

SHELBY COUNTY PLANNING COMMISSION

**ZONING REGULATIONS
of
SHELBY COUNTY, ALABAMA**

Including revisions through:
- April 18, 2002 -

SHELBY COUNTY DEPARTMENT OF PLANNING AND DEVELOPMENT

ZONING ORDINANCE of SHELBY COUNTY, ALABAMA

AN ORDINANCE, IN PURSUANCE OF THE AUTHORITY GRANTED BY ACT NO. 82-693 ENACTED BY THE LEGISLATURE OF ALABAMA, JULY 1982 AND AS AMENDED BY ACT NO. 84-454 ENACTED BY THE LEGISLATURE OF ALABAMA, MAY 1984, TO PROVIDE FOR THE ESTABLISHMENT OF DISTRICTS WITHIN SHELBY COUNTY, ALABAMA: TO REGULATE WITHIN SUCH DISTRICTS THE HEIGHT, NUMBER OF STORIES, AND SIZE OF BUILDINGS AND OTHER STRUCTURES, THE PERCENTAGE OF LOT THAT MAY BE OCCUPIED, THE SIZE OF YARDS AND OTHER OPEN SPACES, THE DENSITY OF POPULATION AND THE USE OF BUILDINGS, STRUCTURES, AND LAND, AND TO PROVIDE METHODS OF ADMINISTRATION OF THIS ORDINANCE AND PENALTIES FOR THE VIOLATION THEREOF.

Editor's note concerning revisions. Revisions to these regulations are indicated within the text by a notation such as "(MB 0/000)." The notation refers to the book number and page number where the revision can be found in the Minutes of the Shelby County Planning Commission. Where the notation follows the heading of a section, paragraph, etc., the revision pertains to all subsections, subparagraphs, etc. that fall within the noted section. Where the notation follows the end of a paragraph or line, the revision pertains only to the immediately preceding paragraph or line. These notations are for reference purposes only and the presence or absence of a notation has no bearing on the validity of a duly adopted revision to these regulations.

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ARTICLE I. SHORT TITLE

THE PUBLIC WELFARE REQUIRING IT, be it ordained by the Planning Commission of Shelby County, Alabama as follows:

This Ordinance shall be known as the "Zoning Ordinance of Shelby County, Alabama," and the map herein referred to, identified by the title "Zoning Map of Shelby County, Alabama, shall be further identified by the signature of the Chairman of the Planning Commission. The Zoning Map of Shelby County is hereby adopted and made a part of this ordinance. Said zoning map shall zone only territory within Shelby County and outside the corporate limits of any municipality within the county. Such map is filed with the Shelby County Planning Department and will remain on file in the office of the said Planning Department for public inspection during normal working hours.

ARTICLE II. PURPOSE AND METHOD

Section 1. Purpose

The fundamental purpose of this Ordinance is to promote the public health, safety, morals and general welfare; to encourage the use of lands and natural resources in Shelby County in accordance with their character and adaptability; to limit the improper use of land; to provide for the orderly development and growth of Shelby County; to reduce hazards to life and property; to establish the location and size of and the specific uses for which dwellings, building and structures may hereafter be erected or altered, and the minimum open spaces and sanitary, safety and protective measures that shall be required for such buildings, dwellings, and structures; to avoid congestion on the public roads and streets; to provide safety in traffic and vehicular parking; to facilitate the development of an adequate system of transportation, education, recreation, sewage disposal, safe and sufficient water supply and other public requirements; to conserve life, property and natural resources and the expenditure of funds for public improvements and services to conform with the most advantageous uses of land, resources and properties, for the general good and benefit to the people of Shelby County.

Section 2. Methods

For the purposes hereinbefore stated, Shelby County is divided into districts of such number, shape and area, and of such common unity of purpose, adaptability or use, which are deemed most suitable to provide for the best general civic use, protect the common rights and interests within each district, preserve the general rights and interests of all, and to promote improved wholesome, sightly, harmonious and economic results in civic service, activities and operations; and by further regulations to limit the location, uses and occupancy of buildings, structures and land to be used for trade, industry, residence or other purposes, and also the location, height, bulk, occupancy and uses of buildings or other structures, including the ratio of lot occupancy and coverage, street setback lines, sizes of yards, and other open spaces.

ARTICLE III. AREA OF APPLICABILITY

Section 1. Generally

This ordinance shall serve as the Zoning Ordinance for all the areas of Shelby County, which are subject to the authority of the Shelby County Planning Commission. Any Beat of the county in which a majority of the qualified electors vote to accept the zoning authority of the Planning Commission shall be subject to this ordinance and subsequent amendments thereto with the exception of all territories within the corporate limits of any municipality. Territories annexed by a municipality in the future shall be subject to the regulations of such municipality. In the event territory now lying within the corporate limits of a municipality, located in any beat subject to zoning, is removed from the corporate limits of such municipality the affected territory shall be automatically zoned E-1 Single Family Estate residential until rezoned by the Shelby County Planning Commission.

ARTICLE IV. DEFINITIONS

Section 1. Generally

For the purpose of this ordinance, certain terms and words are hereby defined. Words used in the present tense shall include the future; the singular number shall include the plural and the plural the singular; the word "building" shall include the word "structure" and the word "shall" is mandatory and not directory.

Accessory structure or use. A subordinate structure or a portion of the main structure, the use of which is incidental to the main use of the premises. An accessory use is one, which is incidental to the main use of the premises.

Alley. A public thoroughfare, which affords only a secondary means of access to abutting property.

Apartment building. See "Multiple dwelling."

Assisted Living Facility: A general term for a permanent building, portion of a building, or group of buildings (not including manufactured homes or trailers), used for adult congregate care in which room, board, meals, laundry, and assistance with personal care and other services are provided for not less than twenty-four hours in any week to a minimum of two ambulatory adults not related by blood or marriage to the owner and/or administrator, including independent living facilities and residential care facilities. Assisted living facilities shall be classified as set forth in the Alabama Administrative Code (AAC) 420-5-4.03.

(00/00)

Basement. A story having a part but not more than one half of its height below grade. A basement is counted as a story for the purpose of height regulations.

Boardinghouse. A dwelling other than a hotel, where for compensation and by prearrangement for definite periods, meals, or lodging and meals, are provided for three or more persons.

Building. Any structure having a roof supported by columns or walls designed or built for the support, enclosure, shelter, or protection of persons, animals, chattels, or property of any kind.

Building, height of. The vertical distance from the grade to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or to the average height between eaves and ridge for gable, hip and gambrel roofs.

Cellar. That portion of a building between floor and ceiling which is wholly or partly below grade, and having more than one half of its height below grade. A cellar is not counted as a story for the purpose of height regulations.

Childcare facility. (MB 9/039) A facility established for the care of children as defined in §38-7-2 of the *Code of Alabama, 1975*. For the purposes of this ordinance, this definition includes the following:

(1) *Child care center.* This includes facilities licensed as day care centers and nighttime centers in accordance with §38-7-2 of the *Code of Alabama, 1975*. Day care centers and nighttime centers serve more than twelve children.

(2) *Child care institution.* This includes facilities licensed as group homes and child care institutions in accordance with §38-7-2 of the *Code of Alabama, 1975*. These facilities provide full time care.

Clinic. A building or a portion of a building where patients are not lodged overnight, but are admitted for examination and treatment by a group of physicians or dentists practicing together.

Club, private. A building or portion thereof or premises owned or operated by a corporation, association, person or persons for a social, educational, or recreational purpose, but not primarily for profit or to render a service which is customarily carried on as a business.

Continuing Care Retirement Community: A licensed housing development that is planned, designed, and operated to provide a full range of accommodations and services for elderly adults, including independent living, congregate residential housing, medical care, and other support services. These facilities are generally designed utilizing a campus concept, and may offer rental as well as ownership options. CCRCs may also accommodate adult day-care facilities within the community, provided sufficient land area for any additional structures and parking requirements is available. (00/00)

Development Review Committee. The Development Review Committee shall consist of the following persons or their respective designees: the County Engineer, the County Environmental Manager, the Director of Building Inspections Services, the Director of Public Works, and the Director of Planning and Development. The Director of Planning and Development shall serve as chairman of the Development Review Committee. (MB 0/000)

Director. The Director of the Shelby County Department of Planning and Development. (MB 0/000)

District. A section or sections of Shelby County for which the zoning regulations governing the use of buildings and premises, the height of buildings, the size of yards, and the intensity of use are uniform.

Dwelling. Any building or portion thereof, which is used for residential purposes.

Dwelling, multiple. A building designed for or occupied exclusively by three or more families.

Dwelling, single-family. A building designed for or occupied exclusively by one family.

Dwelling, two-family. A building designed for or occupied exclusively by two families.

Dwelling unit. One or more rooms located within a building and forming a single habitable unit with facilities, which are used or intended to be used for living, sleeping, cooking and eating purposes.

Family: One or more persons occupying a dwelling and living in a single housekeeping unit, all of whom or all but two of whom are related to each other by birth, adoption, or marriage as distinguished from a group occupying a boardinghouse, rooming house, assisted living facility, independent living facility, residential care facility, nursing home or hotel, as herein defined. (00/00)

Floor area. The gross horizontal areas of all floors, including penthouses (but excluding such areas within a building which are used for parking) measured from the exterior faces of the exterior walls of a building. Basements and cellars shall not be included in the gross floor area.

Frontage, street. All the property on one side of a street between two streets which intersects such street (crossing or termination), measured along the line of the street, or if the street is dead-ended, then all of the property abutting on one side between a street which intersects such street and the dead end of the street.

Garage, private. An accessory building designed or used for the storage of motor-driven vehicles owned and used by the occupants of the building to which it is accessory.

Garage, public. A building or portion thereof, other than a private, storage, or parking garage, designed or used for equipping, servicing, repairing, hiring, selling, or storing of motor-driven vehicles, but not including the storage of wrecked or junked vehicles.

Garage, storage or parking. A building or portion thereof designed or used exclusively for storage of motor-driven vehicles, and within which motor fuels and oils may be sold, but no vehicles are equipped, repaired, hired or sold.

Grade. The average level of the finished ground surface adjacent to the exterior walls of the building.

Home occupation. Any occupation or activity which is clearly incidental to use of the premises for dwelling purposes and which is carried on wholly within a main building or accessory building by a member of a family residing on the premises, in connection with which there is no advertising and no display or storage of materials or exterior identification of the home occupation or variation from the residential character of the premises and in connection with which no person outside the family is employed and no equipment used other than that normally used in connection with a residence. A home occupation shall not include beauty parlors, barbershops or doctors or dentists' offices for the treatment of patients.

Hotel. A building which lodging, or boarding and lodging are provided and offered to the public for compensation and in which ingress and egress to and from all rooms are made through an inside lobby or office supervised by a person in charge at all hours. A hotel is open to the transient public in contradistinction to a boardinghouse, or a rooming house, which are herein separately defined.

Independent Living Facility: A licensed facility planned, designed, and managed to include multi-unit rental housing with self-contained apartment dwellings intended for elderly adults. Support facilities may include meals, laundry, housekeeping, transportation, social, recreational, or other services. The facility may or may not include resident staff and administration. (00/00)

Institution. The structure or land occupied by a group, cooperative, board, agency or organization created for the purpose of carrying on non-profit functions of a public or semi-public nature, including but not limited to hospitals, schools, churches, fraternal orders and orphanages, and also including residential accessory uses, such as rectories, parsonages, dormitories and dwellings for resident administrators, watchmen, custodians or caretakers.

Loading space. A space having a minimum dimension of twelve by thirty-five feet and a vertical clearance of at least fourteen feet within the main building or on the same lot, providing for the standing, loading or unloading of trucks.

Lot. Land occupied or intended for occupancy by a use including the yards and parking spaces required therein, and having its principal frontage upon a street.

Lot, corner. A lot abutting upon two or more streets at their intersection.

Lot, through. A lot other than a corner lot abutting two streets.

Lot of record. A lot which is part of a subdivision, the plat of which has been recorded in the office of the probate judge of Shelby County, Alabama, or a parcel of land described by meets and bounds, the plat of

description of which has been recorded in said office. If a portion of a lot or parcel has been conveyed at the time of the adoption of this ordinance, the remaining portion of said lot or parcel shall be considered a lot of record.

Lot width. The width of the lot at the front building setback line.

Mobile home. A detached unit for commercial, residential, or industrial purposes designed for transportation after fabrication on streets or highways on its own wheels or on flatbed or other trailers and arriving at the site where it is to be occupied complete and ready for occupancy or use except for minor and incidental unpacking and assembly separations, foundations, connections to utilities, and the like. A travel trailer is not to be considered as a mobile home.

Mobile home park. An area containing ten or more mobile homes used as living facilities, or an area containing ten or more spaces designed or intended for parking of mobile homes to be used as living facilities.

Motel. A building or group of buildings used for the temporary occupancy of transients and containing no facilities for cooking in the individual units.

Nonconforming use. The use of any building or land which was lawful at the time of passage of this ordinance, or amendment thereto, but which use does not conform, after the passage of this ordinance or amendment thereto, with the use regulations of the district in which it is situated.

Nursing Home: A licensed facility or home for the aged and/or infirm in which three or more persons not of the immediate family are received, kept, provided with food and shelter, or care for compensation; but not including hospitals, clinics, independent living facilities, residential care facilities, or similar establishments devoted primarily to the diagnosis and treatment of the sick or injured. Twenty-four hour direct medical, nursing, and other health services are provided. (00/00)

Outdoor recreation. This land use includes areas where outdoor recreational activities are the primary use such as public parks or other recreational areas whether public or private. Activities may include picnicking, jogging, cycling, arboretums, hiking, golf courses, play grounds, ball fields, outdoor ball courts, stables, outdoor swimming pools, and water-related or water-dependent uses such as boat ramps, fishing docks and piers, and similar outdoor recreational uses. Specifically excluded from this group of uses are firing ranges, marinas, miniature golf courses, golf driving ranges, race tracks, and similar commercial recreational or quasi-recreational activities inconsistent with the allowable outdoor recreation uses described. (MB 8/199)

Parking lot. An open area used exclusively for the temporary storage of motor vehicles and within which motor fuels and oils may be sold and fees charged, but no vehicles are to be equipped, repaired, rented or sold.

Parking space, off-street. An accessible space permanently reserved for the temporary storage of one vehicle, connected with a street by a driveway or an alley, having a minimum area of not less than one hundred eighty square feet, a minimum width of nine feet, and a minimum, length of eighteen feet, exclusive of driveways and maneuvering area.

Portable building. A portable building is any building or vehicle comprised of one or more units designed, manufactured or converted for transportation on public streets or highways on wheels, arriving at the site substantially ready for occupancy, whether for residential, office, commercial or manufacturing use. Removal of packing, baffles, and other travel supports; assembly of units; and connection of or to utilities

shall not be considered in determining whether a unit or units are substantially ready for occupancy. The towing hitch, wheels, axles, and other running gear may be removable for the placement of the portable building and may be reinstalled to permit its further movement. A mobile home or mobile office including any doublewide mobile home or office is a portable building. (00/00)

Premises. A lot, together with all building and structures existing thereon.

Residential Care Facility: A licensed facility in which congregate private and/or shared room, staff-supervised meals, housekeeping, social services, and assistance with personal care and other services are provided for not less than twenty-four hours in a week to a minimum of two ambulatory adults not related by blood or marriage to the owner and/or administrator. The facility may or may not include resident staff and administration. (00/00)

Rooming house. A building other than a hotel where lodging for three or more persons not of the immediate family is provided for definite periods and for compensation and by prearrangement for definite periods.

Service station. Any building, structure, or land used primarily for the dispensing, sale or offering for sale at retail of any automobile fuels, oils or accessories but not including major repair work such as motor overhaul, body and fender repair or spray painting.

Story. That portion of a building other than a cellar, 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 the floor and the ceiling next above it.

Story, half. A space under a sloping roof which has the line of intersection of roof decking and wall face not more than three feet above the top floor level, and in which space not more than two thirds of the floor area is finished off for use. A half-story containing independent apartment or living quarters shall be counted as a full story.

Street. A public thoroughfare, which affords the principal means of access to abutting property.

Street line. A dividing line between a lot, tract or parcel of land and a contiguous street.

Structural alterations. Any change in the supporting members of a building or structure, such as bearing walls, columns, beams or girders; provided, however, that the application of any exterior siding to an existing building for the purpose of beautifying and modernizing shall not be considered of a structural alteration.

Structure. Anything constructed or erected, the use of which required a location on the ground, or attached to something having a location on the ground, including but not limited to buildings, signs, billboards, back stops for tennis courts, fences or radio towers.

Tourist home: A dwelling, also including bed and breakfast inns, in which accommodations are provided or offered for one or more transient guests for compensation. (00/00)

Trailer. See Mobile Home.

Transportation, communication and utility. (MB 8/199, 0/000) This group of activities includes those uses which provide essential or important public services, and which may have characteristics of outdoor

storage, or potential nuisance to adjacent properties due to noise, light and glare, or appearance. Uses include the following, and substantially similar activities, based upon similarity of characteristics:

- (1) Emergency service activities such as buildings, garages, parking, and/or dispatch centers for ambulances, fire, police and rescue;
- (2) Utility facilities, such as water plants, wastewater treatment plants, sanitary landfill operations and electric power substations;
- (3) Maintenance facilities and storage yards for schools, government agencies, and telephone and cable companies;
- (4) Airports, airfields, and truck or bus terminals; and
- (5) Railroad stations, terminals, yards and service facilities.

Travel trailer. A trailer designed primarily for transport under its own power or by passenger vehicles and providing temporary living quarters.

Tourist home. A dwelling in which accommodations are provided or offered for one or more transient guests for compensation.

Wireless telecommunications facility. A facility that transmits and/or receives electromagnetic signals. It includes antennas, microwave dishes, horns, and other types of equipment for the transmission or receipt of such signals, telecommunications towers, broadcasting towers, radio towers, television towers, telephone transmission towers or similar structures supporting said equipment, equipment buildings, access roads, parking area, access roads and other accessory structures. (MB 0/000)

Yard. An open space between a building or use and the adjoining lot lines, unoccupied and unobstructed by any structure or use from the ground upward. In measuring a yard for the purpose of determining the width of a side yard, the depth of a front yard, or the depth of a rear yard, the minimum distance between the lot line and the main building shall be used. A required yard shall mean a yard the depth of which is specified in the "Area and Dimensional Regulations" pertaining to the district in which such yard is required to be provided.

Yard, front. A yard extending across the front of a lot between the side lot lines. On corner lots the front yard shall be considered as parallel to the street upon which the lot has its least dimension.

Yard, rear. A yard extending across the rear of a lot between the side lot lines. On all lots the rear yard shall be in the rear of the front yard.

Yard, side. A yard between the main building and the side lot line and extending from the required front yard to the required rear yard.

Zoning district map. The zone map.

Zoning map. The map referred to in Article I, of this ordinance.

ARTICLE V. ZONING DISTRICTS AND BOUNDARIES

Section 1. Establishment of districts.

In order to carry out the intent and purpose of this ordinance, Shelby County is hereby divided into the following districts; the location, boundaries, and area of which are and shall be as shown and depicted upon the zone map:

H-Z	Holding Zone District (MB 6/183-C)
A-R	Agricultural-Residential District (MB 6/183-C)
A-1	Agricultural District
E-1	Single-Family Estate District (MB 6/183-C)
E-2	Single-Family Estate District (MB 6/183-C)
R-1	Single-Family District
R-2	Single-Family District
R-3	(reserved) (MB 6/183-C)
R-4	Multi-Family District
R-5	Multi-Family District
O-I	Office and Institutional District
O-I(2)	Office and Institutional District (2)
B-1	Neighborhood Business District
B-2	General Business District
M-1	Light Industrial District
M-2	Heavy Industrial District
SD	Special District
SCOD	Scenic Corridor Overlay District

Section 2. Zone Map.

The Map or maps which are identified by the title "Zoning Map of Shelby County", and which, together with the legends, words, figures, letters, symbols, and explanatory matter thereon, is hereby declared to be a part of this ordinance and shall be known as the "zone map" throughout this ordinance.

Section 3. District boundaries.

The district boundary lines on the zone map are intended to follow either natural boundaries, streets or alleys or lot lines, and where the districts designated on said map are bounded approximately by such streets, alley or lot lines, the center line of the street or alley or the lot lines shall be the boundary of the district unless such boundary is otherwise indicated on the map. In all other cases, the district boundary lines shall be determined by use of the scale appearing on the zone map.

ARTICLE VI. GENERAL REGULATIONS

Section 1. Generally.

The general regulations contained in this Article shall apply in all districts except as specifically provided for in Articles XXI and XXII.

Section 2. Use of land.

No land shall be used except for a use permitted in the district in which it is located, except growing of agricultural crops in the open will be permitted in any district.

Section 3. Use of structures.

No structure shall be erected, converted, enlarged, reconstructed, moved or structurally altered, nor shall any building or structure be used, except for a use permitted in the district in which such building is located.

Section 4. Height of structures.

No structure shall be erected, converted, enlarged, reconstructed, moved or structurally altered to exceed the height limit herein established for the district in which such structure is located except as may be otherwise provided in these regulations. (MB 0/000)

Section 5. Dimensional regulations.

No structure shall be erected, converted, enlarged, reconstructed, moved or structurally altered except in conformity with the dimensional regulations of the district in which such structure is located.

Section 6. Encroachment on or reduction of open spaces, etc.

The minimum yards, parking spaces, and open space, required by this ordinance for each structure existing at the time of passage of this ordinance, or for any structure hereafter erected or structurally altered, shall not be encroached upon or considered as part of the yard or parking space or open space required for any other structure, nor shall any lot area be reduced below the lot area per family requirements of this ordinance for the district in which such lot is located.

Section 7. Off-street parking and loading.

No building shall be erected, converted, enlarged, reconstructed or moved except in conformity with the off-street parking and loading regulations of this ordinance.

Section 8. Building to be on lots.

Every building hereafter erected, converted, enlarged, reconstructed, moved or structurally altered shall be located on a lot as herein defined.

Section 9. Accessory buildings.

(a) No accessory structure shall be constructed or moved upon a lot until the construction of the main building has actually been commenced.

(b) No accessory building shall be used for dwelling purposes other than by domestic servants entirely employed on the premises.

Section 10. More than one main building on one lot.

More than one main building may be erected on one lot if the dimensional regulations for each structure or use are met.

Section 11. Joint occupancy.

No structure shall be erected, structurally altered for, or used as a single-family or two-family dwelling simultaneously with any other use.

Section 12. Building material storage.

Building materials or temporary structures for construction purposes shall not be placed or stored on any lot or parcel of land located in an Agricultural, Residential, or Business Zone District more than one month prior to the commencement of construction.

