

NOTE: THIS IS A COMPILATION OF THE OFFICIAL CITY OF DOTHAN ZONING ORDINANCE WITH ALL AMENDMENTS TO DATE. IT IS FORMATTED BY PLANNING DEPARTMENT STAFF AND MADE AVAILABLE TO THE PUBLIC FOR YOUR CONVENIENCE. IT IS HOWEVER, A COMPILATION. THE READER IS ADVISED TO VIEW THE ACTUAL ORDINANCE TEXT REFERENCED ON THE FRONT PAGE (SEARCHABLE THROUGH CITY CLERKS WEB PAGE, ORD. 2015-336) OR VISIT MUNICODE AT <http://library.municode.com/index.aspx?clientId=10658> (CHAPTER 114) FOR THE CODIFIED VERSION OF THE DOCUMENT.



Zoning Ordinance

(Chapter 114)

Ordinance 2010-258

Adopted September 21, 2010

Effective Date November 1, 2010

Revised February 15, 2011, Ord. 2011-29 (SFR in RA District)

Revised October 4, 2011, Ord. 2011-286 (6 Month Review)

Revised January 3, 2012, Ord. 2012-8 (Parking)

Revised May 15, 2012, Ord. 2012-119 (Landscaping and Buffers)

Revised September 3, 2013, Ord. 2013-263 (Signs)

Revised December 1, 2015, Ord. 2015-336 (General Revision)

Amended September 6, 2016, Ord. 2016-246 (Table Adjustments)

Table of Contents

Article I. In General

Sec. 114-1. Short Title; Zoning Map	1
Sec. 114-2. Purpose	2
Sec. 114-3. Interpretation	2
Sec. 114-4. Authority	3
Sec. 114-5. Delegation of Authority	3
Sec. 114-6. Computation of Time	3
Sec. 114-7. Jurisdiction	3
Sec. 114-8. Number	4
Sec. 114-9. Fractions	4
Sec. 114-10. Shall and May	4
Sec. 114-11. Tense	4
Sec. 114-12. Text	4
Sec. 114-13. Building and/or Structure	4
Secs. 114-14 to 114-24. Reserved	4

Article II. Definitions

Sec. 114-25. Purpose	5
Sec. 114-26. Definitions	5
Sec. 114-27 to 114-37. Reserved	43

Article III. Administration and Enforcement

Sec. 114-38. Purpose	44
Sec. 114-39. Enforcing Officer	44
Sec. 114-40. Building Permit Required	44
Sec. 114-41. Appeals	46
Sec. 114-42. Remedies	46
Sec. 114-43. Penalties	46
Secs. 114-44 to 114-53. Reserved	47

Article IV. Amendment and Rezoning Procedure

Sec. 114-54. Purpose	48
Sec. 114-55. Amendment Procedure	48
Sec. 114-56. Petition	48
Sec. 114-57. Fee Required	49
Sec. 114-58. Public Hearings Required	49
Sec. 114-59. Notice Required	49
Sec. 114-60. Action on Petition	50
Sec. 114-61. Development Plans or Subdivision Plats	50

Sec. 114-62. Zoning of Annexed Land	51
Sec. 114-63. Appeal from the Action of the Planning Commission	51
Secs. 114-64 to 114-72. Reserved	51

Article V. Development Plans

Sec. 114-73. Purpose	52
Sec. 114-74. Pre-application	52
Sec. 114-75. Approval Required	52
Sec. 114-76. Review Process	52
Sec. 114-77. Consistency	58
Sec. 114-78. Integration of other Review Procedures	58
Sec. 114-79. Noncompliance	59
Sec. 114-80. Appeal	59
Sec. 114-81. Records	59
Sec. 114-82. Stacking Uses	59
Sec. 114-83 to 114-92. Reserved	59

Article VI. Board of Zoning Adjustment

Sec. 114-93. Purpose	60
Sec. 114-94. Created; Appointment; Duties and Responsibilities	60
Sec. 114-95. Proceedings per State Code of AL	61
Sec. 114-96. Powers and Duties of the Board	61
Sec. 114-97. Additional Powers	62
Sec. 114-98. Special Exception and/or Variance	62
Sec. 114-99. Variances; Additional Requirements	63
Sec. 114-100. Appeals of Administrative Official's Decision	65
Sec. 114-101. Home Occupations; Specific Requirements	66
Sec. 114-102. Letter of De Minimis	69
Sec. 114-103. Appeal from Board of Zoning Adjustment Determination	69
Secs. 114-104 to 114-114. Reserved	69

Article VII. Classification and Establishment of Uses

Sec. 114-115. Purpose	70
Sec. 114-116. Establishment of Zoning Districts	70
Sec. 114-117. Statement of Purpose and Intent of Zoning Districts	71
Sec. 114-118. District Boundaries	80
Secs. 114-119 to 114-129. Reserved	81

Article VIII. District Regulations

Sec. 114-130. Land Uses	82
Sec. 114-131. Tables of Permitted Uses	82

Sec. 114-132. District Dimensional Regulations	90
Secs. 114-133 to 114-139. Reserved	91

Article IX. Townhouse Regulations

Sec. 114-140. Purpose	92
Sec. 114-141. General Requirements	92
Sec. 114-142. Approval of Development Plans Required	93
Sec. 114-143. Townhouse Subdivision and Condominiums	93
Secs. 114-144 to 114-154. Reserved	93

Article X. Special Districts

Sec. 114-155. Purpose	94
Sec. 114-156. Planned Unit Developments (PUD)	94
Sec. 114-157. Downtown Overlay District (DOD)	100
Sec. 114-158. Manufactured Home Communities	113
Sec. 114-159. Individual Manufactured Homes on Private Lots	118
Secs. 114-160 to 114-169. Reserved	119

Article XI. Supplemental Regulations

Sec. 114-170. Purpose	120
Sec. 114-171. Nonconforming Uses	120
Sec. 114-172. Nonconforming Buildings and/or Structure	120
Sec. 114-173. Nonconforming Lots of Records	121
Sec. 114-174. Building Lots; Yards and Open Spaces	121
Sec. 114-175. Reduction in Lot Area Prohibited	121
Sec. 114-176. Corner Visibility in Residential and Local Business Districts	121
Sec. 114-177. Swimming or Wading Pools	121
Sec. 114-178. Storm Shelters	122
Sec. 114-179. Future Street Lines	122
Sec. 114-180. Height	122
Sec. 114-181. Area Modifications for Lots of Records	122
Sec. 114-182. Off-Street Automobile Parking and Loading Requirements	123
Sec. 114-183. Conforming Buildings and/or Structures	129
Sec. 114-184. Regulations Applying to all Districts	134
Sec. 114-185. Street Address Standards	135
Sec. 114-186. Joinder of Lots	137
Secs. 114-187 to 114-206. Reserved	138

Article XII. Signs and Billboards

Sec. 114-207. Purpose	139
Sec. 114-208. Severability Clause	139

Sec. 114-209. Administration and Enforcement	139
Sec. 114-210. Definitions	139
Sec. 114-211. Signs Not Needing a Permit	139
Sec. 114-212. Prohibited Signs	141
Sec. 114-213. Permit Required	142
Sec. 114-214. General Provision for Permanent On-Premise Signs	144
Sec. 114-215. General Provision for Permanent Off-Premise Signs	145
Sec. 114-216. Measurement Standards	147
Sec. 114-217. Sign Standards in Residential Districts	149
Sec. 114-218. Sign Standards for Office and Institutional Districts	150
Sec. 114-219. Sign Standards for Commercial or Industrial Districts	152
Sec. 114-220. Temporary Signs	155
Sec. 114-221. Signs Standards for Electronic Message Centers (EMC's)	157
Sec. 114-222. Illumination Standards	158
Sec. 114-223. Nonconforming Signs	159
Sec. 114-224. Variances	160
Secs. 114-225 to 114-235. Reserved	160

Article XIII. Landscaping and Buffers

Sec. 114-236. Tree Protection and Landscaping	161
Sec. 114-237. Tree Preservation and Removal	162
Sec. 114-238. Landscaping	164
Sec. 114-239. Plant List	168
Sec. 114-240. Maintenance and Bonding	170
Sec. 114-241. Buffers/Buffer-yards	171
Sec. 114-242. Buffer Types	172
Secs. 114-243 to 253. Reserved	178

Article XIV. Telecommunications Facilities

Sec. 114-254. Definitions	179
Sec. 114-255. Purpose	179
Sec. 114-256. Intent	179
Sec. 114-257. Construction of Towers	179
Sec. 114-258. Notice Required	182
Sec. 114-259. Setbacks	182
Sec. 114-260. Distance from Residential Structures	183
Sec. 114-261. Structural Requirements	183
Sec. 114-262. Illumination	183
Sec. 114-263. Fencing	183
Sec. 114-264. Landscaping and Screening	183
Sec. 114-265. Parking	184
Sec. 114-266. Maintenance of Towers	184
Sec. 114-267. Signage and Addressing Requirements	184

Sec. 114-268. Telecommunication Facilities on Antenna Support Structures 184
Sec. 114-269. Existing Towers 185
Sec. 114-270. Abandoned and Nonconforming Facilities 185
Sec. 114-271. Co-location Requirements 186
Sec. 114-272. Appeals from the Actions of the Planning Commission 186
Sec. 114-273. Conflicts with other Ordinances and Codes 186
Secs. 114-274 to 284. Reserved 186

CHAPTER 114. ZONING

Article I. In General.

Sec. 114-1. Short title; zoning map.

This chapter shall be known as the "Zoning Regulations of Dothan, Alabama" and the map herein referred to, identified by the title "Zoning Map of Dothan," as amended from time-to-time, shall be further identified by the signature of the mayor and attested by the city clerk. The zoning map and all explanatory matter thereof are adopted and made a part of this chapter. Such map shall be maintained by the Planning and Development Department with a copy filed in the office of the city clerk and shall show thereon the date of adoption of this chapter.

- A) Changes in District Boundaries. If, in accordance with the provisions of this Ordinance, changes are made in district boundaries or other matter portrayed on the Official Zoning Map, such changes shall be entered onto the digital files comprising the Official Zoning Map. Changes shall be made promptly after the amendment has been approved by the City Commission and advertised as required by law. No amendment to this Ordinance which involves information portrayed on the Official Zoning Map shall become effective until after such change and entry has been made on said map.
- B) Unauthorized Changes Prohibited. No changes of any nature shall be made in the Official Zoning Map, or matter thereon, except in conformity with the procedures set forth in this Ordinance. Any unauthorized change of whatever kind by any person or persons, shall be considered a violation of this Ordinance and punishable as provided by City Code.
- C) Final Authority to Zoning. Regardless of the existence of purported copies of the Official Zoning Map, which may from time to time be made, published or printed, the Official Zoning Map, which shall be located in the Office of the Administrative Official, shall be the final authority as to the current zoning status of land, buildings, and other structures in the City.
- D) Replacement of Official Zoning Map. From time to time and in the event the Official Zoning Map becomes damaged, destroyed, lost, or difficult to interpret because of the nature or number of changes and additions, the City Commission may, by resolution, adopt a new Official Zoning Map. The new Official Zoning Map will reflect changes in boundaries since last adopted, correct drafting, or other errors or omissions, but no such correction shall have the effect of amending the original Official Zoning Map or any subsequent amendment thereof. The new Official Zoning Map shall be identified by the signature of the Mayor and attested by the City Clerk, under the following words: "This is to certify that this Official Zoning Map supersedes and replaces the Official Zoning Map adopted (date of adoption of map being replaced) as part of the Zoning Ordinance of the City of Dothan, Alabama".

Sec. 114-2. Purpose.

The fundamental purpose of this ordinance is to promote the public health, safety and general welfare; to encourage the use of lands and natural resources in the City of Dothan in accordance with their character and adaptability; to limit the improper use of land; to provide for orderly development and growth; to reduce hazards to life and property; to establish the location and size of and the specific uses for which dwellings, buildings and/or structures may hereafter be erected or altered, the minimum open space required, sanitary, safety and protective measures that shall be required for such dwellings, buildings, and buildings and/or 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 the City of Dothan.

Sec. 114-3. Interpretation.

In the interpretation and application, the provisions of this chapter shall be considered minimum requirements. Where other chapters or regulations which may be adopted impose greater restrictions than those specified in this chapter, compliance with such other chapters or regulations are mandatory. The administrative official shall make all interpretations of these regulations necessary to administer those regulations. Purposes and intent statements (where applicable) shall guide the interpretation of these standards, and direct the application of any flexibility specifically permitted under the regulations.

Unless the context clearly indicates to the contrary, conjunctions shall be interpreted as follows:

- A) "And" indicates that all connected items, conditions, provisions or events shall apply.
- B) "Or" indicates that one or more of the connected items, conditions, provisions or events shall apply.
- C) "Either or" indicates that the connected items, conditions, provisions or events shall apply singularly but not in combination.

Except as defined by this chapter, words, terms and phrases used in this chapter, shall be construed according to the common and approved usage of the language, but technical words and phrases and such others that have acquired a peculiar and appropriate meaning in law, shall be construed and understood according to such meaning except where the context clearly indicates a different meaning.

Sec. 114-4. Authority.

A) Planning commission.

Unless specified otherwise in the Code of Alabama 1975, § 11-52-14, the duties, powers, responsibilities and procedures of the planning commission shall be as provided for in Title 11, Chapter 52, Code of Alabama 1975, § 11-82-1 et seq. These provisions, as amended, shall apply to all changes and amendments.

B) Board of zoning adjustment.

Unless specified otherwise in the Code of Alabama 1975, § 11-52-80, the duties, powers, responsibilities and procedures of the board of zoning adjustment shall be provided for in Title 11, Chapter 52, Code of Alabama 1975, § 11-52-80, and Alabama Act Number 97-673. These provisions, as amended, shall apply to all changes and amendments.

Sec. 114-5. Delegation of authority.

The administrative officer may authorize subordinates to perform the required acts or duties of these zoning regulations unless the terms of the provision or section specify otherwise. Subordinates delegated to perform required acts or duties of this chapter shall have the authorities assigned to the administrative officer.

Sec. 114-6. Computation of time.

The time within which an act is to be done shall be computed by excluding the first and including the last day; if the last day is a Saturday, Sunday or legal holiday, that day shall be excluded. In the computation of time for public hearing notice, both the first day (day of the advertisement) and the last day (day of the hearing) shall be excluded. The following time-related words shall have the meanings ascribed below.

- A) "Day" means one (1) calendar day unless working day is specified.
- B) "Week" means seven (7) calendar days.
- C) "Month" means one (1) calendar month.
- D) "Year" means one (1) calendar year, unless otherwise indicated.

Sec. 114-7. Jurisdiction.

The provisions of this chapter shall apply within the corporate limits of the City of Dothan, Alabama. Said provisions shall be applicable to the corporate limits, which exist at the time of adoption of this chapter, as well as to any future revisions to the corporate limits.

Sec. 114-8. Number.

A word indicating the singular number may be extended and applied to include the plural. The use of the plural number shall be deemed to include the singular unless the context clearly indicates the contrary.

Sec. 114-9. Fractions.

When any requirement of these regulations results in a fraction of a dwelling unit or other measurement, that fraction will be disregarded and the fraction if less than 0.5 shall be rounded down to the nearest whole number, and if equal to or greater than 0.5 shall be rounded up to the nearest whole number.

Sec. 114-10. Shall and may.

The word "shall" is always mandatory and not discretionary. The word "may" is permissive.

Sec. 114-11. Tense.

Words used in the past or present tense include the future as well as the past or present, unless the context clearly indicates the contrary.

Sec. 114-12. Text.

In case of any difference of meaning or implication between the text of this zoning code and any figure, the text shall control.

Sec. 114-13. Building and/or structure.

The words building and/or structure are sometimes used interchangeably.

Secs. 114-14 to 114-24. Reserved.

Article II. Definitions.

Sec.114-25. Purpose.

The purpose of this article is to define words, terms and phrases used in this chapter. Words, terms and phrases not defined in this article shall be construed according to the common and approved usage of the language, but technical words and phrases and such others that have acquired a peculiar and appropriate meaning in law, shall be construed and understood according to such meaning except where the context clearly indicates a different meaning.

Sec. 114-26. Definitions. The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. If a word, term or phrase is not listed or not defined elsewhere in this section, the conventional meaning of the word, term or phrase shall apply. The administrative official is authorized to make a final determination of the meaning of any word, term or phrase used in this section and, in case of any dispute, an appeal of the administrative official's determination may be filed with the planning commission.

Abandoned sign – Any sign or sign structure that no longer identifies a current business, product, service, use or activity being conducted on the premises on which the sign is located or that has not occupied the site for a period longer than sixty (60) days and which does not maintain a current business license.

Accessory dwelling unit (ADU) – A secondary residential dwelling that is intended to be used in conjunction with single-family dwellings and/or uses.

Accessory dwelling unit for owner/operator – A residential dwelling that is intended to be used in conjunction with another use, other than single-family residential uses.

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

Accessory building – Any detached minor building in the area of the main building consisting of masonry or frame walls and roof, one or two stories in height, necessary as an adjunct to the use or occupancy of a principal or main building and/or structure, except open buildings and/or structures such as pergolas, arbors, and other garden houses of similar character. An accessory building is one which:

- A) Is not used as a residential dwelling,
- B) Is subordinate to and serves the principal building and/or principal use,
- C) Is subordinate in area, extent or purpose to the principal building and/or principal use served,

- D) Contributes to the comfort, convenience or necessity of occupants of the principal building and/or principal use served, and
- E) Is located on the same zoning lot as the principal building and/or principal use served, with the single exception of such accessory off-street parking facilities as are permitted to be located elsewhere than on the same zoning lot with the building and/or use served.

Administrative Official – The Director of The City of Dothan Planning and Development Department or his/her designee. The administrative official may appoint a representative as appropriate.

Adult bookstore – An establishment having a majority of its stock in trade books, magazines, or other periodicals, or other goods or items which are distinguished or characterized by their emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas," as defined below for observation by patrons therein.

Adult day care – The provision of care for adult persons, who are not related to the primary caregiver, for less than twenty-four (24) hours per day.

Adult entertainment – Any "adult bookstore," "adult video store," "adult theater," "adult nightclub," or any commercial establishment which for a fee is charged for presentation of material or exhibitions distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas," as defined below for observation by patrons therein.

Adult nightclub – A theater, concert hall, auditorium, nightclub, bar, restaurant or similar commercial establishment which regularly features live performances that are characterized by the exposure of "specified sexual activities" or by "specified anatomical areas," as defined below.

Adult video – A video, CD, laser disk, or similar medium with a cover available that depicts "specified sexual activities" or "specified anatomical areas."

Adult video store – A commercial establishment having a majority of its stock or a majority of its floor space dedicated to "adult videos," as defined herein, which are rented or sold or presented for a fee or incidentally to another service which are distinguished or characterized by an emphasis on matter depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas" as defined below for observation by patrons therein.

- A) Specified anatomical areas –
 - (1) Less than completely and opaquely covered:

- a. Human genitals; pubic region,
 - b. Buttock, and
 - c. Female breast below a point immediately above the top of the areola;
- (2) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.
- B) Specified sexual activities –
- (1) Human genitals in a state of sexual stimulation or arousal;
 - (2) Acts of human masturbation, sexual intercourse or sodomy;
 - (3) Fondling or other erotic touching of human genitals, pubic region, buttock or female breast.

Agricultural activity – The raising of animal, fowl, fish and agricultural or horticultural crops, including but not limited to soybeans, tobacco, timber, orchard fruits, vegetables, flowers and/or ornamental plants for commercial purposes.

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

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

Alcoholic beverage establishment – a commercial establishment located in the city which allows for the sale of alcoholic beverages (liquor, beer or wine) to be consumed by patrons on the premises until the legally required closing time as prescribed by law and entrance is age restricted. Food service may be provided but is incidental to the consumption of alcoholic beverages. This term includes, but is not limited to lounges, bars, taverns, pubs, bottle clubs, etc.

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

Alteration; altered. The term "alteration" includes any of the following:

- A) Any addition to the height or depth of a building and/or structure.
- B) Any change in the location of any exterior walls of a building and/or structure.
- C) Any increases in the interior accommodations of a building and/or structure.

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

Animal – Refer to the City of Dothan Code of Ordinances, Chapter 10, Animals.

Animal hospital – An enterprise for the care and treatment of the diseases and injuries of animals, and where animals may be boarded during their treatment and convalescence. (Also see definition of veterinarian.)

Antenna support structure – any building or other structure other than a tower which complies with the maximum height allowed in the district in which it is located and which can be used for location of telecommunications facilities.

Animated Sign – A sign employing actual motion, the illusion of motion, or light and/or color changes achieved through mechanical, electrical or electronic means. Animated signs, which are differentiated from changeable signs as defined and regulated by this Code, include the following types:

A) Mechanically Activated: Animated signs characterized by repetitive motion and/or rotation activated by a mechanical system powered by electric motors or other mechanically induced means.

B) Electrically Activated: Animated signs producing the illusion of movement by means of electronic, electrical, or electromechanical input and/or illumination capable of simulating movement through employment of the characteristics of one or both of the classifications noted below:

(1) Flashing: Animated signs or animated portions of signs whose illumination is characterized by a repetitive cycle in which the period of illumination is either the same as or less than the period of non-illumination. For the purposes of this ordinance, flashing will not be defined as occurring if the cyclical period between on-off phases of illumination exceeds four (4) seconds.

(2) Patterned Illusionary Movement: Animated signs or animated portions of signs whose illumination is characterized by simulated movement through alternate or sequential activation of various illuminated elements for the purpose of producing repetitive light patterns designed to appear in some form of constant motion.

Applicant – any person who applies for development permit, rezoning request, variance request, special exception, etc.

Application – the process by which an owner submits a request to develop, construct, build, modify or erect a tower. Application includes all written documentation, verbal

statements and representations, in whatever form or forum, made by the applicant to the city concerning such a request.

Architectural Projection – Any projection from a building that is decorative and/or functional and not intended for occupancy, and that extends beyond the face of an exterior wall of a building but that does not include signs as defined herein, See also: Awning, Back-lit Awning and Canopy, Attached and Freestanding.

Assisted living facility – A licensed "assisted-care living facility" that provides domiciliary care, room, board and nonmedical living assistance service to primarily aged, ambulatory persons who live in a rooming unit. Where there is a common kitchen and communal area for all residents within the facility, three (3) rooming units in the facility shall be counted as one (1) dwelling unit for determining the facility's density.

Auction – The sale of items to the highest bidder.

Audio/video tape transfer – The production of multiple copies of audio or visual tapes from master copies.

Automated teller machine (ATM) – A facility to provide banking and other electronic services that are operated by the customer.

Automobile parking – The use of property for the commercial parking or storage of operable automobiles on a temporary basis. Such parking shall be for the use of licensed vehicles only and is not intended to include merchandise or vehicles for sale.

Automobile repair – Any building and/or structure, improvements, or land used for the general repair, adjusting, overhauling, removing, replacing, rebuilding, or reconditioning of automobiles and engines, including but not limited to body, frame or fender straightening or repair, welding, painting, or upholstery work, collision repair, vehicle steam cleaning, but excluding the assembly, disassembly, dismantling or salvage of automobiles, in whole or in part. Abandoned vehicles shall not be stored on the premises and must be removed in accordance with City Code of Ordinances, Section 98-161.

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

Automobile sales, new – A franchised retail automobile dealership that is primarily housed in a building and/or structure and characterized by a mixture of secondary supporting uses; however, the principal use of the site shall be the marketing and display of new automobiles, whether by sale, rental, lease or other commercial or financial means. Secondary supporting uses may include an inventory of vehicles for sale or lease either

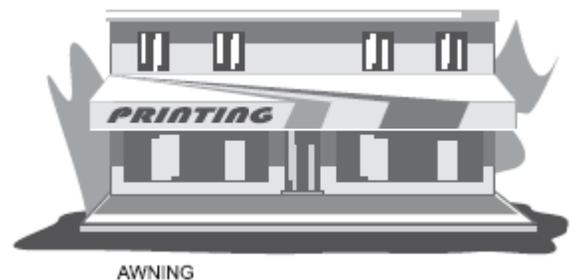
on-site or at a nearby location of new or used automobiles in operating condition, and on-site facilities for the repair and service of automobiles previously sold, rented, or leased by the dealership as defined under "automobile repair" and "automobile service". No abandoned vehicles shall be stored on the premises.

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

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

Automobile wash - A building or portion thereof containing facilities for washing more than two automobiles, using production-line methods with a chain conveyor, blower, steam cleaning device or other mechanical devices within an enclosed building and/or structure or a self-service facility with one or more wash bay(s) that is free or coin-operated. Car wash also includes operations that are done by hand such as auto detailing.

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



Awning Sign - A sign displayed on or attached flat against the surface or surfaces of an awning. See also: Wall Sign. Signs on awnings shall be included in the applicable sign area requirements for wall signs [see Section 114-219 (C), Table 4]. Only the sign area displayed on an awning shall be used to determine the permitted sign area- the entire awning shall not be included in a Sign Area calculation.

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

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

Banner – Any sign made of cloth, canvas, plastic, sheeting or any other flexible material, which is not rigidly and permanently attached to a building or the ground by a permanent support structure.

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

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

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

Berm – A manmade raised bank of earth, a minimum of four (4) feet above grade, used to provide privacy, separation of uses, and/or barriers to visual pollution.

Billboard – For the purposes of this chapter, a billboard shall be defined as any sign, structure or device which advertises or contains information unrelated to a business, profession, or activity conducted, or to a commodity or service sold or offered upon the premises where the sign is located (see off-premise sign).

Block – A unit of land bounded by streets or by a combination of streets and public land, railroad rights-of-way, waterways, or any other barrier to the continuity of development.

Boardinghouse – A building other than a hotel, cafe or restaurant where, for compensation, meals are provided for three or more persons.

Buffers – The use of landscaping, retained native vegetation or landscaping along with berms, walls or decorative fences that has eighty percent (80%) opacity within five (5) years so as to partially or completely screen from the street or an abutting property vehicular use areas, parking lots, parked cars, detention ponds and conflicting activity areas another in order to mitigate the impacts of noise, light, or other nuisance.

Building – A building and/or structure attached or placed on the ground, enclosed by exterior walls, built, erected and framed of a combination of materials, having a roof for the shelter of persons, animals, or property.

Building area –Includes, but is not limited to, a portion of the lot occupied by the main building, including porches, carports, accessory buildings and other roofed buildings and/or structures.

Building contractors supply – The construction and incidental storage activities performed by construction contractors on zoned lots other than construction sites, as well as the retail or wholesale sale of materials used by the construction trades.

Building line – A line showing the nearest distance to the property line where it is permissible to build or place a dwelling or building.

Build-to line – An alignment establishing a certain distance from the property line to a line along which the building shall be built. Front porches and handicap ramps shall be exempt from build-to line requirements but must occur behind the property line.

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

Building height – See definition of height of building and/or structure.

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

Butcher – A retail store supplying meat and poultry products where meat processing is limited to making cuts of meat from preprocessed carcasses.

Caliper – Diameter of tree trunk measured at six (6) inches above grade.

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

Camouflaged tower – means a self-supporting communications tower concealed to resemble an object that blends with its surroundings, such as a communications tower concealed to resemble a tree within a wooded setting, a street lamp, a lookout tower, a clock tower or a light post on an athletic field.

Candela – The basic unit of measurement of light in SI (metric) units.

Candela per square meter (cd/m²) – The SI (metric) unit used to describe the luminance of a light source or of an illuminated surface that reflects light. Also referred to as Nits.

Candle or Candlepower – Synonymous with Candela, but in English, not SI (metric), terms.

Canopy – An attached or unattached multi-sided overhead structure or architectural projection supported by attachment to a building on one or more sides and either cantilevered from the building or supported by columns but not enclosed by walls. The surface and/or soffit may be illuminated by either an external or internal light source.

Canopy (shade) tree – Any tree that is normally more than forty (40) feet in height at maturity that provides shade from its foliage mass; also individual or tree groups forming an overhead cover. Examples of recommended canopy (shade) trees are included in Section 114-239 (A) of Article XIII. Canopy (shade) trees should be located so as to minimize potential interference with utilities and avoid sight and height obstructions.

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

Cemetery/mausoleum – Land used or dedicated to the burial of the dead, including crematoriums, mausoleums, necessary sales, and maintenance facilities. Mortuaries shall be included when operated within the boundary of such cemetery.

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

Church – A building wherein persons regularly assemble at a specific time for religious worship following a recognized creed and which is maintained and controlled by a religious body organized and recognized by the IRS as a tax exempt religious institution together with all accessory buildings and uses customarily associated with such primary purpose. The definition includes synagogue, temple, mosque, or other such place for worship and religious activities.

City horticulturist – A city employee who is an expert in the science of cultivating plants and is in charge of all plantings within the city limits. If the position of horticulturist is vacant, the city manager may appoint an acting horticulturist.

City services – services to the public at large, including emergency services, fire prevention and protection, law enforcement, traffic control, water, sewer, electricity and other services provided by the city in the city.

Civic building – Any building and/or structure designed and constructed for community use or benefit by governmental, cultural, educational, public welfare, religious or transportation organizations.

Clear cutting. The removal of all vegetation upon a tract of land at one time.

Clinic, outpatient – See definition of outpatient clinic.

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

Collection center – A facility which is staffed and fenced that has waste receptacles on site that are open to the public, when an attendant is present, to receive household waste, municipal solid waste and recyclable material.

College or university – An institution of higher education offering undergraduate or graduate degrees.

Commercial amusement, inside – The provision of entertainment or games of skill to the general public for a fee and that is wholly enclosed in a building, including but not limited to a bowling alley or billiard parlor. This use does not include an arena.

Commercial amusement, outside – The provision of entertainment or games of skill to the general public for a fee where any portion of the activity takes place outside of a building, including but not limited to a golf driving range, archery range or miniature golf course. This use does not include a stadium.

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

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

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

Conservation easement – A nonpossessory interest in real property imposing limitations or affirmative obligations, the purposes of which include retaining or protecting natural, scenic, or open space values of real property; assuring its availability for agricultural, forest, recreational, or open space use; protecting natural resources; or maintaining air or water quality.

Consignment sale – A sale of personal property by someone who is acting as an agent of another.

Construction/demolition landfill – See definition of landfill, construction/demolition.

Convenience Store – A facility where flammable and combustible liquids, such as gasoline and other motor fuels, are stored and subsequently dispensed, by use of fixed approved

dispensing equipment by customers of the facility on a self-service basis and/or by employees on a full-service basis and which may include an automatic car wash for washing one automobile at a time, within an enclosed building; in addition, a facility which also provides sandwiches, snacks, staple groceries and other similar retail products or services, which are not recognized or defined by the zoning code as separate uses or as necessary components of separate uses, for sale on premises for consumption off premises by the customer.

Core area. The portion of a lot or parcel of property that is not located within the Tree Protection Area or the Residential Buffer.

Corner lot – See definition of lot, corner.

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

Crematory – A facility which reduces the deceased to ashes by burning.

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

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

Curb market – A business dealing in buying or selling fruit, produce or any grocery item, whether permanent or temporary, seasonal or year-round, of which the building must be permanent and comply with the building code. (e.g. a store selling food.)

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

- A) Daycare center: A facility that provides daycare for more than six (6) persons;
- B) Daycare home: Accessory to a single-family dwelling for up to six (6) persons;
- C) School daycare: Daycare centers of unlimited size for before, during and after school programs.

Developments, major. Non-residential development containing more than fifteen-thousand (15,000) square feet of gross floor area and/or has a common boundary with a residentially zoned and/or used parcel.

Developments, minor. Non-residential development containing less than fifteen-thousand (15,000) square feet of gross floor area and that does not have a common boundary with

a residentially zoned and/or used parcel. Common boundary shall include roadways not considered to be a major thoroughfare (see definition).

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

Development review committee (DRC) – A committee consisting of the administrative official, public works director or their designee, building official, fire marshal, utilities director or their designees and traffic engineer or their designee having the responsibility and authority to review and approve certain development plans as provided for in Article V of this chapter.

Diameter at breast height (DBH) – Diameter of a tree measured at four and one-half feet (54 inches) above the ground.

Detention area – A pond, pool or basin used for the temporary storage of stormwater runoff.

Directional sign – Signs that are designed and erected solely for the purpose of traffic or pedestrian direction and placed on the property which the public is directed.

Directory sign – Signs that are designed and erected to direct traffic or pedestrian direction and placed on the property which the public is directed. These signs generally provide a map of the entire complex to which the sign relates.

Display area – The area of a sign or advertising device that can be enclosed or measured by the smallest square, circle, rectangle, triangle, or geometric figure that will encompass the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming an integral part of the background of the display, or used to differentiate the sign from the backdrop or structure against which it is placed, also including any supporting framework, bracing, or decorative fence or wall.

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

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

Dripline. A collective name for all vertical lines from the earth to the outermost tips of the crown of a tree. These lines will completely encircle the tree and thereby define its outermost reaches.

Dripline area. The total area underneath a tree that would encompass all driplines.

Drive-in restaurant – A restaurant or public eating business so conducted that food, meals or refreshments are brought to the motor vehicles for consumption by the consumer or patron. Seating may be provided.

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

Driving range – An establishment containing an area equipped with distance markers, clubs, balls, and tees for practicing golf drives and putting, and which may include a snack-bar and pro-shop, but excludes miniature golf courses or "putt-putt" courses.

Dry cleaners – This term is meant to include the following:

- A) Small dry cleaners – Cleaning plants using nonflammable, non-explosive type cleaning solvent, occupying not more than one thousand five-hundred (1,500) square feet of floor space, operating not more than two delivery and pickup trucks and employing not more than four persons, exclusive of sales clerks and truck drivers.
- B) Large dry cleaners – Cleaning plants occupying more than one thousand five-hundred (1,500) square feet of floor space, and employing more than four persons, exclusive of sales clerks and truck drivers.

Dwelling unit – A building providing complete, independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking and sanitation to include:

- A) One-family (single-family) – A building containing one (1) detached dwelling unit.
- B) Two-family (duplex) – A building containing two (2) attached dwelling units.
- C) Multi-family – A building containing at least three (3) attached dwelling units.

Election Sign (political sign) – A sign erected for the purpose of expressing support for or opposition to a candidate or stating a position regarding an issue to be decided by vote.

Emergency situation – A sudden unexpected occurrence, either the result of human or natural forces, necessitating immediate action to prevent or mitigate significant loss or damage to life, health, property, essential public services, or the environment.

