as such in subsection 27.3.
- d. Residential development signs as herein defined.
- e. The changing of copy on a permitted reader board or marquee.
- f. Face changes to existing signs utilizing the existing rigid framework.
- g. Maintenance to signs as herein defined.
- h. Incidental signs.
- i. Temporary signs, except beacons and searchlights. See subsection 27.9.
- j. Community event banners as specifically defined as such in subsection 27.3.
- k. Flags as specifically defined as such in subsection 27.3.

27.9 *Temporary signs.*

- a. No person shall place or erect a temporary sign within any public street right-of-way or easement, or attach it to any public utility pole.
- b. Signs evidencing an award by a governmental agency or other nonprofit organization in recognition of the beauty and aesthetically pleasing condition of the premises shall be allowed as temporary signs.
- c. Signs of craftsmen, contractors, subcontractors, architects, engineers, artisans and the like, may be erected and maintained during the period that such persons are performing construction, repair, remodeling, painting, or improvement work on the premises on which the signs are erected, provided that the signs are not in excess of 32 square feet in area and that such signs are removed immediately upon completion of the work.
- d. One unlighted real estate sign offering real estate for sale, rent or lease per street frontage of subject real estate, not to exceed 32 square feet in commercial zones or six square feet in residential zones is

allowed. Such sign shall be removed no later than three days after the sale, lease, or rental is closed or completed.

- e. One unlighted garage or yard sale sign per street frontage of the subject lot is allowed, provided that such sign shall not exceed six square feet in area and shall be removed no later than three days after the sale.
- f. Directional signs located on private property with owner consent directing motorists to other real estate for sale; or directional signs located on private property with owner consent directing motorists to other garage or yard sale locations.
- g. Beacons and searchlights may be used by permit only as temporary signs for special events. The permitted time frame for utilization of this type sign shall not exceed 72 hours in any given six-month period per business location. Beacons and searchlights shall not imitate traffic or emergency signals.
- h. Political signs are allowed announcing candidates seeking public office or in relation to any election or public referendum, subject to the following provisions:
 - (i) Such signs are placed entirely on private property.
 - (ii) Such signs are removed within three days after the election or referendum for which they were prepared has been decided.
 - (iii) Political signs shall not exceed six square feet in residential zones nor 32 square feet in business zones.
- i. One sandwich sign per business is permitted as defined in subsection 27.3.
- j. Community event banners shall be allowed only as defined in subsection 27.3 and shall be subject to the limitations of subsection 27.5, prohibited signs.
- k. Banners may be used as temporary signs for special events or special promotions of a business under the following conditions:
 - (i) Banners may only advertise activities taking place at the location of said banner(s).
 - (ii) No more than two banners shall be allowed for a single business: One to be located on the building, or storefront if located within a shopping center, and one to be located either on the allowed freestanding sign or on an approved fence as defined in subsection 27.3.
 - (iii) Banners must be attached tightly at all four corners to permanent structural member(s) of the allowable freestanding sign, approved fence or building.
 - (iv) In no case shall banners exceed 50 percent of the square footage area of either the freestanding sign (if on freestanding sign or approved fence) or building sign (if on building or storefront) allowed in subsection 27.13.
 - (v) Banners must be maintained in good condition and attachment as defined by subsection 27.3, abandoned signs.

27.10 Required permits, fees and inspections.
A sign permit is required for all signs except where this article explicitly exempts a sign from this requirement. The applicant shall appear in person to the City of Hartselle Building Director and be able to provide such pertinent information as may be necessary to ascertain the conformity of the request. Drawings to include dimensions, overall height, total square footage, property lines, setbacks, existing signs and structures, and a general description of the sign type to be erected shall be required.

Permit fees shall be based on the current adopted fee schedule for all permits issued through the building department and calculated on the estimated cost, or the actual contract cost of the project, whichever is greater, to include all labor and materials.

A field site inspection will be required for all signs requiring a permit. It shall be the responsibility of the property owner or the sign contractor to request an inspection once the project is completed. The building official or his assign will verify compliance of the installation and issue an approval or disapproval certificate as the case may be.

27.11 *General provisions.*

Vision: Signs located within the zoned lot required setback shall not obstruct the vertical vision dimensions between the height of three feet and a height of ten feet measured vertically from the finished ground level at the location of the signs supporting structure. Monument signs shall not be located within an area defined as being the triangular area formed by the intersecting right-of-way lines and a straight line joining said right-of-way lines at points which are 20 feet each direction in distance from the point of intersection of the right-of-way lines. Ingress and egress drives shall be considered paths of vehicular travel and be treated in the same manner as right-of-way lines in regard to sign locations adjacent thereto. In no case shall the leading edge of a monument sign be located nearer than ten feet to a property line when located elsewhere on the property.

Condition: All signs shall be maintained in sound structural and aesthetic condition. The general area in the vicinity of any sign shall be kept free and clear of any unnecessary or discarded sign materials. No sign shall be allowed to deteriorate to a condition in which it is unsightly in appearance or to a condition in which it requires repairs or renovations in an amount which exceeds 50 percent of its current replacement costs exclusive of foundations and supports. Signs which deteriorate to such condition are deemed to be in violation of this ordinance and are considered public nuisances. Such signs must either be removed or improved (if permitted) by the person responsible for maintaining the sign.

Obsolete signs: Any sign, whether existing on or erected after the effective date of this article which advertises a business or activity no longer being conducted, shall be permitted to remain no longer than 30 days after such business has

closed or otherwise moved from the advertised location. The owner of such property shall be responsible for removal of such sign.

Illuminated signs: Electronic or lighted signs shall be installed in strict conformity with the adopted electrical code of the City of Hartselle. No electric wire or cable serving any sign shall be laid upon or across the surface of the ground. External or internal lighting will be acceptable as long as no illumination practices are utilized as listed in subsection 27.5, prohibited signs.

Conformity: Any new signs erected may receive a bonus by increasing the total sign area by 25 percent of the allowable use if all existing non-conforming and/or prohibited signs are removed from the zoned lot.

27.12 *Sign standards.*

Residential development signs and apartment development signs: Except as provided for under the prior provisions of this ordinance, no other signs shall be permitted on a residential lot with the exception of designated historical properties. Such properties may have one informational sign not to exceed six square feet in area and not to exceed three feet in height. The informational sign shall not contain any commercial message.

No sign shall be maintained in any residential zone where the owner or occupant of the premises is being or has been paid a fee or other consideration or has any economic proprietary interest in displaying such sign which advertises any product, service or business or which contains a commercial message.

Residential development signs and apartment development signs shall conform to the following:

- (i) Development signs shall be permitted on each side of each principal entrance provided that all such signs are located outside of the public right-of-way and all DU&T easements. In lieu of such signs, one boulevard sign shall be permitted at each principal entrance. However, under no circumstances shall a boulevard sign be permitted along with standard development signs.

- (ii) Entrance signs shall not exceed 120 square feet each.
- (iii) Entrance signs shall not encroach upon the vision clearances set forth by this article.
- (iv) No entrance sign shall be internally illuminated.