Section 13. Parking or storage of major recreational vehicles.

Major recreational vehicles including houseboats, travel trailers, pick-up campers, motorized dwellings, tent trailers, and other like vehicles shall not be stored or parked on any required front yard on any lot in a residential district. No such equipment shall be used for living, sleeping, or housekeeping purposes for more than 21 days when parked or stored on a residential lot, or in any location not approved for such use.

Section 14. Parking and storage of certain vehicles.

(a) Automotive vehicles without current license plates shall not be parked or stored on any residentially zoned property other than in completely enclosed buildings.

(b) Commercial vehicles exceeding 10,000 lbs. G.V.M. and construction vehicles shall not be parked or stored in recorded residential subdivisions.

Section 15. Lot Width at street line.

All lots shall have access to a public street. Minimum lot width at the street line shall be:

(1) 40 feet for the A-1, E-1, E-2, R-1, R-4, R-5, and O-I Districts provided however, that row houses or town houses may be located on lots of not less than 25 feet width at the street line.

(2) No minimum width at street line for B-1, B-2, M-1, M-2 Districts.

Section 16. Mobile Homes and Trailers.

(a) Mobile homes or trailers may be used for sales offices for outside sales or merchandise such as mobile homes, camping trailers, or automobiles.

(b) The use of mobile homes or trailers for other business or industrial uses may be allowed temporarily by special permit issued by the Planning Commission. Said permit to be for a period not exceeding one year.

(c) All mobile homes shall be parked in authorized mobile home parks except as provided for in the A-1 agriculture district.

Section 17. Home repair and remodeling.

All home remodeling, repair, and modification shall be permitted provided that the minimum yard requirements are met for the district involved.

Section 18. Keeping of animals.

The keeping of animals shall be permitted in any district provided that compliance with all applicable laws including state and County Health Regulations are maintained.

ARTICLE VII-1. H-Z HOLDING ZONE DISTRICT (MB 6/183-C)

Section 1. Generally.

The regulations set forth in this article or set forth elsewhere in this ordinance, when referred to in this article, are the regulations in the "H-Z Holding Zone District". This district is intended to provide for the proper timing and phasing of growth within areas of undeveloped property for which the Planning Commission's zoning authority encompasses. The Holding Zone District may be applied to any lands for which the Planning Commission finds should be held in a primarily undeveloped state for an interim period of time pending development and/or completion of the comprehensive land use plan for the respective zoning jurisdiction.

Section 2. Use Regulations

(a) Permitted *uses*. Within "H-Z Holding Zone" districts, only the following uses and structures designed for such uses shall be permitted: (MB 8/199)

- (1) Any use in existence at the time of zoning the subject property "Holding Zone District".
- (2) Raising and grazing of animals, but no commercial feed lots.
- (3) Nurseries, green houses or the growing of crops, with no wholesale or retail sales to be conducted on premises.
- (4) Forestry.

(b) Conditional *uses*. Within "H-Z Holding Zone" districts, the following uses may be allowed as conditional uses: (MB 8/199)

- (1) Single-family structures on 1 acre or greater.
- (2) Accessory structures and uses which are an ancillary function of the primary use of the subject property.

Section 3. Area and Dimensional Regulations

Except as provided by Articles XXI, XXII, and XXIII, the area and dimensional regulations set forth in the following table shall be observed:

Max. Height of Structure		Minimum Yards				Min. Lot Size	Min. Lot Width
		Yards		Side Yards			
Stories	Feet	Front	Rear	One Side	Total		
3½	50	Variable with Planning Commission Approval					

Maximum height does not apply to barns or silos provided that additional set backs are provided in accordance with the requirements for specific uses set forth in Article XXI; no structure for keeping of animals shall be located closer than 100 feet from any lot line.

ARTICLE VII-2. A-R AGRICULTURAL-RESIDENTIAL DISTRICT (MB 6/183-C)

Section 1. Generally.

The regulations set forth in this article or set forth elsewhere in this Ordinance, when referred to in this article, are the regulations in the "A-R Agricultural-Residential District". This district is intended to provide a zoning classification for low-density development of primarily agricultural/forestry purposes and single-family homes on a minimum of two (2) acres with an average lot size of three (3) acres or greater. The Agricultural -Residential District may be applied to any lands for which the Planning Commission finds should be preserved primarily for low intensity uses or open space.

Section 2. Use Regulations

(a) Permitted *uses*. Within "A-R Agricultural-Residential" districts, only the following uses and structures designed for such uses shall be permitted: (MB 8/199)

- (1) Any use in existence at the time of zoning the subject property "Agricultural-Residential District".
- (2) Raising and grazing of animals, but no commercial feed lots.
- (3) Non-commercial green houses or the cultivation of crops, but no wholesale or retail sales to be conducted on premises.
- (4) Forestry.

(b) Conditional *uses*. Within "A-R Agricultural-Residential" districts, the following uses may be allowed as conditional uses: (MB 8/199)

- (1) Single-family structures on a minimum of two (2) acres or greater with an average lot size of three (3) acres.
- (2) Accessory structures and uses which are an ancillary function of the primary use of the subject property.
- (3) Outdoor recreation. (MB 8/199)

Section 3. Area and Dimensional Regulations

Except as provided by Articles XXI, XXII, and XXIII, the area and dimensional regulations set forth in the following table shall be observed:

Max. Height of Structure		Minimum Yards				Min. Lot Size	Min. Lot Width
		Yards		Side Yards			
Stories	Feet	Front	Rear	One Side	Total		
3½	50	50 ft.	50 ft.	50 ft.	100 ft.	2 acres,	150 ft.

						average lot size 3 acres	
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Maximum height does not apply to barns or silos provided that additional set backs are provided in accordance with the requirements for specific uses set forth in Article XXI; no structure for keeping of animals shall be located closer than 100 feet from any lot line.

ARTICLE VII A-1 AGRICULTURAL DISTRICT

Section 1. Generally.

The regulations set forth in this article or set forth elsewhere in this ordinance, when referred to in this article, are the regulations in the A-1 Agricultural District.

Section 2. Use regulations.

(a) Permitted *uses*. Within "A-1 Agricultural" districts, only the following uses and structures designed for such uses shall be permitted: (MB 8/199)

- (1) Single-family dwelling including mobile homes on lots of one-acre minimum size.
- (2) Nurseries or home gardens.
- (3) Greenhouses.
- (4) Church or other place of worship provided, that any building shall be located not less than twenty-five feet from any side lot line.
- (5) Public school, elementary or high, or a parochial or private school having a curriculum including the same courses as ordinarily given in a public school, but not providing residential accommodations for students; provided, that any such building shall be located not less than twenty-five feet from any side lot line.
- (6) Home occupations.
- (7) Accessory structures and uses.
- (8) Truck crops.
- (9) Grazing.
- (10) The growing of crops in the open.
- (11) Horticulture
- (12) The raising of animals but not including commercial feedlots.
- (13) Dairying.
- (14) Accessory structures and uses provided that no structure for the keeping of farm animals or poultry shall be located closer than 100 feet from any property line.
- (15) Animal clinics.
- (16) Kennels provided that open pens or runs are located not less than 75 feet from any lot line.
- (17) Accessory dwellings for persons employed on the premises.

(18) Fur bearing animals provided that no structure for keeping fur bearing animals shall be located closer than 75 feet to any lot line.

(b) Conditional *uses*. Within "A-1 Agricultural" districts, the following uses may be allowed as conditional uses: (MB 8/199)

- (1) Outdoor recreation. (MB 8/199)
- (2) Transportation, communication and utility. (MB 8/199)
- (3) Child care institution. (MB 9/039)
- (4) Libraries. (MB 0/000)

Section 3. Area and Dimensional Regulations.

Except as provided in Articles XXI, XXII, and XXIII the area and dimensional regulations set forth in the following table shall be observed.

Maximum Height of Structures		Minimum Yards		Minimum Side Yards		Minimum Lot Area Per Family	Minimum Lot Width
Stories	Feet	Front	Rear	One Side	Total Both Sides		
2½	35	40	40	20	50	1 acre	150

Maximum height does not apply to barns or silos provided that additional set backs are provided in accordance with Article XXI.

ARTICLE VIII. E-1 SINGLE-FAMILY ESTATE DISTRICT

Section 1. Generally.

The regulations set forth in this article or set forth elsewhere in this ordinance, when referred to in this article, are the regulations in the E-1 Single-Family Estate District.

Section 2. Use regulations.

(a) Permitted *uses*. Within "E-1 Single-Family Estate" districts, only the following uses and structures designed for such uses shall be permitted: (MB 8/199)

- (1) Single-family dwelling, except that mobile homes are not permitted.
- (2) Home occupations.
- (3) Accessory structures and uses including but not limited to nurseries, home gardens and green houses. (00/00)

(b) Conditional *uses*. Within "E-1 Single-Family Estate" districts, the following uses may be allowed as conditional uses: (MB 8/199)

- (1) Outdoor recreation. (MB 8/199)
- (2) Church or other place of worship provided, that any building shall be located not less than 50 feet from any side lot line. (00/00)
- (3) Public school, elementary or high, or a parochial or private school having a curriculum including the same courses as ordinarily given in a public school, but not providing residential accommodations for students; provided, that any such building shall be located not less than 50 feet from any side lot line. (00/00)

Section 3. Area and dimensional regulations.

Except as provided in Articles XXI, XXII, and XXIII, the area and dimensional regulations set forth in the following table shall be observed.

Maximum Height of Structures		Minimum Yards				Minimum Lot Area Per Family	Minimum Lot Width
Stories	Feet	Front	Rear	One Side	Total Both Sides		
2½	35	40	40	20	50	1 acre	150

ARTICLE IX. E-2 SINGLE FAMILY ESTATE DISTRICT

Section 1. Generally.

The regulations set forth in this article or set forth elsewhere in this ordinance, when referred to in this article, are the regulations in the E-2 Single Family Estate District.

Section 2. Use regulations.

(a) Permitted *uses*. Within "E-2 Single Family Estate" districts, only the following uses and structures designed for such uses shall be permitted: (MB 8/199)

- (1) Any use permitted in the E-1 Single Family Estate District.

(b) Conditional *uses*. Within "E-2 Single Family Estate" districts, the following uses may be allowed as conditional uses: (MB 8/199)

- (1) Outdoor recreation. (MB 8/199)
- (2) Church or other place of worship provided, that any building shall be located not less than 50 feet from any side lot line. (00/00)
- (3) Public school, elementary or high, or a parochial or private school having a curriculum including the same courses as ordinarily given in a public school, but not providing residential accommodations for students; provided, that any such building shall be located not less than 50 feet from any side lot line. (00/00)

Section 3. Area and dimensional regulations.

Except as provided in Article XXI, XXII, and XXIII, the area and dimensional regulations set forth in the following table shall be observed.

Maximum Height of Structures		Minimum Yards				Minimum Lot Area Per Family	Minimum Lot Width
Stories	Feet	Front	Rear	One Side	Total Both Sides		
2½	35	35	35	10	20	20,000 sq. ft.	100

ARTICLE X. R-1 SINGLE FAMILY DISTRICT

Section 1. Generally.

The regulations set forth in this article or set forth elsewhere in this ordinance when referred to in this article, are the regulations in the R-1 Single Family District.

Section 2. Use regulations.

(a) Permitted *uses*. Within "R-1 Single Family" districts, only the following uses and structures designed for such uses shall be permitted: (MB 8/199)

- (1) Any use permitted in the E-2 Single Family Estate District.

(b) Conditional *uses*. Within "R-1 Single Family" districts, the following uses may be allowed as conditional uses: (MB 8/199)

- (1) Outdoor recreation. (MB 8/199)
- (2) Church or other place of worship provided, that any building shall be located not less than 50 feet from any side lot line. (00/00)
- (3) Public school, elementary or high, or a parochial or private school having a curriculum including the same courses as ordinarily given in a public school, but not providing residential accommodations for students; provided, that any such building shall be located not less than 50 feet from any side lot line. (00/00)

Section 3. Area and dimensional regulations.

Maximum Height of Structures		Minimum Yards				Minimum Lot Area Per Family	Minimum Lot Width
Stories	Feet	Front	Rear	One Side	Total Both Sides		
2½	35	30	30	8	18	15,000 sq. ft.	90

ARTICLE X.A. R-2 SINGLE FAMILY DISTRICT (MB 8/67)

Section 1. Generally.

The regulations set forth in this article or set forth elsewhere in this ordinance when referred to in this article, are the regulations in the R-2 Single Family District.

Section 2. Use regulations.

(a) Permitted *uses*. Within "R-2 Single Family" districts, only the following uses and structures designed for such uses shall be permitted: (MB 8/199)

- (1) Any use permitted in the R-1 Single Family District.

(b) Conditional *uses*. Within "R-2 Single Family" districts, the following uses may be allowed as conditional uses: (MB 8/199)

- (1) Outdoor recreation. (MB 8/199)
- (2) Church or other place of worship provided, that any building shall be located not less than 50 feet from any side lot line. (00/00)
- (3) Public school, elementary or high, or a parochial or private school having a curriculum including the same courses as ordinarily given in a public school, but not providing residential accommodations for students; provided, that any such building shall be located not less than 50 feet from any side lot line. (00/00)

Section 3. Area and dimensional regulations.

Maximum Height of Structures		Minimum Yards				Minimum Lot Area Per Family	Minimum Lot Width
Stories	Feet	Front	Rear	One Side	Total Both Sides		
2½	35	25	25	8	18	10,000 sq. ft.	80

ARTICLE XI. R-4 MULTIPLE DWELLING DISTRICT

Section 1. Generally.

The regulations set forth in this article or set forth elsewhere in this ordinance when referred to in this article, are the regulations in the R-4 Multiple Dwelling District.

Section 2. Use regulations.

(a) Permitted *uses*. Within "R-4 Multiple Dwelling" districts, only the following uses and structures designed for such uses shall be permitted: (MB 8/199)

- (1) Any use permitted in the R-1 Single Family District.
- (2) Two-family dwelling.
- (3) Multiple Dwelling.
- (4) Rooming or boarding house.
- (5) Fraternity or Sorority.
- (6) Private club or lodge, excepting one, the chief activity of which is a service customarily carried on as a business.
- (7) Condominiums, town houses, or row houses will be permitted when the total site includes a minimum of 2 acres and provided the site plan, deed restrictions, and covenants bear the approval of the Shelby County Planning Commission.
- (8) Independent living facility or residential care facility.
- (9) Church or other place of worship provided, that any building shall be located not less than 50 feet from any side lot line. (00/00)
- (10) Public school, elementary or high, or a parochial or private school having a curriculum including the same courses as ordinarily given in a public school, but not providing residential accommodations for students; provided, that any such building shall be located not less than 50 feet from any side lot line. (00/00)

(b) Conditional *uses*. Within "R-4 Multiple Dwelling" districts, the following uses may be allowed as conditional uses: (MB 8/199)

- (1) Outdoor recreation. (MB 8/199)
- (2) Child care center. (MB 9/039)
- (3) Libraries. (MB 0/000)

Section 3. Area and dimensional regulations.

Except as provided in Articles XXI, XXII, and XXIII, the area and dimensional regulations set forth below shall be observed.

(1) Town houses and row houses.

(a) Total site area including open space, yards and commons but excluding streets and parking areas shall contain a minimum of 5,000 square feet per dwelling unit.

(b) Minimum lot area per dwelling unit shall be 2,500 square feet.

(c) Minimum lot width shall be 25 feet.

(d) No side yards are required for interior walls. Minimum exterior wall side yards shall be 10 feet on each side. Minimum front and rear yards shall be 30 feet.

(e) Maximum height of structure shall be 2½ stories or 35 feet.

(2) Other uses

Maximum Height of Structures		Minimum Yards				Minimum Lot Area Per Family	Minimum Lot Width
Stories	Feet	Front	Rear	One Side	Total Both Sides		
2½	35	30	30	8	18	15,000 sq. ft. for single family dwellings 8,000 sq. ft. for two family dwellings 6,000 sq. ft. for multiple dwellings	90

The minimum lot area for non-residential and assisted living facility uses shall be 4 times the gross floor area of the building(s) in use.

(00/00)

ARTICLE XII. R-5 MULTIPLE DWELLING DISTRICT

Section 1. Generally.

The regulations set forth in this article or set forth elsewhere in this ordinance when referred to in this article, are the regulations in the R-5 Multiple Dwelling District.

Section 2. Use regulations.

(a) Permitted *uses*. Within "R-5 Multiple Dwelling" districts, only the following uses and structures designed for such uses shall be permitted: (MB 8/199)

- (1) Any use permitted in the R-4 Multiple Dwelling District.
- (2) Religious, educational, charitable, or public institution or building, except a penal or mental institution.
- (3) Independent living facility and residential care facility. (00/00)

(b) Conditional *uses*. Within "R-5 Multiple Dwelling" districts, the following uses may be allowed as conditional uses: (MB 8/199)

- (1) Outdoor recreation. (MB 8/199)
- (2) Child care center. (MB 9/039)
- (3) Libraries. (MB 0/000)
- (4) Nursing home. (00/00)

Section 3. Area and dimensional regulations.

Maximum Height of Structures		Minimum Yards				Minimum Lot Area Per Family	Minimum Lot Width
Stories	Feet	Front	Rear	One Side	Total Both Sides		
4	50	25	25	8	18	15,000 sq. ft. 6,000 duplex 3,000 multiple family	80

The minimum lot area for non-residential and assisted living facility uses shall be 2 times the gross floor area of the building(s) in use. (00/00)

ARTICLE XIII. O-I OFFICE AND INSTITUTIONAL DISTRICT

Section 1. Generally.

The regulations set forth in this article or set forth elsewhere in this ordinance, when referred to in this article, are the regulations in the O-I Office and Institutional District.

Section 2. Use regulations.

(a) Permitted *uses*. Within "O-I Office and Institutional" districts, only the following uses and structures designed for such uses shall be permitted: (MB 8/199)

- (1) Any use permitted in the R-5 Multiple Family Districts, except single family and two family residences.
- (2) A public, semi-public or private office.
- (3) Sales office; provided, the merchandise shall not be stored on the premises.
- (4) Research or testing laboratories compatible with other permitted uses.
- (5) A clinic, sanitarium, convalescent home or hospital except one used for the treatment of animals.
- (6) Church or school. (MB 9/039)
- (7) Child care center. (MB 9/039)
- (9) Childcare institution. (MB 9/039)
- (10) Auditorium, library and museum operated by non-profit organizations.
- (10) Establishments rendering business or relative services associated with the permitted uses of the district including, but not limited to, restaurants, selling of office supplies and business forms and machines.
- (11) Accessory structures and uses, including commercial uses which are clearly incidental to the permitted use of the premises and which are carried on wholly within a main building or accessory building.
- (12) Independent living facility, residential care facility, and nursing home. (00/00)

(b) Conditional *uses*. Within "O-I Office and Institutional" districts, the following uses may be allowed as conditional uses: (MB 8/199)

- (1) Outdoor recreation. (MB 8/199)
- (2) Transportation, communication and utility. (MB 8/199)

Section 3. Area and dimensional regulations.

Except as provided in Article XXI, XXII, and XXIII, the area and dimensional regulations set forth below shall be observed.

(1) Minimum lot width for non-residential structures or uses shall be 50 ft. All other area and dimensional regulations shall conform to the regulations of the R-5 Multiple Family District.

ARTICLE XIII-A. O-I OFFICE AND INSTITUTIONAL DISTRICT (2)¹ (MB 5/172)**Section 1. Generally.**

The regulations set forth in this article or set forth elsewhere in this ordinance, when referred to in this article, are the regulations in the O-I Office and Institutional District.

Section 2. Use regulations.

(a) Permitted *uses*. Within "O-I Office and Institutional (2)" districts, only the following uses and structures designed for such uses shall be permitted: (MB 8/199)

- (1) A public, semi-public or private office.
- (2) Sales office; provided, the merchandise shall not be stored on the premises.
- (3) Research or testing laboratories compatible with other permitted uses.
- (4) A clinic, sanitarium, convalescent home or hospital except one used for the treatment of animals.
- (5) Church or school. (MB 9/039)
- (6) Child care center. (MB 9/039)
- (7) Child care institution. (MB 9/039)
- (8) Auditorium, library and museum operated by non-profit organizations.
- (9) Establishments rendering business or relative services associated with the permitted uses of the district including, but not limited to, restaurants, selling of office supplies and business forms and machines.
- (11) Accessory structures and uses, including commercial uses which are clearly incidental to the permitted use of the premises and which are carried on wholly within a main building or accessory building.

¹The resolution creating these district regulations in no way affects existing O-I Office and Institutional Districts, which existed prior to July 27, 1987. All new applications for office zoning shall be assumed to fall under the new O-I Office and Institutional District (2) unless specifically excepted.

(11) Independent living facility, residential care facility, and nursing home.

(b) Conditional *uses*. Within "O-I Office and Institutional" districts, the following uses may be allowed as conditional uses: (MB 8/199)

(1) Outdoor recreation. (MB 8/199)

(2) Transportation, communication and utility. (MB 8/199)

Section 3. Area and dimensional regulations.

Except as provided in Articles XXI, XXII, and XXIII, the area and dimensional regulations set forth below shall be observed.

(1) Minimum lot width for non-residential structures or uses shall be 50 ft. All other area and dimensional regulations shall conform to the regulations of the R-5 Multiple Family District.

(2) For residential care facilities and nursing homes, area and dimensional regulations shall conform to the regulations of the R-5 Multiple Family District. (00/00)

ARTICLE XIV. B-1 NEIGHBORHOOD BUSINESS DISTRICT

Section 1. Generally.

The regulations set forth in this article or set forth elsewhere in this ordinance, when referred to in this article, are the regulations in the B-1 Neighborhood Business District.

Section 2. Use regulations.

(a) Permitted *uses*. Within "B-1 Local Business" districts, only the following uses and structures designed for such uses shall be permitted: (MB 8/199)

- (1) Any use permitted in the O-I Office and Institutional District, except residential uses and child care institutions. (MB 9/039)
- (2) Greenhouse having a retail outlet on the premises.
- (3) Bakery with sale of all bakery products at retail on the premises only; except, that catering services direct to consumer shall be permitted.
- (4) Barber shop, beauty shop, massage or similar personal service shops.
- (5) Catering shop.
- (6) Dressmaking and tailoring; provided, that all work is done for individuals, at retail only, and on the premises.
- (7) Drugstore.
- (8) Medical or dental office or clinic and other professional or business office.
- (9) Parking lot and storage or parking garage.
- (10) Restaurant of coffee shop; provided, that the service of food or beverages to patrons waiting in parked automobiles shall not be permitted.
- (11) Retail store, limited in character and size to that which is of service to the immediate neighborhood only, except for any such use listed for the first time in the B-2 or M-1 districts.
- (12) Service station; except, no pump shall be located within 75 feet of a dwelling district, nor any portion of a structure within 30 feet of a dwelling district.
- (13) Shoe repairing, repairing of household appliances and bicycles on an individual service call basis, and other uses of a similar character limited in size and nature to those which serve the immediately surrounding neighborhood.
- (14) Accessory structures and uses, including signs as regulated in Article XIX.
- (15) Amusement or recreation service, except drive-in theater or practice golf-driving range.
- (16) Business, dancing or music school.