Electronic message center sign (EMC) – An electrically activated changeable sign whose variable message and/or graphic display capability can be electronically programmed by computer from a remote location. EMC's typically use light emitting diodes (LED) as a lighting source.

Engineer – any professional engineer licensed by the state.

Extended hours – hours of operation (of a business) that are extended beyond 10 PM Monday through Thursday and 12 AM Midnight for the purpose of selling alcoholic beverages.

FAA – the Federal Aviation Administration.

Façade – The entire area of a building facing or side extending from the roof or parapet to the ground and from one corner of the building to another but does not include any structural or nonstructural elements which extend beyond the roof of a building.

Family – A single person, or a group of two (2) or more persons related by blood, marriage or adoption, which may be together with no more than three (3) additional persons not related by blood, marriage or adoption; or any number of persons not related by blood, marriage or adoption, living together as a single household. However, the number of unrelated persons shall not exceed the number of bedrooms in the dwelling.

FCC – the Federal Communications Commission.

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

Flashing sign – Signs whose illumination is characterized by a repetitive cycle in which the period of illumination is either the same as or less than the period of non-illumination. For the purposes of the ordinance, flashing will not be defined as occurring if the cyclical period between on-off phases of illumination exceeds eight (8) seconds.

Flood – A temporary rise in the level of rivers, streams, lakes and drainage ways which results in inundation of areas not ordinarily covered by water.

Flood hazard area – Any area shown on the flood insurance rate maps as being located within the boundaries of flooding under regulatory flood conditions (100-year frequency flood).

Flood insurance rate maps – The officially adopted city maps designating the elevation and boundaries of flooding under regulatory flood conditions. Such maps to be maintained by the public works director and based on information prepared by the U.S. Army Corps of Engineers, the Federal Insurance Administration or other reputable reports accepted by the public works director based on competent engineering studies prepared by a professional engineer currently registered in the State of Alabama.

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

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. The posts or other supporting structures shall be considered part of the sign, except that they shall not be included in computing the sign display area. Illustrations of typical freestanding signs follow.



Fraternity/sorority house – A facility which serves as living quarters for private social organizations, serving students of colleges or universities.

Fruit stand – See definition of produce and fruit stand.

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

Garage (Yard) sale sign – A temporary sign pertaining to the sale of personal property at or upon any residentially zoned lot or parcel.

Governmental/Public Use – A building or structure owned, operated, and/or occupied by governmental agency for the purpose of providing a governmental service to the public.

Grand opening sign – A temporary on-premise sign announcing the opening of a new business.

Group home – A facility which serves as a home for persons with disabilities as defined by the Fair Housing Act of 1988 and may include up to two (2) additional persons acting

as house-parents or guardians who need not be related to each other or to any of the persons residing in the home.

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

Gross Vehicle Mass (GVM) – The accepted safe, maximum allowable total mass of a fully loaded motor vehicle. It consists of the tare mass (mass of the vehicle itself with all operating fluids) plus the payload.

Ground cover. Natural plant material such as vines, shrubs, or grasses that would not normally attain a height of more than two feet.

Halfway house – A facility, which is licensed by the State of Alabama, for housing persons on release from more restrictive custodial confinement or initially placed in lieu of such more restrictive custodial confinement, wherein supervision, rehabilitation, and counseling are provided to mainstream residents back into society, enabling them to live independently.

Hazardous operation – A use that may present serious hazards to human life and health such as, but not limited to arsenals, atomic reactors, explosives and fireworks manufacture.

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

Heavy manufacturing – See definition of manufacturing, heavy.

Height of building and/or structure – The vertical distance from the average level of the highest and lowest point of that portion of a lot covered by the building to the top-most point of the roof.

Heliport – See definition of airport/heliport.

High Bulk Retail – A business use where the display of merchandise requires large areas such as furniture

Home occupation, qualifying – A business use of residential property that is clearly secondary, and incidental and does not include characteristics that might, in the opinion of the administrative official, affect the residential character of the neighborhood (e.g. home office for work conducted at other locations).

Home occupation, non-qualifying means – A business use of residential property that is clearly secondary, and incidental and includes characteristics that might, in the opinion of the administrative official, generate or involve external impacts including storage of equipment, trailers or vehicles used in the business. (e.g. lawn care business with a home office but with outside equipment storage).

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

Homeless shelter – A facility providing temporary housing to indigent, needy, homeless, or transient persons and which may also provide ancillary services such as counseling, vocational training, etc.

Homeowners association – An incorporated, nonprofit organization operating under recorded land agreements through which:

- A) Each lot owner and homeowner in a planned or other described land area is automatically a member;
- B) Each lot is automatically subject to a charge for a proportionate share of the expenses for the organization's activities, such as maintaining a common property.

Hospital – A public or private institution where medical or surgical care is provided for the sick or injured on an out-patient or long-term basis.

Hotel – A building or portion thereof which contains at least ten (10) guestrooms intended for occupancy by persons for compensation, whether paid directly or indirectly.

Household – A family living together in a single dwelling unit with common access to, and common use of, all living and eating areas and all areas and facilities for the preparation and storage of food within the dwelling unit. (Refer to definition of family.)

Illegal nonconforming building and/or structure – A building and/or structure which was erected or altered outside the provisions of a prior zoning ordinance.

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

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

Indoor assembly – A place where people gather for a specific purpose for a designated period of time.

Interior Landscape Island – An island in the parking area with one-hundred-fifty (150) square feet of minimum area containing a minimum of one (1) tree eight (8) feet in height with a one-point-two-five (1.25) inch caliper measured at six (6) inches above grade after planting, four (4) shrubs and ground cover or other approved material not to exceed three (3) feet in height.

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

Junkyard or salvage yard – A lot or parcel of land on which is kept, stored, bought or sold articles commonly known as junk, including scrap paper, scrap metal and used automobile bodies and parts, appliances, etc.

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

Kitchen facilities – A portion of a building used for the preparation of meals, and for the purpose of this chapter shall include a sink or similar fixture for washing dishes.

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

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

Landscaping – Any additions to the natural features of a plot of ground to restore construction disturbance and to make it more attractive, as by adding lawns, trees, and shrubs to the natural environment.

Landscaping plan – A plan containing the information required in Section 114-238 (B) of this Chapter.

Legal nonconforming building and/or structure (grandfathered building and/or structure) – A building and/or structure which was lawfully erected or altered in conformity with all applicable municipal ordinances or through variances granted by the board of zoning adjustment, but which the building and/or structure does not comply with all the provisions this chapter establishes for buildings and/or structures in the district in which the buildings and/or structure is located.

Legal nonconforming use (grandfathered use) – A land use which, on the effective date of the ordinance from which this chapter is derived, was lawfully operated in accordance with the provisions of any prior zoning ordinance or through a variance granted by the board of zoning adjustment, but which use is not a permitted use as established by this chapter in the district in which the use is located.

Line of site – A visual path emanating from an average eye level adjudged to be three and one-half ($3 \frac{1}{2}$) feet above ground level.

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

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

Livestock – Refer to the City Code of Ordinances, Chapter 10 Animals.

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

Living quarters – Housing providing facilities for sleeping and bathing.

Live work – A building or space within a building that is used jointly for commercial and residential purposes where the residential use of the space is secondary or accessory to the primary use as a place of work.

Light manufacturing – See definition of manufacturing, light.

Lounge – See definition of bar, tavern or lounge.

Lot – A piece, parcel or plot of land occupied or intended to be occupied by one main building, accessory building, uses customarily incidental to such main buildings and such open spaces as are provided in this chapter or as intended to be used with such piece, parcel or plot of land. Two or more lots of record may be combined to create one zone lot provided a “Unity of Title Declaration” is submitted and recorded (see Sec. 114–187).)

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

Lot, double-frontage – A lot having frontage on two nonintersecting streets, as distinguished from a corner lot.

Lot width – The horizontal distance between side lot lines measured along a line that is parallel to the front lot line.

Lot of Record – A lot which is part of a subdivision, the plat of which has been recorded in the office of the Judge of Probate of Houston, Dale or Henry Counties, or any parcel of land, whether or not part of a subdivision, that has been officially recorded by a deed in the office of the Judge of Probate, provided such lot was of a size which met the minimum dimensions for lots in the district in which it was located at the time of recording or was recorded prior to the effective date of zoning in the area where the lot is located and met the requirements of the subdivision regulations in effect at the time of the recording.

Lot, Zone – Two or more Lots of Record combined into one unified building site. Such land area may be designated as a Zone Lot only by the owner or owners thereof through the filing of a Unity of Title Declaration (see Sec. 114-187).

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

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

Maintenance – The act of replacing, repairing, or repainting a portion of a structure.

Major thoroughfares (arterials) – Refer to the definition of major arterial in the City of Dothan Code of Ordinances, Chapter 90, Subdivision Regulations. Major thoroughfares/arterials shall include the following: Ross Clark Circle, U.S. Highway 231, U.S. Highway 431, U.S. Highway 84, Westgate Parkway, Honeysuckle Road between U.S. Highway 84 and Alabama Highway 52, Park Avenue, Denton Road north of U.S. Highway 231, Alabama Highway 52, Alabama Highway 53, Fortner Street east of Honeysuckle Road, Alabama Highway 605, Headland Avenue from Reeves Street northward to the city limits, Hodgesville Road from U.S. 231 to Saunders Road, Saunders Road between Hodgesville Road and U.S. Highway 231, Napier Field Road, Flynn Road, Flowers Chapel Road or as hereafter designated by the board of commissioners.

Manufactured (mobile) home – A structure designed in one or more sections on a permanent chassis without independent motive power to be used as a dwelling with or without a permanent foundation, connected to public utilities incorporating plumbing, heating and air-conditioning and electrical systems and displaying a current HUD certification sticker.

Manufactured home lot/site – a parcel of land designed for the exclusive use of the occupants of a single manufactured home.

Manufactured home park/community – Any site, lot, field or tract of land privately or publicly owned or operated upon which two (2) or more manufactured homes used for living quarters.

Manufactured home park/community street– A hard surfaced street which affords principal access to manufactured home lots/sites or auxiliary buildings from any adjacent public street.

Manufactured home stand – That part of an individual lot/site which has been reserved or designed specifically for the placement and support of one (1) manufactured home unit.

Manufactured home skirting – a durable material designed and installed to enclose the space from the bottom of the manufactured home to the surface of the manufactured home stand.

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

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

Mausoleum – See definition of cemetery/mausoleum/crematory.

Medical or scientific lab – A facility for research, testing or investigation of a medical or scientific nature, but not for the production of a product.

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

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

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

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

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

Mobile vendor – A person who peddles, vends, sells, displays, or offers for sale goods, wares or merchandise at a temporary location and/or on a temporary or occasional basis. Notwithstanding the foregoing, vendors selling only food and/or beverages, vendors selling living plants and agricultural products, and street vendors shall not be considered "mobile vendors".

Mobile vending – Any equipment, apparatus, trailer, vehicle, cart, or other conveyance, other than a vending machine, located outdoors, from which a vendor displays, sells, offers for sale, gives away, or offers to give away anything of value including any food, beverage, goods, wares, merchandise, or services.

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

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

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

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

Multi-copy – Services for instant reproduction of documents by the photocopy process for individual patrons.

Multi-faced signs – Any sign that uses more than one (1) side to relay a message, statement, or expression.

Multi-family – Three (3) or more dwelling units within a single (1) building.

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

Natural vegetation – A generally undisturbed, maintenance-free, self-perpetuating stand of vegetation comprised of indigenous shrubs, flowers, wild grasses, and trees.

Net residential acreage – Land used or proposed to be used for the placement of dwelling units and their accessory uses, private open spaces, parking areas, etc. This does not include streets or public recreation or open spaces.

Nits – The unit of measurement for luminance which is the total amount of light emitted from a sign divided by the surface area of the sign (candelas per square meter cd/m^2).

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

Nonconforming sign – Any sign that is allowed by this ordinance yet does not conform to the requirements of the ordinance.

Nonconforming use – A land use of any building and/or structure and/or land which, though originally lawful, does not conform to this chapter or any subsequent amendments thereto for the district in which it is located.

Nonconformity – A condition that occurs when, on the effective date of adoption of this code or a previous ordinance or on the effective date of an ordinance text amendment or rezoning, an existing lot, building and/or structure, sign, development, or use of an existing lot or building and/or structure does not conform to one or more of the regulations currently applicable to the district in which the lot, building and/or structure, sign, development, or use is located.

Non-protected trees – Any pine tree less than eighteen (18) inches DBH and any non-pine species less than twelve (12) inches DBH, plus any other species of trees that the city horticulturist may certify to the planning commission in writing as not being suitable for preservation. A list of such non-protected species shall be maintained by the planning and development department.

Nonresidential drug treatment facility – A facility characterized by the dispensing of substitute narcotics for the treatment of drug addictions with little or no professional counseling on an outpatient basis.

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

Off-premise sign (Off-site sign) – Any sign containing a message unrelated to a business, profession, or activity conducted, or to a commodity or service sold or offered, upon the premises where the sign is located.

Office, general – A building providing space for executive, management, administrative or professional services, but not involving medical services.

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

Outpatient clinic – A facility for examining and treating patients with medical problems on an outpatient basis, including ambulatory care or similar medical services that generally require a stay of less than twenty-four (24) hours.

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

Open space, permanent, useable – These terms are meant to include public open spaces, not occupied by buildings, and may consist of pedestrian walkways, play areas, landscaped areas, sports areas, ponds and any other areas suitable for the common

enjoyment of the residents of the project. Privately owned lots or privately occupied space shall not be considered as permanent useable open space.

Owner – any person with fee title or with written permission from a person with fee title, to any plot of land within the city who desires to develop, construct, build, operate, modify or erect a structure upon such land.

Ownership – This term is meant to include the following:

- A) A person, partnership or corporation.
- B) An association of property owners legally bound to one another.
- C) The homeowners association of a condominium project, established under laws of the State of Alabama.

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

Parking space – The space necessary to park an automobile. Not less than an area nine (9) feet wide and eighteen (18) feet long shall be provided for each parking space, and all parking spaces required shall be provided with necessary lanes and maneuvering areas. Handicapped parking spaces shall have dimensions in accordance with the Americans with Disabilities Act requirements and/or the International Building Code as adopted.

Pawnshop – Any building, room, space or portion thereof where a pawnbroker regularly conducts business.

Perimeter landscaping – The use of landscaping along the outer limits of the development area excluding access points.

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

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

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

Photometric plan – Illustration depicting the anticipated light levels generated by all exterior lights across the site and fifty (50) feet beyond the property lines.

Planned unit development (PUD) – A development that:

- A) Is land under unified control, planned and developed as a whole in a single development operation or approved programmed series of development operations for dwelling units and related uses and facilities;
- B) Includes principal and accessory uses and buildings substantially related to the character of the development itself and the surrounding area of which it is a part; and
- C) Is developed according to comprehensive and detailed plans which include streets, utilities, building sites and the like.

Pool house – An exterior building designed and used as an accessory to an outdoor swimming pool and not for human habitation.

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

Portable storage building – A building and/or structure that is designed to be transported from place-to-place solely for the purpose of storing inanimate objects, does not have a door or other entranceway into a dwelling unit and that does not have water fixtures within its confines, the use of which is limited solely to storage of objects.

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

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

Produce and fruit stand – A building and/or structure constructed for the display and sale of fresh produce only. It is not intended to be a market where unpackaged, prepackaged or home-prepared foods are offered for sale, or where foods which require refrigeration for health safety are offered for sale.

Prohibited sign – Any sign that is not allowed as of the effective date of this ordinance.

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



Protected tree – Any pine tree eighteen (18) inches or greater DBH and any non-pine species twelve (12) inches or greater DBH except for those classes or species of trees included in the list of non-protected trees.

Public land use – Any land use operated by or through a unit or level of government, either through lease or ownership, such as municipal administration and operation, county buildings and activities, state highway offices and similar land uses, and federal uses such as post offices, bureau of public roads and internal revenue offices, military installations, etc.

Public utilities – any essential services to the public at large, including water, sewer, telephone (except wireless), electricity, natural gas and other services regulated by the Alabama Public Service Commission as a public utility, but excluding cable TV, radio, television and any public utility operation of a wireless communications facility for a profit.

Putrescible waste – Material which is capable of undergoing the process of decomposition resulting in the formation of malodorous byproducts.

Radio/television/satellite tower – A building and/or structure for transmitting and receiving radio, television, satellite and other broadcast signals, including radar surveillance and including accessory buildings.

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

Real estate sign – An on-premise sign that is used to identify property for sale (refer to Section 114-211(P) for applicable standards).

Recommended tree – Any tree listed in Section 114-239 (A) of this chapter or any tree determined by the city horticulturist. A landscape architect licensed by the State of Alabama or a landscape designer licensed by the State of Alabama may recommend other trees for consideration to the city horticulturist that are suited to the soils and climate of Dothan, Alabama.

Recreation facility (indoor) – A commercial or public recreational land use conducted entirely within a building, including but not limited to arcade, arena, athletic and health

clubs, auditorium, bowling alley, community center, conference center, exhibit hall, gymnasium, library, movie theater, museum, performance theater, pool or billiard hall, skating rink, swimming pool, tennis court, etc.

Recreation (public) – Publicly owned or operated recreation facilities.

Recreational vehicle (RV), camping-type – A vehicular portable building designed as a temporary dwelling unit for travel, recreation and vacation uses, which is identified on the unit by the manufacturer as a "camper," "travel trailer," or "motor home," is not more than eight (8) feet in body width and does not exceed forty (40) feet in length.

Recycling collection center – A drop-off facility for the temporary assemblage of small recyclable consumer items such as food and beverage containers, fabrics and paper.

Recycling facility – A facility, other than a facility open to the public, to receive household waste and recyclable material, where any method, technique, or process is utilized to separate, process, modify, convert, treat or otherwise prepare non-putrescible waste so that component materials or substances may be used or reused or sold to third parties for such purposes. The use or reuse of solid waste may not be used in a manner that would constitute solid waste disposal.

Regulatory flood – A one-hundred (100) year frequency flood as delineated on the flood hazard maps which has a probability of occurring once every one-hundred (100) years or having a one percent (1%) chance of occurring each year.

Rehabilitation facility – A facility offering treatment for addictive, mental or physical disabilities on either a twenty-four (24) hour a day or outpatient basis.

Religious institution – Any building and/or structure or site used primarily for religious practices.

Research service – A facility offering basic or applied research, or experimental study, testing or analysis in the natural sciences, including any educational uses associated with and accessory to such research.

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

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

Restaurant, full-service – Any building, room, space or portion thereof where food is sold for consumption on-site, customers are provided an individual menu, a restaurant employee serves the customers at the same table or counter at which items are consumed, where seating turns over at a rate of thirty (30) minutes or more and whose gross sales of food constitute the principal activity of the business. Alcoholic beverages may or may not be offered for sale to accompany the meal.

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

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

Retail, indoor sales only – An establishment providing general retail sales, services or rental from the premises, of goods and/or services not specifically classified in another commercial activity type. No exterior displays and/or sales shall be permitted.

Retail, shopping center – A single building containing two (2) or more different individual stores engaged in general retail sales.

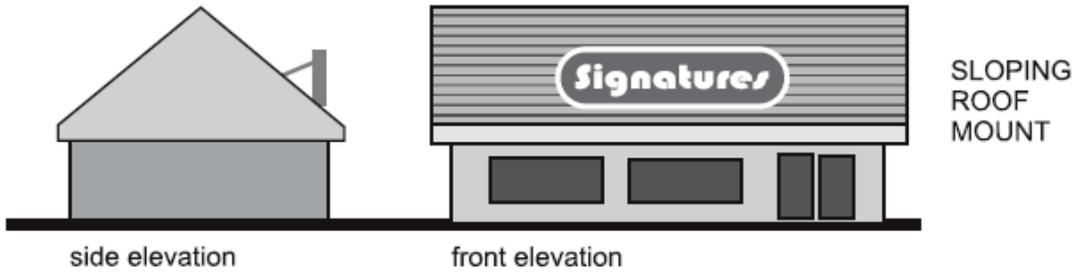
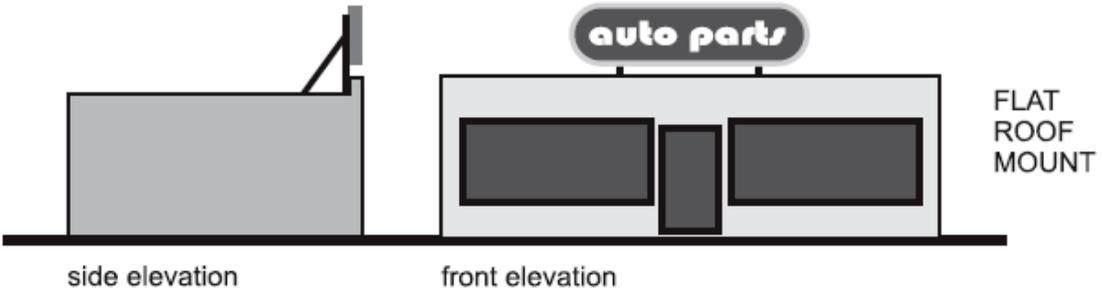
Retention area – A pond, pool or basin used for the permanent storage of stormwater runoff.

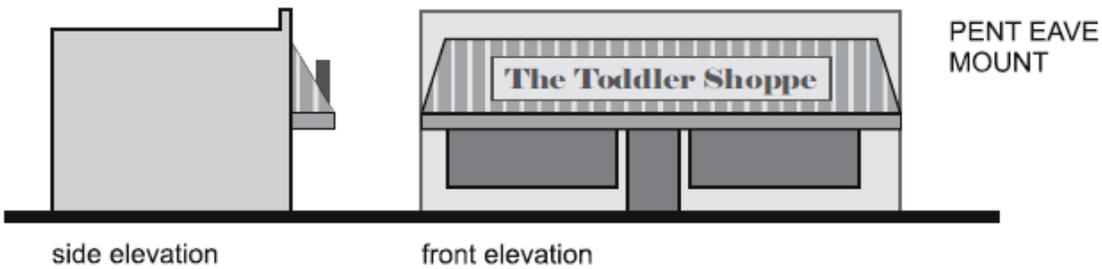
Roadside stand – A building and/or structure for display and sale of farm products raised on the premises with no space for customers within the building and/or structure itself.

Roof line – the fascia, soffits, bargeboards and cladding that forms the frontage immediately below the roof and the eaves of most homes. These are traditionally made from wood, but can also be made of plastics, such as polyvinyl chloride.

Roof peak – the highest point of a roof.

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





Rooming house – Any building or portion thereof which contains not less than three (3) or more than nine (9) guestrooms which are designed or intended to be used, let or hired out for occupancy by persons for compensation, whether paid directly or indirectly.

School – Refer to the following definitions in this article:

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

Searchlights – Any light with one or more beams directed into the atmosphere or directed at one or more points not on the same lot or parcel as the light source.

Scrap operation – The storage, processing and/or sale from the premises of used or waste material, including automotive dismantlers and recyclers, where a person, firm, association, corporation, or trust resident or nonresident, is engaged in the business and/or providing facilities for the purpose of recovering parts from automobiles and trucks, which have been wrecked or otherwise rendered inoperable as transportation vehicles with the parts recovered being for resale and further reduces used automobiles and trucks to a condition capable of salvage for their metal scrap content by scrap processors.

Seasonal use – See definition of temporary/seasonal use.

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

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

Semipublic land uses – A philanthropic and charitable land uses including Y.M.C.A.'s, Y.W.C.A.'s, Salvation Army, orphanages, private welfare organizations, Red Cross, and other general charitable institutions.

Shelter, storm – A building and/or structure intended to provide protection to human life during periods of danger from nuclear fallout, air raids, storms or other emergencies.

Shrub – A woody plant or bush of relatively low height (two (2) to six (6) feet) distinguished from a tree by having several stems rather than a single trunk.

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

Sign area – The area of a sign or advertising device that can be enclosed or measured by the smallest square, circle, rectangle, triangle, or geometric figure that will encompass the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming an integral part of the background of the display, or used to differentiate the sign from the backdrop or structure against which it is placed, also including any supporting framework, bracing, or decorative fence or wall. The entire face of a projecting or detached sign, excluding those posts, uprights, braces or other structural members that support it, containing no message(s) and having a horizontal dimension of less than 24 inches.

Sight triangle – A triangular shaped portion of land established at street/drive aisle intersections in which nothing is erected, placed, planted or allowed to grow in such a manner as to limit or obstruct the sight distance of motorists entering or leaving the intersection. Standards for sight triangles can be found in Section 98-10 of the City of Dothan Code of Ordinances.

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

Sorority house – See definition of fraternity/sorority house.

Special exception – A special exception is a land use that would generally not be considered as an appropriate land use in a particular zoning district as a use permitted by-right, but could be considered appropriate with certain controls and/or restrictions which promote the public health, safety, welfare, order, comfort, convenience, appearance, prosperity, or general welfare. Special exceptions require approval by the board of zoning adjustment as outlined in this chapter in Article VI, Board of Zoning Adjustment. Uses that qualify for special exception consideration are outlined in the table of permitted uses in Article VIII, District Regulations.

Stable – See definition of kennel or stable.

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

Street – Any public or private way set aside for common travel. Refer to the City of Dothan Code of Ordinances, Chapter 90, Subdivision Regulations for street classifications, definitions and requirements.

Street frontage – The length of the property line of the lot, lots, parcel or tract of land abutting a public street, road or highway.

Structure – Anything constructed or erected which requires location on the ground or attached to something having a location on the ground, including among other things signs, billboards, fences and walls, but not including telephone poles, overhead wires, wire fences and other fences less than three feet high, retaining walls or terraces (See definition of building).

Street Vendor – Any person engaging temporarily in the retail sale of goods, wares, or merchandise within the city, including any person who for the purpose of conducting such business from a cart or motor vehicle of any kind.

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

Tavern – See definition of bar (tavern or lounge).

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

Telecommunications facilities – any cables, wires, lines, wave guides, antennas and any other equipment or facilities associated with the transmission or reception of communication which a person seeks to locate or has installed upon or near a tower or antenna support structure. The term "telecommunications facilities" shall not include:

- A) Any satellite earth station antennas two meters or less in diameter and located in any area zoned to generally permit commercial or industrial uses.
- B) Amateur radio service antennas (HAMS).
- C) Direct broadcast satellite (DBS) antennas one meter or less in diameter.
- D) Antennas which are one meter or less in diameter designed to receive video programming services via multichannel, multipoint distribution (wireless cable) providers (MMDS).
- E) Antennas which receive signals from television broadcast stations (TVBS) provided such antennas do not exceed twenty-five (25) feet above the established height of the zoning district.

- F) Accessory facilities used exclusively for dispatch communications by public emergency agencies or government agencies.
- G) Accessory facilities used exclusively for dispatch communication by government agencies.
- H) Facilities, such as Supervisory Control and Data Acquisition (SCADA) or Distribution Automation (DA) facilities, exclusively used by public utilities and by the city for monitoring and controlling the operation of public utility systems and city services, where accessory to a permitted public utility installation or a permitted city installation, provided such facilities do not exceed twenty (20) feet in height above a structure or building when mounted thereto or one-hundred (100) feet in height when ground-mounted.

Temporary festival – The provision of rides, games, food, amusements, and/or activities, open to the public. The use shall have duration of no more than fourteen (14) days in one (1) month.

Temporary/seasonal use – A use established for a fixed period of time, with the intent to discontinue such use upon the expiration of such time that does not involve the construction or alteration of any permanent building and/or structure.

Temporary sign – A sign displaying information for a use or event for a limited period of time.

Time and/or temperature sign – Any sign that displays current time and/or temperature for the location in which the sign is placed.

Tower – a self-supporting lattice, guyed or monopole structure constructed from grade which supports telecommunications facilities.

- A) Guyed tower means a communications tower anchored with guy wires.
- B) Lattice tower means a self-supporting communications tower with three or more sides of open-framed supports.
- C) Monopole tower means a cylindrical self-supporting communications tower constructed as a single spire.

Townhouse – An attached dwelling unit having a separate ground floor entrance and separate private yard space, with common sidewalls on one (1) or both sides of the dwelling unit.

Townhouse complex – A group of townhouse buildings each containing not less than two (2) or more than (7) seven attached townhouse units as regulated by Article IX, Townhouse Regulations.

Townhouse building – A single building within a townhouse complex containing as many as seven (7) individual residential units sharing at least one common wall as regulated by Article IX, Townhouse Regulations.

Townhouse unit – A single living space located within a townhouse building sharing at least one common wall as regulated by Article IX, Townhouse Regulations.

Tree – A woody plant with one main, erect trunk with a diameter of at least three (3) inches at breast height at maturity with a distinct and elevated crown.

Tree protection area – The portion of a lot or parcel located in a required setback or yard.

Tree removal – The removal of a tree by any act that causes it to die including, cutting, pruning, root damage or other damage resulting from construction, grading, paving, or other activities.

Tree removal plan – A plan conforming to Section 114-237 (C) of this article.

Under Canopy/Awning Sign – A sign attached to the underside of a canopy or awning.

Understory tree – Any tree that is normally less than twenty-five (25) feet in height at maturity, but that still provides shade and a degree of protection to the earth and vegetation beneath it. Examples of recommended understory trees are included in Section 114-239 (A) of this article. Understory trees shall not be pruned or trimmed to restrict their growth unless such pruning or trimming is necessary to prevent interference with utilities or sight obstructions.

University – See definition of college or university.

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

Utility companies – Any person, governmental body, organization, or entity of any type, and their agents, representatives, and employees, supplying electricity, natural gas, water, communications, or similar or associated services.

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

Variance – A relaxation of the terms of this chapter where such variance will not be contrary to the public interest and where such variance is due to conditions peculiar to the property and not the result of the actions of the applicant.

Vehicular rental/leasing – An establishment that offers the rental or leasing of automobiles, motorcycles, recreational vehicles, boats, recreational equipment, and light trucks and vans, including incidental parking and servicing of vehicles for rent or lease (e.g. rental car agencies and taxi-cab dispatch areas). No "automobile repair" or "scrap operation" activities may occur on-site and no abandoned vehicles shall be stored on the premises.

Vehicular sales and service, limited or limited vehicular sales and service – An establishment that offers the retail or wholesale sale of motorcycles, trucks and vans, recreational vehicles, boats, or similar motorized recreational equipment, along with incidental service or maintenance such as, but not limited to boat dealers, motorcycle dealers, and recreational vehicle dealers. No "automobile repair" or "scrap operation" activities may occur on-site and no abandoned vehicles shall be stored on the premises.

Veterinarian – An enterprise for the outpatient care and treatment of the diseases and injuries of animals. Boarding of animals is not permitted at a veterinarian. (Also see definition of animal hospital.)

Vocational school – A facility offering regularly scheduled instruction in technical, commercial or trade skills.



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

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

Wholesale – See definition for distributive business/wholesale.

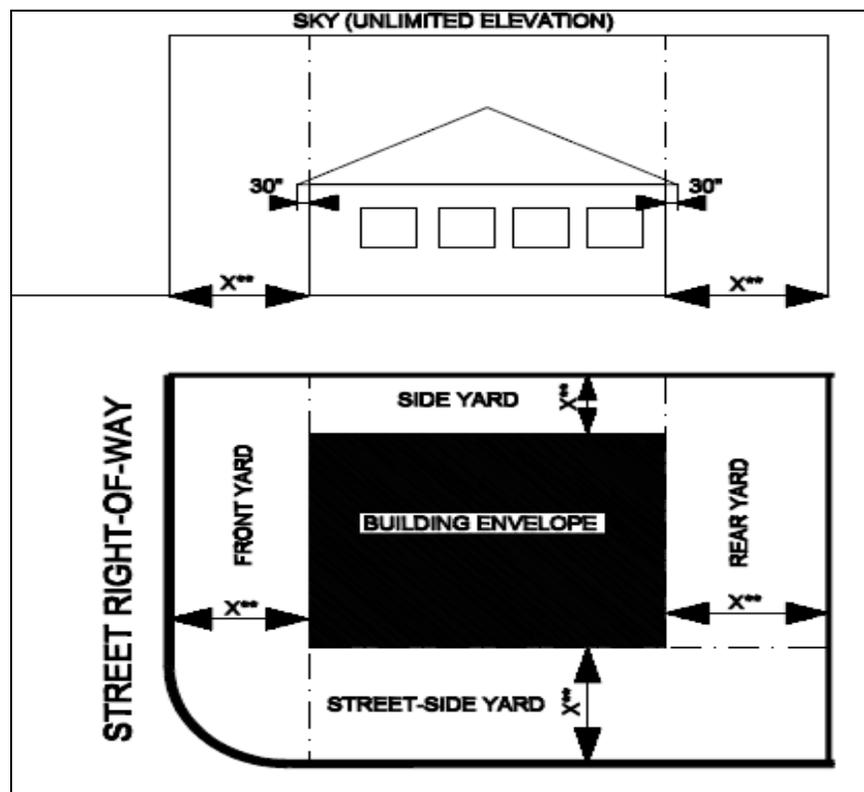
Wind sign – Any sign, pennant, ribbon, spinner, streamer, flag, feather, captive balloon, or other objects or materials fastened in such a manner as to move upon being subjected to pressure by wind and/or acting to draw attention to a business, product, service or activity whether it contains a message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

Window – Any single window pane, or a series of adjacent window panes separated by a mullion(s) of 12 inches or less. Adjacent window panes set at different angles shall constitute separate windows regardless of the width of their mullion separation.

Window Sign – A picture, symbol, or combination thereof designed to communicate information about a business, commodity, event, sale, or service that is placed inside or upon a window and is visible from the exterior of the window. Sunscreen applications to windows are not signs provided opacity is less than fifty percent (50%).