Individual business signs: Permitted general business signs for single tenant commercial buildings on individual lots shall conform to the following:

<i>S.F. Floor Area</i>	<i>Type</i>	<i>Sign Area (sf)</i>	<i>Height</i>	<i>Number</i>
<2,000	building	40	top of wall	1
	freestanding	80	25	1
2,001—5,000	building	60	top of wall	2
	freestanding	100	30	1
5,001—10,000	building	100	top of wall	2
	freestanding	120	30	1
10,001—35,000	building	120	top of wall	2
	freestanding	160	35	1
35,001—50,000	building	160	top of wall	2
	freestanding	200	35	1
>50,001	building	200	top of wall	2
	freestanding	240	35	1

The combined square footage area of the utilization of two building mounted signs shall not exceed the total allowable sign area as indicated above.

Corner lots shall be allowed two freestanding and/or building signs, one per facing street, and provided that the combined area shall not exceed the allowable area plus 25 percent.

A reader board shall be integrated into the structure of the freestanding sign and shall be calculated into the maximum allowable square footage.

Tenant signs: Permitted tenant signs for retail establishments located within a shopping center or plaza shall conform to the following:

<i>S.F. Floor Area</i>	<i>Type</i>	<i>Sign Area (sf)</i>	<i>Height</i>	<i>Number</i>
<2,000	building	40	top of wall	1
2,001—5,000	building	60	top of wall	1
5,001—10,000	building	100	top of wall	1
10,001—35,000	building	120	top of wall	1
35,001—50,000	building	160	top of wall	1
>50,001	building	200	top of wall	1

End units shall be allowed two building mounted signs, one per facing direction, and provided that the combined area shall not exceed the allowable sign area as indicated above.

Shopping center locator signs and commercial, or industry development signs: Permitted shopping center locator signs (for multiple tenant commercial buildings on the same lot) and commercial development signs (for commercial subdivisions) shall conform to the following:

<i>S.F. Floor Area</i>	<i>Sign Area (sf)</i>	<i>Height</i>	<i>Number</i>
<10,000	200	30	1
10,000—30,000	250	30	1
30,000—50,000	300	30	1
>50,000	400	35	1

Business centers located on corner lots shall be allowed a total of two (2) such signs, one per facing street, and provided that the combined area shall not exceed the allowable area plus 25%.

A reader board shall be integrated into the structure of the freestanding sign and shall be calculated into the maximum allowable square footage.

Manufacturing: Permitted signs located on a lot zoned manufacturing shall conform to the following:

<i>S.F. Floor Area</i>	<i>Type</i>	<i>Sign Area (sf)</i>	<i>Height</i>	<i>Number</i>
<2,000	building	40	top of wall	1
	freestanding	80	30	1
2,001—5,000	building	60	top of wall	1
	freestanding	100	30	1
5,001—10,000	building	100	top of wall	1
	freestanding	120	30	1
10,001—35,000	building	120	top of wall	1
	freestanding	160	30	1
35,001—50,000	building	160	top of wall	1
	freestanding	200	35	1
>50,001	building	200	top of wall	1
	freestanding	240	35	1

Manufacturers located on corner lots shall be allowed two freestanding and/or building signs, one per facing street, provided that the combined area shall not exceed the allowable area plus 25 percent.

27.13 *Enforcement.* The building official will be the enforcing authority for this article. Any person found in violation of this article may be punished as prescribed in section 1-7 of the Code of Hartselle, Alabama, such provisions being expressly made a part of this article.

27.14 *Appeal.* Any decision of the building official made in the administration and enforcement of this article may be appealed to the board of zoning adjustment, subject to the provisions of Code of Ala. 1975, § 11-52-80 et seq.

27.15 *Other codes applicable.* All signs shall comply with other provisions of the Code of Hartselle, Alabama, as amended from time to time, and all codes incorporated by reference into such code.

27.16 *Severability.* The requirements and provisions of this article are severable, and should any section or part thereof be declared by any

court or competent jurisdiction to be unconstitutional or invalid, the decision of the court shall not affect the validity of this article as a whole nor any section or part thereof, other than the section or part so declared to be unconstitutional or invalid.

27.17 *Conflict.*

- a. This article shall be cumulative with and construed in conjunction with all other ordinances relating to the same subject matter.
- b. In the event of conflict with all other ordinances or parts of other ordinances inconsistent with any part of this article; the stricter regulation shall apply.
- c. In the event of conflict between this article and the sign provisions of the B-3 and

B-4 Districts, the provisions of the zoning ordinance pertaining to those zones shall apply and supersede the sign provisions of this article.

27.18 *Effective date.* This ordinance shall take effect and be in force from and after its adoption and publication as required by law. (Ord. No. 1088, 4-19-2001; Ord. No. 1218, 1-10-2006; Ord. No. 1366, §§ 1—9, 3-26-2012)

ARTICLE 2.6. RESERVED*

ARTICLE 3. GENERAL PROVISIONS

Sec. 31. Alley setbacks.

In all districts, any accessory structure located on a lot with rear or side yard alley frontage shall set back a minimum of ten feet from the right-of-way line of all such alleys. (Ord. No. 1256, § 1, 11-28-2006)

Sec. 32. Corner lot setbacks.

In all districts, any structure located on a lot at the corner of two or more streets, alleys, railroads, or combination thereof, shall set back a minimum of 20 feet from all right-of-way lines, except if the intersecting street is an alley the setback for accessory structures only shall be reduced to ten feet on the alley side (per section 31).

In no district shall any fence, shrubbery, sign face, wall, monument or other obstruction to vision between the heights of three feet and ten feet above finished ground level be located within an area defined as being the triangular area formed by two intersecting right-of-way lines and a straight line joining said right-of-way lines at

*Editor's note—Section 1 of Ord. No. 1209, adopted Oct. 11, 2005, repealed Art. 2.6, Communication Tower Regulations, in its entirety. Former Art. 2.6 Ord. No. 494, adopted Jan. 10, 1967; Ord. No. 1011, adopted March 11, 1999; and Ord. No. 1059, adopted June 13, 2000. Similar provisions can be found in ch. 88 of this Code of Ordinances.

points which are 20 feet each direction in distance from the point of intersection of said right-of-way lines.

(Ord. No. 1256, § 2, 11-28-2006)

Cross reference—Traffic and vehicles, ch. 90.

Sec. 33. Swimming and wading pools.

Swimming pools and wading pools with a depth of one foot or more in any portion of the pool, and not located within a permanently and completely walled structure, shall be constructed no closer than ten feet of any property line and shall be completely fenced off from the ground up to a height of at least five feet. Fences and gates shall be so constructed and of such materials so as to prevent the entry of children and usual household pets into the pool area. Gates shall be provided with adequate locking devices and shall be locked at all times when pool is not in use.

Sec. 34. Future street lines.