- (17) Display room for merchandise to be sold at wholesale.
- (18) Hotel, motel, or motor court.
- (19) Bank or lending institution.
- (20) Medical or dental laboratory.
- (21) The following uses provided all materials are stored and all work done on the premises is done within a building:
 - (a) Dyeing and cleaning establishment or laundry; provided pickup or delivery of clothing is not made to other pickup points.
 - (b) Painting decorators.
 - (c) Radio or television repair shop.
 - (d) Dressmaking, millinery or tailoring establishment.
 - (e) Upholstering shop, not involving furniture manufacturing.
 - (f) Any other general service or repair establishment of similar character.

(22) Tourist home.

(b) Conditional *uses*. Within "B-1 Local Business" districts, the following uses may be allowed as conditional uses: (MB 8/199)

- (1) Outdoor recreation. (MB 8/199)
- (2) Transportation, communication and utility. (MB 8/199)
- (3) Nursing home.

Section 3. Area and dimensional regulations.

Except as provided in Article XXI, XXII, and XXIII, the area and dimensional regulations set forth below shall be observed.

Maximum Height of Structures		Minimum Yards			Minimum Lot Width
Stories	Feet	Front	Rear	Side	
2½	35	20	None, except on the rear of a lot abutting a dwelling district, in which case there shall be a rear yard of not less than 20 feet	None, except on the side of a lot abutting a dwelling district, in which case there shall be a side yard of not less than 20 feet	None

For residential care facilities and nursing homes, area and dimensional regulations shall conform to the regulations of the R-5 Multiple Family District. (00/00)

ARTICLE XV. B-2 GENERAL BUSINESS DISTRICT

Section 1. Generally

The regulations set forth in this article or set forth elsewhere in this ordinance, when referred to in this article are the regulations in the B-2 General Business District.

Section 2. Use regulations.

(a) Permitted *uses*. Within "B-2 General Business" districts, only the following uses and structures designed for such uses shall be permitted: (MB 8/199)

- (1) Any use permitted in the B-1 Local Business District; provided however, that the limitations upon extent of service area shall not apply.
- (2) Automobiles or trailer display and sales room.
- (3) Public garage.
- (4) Frozen food locker.
- (5) Farm implement display and sales room.
- (6) Hospital or clinic for animals, but not including open kennels.
- (7) Retail store or shop.
- (8) Tavern or drive-in restaurant.
- (9) Used car lot.
- (10) A shopping center or facility composed of any one or more of the permitted uses or any combination thereof.
- (11) Hardware, or building materials sales.
- (12) Automotive, farm implement or trailer repair or servicing.
- (13) Carpentry, painting, plumbing, tinsmithing, and electrical shops; provided, that all work on the premises is done within a building, and all materials are stored in a building.

(b) Conditional *uses*. Within "B-2 General Business" districts, the following uses may be allowed as conditional uses: (MB 8/199)

- (1) Outdoor recreation. (MB 8/199)
- (2) Transportation, communication and utility. (MB 8/199)
- (3) Nursing home. (00/00)

Section 3. Area and dimensional regulations.

Except as provided in Articles XXI, XXII, and XXIII, the area and dimensional regulations set forth in the following table shall be observed:

Maximum Height of Structures		Minimum Yards		Minimum Lot Area	Minimum Lot Width
Stories	Feet	Front	Rear / Side		
6	75	None	None, except where abutting a dwelling district, in which case there shall be a yard of not less than 20 feet abutting the dwelling district. The required yards shall be increased 1 foot for each foot of structure height in excess of 35 feet	No Minimum	No Minimum

For residential care facilities and nursing homes, area and dimensional regulations shall conform to the regulations of the R-5 Multiple Family District. (00/00)

ARTICLE XVI. M-1 LIGHT INDUSTRIAL DISTRICT

Section 1. Generally.

The regulations set forth in this Article or set forth elsewhere in this ordinance, when referred to in this Article are the regulations in the M-1 Light Industrial District.

Section 2. Use Regulations.

(a) Permitted *uses*. Within "M-1 Light Industrial" districts, only the following uses and structures designed for such uses shall be permitted: (MB 8/199)

- (1) Any use permitted in the B-2 General Business District except child care centers.
(MB 9/039)
- (2) Animal hospital or clinic including open kennels.
- (3) Contractor's or construction dealers yard.
- (4) Grain and feed storage.
- (5) Heating fuel or building material storage or wholesaling; provided, that the materials shall not be extracted or processed on the premises.
- (6) Lumber yard.
- (7) Warehouse.
- (8) Bottling plant or dairy.
- (9) Assembly of parts for production of finished equipment.
- (10) Manufacturing, fabricating, processing, or assembling uses which do not create any danger to health or safety in surrounding areas, and which do not create any objectionable noise, vibration, smoke, dust, odor, heat or glare, such as the following:
 - (a) Boats (less than five ton.)
 - (b) Bolts, nuts, screws, washers, rivets, nails, brads, tacks, spikes, staples and similar items.
 - (c) Clothing.
 - (d) Food, not including animal or poultry slaughter or processing.
 - (e) Pharmaceuticals.
 - (f) Furniture and wood products.
 - (g) Glass products, but not including glass manufacture.

- (h) Hand tool and hardware products.
- (i) Ice.
- (j) Musical instruments, games or toys.
- (k) Office machines.
- (l) Plastic and rubber products, not including processing of raw materials.
- (m) Plating of silverware or utensils.
- (n) Signs.
- (o) Sporting goods.
- (p) Other similar uses.

(11) Accessory buildings including a dwelling for a watchman or custodian employed on the premises.

(12) Transportation, communication and utility. (MB 8/199)

(b) Conditional *uses*. Within "M-1 Light Industrial" districts, the following uses may be allowed as conditional uses: (MB 8/199)

Section 3. Area and dimensional regulations.

Maximum Height of Structures		Minimum Yards		Minimum Lot Area	Minimum Lot Width
Stories	Feet	Front	Rear / Side		
8	100	None	None, except where abutting a dwelling district, in which case there shall be a yard of not less than 30 feet abutting the dwelling district. The required yards shall be increased 1 foot for each foot of structure height in excess of 35 feet	No Minimum	No Minimum

ARTICLE XVII. M-2 HEAVY INDUSTRIAL DISTRICT

Section 1. Generally.

The regulations set forth in this Article or set forth elsewhere in this ordinance, when referred to in this Article are the regulations in the M-2 Heavy Industrial District.

Section 2. Use regulations.

(a) Permitted *uses*. Within "M-2 Heavy Industrial" districts, only the following uses and structures designed for such uses shall be permitted: (MB 8/199)

(1) Any use permitted in the M-1 Light Industrial District.

(2) Transportation, communication and utility. (MB 8/199)

(b) Conditional *uses*. Within "M-2 Heavy Industrial" districts, the following uses may be allowed as conditional uses: (MB 8/199)

(1) Any other use not in conflict with any ordinance of Shelby County provided however that any use not permitted in the M-1 Light Industrial District shall be allowed only by special permit. Said permit may be issued by the Planning Commission.

Section 3. Area and dimensional regulations.

For uses, which first appear under other district regulations in this ordinance, the requirements of that district shall apply. The requirements for uses, which require a special permit, shall be determined by the Planning Commission before approval for a permit is granted.

ARTICLE XVIII. SD SPECIAL DISTRICT

Section 1. Generally.

(a) Special districts are hereby authorized for the purpose of providing optional methods of land development, which encourages imaginative solutions to environmental design problems. Areas so established shall be characterized by a unified building and site development program providing for coordinated open space and architectural treatment. The special districts authorized by this Article are also intended to provide means for the establishment of uses, which are generally considered to be incompatible with most other land usage.

(b) The procedure to be followed in the creation of special districts shall conform to the regulations for any other zone change with the following exceptions.

(1) Any petition for the establishment of a Special District shall be submitted to the Planning Commission for its review and action. Approval of the request shall be based on the Commission's consideration of the following:

(a) That the value and character of the property or properties adjacent to the tract of land under consideration will not be adversely affected.

(b) That the proposed development is consistent with the intent and purpose of this ordinance to promote public health, safety, morals and the general welfare.

(c) That the final plan for the proposed development meets the requirements of this ordinance as well as the requirements of all other regulating bodies.

(d) That an approved method of sewage disposal is available to the tract under consideration.

(2) The establishment of a Special District will be for the express purpose of improving the tract of land in accordance with the approved plan of development for the particular tract of land and for the use set forth in the development plan.

(3) If, within 1 year from the effective date of the zone amendment, construction has not commenced, the Planning Commission may, by appropriate action, repeal the amendment establishing the Special District. Once construction is started the improvements set forth in the plan of development must be completed within two years from date of issuance. Otherwise, the Planning Commission may repeal the amendment establishing the Special District. Extension of time may be granted as long as satisfactory progress is being made.

(4) Unless specific variations are noted on the development plan and approved by the Planning Commission, the most restrictive requirements for parking, loading, yards, and dimensional regulations for the proposed use shall be applicable to the Special District.

Section 2. Planned Shopping Center District.

(a) A special district created for the purpose of establishing a planned shopping center may be allowed in any district except the "R" districts.

(b) The Planned Shopping Center District shall be laid out, developed and used according to a plan prepared in compliance with the provisions of this article in order to provide for modern retail shopping facilities in appropriate locations to serve residential neighborhoods or regional areas. Any owner or owners of a tract of land comprised of five acres or more, may request that such tract of land be zoned as a Planned Shopping Center District by proceeding under the provisions of this article, but the failure of such owner or owners to apply under this article shall not prevent them from constructing or causing to be constructed a retail sales complex, customarily called a Shopping Center, upon such tract of land provided the same is zoned so as to permit its use for this purpose.

(c) The use of each building or premises shall be in accordance with the plan referred to in this Article, which use shall be limited to services, offices, clinics, parking, retail sale or merchandise, and similar activities ordinarily accepted as shopping center uses. No building shall be designed, constructed, structurally altered or used for residential purposes, except to provide within the buildings allowed, facilities for a custodian, caretaker, or watchman employed on the premises.

(d) The structures permitted in this article shall observe a maximum height of six stories or seventy-five feet.

(e) The owner or owners of a tract of land comprised of five acres or more may submit to the Planning Commission a plan for the development and use of such tract for the purpose of and meeting the requirements set forth in this article. Said plan shall comply with all requirements of this article and shall be accompanied by evidence concerning the feasibility of the project and the effect of the proposed development on surrounding property and other physical conditions, which plan and supporting evidence shall include each of the following:

(1) A site plan defining the areas wherein buildings may be constructed, the areas which will be developed for parking and the proportionate amount thereof, the location of roads, driveways and walks and the points of ingress and egress, including access streets where required, the location and height of walls, the spaces for loading, the location, size, character and number of signs, the location and character of exterior lighting, and the character and extent of landscaping, planting and other treatment for protection of adjoining property.

(2) A drainage plan approved by the Planning Commission.

(3) A copy of any deed restrictions intended to be recorded.

(4) A professional report on the needs and extent of the market to be served, and general economic justification.

(5) A professional traffic analysis indicating the effect of the proposed shopping center on adjacent streets and roadways and also indicating the direction and amount of traffic flow to and from the shopping center.

(f) Before any action thereon, the proposed planned shopping center plan, together with the required supplementary information shall be referred to the Planning Commission for study and report. Reasonable additional requirements may be required by the Planning Commission for the protection of adjoining residential property.

Section 3. Planned Residential District.

- (a) The regulations established in this section are intended to provide optional methods of land development with provisions for commercial, religious, educational and cultural facilities, which are integrated with the total project by unified architectural and open space treatment.
- (b) A planned residential development, occupying ten (10) acres or more, shall be permitted in any district except the "B" and "M" districts.
- (c) The following uses are permitted:
- (1) Single family attached and detached dwellings.
 - (2) Two-family dwellings.
 - (3) Multiple family dwelling including condominiums and town houses.
 - (4) Commercial *uses*. For each one hundred (100) dwelling units to be established, four (4) acres may be set aside for commercial use provided that adequate protection of adjacent properties is afforded by the plan.
 - (5) Recreation *uses*. Recreation uses may include a community center, golf course, swimming pool, or parks, playground or other recreational uses. Any structure involved in such use shall have a thirty-five (35) foot setback from all property lines. The amount of land set aside for permanent open space shall be ten (10) percent of the gross development area.
 - (6) Educational uses.
 - (7) Community facilities such as churches and other religious institutions and non-profit clubs such as country clubs, swim and/or tennis area.
- (d) The following requirements are minimums and are intended to serve as a guide in plan formulation. The Planning Commission retains the authority to waive the provisions of this section or to impose greater requirements than herein stated. All buildings shall be set back from street right-of-way lines and from the periphery of the project to comply with the following requirements:
- (1) There shall be a front yard for all detached single-family dwellings of not less than twenty-five (25) feet. The front yard setback for all other structures shall be as determined by the Planning Commission. (MB 8/68)
 - (2) Unless indicated elsewhere, all buildings shall have a setback of not less than twenty-five (25) feet.
 - (3) In no case shall a lot, for a single family detached structure, be created with an area of less than 5,000 square feet or a frontage of less than sixty (60) feet at the building line. (MB 8/68)
- (e) In addition to other applicable regulations the following rules shall be observed.
- (1) The application must be accompanied by a site development plan showing the use or uses, dimensions and locations of proposed streets, parks, play-grounds, other open spaces, residential

buildings, commercial buildings and such other pertinent information as may be necessary to adequately determine that the proposed development meets the purpose of this ordinance.

(2) The Planning Commission shall review the conformity of the proposed development by employing recognized principles of design and land use planning. The minimum yard and maximum height requirements of the zoning district shall not apply except as set forth herein. The Planning Commission may impose conditions regarding layout, circulation, and other physical improvements.

(3) Where the planned residential development provides for single family attached (row houses) or single family detached housing to be held under individual ownership by the occupant, a plat of development shall be recorded and shall show building lines, common land, streets, easements and other applicable features.

(4) The proposed development must be designed to produce an environment of stable and desirable character not out of harmony with its surrounding neighborhood. It shall include provisions for recreation areas to meet the needs of the anticipated population.

Section 4. Planned Industrial District.

(a) A special district for the purpose of a planned industrial district may be established in any zoned district except the "R" districts.

(b) The owner or owners of a tract of land comprised of ten acres or more in any acceptable zone district, may submit to the Planning Commission a plan for the development and use of such tract meeting the requirements set forth in this article and shall be accompanied by evidence concerning the number of persons expected to be employed, the effect of the proposed development on surrounding property, and other physical conditions, which plan and supporting evidence shall include each of the following:

(1) A site plan defining the areas wherein buildings may be constructed, the areas which will be developed for parking and the proportionate amount thereof, the location of roads, driveways and walks, and the points of ingress and egress including access streets where required, the location and height of walls, the spaces for loading, the location, size, character and number of signs, the location and character of exterior lighting, and the character and extent of landscaping, planting and other treatment for protection of adjoining property.

(2) A professional traffic analysis indicating that the proposed development will be so related to streets and arteries that the traffic generated can be accommodated without causing objectionable volumes of traffic on residential streets.

(3) A copy of any deed restrictions intended to be recorded.

(c) Before any action thereon, the proposed planned industrial district plan, together with the required supplementary information, shall be referred to the planning commission for study. Reasonable additional requirements may be required by the planning commission for the protection of adjoining residential property.

(d) The use of each building or premises shall be in accordance with the plan referred to in Subsection 2, which use shall be limited to:

(1) Research or testing laboratory.

- (2) Offices.
 - (3) Printing or engraving plant.
 - (4) Radio or television broadcasting station or studio.
 - (5) Manufacturing, fabricating, assembling, or processing of the following:
 - (a) Small electrical or electronic equipment.
 - (b) Jewelry.
 - (c) Cosmetics.
 - (d) Medical, dental or drafting instruments.
 - (e) Musical instruments, games or toys.
 - (f) Optical equipment, clocks, watches, or similar precision instruments.
 - (g) Clay, leather, fabric, metal wood or glass products of a handcraft nature.
 - (h) Clothing.
 - (i) Fur goods, except tanning or dyeing.
 - (j) Sporting goods.
 - (k) Plastic products, not including processing of raw materials.
 - (6) Other uses similar to those listed in this article which do not create any danger to health or safety in surrounding areas and which do not create any objectionable noise, vibration, smoke, dust, odor, heat or glare.
 - (7) Accessory structures and uses.
- (e) Area and dimensional regulations.
- (1) The structures permitted in this section shall observe a maximum height of three stories or forty-five feet.
 - (2) A twenty-five foot setback line from all property lines shall be required.

Section 5. Manufactured Home Communities.

- (a) The location of manufactured home communities shall be approved by the Shelby County Planning Commission.
- (b) A special district for the purpose of establishing a manufactured home community may be permitted only in the A-I, R-4 or R-5 districts.
- (c) Special districts which are intended for use as manufactured home communities shall be subject to the provisions of the *Shelby County Regulations for Manufactured Home Communities* which are hereby incorporated into these regulations by reference."

Section 6. Drive-in Theatres.

General regulations. The following standards shall apply for drive-in theatres.

- (1) The location of any drive-in theatre shall be reviewed and approved by the Planning Commission.

- (2) A special district for the purpose of a drive-in theatre may be permitted in the M-1 Light Industrial District, and M-2 Heavy Industrial District provided however that the locations shall be approved by the Planning Commission.
- (3) The site must have access to a major public road.
- (4) The screen of a drive-in theatre shall be placed a minimum of one hundred (100) feet from the public right-of-way and be located so as to be hidden from the view of traffic contiguous to the entrance and exits of the site.
- (5) The ingress and egress from the highway shall be signed to permit only one-way traffic.
- (6) Vehicle standing space shall be provided between the ticket office and the public right-of-way, for patrons awaiting admission, equal in quantity to not less than twenty (20) percent of the capacity of the theatre.
- (7) All ground areas accessible to vehicles shall be treated with suitable materials to prevent the formation of dust.
- (8) An opaque wall or fence shall be provided of adequate height to screen the patrons and cars in attendance of the drive-in theatre from the view of surrounding properties.
- (9) All parking spaces and access ways shall be adequately lighted, provided, however, that such lighting shall be shielded to prevent any glare or reflection onto a public street or onto neighboring properties.
- (10) The vehicular approach to the drive-in theatre site from the public thoroughfare or highway should be so designed that uncontrolled left hand turns from the public thoroughfare or highway to the site shall be eliminated or reduced by either a frontage roadway or other suitable means.
- (11) Sight distances at all points of ingress and egress shall be no less than one thousand (1,000) feet, except where a traffic signal light is installed at the entrance or exit of the site.

Section 7. Cemeteries, Mortuaries, Funeral Homes

General regulations.

- (1) A special District for the purpose of establishing a cemetery is permitted in the A-1 and M-1 Districts provided, however, that the location of all cemeteries shall be reviewed and approved by the Planning Commission.
- (2) No cemetery except a family plot or "church yard" cemetery shall be established on a site containing less than ten acres.

- (3) The site proposed for a cemetery shall not interfere with the development of a system of streets or a highway in the vicinity of such site. In addition, such site shall have direct access to a public thoroughfare.
- (4) Any structures except grave markers and monuments shall be located not less than fifty feet from any lot line or street right-of-way.
- (5) All graves or burial lots shall be located not less than twenty-five feet from any lot line or street right-of-way line.
- (6) All required yards shall be landscaped and maintained.

Section 8. Continuing Care Retirement Community. (00/00)

A special district created for the purpose of establishing a Continuing Care Retirement Community (CCRC) may be permitted upon approval by the Planning Commission in the following districts: R-4, R-5, O-I and O-I(2).

In addition to other applicable regulations, the following rules shall be observed:

1. The application must be accompanied by a site development plan showing the use or uses, dimensions and locations of proposed streets, structures, open spaces, and such other pertinent information as may be necessary to adequately determine that the proposed development meets the purpose of this ordinance.
2. A professional traffic analysis indicating that the proposed development will be so related to streets and arteries that the traffic generated can be accommodated without causing objectionable and unsafe volumes and/or patterns of traffic on streets.
3. The Planning Commission shall review the conformity of the proposed development by employing recognized principles of design and land use planning. The minimum yard and maximum height requirements of the zoning district shall not apply except as set forth herein. The Planning Commission may impose conditions regarding layout, circulation, and other physical improvements.
4. The proposed development must be designed to produce an environment of stable and desirable character not out of harmony with the surrounding neighborhood.

The following standards shall apply to a continuing Care Retirement Community. They are minimums and are intended to serve as a guide in plan formulation:

1. The tract of land shall be no less than five (5) acres;
2. No structure shall exceed the height in full stories permitted in the underlying zoning district;
3. All structures shall be set back from the periphery of the property not less than twenty-five (25) feet. Additional setbacks may be required by the Planning Commission.
4. The amount of land set aside for permanent open space shall be ten (10) percent of the gross development area, exclusive of lakes, ponds, or other bodies of water, and should be easily

accessible to all residents of the Continuing Care Retirement Community. The open space should focus on the core of the development, rather than on the boundary(s) of the property, and shall be usable for recreation.

5. Parking requirements shall be determined upon a calculation of the amount of bedroom/unit types, at capacity, of the development. Specific requirements are found in Article XX Section 1.

Section 9. Other uses.

Uses not covered in other sections. Special Districts for uses not covered elsewhere in this ordinance and which are generally of a nature so as to be incompatible with most permitted uses may be allowed in any district except the "R" district. The location shall be approved by the Planning Commission. In addition, a complete development plan and any other information pertinent to the development or use shall be included at the discretion of the Planning Commission. Such uses may include but are not limited to the following:

- (1) Airport or landing field.
- (2) Mausoleum.
- (3) Commercial, recreational or amusement development for temporary or seasonable periods.
- (4) Sanitary landfill operation.
- (5) Practice golf driving range, par three golf course or miniature golf course.

Section 10. Portable buildings. (00/00)

(a) *Purpose.* It is the purpose of this section to establish the procedure and guidelines for the location and use of portable buildings.

(b) *Approval required.* Approval by the Director shall be required for the location, placement, installation, movement or use of any portable building. The approval shall specify the approved use of the portable building and the temporary period for which the permit is to remain valid.