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

Yard – The open space on the lot between the lot lines or street right-of-way and the building envelope for the main building, left open, unoccupied and unobstructed by buildings and/or structures from the ground to the sky, except as otherwise provided in this chapter. Yards shall be measured from the wall of the building and/or structure to the property line. The maximum allowable roof overhang within the yard setbacks shall be thirty (30) inches. If a roof overhang exceeds thirty



(30) inches, the appropriate yard setback shall be measured from the property line to the facing of the overhang less the allowed thirty (30) inches of overhang. See figures below

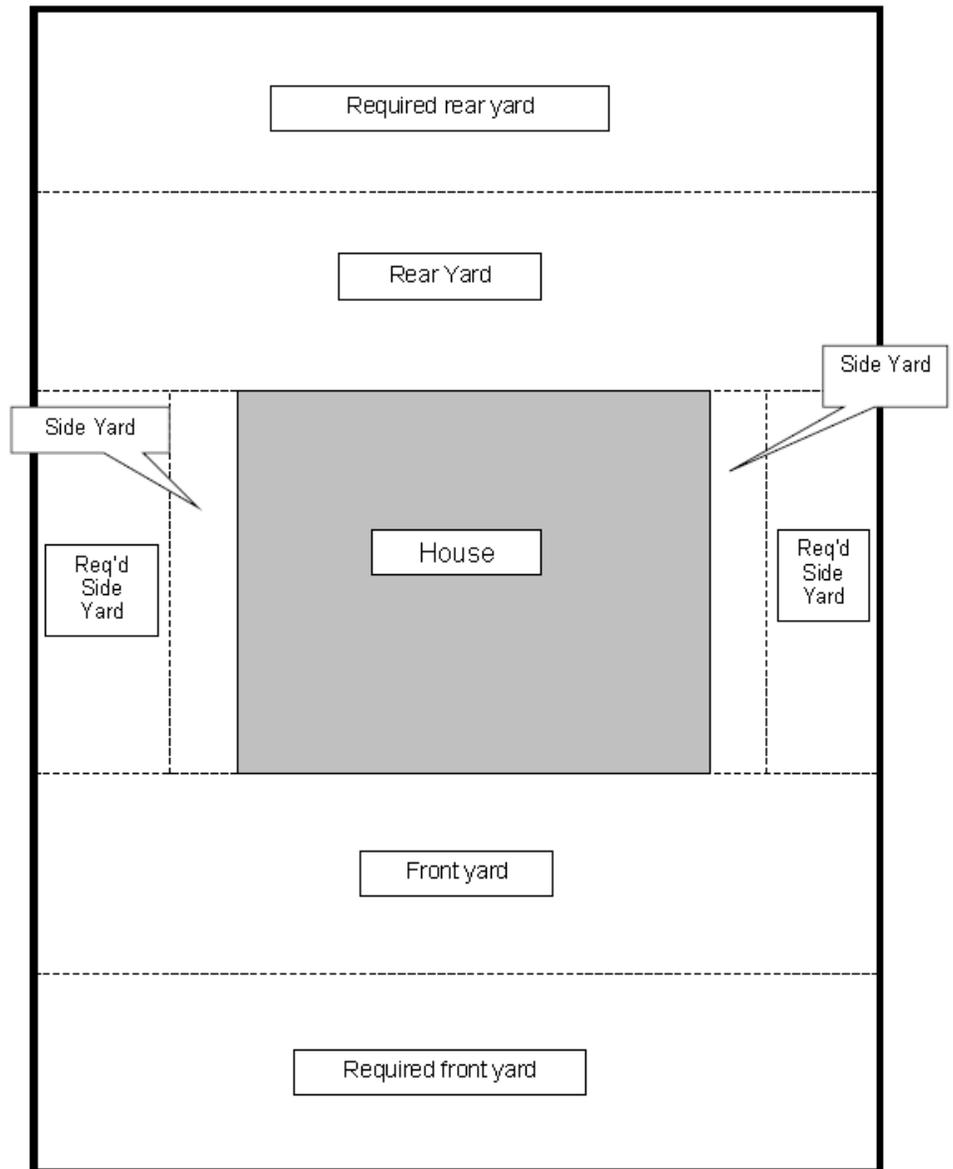
for illustrations of one (1) house with a thirty (30) inch overhang and another house with a greater than thirty (30) inch overhang.

Yard, front – An open space extending across the entire width of the lot between the main buildings, including covered porches, and the front lot line, or if an official future street right-of-way line has been established, between the main building including covered porches and the right-of-way line.

On corner lots, the narrower side shall be considered the rear yard regardless of the location of the main entrance of the dwelling. Where both frontages of the lot are equal, the front yard shall be considered the side on which the majority of the lots front the block. No storm shelter, even though it does not exceed thirty (30) inches in height, shall be permitted in any front yard.

Yard, rear – An open space extending across the width of the lot behind the main building to the property line, excluding accessory buildings and/or structures.

Yard, side – An open space extending along the side lot line, front yard to the rear yard, between the main building, excluding accessory buildings and/or structures and such lot line.



Yard, street-side – A street side yard is an open space extending along the side lot line, front yard to the rear yard, between the main building and the street. This definition only applies to corner lots.

Yard, required – A yard is an open space, the depth of which is specified in the "District Dimensional Regulations" pertaining to the district in which such yard is required to be provided (See Article VIII, Section 114-132). The actual front, rear or side yard may exceed the required yard but may not be less than the required yard unless a variance is approved by the board of zoning adjustment.

Sec. 114-27 to 114-37. Reserved.

(The remainder of this page has been left blank intentionally.)

Article III. Administration and Enforcement.

Sec. 114-38. Purpose.

The purpose of this article is to specify the process to administer and enforce the City of Dothan's Zoning Regulations and identify remedies when enforcement action becomes necessary. This article is also intended to link requirements of this chapter to an applicant's responsibility for obtaining required building permits. Regulations in this article are not intended to modify regulations established in the City of Dothan Code of Ordinances, Chapter 14, Buildings and Building Regulations, or any other regulations established in this chapter.

Sec. 114-39. Enforcing officer.

Regulations in this chapter shall be administered and enforced by the administrative official. Upon good cause and upon presentation of proper credentials, the administrative official or his authorized agent may enter at any reasonable time any building, structure, or premises for the purpose of determining whether this Ordinance is being violated. When a violation of this Ordinance is found, the administrative official is authorized and directed to institute any appropriate action to prevent or terminate such violation including without limitation, direct abatement, citation, or civil action to enjoin the violation.

Sec. 114-40. Permit required.

It shall be unlawful to commence the excavation for or the construction of any building and/or structure, including accessory buildings and/or structures, or to store building materials and/or erect temporary field offices and/or to commence the moving, alteration and/or repair (except necessary repairs not affecting the external or party walls, chimneys, stairways or heights of buildings) of any building and/or structure, including accessory buildings and/or structures, until the administrative official has authorized the release of a building permit for such work.

- A) **Application required.** Application for a building permit shall be made to the building official on forms provided for that purpose. Application forms shall include a statement, to be signed by the applicant or the applicant's agent, stating that the plans, specifications and intended use of such building and/or structure in all respects conform to this chapter.
- B) **Plans required.** It shall be unlawful for the administrative official to approve any plans or authorize release of a building permit for any excavation or construction until he has inspected such plans in detail and found them in conformity with this chapter. Therefore, the administrative official shall require that every application for a building permit for the excavation, construction, use of land, moving or alteration thereof be accompanied by a plan or plat drawn to scale and showing

the following in sufficient detail to enable the administrative official to ascertain whether the proposed excavation, construction, use of land, moving or alteration is in conformance with this chapter:

- (1) The actual shape, proportion and dimensions of the lot to be built upon.
 - (2) The shape, size and location of all buildings and/or structures to be erected, altered or moved and of any buildings or other buildings and/or structures already on the lot.
 - (3) The existing and intended use of all such buildings or other buildings and/or structures.
 - (4) Information such as the location of property lines and location(s) of existing buildings on adjoining lots may be essential for determining conformance with this chapter. Other information may be requested by the administrative official.
- C) **Review and determination.** The administrative official shall review the permit application. After concluding that zoning regulations have been satisfied, the administrative official shall notify the building official that the plans are in compliance with this chapter, and hereby authorize the release of the respective permit. If zoning regulations have not been satisfied, the administrative official shall state in writing, on the application, the cause of any disapproval. Issuance of a building permit shall, in no case, be construed as waiving any provision of this chapter.
- D) **Fee required.** Application filing fees may be required. Fees associated with rezoning regulations, when required, are outlined in Article IV, Amendment and Rezoning Procedure, and shall be required at the time of application submission. Fees associated with building permits are outlined in the City of Dothan Code of Ordinances, Chapter 14, Buildings and Building Regulations, and shall be paid in accordance with policies established by the department.
- E) **Final inspection.** Prior to the occupancy or use of any land, building and/or structure or part thereof, a final inspection shall be required. The purpose of the final inspection is to ensure that any land or building and/or structure or part thereof is found to be in conformity with this chapter. It shall be the duty of the owner or agent to contact the administrative official to schedule a final inspection.
- F) **Certificate of occupancy.** The building official shall issue the certificate of occupancy after the project passes the final inspection. The issuance of the certificate of occupancy shall occur no later than the end of the next business day following the final inspection.

- G) **Temporary certificate of occupancy.** A temporary certificate of occupancy may be issued by the building official after consultation with the administrative official for a period not to exceed sixty (60) days.

Sec. 114-41. Appeals.

Appeals to the administration and enforcement of this chapter shall be permitted as follows:

- A) **Zoning.** Appeals pertaining to the regulations of this chapter and/or decisions, determinations or interpretations of the administrative official shall be handled by the board of zoning adjustment in accordance with Article VI of this chapter.
- B) **Building code.** Appeals pertaining to building code regulations or enforcements shall be handled in accordance with the City of Dothan Code of Ordinances, Chapter 14, Buildings and Building Regulations.

Sec. 114-42. Remedies.

The administrative official shall have the power to seek redress in municipal court and may secure injunctions and abatement orders to further ensure compliance with this chapter. If any building and/or structure is erected, constructed, reconstructed, altered, repaired, converted or maintained or if any building and/or structure or land is used in violation of this chapter, the administrative official or any other appropriate authority or any adjacent or neighboring property owner who would be especially damaged by such violation, in addition to other remedies, may institute injunction, mandamus or other appropriate action or proceeding to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use to correct or abate such violation or to prevent occupancy of such building and/or structure or land.

Sec. 114-43. Penalties.

Wherever in this Code or in any of the city ordinances any act is prohibited or is made or declared to be unlawful or an offense or misdemeanor or whenever in such Code or ordinance the doing of any act is required or the failure to do any act is declared to be unlawful and no specific penalty is provided, the violation of any such provision of this Code or any such ordinance shall be punished by a fine of not less than \$1.00 nor more than \$500.00 or by imprisonment in the jail or at hard labor for a period of not exceeding six months or by both such fine and imprisonment, at the discretion of the judge trying the case. Each day any violation of this Code or any such city ordinance shall continue shall constitute a separate offense.

- A) **Responsibility.** Persons charged with such violation(s) may include:

- (1) The owner, agent, lessee, tenant, contractor, or any other person using the land, Building or Premises where such violation has been committed or shall exist.
 - (2) Any person who knowingly commits, takes part or assists in such violation.
 - (3) Any person who maintains any land, Building or Premises in which such violation shall exist.
- B) **Written Notice.** Prior to any criminal prosecution, the administrative official shall give a written notice or citation to the person, firm, corporation, or organization violating any provision of this Ordinance stating the rule or regulation being violated and notifying the said person, firm, corporation, or organization to cease and desist such violation immediately. Otherwise, such person, firm, corporation, or organization will be prosecuted as provided herein.

Secs. 114-44 to 114-53. Reserved.

(The remainder of this page has been left blank intentionally.)

Article IV. Amendment and Rezoning Procedure.

Sec. 114-54. Purpose.

The purpose of this article is to identify and clarify the processes associated with making application for amendments to this chapter, including changes to the official zoning map.

Sec. 114-55. Amendment procedure.

Following submission and review by the planning commission, the regulations and the number, area and boundaries of districts established by Article VII, Classification and Establishment of Uses, may be amended, supplemented, changed, modified or repealed by the board of commissioners. No amendment shall become effective unless it is first submitted to the planning commission for its recommendation following a public hearing.

Sec. 114-56. Petition.

Any person desiring to petition for rezoning under the authority of this article must present such petition to the secretary of the planning commission in writing by the second Friday of the month preceding the desired hearing date month. The petition will be submitted according to planning commission procedure as follows:

- A) **Application required.** An application shall be submitted to the planning and development department on a form provided by the department. The application shall be signed by the property owner or accompanied by an affidavit that the applicant is authorized to act on the owner's behalf.
- B) **Entire parcel.** Rezoning requests shall be submitted for entire parcel only. Requests to split zone a parcel will not be accepted.
- C) **Map required.** The application shall be accompanied by the following:
 - (1) **Paper copies.** Eight (8) copies of a map drawn by a surveyor licensed in the State of Alabama of the property proposed to be rezoned, to a scale suitable to fit on a 24-inch by 36-inch (24" X 36") sheet. The map shall show distances, bearings, legal description, all surrounding zoning, property as is and state the proposed rezoning is from _____ district to _____ district.
 - (2) **Digital copy.** A digital copy of any maps submitted for review, in .PDF or .JPG format.
 - (3) **Vicinity map.** A map identifying the exact location of the property to be rezoned, illustrating a one-half ($\frac{1}{2}$) mile radius from the site, drawn on the rezoning map or submitted as an attachment.
- D) **Legal description required.** The application shall be accompanied by the following:

- (1) **Paper copies.** A written legal description of the property to be rezoned written on paper copies of proposed rezoning maps or submitted on a separate sheet and labeled as an attachment to the maps. For metes & bounds parcels, a recorded legal description or if located in a recorded subdivision, the lot number and block may be used.
- (2) **Digital copy.** A legal description of the property to be rezoned, submitted in electronic media in .doc format.

Sec. 114-57. Fee required.

To offset the costs to review and process the request, the application will be accompanied by cash or check, payable to the City of Dothan, in the amount of \$100.00 plus \$10.00 per acre, not to exceed \$250.00. Application fees shall not be refunded except upon the recommendation of the administrative official and approval by the city manager. Payment of the fee set out in this section and the cost for publication of the notice shall not be required of employees or agents of the city submitting proposed amendments in the course of their official duties. The application fee does not include the cost of public notice by the board of commissioners.

Sec. 114-58. Public hearings required.

- A) **Planning Commission.** The planning commission shall hold a public hearing, notice of which shall be given, for the consideration of any proposed amendment to this chapter or the zoning map and report its recommendation to the board of commissioners.
- B) **City Commission.** The city commission may hold a public hearing, notice of which shall be given, for the consideration of any proposed amendment to this chapter or the zoning map.

Sec. 114-59. Notice required.

- A) **Publication of legal notice.** Rezoning petitions require publication in the local newspaper prior to public hearings by the planning commission and the board of commissioners.
 - (1) **Planning commission.** The administrative official shall cause the preparation of required notice for public hearings by the planning commission and submit the required notice to a newspaper of general circulation for publication. Required notice shall be accomplished by publishing the meeting agenda. Unless otherwise provided, costs of said notice are included in the initial application fee.
 - (2) **City commission.** Should the planning commission recommend the rezoning to the city commission, notice of the proposed rezoning shall be published as required by law. Required notice shall include a written legal description

and map of the property to be rezoned. The applicant will be notified of the cost of publication as determined by the newspaper to the office of department of planning and development. Cost of publication is not included in the initial application fee. Further processing shall be withheld until the cost of publication is paid. Upon passage by the city commission, the approved ordinance will be advertised one additional instance. The cost of advertising will be the responsibility of the applicant as determined by the city clerk's office.

- B) **Posting notice.** A public notice sign must be erected and maintained at the applicant's expense not less than fourteen (14) calendar days prior to the date of the public hearing. The public notice sign must be placed on all street frontages for proper notification of adjacent property owners. The applicant will be responsible for making sure the sign is erected and conforms to specifications established by the planning commission. Tabled applications shall be required to post notice before being heard by the planning commission.
- C) **Written notice.** Written notice to adjacent property owners is required. The applicant shall provide the names and addresses of adjacent property owners on all sides and across any street according to the official tax records of the appropriate county in which the proposal is located. The city shall send notice of the proposed rezoning to adjacent property owners via first-class mail. The cost of said written notice shall be included in the initial application fee. Tabled applications shall be required to pay for additional written notice before being heard by the planning commission.

Sec. 114-60. Action on petition.

Failure of the petitioner to remit full payment for the cost of publication as outlined in Sec. 114-59(A)(2) within ninety (90) days of the Planning Commission public hearing shall constitute consent to withdraw the petition from further consideration. Applications for rezoning on the same parcel of property shall not be submitted for consideration within six (6) months of original petition without first securing unanimous approval of the planning commission.

Sec. 114-61. Development plans or subdivision plats.

The submission of development plans and/or subdivision plats shall not be required as a condition precedent to amending this chapter. However, in order to induce an approval recommendation for a rezoning request from the planning commission, an applicant may link the approval to a specific development plan. Should the applicant not submit an application for development plan approval within 6 months of the planning commission approval, the zoning shall automatically revert to the previous designation.

Sec. 114-62. Zoning of annexed land.

Where land now lying in unincorporated county is annexed into the corporate limits of the City of Dothan, these parcels shall be automatically zoned A-C and subject to all zoning regulations therein unless rezoned as part of the annexation process. Regardless, the property must be formally rezoned prior to issuance of any building permits.

Sec. 114-63. Appeal from the action of the planning commission.

- A) Pursuant to Ala. Code 1975, 11-52-14, actions of the planning commission may be appealed to the city commission. Appeals must be submitted within fifteen (15) days of the hearing.
- B) A petitioner shall submit to the Planning Department:
 - a. A signed narrative and any other material that states and supports the rationale for the appeal.
 - b. A list of the names and addresses of adjacent property owners.
 - c. All advertising and legal notice costs associated with the appeal shall be responsibility of the petitioner and payable to the City of Dothan.

Secs. 114-64 to 114-72. Reserved.

(The remainder of this page has been left blank intentionally.)

Article V. Development Plans.

Sec. 114-73. Purpose.

It is the purpose of this article to encourage a high standard of land development through careful review of proposed development projects as well as to provide full consideration of the potential impacts of proposed development projects on surrounding uses and land. It is the purpose of the development plan review process to provide a mechanism to ensure that the individual components of the development process are integrated to ensure a project meets not only the minimum regulatory requirements but also addresses the design guidelines described later in this article.

Sec. 114-74. Pre-application.

Pre-application meetings are encouraged and may be held between the developer or their representative(s) and city staff. The purpose of the meeting is to give staff a clear understanding of what is being proposed and to determine if any conditions exist which need to be resolved before the application can be accepted.

Sec. 114-75. Approval required.

Development plan approval is required prior to the issuance of any building permit for all land uses subject to these regulations where any of the following exists:

- A) A parcel of land proposed for a non-residential use.
- B) A parcel of land proposed for multi-family apartment dwellings.
- C) A parcel of land proposed for a manufactured home community.
- D) A parcel of land containing a non-residential use, multi-family apartment dwellings or building or a manufactured home community that is proposed to be expanded.
- E) A parcel of land, which is to be developed utilizing a planned unit development (PUD) district zoning classification.
- F) A parcel of land located in the downtown overlay district (DOD).
- G) A parcel of land containing an existing use being converted to a more intense use.
- H) 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 administrative official determines it to be in the interest of the public health, safety or welfare that such project be subject to the development plan review process.

Sec. 114-76. Review process.

Developments subject to development plan review shall be subject to the following requirements:

A) **Submission requirements.** No request for development plan approval shall be considered complete until all of the following has been submitted to the administrative official:

(1) **Application form.** The application shall be submitted to the department on a form provided by the department. The application shall be signed by the property owner or accompanied by an affidavit stating that the applicant is authorized to act on the owner's behalf. Applications requiring planning commission approval shall be submitted by the first business day of the month preceding the desired hearing date.

(2) **Map required.** Each application shall be accompanied by the following:

a. **Paper copies.** Eight (8) copies of a development plan drawn by a design professional such as an engineer, surveyor, or architect licensed in the State of Alabama of the property proposed to be developed. Preliminary drawings may be submitted by non-professional designers for planning commission consideration. However, construction plans submitted for permitting by an architect or non-professional designer containing civil engineering design shall be stamped by a registered civil engineer. Development plan sheets shall be at a minimum scale of one inch equals fifty feet (1"=50'), suitable to fit on a twenty-four inch by thirty-six inch (24" X 36") sheet. 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 development plan:

1. Development plan (project) name.
2. North arrow, scale and date prepared.
3. Legal description (metes and bounds).
4. Location map (vicinity map) showing one-half ($\frac{1}{2}$) mile radius from the site.
5. Zoning district of subject property, which is the subject of the development plan and adjacent properties.
6. Identification of watercourses, floodplains, potential wetlands, tree masses including protected trees as defined by Section 114- 237, Tree protection and landscaping.
7. Gross and net site area expressed in square feet and acres (if larger than one (1)).
8. Number of dwelling units proposed, if any.
9. Floor area devoted to each category of use.
10. 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.

11. Number of parking spaces required and proposed (stated in relationship to the applicable formula).
12. Location of proposed driveways, parking areas, median crossings and curb cuts for the site being developed on property immediately adjacent and within two-hundred (200) feet of the right-of-way or as otherwise determined by the traffic engineer.
13. Ingress, egress and site circulation including location of proposed connection to existing access roads and/or adjacent parking lots as determined by the Traffic Engineer. The Traffic Engineer, in his professional judgment, may require a traffic impact study in accordance with Chapter 98, Article IX, City of Dothan Code of Ordinances.
14. Location of proposed public and private easements for utilities, ingress, egress and drainage within and adjacent to the site.
15. The location, size and height of all existing and proposed buildings on the site.
16. Locations of all refuse collection facilities, including screening and access.
17. Provisions for proposed on-site storm water drainage and detention related to the proposed development.
18. Existing and proposed utilities, including size and location of all water lines, sewer lines, storm drain lines, gas mains, fire hydrants, manholes, lift stations and other utility appurtenances.
19. Existing two (2) 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 of or stormwater retention/detention necessary for the site.
20. The proposed general use and development of internal spaces, including any recreation or open space areas, plazas and major landscape areas, etc.
21. A note indicating the party responsible for maintenance of all common elements and open space.
22. The location of all proposed earth or water retaining walls, earth berms, and public and private sidewalks.
23. Phase lines, if development is to be constructed in phases.
24. Dimensions of lot lines, streets, drives, building lines, building setbacks, building height, etc.
25. Landscape, buffer and tree removal plan that complies with Article XIII, Landscaping and Buffers.

26. The provision of a photometric plan submitted prior to release of building permit indicating the luminance of all proposed exterior lighting extending fifty (50) feet beyond the property boundary when the project is adjacent to residentially zoned or used property.
27. Typical building elevations with a description of proposed materials to be used.

b. **Digital copy.** A digital copy of all paper maps, formatted as either .PDF or .JPG.

B) Design guidelines for development plan review. It is the purpose of these design guidelines to aid the design of a development plan and supplement the standard requirements found in the zoning ordinance. This information is offered as help to the designer to tailor the land planning process to the unique features of each site. The following items should be given careful consideration in the preparation of development plans required under this article.

- (1) **Plan and regulation requirements.** Development plans shall be consistent and in conformity with all applicable rules and regulations of the city and the state, including but not limited to; city zoning and subdivision regulations, ordinances, resolutions, policies and administrative directives and applicable provisions of the laws for the State of Alabama. The city long range development plan and its constituent elements should be consulted for guidance on specific development policies.
- (2) **Environment and open space requirements.** Development plans should recognize significant existing environmental, historical, cultural and open space features of the site and property immediately adjacent. City staff will look at: topography, including elevation, slopes and impact on potential cut and fill areas; the physical characteristics of “blue line” surface water features as shown on USGS maps; vegetated areas on the site, including stands of protected trees as defined by Article XIII, Landscaping and Buffers. It is the objective of this guideline to assure that the 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 requirements.** Development plans should be designed to provide for adequate traffic flow and control of traffic onto public streets. Coordinate with public transportation modes where applicable. Internal circulation patterns should enhance site accessibility. Service access should be compatible with the adjacent public street system and traffic management policies. Pedestrian and bicycle facilities should be designed to maximize user safety. It is the objective of this guideline to ensure adequate provision for vehicular and pedestrian movement and safety within the site.

- (4) **Drainage and utilities requirements.** Development plans should be designed to provide for all necessary utility connection including, water supply, sewage disposal, refuse collection and storm water detention. It is the objective of this guideline to assure that adequate service capacity is available and that utility and drainage systems are appropriately designed for the proposed development site in relationship to the larger systems entering and leaving the site.
- (5) **Neighborhood compatibility requirements.** Development plans should be designed to assure that the overall function of the proposed project is compatible and harmonious with other properties in the immediate area. Designers should pay particular attention to adjacent land uses, building location, height and dimension, relationship of parking areas to the building, pedestrian facilities, hours of operation, noise levels (outdoor speakers, dumpster service, etc.), outdoor lighting, impact on views, buffer treatment and integration of open space. It is the objective of this guideline to encourage design treatments that reflect consideration of and between adjoining developments and preclude any significant adverse impacts. It is not the purpose of this provision to preclude development based upon normal change or inconvenience which might ordinarily be expected to result from the land development process.

C) **Review and determination.**

- (1) Upon determination by the administrative official that an application complies with all applicable submission requirements, he shall transmit a copy of the proposal to the development review committee (DRC).
- (2) Committee members shall review the development plan with specific regard to the design guidelines contained in this article and make findings with respect to the satisfactory application of the design guidelines, both individually and in combination, to the subject plan.
- (3) All development plans shall be reviewed by the DRC. The DRC shall review to determine if development plans are in conformance with all applicable regulations, standards and guidelines. Following review, a comprehensive list of non-conforming items shall be compiled and transmitted to the applicant. The applicant is responsible for resolving the items contained in the list that results from DRC review; revised plans shall be submitted in the same manner as the original submission.
- (4) **Minor developments.** Any proposed development containing less than fifteen-thousand (15,000) square feet gross floor area and is located on property that does not have a common boundary with a residentially zoned or used parcel, shall be considered a minor development. Common boundary shall include a roadway not exceeding more than two (2) lanes. Plans for minor developments that meet the requirements of this chapter, and for which all comments have been resolved may be approved by the DRC

without public hearing. Any submission may be referred to the planning commission for public hearing.

- (5) **Major developments.** Any non-residential development containing fifteen thousand (15,000) square feet or more gross floor area and/or located on property that has a common boundary, including across a roadway greater than two (2) lanes with a residentially zoned or used parcel, shall be considered major development. After the DRC review of the plans and determines that all applicable requirements have been met, the plans shall be presented to the planning commission for consideration at a public hearing.
 - (6) The committee may, for the purpose of allowing the applicant an opportunity to address unresolved issues, continue consideration of the development plan. Under no circumstance shall any development 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 VI of this chapter.
 - (7) Following DRC or planning commission approval, the development plan shall be stamped “approved”. Two (2) copies of the approved plan shall be returned to the applicant, one of which shall be submitted with the building permit package. No application for a building permit shall be accepted without an approved development plan which comports to the DRC or planning commission approval.
- D) **Fee required.** A filing fee of \$100.00 plus \$10.00 per acre, not to exceed \$250.00, is required for development plan review and shall be paid at the time of the application. This fee shall be nonrefundable, irrespective of the final disposition of the application.
- E) **Notice required.**
- (1) **Publication of legal notice.** All major development plans require publication of a legal notice. The administrative official shall cause the preparation of the notice for submission to a newspaper of general circulation for publication. Payment of the fee set out in Section 114-76(D) includes the cost of publication but shall not be required of employees or agents of the city submitting proposed plans in the course of their official duties.
 - (2) **Posting notice.** Public notice signs are required for properties that are the subject of major development plan review by the planning commission. Such posting shall be accomplished by the applicant as directed by the Administrative Official. Tabled applications for major development plan approval shall be required to post notice before being heard by the planning commission.
 - (3) **Written notice.** Written notice to adjacent property owners is required for all developments plans (minor or major). The applicant shall provide the names and addresses of adjacent property owners on all sides and across

any street according to the official tax records of the appropriate County in which the proposal is located. The city shall send notice of the proposed development project to adjacent property owners via first-class mail. The cost of said written notice shall be included in the initial application fee. Tabled applications for major development plan approval shall be required to pay for additional direct notice before being heard by the planning commission.

- F) **Certification of plan.** A development plan approved or approved conditionally by the planning commission or DRC shall be the certified development plan. All certified development plans are valid for one (1) year but may be extended with planning commission approval.
- G) **Building permit.** The applicant shall be responsible for obtaining a building permit within one (1) year from the date of approval of a certified plan.
- H) **Amendment of a certified plan.** The administrative official shall determine whether a proposed plan amendment is a major or minor amendment (see definition of minor plan amendment). The administrative official, at hisr discretion, may forward any application for development plan amendment to the planning commission, development review committee or to one or more individual departments for review.
- I) **Accessory structures.** Accessory structures not initially identified on the development plan may be approved by the administrative official regardless of development size.

Sec. 114-77. Consistency.

All building and construction permits issued for any project requiring development plan review shall be consistent with the certified development plan. The approval and certification of a development plan shall not under any circumstance be construed to waive or otherwise diminish the applicable city requirements for construction or installation of buildings and/or structures, materials or appurtenances. Whenever a conflict between the development plan and such construction details occurs, the more restrictive shall prevail.

Sec. 114-78. Integration of other review procedures.

Any development involving the following related provisions of these regulations shall be coordinated as set forth below.

- A) **Planned unit development plans.** Properties which are proposed to be developed as a planned unit development (PUD, UPUD or UTND) shall submit a plan of the entire proposed development to the DRC. Following approval by the DRC, the

planning commission shall review the plan at public hearing. A revised development plan, incorporating matters of concern to the planning commission shall be prepared and submitted to the administrative official for certification.

- B) **Rezoning.** Those developments requiring an action to rezone the property shall have the rezoning approved by the planning commission prior to consideration of a development plan.
- C) **Variances, special exceptions.** Those developments requiring a variance from any applicable regulation shall have the variance approved by the board of zoning adjustment prior to consideration of a development plan.

Sec. 114-79. Noncompliance.

Failure to comply with a certified development 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 development plan, to render such building permit invalid. Any action, construction, development or use of property undertaken in violation of the provisions of this article shall constitute a violation of these zoning regulations and shall be subject to remedies ascribed by this chapter.

Sec. 114-80. Appeal.

An applicant may appeal the recommendations of the DRC to the planning commission. For any such appeal, the applicant shall submit a written statement identifying the conditions appealed from and include any fees for public notice and posting requirements.

Sec. 114-81. Records.

The administrative official shall submit a monthly report to the planning commission listing all development plans reviewed by the DRC and the action taken on each. A record of actions taken for all development plans submitted shall be maintained by the administrative official.

Sec. 114-82. Stacking uses.

With the exception of shared parking agreements filed in accordance with section 182 (G), sites proposed to contain multiple uses shall observe any development standards that may apply as if each use were independent.

Secs. 114-83 to 114-92. Reserved.

Article VI. Board of Zoning Adjustment.

Sec. 114-93. Purpose.

The purpose of this article is to identify the duties, responsibilities, powers and proceedings of the board of zoning adjustment as authorized under the State Code of Alabama. This article is also intended to identify and clarify the processes associated with making application to the board of zoning adjustment.

Sec. 114-94. Created; appointment; duties and responsibilities per State Code of Alabama.

- A) The board of zoning adjustment, as heretofore provided for in Section 23-30 of the 1977 Code of Ordinances is provided for as follows: pursuant to and under the authority of the 1975 State Code of Alabama, § 11-52-80, and Alabama Act No. 97-673, a board of zoning adjustment is hereby created. The appointment, procedure, powers and actions of the board shall be governed and controlled by the above cited State Code of Alabama and Alabama Act No. 97-673.
- B) The board of zoning adjustment shall, in appropriate cases and subject to appropriate conditions and safeguards, make special exceptions to the terms of the ordinance in harmony with its general purposes and interests and in accordance with general or specific rules therein contained.
- C) The board of zoning adjustment shall consist of seven (7) members, each to be appointed for a term of three (3) years, except that in the first instance, four (4) members shall be appointed for a term of three (3) years and three (3) members for a term of two (2) years, and thereafter each member appointed shall serve for a term of three (3) years or until a successor is duly appointed; provided all members of the board, including any alternate member shall be bona fide residents and qualified electors of the city; provided further, that the six (6) regular members appointed by the commissioners shall represent equally the six (6) districts of the city together with the at-large member appointed by the mayor.
- D) In addition to the seven (7) regular members, two (2) supernumerary members shall be appointed to serve on such board at the call of the chairman only in the absence of regular members and while so serving shall have and exercise the power and authority of regular members. Such supernumerary members shall be appointed to serve for three (3) year terms and shall be eligible for reappointment. Appointed members may be removable for cause by the appointing authority upon written charges and after public hearing. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant.
- E) In exercising the powers in subsection (d) of Code of Ala. 1975, § 11-52-80, the board may reverse, affirm, or may modify the order, requirement, decision, or determination appealed from and may enter the appropriate order, requirement, decision or determination and, to that end, shall have all the powers of the officer from whom the appeal is taken. The concurring vote of five (5) members of the board shall be necessary to reverse any order, requirement, decision or determination of an administrative official or to decide in favor of the applicant on

a matter upon which the board is required to pass under any ordinance or to effect any variation in the ordinance.

- F) Applications for initial appeals, requests for a special exception or requests for a variance shall be accompanied by cash or check made out to the City of Dothan in the amount of \$35.00. This application fee shall be nonrefundable.

Sec. 114-95. Proceedings per State Code of Alabama.

State of Alabama law on the proceedings of the board of zoning adjustment reads as follows:

- A) The board of zoning adjustment shall adopt rules necessary to the conduct of its affairs, and in keeping with the provisions of this chapter. Meetings shall be held at the call of the chairman and at such other times as the board may determine. The chairman, or in their absence, the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public.
- B) The board of zoning adjustment shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be a public record and be immediately filed in the office of the board.

Sec. 114-96. Powers and duties of the board per State Code of Alabama.

State of Alabama law on the powers and duties of the board of zoning adjustment reads as follows:

- A) To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by an administrative official in the enforcement of this article or of any ordinance adopted pursuant to this article;
- B) To hear and decide special exceptions to the terms of the ordinance upon which such board is required to pass under such ordinance; and
- C) To authorize upon appeal in specific cases such variance from the terms of the ordinance not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of the ordinance will result in unnecessary hardship and so that the spirit of the ordinance shall be observed and substantial justice done.

State of Alabama law references: Abatement of nuisances generally, Code of Ala. 1975, §§ 11-47-117, 11-47-118.

Sec. 114-97. Additional powers per State Code of Alabama.