On any lot which, at the time of adoption of these regulations or at the time this ordinance is changed by amendment hereafter, may be reduced in area by widening a public street to a future street line as indicated on the duly adopted major street plan, or as same may be hereafter amended, the minimum required yards, the minimum required lot area, the minimum required lot width, and the maximum building area shall be measured by considering the future street right-of-way lines as the lot line of such lot. Along streets where the future street right-of-way line has been widened as indicated on the duly adopted major street plan, or as said major street plan may be hereafter amended, all buildings or structures to be constructed hereafter shall be set back to the future right-of-way line as indicated on said major street plan. In districts where no setback from the street right-of-way line is required, the existing street right-of-way line may be considered the building line except where said major street plan provides for a wider future street right-of-way.

Sec. 35. Abatement of noise, smoke, gas, vibration, fumes, dust, and fire and explosion hazard or nuisance.

The board of adjustment may require the conduct of any use, conforming or nonconforming,

which results in unreasonable noise, smoke, gas, vibration, fumes, dust, fire, radio interference, or explosion hazard or nuisance to surrounding property to be modified or changed to abate such hazard to health, comfort, and convenience. The board of adjustment may direct the building inspector to issue an abatement order; but such order may be directed only after a public hearing by the said board, notice of which shall be sent by registered mail to the owners and/or operators of the property on which the use is conducted in addition to due notice by advertisement in a newspaper of general circulation. A hearing to consider issuance of an abatement order shall be held by the board of adjustment either upon petition signed by any person affected by the hazard or nuisance or upon the initiative of the board. An abatement order shall be directed by the board of adjustment only upon reasonable evidence of hazard or nuisance and such order shall specify the date by which the hazard or nuisance shall be abated. (See Code of Ala. 1975, tit. 7.)

Sec. 36. Rental of single-family dwellings.

No provision of this ordinance shall be interpreted to prohibit the rental or sub-rental of a single-family dwelling, or to regulate the terms of said rental agreements, provided that the following conditions are satisfied:

- (a) The single-family dwelling and the rental thereof shall conform to all applicable provisions of this ordinance and all other laws, including, but not limited to, business licensing; permitted uses; signage prohibitions; occupancy limitations; health codes; building codes; and parking regulations.
- (b) Except within an approved bed and breakfast inn as defined and permitted herein, a single-family dwelling shall be rented only as a whole and the rental of individual rooms is hereby prohibited. This prohibition shall not be interpreted to prevent the exclusion of one or more closets, rooms, or accessory structures from the leased premises when such excluded area is being set aside for the exclusive use of

the property owner, does not include kitchen or bath facilities, and will at no time be used for sleeping purposes.

(Ord. No. 1361, § 6, 10-25-2011)

Editor's note—Sec. 6 of Ord. No. 1361, adopted Oct. 25, 2011, amended § 36 in its entirety to read as herein set out. Former § 36 pertained to group housing projects and derived from the original codification of the Code.

Sec. 37. Temporary trailers on construction sites.

Trailers may be temporarily parked and used on a bona fide construction site provided a permit is secured from the building and license official at the same time a permit for the construction of the permanent structure is issued. Temporary trailers shall be permitted for and during the construction period or until construction ceases, whichever occurs first. Temporary trailers shall be removed from site prior to the issuance of the certificate of occupancy for the permanent structure. No temporary trailer shall be used for residential purposes. No temporary trailer shall be placed nearer to any public street than 20 feet. (Ord. No. 520, § 1, 6-10-1969; Ord. No. 1010, § 1, 3-11-1999; Ord. No. 1022, § 1, 5-25-1999)

Sec. 38. Shipping containers.

In no residential or agricultural district shall shipping containers be permitted on any parcel for any use. This restriction shall not prevent the use of such containers under the following limited circumstances: 1) for use as temporary storage on a bona fide construction site while a building permit is active and the square footage sum of all containers present does not exceed 20 percent of the square footage of the primary structure; 2) to load personal property for shipping or storage when such containers are removed from the subject property within seven calendar days of placement. Upon written request to the building department, this maximum seven calendar day period may be extended on a week-to-week basis if deemed necessary by the building official up to a maximum of 30 calendar days from original placement.

(Ord. No. 1258, § 1, 11-29-2006)

Sec. 39. Definitions.

For the purpose of this ordinance words used in the present tense include the future, the singular number includes the plural, and the plural the singular. Words and terms are defined as follows:

39.1 Accessory structure. Any detached minor building in the rear of the main building consisting of masonry or frame walls and roof, one or two stories in height, necessary as an adjunct to the use or occupancy of a principal or main structure, except open structures such as pergolas, arbors, and other garden houses of similar character.

An "accessory structure" is one which:

- (a) Is subordinate to and serves the principal building or principal use;
- (b) Is subordinate in area, extent, or purpose to the principal building or principal use served;
- (c) Contributes to the comfort, convenience, or necessity of occupants of the principal building or principal use served; and
- (d) Is located on the same zoning lot as the principal building or principal use served, with the single exception of such accessory off-street parking facilities as are permitted to be located elsewhere than on the same zoning lot with the building or use served.

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

39.3 Administrative official. Such person or persons designated by the board of aldermen [council] to administer and enforce this ordinance.

39.4 Alley. A narrow public or private way less in size than a street, designed for the special accommodation of the property it reaches, and not intended for general travel.

39.5 Alteration or altered. The word "alteration" shall include any of the following:

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

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

39.6 Apartment. A building containing two or more dwelling units.

39.7 Approved building. A stationary structure meeting all building and fire safety code requirements for all uses to be conducted therein, having a solid roof and being completely enclosed by solid walls, not including tents or buildings with walls/roofs constructed of canvas or similar material, cargo/shipping containers, or motorized vehicles.

39.7.1 Auto repair, major. Motor vehicle repair that includes body work and/or the removal of motors, transmissions, or drive-trains, with or without offering towing service.

39.7.2 Auto repair, minor. Motor vehicle repair not considered "major auto repair" as defined herein, and not offering towing service.

39.7.3 Automobile. A motor vehicle as defined herein.

39.7.4 Automobile salvage yard. A lot of land used for the outside storage of inoperable motor vehicles or visibly damaged motor vehicles for up to six months while awaiting repair or disposal by an on-site major auto repair or towing service.

39.8 Automobile service station. Any place of business having pumps and/or storage

tanks from which fuels or oils for the operation of motor vehicles are offered for sale at retail.

39.8.1 Automobile storage yard. A lot of land used for the outside storage of undamaged and operable motor vehicles for up to six months, not including RV storage facilities and automobile dealerships.

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

39.10 Boardinghouse. A bed and breakfast inn as defined herein.

39.11 Bed and breakfast inn. An owner-occupied single-family dwelling, which is the primary residence of the owner and where a portion of the dwelling is available for short-term lodging, subject to the following restrictions:

Meals/dining. Meals may be served for compensation with serving times not to exceed four hours total per day and number of patrons for any meal not to exceed the maximum occupancy for the number of guest rooms in the inn.

Location and usage. Not more than 40 percent of the total floor area of the dwelling shall be utilized for bed and breakfast guest rooms and the maximum occupancy term for guests shall be five nights. No retail sales shall be permitted on the premises. Dining room may be located in an adjacent building (carriage house, guest house, etc.) only with separate approval of the Board of Zoning Adjustment. Allowance of bed and breakfast inn shall require submittal of proof and finding by the Board of Zoning Adjustment of one of the following:

- (1) Structure is listed on the National Register of Historic Places, or
- (2) Structure is located within an Alabama Historic District, or
- (3) Structure is located within a locally designated historic district as defined by the official zoning map and ordinance, or

- (4) Structure is located on an acreage property permitting its complete isolation/screening from neighboring residential dwellings (farm property, etc.).