(1) *Eligibility.* Approval shall be issued:

- a. Only for uses specifically provided for in the zoning district assigned to the property on which the portable building is to be located.
- b. Only for uses and locations, which are, either specifically provided for under this section per paragraph (c) or approved as a conditional use by the Planning Commission per paragraph (d).
- c. Only for placements of portable buildings which meet the dimensional requirements of these regulations for non-portable buildings.
- d. Only upon approval of the Building Official with regard to fire safety, building safety, structural safety and location on the property.

(2) *Duration of approval.* With the exception of a mobile home used for residential purposes in accordance with these regulations which shall not be limited to a temporary period of time, or a recreational vehicle used for recreational purposes in an established travel park; any site approved for one or more portable buildings as a permitted use shall remain valid for a time period as indicated in paragraph (c) below after which all portable buildings on the site must be removed. Requests for extension of the time period of approval shall be made to the Planning Commission under the provisions of paragraph (d) below. Approval for a portable building approved as a conditional use shall remain valid for a time period as determined by the Planning Commission under the provisions of paragraph (d) below.

(c) *Portable buildings as a permitted use.* Portable buildings may be placed and used for the following purposes upon approval by the Director:

- (1) Mobile homes used for residential purposes in accordance with these regulations.
- (2) In conjunction with and reasonably necessary for construction work taking place at a construction site and only during the period of actual construction.
- (3) For security service, including living quarters for a security guard, at a construction site and only during the period of actual construction.
- (4) For, or in conjunction with, education activity of public or private schools, or in conjunction with a public library for a period not to exceed ten years.
- (5) For religious purposes for a period not to exceed ten years.
- (6) For public recreation, public health, or other public purposes approved by the County Manager for a period not to exceed two years.
- (7) For emergency housing as deemed necessary in the public interest and approved by the County Manager for a period not to exceed two years.
- (8) For residential development sales offices or land sales offices on properties for which there is an approved site plan or subdivision plat for a period not to exceed two year or until fifty percent of the land involved is sold which ever occurs first.

(d) *Portable buildings as a conditional use.* Any portable building proposed to be located on public or private property, the use and location of which are consistent with paragraph (b) above but not specifically provided for under paragraph (c) above, shall require conditional use approval by the Planning Commission prior to procuring approval from the Director.

(e) *Revocation of approval.* Any approval issued for a portable building authorized by this section may be revoked where the Director or his designee finds that the holder of the approval is violating or is permitting employees, agents, servants, partners or representatives to violate these or any other regulations of Shelby County, which violation affects the public health, safety and welfare, and which violation occurred as a result of the specific activity or use for which the approval was issued and not merely incidental thereto.

(f) *Termination of use and removal.* All portable buildings shall be removed within seven (7) days after the date that the approval, which authorized the use, becomes invalid.

ARTICLE XVIII.A. SCENIC CORRIDOR OVERLAY DISTRICT (MB 0/000)**Section 1. Purpose.**

This Article shall be known as the “Scenic Corridor Overlay District(SC).” The Scenic Corridor Overlay District is designed to work in conjunction with the underlying zoning district(s) conserve and enhance the natural beauty adjacent to and along Shelby County’s roadways, to discourage unsightly development which may tend to mar or detract from the Shelby County’s natural beauty; and to exercise such reasonable control over the land within the district as may be necessary to accomplish this objective.

Section 2. Authorization.

(a) Prior to the application of the provisions of this Article to any area, the Shelby County Planning Commission shall commission and adopt a Land Use Plan for the particular area to be included within the Scenic Corridor Overlay District. Furthermore, any proposal for the application of the provisions of this Article to any particular area must be submitted to the Shelby County Commission for approval or rejection prior to the effectiveness of such proposal. The Scenic Corridor Overlay District neither replaces nor restricts the range of uses allowed in the underlying zoning district or conditional use approval for any property, but provides additional development requirements and standards which must be met by any development on the property. All development within the Scenic Corridor Overlay District shall comply with the regulations of this Article.

(b) In a Scenic Corridor Overlay District, notwithstanding the underlying zoning district, no land shall be developed and no building shall be erected or structurally altered except in conformance with the provisions of this Article. The provisions of this Article shall apply in addition to other requirements of these regulations. In case of conflict, the most restrictive provisions shall govern except as otherwise provided in this Article.

Section 3. Site Development Requirements.

(a). *Scenic Roadway Setback.* To ensure a more uniform pattern of structural development, a minimum building setback will be established within Scenic Corridor Overlay Districts, as follows:

(1) Along Alabama 119 from U.S. 280 to Lake Purdy the setback is established at 140 feet from the centerline of the right-of-way.

(2) Principle structures on commercially developed parcels shall be required to be constructed no more than two feet to the rear of the minimum setback.

(3) Principle structures on residentially developed parcels shall be required to be constructed to the rear of the minimum setback.

(4) The Director may vary this requirement as part of site plan approval, taking into consideration the topography of the area, traffic volumes for the designated roadway, surrounding land uses, existing land uses, the actual location of the roadway, and the size of land parcels.

(b) *Maximum Impervious Surface.* The impervious surface of development proposals in the Scenic Corridor Overlay District shall not exceed 70% of the gross area of the site.

(c) *Utilities.* All on-site utilities shall be located underground unless required by the utility to be otherwise located.

(d) *Building Materials.* Buildings should be designed to utilize, to the greatest extent feasible, natural building materials such as rock, stone, brick, and wood, which are compatible with the environment. Although building colors are not specified, bright, garish colors are discouraged. Pigmented surfaces should be of earth tone or natural coloration. No mirrored glass with a reflectance greater than twenty percent (20%) shall be permitted.

(e) *Height.* The maximum building height for structures within a Scenic Corridor Overlay District shall be fifty (50') feet.

(f) *Off-Street Parking.* Off-street parking shall be determined by the requirements of the underlying zoning district with the further requirement that there shall be allowed only one (1) double-loaded bay of off-street parking parallel to the designated Scenic Roadway. Peninsulas and islands in parking areas shall be as uniformly distributed as practicable to subdivide large expanses of parking area, regulate traffic flow, protect pedestrians, and permit access by emergency vehicles. Landscaped peninsulas and islands shall be placed at ends of parking rows or between the circulation drives and parking rows throughout the development. Other off-street parking may be located at the sides and/or rear of structures. The Development Review Committee may vary this requirement as part of site plan approval.

Section 4. Landscaping Requirements.

(a) *Scenic Roadway Buffer.* A Scenic Roadway Buffer, parallel and abutting the designated Scenic Roadway right-of-way boundary and extending to sixty (60) feet from the minimum Scenic Roadway Setback shall be maintained on all property within a Scenic Corridor Overlay District. The Director may reduce or expand the required width of this buffer, taking into consideration the topography of the area, traffic volumes for the designated roadway, surrounding land uses, existing land uses, the actual location of the roadway, the size of land parcels affected by the buffer, and whether the buffer requirement would render the entire property unusable. No development, other than necessary construction for safe ingress, egress, signage, or utility service to the site shall be allowed within the buffer. With the exception of the Scenic Roadway Screen (below) the buffer shall be planted in suitable landscape materials, such as grass or low-growing shrubbery.

(b) *Scenic Roadway Screen.* A Scenic Roadway Screen within the required Scenic Roadway Buffer, along and parallel to the edge of the buffer furthest from the roadway, shall be provided by one of the following methods:

(1) An earth berm or bank at least four (4) feet high with a required width of at least ten (10) feet and covered with an acceptable grass or landscape cover suitable to the slope used; or

(2) A planting screen consisting of a minimum of two (2) staggered rows of evergreen shrubs such as, but not limited to, Ligustrum, Burford Holly, Elaeagnus, Boxwood, or Juniper with a minimum height of three (3) feet installed and a maximum spacing suitable to the particular plant used but yet forming an effective visual screen. This planted screen shall, at driveway and roadway intersections, meet adequate sight distance visibility requirements; or

(3) A screening wall or fence of a material similar to and compatible with that of the building. No woven metal or chain link fencing shall be used along designated Scenic Roadway frontage. This fence shall be no taller than six (6) feet except at driveway/roadway intersections where such a wall or fence must meet adequate sight distance visibility requirements.

(c) *Parking Area/Storm water Detention Screening.* All parking areas and storm water detention/retention ponds shall use existing vegetation or installed landscape planting to screen pavement, vehicles and ponds

from the roadway and from adjacent properties. This screening may include dense massing of trees in addition to existing native understory vegetation, or shrubs, massing or berms. Topographic changes shall be considered in reviewing this provision. A median of not less than 10 feet (10') in width containing both existing or installed trees, and grass, shall be placed between each parking bay.

(d) *Maintenance.* The property owner shall be responsible for the maintenance, repair, and replacement of all landscaping materials, barriers, and irrigation systems as required by the provisions of this Article. All plant material shall be tended and maintained in a healthy growing condition, replaced when dead and kept free of weeds, refuse, and debris.

Section 5. Signage Requirements.

All applicable provisions of Article XIX. Sign Regulations of these regulations shall apply in a Scenic Corridor Overlay District with additional requirements as follows:

(1) *Permitted Signs.* One (1) freestanding monument sign shall be permitted for each street frontage. Where street frontage exceeds four hundred feet (400'), two such signs shall be permitted. Such signs shall not exceed eight feet (8') in height above normal ground level.

(2) *Placement.* Freestanding signs may be placed in the Scenic Roadway Buffer but must be placed so as to be incorporated into the Scenic Roadway Screen.

(3) *Materials.* The sign base/structure shall be constructed of a material similar to and compatible with that of the associated building on the same property. At least one of the colors in each sign shall match the predominant colors in the building.

(4) *Lighting.* All spotlights and exterior lighting shall be concealed from view and oriented away from adjacent properties and roadways.

Section 6. Traffic Requirements.

(a) *Access.* Access to a designated Scenic Roadway may be prohibited from any tract having access to a street intersecting with a designated Scenic Roadway or any tract with frontage on a designated Scenic Roadway, which has access through an existing joint-use access easement or driveway. Otherwise, access to a designated Scenic Roadway shall be limited to one driveway unless otherwise permitted by the County Engineer.

(b) *Driveway Location.* Maximum practical spacing between driveways shall be required. Unless otherwise approved by the County Engineer, no driveway accessing a designated Scenic Roadway shall be located:

(1) closer than three hundred feet (300') from the nearest adjacent driveway, unless no other access is available to a parcel of land;

(2) where the sight distance is less than ten times the posted speed limit on the corridor roadway;

(3) on the inside radius of a curve; or

(4) where the roadway grade of the Scenic Roadway corridor exceeds seven and one-half percent (7.5%).

(c) Intersections. Minimum spacing between local streets intersecting the designated Scenic Roadway shall be six hundred feet (600') and between collector streets shall be thirteen hundred and twenty feet (1320'). Improvements to intersections with a designated Scenic Roadway will be based upon a review of a competent professional traffic analysis.

(d) *Scenic Roadway Median*. The Scenic Roadway median should be designed and landscaped to be compatible with the intent of the Scenic Corridor Overlay District. The number of median breaks on scenic roadway corridors should be minimized. Future connecting streets should align with median breaks to the greatest extent practicable.

ARTICLE XVIII.B. U.S. HIGHWAY 280 OVERLAY DISTRICT (MB 0/000)**Section 1. Purpose.**

It is the intent of this Article to establish minimum standards for the development of property in the U.S. Highway 280 Corridor, as depicted on the Zoning Map. The U.S. Highway 280 Overlay District is designed to work in conjunction with the underlying zoning district(s) to ensure creativity and compatibility of design among land uses along the corridor, promote quality development and redevelopment as it occurs, and to exercise such reasonable control over the land within the district as may be necessary to accomplish this objective, in conjunction and cooperation with the other governmental entities having jurisdiction over portions of property within the District, namely Jefferson County and the cities of Birmingham, Homewood, Hoover, and Mountain Brook.

Section 2. Procedures.

The U.S. Highway 280 Overlay District neither replaces nor restricts the range of uses allowed in the underlying zoning districts or conditional use approval for any property, but provides additional development requirements and standards which must be met by any development on the property. All development within the U.S. Highway Overlay District shall comply with the regulations of this Article. The provisions of this Article shall apply in addition to other requirements of these regulations, particularly those of *ARTICLE XXIV, §4 Site Plan Review and Approval*. In case of conflict, the most restrictive provisions shall govern except as may be otherwise provided in this Article.

No request for site plan approval within the Highway 280 Overlay District, as defined on the Zoning Map, shall be considered complete until all of the following has been submitted to the Director. The applicant should meet with the Director and/or staff of the Department to review the proposed site plan, prior to preparation and submission of the final site plan(s). The site plan(s) shall be drawn to a scale no smaller than one inch equals 50 feet and shall show the following information:

- (a) All locations, dimensions and distances of all indicated features. Indicate property lines, easements, public and private rights-of-way and setbacks;
- (b) Existing and proposed buildings and structures, including signs, trash containers, fences, walls, outdoor storage areas, outdoor utility equipment and structures including utility and lighting poles, and roof- and ground-mounted mechanical appurtenances;
- (c) Location, height, size, materials, color and lighting of all signs; which shall also be submitted for sign permit approval;
- (d) Bodies of water, water detention areas, floodplain, drainage structures, sanitary sewer lines and facilities, water distribution lines, any areas reserved for on-site wastewater management, and any additional underground utilities;
- (e) Driveways, accommodations for bicycles and pedestrians, parking areas, existing and proposed parking spaces, access aisles and other vehicle maneuvering areas, and service and loading areas; along with all required buffers and landscaping;

- (f) The location, species, size, description and spacing of all required ground covers, shrubs and trees to be installed;
- (g) Sufficient information and detail to clearly demonstrate that all applicable requirements and standards of this Article are fully satisfied;

In order to accomplish the above, the general site plan(s) shall be accompanied by specific sheets, including:

- (1) A grading plan indicating all areas of cut and fill, and the grade of all finished floor elevations in relation to the elevation of the Highway 280 pavement which adjoins the property;
- (2) An access management plan indicating compliance with Section 3. Proposed median access cuts must be approved by the Alabama Department of Transportation prior to submission of the site plan and access management plan;
- (3) A facade elevations plan indicating building orientation, materials, color scheme, and structural design in compliance with the requirements of Section 4;
- (4) An exterior lighting plan indicating compliance with Section 6, including the proposed foot-candles of artificial light on and off premises;
- (5) A sign plan indicating compliance with Section 8;
- (6) A landscape plan indicating compliance with Section 9;
- (7) An erosion and sedimentation plan which meets or exceeds the Alabama Department of Environmental Management's *Best Management Practices* for erosion and sedimentation control and storm water management;
- (8) Other plans or specifications necessary indicating compliance with this Article, and other information as may be required for review and approval within the provisions of *ARTICLE XXIV, §4 Site Plan Review and Approval*.

Section 3. Highway 280 Access Requirements

All parcels, which adjoin private property, shall either share access with adjoining properties or have access to a frontage road. The number and location of access points to Highway 280 shall be determined as part of the site plan review process. The development of each parcel or tract, in areas where a frontage road is either available or planned, shall incorporate the frontage road into the site design. In areas where a frontage road is not available nor planned, each parcel or tract shall be designed to share paved highway access drives with adjoining properties, unless the adjoining property is zoned for residential use and/or recommended for residential use in any approved plan.

- (a) Access. Access to Highway 280 shall be limited to one driveway per parcel, tract or lot unless otherwise permitted. Access to Highway 280 may be prohibited from any tract having access to a street intersecting Highway 280, or any tract with frontage on Highway 280, which has access through an existing joint-use access easement and driveway.

(b) *Driveway location.* Maximum practical spacing between driveways shall be required. Unless otherwise approved by the County Engineer, no driveway accessing Highway 280 shall be located:

- (1) closer than three hundred (300) feet from the nearest adjacent driveway, unless no other access is available to a parcel of land;
- (2) where the sight distance is less than ten times the posted speed limit; or;
- (3) where the roadway grade of Highway 280 exceeds seven and one-half percent (7.5%).

(c) *Intersections.* The minimum spacing between local streets intersecting Highway 280 shall be six hundred feet (600'), and between collector streets shall be thirteen hundred and twenty feet (1,320'). Improvements to intersections shall be based upon a review of a professional traffic analysis.

Section 4. Building Design and Orientation Requirements

The following standards shall apply to all development in the corridor, except single-family detached dwellings:

(a) Minimum building setback from the Highway 280 right-of-way shall be 50 feet. Minimum front building setback from other public street rights-of-way shall be 40 feet. Minimum side and rear building setbacks from other public street rights-of-way shall be 25 feet.

(b) Service and loading areas, outdoor storage areas, refuse receptacles, utility equipment, mechanical units and similar appurtenances shall be located to minimize visibility from public property, and shall be visually screened from view from off the premises. Refuse receptacles shall be located within a four sided and roofed structure, which completely conceals the receptacle. The color and architecture of the structure shall be compatible with that of the building, which it serves.

(c) The outdoor display of sales merchandise, and outdoor storage when permitted, shall not be visible from public property, except automobiles, live plants, seasonal holiday trees and vending machines where permitted.

(d) Mechanical units shall be ground-mounted wherever feasible. Roof-mounted units shall be fully screened from view from public property.

(e) Building orientation shall be such that loading and service areas do not face Highway 280, except in the case of double frontage lots or tracts, where such areas must be located in a rear or side yard which faces Highway 280. All loading and service areas shall be screened from view from public property and off the premises.

(f) In order to ensure the permanency of buildings, reduce the need for periodic maintenance and maintain a consistent character, the following materials shall be used as primary exterior building wall finishes on portions of the building which are visible from the Highway 280 right-of-way: brick, stone, glass, wood, stucco, imitation stucco, pre-cast concrete, poured concrete, and/or split-face concrete block.

(g) Non-structural awnings, covered with cloth, plastic or other fabric, shall not project more than seven feet from the building wall, shall not be lower than eight feet nor higher than 14 feet above grade and shall not be

internally illuminated.

Section 5. Fence and Wall Requirements

(a) Screening walls and fences shall be consistent with the main color and materials of the most significant building on the premises; except that, in cases where screening walls or fences are attached to an out parcel building, the walls and/or fences shall be consistent with the main color and materials of that building.

(b) Fences designed to create privacy or separation shall be made of masonry, ornamental metal, durable wood, vinyl that is designed and fabricated to appear as wood, or a combination of these materials. Chain link, plastic or wire fencing is not permitted for fences visible from public property. Security fencing materials shall be installed in a manner to not be visible from public property.

(c) When visible from public property, solid fences shall also be planted with an evergreen landscaped border on the Highway 280 side of the fence.

(d) Fences and walls shall not restrict traffic intersection sight lines.

Section 6. Exterior Lighting Requirements

(a) Lighting shall have underground electric service, except where the light fixtures, service poles and wires are not visible from public property.

(b) The intensity, location and design of lighting shall be such that not more than one (1) foot candle of light is cast upon adjacent property or the public right-of-way. Light fixtures shall be designed to cast light downward. Where necessary, cut-off devices shall be used to minimize glare off premises.

(c) Exterior pole-mounted light fixtures shall not exceed twenty (20) feet in height.

(d) Wooden light poles are prohibited.

(e) Light poles and fixtures shall be compatible with the architecture of the buildings on the premises.

(f) Flashing, blinking or intermittent lights are prohibited.

(g) Bare neon tube lighting is prohibited.

Section 7. Grading and Drainage Requirements

(a) A smooth topographic transition shall be provided throughout the site and between properties. Slopes steeper than 1:3 rise to run are prohibited, except where retaining walls are utilized.

(b) The exterior surface of retaining walls shall be compatible with the architecture and site design of the significant structural elements on the property.

(c) Retaining walls in excess of eight feet in height that are visible from public property shall be visually screened with planted vegetation.

- (d) In areas, which are visible from public property, open ditches shall be prohibited. Subsurface drainage structures and grass swales shall be used to direct storm water. Storm water detention facilities shall be visually screened with planted vegetation and properly maintained to discourage unsightliness.
- (e) The use of crushed granite or limestone for slope stabilization and storm drainage is prohibited in the public right-of-way and areas, which are visible from the through and auxiliary lanes of Highway 280.
- (f) A plan meeting or exceeding the Alabama Department of Environmental Management's *Best Management Practices*, including temporary slope stabilization with grass and/or other landscape materials, shall be utilized during construction to prevent and/or minimize disturbance, erosion, and soil runoff.
- (g) Prior to any final inspection of the premises, all slopes shall be stabilized with grass, other evergreen groundcover or other installed vegetation, in accordance with Alabama Department of Transportation specifications appropriate to the season.

Section 9. Buffer and Parking Area Landscaping Requirements

- (a) Purpose. The buffers and parking area landscape requirements are provided to enhance the physical appearance of buildings and their designated parking areas, and to mitigate the negative impacts of parking areas on adjacent properties and the uses thereon.
- (b) *Impervious Surfaces*. Except for single-family dwellings, impervious surfaces such as roofs and pavement shall no cover more than eighty (80) percent of a lot or parcel.
- (c) Maintenance. The property owner shall be responsible for maintenance and replacement of all landscape materials and irrigation systems required by this Article. All plant material shall be tended and maintained in a healthy growing condition, replaced when dead, and kept free of weeds, refuse and debris.
- (d) Irrigation. All required buffers shall be irrigated with an automatic irrigation system; except for those buffers which are approved as natural buffers, and those required interior landscaping within an existing parking area which is being landscaped to comply with the requirements of this Article. Pop-up heads or drip emitters shall be installed for shrub and lawn irrigation of areas next to buildings/structures, driveways, parking spaces and pedestrian walks.
- (e) *Buffers*.

(1) Required buffers may be undisturbed natural areas, planted areas, or a combination of both. All required buffers shall meet or exceed the standards of this Section.

(2) Required buffers shall be located along all zoning district boundaries or property lines that separate property that is zoned to permit, or is currently used for, the uses stipulated in the following table.

The following table shows required buffers in the corridor. When a *Proposed Land Use* is developed adjacent to any *Existing Land Use*, the *Proposed Land Use* shall provide the required buffer.

Table 18B.9(e): Buffers:

WIDTH OF MINIMUM REQUIRED BUFFER EXPRESSED IN FEET					
	Proposed Land Use				
Existing Land Use	Single Family Residential	Multi-Family Residential	Office and Institutional	Retail Business	Industrial
Single-Family Residential	0	15	15	25	25
Multi-Family Residential	0	0	15	20	25
Office & Institutional	0	0	0	15	25
Retail Business	0	0	0	0	25
Industrial	0	0	0	0	0

(f) Parking Areas.