Powers of the board of zoning adjustment as further defined in Code of Ala. 1975, § 11-52-80 et seq., as amended, are adopted by reference in this section as if fully set forth.

Sec. 114-98. Special exception and/or variance.

- A) **Application required.** To request a special exception and/or variance, an applicant shall complete appropriate forms provided by the administrative official, along with material required to ensure compliance with the review criteria below. Applications shall be submitted fourteen (14) calendar days prior to the next board of zoning adjustment hearing date. Refer to the board of zoning adjustment's bylaws for more specific information.
- B) **Fee required.** Applications for special exception and/or variance requests shall be accompanied by cash or check made out to the City of Dothan in the amount of \$35.00. This application fee shall be nonrefundable.
- C) **Notice required.** For purposes of providing information concerning applications for special exception and/or variance requests, the board shall also cause the following notice to be given:
 - (1) **Advertisement.** The board shall give public notice of hearing upon each application by publication in a newspaper of general circulation within the City of Dothan; such notice shall be given seven (7) calendar days in advance of the time set for the hearing. Such notice shall state the location and address of the property and the general nature of the question involved. The foregoing shall constitute legal notice in all respects as provided by law. Provision of further notice by the board shall be informative but not jurisdictional.
 - (2) **Direct mail.** Written notices shall be mailed by the secretary of the board to the applicant and to the owners of abutting property and that directly across the street from the applicant's site by first class mail. The names and addresses of these property owners shall be furnished by the applicant with their application to the board and shall be those contained in the records of the appropriate county tax assessor's office. Written notice shall be given at least ten (10) calendar days in advance of the hearing and shall contain the time and place of the hearing.
- D) **Action by board of zoning adjustment.** The board of zoning adjustment shall hold a public hearing on the special exception and/or variance request, and, at the close of the public hearing act to approve, approve with conditions, continue, table or deny the application based on the review criteria established in this article.

Sec. 114-99. Variances, additional requirements.

A) **Review criteria.** A variance may be granted by the board of zoning adjustment upon an affirmative finding that all of the following conditions exist:

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

B) **Findings of fact.** Before the board of zoning adjustment shall grant a variance it shall make the following three (3) findings of fact which shall be recorded in the permanent record of the case, and shall include the factual reasons on which they are based:

- (1) That there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of this chapter. In order to determine that there are practical difficulties or unnecessary hardships, the board must find that the following five (5) conditions exist:
 - a. If the provisions of this chapter are complied with, a variance will only be granted if the applicant can secure no reasonable return from, nor make reasonable use of, the property. Merely proving that the variance would permit a greater profit to be made from the property will not be considered adequate to justify the granting of a variance. Moreover, the board of zoning adjustment shall consider whether the variance is the minimum possible deviation from the terms of this chapter that will make possible the reasonable use of the property.
 - b. That the hardship results from the application of this chapter to the property rather than from other factors such as deed restrictions, personal actions, personal circumstances or other hardship.
 - c. That the hardship is due to the physical nature of the applicant's property, such as its size, shape, or topography, which is different from that of neighboring property.
 - d. That the hardship is not the result of the actions of an applicant who knowingly or unknowingly violates this chapter, or who purchases the

property after the effective date of this chapter and then comes to the board for relief.

- e. That the hardship is peculiar to the applicant's property, rather than the result of conditions that are widespread or common to adjoining owners or the general public. If the properties were equally subject to the hardship created in the restriction, then granting a variance would be a special privilege denied to others, and would not promote equal justice.
- (2) The variance is in harmony with the general purpose and intent of this chapter and preserves its spirit.
 - (3) In the granting of the variance, the public safety and welfare have been assured and substantial justice has been done. The board shall not grant a variance if it finds that doing so would in any respect impair the public health, safety, or general welfare.
- C) In granting the variance, the board may attach thereto such conditions regarding the location, character, and other features of the proposed building and/or structure as it may deem advisable in furtherance of the purpose of this chapter. If a variance for the construction or alteration is granted, such construction or alteration shall be in accordance with the approved site plan.
- (1) A variance, issued in accordance with this article, shall expire if a building permit, business license, etc. has not been obtained by the applicant within six (6) months from the date of the decision.
 - (2) The board of zoning adjustment shall keep a record of all projects for which it grants a variance.
 - (3) If the application calls for the granting of a variance, and if the board of zoning adjustment decides in favor of granting the variance, the secretary to the board shall prepare a record of the hearing with all deliberations. The record of the hearing shall include:
 - a. The variance application;
 - b. Copy of hearing notices;
 - c. Copy of evidence presented;
 - d. Motions, offers of proof, objections to evidence, and rulings on them;
 - e. Proposed findings of fact with exceptions; and
 - f. Copy of meeting minutes, including all conditions proposed to be added to the permit.
- D) **Prohibited.** The board of zoning adjustment may not grant use variances, which are variances that have the effect of allowing a use within a specific zoning district that is not allowed by Article VII of this chapter. The appropriate procedure for requesting any land use not allowed within a zoning district is rezoning.

Sec. 114-100. Appeals of administrative officer's decision.

- A) **Applicability.** Appeals to the board of zoning adjustment may be taken by any person aggrieved or affected by any zoning-related decision of the administrative officer. The administrative official shall present all of the papers constituting the record upon which the action appealed was taken to the board of zoning adjustment.
- B) **Effect of appeal.** An appeal shall “stay” all proceedings in furtherance of the action related to the decision which is being appealed. However, after the notice of appeal, the administrative official certifies to the board of zoning adjustment, that by reason of facts stated in the certificate, a stay would, cause imminent peril to life or property. In such case, proceedings shall not be stayed other than by a restraining order, which may be granted by the board of zoning adjustment or by a court record on application and notice to the administrative official and on the cause shown.
- C) **Procedure.**
- (1) **Written request.** No application is required to appeal a decision of the administrative official, but the appellant shall provide a letter to the board of zoning adjustment, describing the decision from which the appeal is sought and the specific details of appellant’s request. Letters of appeal shall be submitted fourteen (14) calendar days prior to the next board of zoning adjustment hearing date. Refer to the board of zoning adjustment’s bylaws for more specific information.
 - (2) **Time.** Appeals to the administrative official’s decision shall be submitted within thirty (30) calendar days of the decision.
 - (3) **Fee.** Action on an appeal shall constitute a formal request to the board which shall require public notice and shall be accompanied by cash or check made out to the City of Dothan in the amount of \$35.00 or as otherwise approved by the board of commissioners. This fee shall be nonrefundable.
 - (4) **Notice.** For purposes of providing information concerning such applications, the board shall also cause the following notice to be given:
 - a. **Advertisement.** The board shall give public notice of hearing upon each appeal by publication in a newspaper of general circulation within the City of Dothan; such notice shall be given seven (7) calendar days in advance of the time set for the hearing. Such notice shall state the location and address of the property and the general nature of the question involved. The foregoing shall constitute legal notice in all respects as provided by law. Provision of further notice by the board shall be informative but not jurisdictional.
 - b. **Written notice.** Written notices shall be mailed by the secretary of the board to the applicant and to the owners of abutting property and directly across the street from the applicant's site by first class mail. The names and addresses of these property owners shall be furnished by the applicant with their notice of appeal to the board and shall be

those contained in the records of the appropriate county tax assessor's office. Written notice shall be given at least ten (10) calendar days in advance of the hearing and shall contain the time and place of the hearing.

- D) **Review and action by board of adjustment.** The board of zoning adjustment shall hold a public hearing on the appeal request, and, at the close of the public hearing act on the appeal based on the review criteria established in this article.
- (1) In exercising the appeal power, the board of zoning adjustment shall have all the powers of the official from whom the appeal is taken, and the board of zoning adjustment may reverse or affirm wholly or partly or may modify the decision being appealed.
 - (2) If the board of zoning adjustment determines that it is necessary to obtain additional evidence in order to resolve the matter, it shall remand the appeal to the official from whom the appeal is taken, with directions to obtain such evidence and to reconsider the decision in light of such evidence.
 - (3) A concurring vote of five (5) of the members of the board of zoning adjustment shall be necessary to reverse any order, requirement, decision, or determination of an administrative official.
 - (4) Every decision of the board of zoning adjustment shall be accompanied by written findings of fact specifying the reason for the decision. These findings shall be filed in the office of the board of zoning adjustment within ten (10) calendar days after the final action.

Sec. 114-101. Home occupations, specific requirements.

A home occupation is intended to be a use conducted in a residential property, with operations occurring entirely within a dwelling and carried out solely by the inhabitant thereof and which is clearly incidental and secondary to the use of the building and/or structure for dwelling purposes. Because the city recognizes that certain home occupations have greater land use impacts than others, this section is designed to establish two (2) types of home occupations. It shall be the applicant's responsibility to clearly explain the scope of the business to ensure the proper regulations are administered.

- A) **Qualifying home occupations** are home based businesses that have no outward appearance of business activity, including business identification signage. Examples of qualifying home occupations include (but are not limited to) the following: business office for an otherwise licensed business activity, internet based business, consulting service, etc. No public hearing is required for qualifying home occupation applications, and the administrative official has authority to approve qualifying home occupation applications. Applicants for qualifying home occupations must sign an "Affidavit of Compliance." The affidavit outlines the minimum requirements listed below. These minimum requirements

shall be conditions of approval and must be observed by the applicant. The affidavit shall be signed in the presence of the administrative official (or appointee). Any applicant who refuses to sign the affidavit or is unable to comply with the minimum requirements will be required to apply for a non-qualifying home application. The applicant will not become eligible for the issuance of a privilege license until the affidavit has been approved by the administrative official.

- (1) The privilege license is valid only for this home occupation, this operator at this location;
- (2) This home occupation approval is void if the Privilege License is not obtained within ninety (90) days of approval or if the license is allowed to lapse;
- (3) The business operator obtain a 5 lbs. ABC type fire extinguisher (Area covered by fire extinguisher will have 2A3A-30BC designation per National Fire Code-10.);
- (4) Any work conducted in the home (e.g. bookkeeping, etc.) is confined to the principal building and/or structure;
- (5) No more than twenty-five percent (25%) of the home is used for the business;
- (6) Only residents of the home will engage in business activity at the home;
- (7) There are no customers at the home;
- (8) Accessory buildings and/or structures may not be used for home occupations;
- (9) Any business-related equipment or materials are kept inside the home;
- (10) No employees or employee vehicles are allowed at the home;
- (11) No business-related vehicles are parked at the home;
- (12) If business-related materials or equipment are delivered to the home, there will be no more than two (2) deliveries per week and the delivery vehicle shall have no more than a single axle with six (6) wheels;
- (13) There are no signs or advertisements on the property, including on the mailbox;
- (14) The business operator is responsible for observing any private covenants which may impact the home occupation;
- (15) Any other restriction as may be considered appropriate by the administrative official or the board of zoning adjustment; and
- (16) Violation of any of the aforementioned conditions could result in revocation of the approval.

B) **Non-qualifying home occupations** are home based businesses that exhibit any outward (visible) signs of business activity, including (but not limited to) the following: lawn care business, contractor, home maintenance business, etc. Non-qualifying home occupations shall be considered special exceptions and shall be subject to board of zoning adjustment approval as outlined in this article. Unless expressly omitted by the board of zoning adjustment, the restrictions listed below shall be considered conditions of approval. However, the board of zoning

adjustment may add additional conditions of approval should conditions warrant. It shall be the applicant's responsibility to clearly explain the scope of the business to ensure the proper restrictions are approved and/or omitted by the board of zoning adjustment.

- (1) The special exception is valid only for the applicant, this home occupation and this location;
- (2) The special exception is void if a Privilege License, issued by the City of Dothan, is not obtained within ninety (90) days of approval and subsequently if the license is allowed to lapse;
- (3) The applicant shall obtain a 5 lbs. ABC type fire extinguisher (Area covered by fire extinguisher will have 2A3A-30BC designation per National Fire Code-10.);
- (4) No more than twenty-five percent (25%) of the home shall be used for the business;
- (5) There shall be no noise, odors or vibrations associated with the business;
- (6) No employees or employee vehicles are allowed at the home;
- (7) Only residents of the home are authorized to engage in business activity at the home;
- (8) There shall be no customers at the home;
- (9) All work-related activities must be conducted inside the home;
- (10) No accessory building shall be used in conjunction with the business;
- (11) The applicant is allowed to have one (1) business-related vehicle parked on the property, but it shall be no larger than a pickup truck or passenger van;
- (12) No business-related vehicle may be parked in the street;
- (13) Lawn care equipment and/or any trailer used to transport the equipment are shielded from the view of the street and adjacent properties;
- (14) No business-related equipment or materials shall be visible from the road or from adjoining properties and shall be stored inside either the single vehicle or inside the home;
- (15) Used and/or left over materials shall not be taken to the property.
- (16) If business-related materials or equipment are delivered to the home, there shall be no more than two (2) deliveries per week, and the delivery vehicle shall have no more than a single axle with six (6) wheels;
- (17) There shall be no signs or advertisements at the home, including on the mailbox;
- (18) Applicant is responsible for observing any private covenants which may impact the proposed home occupation;
- (19) Any other restriction as may be considered appropriate by the administrative official or the board of zoning adjustment; and
- (20) Violation of any of the aforementioned conditions could result in revocation of the approval.

Sec. 114-102. Letter of de minimis.

Violations of these regulations requiring a variance of ten percent (10%) or less of the dimensional regulations of the district may be issued upon request by a “letter of de minimis” from the administrative official. Letters of de minimis are not variances and do not legitimize any encroachment that may exist. A letter of de minimis may not be requested for encroachments exceeding twelve (12) inches. Any alteration of the premises that results in an increase in the extent of the violation and any subsequent or additional and separate violation shall void this letter of de minimis and shall be subject to appropriate action.

Sec. 114-103. Appeal from board of zoning adjustment determination.

Refer to the State Code of Ala. 11-52-81, which states: “Any party aggrieved by any final judgment or decision of such board of zoning adjustment may within fifteen (15) calendar days thereafter appeal therefrom to the circuit court by filing with such board a written notice of appeal specifying the judgment or decision from which the appeal is taken. In case of such appeal such board shall cause a transcript of the proceedings in the action to be certified to the court to which the appeal is taken, and the action in such court shall be tried de novo.”

(Acts 1935, No. 533, p. 1121; Code 1940, T. 37, §783.)

Secs. 114-104 to 114-114. Reserved.

(The remainder of this page has been left blank intentionally.)

Article VII. Classification and Establishment of Uses.

Sec. 114-115. Purpose.

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

Sec. 114-116. Establishment of zoning districts.

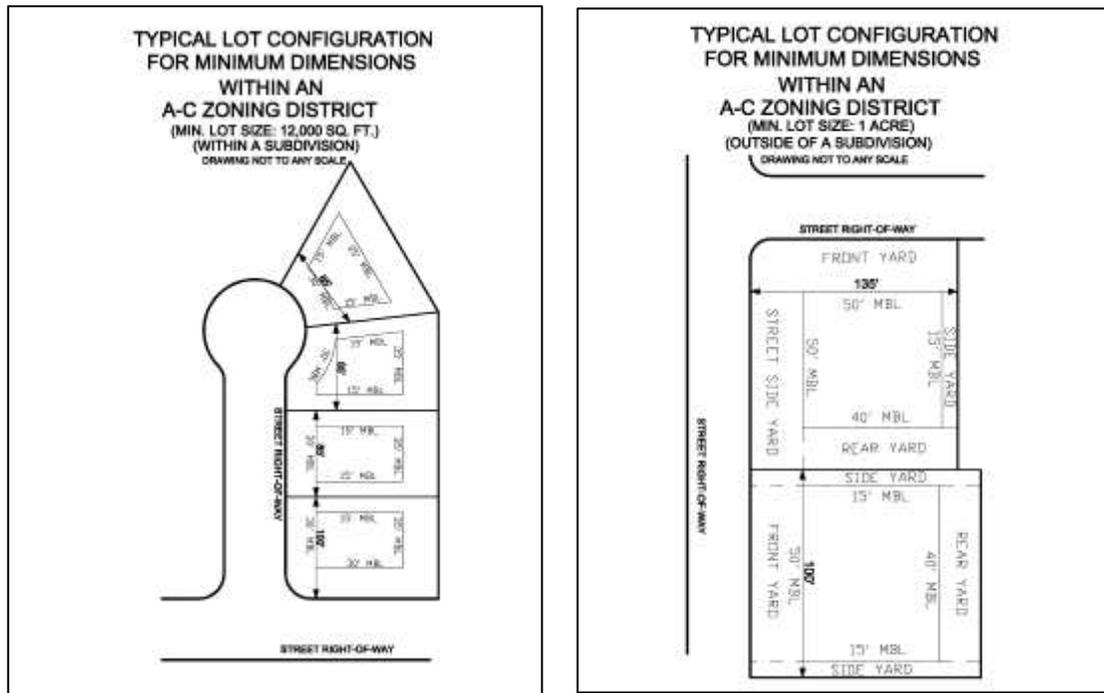
For the purpose of this zoning ordinance, all land and water areas within the jurisdiction of the City of Dothan are hereby divided into zoning districts, which shall be designated as follows:

Agriculture-Conservation District		A-C
Residential Districts		
	Residential Single-Family, Low Density	R-1
	Residential Single-Family, Medium Density	R-2
	Residential Single-Family, High Density	R-3
	Residential, Attached, High Density (2-7 units)	R-4
	Residential, Multi-family, High Density (8+	R-A
	Manufactured Home Community	MH-1
	Mobile Home Subdivision	MH-2
Office and Institutional Districts		
	Office/Institutional	O & I
	Office Park	O-2
	Neighborhood Office	O-3
Business Districts		
	Central Business	B-1
	Highway Commercial	B-2
	Local Shopping	B-3
Manufacturing/Industrial Districts		
	Light Industry	L-I
	Heavy Industry	H-I
Special Districts		
	Planned Unit Development	PUD
	Downtown Overlay District (with subdistricts)	DOD
	Manufactured Home Community	MHC

Sec. 114-117. Statement of purpose and intent of zoning districts.

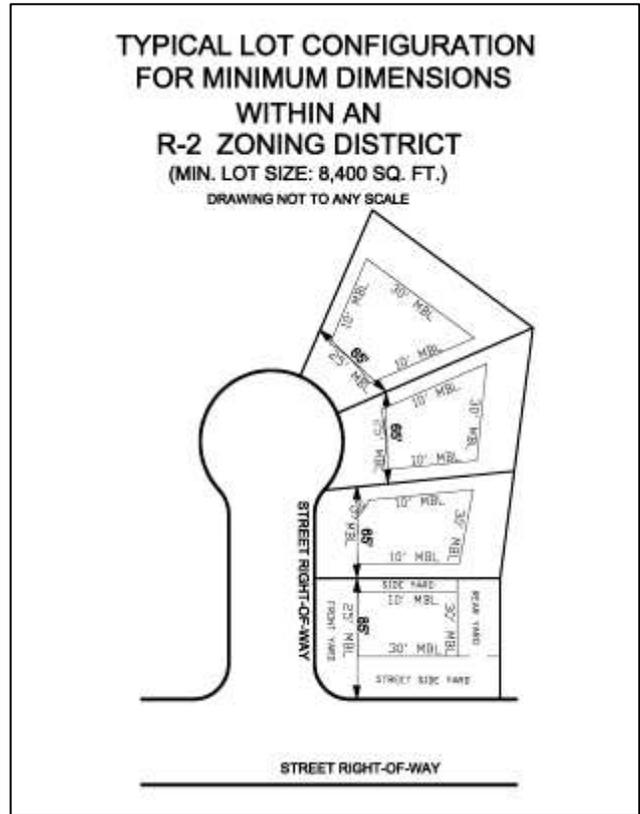
The following is intended to specify the purpose and intent of the zoning districts established by this article. Illustrations are provided to assist reader understanding of the concept.

- A) **Agricultural-Conservation (A-C) District.** Regulations for the agricultural district are intended to provide for development on land situated in urban areas that is intended primarily for agricultural uses. Very low density residential uses are also permitted. District dimensional regulations require a minimum of one (1) acre lots for site-built, stand-alone residential uses in this district. Structures not built in a subdivision must comply with the dimensional requirements outlined in the Table of District Dimensional Regulations (Article VIII, Section 114-132). However, if located in an approved subdivision, lot sizes shall be a minimum of fifteen-thousand (15,000) square feet and shall comply with R-1 district dimensional regulations other than lot size.

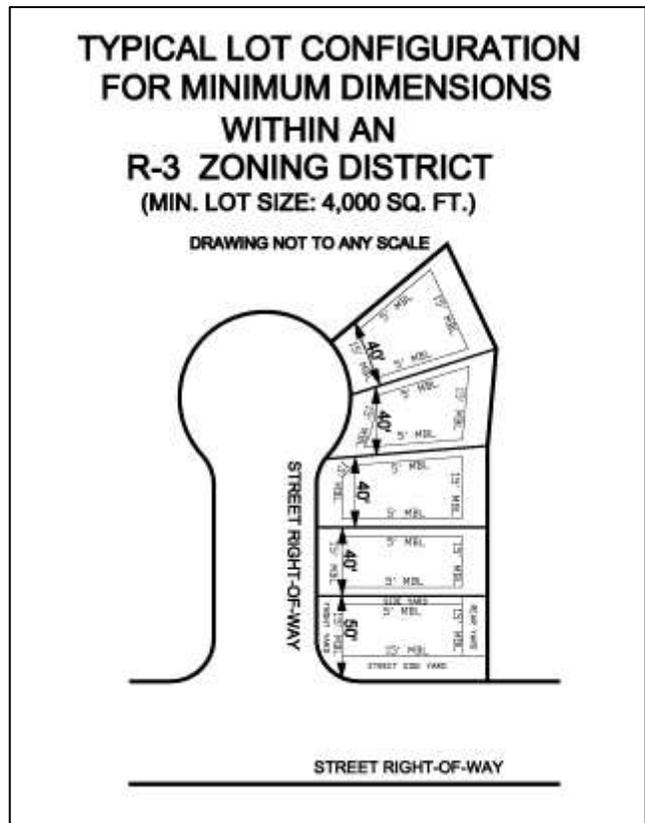


The types and intensity of uses and required areas permitted in this district are designed for both rural character and very low density residential development. In certain cases, agricultural activities, which may not be considered as compatible uses when adjacent to residential uses, are permitted as a “use by-right” in this district. It is not the intention of this ordinance to restrict agricultural activities because of residential uses in the immediate area.

- (2) **R-2, Residential single-family, medium density.** This district is intended to provide for medium density urban residential development, containing single-family dwellings along with related recreational facilities protected from intrusion of commercial and industrial activity. Lots sizes in R-2 districts range from eight-thousand-four-hundred (8,400) square feet to eleven-thousand-nine-hundred-ninety-nine (11,999) square feet.

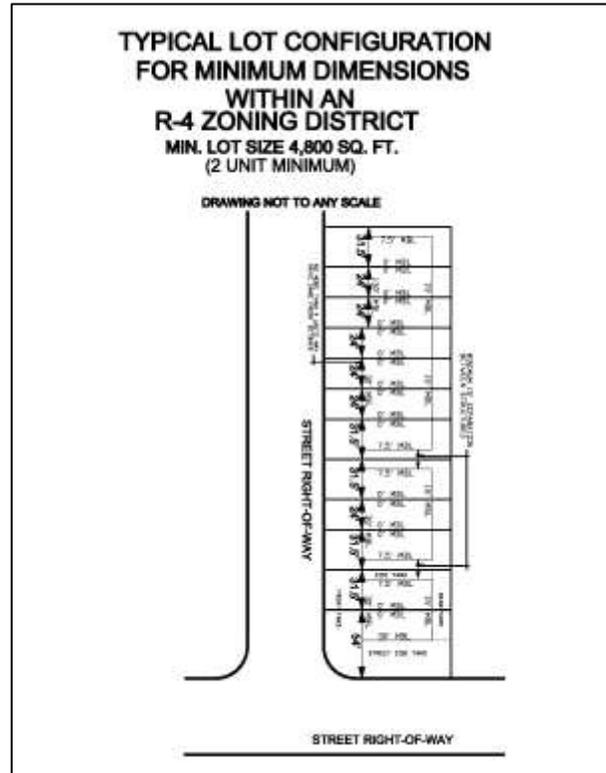


- (3) **R-3, Residential single-family, high density.** This district is intended to provide for high density urban residential development, containing single-family dwellings along with related recreational facilities protected from intrusion of non-residential activity. Lots sizes in R-3 districts range from four-thousand (4,000) square feet to eight-thousand-three-hundred-ninety-nine (8,399) square feet.



(4) **R-4, Residential, attached multi-family, 2-7 dwelling units, high density.**

This district is intended to provide for high density urban residential development, containing at least two (2) attached dwelling units but not more than seven (7) attached dwelling units, along with related recreational facilities protected from the intrusion of non-residential activity. Single-family dwellings are permitted in R-4 districts utilizing R-3 dimensional regulations as part of the overall mix of housing uses but not independently. Lot sizes in R-4 districts range from four-thousand-eight-hundred (4,800) square feet to sixteen-thousand-eight-hundred (16,800) square feet, but lots can be larger if so desired. The chart below illustrates the minimum and maximum number of dwelling units as well as the minimum lot area for developments in R-4 district. When approved by the building official and the planning commission, zero lot lines are permitted along common walls of attached dwelling units. However, a minimum separation is required between all unattached buildings and/or structures; see the Table of District Dimensional Regulations for standards. This definition is intended to include townhouses as modified by this chapter.



R-4 Density Table		
	# of DU's	Min. lot area
Min # DU's	2	4,800 sf
	3	7,200 sf
	4	9,600 sf
	5	12,000 sf
	6	14,400 sf
Max # DU's	7	16,800 sf

(5) **R-A, Residential, apartments, 8+ dwelling units, high density.**

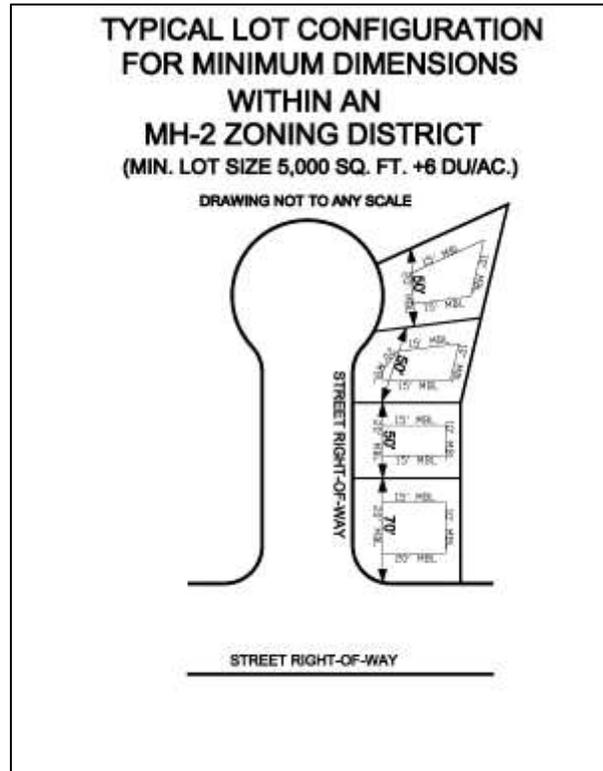
This district is intended to provide for high density multi-family urban residential development, as illustrated in the following table, with related recreational facilities protected from intrusion of non-residential activity.

The minimum number of dwelling units in R-A districts is eight (8); there is no maximum number of dwelling units. Single-family dwellings existing at the time of adoption of this ordinance are permitted uses. New single-family dwelling units are not permitted in R-A districts. Minimum lot size in R-A districts is twenty nine-thousand two-hundred (29,200) square feet. This number is based on the methodology of requiring seven thousand two-

R-A Density Table	
# of DU's	Min lot area (in sf/lot)
8	29,200
9	31,200
10	33,200
11	35,200
12	37,200
13	39,200
14	41,200
15	43,200
16	45,200
add'l per DU	2,000

hundred (7,200) square feet for the first unit plus four thousand (4,000) square feet for the next four units and two thousand (2,000) square feet for each additional unit. Larger lots are permitted if so desired. As the Table of District Dimensional Regulations illustrates, zero lot lines are permitted along common walls, when approved by the building official and the planning commission. Setbacks are required between buildings; see the Table of District Dimensional Regulations (Article VIII, Section 114-132) for standards. Permitted uses are designed to stabilize and protect the essential characteristics of the area and permit certain home occupations as set forth in this chapter.

- (7) **MH-1, Manufactured home community.** This district is intended to provide for lower cost housing units in a medium density urban residential development, which is designed for individual manufactured homes, located in an approved mobile home park and additional areas where similar residential development will be a viable land use, with related recreational areas protected from intrusion of non-residential activity. The minimum size of the tract of land for the park shall be three (3) acres. Sites may contain buildings and/or structures owned by the property owner or by tenants. Permitted uses are designed to stabilize and protect the essential characteristics of the area and permit certain home occupations as set forth in this code. Development and/or redevelopment of these areas are subject to the development plan regulations and review by the planning commission. See Article X, Section 158 for specific standards.



- (8) **MH-2, Manufactured home subdivisions.** This district is intended to provide for urban residential development, which is designed for medium residential density for manufactured homes, located in an approved subdivision and areas where similar residential development will be a viable land use, with related recreational areas protected from intrusion of non-residential activity. This district is further intended to provide lower cost housing units for residents desiring to live in an urban subdivision with permanent manufactured housing units. Lot sizes shall be a minimum of five-thousand (5,000) square feet and shall meet the minimum dimensional regulations as required by this chapter. Permitted uses are designed to stabilize and protect the essential characteristics of the area and permit certain home occupations as set forth in this code. Development and/or redevelopment of these areas are subject to the development plan regulations and review by the planning commission.

- C) **Office districts.** Regulations for office districts are intended to provide areas for business offices and professional offices as well as related activities. These

districts are also designed to meet the community's needs for professional services and related activities.

- (1) **O & I, Office/institutional.** This district is intended to provide areas for business and professional offices as well as more intensive office uses such as public buildings, banks, pharmacies (when adjunct to medical facilities), and television and radio station offices (without towers or aerials). It is further intended to provide appropriate land use regulations for major public and private nonprofit institutions serving the public, such as universities, colleges, public schools, hospitals, parks, fairgrounds, and large state, federal and municipal facilities. Since these institutions operate in the public interest and are generally inoffensive in character, this chapter places principal reliance upon the voluntary cooperation of institutional authorities with municipal officials rather than upon detailed land use regulations. It is intended that the conversion of excess institutional land to non-institutional purposes should be preceded by cooperative planning between the planning and development department and the planning commission and should take place under appropriate controls to ensure that the future use of the excess land conforms to the long range development plan. Development and/or redevelopment of these areas are subject to the development plan regulations and review by the planning commission.
 - (2) **O-2, Office park.** This district is intended to provide areas for groups of offices for uses such as offices for business and professional services, public buildings, banks, pharmacies (when adjunct to medical facilities), and television and radio station offices (without towers or aerials.) Development and/or redevelopment of these areas are subject to the development plan regulations and review by the planning commission.
 - (3) **O-3, Neighborhood office.** This district is intended to serve as a transitional district between residential districts and/or uses and more intensive non-residential activities. This district is further intended to avoid traffic onto residential streets or become an intrusion into a residential district. Development and/or redevelopment of these areas are subject to the development plan regulations and review by the planning commission.
- D) **Business (commercial) districts.** Regulations for the business districts are designed to encourage stable and efficient commercial areas to meet the needs of various trade areas for commercial goods and services. The regulations are also designed to minimize the adverse effects of commercial uses on other land uses and provide opportunities for investment.
- (1) **B-1, Central business district (CBD).** The CBD is intended for personal and business services and general retail trade of the core business center of the community. It is designed to accommodate a wide variety of commercial

uses in the traditional downtown business area and related areas of mixed commercial enterprises. It is designed to maintain, support and facilitate compatible redevelopment of existing and new uses with the core area. Residential uses may be appropriate above the ground floor of commercial or other uses within the CBD district. Development or redevelopment of the CBD is subject to all regulations as established in Article V, Development Plans, and is also subject to regulations and design guidelines as established for the Downtown Overlay District.

(2) **B-2, Highway commercial.** The B-2 district is intended for major retail and service activities removed from the CBD, with major thoroughfare access and with adequate open space and parking. Landscaping and aesthetic considerations are important to this area with regional significance. The district is intended to serve residents, non-residents and transient traffic using major thoroughfares that run through and around the city. Development or redevelopment of these areas is subject to all regulations as established in Article V, Development Plans, and is also subject to regulations and design guidelines as established for the Downtown Overlay District.

(3) **B-3, Local shopping.** The B-3 district is intended to serve as a transitional district between commercial districts and residential districts. It is designed for local retail and personal services of limited size and service that provide for the regular needs and convenience of those residing in the adjacent residential neighborhoods. These are generally small in area and contain businesses that deal in “convenience goods” such as groceries, prescription drugs, and household supplies, and the furnishing of personal services. It is intended that local shopping uses be developed as a unit with adequate off-street parking for customers and employees and with appropriate landscaping and screening. Development or redevelopment of these areas is subject to all regulations as established in Article V, Development Plans.

E) **Manufacturing (industrial) districts.** Regulations for the manufacturing districts are designed to make available a range of suitable sites for all types of manufacturing and related activities while protecting residential areas by separating them from manufacturing activities and prohibiting the use of industrial space for new residential development. Industrial parks may be either light or heavy industrial in nature, and therefore shall be permitted in either district.

(1) **L-I, Light industry.** The L-I district is designed to provide a location for industries that do not, by their nature, create any public nuisance. It is intended to preserve land for industry in a location beneficial to industries. Single-family residential uses are prohibited. Due to the traffic generated and other potentially objectionable influences created by the nature of the L-I district, special buffer and/or setback considerations may be required.

The environmentally protective nature of this district is designed to limit uses to those that produce a minimum of gaseous emissions, noise and objectionable external effects. Development or redevelopment of these areas is subject to all regulations as established in Article V, Development Plans, and is also subject to regulations and design guidelines as established for the Downtown Overlay District.

- (2) **H-I, Heavy industry.** The H-I district is intended to provide for the competitive location for manufacturing and related industries that may, by nature, create nuisances. The intent is to preserve land for such industry in locations with access to major streets as designed on the thoroughfare plan, as well as locations generally accessible to railroad transportation and to prohibit residential uses. Due to the objectionable impacts that may be created in this district, special buffer requirements and/or setback areas will be required. Development or redevelopment of these areas is subject to all regulations as established in Article V, Development Plans, and is also subject to regulations and design guidelines as established for the Downtown Overlay District.