Signs and lighting. One unlighted sign on the premises is permitted identifying the bed and breakfast inn, not exceeding four square feet in area and placed not more than 36 inches from the ground. All exterior lighting shall be directed away from adjacent residential property.

General requirements. A proposed or operating bed and breakfast inn shall not appreciably change or alter the traffic pattern or density, appearance of the premises, or character of the residential area. No shared or common driveway shall be permitted. One off-street parking space shall be provided per guest room in addition to any parking requirement of the district.

39.12 Block. The word "block" as herein used shall be construed to be that portion on their side of the street considered, upon which the building is proposed, bounded by the nearest intersecting streets.

39.13 Building. Any structure having a roof supported by columns or walls, including tents, lunch wagons, dining cars, trailers and similar structures whether stationary or moving.

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

39.15 Building line. A line showing the nearest distance to the street property line or lines that it is permissible to build a structure, either to be in compliance with this ordinance, or in compliance with a plat, deed, or private contract.

39.16 Church facility.

- (a) (1) A single building; or
- (2) Two or more buildings on a single lot or parcel of real property or on adjacent and contig-

uous lots or parcels of real property where both or all buildings are in such proximity, arrangement and use as to form a single homogenous campus associated with a particular church organization; and

- (b) Where said building, or at least one of said buildings where there are two or more, is regularly used for bona fide public religious meetings, ceremonies or rituals involving the gathering of a congregation of persons on at least a weekly basis (not including day care services not provided in conjunction with such meetings, ceremonies or rituals to accommodate persons attending same), it being the specific intent of this ordinance that daycare facilities not situated in the building or on the campus where the particular church organization affiliated with such daycare facility conducts such regular religious meetings, ceremonies or rituals not be permitted as a church daycare facility; and
- (c) Where the particular organization with which said building or buildings is or are affiliated is recognized as a church by the United States Internal Revenue Service.

39.17 Church daycare facility.

- (1) An operation conducted one or more days per week providing temporary care of children (no more than 14 hours per day of care per child, meaning that facilities providing residential or extended care of children shall not qualify as church daycare facilities for purposes of this ordinance); and
- (2) Being fully contained within a church building or buildings upon a single church campus as those terms are defined in this section 39, together with any outdoor activity areas immediately adjacent to such building

or buildings or upon the campus where the same is or are situated; and

- (3) Where any building or buildings used for the provision of such daycare services is or are approved building(s) as defined in this section 39; and
- (4) Which said daycare facility is recognized by the applicable department, agency, commission or other instrumentality of the State of Alabama charged with responsibility for the oversight or regulation of daycare facilities as being a church daycare facility and thus exempt from the regulations and standards applicable to commercial or nonchurch daycare facilities.

39.18 Conference center. An area or structure used for meetings for the purpose of serious discussion and interchange of views. It is a building used for seminars or rap session. It is a place for formal or prearranged discussion, exchange, or negotiation.

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

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

39.21 Dry cleaners.

Small dry cleaners. Cleaning plants using nonflammable, nonexplosive type cleaning solvent, occupying not more than 1,500 square feet of floor space, operating not more than two delivery and pickup trucks and employing not more than four persons, exclusive of sales clerks and truck drivers.

Large dry cleaners. Cleaning plants occupying more than 1,500 square feet of floor

space, and employing more than four persons, exclusive of sales clerks and truck drivers.

39.22 Dwelling. Any building containing one or more dwelling units, whether single-family or apartment.

39.23 Dwelling unit. A building or portion thereof, designed for and occupied by one family for living and sleeping purposes with kitchen facilities for the exclusive use of the one family.

39.24 Dwelling one-family. A single-family dwelling as defined herein.

39.25 Dwelling two-family. An apartment as defined herein.

39.26.1 Equine, animal. A horse, miniature horse, or pony.

39.27 Family. An individual; or two or more person all related by blood, marriage or legal adoption, maintaining a common household in a dwelling unit; or a group of not more than five persons who are not all related by blood, marriage or legal adoption, living together as a common household in a dwelling unit.

39.28 Fence. Any partition, structure, wall or gate erected as a divider marker, barrier or enclosure and located along the boundary, or within the required yard. ;hg1

39.29 Group home. A building or portion thereof, occupied by any number of people not considered a family as defined herein, for living and sleeping purposes with kitchen facilities for the exclusive use of the occupants.

39.30 Home occupation. A use conducted entirely within a dwelling; using no more than 25 percent of the heated and cooled dwelling area; being clearly incidental and secondary to the use of the structure for dwelling purposes; not changing the dwelling character of the structure; having no advertising signs on the dwelling or dwelling property; including no public display of goods; being carried on solely by the inhabitant(s) of the dwelling. Exceptions: 1) Play areas are permitted outside of the

dwelling for permitted home day care facilities and shall conform to section 19.1(g)(9), (10) of the Hartselle Zoning Ordinance.

39.31 Hotel / motel. Any building, excluding bed and breakfast inns, containing one or more guest rooms intended for occupancy of a transient nature by individuals for compensation whether paid directly or indirectly.

39.32 House trailer. A vehicle without motive power designed to be drawn by a motor vehicle and to be used for the carrying of persons or property or as a temporary or permanent human habitation, including trailer coach, trailer home, mobile home, and house trailer, whether the same be with or without wheels, and whether or not attached to or incorporated in a building, and that part of any self-propelled vehicle which is designed to be used as a temporary or permanent human habitation whether or not same be attached to or incorporated in a self-propelled vehicle, or removed therefrom, whether the same be with or without wheels, and whether or not attached to or incorporated in a building. This definition shall not include transport trucks or vans equipped with sleeping space for a driver or drivers.

39.33 Illegal nonconforming building. Any structure which was erected or altered outside the provisions of a prior zoning ordinance.

39.34 Illegal nonconforming use. Any use which on the effective date of this ordinance was operating outside the provisions of a prior zoning ordinance, such as a dine and dance establishment operating in a residential zone in defiance of zoning restrictions.

39.35 Junkyard. Any lot or parcel of land on which is kept, stored, bought or sold, articles commonly known as junk, including scrap paper, scrap metal, and used automobile bodies and parts not otherwise considered as an "automobile salvage yard" herein.