- (1) The following general requirements shall be met concerning improvements to parking areas:
 - (A) Landscape plans for developments, which require 100 or more off-street parking spaces shall be prepared by a registered landscape architect and/or a licensed landscape designer. All plans submitted shall bear the landscape architect’s/designer’s seal, signature, and State of Alabama registration number.
 - (B) All cuts and fills, and/or terraces, shall have sufficient vegetative cover installed so as to prevent erosion. Prior to any final inspection of the premises, all slopes shall be stabilized with grass, other evergreen groundcover or other installed vegetation, in accordance with Alabama Department of Transportation specifications appropriate to the season.
- (2) Landscape Plan Requirements. The following plan requirements shall be fulfilled:
 - (A) All landscape plan(s) shall be drawn at a scale no smaller than one inch equals 50 feet. All plans submitted shall include: the title of the development; name and address of the owner, developer and agent (where applicable); name and address of person/firm preparing the plans; date of preparation, scale, north arrow, and dates of all revisions; location map of site to nearest public street intersection; boundaries of property in concern; location and parcel identification number of all adjacent properties, streets and easements; parcel identification number(s); zoning classification; number of parking spaces; total square footage of impervious surface areas and landscaping; the location and dimensions of ingress/egress

points; the square footage of the perimeter planting areas; and the square footage of the total interior planting areas.

(B) The following note shall be placed on the landscape plan(s): *The property owner shall be responsible for maintenance and replacement of all landscape materials and irrigation systems required by this Article. All plant material shall be tended and maintained in a healthy growing condition, replaced when dead, and kept free of weeds, refuse and debris.*

(3) Applicability. These regulations apply to all areas, hereafter referred to as parking areas, which are open to the general public or visible from public property, and used for off-street parking and loading, vehicle maneuvering, and/or the retail sale of motor fuels.

The enlargement (in total land area) of any existing parking area by more than twenty-five (25) percent shall require that the existing parking area conforms to the requirements of this Article. Multi-level parking structures are exempt from interior planting requirements found herein.

(4) Design Standards. Only deciduous and/or evergreen trees from the “Large” categories of the Streetscape and Parking Area Plant Selection List may be planted in parking areas, except when site visibility at intersections or when overhead utilities prevent the use of large trees, in which case “medium” or “small” trees may be used.

Interior landscaped islands and perimeter planting areas shall be planted with trees equal to or greater than one tree for each nine hundred (900) square feet of impervious parking area. Only trees listed in the Streetscape and Parking Area Plant Selection List and noted with (*) may be planted within or on the perimeter of a parking area.

(A) Perimeter *Planting*. The width of required perimeter planting areas, which are also a portion of a required buffer area, may be included as part of the minimum buffer width, provided that all plant materials shall meet minimum standards for a buffer.

Parking areas shall be separated from the Highway 280 right-of-way by a fifteen (15) foot wide perimeter planting area. The perimeter planting area shall contain a double staggered row of evergreen shrubs which are a minimum of eighteen (18) inches in height at the time of planting, and which shall be maintained at a minimum height of thirty-six (36) inches at maturity, and deciduous trees equal in number to one tree per twenty-five (25) feet of Highway 280 frontage. Large trees shall be planted on thirty-five (35) foot centers; small and medium size trees shall be planted on twenty-five (25) foot centers.

Parking areas shall be separated from other public road rights-of-way by a ten (10) foot wide perimeter planting area. The perimeter planting area shall contain a double staggered row of evergreen shrubs which are a minimum of eighteen (18) inches on height at the time of planting, and which shall be maintained at a minimum height of thirty-six (36) inches at maturity, and deciduous trees equal in number to one tree per twenty-five (25) feet of public road frontage. Large trees shall be planted on thirty-five (35) foot centers; small and medium size trees shall be planted on twenty-five (25) foot centers.

(B) Interior *Planting*. Large parking areas shall be designed as a series of smaller lots that provide space for not more than 100 vehicles. The smaller lots shall be separated by internal

planting areas which form a perimeter that is a minimum of nine (9) feet in width, planted with large trees and shrubs. These planted areas shall be counted as part of the ten (10) percent internal planting requirement for parking areas.

Whenever the impervious surface of a parking lot exceeds eight thousand (8,000) square feet, an area equal to ten (10) percent of the impervious surface area shall be provided for landscaping islands in the interior of the parking area. Plant material located within six (6) feet of a building shall not be included as part of the minimum interior planting requirement. The interior parking area planting requirement is in addition to the required perimeter planting. Retail motor fuel sales and automobile sales establishments are exempt from interior planting requirements.

The interior islands shall be a minimum of nine (9) feet by twenty (20) feet in area, and planted with a combination of large trees and evergreen shrubs. One landscaped island shall be required for each row or twelve (12) contiguous parking spaces. Each landscaped island shall contain a minimum of one deciduous and/or evergreen tree from the "Large" categories of the Streetscape and Parking Area Plant Selection List.

(g) *Plant Material Standards.*

(1) All plant materials shall conform to the *American Standards for Nursery Stock*, latest edition, published by the American Association of Nurserymen, and *Standardized Plant Names*, latest edition, by the American Joint Committee on Horticultural Nomenclature.

(2) Trees. Only trees listed in the Streetscape and Parking Area Plant Selection List may be planted in required landscaping and buffer areas.

(A) Shade trees shall be a minimum of two and one-half inch (2 ½") caliper in size at the time of planting.

(B) Flowering trees shall be a minimum of six feet in height at the time of planting.

(C) Pine trees shall be a minimum of five gallon, or five feet in height at the time of planting, whichever is larger. The spacing of pine trees in containers shall be a maximum of eight (8) feet on center.

(3) Streetscape and Parking Area Plant Selection List.

(A) The plants selected shall be a balanced mixture throughout the project, to prevent a monoculture of species. No more than forty percent (40%) of trees designated for parking lot shading shall be from any one species.

(B) Plants selected for use shall be from the Streetscape and Parking Area Plant Selection List, including trees, shrubs, and ground covers, or as otherwise approved by the Director.

(B) Trees permitted in landscaped buffers are noted by (#). Trees permitted in parking areas are noted by (*).

Section 10. U.S. Highway 280 Access Management Policy

All projects shall be designed to minimize congestion on U.S. Highway 280, by incorporating the following principles into the site design:

- a. Limit the number of conflict points by limiting left turning movements and cross highway through movements;
- b. Separate conflict areas by adequate spacing between driveway and street intersections;
- c. Reduce interference with through traffic by providing turning lanes, designing driveways with large turning radii and restricting turning movements in an out of driveways;
- d. Provide sufficient spacing for at-grade signalized intersections;
- e. Provide adequate on-site and intra-site circulation and parking areas in order to minimize the number of driveways to the highway.

U.S. Highway 280 Median. The U.S. Highway 280 median shall be designed and landscaped to be compatible with the intent of “ARTICLE XVIII B U.S. Highway 280 Overlay District”. The number of median breaks on U.S. Highway 280 shall be minimized. All future connecting streets shall align with existing median breaks to the greatest extent practicable, to minimize the construction of new median breaks.

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Section 19.1 General Provisions

§ 19.1.1 Purpose

The purpose of this article is to provide the minimum control of signs that ensures the protection of the public safety and general welfare. These provisions are intended to lessen the hazards to pedestrian and vehicular traffic, prevent unsightly and detrimental development which has a blighting influence upon the community, prevent signs from reaching such excessive size or numbers that they obscure one another to the detriment of all concerned, preserve the general character and aesthetic quality of the various areas within the county, and promote a positive county image reflecting order, harmony and pride.

§ 19.1.2 Definitions

Words and phrases used in this article shall have the meanings as set forth in this section. Words and phrases not defined in this section but defined elsewhere in the zoning regulations shall be given the meanings as set forth in such regulations. All other words and phrases shall be given their common, ordinary meaning unless the context clearly requires otherwise.

Advertising. Sign copy intended to directly or indirectly promote the sale or use of a product, service, commodity, entertainment, or real or personal property.

Animated Sign. Any sign that uses movement or change of lighting to depict action or create a special effect or scene.

Banner. Any sign of lightweight fabric or similar material that is permanently mounted to a pole or building by a permanent frame at one or more edges. National flags, state or municipal flags or the official flag of any institution or business shall not be considered banners.

Building Marker. Any sign indicating the name of a building, date of construction and incidental information, which is cut into a masonry surface or made of bronze or other permanent material.

Building Sign. A sign displayed upon or attached to any part of the exterior of a building, including walls, windows, doors, parapets, marquees and roof slopes of forty-five (45) degrees or steeper.

Canopy Sign. Any sign that is 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. A marquee is not a canopy.

Changeable Copy Sign. A sign or portion thereof with characters, letters, or illustrations that can be changed or rearranged without altering the face or surface of the sign. A sign on which the message changes more than eight (8) times a day shall be considered an animated sign and not a changeable copy sign. A sign on which the only copy that changes is an electronic or mechanical indication of the time and temperature shall be considered a "time and temperature" portion of the sign and not a changeable copy sign.

Commercially Developed Parcel. A parcel of property on which there is at least one walled and roofed structure used, or designed to be used, for other than residential or agricultural purposes.

Commercial Occupant. A commercial use, i.e., any use other than residential or agricultural.

Copy. The linguistic or graphic content of a sign.

Department. The Shelby County Department of Planning and Development.

Director. The Director of the Shelby County Department of Planning and Development or his/her designee.

Electric Sign. Any sign containing electric wiring.

Erect a Sign. To construct, reconstruct, build, relocate, raise, assemble, place, affix, attach, create, paint, draw, or in any other way bring into being or establish a sign. It shall not include any of the foregoing activities when performed as an incident to the change of message, or routine maintenance.

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.

Frontage. The length of the property line of any one parcel along a street on which it borders.

Illuminated Sign. A sign which contains a source of light or which is designed to reflect light from an artificial source including indirect lighting, neon, incandescent lights, back-lighting, and shall also include signs with reflectors that depend upon automobile headlights for an image.

Marquee. A structure projecting from and supported by a building which extends beyond the building line or property line and fully or partially covers a sidewalk, public entrance or other pedestrian way.

Monument sign. A monument sign is a freestanding sign, a wall with a sign permanently attached, or a decorative wall that incorporates a sign. Monument signs are typically constructed low to the ground from natural materials such as stone, brick, or wood and surrounded with additional landscape plantings. A monument sign shall be no more than ten (10) feet in height except where further restricted and shall have the lowest portion of its sign face no more than three (3) feet above the ground. (MB 0/000)

Multiple Occupancy Complex. A parcel of property, or parcels of contiguous properties, existing as a unified or coordinated project, with a building or buildings housing more than one occupant.

Parcel. A unit of land within legally established property lines. If, however, the property lines are such as to defeat the purposes of these sign regulations or lead to absurd results, a "parcel" may be as designated for a particular site by the Director.

Pennant. Any lightweight plastic, fabric, or other material, whether containing a message or not, suspended from a rope, wire, string, or other similar device, designed to move in the wind.

Portable Sign. Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels; signs converted to A-frames or T-frames; menu or sandwich board signs; balloons or other inflatable devices used as signs; umbrellas used for advertising; and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless such vehicle is used in the normal day to day operations of the business.

Projecting Sign. A sign affixed to a building or wall in such a manner that its leading edge extends more than six (6) inches beyond the surface of the building or wall.

Roof Line. A horizontal line intersecting the highest point or points of a roof.

Sign. Any writing, pictorial presentation, number, illustration, decoration, flag, banner, pennant, or other device which is used to announce, direct attention to, identify, advertise or otherwise make anything known. The term sign shall not be deemed to include the terms "building" or "landscaping" or any architectural embellishment of a building not intended to communicate information.

Sign Face Area. The area of any regular geometric shape, which contains the entire surface area of a sign upon which copy may be placed.

Sign Structure. Any construction used or designed to support a sign.

Street. A public or private right of way for vehicular traffic, including highways, thoroughfares, lanes, roads, ways, and boulevards.

Unit. That part of a multiple occupancy complex housing one occupant.

Vehicle Sign. Any sign affixed to a vehicle.

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

§ 19.1.3 Measurement Determinations

(a) *Number of Signs.* In general, the number of signs shall be the number of non-contiguous sign faces. Multiple non-contiguous sign faces may be counted as a single sign if all the sign faces are included in the geometric figure used for determining the sign area.

(b) *Sign Face Area.*

(1) *Individual Signs.* The sign face area of individual signs shall be computed by means of the smallest square, circle, rectangle, triangle or combination thereof that will encompass the extreme limits of the writing representation, emblem, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed. This does not include the supporting framework, bracing, or decorative fence or wall when such fence or wall otherwise meets applicable regulations and is clearly incidental to the display itself.

(2) *Multifaced Signs.* The sign face area of a sign with more than one face shall be computed by adding together the area of all sign faces visible from any one point. When two sign faces are placed back to back so that both faces cannot be viewed from any point at the same time and when the sign faces are part of the same sign structure and are no more than 36 inches apart, the sign face area shall be computed by the measurement of one of the faces.

(c) *Sign Height.* The height of a sign shall be computed as the distance from the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade shall be construed to be the lower of existing grade prior to construction or the newly established grade after construction, exclusive of any filling, berming, mounding, or excavating solely for the purpose of locating the sign. In cases in which the normal grade cannot reasonably be determined, sign height shall be computed on the assumption that the elevation of the normal grade at the base of the sign is equal to the elevation of the nearest point of the crown of a public street or the grade of the land at the principal entrance to the principal structure on the parcel, whichever is lower.

(d) *Distance Between Signs.* The minimum required distance between signs shall be measured along street rights-of-way from the closest parts of any two signs.

(e) *Facade Area.* The facade area shall be measured by determining the area within a two-dimensional geometric figure coinciding with the edges of the walls, windows, doors, parapets, marquees, and roof slopes of greater than forty-five (45) degrees that form a side of a building or unit.

Section 19.2 Exempt Signs.

The following signs are exempt from the requirement that a permit be obtained and shall not be counted toward any restriction regarding the number or area of signs permitted on a parcel provided they conform to the standards enumerated in this section and provided they are not placed or constructed so as to create a hazard of any kind:

- (1) Signs that are not designed or located so as to be legible from any street or adjoining property.
- (2) Signs of two (2) square feet or less and signs that include no letters, symbols, logos or designs in excess of two (2) inches in vertical or horizontal dimension, provided that such sign, or combination of such signs, does not constitute a sign prohibited by these regulations.
- (3) Signs necessary to promote health, safety and welfare, and other regulatory, statutory, traffic control or directional signs erected on public property with permission as appropriate from Shelby County, the State of Alabama, or the United States.
- (4) Legal notices and official instruments.
- (5) Decorative flags and bunting for a celebration, convention, or commemoration of significance to the entire community when authorized by the Shelby County Commission for a prescribed period of time.
- (6) Holiday lights and decorations.
- (7) Merchandise displayed behind storefront windows so long as no part of the display moves or contains flashing lights.
- (8) Memorial signs or tablets, historical markers, name of a building and dates of erection when cut into any masonry surface or when constructed of bronze or other incombustible materials and attached to the surface of a building.
- (9) Signs incorporated into machinery or equipment by a manufacturer or distributor, which identify or advertise only the product or service dispensed by the machine or equipment, such as signs customarily affixed to vending machines, newspaper racks, telephone booths and gasoline pumps.
- (10) Advertising and identifying signs located on taxicabs, buses, trailers, trucks or vehicle bumpers.
- (11) Public warning signs to indicate the dangers of trespassing, swimming, animals or similar hazards.
- (12) Works of art that do not constitute advertising.
- (13) Signs carried by a person.

Section 19.3 Prohibited Signs

It shall be unlawful to erect, cause to be erected, maintain or cause to be maintained, any sign not expressly authorized by, or exempted from, these regulations. The following signs are expressly prohibited unless otherwise exempted or expressly authorized by this article:

- (1) Any sign with a sign face area greater than 200 square feet.
- (2) Signs that are in violation of the building code or electrical code adopted by Shelby County.
- (3) Any sign that, in the opinion of the Director, does or will constitute a safety hazard.
- (4) Portable signs.
- (5) Signs with visible moving, revolving, or rotating parts or visible mechanical movement of any description or other apparent visible movement achieved by electrical, electronic, or mechanical means, except for traditional barber poles.
- (6) Signs with lights or illuminations that flash, move, rotate, scintillate, blink, flicker or vary in intensity or color except for "time and temperature" signs.
- (7) Strings of light bulbs used on commercially developed parcels for commercial purposes, other than traditional holiday decorations.
- (8) Wind signs consisting of one or more banners, flags, pennants, ribbons, spinners, streamers or captive balloons, or other objects or material fastened in such a manner as to move freely upon being subjected to pressure by wind.
- (9) Signs that incorporate projected images, emit any sound that is intended to attract attention, or involve the use of live animals.
- (10) Signs that emit audible sound, odor, or visible matter such as smoke or steam.
- (11) Signs or sign structures that interfere in any way with free use of any fire escape, emergency exit, or standpipe, or that obstruct any window to such an extent that light or ventilation is reduced to a point below that required by any provision of these regulations or any other regulation of Shelby County
- (12) Signs that resemble any official sign or marker erected by any governmental agency, or that by reason of position, shape or color, would conflict with the proper functioning of any traffic sign or signal, or be of a size, location, movement, content, color or illumination that may be reasonably confused with or construed as, or conceal, a traffic-control device.
- (13) Signs that obstruct the vision of pedestrians, cyclists, or motorist traveling on or entering public streets.
- (14) Non-governmental signs that use the words "stop," "look," "danger" or any similar word, phrase or symbol.
- (15) Signs, within ten (10) feet of public right of way or one hundred (100) feet of traffic-control lights, that contain red or green lights that might be confused with traffic control lights.

(16) Signs that are of such intensity or brilliance as to cause glare or impair the vision of any motorist, cyclist or pedestrian using or entering a public way, or that are a hazard or a nuisance to occupants of any property because of glare or other characteristics.

(17) Signs that contain any lighting or control mechanism that causes unreasonable interference with radio, television or other communication signals.

(18) Signs that are painted, pasted, or printed on any curbstone, flagstone, pavement, or any portion of any sidewalk or street, except house numbers and traffic control signs.

(19) Signs placed upon benches, bus shelters or waste receptacles, except as may be authorized in writing.

(20) Signs erected on public property or on private property located on public property (such as private utility poles) other than signs erected by a public authority for public purposes or as otherwise permitted by these regulations.

(21) Signs erected over or across any public street except as may otherwise be expressly authorized by these regulations and except governmental signs erected by or on the order of a public officer.

(22) Roof signs placed above the roofline of a building or on or against a roof slope of less than forty-five (45) degrees.

(23) Vehicle signs with a total sign area in excess of ten (10) square feet when the vehicle is parked for more than sixty consecutive minutes within one hundred (100) feet of any street right-of-way; is visible from the street right-of-way that the vehicle is within one hundred (100) feet of; and is not regularly used in the conduct of the business advertised on the vehicle. A vehicle used primarily for advertising shall not be considered a vehicle used in the conduct of the business.

Section 19.4 Permitted Signs

§ 19.4.1 Generally

The signs enumerated in this section shall be subject to all the terms of this article including the requirement that a sign permit be obtained prior to erection of any sign in excess of one (1) sign on a parcel or a total sign face area of six (6) square feet on a parcel. Exemption from the requirement to obtain a sign permit does not necessarily indicate exemption from any other requirement or permit that may be required by this or any other agency.

§ 19.4.2 All Parcels

(a) *Directional Signs.* Directional signs limited in area to four (4) square feet, giving directions to motorists regarding the location of parking areas and access drives shall be permitted on all parcels and shall not be counted as part of an occupant's allowable sign area.

(b) *Flags.* Not more than three flags or insignias of governmental, religious, charitable, fraternal or other organizations may be displayed on any one parcel of land. Such flags shall not exceed sixty (60) square feet in area and shall not be flown from a pole the top of which is more than forty (40) feet in height. All flags must be flown in accordance with protocol established by the Congress of the United States for the

Stars and Stripes. Any flag not meeting the above requirements shall be considered a banner and shall be subject to the appropriate regulations.

(c) *Utility Signs.* Public utility signs that identify the location of underground utility lines and facilities, high voltage lines and facilities, and other utility facilities and appurtenances are permitted so long as they do not exceed three (3) feet in height, and so long as the sign face does not exceed one half (1/2) square foot.

§ 19.4.3 Undeveloped Parcels

Undeveloped parcels may display one (1) square foot of signage per ten (10) feet of frontage up to a maximum of ninety-six (96) square feet. No individual sign shall exceed sixty four (64) square feet nor exceed ten (10) feet in height. Signs must be spaced at least one hundred (100) feet apart.

§ 19.4.4 One-Family and Two-Family Residences

A parcel on which is located a single one-family or two-family residence may display not more than two signs with an aggregate sign area of not more than ten (10) square feet. No individual sign shall exceed six (6) square feet nor exceed four (4) feet in height.

§ 19.4.5 Three-Family and Four-Family Residences

A parcel on which is located a single three-family or four-family residence may display not more than four (4) signs with an aggregate sign area of not more than sixteen (16) square feet. No individual sign shall exceed six (6) square feet nor exceed four (4) feet in height.

§ 19.4.6 Residential Developments, Farms and Ranches

(a) A sign may be displayed at the entrance to a residential development, farm or ranch subject to the following restrictions. One (1) sign is permitted at only one entrance from each abutting street. The sign may be a single sign with two (2) faces of equal size or may be two (2) single-faced structures of equal size located on each side of the entrance. No face of the sign shall exceed thirty-two (32) square feet in size, and may be illuminated in a steady light only.

(b) All such signs shall be maintained perpetually by the developer, the owner of the sign, a pertinent homeowners association or some other person who is legally accountable. Such accountability is required before a permit shall be issued. If, following the issuance of a permit and subsequent erection of such signs, no accountable person accepts legal responsibility to maintain the signs and no other provision has been made for maintenance, the signs shall be removed by the developer or owner.

§ 19.4.7 Commercially Developed Parcels

(a) *Freestanding Signs.* Signs may be placed in a freestanding location on a commercially developed parcel subject to the following limitations:

	If the frontage on a public right-of-way is:					
	<=50'	>50' & <=100'	>100' & <=200'	>200' & <=300'	>300' & <=400'	>400'
Maximum number of signs	1	1	1	1	2	3
Maximum total sign area	16	32	48	64	80	96
Maximum sign area for individual sign	16	32	48	64	80	96
Minimum setback from side property line	10	15	20	50	50	50
Minimum distance from any other freestanding sign on the same site	n/a	n/a	n/a	n/a	100	100
Maximum height	10	15	20	20	20	20

(1) The permissible number, area, spacing and height of freestanding signs for each multiple occupancy complex and each commercial occupant not located in a multiple occupancy complex shall be determined according to *Table 19.4.7(a)(1)*.