F) **Special districts.** Regulations for special districts are intended to be applied to an area that is rezoned to include a special district. Special districts generally require further development standards within a zoning district. Development in a special district must conform to the base district as well as the overlay zoning requirements.

- (1) **Planned unit development (PUD).** The PUD district is established to allow for the planned and unified development of a tract of land that is three (3) acres of land or larger. Said land shall be described by ordinance and rezoned as required by this chapter. Areas zoned PUD shall allow for design flexibility of development as the PUD district is intended to encourage efficient use of the land and public services and to promote high quality design that will provide a variant of dwelling types as well as support services and open space for residents of the development. These regulations are intended to permit integration with adjacent non-residential uses and to promote compatibility with existing and emerging patterns of development. Development and/or redevelopment of these areas are subject to the development plan regulations and review by the planning commission. Rezoning's to PUD are subject to all regulations established in Article IV, Amendment and Rezoning Procedure.

- (2) **Downtown overlay district (DOD).** The purpose of the DOD is to foster a strong viable downtown as a commercial, civic, residential, and cultural art center with its own unique identity and to provide a mechanism to establish special land use regulations, standards, or procedures in a defined area with

unique land use, site planning, building design, or environmental resource issues. Specifically:

- a. Implement the city's Downtown Master Plan to achieve specific land use and design objectives.
- b. Accommodate mixed-use buildings and parcels with neighborhood-serving retail, service and other uses on the ground floor and residential units above the non-residential space.
- c. Encourage rehabilitation and re-use of existing historic buildings.
- d. Promote new infill residential and non-residential development in a planned format.
- e. Encourage development that exhibits the physical design characteristics that promotes pedestrian oriented storefront-style shopping, and
- f. Promotes the health and well-being of residents by encouraging physical activity, alternative transportation modes and greater social interaction.

Development or redevelopment of these areas is subject to all regulations as established in Article V, Development Plans, and is also subject to regulations and design guidelines as established for the Downtown Overlay District. The DOD is divided into three (3) subdistricts as described in Article X, Special Districts, Section 114-157. Land uses for properties in the DOD must comply with the Table of Permitted Uses in Article X.

- (3) **Manufactured Home Community District (MHC).** The purpose of these regulations is to provide supplemental standards and procedures specifically relevant to the development of a manufactured home community in a MH-1 district. The standards contained in this section allow the development of this housing type while providing adequate public facilities and support services, protection of natural resources; provision of parks and open space, establishes spacing of structures for purposes of privacy and fire protection, provides adequate off-street parking and allows for safe and effective traffic circulation.

Sec. 114-118. District boundaries.

- A) The boundaries of the districts listed in Section 114-116 are established as shown on the official zoning map of the city, as described in Section 114-1 of this chapter. Unless otherwise shown on the zoning map, the boundaries of districts are lot lines, the centerlines of streets or alleys or such lines extended, the centerlines of bodies of water or such lines extended, railroad right-of-way lines, or the corporate limit lines as they existed at the time of enactment of the ordinance from which this chapter is derived. Questions concerning the exact location of district

boundary lines shall be decided by the administrative official. Appeals to boundary determination decisions shall be forwarded to the board of zoning adjustment as provided in this chapter.

- B) If a drafting error is made in the location of a district boundary line of the official zoning map of the city, as adopted in Section 114-1, the administrative official shall research the origin of the error and make necessary corrections. Requests for interpretation or appeal of the administrative official's interpretation shall be heard by the board of zoning adjustment at a public hearing and shall follow the same administrative process as other appeals to the board. After a public hearing, the board of zoning adjustment is authorized to direct the correction of the error in order to show the correct location of the district boundary line as established by the ordinance in question. Any corrections to previously adopted zoning maps shall be made in accordance with procedures established prior to adoption of this chapter.

Secs. 114-119 to 114-129. Reserved.

(The remainder of this page has been left blank intentionally.)

Article VIII. District Regulations.

Sec. 114-130. Land uses.

Permitted uses. Land uses that are allowed “by-right” in each zoning district will be identified as permitted by the letter “P” in the Table of Permitted Uses. Said uses shall be permitted when an applicant or representative makes application to, and obtains an official signature of, the administrative official.

- A) **Special exceptions.** Land uses that are specified as "special exceptions" in each zoning district will be identified as such by the letter “S” in the Table of Permitted Uses. Said uses are exceptions, and no permit shall be issued for such uses except those with the written approval of the board of zoning adjustment and subject to such conditions as the board may require to preserve and protect the character of the district in which the use is located. The process for making application for a special exception is outlined in Article VI of this chapter.
- B) **Prohibited uses.** If a land use is listed in the Table of Permitted Uses but is not either a permitted use or a special exception, then the land use is prohibited. Land use variances are prohibited under the terms of this chapter. When an applicant desires to pursue a prohibited land use, then the applicant would be required to request rezoning of the subject property. The process for making application for rezoning is outlined in Article IV of this chapter.
- C) **Unlisted uses.** If a land use is not listed in the Table of Permitted Uses, the administrative official shall be authorized to make an interpretation about whether or not the land use should be allowed by-right or as a special exception, based on land uses that are in the Table of Permitted Uses that have similar land use impacts. If the administrative official is unable to make a determination then the land use shall be prohibited in that district. The administrative official shall provide a letter to the applicant regarding land use interpretation decisions and maintain an official written file of all such interpretation decisions.

Sec. 114-131 – Tables of permitted uses

Section 114-131.1 - TABLE OF PERMITTED ACCESSORY AND AGRICULTURAL USES

Legend P = Permitted S = Special Exception Not Permitted	Blank =	Residential Districts										Non-Residential District							
		Single-Family Districts					Multi-Family Districts			Manufactured Home Districts		Business Districts			Office/Institutional Districts			Manufacturing Districts	
		AC	R-1	R-2	R-3	R-4	R-A	MH-1	MH-2	B-1	B-2	B-3	O-1	O-2	O-3	L-1	H-1		
Accessory Uses/Structures																			
	Accessory Dwelling Unit (For Family Member)	S	S	S	S														
	Accessory Dwelling Unit for Owner/Operator	P				P				P		S	S	S	S	S	S		
	Accessory Structures (Sheds, Garages, etc.)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		
	Accessory Non-residential Use																		
	Amenity Center/Clubhouse	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		
	Billboards																		
	Private Cemetery (accessory to a church)	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S		
	Daycare, Child/Adult (In-Home less than 6)	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S		
	Fences, Walls	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		
	Home Occupation, Non-qualifying	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S		
	Home Occupation, Qualifying	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		
	Open Outdoor Storage of Goods or Materials																		
	Portable Signs																		
	Shelter for Livestock (Stables)	P																	
	Truck/Trailer Rental (Accessory use)											S	P	S					
Agricultural Uses																			
	Aircraft Landing Field	S																	
	Agriculture/Poultry/Livestock Raising (As Primary Use)	P ¹																	
	Private Animal Shelter or Rescue	P ¹															S		
	Auction (Livestock/Equipment)	P ¹																	
	Aviary/Apiary	P ²	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S		
	Community Garden	P	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S		
	Forestry	P																	
	Gardening (As Accessory Use)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		
	General Farming/Horticulture	P																	
	Hatchery, Aquaculture	P ¹																	
	Mining (Natural Resources Indigenous to Area)	P ¹															S		
	Nursery/Plant Sales (Wholesale)	P ²															P		
	Poultry/Livestock (As Accessory Use)	P	S ³	S ³	S ³	S ³	S ³	S ³	S ³	S ³	S ³	S ³	P						
	Riding Academy	P ²																	
	Roadside Stand (Farm Produce)	P																	
	Stable	P ²															P		
	Taxidermy	P ¹															P		
	Temporary/Seasonal Use	P ²														P	P		

¹ Not allowed in a platted residential subdivision.
² Permitted on appeal to BZA in a platted residential subdivision
³ A minimum lot size of 1/2 acre is required regardless of zoning district

Section 114-131.2 - TABLE OF PERMITTED COMMERCIAL USES

Legend P = Permitted S = Special Exception Blank = Not Permitted	Residential Districts										Non-Residential District							
	Single-Family Districts					Multi-Family Districts			Manufactured Home Districts		Business Districts			Office/Institutional Districts			Manufacturing Districts	
	AC	R-1	R-2	R-3	R-4	R-A	MH-1	MH-2	B-1	B-2	B-3	O-1	O-2	O-3	L-1	H-1		
Commercial Uses																		
Accessory Building Sales																		
Adult Entertainment																		
Alcohol Beverage Establishment (primary use) ¹																		
Amusement Commercial (Inside)																		
Amusement Commercial (Outside)																		
Animal Boarding																		
ATM																		
Automobile Parking (Lot or Structure)																		
Automobile Repair / Service																		
Automobile / motorvehicle sales, new or used																		
Automobile / Motorvehicle Rental																		
Automobile Wash																		
Bank/Financial Institution																		
Bed and Breakfast Inn																		
Bus Station																		
Butcher (retail)																		
Campground/RV Park																		
Caterer																		
Club (Fraternal)																		
Commissary (Health Dept. approval required)																		
Contractor Office/Yard (building, plumbing, electrical, etc.)																		
Convenience Store																		
Country Club																		
Curb Market																		
Custom Assembly																		

¹ Establishments serving alcoholic beverages as the primary activity and operating with extended hours shall not be located adjacent to a residential district.

Section 114-131.3 - TABLE OF PERMITTED COMMERCIAL USES (Cont'd)

Legend P = Permitted S = Special Exception Blank = Not Permitted	Residential Districts										Non-Residential District					
	Single-Family Districts			Multi-Family Districts			Manufactured Home Districts		Business Districts		Office/Institutional Districts			Manufacturing Districts		
	AC	R-1	R-2	R-3	R-4	R-A	MH-1	MH-2	B-1	B-2	B-3	O-I	O-2	O-3	L-I	H-I
Commercial Uses																
Donation Center, Drop-Off Box																
Distribution Center (UPS, FedEx, Newspaper, etc.)																
Driving Range	S															
Flea Market	S															
Funeral Home	S															
Golf Course	P															
Grocery Store																
Gymnasium/Health Club																
Home Improvement Sales																
Hotel/Motel																
Kennel	P															
Laundry Plant, Dry Cleaning and Dyeing, etc																
Live/Work																
Lodges, Summer Camps	P															
Major Appliance Repair																
Manufacturing Incidental to Retail on Premises																
Manufactured Home Sales																
Microbrewery																
Mobile Accessory Storage Containers (sale or rent) ³																
Mobile Vendor ¹																
Automobile / Motorvehicle Rental																
Moving Truck & Trailer Rental (principal use) ³																
Multi-Media Production (TV or radio station)																
Museum/Art Gallery (private or semi-public)	S															
Office (General)																
Pawn Shop																
Personal Care Services																
Personal Instruction																
Printing and Publishing																

¹ Not exceeding 20,000 sq. ft., GFA

² With approved access and off street parking. Does not include commissary.

³ Display areas for exterior merchandise shall be shown on the development plan.

Section 114-131.4 - TABLE OF PERMITTED COMMERCIAL USES (Cont'd)

Legend	Permitted Blank S = Special Exception = Not Permitted	Residential Districts										Non-Residential District					
		Single-Family Districts			Multi-Family Districts			Manufactured Home Districts		Business Districts			Office/Institutional Districts			Manufacturing Districts	
		AC	R-1	R-2	R-3	R-4	R-A	MH-1	MH-2	B-1	B-2	B-3	O-1	O-2	O-3	L-1	H-1
Commercial Uses (Continued)																	
Racetrack	S																
Restaurant, Fast-Food																	
Restaurant, full service ¹																	
Retail, other ²																	
Retail, Indoor Sales Only																	
Self-Service Laundry																	
Self-Service (Mini) Storage																	
Shooting Range (indoor)																	
Shooting Range (outdoor)	S																
Small Appliance Repair																	
Specialty Retail																	
Stadium/Arena/Convention Center	S																
Taxi Dispatch, Excluding Garage																	
Telecommunications Tower	S																
Temporary/Seasonal Use ³	P																
Theater (Indoor)																	
Theater (Outdoor)	S																
Title Loans, Payday Lender, Check Cashing (deferred presentment)																	
Utility Trailer Sales or Rental ²																	
Wrecker Service																	
Zoo	S																

¹ Full service restaurants with extended hours shall not be located adjacent to a residential district.

² Display areas for exterior merchandise shall be shown on the development plan.

³ With approved access and off street parking.

Section 114-131.5 - TABLE OF PERMITTED INDUSTRIAL USES

Legend P = Permitted Not Permitted	Blank = S = Special Exception	Residential Districts										Non-Residential District					
		Single-Family Districts			Multi-Family Districts			Manufactured Home Districts		Business Districts			Office/Institutional Districts			Manufacturing Districts	
		AC	R-1	R-2	R-3	R-4	R-A	MH-1	MH-2	B-1	B-2	B-3	O-I	O-2	O-3	L-I	H-I
Industrial Uses																	
Airport/Heliport	S																
Building Contractor Supply																	P
Construction/Demolition Landfill, Private	S																S
Food Processing Excluding Vinegar and Yeast																	S
Food and Beverage Production Including Rendering																	S
Hazardous Operation																	S
Heavy Equipment Sales and Service																P	P
Manufacturing, Heavy																	P
Manufacturing, Light (with incidental retail)																	P
Meat, Fish, Poultry Processing Excluding Slaughter																	S
Mineral Extraction	S																S
Motor Freight																	P
Nursery/Plant Sales/Landscape Materials (retail)	S									S	P	S					S
Nursery/Plant Sales/Landscape Materials (Wholesale)	P																
Office Warehouse											P						P
Railroad Station												P					
Railroad Yard																	P
Recycling Collection Center											P	P	P	P			P
Recycling Facility																	P
Scrap Operation (Junk Yard)																	S
Slaughterhouse																	S
Transit Garage (Bus, Van, Taxi, etc)																	S
Tank Farm																	S
Warehouse																	P

Section 114-131.6 - TABLE OF PERMITTED INSTITUTIONAL USES

Legend P = Permitted Not Permitted	Residential Districts										Non-Residential District						
	Single-Family Districts			Multi-Family Districts			Manufactured Home Districts		Business Districts			Office/Institutional Districts			Manufacturing Districts		
	AC	R-1	R-2	R-3	R-4	R-A	MH-1	MH-2	B-1	B-2	B-3	O-I	O-2	O-3	L-I	H-I	
S = Special Exception																	
Blank =																	
Institutional Uses																	
Cemetery/Masoleum	S													S	S		S
Correctional Facility																	P
Community Center	S	S	S	S	S	S	S	S	P	P	S	P					
Daycare Center More than 6 (child or adult)									P	P	S	P					
Fraternity/Sorority House (off campus)									P	P	S						
Group Home/Shelter Home	P	P	P	P	P	P	P	P	P	P	P	P					
Halfway/Transitional Housing									P	P	P						
Crematory	S													S	S		
Public Uses (Police, Fire, Utilities, Public Works, etc.)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Religious Institution	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	
School, College/University	S								P	P				P	P		
School, Technical/vocational/business														P	P	P	P
Semi-public land use														P	P	S	S
Shelter (Homeless, etc.)									P	P							P

Section 114-131.7 - TABLE OF PERMITTED MEDICAL AND RESIDENTIAL USES

Legend P = Permitted S = Special Exception Blank = Not Permitted	Residential Districts										Non-Residential District						
	Single-Family Districts			Multi-Family Districts			Manufactured Home Districts		Business Districts			Office/Institutional Districts			Manufacturing Districts		
	AC	R-1	R-2	R-3	R-4	R-A	MH-1	MH-2	B-1	B-2	B-3	O-1	O-2	O-3	L-1	H-1	
Medical Uses																	
Animal Hospital/Veterinarian	P								P ⁴	P ⁴	P ⁴	P ⁴					
Assisted Living Facility	S				S	S			P	P	S	S				P	
Detoxification Clinic									S	S		S					
Hospital									P	P		P					
Medical Office									P	P	P	P	P	P	S		
Medical or Scientific Lab									P	P	S	P	P	S			
Nonresidential Drug Treatment Facility									S	S		S					
Nursing Home	S				S	S			S	S		P					
Outpatient Clinic (including surgery)									P	P	P	P	P				
Rehabilitation Facility									P	P	P	P					
Residential Uses																	
Apartments (8 or more units)																	
Live/Work																	
Manufactured Single-Family Home	S	S	S	S	S	S	P										P
Single-Family Dwelling	P	P	P	P	P ²	P ¹											
Two-Family Dwelling																	
Three-, Four-, Five-, Six-, Seven-Family Dwelling																	

¹ Existing single-family dwellings are permitted uses in the R-A District

² Single-family dwellings shall comply with R-3 dimensional regulations, except minimum living area.

³ In compliance with R-4 dimensional regulations.

⁴ Special Exception is required if non-medical boarding is included.

⁵ Any combination of multifamily buildings containing minimum of 8 units is allowed.

⁶ Any number of apartments permitted.

Sec. 114-132. District dimensional regulations.

A) Purpose and general provisions.

- 2) **Purpose and intent.** The purpose of this section is to establish appropriate standards relating to the size and placement of buildings within each of the zoning classifications created by this title in order to assist in the achievement of the goals established in the long range development plan for the city.
- 3) **General provisions.** The required specifications for lot area, residential density, setbacks, building heights and separation between buildings are specified in this chapter on the basis of zoning district classification. Lots shall be created, and building permits and/or zoning compliance approval shall only be issued for properties in compliance with these bulk regulations.

B) District dimensional regulations table.

Section 114-132 - TABLE OF DIMENSIONAL REGULATIONS

Zone District	Residential Districts										Non-Residential District								
	Single-Family Districts			Multi-Family Districts			Manufactured Home Districts				Business Districts			Office / Institutional Districts			Manufacturing Districts		
	A-C	R-1	R-2	R-3	R-4	R-A	MH-1 ^c	MH-2	B-1	B-2	B-3	O-1	O-2	O-3 ^e	L-1	H-1			
Minimum lot area, sq. feet	1 acre or 15,000 ^c	12,000	8,400	4,000	4,800	29,200	3 acres	5,000 sq. ft. + 6 du/acre	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a			
Lot area per additional DU, sq. feet	n/a	n/a	n/a	n/a	2,400 ^b	2,000 ^b	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a			
Min. lot width @ building line, feet	100	85	65	40	24	65	n/a	50	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a			
Min. corner lot @ building line, feet	135	100	85	50	54	85	n/a	70	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a			
Min. depth of front yard, feet	50	30	25	15	30	20	50 ^b	20	25	25	25	25	25	20	20	20			
Min. depth of rear yard, feet	40	35	30	15	15	20	50 ^b	10	10	10	10	20	20	40	35	10			
Min. width of each side yard, feet	15	10	10	5	7.5 ^a	20 ^a	50 ^b	15	5 ^a	5 ^a	5 ^a	20	20	20	20	10			
Side yard abutting a street, feet	50	30	25	15	30	20	50 ^b	20	25	25	25	25	25	40	20	20			
Max. building area, % of gross lot area	25	25	40	50	60	60	50	n/a	n/a	50	40	30	30	50	60	60			
Max. building height:																			
Feet	n/a	n/a	n/a	n/a	n/a	55	n/a	n/a	145	145	35	145	35	35	n/a	n/a			
Stories	n/a	3	3	3	3	3	n/a	n/a	10	10	3	10	2	2	n/a	n/a			
Buffer required - see Sec. 114-188	No	No	No	No	Yes ^f	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes			
Off-street parking requirements:																			
See Section 114-182, Off-Street Parking and Loading Requirements																			
Min. living area, sf per family	1200	1200	1200	1000	750	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a			
Development Plan approval	No	No	No	No	No	See Art. V	See Art. V	See Art. V	See Art. V	See Art. V	See Art. V	See Art. V	See Art. V	See Art. V	See Art. V	See Art. V			

^a Unless located in a common wall development which is approved by the Planning Commission and Building Official, no side yard required for interior units. Ten (10) ft. separation between structures is required for maintenance and access. Setbacks shall increase 20 ft. for each additional story if adjacent to existing single-family residentially used or zoned property except in the B-1 & MH-1 districts. Single-family dwellings comply with R-3 dimensional regulations.

^b Refer to the charts in Section 114-117 A.5 & 6. The minimum lot area for R-4 and R-A zoning districts is based on the minimum number of attached units required for the district.

^c Dimensional standards shown for MH-1 district apply to a manufactured home park and not to each lot within a manufactured home park. Refer to Section 114-158.

^d At least 20 feet of separation shall be maintained between all structures including but not limited to manufactured homes, patio covers, carports, awnings and other attached additions shall be included in determining separation between homes. Fifty (50) foot perimeter setback required.

^e No change of use shall be allowed in the O-3 district which does not provide for the erection of a six (6) foot tall (minimum height) solid masonry wall along any side or rear property line directly abutting residentially zoned property, or property used for residential purposes, except any portion of such property line, which in the judgment of the City of Dothan Planning Director, or designee, should remain unobstructed for traffic or life safety reasons. Said wall shall conform in its design and materials to the design standards maintained on file in the office of the Building Official.

^f Buffer is required with three dwellings or greater.

^g One acre per unit required when not in a platted subdivision. Single family residential in platted subdivisions shall comply with R-1 dimensional regulations.

Secs. 114-333 to 114-139. Reserved

Article IX. Townhouse Regulations.

Sec. 114-140. Purpose.

The purpose of this article is to provide for the construction of townhouse dwellings in the city and to set forth the requirements for the construction of townhouse dwellings. It is the further intent of this article that dwelling units constructed under this article will:

- A) Encourage the provisions of usable open space and a desirable living environment.
- B) Be located primarily in areas near or adjacent to single-family use areas.
- C) Be located near such services as major thoroughfares and collector streets.

Sec. 114-141. General requirements.

In addition to the standards established in the Table of District Dimensional Regulations, the following general requirements will apply to townhouse dwellings constructed in R-4 districts:

- A) No townhouse building shall contain less than two (2) or more than seven (7) townhouses, and no townhouse building shall exceed two-hundred-fifty (250) feet in length including any space between townhouses making up the townhouse building. No more than four (4) consecutive townhouses shall have the same front line.
- B) No portion of a townhouse or accessory building and/or structure in or related to one townhouse building and/or structure shall be closer than fifteen (15) feet to any portion of a townhouse or accessory building and/or structure related to another townhouse building and/or structure or to any building and/or structure outside the townhouse development.
- C) Off-street parking shall be provided at the rate of two (2) spaces per townhouse. Insofar as practicable, off-street facilities will be either provided on the individual townhouse lots or grouped in bays in the interior of blocks. In any case, parking arrangements will be made so as to discourage on-street parking on public streets. No off-street parking space shall be more than one-hundred (100) feet by the most direct pedestrian route from a door of the dwelling unit it is intended to serve.
- D) If a townhouse development contains any common area, common building, common off-street parking area, or common recreation facility, provisions satisfactory to the board of commissioners and approved by the city attorney shall be made to ensure that common areas, common buildings, common off-street parking areas, and common recreational facilities for the use and enjoyment of occupants of townhouses shall be maintained in a satisfactory manner without expense to the

city or the general public. In addition, the developer of a townhouse development or homeowners association created by the developer, by recorded covenants and restrictions, shall preserve for the owners and occupants of the development such common areas, common buildings, common off-street parking areas, and common recreational facilities established for the development.

- E) All lots must front or have access (via legal document) to a dedicated public right-of-way.
- F) Attached townhouse dwellings shall be separated from each other by a firewall which complies with building, fire, and other applicable codes adopted by the city.
- G) Sidewalks shall be provided for each townhouse development to promote safe pedestrian movement throughout the entire development.
- H) All streets constructed in connection with any townhouse development shall comply with the requirements set forth in the subdivision design criteria for minor residential streets in the City of Dothan Code of Ordinances, Chapter 90, Subdivision Regulations.

Sec. 114-142. Approval of development plans required.

- A) Development plans are required for any proposed townhouse development and shall be submitted in accordance with development plan regulations as established in Article V of this chapter. Approval is required prior to submittal of construction plans for issuance of a building permit.
- B) The planning commission has the authority to grant deviations from certain standards in the Subdivision Regulations. The developer must illustrate justification for the planning commission to grant a subdivision deviation. Procedure for obtaining a subdivision deviation shall be as described in City of Dothan Code of Ordinances, Section 90-197.

Sec. 114-143. Townhouse subdivisions and condominiums.

Townhouse developments that are to be sold as fee-simple lots shall be considered residential subdivisions and shall be subject to, and comply with, the City of Dothan Code of Ordinances, Chapter 90, Subdivision Regulations. Townhouse developments that are to be sold as condominiums shall be subject to condominium laws as established by the State of Alabama Code.

Secs. 114-144 to 114-154. Reserved.

Article X. Special Districts.

Sec. 114-155. Purpose.

Three (3) special districts are created and shall be known as a planned unit development (PUD) district, downtown overlay district (DOD) and manufactured home community. A PUD may be established in any district provided the use(s) intended to be established are permitted in the underlying district; depending on location, rezoning may be required. The DOD is established as a fixed geographic area as defined in Section 114-157. Modification to permitted uses are listed in that section. A manufactured home community may be established only in an MH-1 district.

Sec. 114-156. Planned unit developments (PUD).

- A) **Intent.** The intent of this section is to provide flexibility to a unified development proposal which provides a public benefit by encouraging the best use of land resources, protecting valuable natural features, providing more open space, promoting economical public services, providing a mix of housing types and land uses and mobility options within a development that conventional zoning would not otherwise allow. This section is further intended to increase the desirability and convenience to the residents or occupants of the PUD without causing adverse effects on adjoining properties.

The purpose of a PUD is to encourage the unified development of tracts of land. This is achieved by permitting, within the confines of an overall density limitation, much more creative and flexible concepts in site planning than would otherwise be possible through the strict application of minimum and maximum requirements of zoning districts established in this chapter. For example, a development zoned PUD could, by design, decrease the minimum setbacks and lot area while providing a larger, more desirable area for open space. Where such flexibility is permitted as established in this chapter and the City of Dothan Code of Ordinances, Chapter 90, Subdivision Regulations, PUD project design and construction shall follow a carefully devised plan of development which shall be prepared in accordance with the development procedures and approvals prescribed in this chapter. Where PUD's are permitted, regulations adapted to the unified development are intended to accomplish the purposes of zoning and subdivision regulations and other applicable regulations to the same degree as in cases in which those regulations are intended to control development on a lot-by-lot rather than unified basis. A PUD shall be treated as an overlay district, which, unless otherwise amended through the rezoning process, shall be subject to the minimum requirements of the base zoning district.

- B) **Definitions.** Refer to Article II of this chapter for definitions.

C) **General requirements.** The general requirements in this section shall apply to all PUD's.

- (1) A homeowners association shall be created and incorporated for the purpose of providing for the maintenance of any common elements identified on the approved plan of the development. Covenants shall be created and recorded establishing the conditions and responsibilities of all parties.
- (2) The planned unit development shall be in conformity with the long range development plan or portion thereof as may apply.
- (3) The PUD shall be consistent in all respects with the purposes and intent of this chapter.
- (4) Three (3) acres in area in single ownership, with adequate frontage serving as the principal means of access to the property, shall be the minimum for development.
- (5) The planned unit development will provide, through desirable arrangement and design, benefits which justify the deviations from subdivision development standards which would otherwise apply.
- (6) All land proposed in the project for residential use, including outdoor use of space, off-street parking, interior drives and other circulation ways, community facilities such as schools, recreation centers, libraries, shopping, and public safety facilities, may be counted in computing the density requirements.
- (7) All open space not assigned to public use or to private occupancy as set forth in this section shall be assigned to the common use of all residents of the development with such use ensured in perpetuity. Assignment and development of such open spaces shall provide for the common enjoyment of all residents.
- (8) Minimum open space shall be ten percent (10%) of the development with permanent useable open space determined by the nature of the development and of the site.
- (9) The open space between buildings shall be so designed as to provide adequate privacy, safety and aesthetic value.
- (10) Every dwelling or ground floor dwelling unit shall be accessible to service and emergency vehicles.

- (11) Private and public streets shall comply with the intent of the PUD and as approved by the planning commission.
- (12) On-street parking shall be permitted only along easements or streets adequate in size internal to the project, and not along a peripheral street or major thoroughfare serving other uses.
- (13) The outside perimeter building line setback is recommended to be forty (40) feet.
- (14) The planning commission may modify these requirements for cause.

D) **Uses permitted.**

- (1) **Principal uses.** Permitted principal uses in a PUD include the following:
 - a. Dwelling units of a permanent nature for ownership or rental.
 - b. Public parks and specialized recreation centers (maybe counted toward the useable open space requirement).
 - c. Commercial, office, institutional, industrial.
- (2) **Accessory uses.** Accessory uses permitted in a PUD include the following:
 - a. Home occupations.
 - b. Facilities for the use of residents of the development for recreation, children's nursery, kindergarten, laundry or similar services, or any similar facility.
 - c. Off-street parking or garages.
 - d. Commercial, office, industrial or other uses dependent on design and service area.

E) **PUD approval process.**

- (1) **Generally.** The developer of a PUD shall schedule an initial planning meeting with the planning staff to discuss the scope and intent of the concept.
- (2) **Fees required.** Fees shall be as required for each individual application type (rezoning, preliminary plat, final plat, etc.)

- (3) **Rezoning.** For properties not zoned with the PUD overlay or which require rezoning to implement the PUD plan, rezoning shall be required and shall follow the rezoning process as described in Article IV of this chapter. Application procedures and public notice shall be given according to Article IV of this chapter. Rezoning public hearings shall be held subsequent to final PUD plan public hearing and approval.
- (4) **Sketch plan.** A sketch plan of the proposed project shall be submitted to the planning commission by the developer, showing existing conditions within the site and its vicinity and the proposed layout and development of the PUD.
- (5) **Preliminary plan.** After receiving general approval of the planned unit development sketch plan and the review and recommendations from the administrative staff, the developer shall prepare and submit a preliminary plan for review, before submission of the final plan.
- a. The plan shall be accompanied by a written statement attesting the following:
1. The proposed development, as shown on the plans and as set forth in the specifications, will be completed in substantial detail within such time period as may be agreed upon by the planning commission.
 2. Provision shall be made for maintenance of common areas.
 3. Public easements, rights-of-way and publicly dedicated land, as indicated in the final plan, may be accepted in concept by the planning commission, but final approval of the concept does not constitute acceptance by the board of commissioners of the dedication.
 4. An explanation of why the project would be more beneficial as proposed than under by-right zoning standards.
 5. A list of modifications required to implement the proposed project shall be provided including, but not limited to, setbacks, lot area, percentage of building coverage, parking regulations, buffer requirements, etc.
- b. Maps and a written statement setting forth the conditions of the proposed development shall be included in the preliminary plan. The maps must show enough of the area surrounding the proposed development to demonstrate the relationship to the adjoining uses,

both existing and those proposed by the developer. The maps shall be in a general schematic form and shall contain the following information, based on the scope, intent, size, and location of the proposed PUD. Maps are to include the following information:

1. Proof of ownership.
2. Boundary lines of the property, including dimensions.
3. Location and names of all public streets adjoining or traversing the site.
4. Name of the project.
5. Vicinity map showing the relationship to the surrounding area.
6. Topography at a minimum of five (5) foot intervals at an appropriate scale.
7. Principal physical characteristics such as streams, floodplains, wetlands, wooded areas, rock outcroppings.
8. Total acreage.
9. Overall gross density.
10. General location, approximate acreage and density/intensity of each use area, including single-family, multi-family, recreation, open space, educational, commercial and any other.
11. Proposed connection to existing water, drainage and sewer facilities.
12. Development staging (proposed).
13. Circulation plan (proposed).
14. Buffers and landscaping (proposed).
15. Easements, rights-of-way and land intended to be publicly dedicated.
16. Location of streets.
17. Names of all streets and alleys.
18. Ratio of off-street parking for each land use area as required.
19. The number of each lot as determined by the public works director.
20. Conceptual drainage, water, sewerage, street plans and specifications of proposed improvements prepared in sufficient detail to prove that the Final Plan will be in substantial compliance with the Preliminary Plan. Subdivision

construction regulations do not necessarily apply. Design criteria shall be determined by necessity but in any event shall be approved by the Public Works Director. Construction plans and specifications of proposed improvements not conforming to subdivision design standards or as otherwise approved by the Public Works Director, shall not be accepted by the city for maintenance.

- c. A public hearing before the planning commission shall be held for preliminary plans.
 - d. Eight (8) copies of the required preliminary plan, accompanied by an application signed by the developer or their authorized representative, shall be submitted to the planning commission secretary not less than twenty-one (21) calendar days prior to the public hearing date at which the applicant wishes to present the plan.
 - e. When a PUD includes the subdivision of land, a preliminary plat shall be required and shall be submitted in accordance with the City of Dothan Code of Ordinances, Chapter 90, Subdivision Regulations.
 - f. When possible, required preliminary plan public hearings will be held concurrently with preliminary plat public hearings. Application procedures and public notice shall be given as for preliminary plat.
- (6) **Final plan.** After receiving general approval of the preliminary plan and the review and recommendations of the administrative official and planning commission, the developer may prepare and submit a final plan for review. Such submittal shall consist of a complete set of construction plans for review and approval by the Public Works Director.
- a. A public hearing before the planning commission may be required.
 - b. If approval is required by the planning commission, eight (8) copies of the required final plan shall be accompanied by an application signed by the developer or their authorized representative and submitted to the planning commission secretary on or before the first business day of the month preceding the public hearing date at which the applicant wishes to present the plan.
 - c. Provided the final plan is substantially in compliance with the preliminary plan and construction plans have been approved, the administrative official may waive the public hearing. If required, application procedures and public notice shall be given as for final plat.

- d. If the developer wishes to develop the planned development project in stages, the final plan submitted for review and approval may cover only the first stage to be developed. Subsequent stages will be submitted in the same manner.
- e. The final plan is the permanent public record of the planned unit development and will be the manner in which the development is constructed as provided in this article.
- f. If a final plan covering at least a portion of the area in the preliminary plan has not been filed within one (1) year, the approval shall expire. The approval may be extended for additional periods not in excess of six (6) months each when, for good cause, such extension is necessary.
- g. The final plan provides a specific and particular plan by which development and construction will take place.
- h. When a PUD includes the subdivision of land, a final plat shall be required and shall be submitted in accordance with the City of Dothan Code of Ordinances, Chapter 90, Subdivision Regulations.