- 39.36 Kitchen facilities.** A portion of a building used for the preparation of meals, and for the purpose of this ordinance shall include a sink or similar fixture for washing dishes.
- 39.37 Legal nonconforming structure.** Any structure which was lawfully erected or altered in conformity with all applicable municipal ordinances, or through variances granted by the board of adjustment, but which structure does not comply with all the provisions this ordinance establishes, for structures in the district in which the same is located.
- 39.38 Legal nonconforming use.** A use which, on the effective date of this ordinance, was lawfully operated in accordance with the provisions of any prior zoning ordinance, or through variance granted by the board of adjustment, but which use is not a permitted use as established by this ordinance in the district in which the use is located.
- 39.39 Living space.** The floor space in a dwelling to be calculated on the basis of total habitable room area.
- 39.40 Living quarters.** Housing providing facilities for sleeping and bathing.
- 39.41 Lot.** A piece, parcel, or plot of land occupied or intended to be occupied by one main building, accessory building, uses customarily incidental to such main buildings and such open spaces as are provided in this ordinance, or as are intended to be used with such piece, parcel or plat of land. (Two or more platted lots may be combined to create one lot as defined herein.)
- 39.42 Motor court.** A hotel/motel as defined herein.
- 39.42.1 Motor vehicle.** Any conveyance utilizing a motor for operation and not considered a "small engine vehicle" or "motorcycle" as defined herein, including, but not limited to, cars/trucks, motorized watercraft, and motorized recreational vehicles.
- 39.42.2 Motorcycle.** Any vehicle marketed for use as a motorized bike or all-terrain land vehicle, including, but not limited to, touring motorcycles, dirt bikes, "choppers", four-wheelers, go-carts, utility task vehicles (UTV), and golf carts.
- 39.42.3 Motorcycle repair shop.** Any establishment offering the repair, customization, fabrication, or assembly of motorcycles.
- 39.43 Nonconforming use.** A use of any structure or land which, though originally lawful, does not conform with the provisions of this ordinance or any subsequent amendments thereto for the district in which it is located.
- 39.44 Offices.** Space or rooms used for professional, administrative, clerical and similar uses.
- 39.45 Office building.** A building whose predominant use is for offices.
- 39.46 Parking space.** The space necessary to park an automobile with[in] the necessary lanes and maneuvering areas as required in article I, section 17.
- 39.47 Public land uses.** Any land use operated by or through a unit or level of government, either through lease or ownership, such as municipal administration and operation, county buildings and activities, state highway offices and similar land uses; and federal uses such as post offices, bureau of public roads and internal revenue offices, military installations, etc.
- 39.48 Recreational vehicle.** Travel trailers; pickup campers; motorized dwellings (motorhomes); buses; tent campers; "toy-hauler" campers; and similar.
- 39.49 Roadside stand.** A structure for display, and sale of products with no space for customers within the structure itself.
- 39.50 Roominghouse.** A bed and breakfast inn as defined herein.
- 39.50.1 RV storage facility.** A business offering available for rent warehouse space, and/or

fenced open areas for the temporary storage of recreational vehicles and/or watercraft all being undamaged and operable.

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

39.51.1 Self-storage facility. A business offering available for rent temporary storage space for personal property completely within the confines of a warehouse.

39.52 Semipublic buildings. Structures for the use of a group, the membership of which is open to the public, such as churches, Y.M.C.A. and Y.W.C.A. facilities, private schools, hospitals and nursing homes, colleges and health clubs, country clubs, tennis clubs, etc., but not including profit-making organizations.

39.53 Semipublic land uses. Philanthropic and charitable land uses including: Y.M.C.A., Y.W.C.A., Salvation Army, churches and church related institutions, orphanages, humane societies, private welfare organizations, nonprofit lodges and fraternal orders, hospitals, Red Cross, and other general charitable institutions.

39.54 Shelter. A structure above or below ground intended to provide protection to human life during periods of danger.

39.55 Shipping container. Any transportation trailer, shipping crate, cargo bin or other container produced for the transportation, relocation or shipping of any item(s), including containers without wheels intended to be loaded and hauled to another location for storage and containers which have been altered or pinned in any way to be rendered immobile.

39.56 Signs. Any letters, figures, design, symbol, trademark, architectural or illuminating device intended to attract attention to any place, subject, person, firm, corporation, public performance, article, machine, or merchandise whatsoever and painted, printed, or constructed and dis-

played in any manner whatsoever for recognized advertising purposes. For purposes of this ordinance, a flag constitutes a sign, but not including an emblem or insignia of a government, school or religious group when displayed for official purposes.

39.57 Single-family dwelling. A dwelling containing one dwelling unit.

39.57.1 Small engine vehicle. Any small motorized vehicle not considered a "motorcycle" as defined herein, including, but not limited to, lawn mowers and other small lawn maintenance devices.

39.57.2 Small engine repair shop. Any establishment offering the repair of small engine vehicles.

39.58 Special exception. A special exception is a use that would not be appropriate generally or without restriction throughout a zoning division or district, but which, if controlled, as to number, area, location, or relation to the neighborhood, would promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity, or the general welfare. Such uses may be permissible in a zoning classification or district as a special exception if specific provision for such a special exception is made in this ordinance. (For procedure in securing special exceptions, see section 51.3.)

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

39.60 Streets. Any public way set aside for common travel more than 21 feet in width if such existed at the time of enactment of this ordinance, or such right-of-way 50 feet or more in width if established thereafter.

39.61 Structure. Any building with four walls and/or a roof, not including fences, privacy walls, or retaining walls.

39.62 Tourist court. A hotel/motel as defined herein.

39.62.1 Towing service. The operation of one or more automobile recovery/towing vehicles for private or public use, with or without the offering of other services and/or products.

39.63 Reserved.

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

39.64.1 Warehouse. A commercial structure completely enclosed by a roof and solid walls on all sides in order to fully shield the contents being kept on the property from exterior view at all times, and utilized primarily for the purpose of temporary storage.

39.64.2 Watercraft. Any vehicle intended to be used as a conveyance on water, regardless of maximum occupancy or means of propulsion, as well as trailers and devices intended to transport such vehicles.

39.65 Yard. An open space on the lot with the main building left open, unoccupied and unobstructed by structures from the ground to the sky except as otherwise provided in this ordinance. Yards shall be measured from the wall of the structure to the property line, unless the overhang exceeds 30 inches, in which case the yard shall be measured from the overhang plus 30 inches. (Thus, if a ten-foot side yard is required and the roof overhangs five feet, the wall must be 12½ feet from the side property line.)

39.66 Yard, front. The yard extending across the entire width of the lot between the main building including covered porches, and the front lot line, or if an official future street right-of-way line has been established between the main building, including covered porches and the right-of-way. On corner lots, the narrower side shall be considered the front, regardless of the location of the main entrance of the

dwelling. Where both frontages of the lot are equal, the front yard shall be considered the side on which the majority of the lots front in the block. No fallout shelter, even though it does not exceed 30 inches in height, shall be permitted in any front yard.

39.67 Yard, rear. The yard extending across the width of the lot between the main building, including covered porches, and the rear lot line.

39.68 Yard, side. The yard extending along a side lot line, from the front yard to the rear yard, between the main building, including covered porches and carports, and such lot line.

(Ord. No. 557, § 1, 9-26-1972; Ord. No. 951, § II, 5-13-1997; Ord. No. 1034, § 6, 8-24-1999; Ord. No. 1082, § 4, 12-12-2000; Ord. No. 1207, § 2, 11-22-2005; Ord. No. 1256, § 3, 11-28-2006; Ord. No. 1258, § 2, 11-29-2006; Ord. No. 1302, §§ 1–3, 6-10-2008; Ord. No. 1361, §§ 1, 3, 10-25-2011; Ord. No. 1382, §§ 2, 3, 10-23-2012; Ord. No. 1412, §§ 1, 2, 1-27-2015; Ord. No. 1413, § 4, 1-27-2015)

Sec. 40. Condominiums.