(2) *Multiple Frontages.* For a parcel having frontage on two (2) or more public streets, each frontage shall be considered separately for the purposes of determining compliance with the above provisions for freestanding signs, but the permitted sign area for one (1) frontage may not be combined with that permitted on another frontage to increase the permitted sign area on one frontage. However, no freestanding sign on one right-of-way may be closer than one hundred (100) feet to a sign on another right-of-way.

(b) *Building Signs.* Signs not expressly prohibited by this article may be attached to the wall of a building on a commercially developed parcel subject to the following limitations:

(1) Building signs shall be limited to a maximum height of thirty (30) feet above grade, except that on a building of more than thirty (30) feet in height, a single sign is allowed above thirty (30) feet on each side of the building.

(2) Each multiple occupancy complex may display one (1) building sign on each side of the principal building or buildings in the complex, not to exceed a sign face area of two hundred (200) square feet or five (5) percent of the facade area of the building side, whichever is smaller.

(3) Each occupant of a multiple occupancy complex may display three (3) building signs on any exterior portion of the complex that is part of the occupant's unit, not including common or jointly owned portions, not to exceed a sign face area of two hundred (200) square feet each or a total combined sign face area of ten (10) percent of the facade area of such exterior portion, whichever is smaller.

(4) Each occupant not located in a multiple occupancy complex may display three (3) building signs on each side of the building in which the occupant is located, not to exceed a sign face area of two hundred (200) square feet each or a total combined sign face area of ten (10) percent of the facade area of the building side, whichever is smaller.

(c) *Time and Temperature Signs.* Time and temperature signs are permitted on commercially developed parcels notwithstanding a general prohibition on changing or animated signs. These signs may only display numerical information and must be kept accurate. They may be freestanding or attached to a building and are subject to the regulations applicable to such signs. They shall be counted as part of the occupant's allowable sign area.

Section 19.5 Design, Construction, Location and Maintenance Standards

§ 19.5.1 Compliance With Building And Electrical Codes Required

All permanent signs, and the illumination thereof, shall be designed, constructed and maintained in conformity with applicable provisions of the building and electrical codes adopted by Shelby County. Wherever there is inconsistency between these sign regulations and the building or electrical code, the more stringent requirement shall apply.

§ 19.5.2 Illumination Standards

(a) Sign lighting may not be designed or located to cause confusion with traffic lights.

(b) Illumination by floodlights or spotlights is permissible so long as none of the light emitted shines directly onto an adjoining property or into the eyes of motorists or pedestrians using or entering public streets.

(c) Illuminated signs shall not have lighting mechanisms that project more than eighteen (18) inches perpendicularly from any surface of the sign over public space.

§ 19.5.3 Placement and Clearance Standards

(a) Signs shall be located such that there is at every intersection or driveway, a clear view between heights of 3 and 10 feet in a triangle formed by the corner and points on the curb 70 feet from the intersection or entranceway.

(b) Supports for signs or sign structures shall not be placed in or upon a public right of way or public easement, except under the terms of a lease between the owner of the easement or right of way and the owner of the sign.

(c) No freestanding sign shall project over a public right of way.

(d) No sign or sign structure shall be erected that impedes use of any fire escape, emergency exit, or standpipe.

(e) All signs over pedestrian ways shall provide a minimum of seven (7) feet six (6) inches of clearance.

(f) All signs over vehicular ways shall provide a minimum of thirteen (13) feet six (6) inches of clearance.

§ 19.5.4 Relationship To Building Features

(a) A building sign shall not extend beyond any edge of the surface to which it is attached, nor disrupt a major architectural feature of the building.

(b) A building sign may project no more than four (4) feet perpendicularly from the surface to which it is attached.

(c) The combined area of permanent and temporary signs placed on or behind windows shall not exceed twenty-five (25) percent of the total window area at the same floor level on the side of the building or unit upon which the signs are displayed.

§ 19.5.5 Maintenance

All signs, including their supports, braces, guys and anchors, electrical parts and lighting fixtures, and all painted and display areas, shall be maintained in accordance with the building and electrical codes adopted by Shelby County, and shall present a neat and clean appearance. The vegetation around, in front of, behind, and underneath the base of freestanding signs for a distance of ten (10) feet shall be neatly trimmed and free of unsightly weeds, and no rubbish or debris that would constitute a fire or health hazard shall be permitted under or near the sign.

Section 19.6 Administration

§ 19.6.1 Permits

(a) Applicability. No person shall erect a sign without first obtaining a sign permit therefore, except for the following actions which shall not require a permit:

(1) Changing the copy, announcement or message on a sign;

(2) Cleaning, painting, electrical or comparable maintenance or repair of a sign that does not alter any regulated feature of such sign;

(3) Erecting a sign for which a permit is not required in accordance with "Section 19.2 Exempt Signs" or "Section 19.4.1 Permitted Signs - Generally."

(b) Procedure. All sign permits shall be procured in accordance with the following procedure:

(1) A written application shall be submitted to the director for review and processing. The application will be accepted by the director only upon determination that all requisite documentation and fees accompany the application form. The application shall include such supplementary information as may be specifically requested by the director to determine compliance with these regulations.

(2) The director shall review the application and plans and specifications to determine whether the proposed sign conforms to all applicable requirements of these regulations.

(3) Following review and determination as to conformance with these regulations, the director shall, in a reasonably expeditious manner, either approve or deny the application for the sign permit. In case of denial, the director shall specify the section or sections of these regulations with which the proposed sign is not in conformance.

(4) If an approved sign requires a permit from the Department of Building Inspection Services, the director shall forward a copy of the completed application form and associated plans and specifications to the building official who shall determine whether the proposed sign conforms to all applicable requirements of the building regulations and who shall, in a reasonably expeditious manner, either approve or deny an application for a permit to construct the sign.

(c) *Submission Requirements.* No request for a sign permit shall be considered complete until all of the following has been submitted to the Director:

(1) *Application form.* The application shall be submitted to the department in duplicate on forms made available by the department.

(2) *Statement of authorization.* Any application form which is signed by an individual other than the property owner shall be accompanied by a notarized statement of authorization consenting to the sign placement or, if the property or building upon which the sign is to be located is leased, evidence of the executed lease shall accompany the application form. In the event the building or property is leased and the application form is signed by an individual other than the lessor, the application shall be accompanied by a notarized statement of authorization signed by the lessor consenting to the sign placement and evidence of the executed lease.

(3) *Plans and specifications.* Plans and specifications for any proposed sign shall be submitted in duplicate, drawn to scale and include the following:

- a. lot frontage on all street rights-of-way;
- b. facade area of any wall on which a sign is proposed to be placed;
- c. dimensions and elevations (including the message) of the sign;
- d. dimensions of the sign's supporting members;
- e. maximum and minimum height of sign, as measured from finished grade;
- f. location of the sign in relation to property lines, public rights-of-way, easements, buildings, and other signs on the property;
- g. for illuminated signs, the type, placement, intensity and hours of illumination;
- h. construction and electrical specifications, for the purpose of enabling determination that the sign meets all applicable structural and electrical requirements of the building code;
- i. value of the proposed sign;

- j. number, type, location and surface area of all existing signs on the same property and/or building on which the sign is to be located.

(4) *Application fee.* The applicant shall be required to pay an application fee according to the current schedule of fees established by the county commission for the particular category of application. This fee shall be nonrefundable irrespective of the final disposition of the application.

(d) *Permit Expiration.* Sign permit shall be valid for a maximum of one hundred eighty (180) days after issuance. Failure to place the sign within the allotted time period shall void the permit and necessitate reapplication.

§ 19.6.2 Variances

Any request for variance from the standards set forth in this article shall be processed according to the procedures and criteria for variances as set forth in "Article XXIII. Variances and Appeal" of these regulations.

§ 19.6.3 Inspections

The director or the Director of Building Inspections Services shall, as each may determine necessary, inspect the property to ascertain that the sign is in accord with all provisions of these regulations and the building regulations, respectively, and in accord with all terms upon which the sign permit may have been conditioned.

§ 19.6.4 Nonconforming Signs

(a) A nonconforming sign is any sign within the jurisdiction of the Zoning Ordinance of Shelby County on the effective date of this article or any sign existing within any area added to such jurisdiction after the effective date of this article, which is prohibited by, or does not conform to the requirements of, these regulations.

(b) All nonconforming signs shall be removed or altered to be conforming within five (5) years of the effective date of these regulations, unless an earlier removal is required by paragraph (c) below or by "§ 19.6.6 Illegal Signs."

(c) Subject to the limitations imposed by paragraph (b) above and § 19.6.6 below, a nonconforming sign may be continued and shall be maintained in good condition as required by these regulations, but it shall not be:

- (1) Structurally changed to another nonconforming sign, but its pictorial content may be changed.
- (2) Structurally altered to prolong the life of the sign, except to meet safety requirements.
- (3) Expanded or altered in any manner that increases the degree of nonconformity.
- (4) Re-established after damage or destruction if the estimated cost of reconstruction exceeds fifty (50) percent of the appraised replacement cost as determined by the director.
- (5) Continued in use when a conforming sign or sign structure shall be erected on the same parcel or unit.

(6) Continued in use when the structure housing the occupancy is demolished or requires renovations the cost of which exceeds fifty (50) percent of the assessed value of the structure.

(e) Any nonconforming sign which is located on land adjoining an interstate or federal-aid primary highway for which just compensation is required for removal by the Federal Highway Beautification Act or the Highway Beautification Act-Outdoor Advertising of the State of Alabama shall be exempted from the removal terms of paragraph (b) above. This shall not, however, preclude the county from seeking to remove any such sign through an eminent domain proceeding, nor achieving sign conformance by other lawful means.

§ 19.6.5 Abandoned Signs

(a) Except as otherwise provided in this article, any sign that is located on property which becomes vacant and unoccupied, pertains to a business which does not maintain a current business license, or pertains to a time, event or purpose which no longer applies, shall be deemed to have been abandoned. Any abandoned sign shall be prohibited and shall be removed by the owner of the sign or the owner of the property. The frame of an abandoned sign shall not be required to be removed if it conforms to all applicable terms contained in these regulations (including the sign face area for sign replacement yielded by such frame).

(b) Any sign structure which supported an abandoned sign and which structure conforms to all applicable terms contained in these regulations shall be allowed to remain in place. However, in the event a sign structure which supported or supports an abandoned sign is inconsistent with any term contained in these regulations (including the sign face area for sign replacement yielded by the frame), then the sign structure and frame shall be either altered to comply with the terms contained herein or removed by the owner of such structure or property.

§ 19.6.6 Illegal Signs

(a) The following signs shall be considered to be illegal and a violation of the terms of this article:

(1) A sign erected or maintained after the effective date of this article inconsistent with the terms contained herein;

(2) A nonconforming sign which was erected inconsistent with the terms governing location, height, surface area or other regulatory measure applicable at the time of its erection;

(3) An abandoned sign.

(b) Upon determination by the director that a certain sign is illegal, the director shall act to remedy the violation, which may include:

(1) The issuance of a notice of violation to the individual who owns, is responsible for or benefits from the display of such sign prescribing the action necessary to make the sign legal and conforming to the terms contained herein or ordering the removal of the illegal sign and also prescribing the time which the individual is afforded to accomplish such action;

(2) The removal of any illegal sign located on public property or on private property located on public property, including any such sign located within a street right-of-way in which case the county shall have the right to recover from the individual erecting such a sign the full costs of removal and disposal.

(c) Failure to bring any illegal sign into conformance with the terms contained in this article or any other violation of the terms contained in this article shall be considered a violation of the Zoning Ordinance of Shelby County and shall be subject to the remedies and penalties provided by such ordinance and by state law.

ARTICLE XX. OFF-STREET PARKING AND LOADING REQUIREMENTS

Section 1. Parking requirements--specific uses.

The following are the off-street parking standards for Shelby County.

- (1) *Appliance store, hardware store, clothing or shoe repair or service shop.* Two parking spaces plus one additional parking space for each three hundred square feet of floor area over one thousand.
- (2) *Bowling alley.* Four parking spaces for each alley.
- (3) *Business, professional or public office building, studio, bank, medical or dental clinic.* Three parking spaces plus one additional parking space for each 200 square feet of floor area over one thousand.
- (4) *Church or place of worship.* One parking space for each four seats in the main auditorium.
- (5) *College or high schools.* One parking space for each eight seats in the main auditorium or three spaces for each classroom, whichever is greater.
- (6) *Commercial outdoor, recreational and amusement facilities.* The number of parking spaces shall be determined by the Planning Commission.
- (7) *Community center, library, museum, or art gallery.* Ten parking spaces plus one additional space for each four hundred square feet of floor area in excess of two thousand square feet.
- (8) *Dance hall, assembly or exhibition hall without fixed seats.* One parking space for each one hundred square feet of floor used therefore.
- (9) *Dwellings, multiple family units - three parking spaces for each two dwelling units. Single-family units - two parking spaces for each dwelling unit.*
- (10) *Fraternity of sorority associated with a college.* One parking space for each resident member.
- (11) *Furniture, machinery or equipment sales or service.* Two spaces plus one parking space for every one thousand square feet of floor area.
- (12) *Golf club.* One parking space for each five resident members.
- (13) *Hospital.* One parking space for each four beds.
- (14) *Hotel.* One parking space for each sleeping rooms, suites or dwelling units, plus one space for each hundred square feet of commercial or office floor area contained therein.
- (15) *Independent living facility.* At capacity, one space per one bedroom residential unit; 1.5 spaces for two-bedroom units; two spaces for each unit of three bedrooms or more; and one space for each *two* employees on the largest work shift. (00/00)
- (16) *Manufacturing or industrial establishment, public utility service building, research or testing laboratory, creamery, bottling plant, wholesale warehouse or similar establishment.* Two parking

spaces for every three employees on the maximum working shift, plus space to accommodate all trucks and other vehicles used in connection therewith.

(17) *Mortuary or funeral home.* One parking space for each fifty square feet of floor space in slumber rooms, parlors or individual funeral service rooms.

(18) *Nursing home.* At capacity, one space per four beds. (00/00)

(19) *Printing or plumbing shop or similar service establishment.* Two parking spaces for each three persons employed therein.

(20) *Private club or lodge.* One parking space for each one hundred square feet of non-storage and non-service floor area.

(21) *Restaurant, nightclub, cafe or similar recreation or amusement establishment.* One parking space for each one hundred square feet of floor area.

(22) *Residential care facility.* At capacity, one space per three sleeping rooms. (00/00)

(23) *Retail store or personal service establishment, except as otherwise specified herein.* One parking space for each two hundred fifty square feet of floor area.

(24) *Rooming house or boardinghouse.* One parking space for each two sleeping rooms.

(25) *Sanitarium, convalescent home, or similar institution.* One parking space for each six beds. (00/00)

(26) *School, elementary.* One parking space for each ten seats in the auditorium of main assembly room or two spaces for each classroom whichever is greater.

(27) *Sports arena, stadium, or gymnasium except school.* One parking space for each five seats or seating spaces.

(28) *Theatre or auditorium except school.* One parking space for each five seats or seating spaces.

Section 2. Rules in applying parking standards

In applying the standards of Section 1 of this article, the following rules shall apply:

(1) "Floor area" shall mean the gross floor area of the specified use.

(2) Where fractional spaces result, the parking spaces required shall be construed to be the next highest whole number.

(3) The parking space requirement for a use not specifically mentioned herein shall be the same as required for a use of similar nature.

(4) In the case of mixed or joint uses, the parking spaces required shall equal the sum of the requirements of the various uses computed separately.

(5) These standards shall apply fully to all uses and buildings established after the effective date of this ordinance.

(6) These standards shall apply fully to all additions, expansions, enlargements or reconstructions of all buildings.

Section 3. Location of required parking spaces.

All parking spaces required herein shall be located on the same lot with the building or use served. However, when an increase in the number of spaces is required by a change of use or enlargement of the building, or where such spaces are provided collectively or used jointly by two or more buildings or establishments, the required spaces may be located and maintained not to exceed three hundred feet from an institutional building served, and not to exceed five hundred feet from any other non-residential building served.

(1) Up to fifty percent of the parking spaces required for (a) theatres, public auditoriums, bowling alleys, dance halls, night clubs or cafes, and up to one hundred per cent of the parking spaces required for a church auditorium may be provided and used jointly by (b) banks, offices, retail stores, repair shops, service establishments and similar uses not normally open, used or operated during the same hours as those listed in (a) provided, however, that written agreement thereto is properly executed and filed as specified below.

(2) In any case where the required parking spaces are not located on the same lot with the building or use served, or where such spaces are collectively or jointly provided and use, a written agreement thereby assuring their retention for such purposes shall be properly drawn and executed by the parties concerned, approved as to form by the county attorney and shall be filed with the application for a permit, recorded at the applicant's expense in the office of Judge of Probate, and shall be in full force and effect until released by resolution of the Planning Commission.

(3) No off-street parking shall be permitted in the required front yard of any "R" districts except upon a driveway providing access to a garage, carport or parking area for a dwelling.

(4) All parking spaces required herein, including adequate driveways and maneuvering areas shall be improved with a suitable hard surface permanent type of pavement.

Section 4. Loading requirements--specified uses.

The following are the off-street loading regulations of Shelby County.

(1) A building whose dominant use is handling and selling goods at retail shall provide spaces in relation to the total floor area used for retail purposes as follows:

<u>Area</u>	<u>Spaces Required</u>
5,000 - 10,000 sq. ft.	One
10,000 - 20,000 sq. ft.	Two
20,000 - 30,000 sq. ft.	Three
Over - 30,000 sq. ft.	Four

(2) Manufacturing, repair, wholesale or warehouse uses shall provide spaces in relation to total floor area as follows:

<u>Area</u>	<u>Spaces Required</u>
5,000 - 40,000 sq. ft.	One
40,000 - 100,000 sq. ft.	Two
Each - 75,000 sq. ft. over 100,000 sq. ft.	One Additional

(3) Other buildings not listed above shall provide spaces in relation to total floor area as follows:

<u>Area</u>	<u>Spaces Required</u>
5,000 - 50,000 sq. ft.	One
50,000 - 100,000 sq. ft.	Two
100,000 - 200,000 sq. ft.	Three
Over - 200,000 sq. ft.	Four

Section 5. Rules in applying loading standards.

In applying the requirements of Section 4 of this article, the following rules shall apply.

- (1) These requirements shall apply fully to all buildings erected after the effective date of this ordinance.
- (2) These requirements shall apply fully to all enlargements, expansions, or reconstructions of all buildings.
- (3) In all cases, off street loading and unloading facilities shall be of sufficient sizes so that no part of any motor vehicle, loading or unloading, shall protrude onto a public street.

ARTICLE XXI. SUPPLEMENTARY REGULATIONS AND MODIFICATIONS.

Section 1. Regulations supplemental.

The regulations set forth in this article supplement or modify the district regulations appearing elsewhere in this ordinance.

Section 2. Use modifications.

(1) Temporary structures for use incidental to construction work may be permitted in any district during the period that construction work is in progress, but such temporary building shall be removed upon completion or abandonment of the construction work.

(2) Utility structures, including, but not limited to, poles, wires, cross arms, transformers attached to poles, guy wires, insulators, conduits and other facilities necessary for the transmission or distribution of electric power or to provide telephone or telegraph service and pipe lines, vents, valves, hydrants, regulators, meters and other facilities necessary for the transmission or distributions of gas, oil, water or other fluids, may be constructed, erected, repaired, maintained or replaced within any district in Shelby County. This is not to be construed to include the erection or construction of buildings or electric substations.

(3) Railroad facilities, including main line tracks, switching spurs, control signals, poles, and wires or similar facilities (but not yards or service facilities) needed for operating railroad trains, may be constructed, repaired, maintained or replaced in any district. (MB 8/199)

Section 3. Height modifications.

(1) Chimneys, cooling towers, elevator bulkheads, head houses, fire towers, gas tanks, steeples, penthouses, stacks, tanks, water towers, ornamental towers and spires, or necessary mechanical appurtenances, where permitted may be erected to any height not in conflict with existing or hereafter adopted ordinance of Shelby County except that where permitted in connection with residential uses such structures shall be limited to a height of twenty feet above the maximum height of structures permitted in that district. The height of wireless telecommunications facilities shall be regulated in accordance with the provisions of Section 9 of this Article. (MB 0/000)

(2) The limitation on number of stories shall not apply to buildings used exclusively for storage purposes, provided such buildings do not exceed the height in feet permitted in this district in which located.

(3) Public--semi-public or public service buildings, including but not limited to hospitals, schools and churches, when permitted in a district with height limitations of less than sixty feet, may be erected to a maximum height of sixty feet, provided side yards are increased by one foot for each foot of additional building height above the height limitation for the district in which the building is located.

Section 4. Area modifications for lots of record.

Where a lot of record at the time of the effective date of this ordinance had less area or less width than herein required for the district in which it is located, said lot may nonetheless be used as a building site provided the yard space and other requirements conform as closely as possible in the opinion of the Planning Commission to the requirements for the district in which it is located.

Section 5. General Yard modifications.

- (1) Every part of a required yard shall be open to the sky unobstructed by any structure or part thereof, and unoccupied for storage, servicing or similar use except as provided herein.
- (2) Sills, belt courses or ornamental features may project into any yard not to exceed six inches.
- (3) Cornices or eaves may project into any required yard not to exceed eighteen (18) inches.
- (4) Terraces, uncovered porches, underground fallout shelters or ornamental features which do not extend more than five (5) feet above grade may project into a required yard, provided such projections be not closer than two (2) feet to any lot line.
- (5) More than one multiple dwelling, institutional, commercial or industrial building may be located upon a lot or tract, but such buildings shall not encroach upon the front, side and rear yards required by the district regulations. For multiple dwellings the open space between buildings shall be thirty (30) feet when one or both are two-story buildings, and forty (40) feet when one or both are three or more story buildings. For independent living facilities, residential care facilities, and nursing homes the open space between buildings shall be fifteen (15) feet when one or both are two-story buildings, and thirty (30) feet when one or both are three or more story buildings. (00/00)
- (6) Where an open space is more than fifty percent surrounded by residential or institutional buildings, the minimum width of the open space shall be at least twenty (20) feet for one story building, thirty (30) feet for two story buildings and forty (40) feet for three or more story buildings.
- (7) In a residence district, a private swimming pool shall be enclosed by a fence of not less than four (4) feet in height. No mechanical appurtenance or pool shall be within ten (10) feet of any lot line.
- (8) The minimum dimension of a yard upon which any entrance or exit of a multiple dwelling faces shall be twenty (20) feet.
- (9) Wherever yards are provided between commercial or industrial structures, they shall have a minimum width of not less than six (6) feet.

Section 6. Front Yard Modifications.