(7) **Modifications to approved PUD.**

- a. **Minor.** Minor modifications of the approved plan during construction may be permitted upon consultation with the administrative official who, in turn shall consult with other city departments as appropriate. Minor modifications shall not include the following: the removal of primary roads, reduction of open space, alteration of pedestrian facilities, or the reallocation of land uses.
- b. **Major.** If a substantial amendment to the preliminary or final plan is submitted after approval of the preliminary plan or final plan, the requirements will be the same as if submitting the entire PUD for approval and shall comply with the City of Dothan Code of Ordinances,

Sec. 114-157. Downtown Overlay District (DOD).

The DOD, described on the following pages, focuses on the preservation and rehabilitation of historic buildings and/or structures and their elements, where feasible, and enables new development in a creative manner where appropriate. The goal for alterations to non-contributing buildings and new construction in the DOD is to ensure compatibility with existing and new development. Underlying details are specifically addressed in the DOD design manual developed as a companion document to this ordinance.

- A) **Intent.** The intent of the DOD is to foster a strong viable downtown as a commercial, civic, residential and cultural art center with its own unique identity and to provide a mechanism to establish special land use regulations, standards or procedures in a defined area with unique land use, site planning, building design or environmental resource issues. Specifically:
- (1) Implement the city's Downtown Master Plan to achieve specific land use and design objectives.
 - (2) Accommodate mixed-use buildings and parcels with neighborhood-serving retail, service and other uses on the ground floor and residential units above the non-residential space.
 - (3) Encourage rehabilitation and re-use of existing historic buildings
 - (4) Promote new infill residential and non-residential development in a planned format.
 - (5) Encourage development that exhibits the physical design characteristics that promotes pedestrian oriented storefront-style shopping, and
 - (6) Promotes the health and well-being of residents by encouraging physical activity, alternative transportation modes and greater social interaction.
- B) **Applicability of zoning overlay.** The DOD is established to serve as an overlay to the established base zoning district. Base districts within the DOD include B-1, B-2, L-I and H-I. Except as modified by the DOD regulations, the provisions of the base district shall apply to all development within the boundary of the DOD. In the event the regulations conflict, the applicable DOD regulations shall prevail.
- C) **Applicability of DOD design guidelines.** Design guidelines for the DOD are hereby adopted by reference. Commercial and residential design guidelines adopted by the historic preservation commission apply within the downtown historic district. To the extent that the DOD design guidelines conflict with the commercial or residential design guidelines adopted by the historic preservation commission, the guidelines adopted for the historic district shall prevail.
- D) **Establishment of DOD boundaries.** The extent and limits of the downtown overlay district (DOD) is described as follows:

Beginning at the intersection of West Crawford Street and South Oates Street; then easterly along West Crawford Street and East Crawford Street to Holman Street; then northerly along Holman Street to the projection of the Norfolk Southern Railway's north right-of-way; then northeasterly for a distance of approximately one thousand one-hundred-fifty (1,150) feet following a projection of said right-of-way to the projection of Brundidge Street; then north along the southern projection of Brundidge Street and; then west along East Adams to North College Street; then north along North College Street to East Powell Street; then north

along the projection of North College Street to the south side of the right-of-way of the CSX Railroad; then westerly along the south side of the right-of-way of the CSX Railroad to North Foster Street, then west along Chickasaw Street to North Oates Street; then southerly along North Oates Street and South Oates Street to west Crawford Street; being the point of beginning. The district shall include property having frontage on the streets forming the boundary but shall not include property on the north side of the CSX Railroad nor on the south side of Norfolk Southern Railway.

E) **Subdistricts.** The DOD is further divided into three (3) distinct subdistricts. Each subdistrict is specifically described below and is intended to foster certain land uses as prescribed in the following land use chart.

- (1) The entertainment (E) district.
- (2) The historic core/government (HC/G) district.
- (3) The contemporary/redevelopment (C/R) district.

F) **Establishment of subdistrict boundaries.** The DOD is further divided into three (3) subdistricts: The Entertainment District, the Historic Core/Government District and the Contemporary/Redevelopment District.

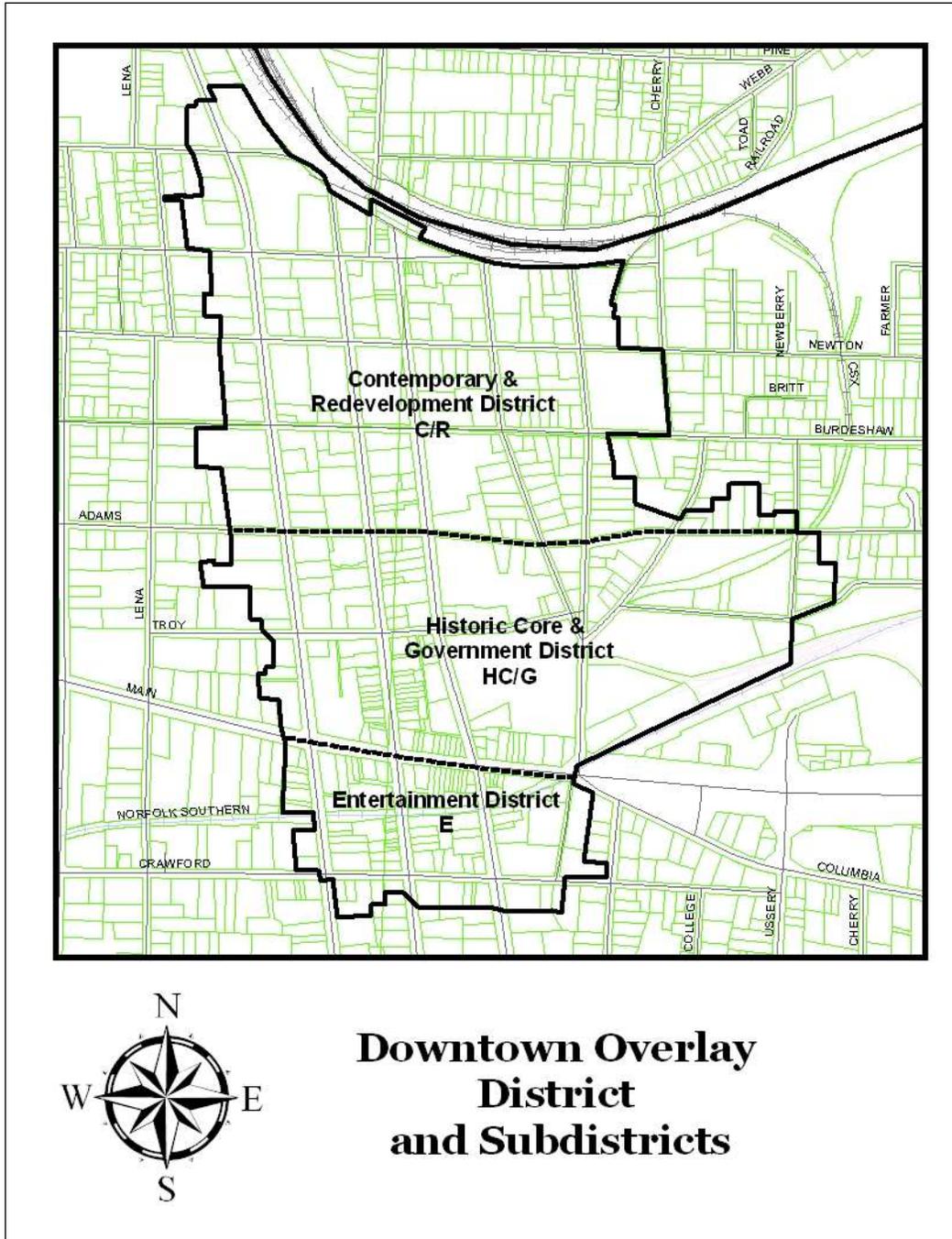
Entertainment district: The boundary of the entertainment district is established as follows: Beginning at the intersection of West Crawford Street and South Oates Street; then easterly along West Crawford Street and East Crawford Street to Holman Street; then northerly along Holman Street to East Main Street; then west along Main Street to South Oates; then south along South Oates to the point of beginning. The district shall include property having frontage on the streets forming the boundary of the sub-district except those on East Main Street. Only properties on the south side of East and West Main Street are included in the subdistrict.

Historic core & government district: The boundary of the historic core and government district is established as follows: Beginning at the point of intersection of East Main Street, Holman Street and to the projection of the Norfolk South Railway's north right-of-way; then northeasterly for a distance of approximately one thousand one-hundred-fifty (1,150) feet following a projection of said right-of-way to the southern projection of Brundidge Street and; then north along the southern projection of Brundidge Street and; then west along East and West Adams Street to North Oates Street; then south on North Oates Street to Main Street; then east along West and East Main Street to the point of beginning. The district shall include property having frontage on the streets forming the boundary of the subdistrict except those on East Adams Street and East Main Street. Only properties on the south side of East and West Adams Street and only properties

on the north side of West and East Main Street are included in the subdistrict. No properties on the south side of the Norfolk Southern Railway are included.

Contemporary & redevelopment district: The boundary of the contemporary and redevelopment district is established as follows: Beginning at the intersection of East Adams and Brundidge Street; then west to the intersection of North College and East Adams; then north along North College Street to East Powell Street; then north along the projection of North College Street to the south side of the right-of-way of the CSX Railroad; then westerly along the south side of the right-of-way of the CSX Railroad to North Foster Street; then west along Chickasaw Street to North Oates Street; then southerly along North Oates Street to West Adams Street; then east along West and East Adams to the point of beginning. The district shall include property having frontage on the streets forming the boundary except only those properties on the north side of East and West Adams Street are included in the subdistrict. No properties on the north side of the CSX Railroad are included.

G) **Map of DOD with subdistricts.**



H) **Land use principles.** In order to accomplish the general purpose of promoting residential and mixed use development in downtown and to implement the Downtown Master Plan, special consideration is given to establishing new land uses in addition to the established uses in the area.

- (1) A diverse mix of land uses shall always be permitted in the downtown area;
- (2) Downtown shall be promoted as a viable and vital residential area and residential uses are an acceptable land use anywhere in the downtown area;

- (3) The market place, not regulations, should be the primary force driving the mix of land uses;
- (4) Appropriate overlay zone standards and design review criteria shall be the principal tools to ensure compatible, high quality development;
- (5) Quality public spaces such as streets, sidewalks, parks, and squares where citizens come to know each other and watch over their collective security shall be provided;
- (6) Overlay zone standards may vary within downtown districts in order to achieve long-term planning objectives;
- (7) Development regulations shall promote the continued use and/or redevelopment of historical and older buildings and/or structures;
- (8) Except as provided for in Section 114-182, off-street parking space requirements shall be eliminated or reduced.
- (9) Parking garages shall incorporate active uses on the ground floor in order to engage pedestrians and surface parking lots shall be discouraged unless landscaping and architectural treatments are incorporated to soften their appearance; and
- (10) Parking minimums and maximums shall be established to promote the use of peripheral parking.

I) **Land uses.** The following table modifies the land uses that are permitted, permitted as a special exception or not permitted in each district. Uses otherwise permitted by-right or by special exception in the base district may also be established. To the extent that the DOD land uses conflict with the land uses allowed in the base zoning district, the land uses in the following table shall apply.

(1) **Nonconforming uses.** Any land use existing at the time of enactment of this ordinance, from which this chapter is derived or of subsequent amendment to, but not in conformity with its provisions, may be continued in perpetuity unless:

- a. The use or structure is discontinued for a period exceeding three (3) months after which it may not be re-established without rezoning approval.
- b. The use is extended, expanded or altered except in conformity to this chapter.
- c. Legal nonconforming uses may be changed to another nonconforming use of a similar classification and character provided no alterations to the site or structure are required. Whenever a nonconforming use has been changed to a less nonconforming use or to a conforming

use, such use shall not thereafter be changed to a less conforming use or nonconforming use, respectively.

DOD – Table of Permitted Uses P = Permitted Use; S = Special Exception; X = Not Permitted	Overlay Districts		
	E	HC/G	C/R
Animal clinic, animal hospital, kennel or pet store	S	S	S
Bank (with or without drive-through teller window)	P	P	P
Dwellings, multi-family (including apartments, lofts, or condominiums for any number of families as regulated by the R-A district)	S	P	P
Dwellings, single-family	S	P	P
Dwellings, developed as Urban Traditional Neighborhood Development (UTND)	X	S	P
Grocery store, curb market	P	P	P
Hospital/clinic	X	X	P
Hotel	X	P	P
Indoor assembly with alcohol sales (including but not limited to lounge, bar, tavern, night club, etc.)	P	S	X
Indoor assembly and place of amusement (including but not limited to church, indoor/outdoor private recreation facility, etc. where no alcohol is served)	P	P	P
Indoor automobile repair shop	S	X	S
Laundry and/or dry cleaning facility	S	S	S
Manufacturing incidental to retail business where articles are sold at retail on premise	S	S	S
Manufacturing or industrial use (with no retail sales)	X	X	S
Mixed-use development (Urban Planned Unit Development - UPUD)	X	S	P
Motel	X	X	X
Office (professional, medical and business)	P	P	P
Outdoor advertising building and/or structure	X	X	X
Public use (including but not limited to post office, substation, office, public recreation, etc.)	P	P	P
Restaurant, traditional (includes cafeteria, delicatessen, ice cream shop, outdoor dining, establishments with alcohol sales, etc. - 51% minimum food sales required)	P	P	P
Restaurant, fast-food (with drive-through)	P	S	S
Restaurant, mobile (mobile food vendor)	P	P	P
Retail sales with gasoline/diesel facility (convenience store)	P	P	P
Retail sales with interior display of goods	P	P	P
Retail sales or wholesale business or service not specifically listed (including retail with exterior display of goods)	S	S	S
Self-storage warehouse (mini-storage)	X	X	P
Service use (such as barber/beauty shop, shoe repair shop, laundromat, dry cleaning pick-up and similar personal services)	P	P	P

DOD – Table of Permitted Uses (Continued) P = Permitted Use; S = Special Exception; X = Not Permitted	Overlay Districts		
	E	HC/G	C/R
Specialty Manufacturing, limited	S	S	S
Temporary use (seasonal use)	P	P	P
Warehouse and distribution facility	X	X	S
Wholesale business	S	S	S

J) **Commercial development.**

- (1) **Generally** – The following regulations apply to only new development in the DOD and are not intended to apply to existing buildings and/or structures.
- (2) **Commercial establishment size limits.** The gross floor area of new commercial establishments shall not exceed fifteen-thousand (15,000) square feet in the E or HC/G districts.
- (3) **Indoor/outdoor operations.** All permitted uses must be conducted within completely enclosed buildings unless otherwise expressly authorized. This requirement does not apply to off-street parking or loading areas, automated teller machines or outdoor seating areas.
- (4) **Floor-to-floor heights and floor area of ground-floor spaces.**
 - a. All commercial floor space provided on the ground floor of a mixed-use building must have a minimum floor-to-ceiling height of ten (10) feet.
 - b. All commercial floor space provided on the ground floor of a mixed-use building must contain the following minimum floor area:
 1. At least eight-hundred (800) square feet, or twenty-five percent (25%) of the lot area (whichever is greater) on lots with street frontage of less than fifty (50) feet.
 2. At least twenty percent (20%) of the lot area on lots with fifty (50) feet or more of street frontage.
 - c. Lot area per unit (density). The minimum lot area per unit shall be one-thousand (1,000) square feet for mixed-use buildings and one-thousand-five-hundred (1,500) square feet for all other buildings.
- (5) **Setbacks.**
 - a. The entire building façade must be located within ten (10) feet of the front and/or street side yard lot lines.
 - b. The minimum rear yard setback is twenty percent (20%) of the lot depth.
 - c. No interior side yard setbacks are required except where overlay zoned property abuts residentially zoned property, in which the

minimum side yard setback shall be the same as required for the abutting residentially zoned property.

- (6) **Building height.**
 - a. Building heights in the E or HC/G Districts shall not exceed seventy-five (75) feet or five (5) stories.
 - b. Building heights in the C/R shall not exceed one-hundred-forty-five (145) feet or ten (10) stories.
- (7) **Transparency.** A minimum of seventy-five percent (75%) of the street-facing building façade between three (3) feet and eight (8) feet in height must be comprised of clear windows that allow views of indoor space or product display areas unless such transparency is not in keeping with the form and function of the building whether new construction or a remodel.
- (8) **Doors and entrances.** Buildings must have a primary entrance facing the public sidewalk. Entrance at building corners may be used to satisfy this requirement.
- (9) **Vehicle and driveway access.** No curb cuts are allowed for lots that have public access via an alley.
- (10) **Signage.**
 - a. **Design.** The overall design of all signage including the mounting framework shall relate to the design of the principal building on the property. Buildings with a recognizable style such as Greek Revival, Italianate, Victorian, Queen Anne, Neo-classic, Craftsman, et al., should use signage of the same style. For buildings without a recognizable style, the sign shall adopt the decorative features of the building, utilizing the same materials and colors.
 - b. **Purpose.** Signs shall be for the purpose of identifying businesses. No permanent signs displaying advertising or promotions are permitted (exempting historic wall paintings), other than those relating to the primary use of a property. Lettering describing a business's general goods or services may be permitted if it conforms to other guidelines as to size and quality.
 - c. **Permit required.** A permit for the placement, erection or installation of any sign in this district shall be required before placement, erection or installation.
 - d. **Prohibited signs.**
 - 1. Off premise signs are prohibited.
 - 2. Portable signs of any kind are prohibited.
 - 3. Roof top signs are prohibited unless historic in nature.

e. **Mounting and placement.**

1. Signs shall be mounted or erected so they do not obscure the architectural features or openings of the building.
2. Signs shall not be located in the right-of-way unless projecting from building in conformance with this ordinance.
3. Sandwich board signs shall be allowed in the E & HC/G Districts but shall not be an impediment to pedestrian traffic.
4. Free standing signs are permitted in the C/R District and shall not be taller than eight (8) feet or located closer than ten (10) feet to the public right-of-way.
5. Under canopy mounted signs shall be permitted subject to the standards contained in Section 114-219 (F)?
6. No sign or portion of a sign shall extend above the cornice line at the top of the building face.
7. Ground-floor businesses in multi-story buildings cannot mount signs higher than fourteen (14) feet above grade.

f. **Size and area.**

1. Size of the sign shall be determined by measuring the area within each face of a geometric shape enclosing all elements of informational or representational matter including blank masking. Structural supports not bearing information shall not be included in the computation of display area. For double faced signs, provided only one side can be seen from the public right-of-way at any location, only one side shall be counted toward the maximum allowable square footage.
2. The total maximum allowable sign area for all wall mounted signs is two (2) square feet per linear front foot of the principal building on a public right-of-way including multi-tenant buildings. Permitted area may be divided up between a maximum of three (3) signs. No single sign shall exceed one-hundred-twenty-five (125) square feet. Signs affixed to awnings shall be considered a wall mounted sign.
3. The total allowable square footage of display area, per side of a monument sign is thirty-six (36) square feet.
4. The total allowable square footage of display area, per side for a pole mounted sign is twenty-four (24) square feet.
5. Signs projecting from the building face shall not exceed fifteen (15) square feet or project farther than eight (8) feet or one-

half ($\frac{1}{2}$) the distance to the street curb, whichever is less, and shall not be lower than ten (10) feet above grade.

6. Changeable copy message boards shall not exceed twenty-five (25) square feet and shall be counted toward the maximum square footage allowed for on-site signs.

g. **Materials.** The structural materials of the sign shall match the historic materials of the building. Wood, metal, stucco, stone or brick is allowed. Plastic, vinyl or similar materials are prohibited. Resin simulating the appearance of wood, and fabric may be used as appropriate.

h. **Lighting.**

1. Internally lighted signs are prohibited.
2. Signs incorporating lighting (back illuminated, neon, etc.) shall be reviewed for appropriateness regardless of the above-mentioned size limitations.
3. Lighted signs shall use focused, low intensity illumination. Such lighting shall not shine into or create glare at pedestrian or vehicular traffic, nor shall it shine into adjacent areas. Light fixtures mounted on the ground shall be screened by landscaping.
4. Flashing, blinking, revolving or rotating lights are not permitted.
5. Exposed neon may be used but only if appropriate to the context as decided by the appropriate authority.

i. **Window signs.** Signs painted directly on window glass or hung in windows are permitted. They shall be counted toward the maximum size requirement and shall not exceed twenty-five percent (25%) of the window area.

Multi-tenant buildings.

1. Owner shall submit an overall sign plan addressing placement, materials, and design. Signage for the building and for the tenants shall be consistent.
2. Square footage allocation between various tenant spaces shall be the responsibility of the owner and identified on the sign plan.
3. Multiple individual free standing signs are prohibited.
4. Building identification signs or signs describing the historical context of the building not exceeding six (6) square feet are permitted.

- j. **Special purpose signs.** Special purpose signs are not reviewed except as noted.
 - 1. On site construction signs or signs giving information about the construction or renovation of a building on the same site must be removed at the completion of the project.
 - 2. Directional signs, real estate signs or incidental signs such as "entrance" or "exit" or that give non-commercial information but do not contain advertisements are exempt from this section.
- k. **Building codes.** All signs must comply with building code requirements.
- l. **Non-conforming signs.** A nonconforming sign is any sign permanently affixed to the ground or a building within the DOD on the effective date of this article which is prohibited by, or does not conform to the requirements of these regulations. Temporary or portable signs shall not be afforded nonconforming status. Qualifying nonconforming signs may continue provided:
 - 1. The sign provided it is properly maintained,
 - 2. It is not structurally altered except as required to meet building code requirements,
 - 3. It is not expanded except for a change of copy, whether copy presentation is by traditional or electronic means, and
 - 4. Any damage does not exceed fifty percent (50%) of the estimated replacement cost.

(11) Parking requirements.

- a. Residential uses do not require off-street parking.
- b. No off-street parking is required for existing non-residential uses or new non-residential uses containing less than five-thousand (5,000) square feet of useable space (including outdoor seating areas).
- c. Off-street parking for new non-residential construction exceeding five-thousand (5,000) square feet shall be provided at one (1) space per two-hundred (200) square feet.
- d. Off street parking for new non-residential uses requiring less than one-hundred (100) parking spaces may be reduced fifty percent (50%).

- e. Off-street parking for existing non-residential uses exceeding five-thousand (5,000) square feet and requiring one-hundred (100) or more spaces shall provide all required spaces.
 - f. Any required off-street parking spaces must be located to the rear of the principal building or otherwise be screened from view of the public right-of-way or adjacent residential developments.
 - g. **Off-site parking.** Required parking may be located off-site but must be within six-hundred-sixty (660) feet of the property.
 - h. **Building additions.** No additional parking shall be required for structural alterations, repairs or additions providing one-thousand (1,000) square feet or less of publicly accessible floor space is involved.
 - i. **Change of use.** A change in the use of an existing building shall not require the provision of additional parking unless:
 - 1. The new use requires one-hundred (100) spaces or more or
 - 2. The new use requires twenty-five percent (25%) more parking spaces than the most recent use of the building.
- (12) **Streetscape design and landscaping.** Whenever any building or building and/or structure is erected in the downtown overlay district or whenever a building and/or structure undergoes major renovation impacting the existing streetscape, any elements damaged or removed shall be replaced as follows:
- a. **Trees.**
 - 1. Elm trees shall be planted in the streetscape unless otherwise specified by the City of Dothan horticulturist.
 - 2. Trees shall be a minimum of sixteen (16) feet in height or shall have a minimum of four (4) inch caliper with seven (7) feet of clear trunk. Liriope ground cover shall be used as the tree planter cover.
 - 3. Irrigation systems shall be installed underground to service all trees and other landscape material. The irrigation system shall be maintained in operable conditions at all times. The size and type of irrigation system shall be specified by the City of Dothan horticulturist.
 - 4. Installed trees shall be inspected six (6) months after planting to ensure viability. Trees found to be in declining condition shall be replaced within thirty (30) days of notice thereof. Subsequent reinspection after replacement shall occur six (6) months from the date of replacement.

- b. **Streetlights.** The type, number and spacing of streetlights shall comply with the standards and requirements adopted by the City of Dothan Utilities for the downtown core.
- c. **Paving.** Paving shall be installed in the streetscape that is consistent with the pattern, color and texture of existing materials in the streetscape.
- d. **Pedestrian traffic.** During construction or renovation, pedestrian traffic must be maintained through covered protected walkways.

Section 114–158. Manufactured Home Communities

A) Community Plan.

- (1) Development plan approval required (refer to Article V for requirements). In addition to the requirements in Article V, the following information shall be included on the plan.
 - a. The site plan of the community showing streets, street widths, corner radii, driveways, open areas, parking spaces, service buildings, location of water courses, flood hazard areas, easements, the number, location and size of all mobile home lots.
 - b. The location of service buildings and other improvements constructed or to be constructed within the mobile home park.
 - c. The location of recreational vehicles and other transient spaces to provide for temporary travel trailers, RV's etc.
 - d. Any engineering design information including topographic survey as required by Engineering Services staff necessary to review the construction plans. Construction plans shall be certified by a professional engineer.
 - e. Recreation areas shall be provided in all parks designed to accommodate at least 40 units and be located as to allow ease of access to all park residents. Recreation areas may be incorporated into unit sites or established as a separate space
 - f. Sidewalks shall be provided in accordance with Section 90–141 in the City of Dothan Subdivision Regulations.
- (2) Before construction permits are issued for the proposed improvements, the community plan shall be reviewed by the Planning Commission.

B) Setbacks, lot area and auxiliary buildings.

- (1) Total minimum area shall be three (3) acres (see Table 114-132).
- (2) Perimeter setbacks shall be 50 feet (see Table 114-132).
- (3) Along community streets, there shall be a minimum distance of fifteen (15) feet between the manufactured home and any abutting community street.
- (4) Minimum lot/site size. Manufactured home lots/sites shall have a minimum lot width of fifty (50) feet and containing at least five-thousand (5,000) square feet minimum area.
- (5) Units shall be separated from each other and from other buildings or structures by at least twenty (20) ft. Small on-site storage buildings are permitted within ten (10) ft.

C) Permits, application and plans; manufactured home community construction.

- (1) It shall be unlawful for any person to construct, maintain or operate any manufactured home community within the city unless he holds a valid business license issued by the city. All units shall display the state issued tax sticker. All required permits shall be acquired from the building permits office prior to installing any manufactured home. Manufactured home communities are permitted only in zones or districts as provided in Section 114-131.1 through 114-131.6.
- (2) No person shall construct or alter a manufactured home community in the city unless the plans and specifications for such park have been submitted and approved by the planning commission in accordance with Article V of this Chapter.

D) Environmental, open space and access requirements.

- (1) Site location. The location of manufactured home community shall comply with Chapter 42, Floods and Chapter 83, Stormwater.
- (2) Site drainage requirements. Stormwater runoff shall not be shed onto any adjacent land, either as surface runoff or via an outfall structure, unless contained in an existing drainage easement, ditch, structure or right-of-way or as otherwise approved by the Public Works Director.
- (3) Soil and ground cover requirements. Park grounds except paved areas shall be maintained with vegetation or other natural cover that is capable of preventing soil erosion and the emanation of dust during dry weather.

- (4) Manufactured home stands, skirting and tie downs
 - a. Each mobile home shall be placed on a foundation, except transient homes. The foundation may consist of piers at least eight (8) inches thick and spaced no more than one-hundred twenty (120) inches on center under framework. The piers may be of concrete or concrete block, as provided by the manufacturer or installation standards of the Alabama Manufactured Housing Commission.
 - b. All manufactured homes shall be required to install skirting in accordance with the manufacturers installation instructions. Acceptable materials may include masonry, metal, vinyl or other materials manufactured for that purpose.
 - c. All manufactured homes shall be required to install tie-downs or other devices acceptable to the Building Official to secure the manufactured home to the ground. Installation shall be in accordance with the manufacturer's instructions or installation standards of the Alabama Manufactured Housing Commission.
- (5) Driveway construction and design standards. Street construction and design standards for mobile home parks are as follows:
 - a. All parks shall provide safe, continuous and convenient vehicular access from abutting public streets or roads to each mobile home space.
 - b. All drive-ways shall be paved with plant mixed asphalt or similar materials. Driveways shall be maintained free of holes and other hazards by the owner.
 - c. Grades of all driveways shall be sufficient to ensure adequate surface drainage.
 - d. All manufactured home spaces shall abut an interior driveway. All interior driveways shall be no less than twenty-two (22) feet in width. Community driveways shall have unobstructed access to a public street or highway and be adequately maintained by the owner of the manufactured home community.
 - e. In manufactured home communities where parking is permitted on interior drives, the width of such drives shall be sufficient to allow for parking cars.

- f. Minimum pavement radius in a cul-de-sac shall be forty (40) ft. unless otherwise required by the Fire Marshal. “T” or “L” type turnarounds may be permitted.
 - g. Streets shall be designed with a horizontal and vertical alignment which meets a twenty (20) mph design speed.
 - h. Streets shall have traffic control and street name signs as approved by the Public Works Department and E911.
- (6) Required parking. Parking shall be provided in all communities for the use of park occupants and guests. Parking bays shall contain a minimum of four-hundred (400) sq. ft. and be located as to provide direct access to the manufactured home space. No direct driveway access shall be permitted to any exterior public street.
- (7) Pedestrian access. All communities shall provide safe, convenient, all-season pedestrian access between individual mobile homes and community facilities provided for park residents.
- (8) Required illumination of park street systems. All communities shall be furnished with electrical systems and lighting units so spaced and equipped as to provide for the safe movement of pedestrians and vehicles at night.
- (9) Existing parks. Licensed communities with spaces in existence on the effective date of the ordinance from which this chapter is derived may not be expanded or renovated unless such expansion or renovation meets the standards imposed by this chapter. Waiver of these provisions may be granted by the planning commission based on demonstrated need.

E) Service buildings and other community service facilities.

- (1) The space separation requirements of this article shall apply to accessory structures and community service facilities which are required for management and servicing for community residents. Such accessory structures may include, but are not limited to, service buildings or other community structures containing one or more of the following uses:
- a. Park management offices, repair shops and storage.
 - b. Community sanitary facilities.
 - c. Community laundry facilities.
 - d. Indoor community recreation areas.

- e. Commercial uses supplying essential goods or services primarily for the use of park residents.
- (2) All mobile structures used as accessory service or community facilities must meet the standards set by this code.
- F) **Water supply requirements.** Every community shall be connected to a municipal water supply and provide the infrastructure necessary to maintain a sufficient supply of potable water, under adequate pressure, to required fire hydrants, individual manufactured homes, service buildings and other accessory community facilities. The water system shall be maintained by the community owner.
- G) **Sewage disposal requirements.** Every park shall have a sewer disposal system adequate for conveying and disposing of sewage from mobile homes, service buildings and other accessory facilities. Such system shall be designed, constructed and maintained in accordance with state and local laws and shall conform to the regulations of the health authorities having jurisdiction. If available, the system will be connected to the city sewer system. Provisions shall be made for sealing the sewage connection inlet when a mobile home does not occupy the lot.
- H) **Garbage, Trash and Refuse disposal.**
 - (1) All garbage, trash and refuse shall be collected by a public or private operator and disposed of in an approved landfill.
 - (2) The storage, collection and disposal of refuse shall be provided and managed to prevent health hazards, rodent harborage, insect breeding areas, accidents, fire hazards or air pollution.
 - (3) All refuse shall be stored in fly-tight, watertight, rodent-proof containers at designated locations for each manufactured home space. Containers shall be provided by mobile home owners in sufficient number and capacity to properly store all refuse.
 - (4) Grounds, buildings and structures shall be maintained free of debris that would create habitat for vermin such as insects and rodents. The growth of brush, weeds and grass shall be controlled to prevent noxious weeds or heavy undergrowth not otherwise part of a buffer.
- I) **Electrical and Fuel gas distribution system requirements.** Lots and sites in communities shall have all electrical, natural and liquefied petroleum gas or fuel oil supply appurtenances designed, constructed and maintained in compliance with the City of Dothan Building Codes.

- J) **Building, Plumbing and electrical alterations and additions.** All building, plumbing and electrical alterations, repairs or additions shall require a permit and be made in accordance with applicable local regulations.
- K) **Registration of occupants.** Every mobile home park owner or operator shall maintain a register containing a record of all mobile homes and occupants using the mobile home park as provided by state law.
- L) **Compliance with regulations; supervision of park.** The person to whom a permit for a mobile home park is issued shall at all times operate the park in compliance with this article and shall provide adequate supervision to maintain the park, its facilities and equipment in good repair and in a clean and sanitary condition at all times.
- M) **Inspection.** The health officer and/or building official are hereby authorized and directed to make inspections to determine the condition of any unit or structure located within the community in order that the health and safety of occupants and of the general public may be safeguarded.

Section 114-159. Individual manufactured homes parked on a private lot.

- A) It shall be unlawful for any manufactured home to be parked in any residential zone other than a mobile home park complying with the provisions of this section without a special exception granted by the board of zoning adjustment.
- B) The temporary parking of mobile homes may be allowed by the building official for office use in any district during the period of construction activity.
- C) After a special exception has been granted by the board of zoning adjustment, the building official will issue a permit in accordance with the special exception.
- D) Any mobile home parked for any purpose on a single lot prior to the effective date of the ordinance from which this chapter is derived shall be legally nonconforming until such time as the mobile home is moved. Thereafter, it must be in compliance with this chapter.
- E) The undercarriage of any unit parked outside a manufactured home community or subdivision, other than mobile homes parked for display on a mobile home sales lot, shall be screened with a material manufactured

for that purpose, unless the mobile home has been placed on a permanent foundation which conceals the undercarriage.

- F) In a manufactured home sales lot, temporary screening shall be provided for the undercarriage of any mobile home parked for display along any public right-of-way.

Secs. 114-160 to 114-169. Reserved.

(The remainder of this page has been left blank intentionally.)

Article XI. Supplemental Regulations.

Sec. 114-170. Purpose.

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

Sec. 114-171. Nonconforming uses.