For the purposes of this ordinance, no differentiation shall be made with regard to the ownership/conveyance form of a current property or proposed development when interpreting/enforcing the provisions herein. Multiple residential units occupying a single lot shall be permitted only in zones in which multifamily use is specifically permitted and all site plan and lot requirements pertaining to multifamily developments shall be in full force and effect. Multiple commercial units occupying a single lot shall be permitted only in zones in which the planned commercial use(s) is/are specifically permitted and all site plan and lot requirements pertaining to the applicable commercial zone shall be in full force and effect. Land areas defined for ownership or conveyance as condominium units shall conform to all lot and permitted use requirements of the zone in which the property is located and shall be subject to all requirements/processes of the Hartselle Subdivision Regulations as per a conventional subdivision.

(Ord. No. 1308, § 1, 7-22-2008)

ARTICLE 4. ENFORCEMENT*

Sec. 41. Enforcing officer; right of entry.

The provisions of this ordinance shall be administered and enforced by the building inspector of the City of Hartselle. This official shall have the right to enter upon any premises at any reasonable time prior to the issuance of certificate of occupancy for the purpose of making inspections of buildings or premises necessary to carry out his duties in the enforcement of this ordinance.

Sec. 42. Building permit required; application.

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

Sec. 43. Approval of plans and issuance of building permit.

It shall be unlawful for the building inspector of the city to approve any plans or issue a building permit for any excavation or construction until he has inspected such plans in detail and found them in conformity with this ordinance. To this end, the building inspector of the city shall require that every application for a building permit for excavation, construction, use of land, moving or alteration be accompanied by a plan or plat drawn to scale and showing the following in sufficient detail to enable the building inspector of the city to

*Cross reference—Administration, ch. 2.

ascertain whether the proposed excavation, construction, use of land, moving or alteration is in conformance with this ordinance:

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

If the proposed excavation, construction, moving, or alteration as set forth in the application, are in conformity with the provisions of this ordinance, the building inspector of the city shall issue a building permit accordingly. If an application for a building permit is not approved, the building inspector of the city shall state in writing on the application the cause for such disapproval. Issuance of building permit shall, in no case, be construed as waiving any provision of this ordinance.

Sec. 44. Certificate of occupancy required.

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

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

Sec. 45. Penalties for violations of ordinance.

Any person violating any provision of this ordinance shall be fined upon conviction not more than \$100.00 and costs of court for each offense. Each day such violation continues shall constitute a separate offense.

Sec. 46. Remedies; court proceedings.

In case any building or other structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained, or any building, structure or land is used in violation of this ordinance, the building inspector of the city or any other appropriate authority or any adjacent or neighboring property owner who would be specially damaged by such violation, in addition to other remedies, may institute injunction, mandamus, or other appropriate action or proceeding to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use, to correct or abate such violations or to prevent occupancy of such building, structure, or land.

Sec. 47. Site plan approval procedure.

(a) *Purpose.* The intent of this section is to prevent undesirable site development which would unduly create inadequate circulation and unnecessary congestion; to obtain maximum convenience, safety, economy and identity in relation to adjacent sites; to provide maximum flexibility for expansion, change in use and adaptation to individual needs. Thus, applicants for building permits must submit scale drawings, according to the particular type of development proposal, in accordance with the following procedures.

(b) *Requirements.* Upon approval by the planning commission, a site plan is valid for a period of 12 months, after which it becomes void unless a building permit has been issued based upon the site plan.

- (1) Prior to issuance of a building permit, proposals for the location or construction of a principal structure(s) on a lot shall be

submitted in accordance with the requirements of this section and be approved by the Hartselle Planning Commission.

- a. This requirement shall not apply to the construction, remodel or expansion of structures being used solely for single-family residential purposes, regardless of zoning designation. However, single-family dwellings shall be subject to plot plan review and approval by staff prior to building permit issuance as deemed necessary to ensure proper placement of the structure on the property per all local ordinances and in respect of all easements and rights-of-way.
- b. This requirement shall not apply to the remodel or expansion of existing structures being used for other than single-family residential purposes. However, additions shall be subject to staff review to ensure that provisions are made for all screening, parking, setback, and drainage requirements. Staff may require drawings and survey data as needed to determine whether these items are addressed to the satisfaction of all city ordinances and no certificate of occupancy shall be granted prior to the satisfaction of all such requirements.
- c. This requirement shall not apply to the conversion of structures previously used for single-family residential purposes into other occupancy classifications (i.e., commercial) except that the screening provisions of paragraph three herein shall be in full force as per a new construction. Such conversions shall be subject to staff review to ensure that this requirement is satisfied and no certificate of occupancy or business license shall be granted prior to the satisfaction of said screening requirement.

- (2) Upon approval by the planning commission, a site plan is valid for a period of 12 months, after which it becomes void unless a building permit has been issued based upon the approved site plan.
- (3) Landscaping and screenings:
- a. In all zoning districts, one tree is required for each 2,000 square feet or fraction of yard space (yard space is lot area minus the area occupied by structures).
 - b. All trees required shall, at planting, have a minimum height of six feet and minimum diameter of one and one-half inches at four and one-half feet above ground.
 - c. Required trees shall not be pruned, except to remove dead wood, in a manner as to prevent growth to a height of at least 15 feet or to reduce existing height below 15 feet.
 - d. Where new tree plantings are otherwise required, existing trees having a height of at least ten feet may be counted as required trees if the earth below their branches remains undisturbed by heavy machinery.
 - e. All required trees shall be surrounded by an unpaved area of at least 12 square feet, and shall be located a minimum of eight feet apart.
 - f. Four shrubs shall be required for every one required tree.
 - g. Required shrubs shall be at least one-gallon size and at least 12 inches high at planting.
 - h. Within all dedicated easements and/or rights-of-way lying between the site property and the pavement of a public road, as well as within any area on the site property not occupied by structures, parking, required trees and shrubs, or flowerbeds, all ground shall be graded to a maintainable surface and sewn grass or sod shall be installed and maintained.
 - i. Where a business site adjoins any residential district or where a multifamily residential site adjoins a single-family residential district, an appropriate screening device at a height of no less than seven feet at installation shall be installed and maintained.
 - j. Appropriate screening devices shall consist of evergreen trees, shrubs, and/or solid-panel fencing of material deemed appropriate by the Planning Commission.
 - k. Upon installation and/or planting, screening materials shall span the full length of the subject property line(s) and shall screen at least 50 percent of the new structure(s) from view from neighboring property.
 - l. Under no circumstances shall plantings for screening be counted toward the fulfillment of landscaping requirements as otherwise outlined in this ordinance.
 - m. If a screening fence has two distinct sides, the side with protruding studs, posts, etc., shall face the lot of the party responsible for the placement of the fence.
 - n. Variance from the requirements of this section may be granted only in instances when said requirements incur an unnecessary hardship on a property as determined by the board of zoning adjustment.
 - o. Prior to the granting of a certificate of occupancy by the city building official, installed landscaping shall be inspected and approved by the city planner for conformance to the approved site plan. If, in the opinion of the city planner, all required landscaping has not been completed, a financial guarantee (performance bond) may be provided in-lieu of immediate installation of the required landscaping. Said performance bond shall be received and accepted by the