The required front yards heretofore established shall be modified in the following cases:

- (1) Where forty percent or more of the frontage on the same side of a street between two intersecting streets is presently developed or may hereafter be developed with buildings that have (with a variation of five feet or less), a front yard greater or lesser in depth than herein required, new buildings shall not be erected closer to the street than the average front yard so established by the existing buildings.
- (2) Where forty percent or more of the frontage on one side of a street between two intersecting streets is presently developed or may hereafter be developed with buildings that do not have a front yard as described above, then:
 - (a) Where a building is to be erected on a parcel of land that is within one hundred feet of existing buildings on both sides, the minimum front yard shall be a line drawn between the two closest front corners of the adjacent buildings, or

(b) Where a building is to be erected on a parcel of land that is within one hundred feet of an existing building on one side only, such building may be erected as close to the street as the existing adjacent building.

(3) Through lots shall provide the required front yard on both streets.

(4) Corner lots shall provide a front yard on each street side. However, the buildable width of a lot of record need not be reduced to less than twenty-eight feet; provided that the side yards shall in no case be reduced to less than that otherwise required for the zone district. No accessory building shall project into the front yard on either street.

(5) Permitted signs attached to buildings may extend into a front yard or the required yard abutting a side street not to exceed eighteen (18) inches.

(6) Service stations pumps and pump islands may be located within a required front yard, but in no case shall the pump centerline be closer than fifteen (15) feet to any street line.

Section 7. Rear Yard Modifications.

The rear yards heretofore established shall be modified in the following cases:

(1) Where a lot abuts upon an alley, one-half of the alley width may be considered as part of the required rear yard.

(2) An unenclosed balcony, porch steps or fire escape may project into a rear yard for a distance not exceeding ten feet.

(3) Accessory buildings and structures may be built in a rear yard, but such accessory buildings and structures shall not occupy more than thirty (30) percent of the required rear yard and shall not be nearer than three (3) feet to any side or rear lot line, except that when a garage is entered from an alley it shall not be located closer than seven (7) feet to the alley line.

Section 8. Walls and fences.

Walls or fences may be located within the yards except as provided herein:

(1) No wall or fence in a front yard shall exceed a height of four (4) feet, except as required for a retaining wall.

(2) No wall or fence in a rear or side yard in a residential district shall exceed a height of six and one-half (6½) feet, except as required for a retaining wall. (MB 00/000)

(3) In any residence district, no fence, structure or planting which obstructs visibility shall be maintained within twenty-five (25) feet of any street intersections.

Section 9. Wireless Telecommunications Facilities.

§ 21.9.1 Purpose

The purpose of this section is to establish minimum standards for wireless telecommunications facilities. The underlying principles of these standards are to: (1) achieve a balance among the number, height, and density of wireless telecommunications facilities that is appropriate for our communities; (2) encourage and maximize the use of existing and approved towers, buildings and other structures to accommodate new wireless telecommunications facilities; (3) ensure the compatibility of towers with, and avoid adverse impacts to, nearby properties; and (4) discourage the proliferation of towers throughout the areas of Shelby County that are subject to the *Zoning Ordinance of Shelby County*.

§ 21.9.2 Definitions

Accessory structure compound. A fenced, secured enclosure in which a wireless telecommunications facility and its equipment, buildings, access roads, parking area and other accessory devices/auxiliary structures are located. The outline of an accessory structure compound shall be accurately defined on a site plan.

Alternative support structure. Any structure other than a wireless telecommunications tower, which may include, but is not limited to, buildings, water towers, light poles, power poles, telephone poles, and other essential public utility structures.

Antenna. An electromagnetic device, which conducts radio, signals, through an attached cable or waveguide, to or from a radio transmitter or receiver. Typically this includes “whips,” “cornucopia horns,” “panels” and parabolic “dishes.”

Antenna support structure. Any structure on which telecommunications antennas and cabling can be attached. Typically this includes steel towers with guy-wires (guyed towers); wooden, steel or concrete single poles (monopoles); self-supporting steel towers with three or four “legs” (self-support/lattice towers); rooftops of existing buildings or structures (such as elevated water storage tanks). (see also *tower*)

Co-location. The placement of more than one wireless communications antenna by one or more telecommunications service providers on a single existing or new antenna support structure.

Concealment Techniques. Design techniques used to blend a wireless telecommunications facility, including any antennas thereon, unobtrusively into the existing surroundings so as to not have the appearance of a wireless telecommunications facility. Such structures shall be considered wireless telecommunications facilities and not spires, belfries, cupolas, or other appurtenances usually required to be placed above the roof level for purposes of applying height limitations. Due to their height, such structures must be designed with sensitivity to elements such as building bulk, massing, and architectural treatment of both the wireless telecommunications facility and surrounding development. Concealed towers on developed property must be disguised to appear as either a part of the structure housing, a principal use, or an accessory structure that is normally associated with the principal use occupying the property. Concealed towers developed on unimproved property must be disguised to blend in with existing vegetation. *Example:* A tower of such design and treated with architectural material so camouflaged to resemble a woody tree with a single trunk and branches on its upper part (also known as a “monopine”).

FAA. Federal Aviation Administration.

FCC. Federal Communications Commission.

Height. When referring to a tower or other structure, the distance measured from the ground level at the base of the tower to the highest point on the tower or other structure, including if said highest point is an antenna placed on a structure or tower.

Private telecommunications operation. The use of a telecommunications facility to provide communications services internal to the facility owner or to its affiliates, provided that there is no fee charged for or lease of the communication services and provided further that such communication services are only accessory to the principal use of the owner's property on which they are located.

Temporary telecommunications tower. Mobile wireless telecommunications towers mounted upon trailers, operated temporarily. Also known as "cellulars on wheels" (COWs).

Tower. Any structure that is designed and constructed primarily for the purpose of supporting one or more antenna, including self supporting lattice towers, guyed towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common carrier towers, cellular telephone towers and the like. (see also *antenna support structure*)

§ 21.9.3 Procedures

(a) *Permit Requirements.* All wireless telecommunications facilities are subject to the standards contained in this section and will be required to receive a use permit from the Director prior to being granted a building permit. The following facilities are exempt from these standards and from any requirement to obtain a permit subject to this section:

(1) Amateur radio and receive-only antenna owned and operated by a federally licensed radio station operator or used exclusively for receive-only antennas.

(2) Telecommunications facilities for private communication operation less than or equal to seventy five (75) feet in height or mounted on a structure that is accessory to the principal use of the owner's property on which it is located.

(b) *Temporary installations.* Temporary telecommunications towers shall be allowed for a period not to exceed one year with approval from the Shelby County Planning Commission. Requests for temporary use permits for self-supporting towers shall be accepted only for sites that are already approved for a permanent tower structure. An application for a temporary tower may be made simultaneously with an application for a permanent tower. All portions of the temporary self-supporting towers and its support structures, including guy wires, shall fall within the property or compound boundaries that are approved specifically for wireless telecommunications facility use. A temporary tower shall not exceed the height of a permanent tower approved for a particular site. These regulations shall not apply to portable mobile emergency or test tower facilities.

§ 21.9.4 Standards for approval

(a) A permit for a wireless telecommunications facility may be approved by the Director only upon determination that the application and evidence presented clearly indicate that all of the following standards have been met.

(b) Location and Facility Height.

(1) Location and facility height table.

WIRELESS TELECOMMUNICATIONS FACILITIES	ZONING DISTRICTS				
	H-Z	A-1	A-R, E-1, E-2, R-1, R-2, R-4, R-5	O-I, O-I(2), B-1, B-2	M-1, M-2
Alternative support structures	Prohibited	Permitted	Permitted	Permitted	Permitted
Co-location antennas	Prohibited	Permitted	Permitted	Permitted	Permitted
Use of concealment techniques (antenna support structures of any height)	Prohibited	Permitted	Conditional	Permitted	Permitted
Antenna support structures up to 60' in height	Prohibited	Permitted	Conditional	Permitted	Permitted
Antenna support structures 61' to 200' in height	Prohibited	Conditiona 1	Conditional	Permitted	Permitted
Antenna support structures 201' to 260' in height	Prohibited	Conditiona 1	Prohibited	Conditiona 1	Conditiona 1
Antenna support structures 261' in height or more	Prohibited	Prohibited	Prohibited	Prohibited	Conditiona 1

(2) Towers and/or antennas utilizing alternative support structures shall not exceed 15 feet in height above the existing structure on which they are placed.

(3) “Whips,” “panels,” cornucopia horns, and parabolic “dishes” placed on alternative support structures shall not exceed 100 square feet in size.

(c) Area and Dimensional Regulations.

(1) Minimum Lot Size.

(a) Lot size must conform to the minimum lot size required for the underlying zoning district.

(b) The minimum lot size for any new freestanding wireless telecommunications facility shall be large enough to allow for the antenna support structure and ground-mounted accessory structures of the applicant and the ground-mounted accessory structures at least one additional co-locating service provider.

(c) If only a portion of a parcel is being leased for a wireless telecommunications facility, the lease parcel must be situated within the parent parcel so that the wireless telecommunications facility complies with the applicable antenna support structure setback requirements.

(2) Setbacks.

(a) Wireless telecommunications towers, guys, and accessory facilities must satisfy the minimum yard requirements of the zoning district in which they are located. The use of concealment techniques does not exempt a wireless telecommunications facility from any minimum yard requirements.

(b) Towers (but not guys and accessory facilities) must adhere to additional setbacks indicated in the following table. Tower setbacks do not apply to alternative support structures.

TOWER SETBACKS	
When the property on which the tower is located is zoned...	The setback from all property lines is...
A-R, A-1	50' (for towers of any height)...(Additional setback applies if tower is adjacent to a residentially-zoned property - see (c) below.)
E-1, E-2, R-1, R-2, R-4, R-5	A distance equaling the height of the tower
O-I, O-I(2), B-1, B-2	50' (for towers of any height)...(Additional setback applies if tower is adjacent to a residentially-zoned property - see (c) below.)
M-1, M-2	30' (for towers of any height)...(Additional setback applies if tower is adjacent to a residentially-zoned property - see (c) below.)

(c) Towers must be placed no closer than a distance equal to the height of the wireless *telecommunications* facility from any residential structure on adjacent property.

(d) *Co-location.*

(1) No new antenna support structure shall be permitted unless the applicant demonstrates that no existing antenna support structure or other structure can accommodate the applicant's needs.

(2) Documentation that reasonable efforts have been made to achieve co-location shall be submitted. Applications for new antenna support structures must include an affidavit from the applicant verifying that no existing sites are available for co-location. If the owner of an approved antenna support structure refuses to allow a co-location, an affidavit shall be required that states the reason for the refusal.

(3) Antenna support structures less than or equal to 200 feet in height shall have the ability to accommodate at least one additional antenna, unless they would cause the height of the antenna support structure to be increased. Antenna support structures greater than 200 feet in height shall have the ability to accommodate at least two additional antennas.

(4) Co-location is not required if the use concealment techniques is prohibitive to co-location efforts.

(5) Shelby County may request of the owner/operator of a wireless telecommunications facility permission to place weather warning equipment, such as horns and sirens, on a tower of a wireless

telecommunications facility, which request may be refused by the owner/operator should such warning equipment interfere with the operation of the wireless telecommunications facility.

(e) Aesthetics. The aesthetic properties of each individual wireless telecommunications facility shall be approved as part of the site plan review process.

(1) *Appearance.* The design of the tower shall be of a type that has the least visual impact on the surrounding area.

(a) Towers and antennas shall be painted a neutral or blending color so as to reduce visual obtrusiveness, unless subject to any applicable FAA standards. If an antenna is installed on a structure other than a tower, the antenna and supporting telecommunications facilities must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure.

(b) No signage, symbols, or advertisements may be attached to the pole, tower or antenna.

(c) Towers camouflaged to resemble woody trees or indigenous vegetation in order to blend in with the native landscape will be subject to administrative review, as are other types of concealment techniques (see *Concealment Techniques*).

(2) *Accessory Structures.*

(a) The design of the compound and its accessory structures shall, to the extent possible, maximize use of building materials, colors, textures, screening and landscaping that effectively blend the tower facilities within the surrounding natural setting and built environment.

(b) In or adjacent to developed properties, accessory structures must be aesthetically and architecturally compatible with the surrounding environment. Materials such as wood, brick, and stucco should be used as appropriate. The use of metal or metallic-looking materials shall be avoided in as much as shall be practical.

(3) *Nonvegetative Screening.*

(a) Nonvegetative screening will be required when it is necessary to reduce the visual impact of a wireless telecommunications compound on adjacent public ways, properties or the neighborhood in which it is located. In or adjacent to developed properties, nonvegetative screening shall be provided in a manner that is compatible with the surrounding character of development, buildings, natural vegetation, and landscaping. Such screening, as required and subject to site plan review, shall have a minimum height of 8 feet, and may consist of one of the following: brick masonry walls, solid wood fencing, berms, or opaque barriers. All nonvegetative screening shall be properly maintained by the property owner or lessor.

(b) In isolated non-residential areas, alternative nonvegetative screening methods may be accepted, such as the use of earth-toned, vinyl-coated steel security fencing.

(c) In certain locations where the visual impact of the tower would be minimal, such as remote, agricultural or rural locations or developed heavy industrial areas, the nonvegetative screening requirement may be reduced or waived.

(d) Wireless telecommunications facilities utilizing underground vaults rather than aboveground equipment buildings may be exempted from any buffer requirements.

(4) Landscaping.

(a) Landscaping will be required to reduce the visual impact of a compound and its accessory structures on adjacent public ways, properties or the neighborhood in which it is located. In or adjacent to developed properties, landscaping shall be provided in a manner that is compatible with the surrounding character of development, buildings, and natural vegetation.

(b) The perimeter of the compound shall be landscaped with a buffer of plant materials that effectively screens the view of the compound from adjacent property and public ways. The standard buffer shall consist of a landscaped strip of at least 4 feet wide outside the perimeter of the compound. In locations where the visual impact of the tower would be minimal, the landscaping requirement may be reduced or waived.

(c) A row of trees a minimum of 8 feet tall and a maximum of 10 feet apart shall be planted around the perimeter of the compound fence. A continuous hedge at least 30 inches high at planting capable of growing to at least 36 inches in height within 18 months shall be planted in front of the tree line.

(d) All landscaping shall be of the evergreen variety. All landscaping shall be xeriscape tolerant or irrigated and properly maintained by the property owner or lessor to ensure good health and variety.

(f) *Lighting.*

(1) Towers shall not be artificially lighted unless required by the FAA or other authority for safety purposes. If lighting is required, "dual lighting" (red at night/strobe during day) shall be preferred unless restricted by the FAA. Lighting must be shielded or directed inward to the greatest extent possible so as to minimize the amount of light that falls onto nearby properties, particularly residences.

(2) Basic security lighting for the compound may be permitted, but shall not include any flashing lights or lights greater than 20 feet in height. This lighting shall be focused only on the compound itself, and shall be directed away from any adjacent property.

(g) *Environmental Impact.* All wireless telecommunications facilities shall comply with the National Environmental Policy Act. If an environmental assessment is required by the Federal Communications Commission (FCC), a copy of the assessment, as well as documentation of the FCC's subsequent approval thereof, must be submitted at the time of application.

(h) *Safety.*

(1) *Radio Frequency.* The applicant shall be required to submit documentation that the proposed wireless telecommunications facility complies with Federal Communications Commission standards for radio frequency emissions, as adopted by the FCC on August 1, 1996.

(2) *Structural.* A Professional Engineer shall certify that all antenna support structure and wireless telecommunications equipment are erected and/or installed so as to comply with wind loading and other structural standards contained in the Standard Southern Building Code and the applicable technical codes established by the Electronic Industries Association (EIA/TIA 222-E “Structural Standards for Steel Antenna towers and Antenna Supporting Structures) or the Telecommunications Industry Association. This shall apply to new and modified structures and facilities.

(3) *Security of Site.* Fencing shall be required to ensure that antenna support structures and their accessory buildings are fully secured. Sufficient anti-climbing measures must be incorporated into each facility, as needed, to reduce potential for trespass and injury. A sign shall be discretely placed on the outermost structural element, which indicates the name and telephone number of a person responsible for the safety and maintenance of the facility.

(4) *Access.* Provisions shall be made to provide access clearances for emergency vehicles.

(i) *Maintenance.*

(1) Towers must be properly maintained. Estimated life of structure must be included in submittal information.

(2) *Obsolete towers.* In the event the use of any wireless telecommunications facility has been discontinued for the period of 180 consecutive days, the wireless telecommunications facility shall be deemed to be abandoned. Determination of the date of the abandonment shall be made by the Director who shall have the right to request documentation and/or affidavits from the wireless telecommunications facility owner regarding the issue of telecommunications facility usage. Upon such abandonment, the owner/operator of the wireless telecommunications facility shall have an additional 180 days within which to reactivate the use of the wireless telecommunications facility or transfer the wireless telecommunications facility to another owner/operator who makes actual use of the wireless telecommunications facility, or dismantle and remove the wireless telecommunications facility. At the earlier of 180 days from the date of abandonment with reactivation or upon completion of dismantling and removal, any variance approval for the wireless telecommunications facility shall automatically expire. The applicant shall sign an affidavit to this effect, to be placed on file with the Shelby County Department of Planning and Development.

ARTICLE XXII. NONCONFORMING USES

Section 1. When continuance of use permitted; change in use.

The lawful use of a structure or the lawful use of land existing at the time of the effective date of this ordinance may be continued although such use does not conform to the provisions hereof. If no structural alterations are made, a nonconforming use of a structure may be changed to another nonconforming use of the same general classification or to a conforming use.

Section 2. Structures or premises vacant for one year.

In the event that a structure or premises occupied by a nonconforming use becomes and remains vacant for a continuous period of one year or more, the use of the same shall thereafter conform to the use regulations of the district in which such structure or premises is located.

Section 3. Enlargement, etc., of structure or premises.

No structure or premises occupied by a nonconforming use shall be enlarged, extended, reconstructed or structurally altered, unless such use is changed to a use which conforms to the use regulations of the district in which such structure or premises is located; provided, however, that a structure or premises may be physically enlarged, extended, reconstructed or structurally altered to the extent necessary for compliance with any existing and applicable law or ordinance specifying minimum standards of health or safety.

Section 4. Enlargements, etc., of nonconforming use.

No nonconforming use shall be enlarged, extended or expanded unless such use is changed to a use, which conforms to the use regulations of the district in which such use is located.

Section 5. Structures conforming to district regulations but not other regulations.

A structure or building conforming to the use regulations of the district in which it is located but not conforming to any other provisions of this ordinance, may be enlarged, extended or expanded; provided; that such enlargement, extension or expansion conforms to the provisions of this ordinance.

Section 6. Restoration of damaged buildings.

Any nonconforming building or structure damaged or destroyed by any cause may be rebuilt or reconstructed to its original state of nonconformity provided that such reconstruction shall be commenced within one year after the damage occurs.

Section 7. Reestablishment of Nonconforming Use.

Any nonconforming use discontinued because of damage or destruction of a building or premises may be reestablished at its original level of nonconformity provided that the use is resumed within one year of its discontinuance.

ARTICLE XXIII. VARIANCES AND APPEALS

Section 1. Appeals to Planning Commission.

(a) An appeal from the decision of the Building Inspector, Zoning Official, or other official designated by the Planning Commission to enforce this ordinance may be taken to the Planning Commission by any person aggrieved, or by any officer, department, board or agency of Shelby County affected by such decision.

(b) Such appeal shall be taken within a reasonable time as provided by the rules of the Planning Commission by filing with the Planning Commission a notice of appeal specifying the grounds thereof.

(c) The Zoning Official shall forthwith transmit to the Planning Commission all the papers constituting the record upon which the action appealed from was taken. An appeal stays all proceedings in furtherance of the action appealed from unless the Zoning Official certifies to the Planning Commission after the notice of appeal has been filed, that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Planning Commission or by a court of record on application or notice to the Zoning Official and on due cause shown.

Section 2. Hearing of appeals.

The Planning Commission shall fix a reasonable time for the hearing of an appeal taken within the time specified by its rules, give public notice thereof, as well as due notice to all adjacent property owners, and decide the same within a reasonable time. Upon the hearing of such appeal, any party may appear in person, or by agent or attorney.

Section 3. Grant of Appeal or Variance.

(a) The Planning Commission, in appropriate cases and subject to appropriate conditions and safeguards, take the following actions in case of appeals.

(1) May hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the Zoning Official in the enforcement of application of this ordinance.

(2) May authorize upon appeal in specific cases a variance from the terms of this ordinance, such as will not be contrary to the public interest, where owing to special conditions a literal enforcement of the provisions of this ordinance will result in unnecessary hardship, but where the spirit of the ordinance shall be observed and substantial justice done. Such special conditions shall be limited to exceptional narrowness, shallowness or shape of a specific piece of property existing at the time of the enactment of this ordinance, or exceptional topographic conditions or other extraordinary and exceptional situation or condition of such piece of property as would result in peculiar, extraordinary and practical difficulties. However, the granting of the variance shall not allow a structure or use in a district restricted against such structure of use, except as specifically provided for in this article. A variance may be authorized, based on the existence of the following conditions:

(a) That the special circumstances or conditions applying to the building or land in question are peculiar to such premises and do not apply generally to other land or buildings in the vicinity.

(b) That the granting of the application is necessary for the preservation and enjoyment of a property right and not merely to serve as a convenience to the applicant.

(c) That the authorizing of the variance will not impair an adequate supply of light and air to adjacent property or unreasonably increase the congestion in public streets, or increase the danger of fire, or imperil the public safety, or unreasonably diminish or impair established property values within the surrounding areas, or in any other respect impair the health, safety, comfort, morals, or general welfare of the inhabitants of Shelby County.

(3) The Planning Commission may modify the strict application of the provisions of this ordinance upon such reasonable conditions as it may prescribe in the following cases:

(a) The extension of a district for a distance of not more than 100 feet where the boundary line of a district divides a lot of tract held in single ownership at the time of the passage of this ordinance.

(b) The determination of the proper district applicable to particular land in cases of ambiguity or doubt arising from a difference between the street layout actually on the ground and the street layout as shown on the zone map.

(c) The reconstruction of a building, the use of which is nonconforming, which has been destroyed, or partially destroyed, by explosion, fire, act of God or the public enemy.

(d) Reduction in the parking and loading requirements of this ordinance whenever the character or use of a building or premises is such as to make unnecessary the full provision of parking or loading facilities, or where such regulations would impose an unreasonable hardship, such as extreme financial difficulty, structural difficulty or similar condition, upon the use of the property.

(e) The erection of a temporary building for commerce or industry in the "R" districts which is incidental to the residential development, such permit to be issued for a period of not more than one year.

(b) In executing the above mentioned actions the Planning Commission may, in conformity with the provisions of this ordinance, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as ought to be made and to that end shall have all powers of the Zoning Official.