Any land use existing at the time of enactment of the ordinance, from which this chapter is derived or of subsequent amendment to, but not in conformity with its provisions, may be continued in perpetuity unless:

- A) The use or structure is discontinued for a continuous period exceeding six (6) months or for an aggregate of eighteen (18) months during any thirty-six (36) month period after which it may not be re-established without rezoning approval. Discontinuance of use shall be evidenced by disconnection of utilities or forfeiture of a business license.
- B) The use is extended, expanded or altered except in conformity to this chapter.
- C) Legal nonconforming uses may be changed to another nonconforming use of a similar classification and character provided no alterations to the site or structure are required. Whenever a nonconforming use has been changed to a lesser nonconforming use or to a conforming use, such use shall not thereafter be changed to a less conforming use or nonconforming use, respectively.

Sec. 114-172. Nonconforming buildings and/or structures.

- A) **Generally.** Any building and/or structure existing at the time of enactment of the ordinance from which this chapter is derived or of subsequent amendment to this chapter, but not in conformity with its provisions, will be considered a nonconforming building and/or structure. The use of a nonconforming building and/or structure may continue in perpetuity subject to the provisions of Section 114-171.
- B) **Additions or alterations.** Additions or alterations to any nonconforming building and/or structure, whether residential or non-residential, must be made in conformity to this chapter.
- C) **Residential buildings and/or structures.** Nonconforming residential buildings and/or structures may be rebuilt after fire or damage in residential districts within the limits of the existing foundation, provided the yard space and other requirements conform as closely as possible, in the opinion of the building official, to the requirements of the district in which it is located. No building need be set back more than the average of the setbacks of the existing buildings within one hundred

(100) feet of each side thereof. Neither side yard shall be reduced to less than five (5) feet in width.

- D) **Non-Residential buildings and/or structures.** Nonconforming non-residential buildings and/or structures shall not be rebuilt after fire or other damage if said damage exceeds the full value above the foundation for tax purposes except in conformity to this chapter.

Sec. 114-173. Nonconforming lots of record.

Any lot existing at the time of enactment of this chapter, September 1, 1966, but not in conformity with its provisions, will be considered a nonconforming lot of record. Where the owner of a lot of record does not own sufficient adjacent land to enable construction of a building and/or structure which conforms to the dimensional regulations of this chapter, one (1) primary building and/or accessory buildings and/or structures may be built. The owner is required to meet said dimensional regulations unless a variance, as outlined in Article VI, is granted by the board of zoning adjustment.

Sec. 114-174. Building lots, yards and open spaces.

- A) In each zoning district, each building and/or structure erected extended or altered shall comply with the dimensional regulations set forth in this ordinance.
- B) Open spaces that are required in conjunction with any city approval shall be kept as such in perpetuity. Furthermore, these areas shall not be counted as required open space for any other building and/or structure.

Sec. 114-175. Reduction in lot area prohibited.

No lot area shall be reduced in area so that yards and other spaces total less than the minimum area required under this chapter.

Sec. 114-176. Corner visibility in residential and local business districts.

- A) Fences, walls, shrubbery, signs, marquees, or other obstruction to vision shall comply with the sight distance standards referenced in City Code Chapter 98, Section 10.
- B) Accessory structures on a corner lot shall be set back the minimum front yard depth required on each street.

Sec. 114-177. Swimming or wading pools.

Swimming pools or wading pools not located within a permanently and completely walled structure shall be constructed so that the water line is no closer than ten (10) feet of any property line and shall be completely enclosed by a fence in accordance with the adopted swimming pool code, and gates shall be locked at all times when the pool is not in use. Fences and gates shall be so constructed and of such materials so as to prevent the entry of children and usual household pets into the pool area.

Sec. 114-178. Storm shelters.

Storm shelters are permitted as principal or accessory uses and structures in any district, subject to the yard and lot coverage regulations of the district. Such shelters may contain or be contained in other structures or may be constructed separately and in addition to shelter use may be used for any principal or accessory use permitted in the district, subject to the district regulations on such use, but shall not be used for principal or accessory uses prohibited expressly or by implication in the district.

Sec. 114-179. Future street lines.

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

Sec. 114-180. Height.

- A) In each zoning district, each structure erected or altered shall not exceed the heights specified in the district requirements in Article VIII of this chapter, except upon approval of the board of zoning adjustment.
- B) Height limitations shall not apply to church steeples, hospitals, sanitariums, barns, silos, farm structures, chimneys, flagpoles, public utility poles, radio and television towers and aerials, cooling towers, water tanks, and industrial structures when required by the manufacturing process utilized, but not to exceed twenty-five percent (25%) of the area of the lot.

Sec. 114-181. 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.

Sec. 114-182. Off-street automobile parking and loading requirements.

- A) **Purposes.** The requirements of this section are intended to provide off-street parking, queuing and loading facilities in proportion to the need created by each land use in a functionally and aesthetically satisfactory manner that minimizes external effects on adjacent land uses. In each zoning district, each structure erected or altered after the effective date of the ordinance from which this section is derived or any amendment thereof shall be provided with off-street automobile parking as outlined in this section. No off-street automobile parking space required for a building or structure shall, during its life, be occupied or counted as off-street automobile space for another building or structure or used for any purpose other than for automobile parking. The purposes for the regulation of off-street parking and loading are as follows.
- (1) Ensure that each development accommodates the safe and convenient movement of vehicles, bicycles, pedestrians, and transit throughout the proposed development to and from surrounding areas;
 - (2) Create a healthful built environment in which individuals have opportunities to incorporate physical activity, such as walking, into their daily routine;
 - (3) Create a safe, attractive, pedestrian-friendly environment where the risk of pedestrian injuries or fatalities is minimized through the application of appropriate development standards; where residents have increased opportunities to interact with neighbors; and where the elderly have safe convenient pedestrian routes;
 - (4) Create a circulation system that contributes to the attractiveness of the development and the community as a whole;
 - (5) Establish standards for the review of development plans; and
 - (6) These requirements shall in no way negate the requirements set forth in the downtown overlay district, Section 114-157.
- B) **Applicability.** The requirements of this section shall apply to all parking and loading areas in all districts. No certificate of occupancy shall be provided unless and until the appropriate motor vehicle parking and loading facilities are provided.
- C) **Responsibility for provision of facilities.** The provision for and maintenance of off-street parking and loading facilities herein required shall be the joint responsibility of the operator and owner of the land, building, structure or use on which is located the use for which off-street parking facilities are required.

D) **Size, location and design**

- (1) Each off-street parking space shall be not less than nine (9) feet by eighteen (18) feet, exclusive of access or maneuvering area, ramps and other appurtenances.
- (2) With the exception of vehicles loading and unloading, being used for temporary work that has been contracted by a resident, or are “on-call” pick-up trucks or vans, commercial vehicles exceeding six thousand (6,000) lbs. shall not be parked or stored in any residentially zoned area.
- (3) Parking lot design shall follow approved engineering standards promulgated by the Institute of Traffic Engineers (ITE) or a similar professional organization.

E) **Construction and maintenance**

- (1) Off-street parking facilities shall be constructed, maintained and operated in accordance with the following specifications:
 - a. All commercial parking areas, vehicle maneuvering areas and driveways shall be paved with concrete, asphaltic concrete, asphalt, brick or interlocking paving blocks, or other durable and all-weather material acceptable to the planning commission.
 - b. Boundary or perimeter areas shall be provided with wheel guards or bumper guards, so located that no part of a parked vehicle will extend beyond the property line of the parking area.
 - c. Lighting facilities shall be arranged so that they do not unreasonably disturb occupants of the site or of adjacent residential properties or interfere with traffic.
 - d. Parking areas shall be provided with entrances and exits so located as to minimize traffic congestion.
 - e. Required parking spaces shall not be used for any business involving the sale, repair, dismantling or servicing of any vehicles, or the sale of any equipment, materials, or supplies.
 - f. To the maximum extent feasible, site plans for proposed developments shall separate movement of pedestrians from movement of vehicles and bicycles, and protect bicyclists from conflicts with vehicles.
 - g. Driveway and parking areas for a single family dwelling may be paved with asphalt, concrete, or another durable and all-weather material acceptable to the administrative official.

- h. Parking lots shall be kept in good repair and periodically resurfaced, seal coated and/or striped.

F) **Calculating parking requirements / allowances.** The minimum number of parking spaces required is based on the type of use. To determine the minimum number of parking spaces required, locate the applicable standard based on the uses in Table 1 below.

- (1) Unless a specific use is listed, the required number of parking spaces shall be the sum of the combination of uses on the lot.
- (2) If the calculation of required spaces results in a fraction of a parking space, the number shall be rounded up to the nearest whole number.
- (3) Handicapped parking shall be provided in accordance with standards set forth in the Americans with Disabilities Act and shall be counted as part of the total.
- (4) Floor area shall equal the gross floor area (GFA) including outdoor dining areas less all areas used for kitchen, hot/cold storage, office space and other non-customer areas.

**TABLE 1
MINIMUM PARKING SPACES REQUIRED**

Use	Spaces Required per unit specified	Queuing Space	Other Standard
Automobile Repair/Maintenance	1 per 400 sf office/seating area	-	1 space per service bay
Assembly (Churches, Movie Theaters, etc.)	1 space per 4 seats maximum capacity (Based on permanent seating)-	-	1 space per 40 sq. ft. floor area accommodating moveable seats
Bank/Financial w/o Drive-in	1 per 200 sf GFA	-	1 per employee
Bank/Financial w/ Drive-in	1 per 200 sf GFA	3 per service lane	1 per employee
Bar, Lounge, Nightclub	1 per 100 sf GFA		1 per employee
Bowling Alley	2 spaces per alley		Plus 1 space per 100 sf used for associated amusement activities
Convenience Store w/ Gas Sales	1 per 150 sf GFA	2 per car wash queue	Pump spaces shall not be included.
Day Care Center	1 per employee on largest shift	5 per lane	1 loading space per 10 children. Parking or loading spaces designated for children shall be located so that direct pedestrian access is provided into the facility without crossing streets or driveways.
Drug Store/Pharmacy	1 per 200 sf GFA	3 per lane	-
Grocery Store (stand-alone)	1 per 250 sf GFA	-	1 per employee
Home Improvement Warehouse	1 per 200 sf GFA	-	Space designated for seasonal/outdoor storage of merchandise
Medical Clinic	1 per 150 sf GFA	-	-

TABLE 1 -Continued
MINIMUM PARKING SPACES REQUIRED

Health Club	1 space per 200 sf exercise area	-	1 per employee
Hospital	1 per 1.5 beds	-	1 per 300 sf of office space
Gymnasium	1 space per 200 sf floor area		1 space per 4 fixed seats or 1 space per 8 ft. of bench seating
Hotel/Motel	1 space per room plus 1 per employee	-	Parking for accessory uses (restaurant, lounge, etc.) in accordance with the applicable standard.
Industrial, Manufacturing, Processing, Wholesale	1 space per 1,000 sf manufacturing or warehousing area, plus 1 per 300 sf office	-	1 space per company vehicle stored on site.
Library, Club or Lodge	1 space per 350 sf GFA	-	-
Mini-storage	1 space per 10 units	-	1 per employee
Nursery	2 spaces per 1,000 sf of outdoor display area	-	1 per employee, 1 per company vehicle
Nursing Home/Group Care	1 space per 4 beds	-	1 per employee
Office Uses	1 spaces per 200 sf GFA	-	-
Residential, Multi-family	1 & 2 bedroom units - 1.4 spaces; all others 2 spaces	-	1 space per employee
Residential, Single-family	2 spaces per single-family dwelling unit	-	-
Restaurant, Fast Food	1 space per 40 sf of public floor area	3 from the menu board	1 per employee on the largest shift

TABLE 1 -Continued MINIMUM PARKING SPACES REQUIRED			
Restaurant, Sit Down	1 space per 4 seats	-	1 per employee on the largest shift
Self-storage Warehouse	6 spaces plus 1 space per 200 sf of office	-	24 ft. minimum building separation
Shopping Center, General Retail/Service Not Specified up to 50,000 sf	1 space per 200 sf GFA	-	-
Shopping Center, General Retail/Service Not Specified 50,000-90,000 sf	1 space per 225 sf GFA		
Shopping Center, General Retail/Service Not Specified over 90,000 sf	1 space per 250 sf GFA		
High Bulk Retail	1 space per 300 sf GFA		
Veterinary Office/Clinic	1 space per 500 sf GFA	-	1 per employee-
Warehousing/Industrial Processing	1 space per employee on the largest shift	-	1 space per company vehicle stored on the property.

GFA – Gross Floor Area

- H) **Shared parking.** In meeting the requirements of this section, adjacent land uses, lots, or sites may share parking under the following conditions and standards:
- (1) With an approved shared parking agreement and/or development plan approval, required parking may be reduced fifteen percent (15%) from the cumulative amount of the uses sharing the parking on that lot.
 - (2) For either a major or minor development plan, any developer desiring to provide shared parking shall request approval to do so from the administrative official prior to submitting for development plan approval.
 - (3) If individual landowners agree to share parking, a written agreement between the various property owners providing for cross-access

easements and stipulating that only those buildings, structures or units shown on the development plan may share parking.

- (4) In the case of a single owner, an overall shared parking plan for the properties or development sites may be submitted with the application for development plan approval. Only those buildings, structures or units shown on the development plan may participate in the shared parking arrangement. The location of the balance of required spaces shall be noted on the development plan.
- (5) Should there be a change in the number of structures or units within any individual structure or location which is bound by a shared parking agreement or plan, the shared parking agreement shall be subject to the review and approval of the planning director, or at his/her discretion, the review and approval of the planning commission.
- (6) The agreement shall be executed and recorded in the appropriate county recording office and be binding on subsequent purchasers, inheritors or assigns and a copy provided to the planning and development department.
- (7) All shared parking spaces shall be within six-hundred-sixty (660) feet of the main entrance of any building sharing the parking. Pedestrian access to the entrance(s), either by way of pedestrian alleys, passages or public sidewalks in the streetscape shall be provided.

Sec. 114-183. Conforming buildings and/or structures.

- A) **Principal buildings and/or structures.** It is the intent of this section that there shall be but one (1) main building and/or structure plus any permitted accessory buildings and/or structures on any lot used for single-family residential purposes. Upon development plan approval, lots in other zoning districts may contain more than one (1) main building and/or structure.
- B) **Residential accessory buildings and/or structures.** It is the intent of this section that accessory buildings and/or structures may be permitted on any lot used or zoned for residential purposes. The following standards apply to residential accessory buildings and/or structures:
 - (1) **Accessory buildings.**
 - a. Are permitted in rear yards; no accessory building and/or structure shall be permitted in a regulatory front or side yard.
 - b. Shall be located a minimum of ten (10) feet from any building and/or structure and a minimum of five (5) feet from any property line.
 - c. Shall be permitted only in compliance with standards for distance between buildings, and setbacks, if any, from property lines.

- d. Shall not be used for storage of hazardous, incendiary or noxious materials and shall not be located nearer than one-hundred (100) feet from any property line.
 - e. Shall be included in calculations for impervious surface, lot coverage, floor area ratio, or any other site design requirements applying to the principal use of the lot.
 - f. Vehicles, including recreational vehicles, and travel trailers, shall not be used as temporary or permanent living quarters, storage buildings, utility buildings, or other such uses.
 - g. Mobile storage units are limited to sixty (60) days on site front, back or side. After sixty (60) days, the unit must be positioned as required for accessory buildings.
- (2) **Swimming pools, wading pools, hot tubs, and similar buildings and/or structures.**
- a. Swimming pools or wading pools shall be constructed no closer than ten (10) feet from the waterline to any property line and shall be completely enclosed by a fence or wall at least four (4) feet in height and maintained in accordance with any adopted swimming pool code. All gates shall be locked at all times when the pool is not in use. Fences and gates shall be so constructed and of such materials so as to prevent the entry of children and usual household pets into the pool area.
 - b. Enclosures for pools shall not be considered a part of the principal building and/or structure unless roofed with any material other than transparent screening and shall not be enclosed on any side other than where it is attached to the principal structure. Pool enclosures shall not be located closer than five (5) feet to any property line.
- (3) **Fences.**
- a. All fences require a permit and shall comply with the building code.
 - b. Fences may be located along all front, side and rear yards and may be constructed on any common property line. However, no fence or hedge located in a required front yard shall exceed four (4) feet in height unless it meets the minimum required front yard setback for the zoning district in which it is located.
 - c. In areas where the property faces two (2) roadways or is located in any other area construed to be a corner lot, no opaque fence or hedge exceeding two (2) feet in height shall be located in the line of sight.
 - d. No fence shall generally exceed six (6) feet in height; however, fences may be approved by the building official of a maximum of

eight (8) feet in height if designed to withstand the current wind-load.

- e. No fence shall be constructed or installed in such a manner as to interfere with drainage on the site.
- f. Any fence located adjacent to a public right-of-way or private road shall be placed with the finished side facing that right-of-way or private road.
- g. A fence required for safety and protection of hazards by another public agency may not be subject to the height limitations above. Approval to exceed maximum height standards may be given by the administrative official upon receipt of satisfactory evidence of the need to exceed height standards.
- h. Fences must be constructed of a permanent weatherproof material such as wood, vinyl or masonry. Fabric, plastic sheeting or metal attached to a fence constructed of approved materials (unless specially designed and created as a fence) is not permitted.
- i. Fences in residential, office or commercial districts may not contain barbed wire or a similar product unless otherwise approved by the Board of Zoning Adjustment.

(4) Awning, carport or porch.

An unattached awning, carport or porch, open on three (3) or more sides, may be constructed or erected on the side of or behind any principal building and/or structure in any district, provided that:

- a. No such awning, carport or porch shall be constructed closer than five (5) feet to any property line.
- b. Any such awning, carport or porch located on a corner lot shall be set back at least the minimum front yard setback for the district in which it is located. start
- c. Attached carports constructed of fire resistant materials may be approved within five (5) ft. of the property line following notification to adjacent property owners. Any written objections filed within 5 business days shall cause the application to be forwarded to the Board of Zoning Adjustment for review and determination according to the procedures in 114-98. In no case shall the carport be located closer than 5 ft. to the property line nor shall any variance be granted. Stormwater runoff collected by gutters and downspouts shall not be directed onto adjacent property.

(5) Accessory dwelling units in single-family residential districts.

- a. **Purpose.** The purpose of this section is to provide for inexpensive housing units to meet the needs of families and making housing available to family members who might otherwise have difficulty finding homes. This section is also intended to protect the property values and residential character of neighborhoods where accessory apartments are located.
- b. **Standards.** Accessory apartments may be allowed in single-family residential areas provided that all of the following requirements shall be met:
 1. Any accessory apartment must be located on the same lot, tract and/or development parcel as the primary residential building and must be clearly subordinate and incidental to the primary building and/or land use. The lot tract or parcel must contain at least 12,000 sq. ft.
 2. No more than one (1) accessory apartment shall be permitted on any residential lot.
 3. An accessory apartment shall not exceed eight-hundred (800) square feet.
 4. The accessory apartment shall be located and designed not to interfere with the appearance of the principal building as a single-family dwelling unit.
 5. Any one (1) story accessory apartment shall be set back a minimum of ten (10) feet from any property line and ten (10) feet from any existing buildings. Any two (2) story accessory apartment shall be required to meet the minimum setbacks of the district in which it is located.
 6. One (1) parking space shall be provided for the accessory apartment, and must be located on the same lot on which the accessory apartment is located.
 7. A manufactured home may not be used as an accessory apartment.
 8. Recreational vehicles and travel trailers shall not be used as accessory apartments. However, they may be used for temporary living quarters in times of danger or emergency.
 9. No existing building and/or structure may be converted to an accessory apartment unless it complies with all other minimum district dimensional regulations and the building code.

10. No variations, adjustments, or waivers to the requirements of this code shall be allowed in order to accommodate an accessory apartment.

C) **Nonresidential accessory buildings and/or structures.** Accessory structures not initially identified on the development plan may be approved by the administrative official regardless of development size in accordance with Section 114-183 (b)(1).

(1) **Canopy.**

Any canopy must be setback a minimum of fifteen (15) feet from any property line.

(2) **Accessory apartments.**

a. **Purpose.** The purpose of this section is to provide for housing units to allow for an owner, operator or manager to reside on the premises of non-residential developments, apartment complexes and/or manufactured home parks.

b. **Standards.** Accessory apartments may be allowed provided that all of the following requirements shall be met:

1. Any accessory apartment must be located on the same lot, tract and/or development parcel as the primary building or contained wholly within the primary building and must be clearly subordinate, incidental and in connection with the primary building and/or land use.
2. No more than one (1) accessory apartment shall be permitted on any lot.
3. An accessory apartment shall not exceed eight-hundred (800) square feet.
4. The accessory apartment shall be located and designed not to interfere with the appearance of the principal building.
5. The accessory apartment shall not be available for commercial short-term or long-term rental to any person who is not employed by the owner and/or lessee of the property.
6. Any one (1) story accessory apartment shall be set back a minimum of ten (10) feet from any property line and ten (10) feet from any existing building.
7. One (1) parking space shall be provided for the accessory apartment.
8. A manufactured home may not be used as an accessory apartment.

9. Recreational vehicles and travel trailers shall not be used as accessory apartments. However, they may be used for temporary living quarters in times of danger or emergency.
10. Storage and other buildings regulated by this section shall be included in calculations for impervious surface, lot coverage, floor area ratio, or any other site design requirements applying to the principal use of the lot.
11. No existing building and/or structure may be converted to an accessory apartment unless it complies with all other minimum district dimensional regulations and the building code.
12. No variations, adjustments, or waivers to the requirements of this code shall be allowed in order to accommodate an accessory apartment.

Sec. 114–184. Regulations applying to all districts.

- A) **Condominium buildings.** Any unit in any zoning district may be converted into a condominium in accordance with condominium laws as established by the State of Alabama. This allowance does not preclude the district dimensional regulations as set forth by this chapter.
- B) **Dimensional regulations.** Refer to the standards established in this chapter (district dimensional regulations). However, no building need be set back more than the average of the setbacks of the existing buildings within one-hundred (100) feet each side thereof, but in no case shall it be less than fifteen (15) feet for residential lots.
- C) **Improvements in flood hazard areas.** No permit shall be approved or issued for any construction or development, unless the proposed construction or development complies with City of Dothan Code of Ordinances, Chapter 42, Floods.
- D) **Driveways on public right-of-way of major thoroughfares.** Except for single-family residential developments, no driveway shall be constructed on the right-of-way of any major thoroughfare, except under the condition that access to such driveway is made available to other properties and developments. The planning commission shall not approve any development plans with a driveway on a public right-of-way unless the property owner and the developer provide written assurance that access to the driveway will be made available to other properties and developments. This shall apply only to that portion of a driveway located on the public right-of-way.
- E) **Landscaping.** Developments in all districts shall comply with the landscaping requirements as established in Article XIII.

- F) **Recreational vehicles, travel trailers, boats, utility trailers (open or closed), etc.** Recreational vehicles and travel trailers shall not be used as residential dwellings or as accessory apartments unless located in an approved RV park or campground. Such vehicles shall not be parked in the street, located forward of the principal structure or in the street side yard unless being prepared for relocation or transit. However, they may be used as temporary living quarters in times of danger or declared emergency.
- G) **Governmental/public/utility uses.** Governmental/public/utility uses are permitted in all zoning districts subject to development plan review.

Sec. 114-185. Street address standards.

E-911 addressing standards and guidelines promulgated by the board as may be amended or modified from time to time, upon approval of the board of commissioners, is adopted by reference in this section as if fully set forth.

- A) **Exceptions.**

This division section shall not apply to official traffic control devices erected by the state, the county or the city.
- B) **Display of numerals or characters.**
 - (1) All buildings, residences, mobile homes or other fixed structures, within the corporate limits and the city police jurisdiction, shall have address numerals/characters permanently and visibly displayed in accordance with the adopted City of Dothan E-911 Addressing Standards and Guidelines.
 - (2) For the purposes of this division section, an address for display is defined as the numerals and a character assigned, in compliance with this section, to a specific location but does not contain the street or road name.
 - (3) The actual complete address consists of the following: street number, pre-directional, primary street name, suffix and secondary number, if any, as defined by the United States Postal Addressing Conventions DM940-89-03.
 - (4) All numerals shall be Arabic numerals.
- C) **Coordination of assignment of addresses.**
 - (1) The Public Works Department, Engineering Services Division, shall coordinate the assignment of addresses with the Dothan-Houston County Communications District, and both entities shall keep the addresses assigned on file. The Engineering Services Division shall assign addresses within the city.

- (2) All city-maintained data must reflect the addresses and addressing criteria assigned within this section or the E-911 Addressing Standards and Guidelines.
- (3) City of Dothan Public Works Department, Dothan-Houston County Communications District E-911 Board, and city postmaster shall have the authority to promulgate additional rules and regulations regarding addressing within the city consistent with the United States Postal Addressing Conventions DM-940-89-03.
- (4) Violation of any promulgated rule shall be considered to be a violation of this section.

D) **New structures.**

- (1) As soon as initial construction of a new structure has begun, a clearly visible freestanding sign, as specified in the E-911 Addressing Standards and Guidelines, is required until the permanent address numerals/characters are attached or otherwise displayed when the structure is completed or occupied.
- (2) Business structures must have addresses properly displayed before occupancy and use.
- (3) Single-family residential structures must have addresses properly displayed within 30 days of occupancy.

E) **Existing structures.**

The resident or current occupant of any dwelling, the manager or occupier of any business structure or the owner of any structure that is not occupied is responsible for compliance with this section.

F) **Violations.**

- (1) It shall be a violation of this section to display any address in any manner other than that prescribed in this section or to display any address not officially assigned, as specified in this section.
- (2) It shall be a violation of this section to publish, broadcast, disseminate or utilize any address, within the city and its police jurisdiction, not in compliance with this section, or to utilize in any manner any address not officially approved or officially issued, as specified in this section.
- (3) Failure to comply with this section or any portion of this section shall constitute a misdemeanor. The police department may cause to be issued an arrest warrant or summons to appear before the municipal court to answer such alleged violation. A summons to appear may be served upon an alleged violator either in person or by first class mail.

(4) The minimum fine for violation of this section shall be \$25.00, plus court costs. The maximum sentence for violation of this section shall be six months in the city jail or a maximum fine of \$500.00 or both.

G) **Confidentiality of emergency data.**

(1) Under this section, all data collected by any agency related to the enhanced E-911 system shall be confidential and not released to any member of the public or any government agency, except to facilitate an emergency response.

(2) This information may be used in the creation and maintenance of maps, the E-911 database, and for confirmation of public records during the normal course of operations of the United States Post Office, the Engineering Services Division, the city police department, and the Dothan-Houston County Communications District.

(3) Nothing in this section shall prevent or hinder the operations of the city, any city department or the Dothan-Houston County Communications District, nor shall this prevent the release of this information, when any part of such information is contained in other sources that are a public record.

Sec. 114-186 Joinder of Lots.

A) **Unity of Title Declaration.** Wherever it is necessary that two (2) or more lots or portions thereof be added or joined, in whole or in part, to meet minimum lot or parcel area or dimensional requirements of this Ordinance, or when a structure is proposed for erection across a lot line, the application for building permit shall be accompanied by evidence of recording a Unity of Title Declaration as herein described, in the public records of Houston, Dale or Henry Counties in Alabama. The filing of a copy of the recorded Unity of Title Declaration is a prerequisite to final approval of the application and the issuance of a building permit. Land joined pursuant to the provisions of this section shall be known as a "Zone Lot" which shall remain indivisible except as otherwise provided in this Section.

B) **Zone Lot to be Indivisible.** On a form provided by the Administrative Official, a Unity of Title Declaration shall state unequivocally that the entire property created by a combination of recorded lots or portions thereof shall be regarded as unified under one title as an indivisible building site; that the said property shall be henceforth considered as one lot and that no portion thereof shall be sold, assigned, transferred, conveyed or devised separately except in its entirety as one lot or parcel of land. The sale, assignment, transfer, conveyance or devise of a condominium parcel created by a recorded Declaration of Condominium subjecting the same property to the condominium form of ownership shall not be deemed a breach of the Unity of Title Declaration; however, the entire property shall continue to be regarded as unified and as a single building site for all applicable code purposes. The parties to the declaration shall agree that the Unity of Title

Declaration shall constitute a covenant to run with the land, as provided by law, and shall be binding upon the parties thereto, their successors and assigns, and all parties claiming under them until such time as the declaration may be released, in writing, by the Administrative Official. The Administrative Official is authorized to release a Unity of Title Declaration when such declaration is no longer necessary due to the discontinuance or abandonment of the proposed construction giving rise to its issuance, and may approve changes or amendments to a Unity of Title Declaration when necessary to correct errors, mistakes or changes in circumstances.

Secs. 114-186 to 114-206. Reserved

Article XII. Signs and Billboards.

Section 114-207. Purpose and Scope

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

Section 114-208. Severability Clause. Should any part, section subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this Article be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect any other part, section subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this chapter.

Section 114-209. Administration and Enforcement. Administration of these regulations shall follow the procedures outlined in Article III. The administrative official may implement procedures and policies, create forms and applications for the purpose of implementing these regulations.

Section 114-210. Definitions. Definitions specific to signs and billboards may be found in Article II of this Chapter.

Section 114-211. Signs Not Needing a Permit. The following signs may be erected without a sign permit and are not included in the determination of allowable numbers,

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

- A) Any sign required to be maintained or posted by law or governmental order, rule or regulation.
- B) Public warning signs which indicate a dangerous or hazardous condition or trespass warning so long as they do not contain logos or text advertising a commercial product or activity.
- C) Address numbers complying with Section 114-185 of this chapter.
- D) Flags or insignia of any government, religion, association, fraternal order, charitable organization, academic, corporate, sporting or civic organization except when displayed in connection with commercial promotions. Flags of the United States must be flown in a manner that meets U.S. Congressional protocol (see United States Code, Title 36, Chapter 10).
- E) Normal servicing of previously permitted sign structures, including a change of copy for billboards and a panel change in structures designed to allow changeable copy.
- F) Memorial signs or tablets, historical markers, name of building signs and dates of erection when cut into any masonry surface or when constructed of bronze or other such durable and noncombustible materials and attached to the surface of the building.
- G) Directory signs listing the businesses, tenants, or activities conducted within a building or group of buildings may be erected so long as they do not exceed twenty (20) square feet and are limited to one sign per building.
- H) Window signs not exceeding twenty-five percent (25%) of the glass area (pane) to which they are applied.. Window signs shall be included in the total area allowed.
- I) Changing the copy, announcement or message on a manual reader board.
- J) Cleaning, painting or maintaining a sign that does not otherwise alter the size, or height of the sign.

- K) Murals or other forms of public artwork provided any sponsorship information or logo does not exceed one and one-half (1.5) sq. ft.
- L) Time and temperature signs are permitted on non-residential parcels notwithstanding a general prohibition on animated signs. These signs may only display numerical information related to the time of day and/or temperature and must be kept accurate. They may be freestanding or attached to a building and are subject to any other applicable regulations. They shall not be counted as part of the occupant's allowable sign area.
- M) Vehicle signs. Signs attached to a vehicle or trailer that is used in the normal day to day operation of the business being advertised and serves a useful function in the transportation of persons or commodities from one place to another. Signs attached to a vehicle or trailer and parked at a location other than the registered place of business are prohibited.

Section 114 -212. 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. Unless indicated elsewhere, the following signs are expressly prohibited in all zoning districts of the City of Dothan.

- A) Signs erected without a permit.
- B) Window Signs exceeding twenty-five (25%) of the glass area (pane) to which they are applied.
- C) Signs attached or affixed to any tree, building, or other structure other than a frame for which it was designed.
- D) Any sign or sign structure identifying a previous use or activity that has not occupied the site for a period greater than sixty (60) days, does not maintain a current business license or pertains to a time, event or purpose which no longer applies shall be deemed abandoned and a violation of the ordinance.
- E) Signs in violation of the building code or electrical code adopted by the City of Dothan.
- F) Beacons, or strobe lights;
- G) Searchlights in operation exceeding three (3) consecutive days per year.
- H) Any sign that, in the opinion of the administrative official, does or will constitute a safety hazard.
- I) Signs with visibly moving, revolving, or rotating parts or visible mechanical movement of any description or other apparent visible movement achieved by electrical, or mechanical means or that emit audible sounds, vapor, smoke, steam or involves the use of live animals (see section 114-220).

- J) Signs consisting of moving, rotating or flashing lights or that otherwise contain animated displays by either mechanical or electronic means.
- K) Freestanding signs which project into the public right-of-way except as otherwise permitted by these regulations [see Section 114-219 (E) & (F)].
- L) Signs in the public right-of-way. Such signs are subject to removal without notice.
- M) Signs that are of such intensity or brilliance as to cause glare or impair the vision of motorists, cyclists, or pedestrians or that illuminate adjacent residential areas (see section 114-222).
- N) Signs mounted to the structure of the roof and that project above the roof line.
- O) Signs placed or painted or displayed on a motor vehicle or trailer parked or towed with the primary purpose of providing advertising for a product, service, business or activity not established at that location.
- P) Posters or handbills affixed to any structure or natural object in the right-of-way.
- Q) Temporary signs such as portable signs, A-frame signs, wind signs, captive balloons or banners except as permitted under the temporary signs provisions below.
- R) Pursuant to 23-1-6 Code of Alabama, signs, markers, and advertising on the rights-of-way of state controlled highways are prohibited except those official signs or markers placed thereon by the State Department of Transportation or under its authority.

Section 114-213. Permit Required. Permanent signs require a permit and are to be located, placed, constructed, erected or modified on a lot or parcel as described on the permit application.

- A) No new permit shall be issued until all signs on the site comply with the provisions of this Article.
- B) Applicability. No person shall erect, alter, relocate, repair, or change a sign without first obtaining a permit unless a permit is not required in accordance with Section 114-211.
- C) Permit Contents. It shall be the applicant's responsibility to submit a complete application to the Planning and Development Department on a form provided for that purpose signed by the property owner and/or sign owner and the sign contractor including all submission materials as described below.