city planner prior to the granting of the certificate of occupancy and shall be equal to 120 percent of the estimated total cost to complete all landscaping requirements. Performance bonding may be made by deposit with the City of Hartselle in the form of a certified check, or in the form of an irrevocable letter of credit established with a financial institution, and automatically renewable after the initial period of 90 calendar days, wherein the City of Hartselle has access to funds in the event the city must contract the completion of required landscaping. The time allowed for the completion of all landscaping shall be 90 calendar days from the issue date of the certificate of occupancy and may be extended only by action of the planning commission. Upon completion of all required landscaping, the developer shall notify the city planner in writing. The city planner shall inspect all landscaping for completion in conformance with the approved site plan and issue a certified opinion to the planning commission. Such report shall recommend full approval or rejection of the landscaping with the stated reason(s) for any rejection. Approval of landscaping by the planning commission shall authorize the city planner to return said bond to the developer within 30 days of planning commission action. Rejection of landscaping by the planning commission shall require the continued holding of the performance bond until such time that all issues are corrected by the developer and a satisfactory inspection report by the city planner is presented to the planning commission for full approval or rejection. Under no circumstances shall the commission partially approve landscaping and reduce the amount of a landscaping performance bond.

- (4) The following information shall be reflected in the site plan:
- a. Boundary information for the site, including lot size and dimensions;
 - b. Building footprint location and distance to all property line;
 - c. Footprint and total building areas in SF;
 - d. All building footprint perimeter dimensions in feet;
 - e. Zoning setback lines;
 - f. Required fencing and/or screening;
 - g. Dates of revision;
 - h. Site topography, existing and proposed, including drainage details/calculations;
 - i. Landscaping plan with summary of plantings required vs. proposed;
 - j. Vicinity/location map;
 - k. Location and size of utilities and easements, existing and proposed;
 - l. All site utilities shown as underground (electricity, gas, sewers, and water);
 - m. Location and size of drainage infrastructure and easements, existing and proposed;
 - n. Contact information for property owner, developer, and plan preparer;
 - o. North arrow;
 - p. Location and dimensions of parking spaces, dumpster pad, and islands;
 - q. Summary of parking spaces required vs. proposed;
 - r. All parking areas shown as paved with curb and gutter;
 - s. Concrete loading/unloading and truck areas noted;
 - t. Points of ingress/egress with any required turn/acceleration lanes;
 - u. Names and ROW dimensions for all adjacent roadways;

- v. Scale of not less than one inch = 100 feet;
 - w. Pylon sign location with height and cabinet dimensions; installation detail;
 - x. All adjacent property owners;
 - y. Flood hazard boundaries, if applicable;
 - z. Details for all paving, curb/gutter, and DU&T infrastructure.
- (5) The following certificate shall appear on the site plan:

**CERTIFICATE OF APPROVAL FOR
ISSUANCE OF BUILDING PERMIT**

This site plan was approved by the Hartselle Planning Commission on _____. This site plan is approved for issuance of a building permit. _____ City Planner
_____ Date

This site plan is void unless a building permit is issued by _____.

(Ord. No. 1014, § 1, 3-24-1999; Ord. No. 1048, § 2, 3, 2-8-2000; Ord. No. 1156, § 1, 12-9-2003; Ord. No. 1177, §§ 1, 2, 1-11-2005; Ord. No. 1285, §§ 1, 2, 6-10-2008; Ord. No. 1365, § 1, 3-26-2012)

ARTICLE 5. BOARD OF ADJUSTMENT*

Sec. 51. Appointment, duties and responsibilities.

A board of adjustment is hereby established. The appointment, procedure, powers, and action of said board of adjustment shall be governed and controlled by Code of Ala. 1975, § 11-52-80.

[Sec. 51.1. Unused.]

Sec. 51.2. Proceedings of the board of adjustment.

The board of adjustment shall adopt rules necessary to the conduct of its affairs, and in

*Cross reference—Boards and commissions, § 2-76 et seq.

keeping with the provisions of this ordinance. Meetings shall be held at the call of the chairman and at such other times as the board may determine. The chairman, or in his absence, the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public.

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

Sec. 51.3. Powers and duties of the board.

(a) *Administrative review.* [The board has the power] to hear and decide appeals where it is alleged there is error and in any order, requirement, decision, or determination made by the administrative official in the enforcement of this ordinance.

(b) *Special exceptions.* [The board has the power] to hear and decide only such special exceptions as the board of adjustment is specifically authorized to pass on by the terms of this ordinance; to decide such questions as are involved in determining whether special exceptions should be granted; and to grant special exceptions with such conditions and safeguards as are appropriate under

this ordinance, or to deny special exceptions when not in harmony with the purpose and intent of this ordinance.

In granting a special exception permit, the board of zoning adjustment (the "board") shall consider the advice and recommendations of the city staff and the effect of the proposed use on the comprehensive plan and upon the health, safety, and general welfare of occupants of surrounding lands. Among other things, the board shall make the following findings where applicable:

- (1) The use will not create an excessive burden on existing parks, schools, streets and other public facilities, which serve or are proposed to serve the area.
- (2) The use will be sufficiently compatible or separated by distance or screening from adjacent residentially zoned or used land so that existing homes will not be depreciated in value and there will be no deterrence to development of vacant land.
- (3) The structure and site shall have an appearance that will not have an adverse effect upon adjacent residential properties. A site plan is required. If proposed development is located in the Central Business District, the exterior of the building must match the historical character of the district.
- (4) The use, in the opinion of the board, is reasonably related to the overall needs of the city and to the existing land use. Special exception permit must be obtained from the board of such type of developments (retreat center, conference building, convention center, performing arts center) located in B-1, B-3, B-4, M-1, M2, and MIP districts. No development of this type will be allowed on any Residential Districts or as special exception in the same.
- (5) The use is consistent with the purposes of the Zoning Ordinance and the purposes of the zoning district in which the applicant intends to locate the proposed use.
- (6) The use is not in conflict with the comprehensive plan of the city.
- (7) The use will not cause traffic hazard or congestion.
- (8) Adequate utilities, access roads, drainage and necessary facilities will be provided.
- (9) In an area with ponds, lakes, rivers, or other natural amenities, topographic, vegetation, and soils conditions on the site will ensure:
 - a. Prevention of soil erosion or other possible pollution of public waters, both during or after construction;
 - b. Limiting visibility of structures and other facilities as viewed from any natural body of water; and
 - c. The site shall have adequate water supply and on-site sewage treatment if applicable. Sewer must be provided if location of the site is within 500 feet of an existing line.