(c) To defray a portion of the costs occasioned thereby, no appeal from the decision of the Zoning Official and no application for an exception, variance or other matter, shall be entered on the docket of, or heard by, or ruled on by the board until there has been paid to the offices of the Planning Commission by the appellant or applicants a fee of ten dollars. If, an appeal from the decision of the Zoning Inspector pertaining to an interpretation of the provisions of this ordinance, the applicant is successful in reversing the decision of the Zoning Official; the ten-dollar fee shall be returned to the applicant. No fee shall be required for an interpretation of this ordinance when there is a variance between the street layout on the ground and the street layout as shown on the district zoning map.

(d) Neither Shelby County nor any officer, agent, or employee of the county acting in his official capacity, nor any agency of the county shall be required to pay a fee under this article.

Section 4. Appeals from action of the Planning Commission. (MB 7/38, MB 9/166)

(a) Any party aggrieved by any final judgment or decision of the Planning Commission may appeal such decision in accordance with Section 15 of Act No. 82-693 of the Legislature of Alabama as amended.

(b) In the event of a Review Board hearing, the appealing party shall be required to pay an application fee according to the current schedule of fees established by the County Commission. This fee shall be nonrefundable irrespective of the final disposition of the application. If reconsideration is ordered by the Review Board, the appealing party shall be required to remit payment for the cost of providing notice of the Planning Commission rehearing.

ARTICLE XXIV. ADMINISTRATION

Section 1. Enforcement.

The duty of administering and enforcing the provisions of this ordinance is hereby conferred upon the Zoning Official, Administrator, or other such official designated by the Planning Commission.

Section 2. Zoning Certificates.

A Zoning Certificate shall be required for the construction of any building or for the alteration of any building where such alteration will cause an increase in the land coverage of such building provided however, that a certificate shall not be required for accessory buildings or barns.

Any applicant for a zoning certificate shall submit to the Planning Commission a sketch showing the location of the proposed construction or alteration, the property lot lines and all applicable dimensions so that the zoning official may determine that the construction or alteration conforms to the dimensional and use regulations of the district in which it is located. There shall be a charge of \$5.00 for the zoning certificate.

Section 3. Conditional Uses. (MB 8/199)

(a) Purpose. It is the purpose of this section to establish a process that enables and facilitates review of those uses identified as conditional uses in these regulations in order to determine the appropriateness of a particular conditional use in a given location.

(b) Authorization. The Planning Commission may, under the prescribed standards and procedures contained herein, authorize the construction or initiation of any conditional use that is expressly permitted as a conditional use in a particular zoning district; however, the county reserves full authority to deny any request for a conditional use, to impose conditions on the use, or to revoke approval at any time, upon a finding that the permitted conditional use will or has become unsuitable and incompatible in its location as a result of any nuisance or activity generated by the use.

(c) Procedures.

(1) The Director shall, upon determination that the application complies with all applicable submission requirements, receive the application and schedule it for public hearing by the Planning Commission.

(2) The Director shall, two weeks before the scheduled public hearing by the Planning Commission, provide notice of such hearing by regular mail to the owners of property adjacent to the proposed conditional use as their names appear in the county tax records.

(3) The Planning Commission shall consider the application and render a decision at the conclusion of the public hearing unless it is determined that action must be deferred to allow for additional input and review.

(d) Submission *requirements*. No request for conditional use approval shall be considered complete until all of the following has been submitted to the Director:

(1) Application *form*. The application shall be submitted to the department on forms to be provided by the department. The application shall be signed and, if not signed by the property

owner, shall be accompanied by a notarized affidavit that the applicant is authorized to act in the owner's behalf.

(2) *Plans and specifications.* Each application shall be accompanied by an accurate site plan, drawn to scale, identifying: the current off-street parking available on the site; any new proposed parking layout; ingress to and egress from the site; area of the site; existing uses on the site, including the location and floor area of all buildings; and such other information as the Director may reasonably require. Any supplementary information, exhibits, plans or maps which are to accompany and constitute part of the application shall be submitted to the Director at the time of filing the application. Three (3) copies of all such documents shall be required for distributional purposes."

(3) *Application fee.* The applicant shall be required to pay an application fee according to the current schedule of fees established by the County Commission for the particular category of application. This fee shall be nonrefundable irrespective of the final disposition of the application."

(e) *Standards for approval.* A conditional use may be approved by the Planning Commission only upon determination that the application and evidence presented clearly indicate that all of the following standards have been met:

- (1) The proposed use shall be in harmony with the general purpose, goals, objectives and standards of the Shelby County Comprehensive Plan, these regulations, or any other official plan, program, map or regulation of Shelby County;
- (2) The proposed use shall be consistent with the community welfare and not detract from the public's convenience at the specific location;
- (3) The proposed use shall not unduly decrease the value of neighboring property; and
- (4) The use shall be compatible with the surrounding area and not impose an excessive burden or have a substantial negative impact on surrounding or adjacent uses or on community facilities or services.

(f) *Conditions and restrictions on approval.* In approving a conditional use, the Planning Commission may impose conditions and restrictions upon the property benefited by the conditional use as may be necessary to comply with the standards set out above, to reduce or minimize any potentially injurious effect of such conditional use upon other property in the neighborhood, and to carry out the general purpose and intent of these regulations. In approving any conditional use, the Planning Commission may specify the period of time for which such approval is valid for the commencement of the proposed conditional use. The Planning Commission may, upon written request, grant extensions to such time allotments not exceeding six (6) months each without notice or hearing. Failure to comply with any such condition or restriction imposed by the Planning Commission shall constitute a violation of these regulations. Those conditional uses which the Planning Commission approves subject to conditions, shall have specified by the Planning Commission the time allotted to satisfy such conditions.

Section 4. Site Plan Review and Approval (MB 0/000)

(a) *Purpose.* It is the purpose of this section to encourage a high standard of land development through careful review of the nature and composition of proposed development projects as well as to provide full consideration of the potential impacts of proposed developments upon surrounding uses and land.

Furthermore, it is the purpose of the site plan review process to provide a mechanism to ensure that the individual components of the development process are carefully integrated in order that a project meets not only those minimum regulatory requirements and individual design standards, but also addresses in its totality the design guidelines set forth in this section.

(b) Approval *required*. Site plan approval as hereinafter set forth is required prior to the issuance of any building permit for all land uses subject to these regulations where any of the following exists:

- (1) A parcel of land proposed for a nonresidential use.
- (2) A parcel of land proposed for multi-family residential, condominium, townhouse, or hotel/motel use.
- (3) A parcel of land devoted to a nonresidential use or a parcel of land devoted to multi-family, condominium, townhouse or hotel/motel units which use of land or building is proposed to be expanded by twenty-five (25) per cent or more of lot area or building floor area.
- (4) A parcel of land, which is to be developed utilizing a "special district" zoning classification.
- (5) A parcel of land where, due to the unique characteristics of the land, surrounding use(s), proposed use or other features of the development, the Director determines it to be in the interest of the public health, safety or welfare that such project be subject to the site plan review process.

The Director shall have the authority to waive the site plan approval requirement for public, county-sponsored projects as is determined appropriate based on the nature, location, size and impact of such project(s).

(c) Procedures. Developments subject to site plan review shall be processed in the following manner:

(1) *Review and approval*.

- (a) The Director shall, upon determination that an application complies with all applicable submission requirements, receive the application and schedule it for consideration and approval by the Development Review Committee.
- (b) The development review committee shall review the site plan with specific regard to the design guidelines contained in this section. The committee shall evaluate and make a finding with respect to the satisfactory application of the design guidelines, both individually and in combination, to the subject plan. The development review committee shall approve, approve with conditions, or deny the site plan. In the alternative, the committee may, for the purpose of allowing the applicant an opportunity to address unresolved issues, continue consideration of the site plan. Any action to approve, conditionally or unconditionally, shall require a majority vote of the committee members present and shall be based upon a finding that the site plan comports with the design guidelines set forth in said paragraph (g). Any site plan, which does not receive a majority vote for approval, shall be denied and the reason(s) for such denial shall be noted. Under no circumstance shall any site plan be approved which is inconsistent with any term contained in these regulations unless a variance has been authorized in accordance with the provisions contained in Article XXIII of these regulations.

(c) A minimum of four (4) copies, and any additional copies as may be supplied by the applicant, of a site plan approved or approved conditionally shall be submitted to the office of the director within sixty (60) days of such action. Site plans approved contingent upon any changes to be made on the plan shall be so changed prior to certification. The director shall verify that all such changes have been made and certify with his signature that the site plan complies with these regulations and the requirements of the development review committee. The director shall retain and file one copy of the certified site plan to constitute a permanent record and forward one copy to the County Building Official. A minimum of two copies of the certified site plan shall be reserved for the applicant, one of which shall accompany the application for building permit and one copy to be available for inspection at the job site.

(2) *Amendment of a certified plan.* Any amendment, variation or adjustment of a certified site plan shall require approval of a site plan amendment according to the following:

(a) *Major amendment.* Submission to the director and action by the development review committee consistent with the process of approval of the original site plan.

(b) *Minor amendment.* Submission to and action by the director.

(c) The director shall determine based on the magnitude and type of change and its ramifications whether a proposed plan amendment is a major or minor amendment. The director may, at his discretion, forward any application for site plan amendment to the development review committee or to one or more individual departments for review and recommendation both as to its classification as a major or minor amendment and as to whether it should be approved, approved with conditions or denied.

(3) *Effect of site plan approval.* Those site plans approved or approved conditionally shall remain valid if a building permit is obtained subject thereto, and the project completed in accordance with such permit, within the respective allotted time periods to be specified by the director or development review committee. Extensions to the time limits imposed as a condition of site plan approval may be granted only upon written request to the director with subsequent determination to be made by the development review committee, based upon and consistent with the process for determining whether such request for extension of time is a major or minor amendment. Upon approval of the site plan, the applicant may proceed to submit detailed construction drawings to the appropriate county departments for approval and permitting. Nothing herein, however, shall preclude the building director from accepting for review and processing building construction plans related to the structural, mechanical, electrical and plumbing systems prior to the certification of a site plan, subject to such conditions as may be established by the building director relative to such pre-certification processing. In such instances, no building permit will be issued until the site plan has been certified and is on file with the building department. All building and construction permits issued for any project requiring site plan review shall be consistent with the certified site plan. The approval and certification of a site plan shall not under any circumstance be construed to waive or otherwise diminish the applicable county requirements for construction or installation of structures or materials. Whenever a conflict between the site plan and such construction details occurs, the more restrictive or that requiring the higher standard shall prevail.

(4) *Integration of other review procedures.* Any development involving the following related provisions of these regulations shall be coordinated as set forth below.

(a) *Special District development plans.* Properties which are proposed to be assigned a special district zoning classification shall have available for review at the public hearing held in consideration of such zoning a copy of a preliminary site plan of the proposed development. Following approval by the County Planning Commission, a final site plan taking into consideration matters of concern to the County Planning Commission shall be prepared and submitted to the Director for review by the Development Review Committee in accordance with the above paragraphs.

(b) *Rezoning.* Those developments requiring an action to rezone the property shall have the rezoning approved by the County Planning Commission prior to consideration of a site plan by the development review committee. In approving a rezoning action, the County Planning Commission may, in cases it deems advisable, also require that a preliminary site plan be submitted to it for review prior to consideration of a final site plan by the development review committee. Following review by the County Planning Commission, a final site plan taking into consideration matters of concern to the County Planning Commission shall be prepared and submitted to the Director for review by the Development Review Committee in accordance with the above paragraphs.

(c) *Variances.* Those developments requiring a variance from any applicable regulation shall have the variance acted upon by the county planning commission prior to consideration of a site plan by the development review committee.

(d) *Conditional Uses.* Those developments requiring conditional use approval shall have the conditional use approved by the County Planning Commission and prior to consideration of a site plan by the development review committee.

(4) *Noncompliance.* Failure to comply with a certified site plan or any of the conditions upon which such approval was contingent, including time limits for performance, shall be cause to deny issuance of a building permit or, where a permit has been issued pursuant to a certified site plan, to render such building permit invalid. Any action, construction, development or use of property undertaken in violation of the provisions of this section shall constitute a violation of these zoning regulations.

(d) *Submission requirements.* No request for site plan approval shall be considered complete until all of the following has been submitted to the Director:

(1) *Application form.* The application shall be submitted to the department on forms to be provided by the department. The application shall be signed and, if not signed by the property owner, shall be accompanied by a notarized affidavit that the applicant is authorized to act in the owner's behalf.

(2) *Plans and specifications.* Each application shall be accompanied by a site plan drawn to a minimum scale of one inch equals fifty (50) feet on an overall sheet size not to exceed twenty-four (24) by thirty-six (36) inches. When more than one sheet is required, an index sheet of the same size shall be included showing the entire parcel with individual sheet numbers referenced thereon. The following information is required on or in an acceptable form so as to accompany the site plan:

(a) Site plan name.

(b) North arrow, scale and date prepared.

- (c) Legal description.
- (d) Location map.
- (e) Zoning district assigned to the property, which is the subject of the site plan and adjacent properties.
- (f) Identification of watercourses, wetlands, tree masses and specimen trees, including description and location of understory, ground cover vegetation and wildlife habitats or other environmentally unique areas.
- (g) Gross and net site area expressed in square feet and acres.
- (h) Number of units proposed, if any.
- (i) Floor area devoted to each category of use.
- (j) Delineation in mapped form and computation of the area of the site devoted to building coverage and other impervious surfaces expressed in square feet and as a percentage of the overall site.
- (k) Number of parking spaces required (stated in relationship to the applicable formula) and proposed.
- (l) Location of all driveways, parking areas and curb cuts and the total paved vehicular use area (including but not limited to all paved parking spaces and driveways), expressed in square feet and as a percentage of the area of the overall site.
- (m) Location of all public and private easements and streets within and adjacent to the site.
- (n) The location, size and height of all existing and proposed buildings and structures on the site.
- (o) Location of all refuse collection facilities, including screening and access thereto.
- (p) Provisions for both on-and off-site storm water drainage and detention related to the proposed development.
- (q) Existing and proposed utilities, including size and location of all water lines, fire hydrants, sewer lines, manholes, and lift stations.
- (r) Existing two-foot contours or key spot elevations on the site, and such off-site elevations as may be specifically required and not otherwise available which may affect the drainage or retention on the site.
- (s) The proposed general use and development of internal spaces, including all recreational and open space areas, plazas and major landscape areas by function, and the general location and description of all proposed outdoor furniture (such as seating, lighting, and telephones).

(t) The location of all earth or water retaining walls, earth berms, and public and private sidewalks.

(u) Phase lines, if development is to be constructed in phases.

(v) Dimensions of lot lines, streets, drives, building lines, building setbacks, building height, structural overhangs, and building separations.

(w) Shadow cast information if the proposed building is higher than any immediately adjacent building or if the height of the building is greater than the distance of the building to any lot line.

(3) *Application fee.* The applicant shall be required to pay an application fee according to the current schedule of fees established by the County Commission for the particular category of application. This fee shall be nonrefundable irrespective of the final disposition of the application.

(e) *Design guidelines for site plan review.* It is the purpose of these design guidelines to supplement the standard requirements of zoning classifications in a manner that recognizes the need to tailor the land planning process to the unique features of each site, while preserving the right of reasonable use of private property based upon the uses permitted under the zoning classifications assigned to the property. The following items shall be given full consideration in the preparation and review of site plans required under this section. Before any site plan is approved (whether conditionally or unconditionally), it shall first be established that such plan is consistent with the design guidelines of this section. When it is determined that a site plan does not satisfactorily comply with one or more, in whole or in part, of any of the design criteria contained herein, the Development Review Committee shall have the authority to deny the site plan. Design guidelines to be considered include the following:

(1) *Plan and regulation requirements.* Site plans shall be consistent and in conformity with all applicable rules and regulations of the county and the state, including but not limited to the following;

- (a) County zoning and subdivision regulations;
- (b) County comprehensive plan and its constituent elements;
- (c) Other county ordinances, resolutions, policies and administrative directives;
- (d) Applicable provisions of Alabama Law.

(2) *Environment and open space.* Site plans shall recognize the significant existing environmental and open space features of the site and property immediately adjacent thereto. The proposed development shall be determined to be reasonably compatible with the existing environmental features of the site, based on an evaluation of the following specific factors:

- (a) Topography, including elevation, slopes and cut and fill;
- (b) Soil and subsurface characteristics.
- (c) Surface and groundwater characteristics, including water quality and groundwater recharge.
- (d) Vegetation and plant life, including specimen trees, natural wetland and native creek bank vegetation.
- (e) Wildlife habitat.
- (f) Historic and cultural significance.
- (g) Floodplain hazard.
- (h) Open space.

All of the above factors shall be determined consistent with the current development standards and design specifications of the county engineer and the environmental manager. It shall be the objective of this guideline to assure that a development project will not significantly degrade the existing environmental features of the site in a manner that is unnecessary to allow for the reasonable use of the property.

(3) *Traffic and parking.* Site plans shall be so designed as to provide for adequate traffic flow and control on public streets, coordination with public transportation modes where applicable, convenient internal circulation and service access, and vehicular and pedestrian safety. A determination as to the adequacy of provisions for traffic and parking shall be based on an evaluation of the following factors:

- (a) Functional classification of street and highway system.
- (b) Existing and projected traffic volume, road carrying capacities and levels of service.
- (c) Traffic signing, signalization and related control devices.
- (d) Number and distance between points of access and egress.
- (e) Sight distance and turning radii relative to curb cuts and internal traffic flow.
- (f) Off-street parking and loading space.
- (g) Pedestrian walkways.
- (h) Access for service and emergency equipment and personnel.

All of the above factors shall be determined consistent with the objectives of the transportation element of the general plan and with current development standards and design specifications of the county engineer. It shall be the objective of this guideline to ensure adequate provision for vehicular and pedestrian movement and safety within the site and as it relates to the adjoining public street and thoroughfare system.

(5) *Streets, drainage and utilities.* Site plans shall be so designed as to provide for streets, water supply, sewage disposal, refuse collection and storm water detention. Those specific factors to be evaluated in determining that these measures have been adequately addressed include the following:

- (a) Water supply and sewage treatment capabilities.
- (b) Water mains, fire hydrants and water meters.
- (c) Sewer mains and manholes.
- (d) Gas mains, where applicable.
- (e) Provisions for refuse disposal, including container location and access thereto.
- (f) Easements for all utility lines.
- (g) Location, capacity and design of storm water detention facilities, both as to the site and the watershed or basin.
- (h) Responsibility for maintenance and appearance of storm water detention facilities.
- (i) Sufficiency of adjacent streets.

All of the above factors shall be determined consistent with the objectives of the utility element of the general plan and current development standards and design specifications of the county engineer. It shall be the objective of this guideline to assure that adequate service capacity is available and that utility, street and drainage systems are appropriately designed for the proposed development site in relationship to the larger systems entering and leaving the site.

(6) *Neighborhood compatibility.* Site plans shall be so designed as to assure that the overall design and function of the proposed project are compatible and harmonious with other properties

in the immediate area. Compatibility shall be measured according to the following characteristics of the proposed and neighboring development:

- (a) Land use type or category.
- (b) Building location, dimension and height.
- (c) Location and extent of parking, access drives and service areas.
- (d) Traffic generation, hours of operation, noise levels and outdoor lighting.
- (e) Alteration of light, air and views.
- (f) Fence, wall, landscape and open space treatment.

It shall be the objective of this guideline to encourage design treatment that reflects consideration of and between adjoining developments. It is not the purpose of this provision to preclude development based upon normal change or that inconvenience which might ordinarily be expected to result from the land development process; but, rather, it shall be the purpose of this provision to preclude any significant adverse impact that is measurable and can be documented, based upon the above factors.

ARTICLE XXV. INTERPRETATION OF ORDINANCE

Section 1. Minimum requirements.

In interpreting and applying the provisions of this ordinance, they shall be held to be the minimum requirements for the promotion of public health, safety, convenience, comfort, morals and the general welfare. Where this ordinance imposes greater restrictions upon the use of a building or land or upon the open spaces, yard area or lot area, than are imposed or required by other ordinances, rules, regulations, or permits, or by easement, covenants or agreements, the provisions of this ordinance shall govern. Where any other ordinances, rules, regulations or permits, or any easements, covenants or agreements impose greater restrictions upon the use of a building or upon the height, bulk or size of a building or structure, or require larger open spaces, yard area or lot area than are required under the regulations of this ordinance, such provisions shall govern.

ARTICLE XXVI. AMENDMENTS AND CHANGES

Section 1. Requirements for change

Whenever the public necessity, convenience, general welfare or good zoning practice warrants such action, the Planning Commission may amend, supplement, modify or repeal the regulations or zoning district boundaries herein established.

Section 2. Petition for or initiation of change

A proposed change of the zone district boundaries or of the regulations may be initiated by the Planning Commission, or by petition of one or more owners or authorized agents of such owners of property within the area proposed to be changed.

Section 3. Action on petition

(a) Any proposed amendment, supplement, modification, or repeal shall be submitted to the Planning Commission for its consideration.

(b) The Planning Commission, within sixty days of the date of the application, may proceed to hold a public hearing in relation thereto, giving notice as required by law.

(c) The proposed change may be deemed by the applicant to have been denied if the Planning Commission takes no final action upon the same within 90 days after the filing of the application, provided that this sentence shall not be construed to divest the Planning Commission of jurisdiction to take final action on such proposed change at any time prior to any litigation instituted thereon against the Planning Commission by the applicant.

Section 4. Fees

Before any action shall be taken as provided in this article, the applicant petitioning for a change shall deposit with the Planning Commission \$250.00 plus \$10.00 per acre, to cover this procedure. In addition, there is a charge of \$2.00 per adjacent property owner (certified mailing cost) and \$50.00 for legal advertisement of the proposed zoning change. Under no condition shall said sum or any part thereof be refunded for failure of such proposed amendment to be enacted into law. No action shall be initiated for a zoning amendment affecting the same parcel of land more often than once every twelve months, provided that by unanimous resolution of the Planning Commission that such action may be initiated at any time.

ARTICLE XXVII. VIOLATION AND PENALTY

Section 1. Penalty

In addition to all other means provided by law for the enforcement of the provisions of this ordinance, any person violating any of the provisions thereof shall, upon conviction, be fined not more than one hundred dollars (\$100.00) and cost of court for each offense. Each day such violation continues shall constitute a separate offense.

ARTICLE XXVIII. VALIDITY

Section 1. Severability of ordinance

If any section or provision of this ordinance, including any part of the Zoning Map, which is a part of this ordinance, be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the ordinance as a whole or any part thereof other than the part so declared to be invalid.