Additional Conditions. In permitting a new special exception or in the alternative or an existing special exception, the board may impose, in addition to these standards and requirements expressly specified by this ordinance, additional conditions which the board considers necessary to protect the best interest of the surrounding area or the community as a whole. These conditions may include, but are not limited to the following:

- (1) Lot size must not be less than five acres.
- (2) Height of the building is not more than 35 feet.
- (3) Controlled ingress and egress to property and proposed structures with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe.
- (4) Utilities, with reference to locations, availability, and compatibility. Any relocation, extension or upgrade required due to construction or renovation of the an existing property is at owner's expense.
- (5) Street width when applicable must meet MPO and comprehensive plan.

- (6) Parking requirements must be met per the parking ordinance.
- (7) Sign location, size, material used must conform to the sign ordinance or must be acceptable by the city planner.
- (8) Provision of buffers, screening, landscaping or other facilities to protect adjacent or nearby property residential properties is with the discretion of the city planner.
- (9) Designation sites for open space and dumpster location. (Dumpster must be fenced or screened.)

The planning department shall maintain a record of all special exception permits issued including information of the use, location, and conditions imposed by the board; time limits, review dates, and such other information as may be appropriate.

Requirements for Submission.

- (1) Site development plan. (12 copies)
- (2) A legal description of the property. The board may also require a boundary survey of the property.

Procedure for Obtaining a Special Exception Permit, Site Plan Review.

- (1) Preapplication meeting. The property owner or his/her agent shall meet with the city planner, and zoning administrator to explain his/her situation, learn the procedures and obtain an application form. At this point, application fee is explained, application form is explained and given to the owner, and meeting date with the TRC and Board discussed.
- (2) Preapplication forms are submitted and requested.
- (3) Technical review committee meeting. City planner will include the application for the special exception permit on the agenda for review by the TRC. Applicant(s) or his/her agent shall meet with the TRC to review the proposal.
- (4) The applicant(s) shall file the completed application form together with the required exhibits under subdivision 3 and

the application fee with the city planner, at the time of application, according to the following schedule:

Homestead application: \$50.00 plus cost for legal publication.

Commercial application: \$100.00 plus cost for legal publication.

- (5) Revocation of special exception permit. In the event that the applicant violates any of the conditions set forth in this permit, the city council shall have the authority to revoke the special exception permit.
- (6) Special use permit will be considered null and void when applicant cease to operated within 12 consecutive months [ceases to operate for 12 consecutive months].
- (7) Limitation on reapplication following denial. No application of a property owner for a special exception shall be considered by the board of zoning adjustment within a one-year period following a denial for such a request, except the board may permit a new application if in its opinion new evidence or a change in circumstances warrant it.

(c) *Variances.* [The board has the power] to authorize upon appeal in specific cases such variance from the terms of this ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this ordinance would result in unnecessary hardship. A variance from the terms of this ordinance shall not be granted by the board of adjustment unless and until a written application for a variance is submitted demonstrating all of the following:

- (1) That special conditions and circumstances exist which are peculiar to the lands, structures, or buildings involved and which are not applicable to other lands, structures, or buildings in the same district.
- (2) That literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this ordinance.

- (3) That the special conditions and circumstances do not result from the actions of the applicant.
- (4) That granting the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structures, or buildings in the same district.

In granting any variance, the board of adjustment may prescribe appropriate conditions and safeguards in conformity with this ordinance. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this ordinance.

The board of adjustment shall not grant a variance to permit a use expressly or by implication prohibited by the terms of this ordinance in said district.

(d) *Decisions of the board of adjustment.* In exercising the above-mentioned powers, the board of adjustment may, so long as such action is in conformity with the terms of this ordinance, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination as ought to be made, and to that end shall have powers of the administrative official from whom the appeal is taken.

The concurring vote of four members of the board shall be necessary to reverse any order, requirement, decision, or determination of the administrative official, or to decide in favor of the applicant on any matter upon which it is required to pass under this ordinance, or to effect any variation in the application of this ordinance.

(e) *Duties of administrative official, board of adjustment, city government, and courts on matters of appeal:*

- (1) *Appeal to the board of adjustment and to the courts.* It is the intent of the governing authority of the city that all questions of interpretation and enforcement of this ordinance shall be presented first to the administrative official. Other than those applications and matters upon which the terms and provisions of this ordinance may require action and decision by the

said board of adjustment, only the appeals taken in the manner and form as provided in this ordinance from the actions and decisions of the administrative official will be considered and acted upon by the said board of adjustment. However, any interested party who is aggrieved by any action or decision of the said board of adjustment may take an appeal therefrom to a court of law, as provided for in the state law.

(Ord. No. 1082, § 3, 12-12-2000)

ARTICLE 6. AMENDMENT

Sec. 61. Procedure, fee.

The regulations and the number, area, and boundaries of districts established by this ordinance may be amended, supplemented, changed, modified, or repealed by the city government, but no amendment shall become effective unless it is first submitted to the city planning commission of Hartselle for its recommendation. The city planning commission upon its own initiative may hold public hearings, public notices of which shall be given, for the consideration of any proposed amendment to the provision of this ordinance or to the zoning map, and report its recommendation to the city government. The provisions of Code of Ala. 1975, §§ 11-52-76, 11-52-77, and 11-52-78, shall apply to all changes and amendment.

Any person, firm or corporation at whose request property has been annexed into the municipal limits of the City of Hartselle shall petition for the initial zoning of such property within five business days following adoption of the ordinance of annexation. Failure to do so shall constitute a misdemeanor punishable as provided in section 26-50 of this Code. Any person, firm or corporation who shall petition for such initial zoning or for rezoning of property under the authority of the Zoning Ordinance of Hartselle, Alabama must make application for such zoning or rezoning on forms prescribed by the city planner, follow the procedure prescribed by the city planner and pay a nonrefundable fee of \$150.00 plus the actual costs of publication, in advance, before such zoning or rezoning shall be considered by the plan-

ning commission or the council. However, in cases where the annexation of the property to be zoned or the rezoning of property has been solicited by an official representative of the city, the application fee shall be waived and the cost of publication shall be paid by the city. Duly authorized representatives of the city for such purposes shall include the mayor, any member of the city council, the director of the department of development and the city planner. It shall be presumed that such annexation or rezoning was not solicited by an authorized member of the city unless the application is submitted with the signature of or a written statement by such representative certifying that the proposed annexation or rezoning was so solicited.

(Ord. No. 853, 3-9-1993; Ord. No. 1049, § 2, 2-8-2000; Ord. No. 1190, § 1, 7-12-2005)

Public welfare requiring, this ordinance of the city, the zoning regulations contained herein, and the Zoning Map of Hartselle, referred to therein, after publication of notice, and public hearing, adoption and final publication as required by law, shall become effective on February 10, 1967.

PASSED, ADOPTED, AND APPROVED, THIS the 10th day of January, 1967.

ARTICLE 7. LEGAL STATUS PROVISIONS

Sec. 71. Interpretation and purpose.

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

Sec. 72. Saving clause.

If any section, clause, provision, or portion of this ordinance shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, provision, or portion of this ordinance which is not in and of itself invalid or unconstitutional.

ARTICLE 8. EFFECTIVE DATE

All zoning ordinance and maps referred to therein heretofore adopted are hereby repealed.