D) Signs requiring electrical service, foundation work, etc. shall obtain a building permit conforming to the adopted building code and inspection requirements and the standards contained in this article. The building permit shall also be the sign permit. A permit application shall be required for each sign and accompanied by:

- (1) Payment in the amount of \$50.00 per sign per trade inspection shall be made to the Inspections Services Office when the permit is issued.
- (2) Two (2) copies of a site plan, drawn to scale, indicating the location of all existing and proposed signs, both freestanding and wall mounted relative to public right-of-way, lot lines, easements and buildings on the site. Design drawings for each sign including the dimension of any supporting structures including the maximum height of the sign as measured from finished grade.
- (3) Construction data shall be provided for signs exceeding a height of twenty (20) ft. including but not limited to; electrical load, wind load, anchorage or footing details certified by a Registered Engineer licensed to do business in the State of Alabama. The Building Official may require construction data for any sign.
- (4) Plans and specifications and methods of construction, electrical connections and attachment to the building or the ground for any free standing sign or projecting sign
- (5) Front façade with linear dimensions and calculation of sign size.
- (6) The type of illumination to be used.
- (7) A general description of materials to be used (metal, plastic, wood, etc.).
- (8) Any other data that the administrative official considers necessary to adequately review the application.

E) Signs not requiring electrical service, foundation work, etc. shall first obtain a sign permit conforming to the standards contained in this article. A permit application shall be required for each sign and accompanied by:

- (1) Payment in the amount of \$25.00 shall be made when the sign permit application is submitted.
- (2) Two (2) copies of a site plan, drawn to scale, indicating the location of all existing and proposed signs, both freestanding and wall mounted relative to public right-of-way, lot lines, easements and buildings on the site.
- (3) Front façade with linear dimensions and calculation of sign size.

- (4) A general description of materials to be used (metal, plastic, wood, paint, etc.).
 - (5) Any other data that the administrative official considers necessary to adequately review the application.
- F) A placement permit is required for temporary signs as defined in Section 114-220. There is no charge for a placement permit. Placement permits are required to establish the beginning and end dates that a temporary sign will be on display. Permit forms are available online and may be emailed or faxed to the Planning and Development office according to the instructions on the form. Placement permits are valid for thirty (30) days prior to installation.
- G) Procedures. Sign Permits shall be processed as follows:
- (1) Complete applications shall be submitted to the Department of Planning and Development for review.
 - (2) The application shall be reviewed for conformance with these regulations and approved or denied based on the information provided. If denied, the applicable provisions of these regulations shall be specified.
 - (3) A determination shall be given within five (5) business days on a complete application. If a building permit is also required, the permit application shall be forwarded to the Inspections Services office for processing. The building permit shall also be the sign permit.
 - (4) The permit shall be valid for one hundred-eighty (180) days after issuance.

Section 114-214. General Provisions for Permanent On-Premise Signs

- A) Permanent on-premise signs are allowed in all zoning districts.
- B) All signs or sign structures must be erected and attached totally on or within the site or property to which the message refers.
- C) Unless specified elsewhere in these regulations, no portion of any type of sign shall project or be located closer than three (3) feet from the nearest right-of-way line or property line.
- D) The owner of any sign projecting into the right-of-way or placed on or over a public sidewalk shall be liable for damage to any property or injury to any person caused by the placement or failure of any supporting structure.
- E) A-frame signs may be used in the E & HC/G subdistricts in the Downtown Overlay District but shall not impede or obstruct a pedestrian zone of at least six (6) ft. in width, be located in the street or be larger than ten (10) sq. ft. in area.

- F) The height and location of the sign shall not create any traffic or visual obstructions as defined in Section 98-10 in the Dothan Code of Ordinances.
- G) Multiple signs may be placed on the same parcel frontage but shall be a minimum of three-hundred (300) ft. apart.
- H) Signs must be kept in good repair and properly maintained including all electrical elements, paint, and condition of the support structure. Failure to do so is a violation of this ordinance.
- I) Billboards located on a parcel and are being used to advertise a good or service located on that parcel is considered on-premise and must comply with all applicable provisions of these regulations.
- J) Signs must be constructed with and be composed of permanent, durable, weatherproof material that are not consumed or destroyed in use and can be used for a period of time, usually three (3) or more years.

Section 114-215. General Provisions for Permanent Off-Premise Signs. Permanent off-premise signs (billboards) are allowed in certain zoning districts as indicated in the Table of Uses (Section 114-131.1) provided that all permits are obtained and the following requirements are met:

- A) The maximum size of each off-premise sign located five-hundred (500) feet or more inside Ross Clark Circle shall not exceed four-hundred (400) square feet. Off-premise signs located elsewhere in the city shall not exceed six hundred seventy-five (675) sq. ft.
- B) The height of off-premise signs may not exceed sixty-five (65) ft. from the base of the sign.
- C) The lowest portion of sign may not be less than be sixteen (16) ft. above adjacent road grade.
- D) The required setback from any property line (including right-of way) for each off-premise sign shall be ten (10) feet from the edge of the board.
- E) Spacing shall be five-hundred (500) feet between off-premise signs located on the same side of the street.
- F) Off premise signs shall not be located one above the other or side by side.
- G) All off-premise signs shall be of all-metal single-pole construction except for the sign face and trim which may be of other durable materials.
- H) All construction and clearing debris shall be removed from the site upon completion of construction.

- I) Off premise signs shall be located no closer than one-hundred (100) feet to any residentially zoned district.
- J) Off Premise signs may contain digital or electronic displays but;
 - (1) Shall not contain or appear to contain any movement such as animation, flashing, scrolling, intermittent, rotating or moving lights or full motion video.
 - (2) The entire message shall remain on for at least eight (8) seconds.
 - (3) Transition time to the next image shall be no greater than two (2) seconds.
 - (4) Spacing between structures with digital displays, whether single face or back to back, shall be a minimum radius of two-thousand (2,000) feet from the center of the display.
 - (5) Must be located within a one-thousand (1,000) ft. radius of intersecting state highways and arterial streets as defined in Article II as a “Major Thoroughfare”.
 - (6) No digital billboard may be erected at the intersections of Main St. and Park Ave., Main St. and Woodland Dr., and Woodland Dr. and Fortner St.
 - (7) Brightness of the display shall be controlled automatically to reduce light levels at night or under cloudy or other darkened conditions and shall not be brighter than is necessary for clear and adequate visibility, or that might impair the vision of a driver, or interferes with traffic control and comply with Section 114-222 Illumination Standards.
 - (8) Digital displays may not be located nearer than two-hundred fifty (250) ft. from any residential district.
 - (9) Subject to normal permitting procedures and structural capabilities, existing conforming billboards and structures may be converted to accommodate electronic or digital technology subject to compliance with all other provisions and requirements of this Chapter (setbacks, spacing criteria, etc.).

Section 114-216. Measurement Standards

A) Signs with integral background. The area of a sign with a clearly defined background shall be the area of the smallest standard geometric shape capable of encompassing the sign copy and background. Where the sign copy is contained within multiple background areas separated by open space, the sign area shall be expressed as the sum of the separate areas of each background and without regard to the open space between the separate background areas.

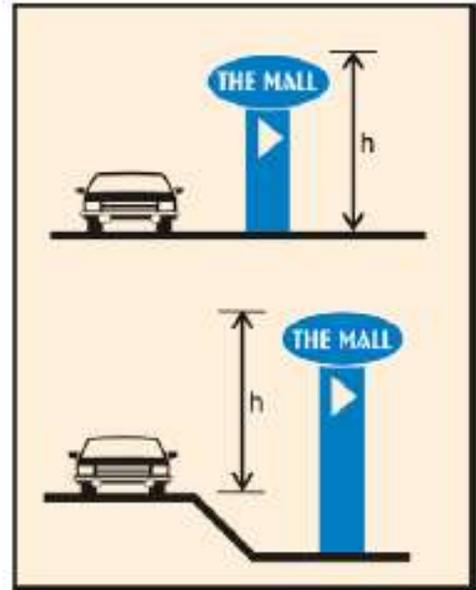
B) Signs without integral backgrounds. Where a sign consists of individual elements such as letters, symbols, or graphic objects that are painted on, attached to or otherwise affixed to a surface that is not specifically designed to serve as a sign background, the sign area shall be the sum of the areas of the smallest standard geometric shape capable of encompassing the sign copy.

C) Multi-faced Signs: The sign area for a sign with more than one (1) face shall be computed by adding together the area of all sign faces visible from any vantage point.

D) The height of a sign shall be computed as the distance from the base of the sign to the top of the highest attached component of the sign exclusive of any filling, berming, mounding, or excavating solely for the purpose of locating the sign. Where a freestanding sign is mounted along a roadway, height shall be measured from the grade of the road to the highest attached component of the sign.

E) The addition of cladding covering the support structure is encouraged and shall not be considered in the calculation sign area unless the cladding exceeds 25% of the width of the sign face. The cladding shall not to exceed 30 inches total width.

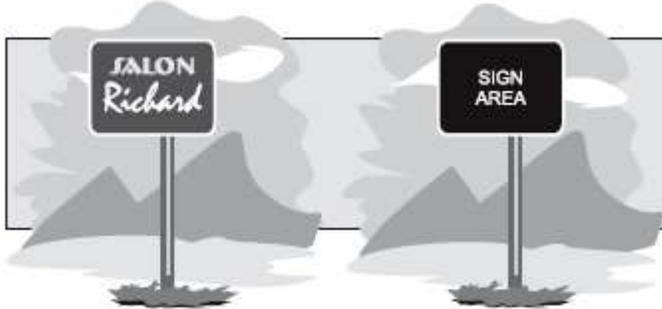
F) Monument signs, including embellishments, shall not exceed twelve (12) ft. in width or eight (8) ft. in height.



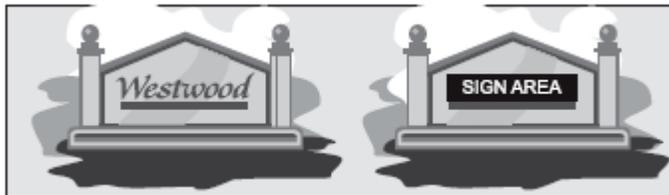
G) Illustrations



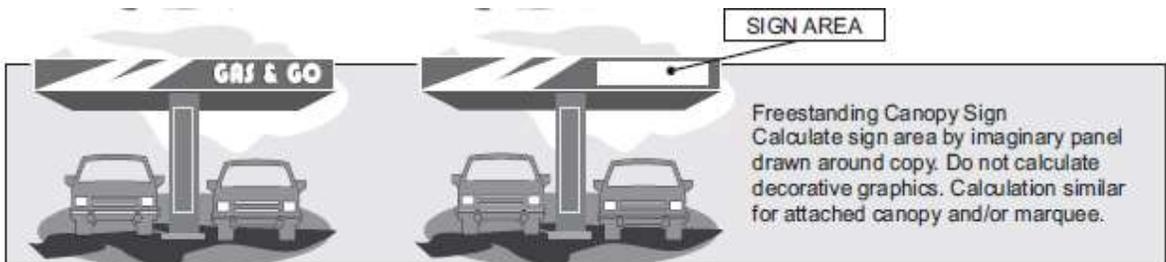
Freestanding sign with thematic embellishment and concealed support. Calculate sign face area by actual panel dimensions containing copy. Do not include cladding in calculation unless width is greater than 25% of sign face or 30 inches.



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

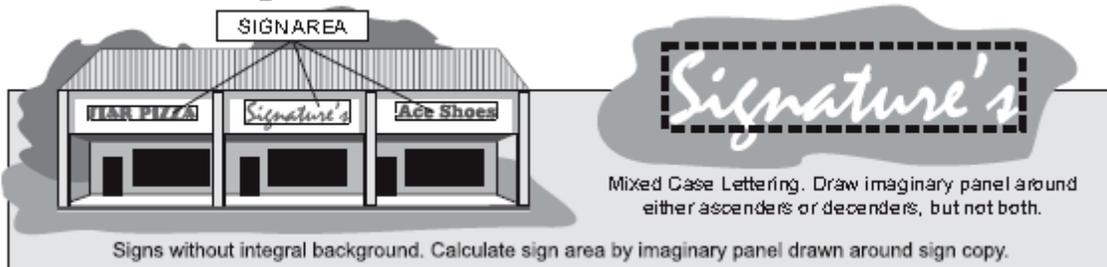


Freestanding monument sign with thematic embellishment and concealed support. Calculate sign face area by defining smallest geometric figure drawn around sign copy unless copy is integral to background.



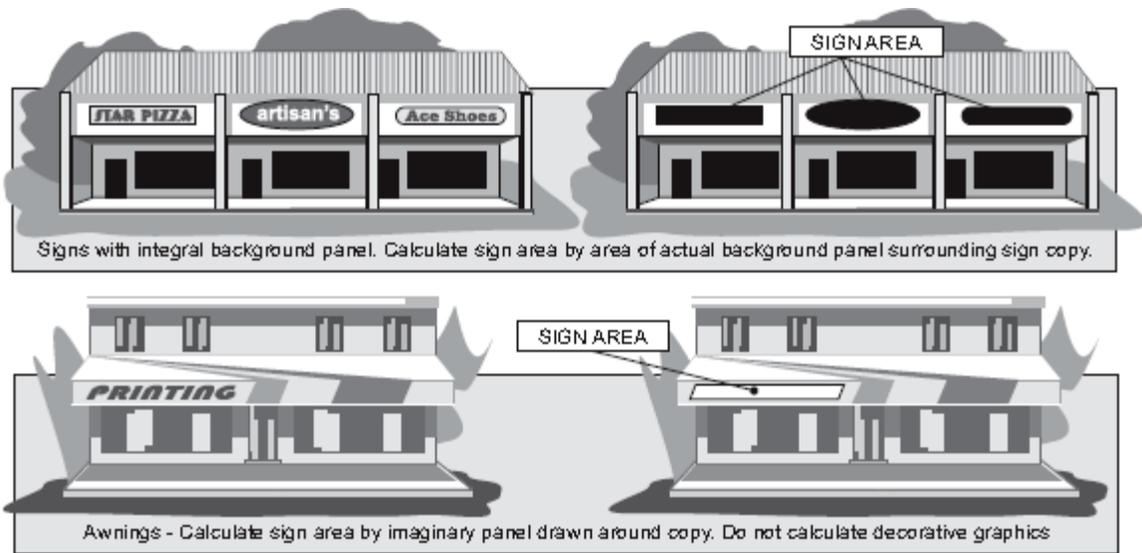
Freestanding Canopy Sign
Calculate sign area by imaginary panel drawn around copy. Do not calculate decorative graphics. Calculation similar for attached canopy and/or marquee.

Wall / Fascia Signs



Mixed Case Lettering. Draw imaginary panel around either ascenders or decenders, but not both.

Signs without integral background. Calculate sign area by imaginary panel drawn around sign copy.



Section 114-217. Sign Standards in Residential Districts. Unless specified elsewhere in this article, sign standards for on-premise signs in a residential district are described below and in Table 1.

- A) Residential development signs may be placed on two (2) separate structures flanking the entrance, each face being of equal size (32 sq. ft. max.) or may be on one (1) double faced structure, each face being of equal size (48 sq. ft. max).
- B) All signs shall be maintained perpetually by the developer, the owner of the sign, a pertinent homeowners association or some other person who is legally responsible.
- C) Non-residential uses located in a residential district may have one (1) sign per street front but shall maintain a separation distance of three-hundred 300 ft. between signs.

Table 1 - Signs in Residential Districts					
	Types of Signs	Number of Signs	Permitted Sign Area	Maximum Height	Lighting
Individual Residential Properties Single Family Detached or Attached, Townhomes	Freestanding or Wall	1 per street front	6 SF	6 ft.	None
Residential Developments Single -Family Subdivisions, Apartment/Condominium Complexes	Monument	1 per street front	32/48 SF see A above	8 ft.	Internal or External
	Wall	1 per facade	5% of facade area	N/A	Internal or External
	Incidental or Directional	NA - but not visible from public R/W	N/A	N/A	None
Permitted Non-Residential Uses in Residential Districts	Monument	1 per street front	48 SF	8 ft.	Internal or External*
	Wall	1 per facade	5% of facade area	N/A	Internal or External*
	Incidental or Directional	N/A - but not visible from public R/W	N/A	N/A	None
	*Illumination (including EMC signs) of signs for non-residential uses in residential districts requires Special Exception approval. See Section 114-221 & 222 for standards.				

Section 114-218. Sign Standards for Office and Institutional Districts. Sign standards for on-premise signs in an Office or Institutional district (O-1, O-2 and O-3) are described below and in Table 2.

- A) Any sign permitted in a residential district where that use is also permitted in an Office or Institutional District.

- B) Freestanding signs for an office building or institutional uses may be placed on two (2) separate structures flanking the entrance, each face being of equal size (32 sq. ft. max.) or may be on one (1) double faced structure, each face being of equal size (48 sq. ft. max). Signs may be placed at secondary entrances not exceeding nine (9) sq. ft. or be taller than eight (8) ft. Wall signs are permitted as described in Table 2.
- C) Freestanding signs for an office park development with multiple buildings may be placed on two (2) separate structures flanking the entrance, each face being of equal size (32 sq. ft. max.) or may be on one (1) double faced structure, each face being of equal size (64 sq. ft. max). Signs may be placed at secondary entrances not exceeding nine (9) sq. ft. or be taller than eight (8) ft. Wall signs are permitted as described in Table 2.
- D) Wall signs for Office or Institutional uses shall be as specified in Table 2.
- E) Freestanding signs are not permitted for a neighborhood office development or building. Wall signs may not exceed five percent (5%) of the façade area or twenty-four 24 sq. ft. whichever is smaller.

Table 2 – Signs in Office and Institutional Districts				
	Types of Signs	Number of Signs	Permitted Sign Area	Maximum Height
Individual Properties	Freestanding	1 per street front	32/48 SF See B above	8 ft.
	Wall	1 per side	Less of 10% of façade area or 42 sq. ft.	N/A
	EMC allowed – see Section 114-221 & 222 for standards. Special Exception required when located in a residential district.			
Office Parks or Multiple Occupancy Buildings	Freestanding	1 per street front	32/64 SF	12 ft.
	Wall	3 per façade	Less of 5 % of façade area or 42 SF per sign	N/A
	Incidental or Directional	N/A – but not visible from public R/W	N/A	N/A
	EMC allowed – see Section 114-221 & 222 for standards.			

Section 114-219. Sign Standards for Commercial or Industrial Districts. Sign standards for on-premise signs in Commercial or Industrial districts are described below. Area and height dimensional standards are provided in Table 3 for free-standing signs and Table 4 for wall mounted signs.

- A) Freestanding Signs Generally. Signs may be placed in a freestanding location on a commercial or industrial zoned parcel subject to the following limitations:
- (1) All free standing signs must comply with wind load criteria established for this region.
 - (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 provisions for freestanding signs.
 - (3) If the property has multiple frontages, the permitted sign area for one (1) frontage may not be combined with that permitted on another frontage to increase the permitted sign area on one (1) frontage.
 - (4) On the same parcel, no freestanding sign on one (1) frontage may be closer than one hundred (100) feet to a sign on another frontage.
 - (5) Allowable sign area may be divided among multiple signs provided they are at least three-hundred (300) feet apart.
 - (6) Signs at secondary entrances shall be permitted for shopping centers or industrial parks but shall not exceed nine (9) sq. ft. or be taller than eight (8) ft.
 - (7) Except as modified above, buildings containing multiple units are limited to one (1) freestanding sign regardless of unit ownership.
- B) Freestanding Sign Size by Posted Speed Limit. Sign size is recognized to be a function of legibility, reaction time and reaction distance. The following table establishes sign size and height given the posted speed limit. Unless specified elsewhere, the area and height above grade of any free standing sign shall not exceed the amounts specified in Table 3.

Table 3 – Freestanding Signs in Commercial & Industrial Districts								
Values indicated are maximum limits on a sign size and height.								
A = Sign Area in Square Feet; H= Sign Height in Feet								
Zoning District	B-1		B-2		B-3		L-I or H-I	
Speed Limit	A	H	A	H	A	H	A	H
>25	24	14	78	26	50	22	78	26
30	28	16	112	30	72	26	112	30
35	32	18	153	36	98	30	153	36
40			200	42	128	34	200	42
45			253	42	162	38	253	42
50			312	42	200	42	312	42
55			378	42			378	42

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

- (1) The total area of all signs affixed shall not exceed an area computed as a percentage of the building façade facing the public right-of-way including window and door areas subject to the limitations in Table 4 below.
- (2) In the case of a shopping center or a group of stores held in single and separate ownership, the provision of this section relating to the total area of signs permitted on the premises shall apply with respect to each building or separate store. Only building signs shall be permitted for individual stores.

Table 4 – Building Signs	
Distance of sign from Road	Percentage of Façade Area
1 to 100 ft.	10% with no individual sign exceeding 100 sq. ft.
101 to 300 ft.	15% with no individual sign exceeding 125 sq. ft.
Over 300 ft.	20% with no individual sign exceeding 150 sq. ft.

- (3) Each multiple occupancy complex may display one (1) building sign on each side of the principal building or buildings in the complex, not to exceed the sign face area calculated from Table 4.
 - (4) Each occupant located in a multiple occupancy complex may display two (2) signs on any exterior portion of the complex that is part of the occupant's unit, not including common or jointly owned portions, not to exceed the sign face area calculated from Table 4.
- D) Signs on Awnings or Canopies.
- (1) Canopy signs, marquee signs and signs on architectural projections are signs mounted or affixed to either a structure that projects off the face of a building at least eighteen (18) inches or is mounted to a freestanding structure not attached to a building that effectively covers an area below.
 - (2) Signs shall be affixed in an essentially flat plane to the face of the canopy, marquee or architectural projection and are permitted in commercial and industrial zones but shall not exceed forty percent (40%) of the area of the mounting surface. The area of any sign shall count towards the total façade area in Table 4.
 - (3) Signs may be affixed or applied to the face or sides of an awning provided the copy area does not exceed forty percent (40%) of the area to which it is affixed or applied. The area of any sign shall count towards the total façade area in Table 4.
- E) Projecting Signs – Notwithstanding the general prohibition of signs in the right-of-way, signs attached to the face of a structure that project over the right-of-way are permitted in the B-1 district only subject to the following standards:
- (1) Projecting signs shall be limited to one (1) per façade except for uses that front on more than one (1) street in which case, one (1) sign shall be permitted per façade. For buildings with a façade exceeding two-hundred (200) linear feet, one (1) sign shall be permitted for each two-hundred (200) linear feet.
 - (2) The area of a projecting sign shall not exceed one (1) square foot per two (2) linear feet of building facade. No projecting sign shall exceed the area indicated in Table 3 for the speed limit on which the façade fronts.
 - (3) Projecting signs may not extend above the highest point on the façade or occupy a vertical dimension greater than twenty-five percent (25%) of the total façade height.
 - (4) Projecting signs may not extend over a public sidewalk greater than one-half (1/2) the distance to the street curb or eight (8) ft. whichever is less.

- (5) Projecting signs shall be no lower than ten (10) ft. above the sidewalk.
 - (6) Projecting signs shall not be permitted in addition to any permitted free-standing sign on that street front.
- F) Under Canopy/Awning Signs – Notwithstanding the general prohibition on signs in the right-of-way, signs attached to the underside of a permitted canopy or awning that project over the right-of-way are permitted in the B-1 district only subject to the following standards:
- (1) No more than one (1) Under Canopy/Awning Sign shall be permitted per establishment per façade.
 - (2) There shall be a minimum of eight (8) feet of clearance below the bottom edge of the Under Canopy/Awning Sign.
 - (3) No Under Canopy/Awning Sign shall exceed four (4) square feet in size.
 - (4) An Under Canopy/Awning Sign shall be limited to a maximum of two (2) feet in height and four (4) feet in length but may not exceed the projection of the Awning or Canopy.
 - (5) Under Canopy/Awning Signs shall be oriented perpendicular to the adjacent wall, located directly adjacent to the business entrance and attached in a manner acceptable to the Administrator that prevents swinging.
 - (6) The area of Under Canopy/Awning Signs shall count towards the total façade sign area permitted in Table 4.
 - (7) Under canopy mounted signs shall be securely attached as approved by the building official.
 - (8) Under Canopy/Awning Signs may be illuminated with an indirect or external light source not otherwise attached to the sign; internally illuminated and/or neon signs are specifically prohibited.

Section 114-220. Temporary Signs. Temporary forms of advertising may be used by commercial establishments subject to the limitations below. For the purpose of these regulations, temporary signs include commercial banners, portable signs on fixed legs or wheels and wind signs (see definition). The permittee shall be directly responsible for the condition of the sign.

- A) A placement permit for a temporary sign is required [see Section 114-213 (E)].
- B) No temporary sign shall be used as a permanent sign.
- C) Temporary signs may only be used for on-premise advertising.

- D) Temporary signs shall not be located on the public right-of-way, in the sight triangle of any intersection, or attached to natural object, utility appurtenance or traffic control device.
- E) Temporary signs shall comply with any regulations applying to signs in general such as setback, sight distance requirements, etc. as all other signs.
- F) Commercial Banners and wind signs may be displayed at any commercially or industrially zoned location, for the purpose of announcing a grand opening, sale or special event provided:
 - (1) Commercial banners may not be displayed for longer than fifteen (15) days per address no more than 8 times per year. Display periods may not be consecutive with at least fifteen (15) days in between display periods.
 - (2) No banner or wind sign may be illuminated.
 - (3) Only one (1) banner or wind sign per address.
 - (4) Only used for on-premise advertising.
 - (5) Banners and wind signs containing date or time information shall be removed at the conclusion of the event.
 - (6) Banners and wind signs must be kept in good condition and legible or replaced or removed as conditions warrant.
 - (7) Banners may not be attached to any traffic control device or utility appurtenance.
- G) Portable signs shall be allowed at locations approved in the Table of Permitted Uses (Section 114-131.1) provided:
 - (1) Portable signs may not be displayed for longer than thirty (30) days per address no more than three (3) times per year. Display periods may be consecutive.
 - (2) Portable signs may be illuminated but may not contain flashing, intermittent, rotating or moving lights.
 - (3) Portable EMC's shall adhere to the provisions in Section 114-221 & 114-222.
 - (4) The electrical power supply to portable signs shall comply with the adopted electrical code and the power cord is protected from vehicle traffic. An electrical permit is required.

- (5) Portable signs must be properly anchored to the ground as approved by the Building Official.
- (6) Portable signs shall not occupy a required parking space.
- (7) Messages displayed on portable signs shall be complete and legible.
- (8) Portable signs must be kept in good condition and repair including the letter backing material, frame, cabinet and legs.
- (9) Portable signs without any message for longer than thirty (30) days shall be deemed abandoned.

Section 114-221. Standards for Electronic Message Centers (EMC's). Signs using electronic, digital or video technology are permitted in all zoning districts subject to the following limitations:

- A) An EMC may occupy a portion or all of the area for a building sign or freestanding sign permitted for that district.
- B) There shall be no effects of movement, blinking, scrolling, flashing, spinning, flying in/out, scintillation, animation or similar effects of the individual images displayed.
- C) Approved EMC's shall have a minimum display time of twelve (12) seconds with at least a two (2) second transition time.
- D) EMC signs are permitted in Office, Commercial and Industrial Districts provided:
 - (1) Transitions between messages may include fade, dissolve or other similar effects but may not include continuous scrolling, traveling, flashing, spinning, rotating or other similar moving effects.
 - (2) Full motion video is prohibited.
- E) EMC signs shall not display color that interferes with or mimics a traffic control device.
- F) No EMC sign shall use the words "stop," "danger," "go," or any other word which imitates or approximates any official traffic instruction or traffic control sign or be illuminated in any manner which imitates or approximates any official traffic directional or traffic control device.
- G) If at any time the programming or technology that controls the brightness, time on message, or visual display characteristic fails or malfunctions and is determined to be a hazard to the safety of the traveling public, the sign shall be immediately turned off, disconnected or disabled.

Section 114-222. Illumination Standards. Signs may be illuminated consistent with the following standards.

- A) Unless otherwise provided, signs located on residentially zoned property may not be illuminated at night. Signs for approved non-residential uses in a residential district may be illuminated with Special Exception approval.
- B) Lighting fixtures for signs externally illuminated shall be fully shielded to prevent glare or light leak.
- C) Brightness of the display shall be controlled automatically to reduce light levels at night or under cloudy or other darkened conditions and shall not be brighter than is necessary for clear and adequate visibility, or that might impair the vision of a driver, or interferes with traffic control. Either of the following options may be used to measure brightness.
 - (1) All digital billboards and/or EMC signs shall have automatic dimming technology to adjust the brightness of the sign relative to ambient light conditions so that sign brightness does not exceed three-tenths (0.3) foot-candle (lux) above ambient light as measured using a foot candle (lux) meter in conformance with the following process:
 - a. Ambient light levels shall be measured between the period of one (1) hour after sunset and one (1) hour before sunrise as determined by the National Weather Service with the sign turned off (black screen).
 - b. Light measurements shall be taken with a lux meter aimed directly at the sign face displaying full white.
 - c. Measuring distance shall be determined using the following equation: the square root of the product of the sign area and one-hundred. (Example using a 12 square foot sign: $\sqrt{[12 \times 100]} = 34.6$ feet measuring distance).
 - d. If brightness measurement by the above methodology is impractical, certification using option 2 shall be provided.
 - (2) The maximum level of brightness for digital billboards and/or EMC signs shall not exceed five thousand (5,000) nits when measured from the sign's face at its maximum brightness, during daylight hours. The maximum level of brightness for digital billboards and/or EMC signs shall not exceed five hundred (500) nits when measured from the sign's face at its maximum brightness, between sunset and sunrise as determined by the National Weather Service.

Section 114-223. Nonconforming Signs

- A) Existing signs prohibited by this code shall be regarded as illegal signs upon the effective date this ordinance. All illegal signs shall be removed immediately.
- B) Existing signs not conforming to the provisions stated in this ordinance shall be regarded as nonconforming signs.
- C) Permanent signs and sign structures that are moved, removed, replaced or structurally altered must be brought into conformance with these regulations.
- D) Nonconforming signs that have been removed may be replaced within six (6) months in compliance with these regulations.
- E) Nonconforming signs required to be moved resulting from the acquisition of right-of-way may be re-established in conformance with other provisions of these regulations.
- F) Removable faces or sign panel inserts in a cabinet style sign may be changed by right and does not constitute a structural alteration or cause the loss of nonconforming status.
- G) The status of a nonconforming sign is not affected by ownership.
- H) Within thirty (30) days, existing digital signs permitted prior to October 1, 2013 shall comply with the sections of this ordinance pertaining to brightness if they are able to comply. If existing digital signs do not have the ability to comply with the ordinance (i.e. if they do not come equipped with automatic dimming technology, ability to dim, etc.) they shall either retrofit their sign so as to comply with the ordinance, adjust their brightness to six percent (6%) of maximum brightness daily between dusk and dawn or they shall be turned off daily between dusk and dawn.
- I) Owners of existing temporary signs (banners, wind signs and portable signs) are subject to 114-220, 114-221 and 114-222 must send in a placement permit within ninety (90) days of the effective date of these provisions or become nonconforming and be subject to the applicable provisions.
- J) Loss of nonconforming sign status.
 - (1) When a sign or sign structure is destroyed or intentionally removed, the replacement sign and sign structure must comply with the standards in these regulations.
 - (2) Signs or sign structures that are damaged or in need of repair to the extent of fifty percent (50%) or more of its replacement value must comply with the standards in these regulations.

- (3) If the business or operation to which the sign pertains has ceased to operate for a period of sixty (60) consecutive days, or has otherwise changed, the sign is considered abandoned.
- (4) The sign is erected without a permit.
- (5) Once a sign is altered to conform or replaced with a conforming sign, the nonconforming sign may not be re-established.

Section 114-224. Variances. It is the explicit intent that this section be enacted to accomplish the purposes set forth in Section 114-207. Variances to these provisions shall be granted only in the case of a hardship connected to the physical features of the site.

Secs. 114-225 to 114-235. Reserved.

Article XIII. Landscaping and Buffers.

Sec. 114-236. Tree protection and landscaping.

- A) **Purpose.** The purposes of this article are to protect and enhance the natural environment by:
- (1) Providing for the preservation of protected trees as defined in this article;
 - (2) Providing for the replacement of protected trees that may be removed;
 - (3) Aiding in the conservation of energy by encouraging the planting of canopy (shade) trees and vegetation which provide for a more pleasant and relaxing urban environment;
 - (4) Reducing the impact of development on the community's storm drainage system and reduce flooding;
 - (5) Establishing landscaping standards for property to be developed;
 - (6) Encouraging the selection of native plant species for vegetation;
 - (7) Reducing the impact of urban and suburban development on remaining stands of natural vegetation;
 - (8) Enhancing the appearance of the city;
 - (9) Protecting public and private investment by enhancing property values;
 - (10) Buffering incompatible land uses as well as providing relief from traffic noise, heat, glare, and the spread of dust and debris; and
 - (11) Providing for enforcement of the provisions contained in this ~~section~~ article.
- B) **Administration.** The planning and development department shall have the primary responsibility for the administration of this article. The planning commission may adopt policies and procedures to be followed by the planning and development department in administering this article.
- (1) **Enforcement and penalties.** Violation of the provisions of this article shall be a Class C misdemeanor and shall be punishable as such. Employees of the planning and development department shall be authorized to issue stop work orders and citations for violations of this article.
 - (2) **Applicability to city and other governments.** The provisions of this article shall apply to the City of Dothan and to any other government entities owning property within the City of Dothan Corporate Limits.
 - (3) **Public utilities.** This ~~section~~ article shall not prohibit public utilities from removing or pruning trees or clearing other vegetation from street rights-of-way or utility rights-of-way. However, such removal or pruning should be coordinated with the city horticulturist.

- (4) **Local street rights-of-way and easements.** Except as otherwise provided for in this article, trees of eight (8) inches or greater DBH shall not be removed from any local street right-of-way, utility easement or public easement unless such removal is in accordance with an approved tree removal plan or landscaping plan. Failure to follow this provision shall be punishable in accordance with Section 1-4 of this code.
- C) **Definitions.** Definitions specific to buffer and landscaping may be found in Article II of this Chapter.

Sec. 114-237. Tree preservation and removal.

A) Tree preservation.

- (1) **Forestry activity (silviculture).** Harvesting trees being cultivated for forestry purposes from A-C zoned property shall be permitted as an agricultural activity.
- (2) **Forestry activity (non-silviculture).** No trees, including non-protected trees or other vegetation, shall be removed from any residential buffer, except on A-C zoned property, prior to the issuing of a building permit or the approval of a tree removal plan.
- (3) **Tree preservation credit.** To encourage the preservation of existing trees on development sites, credit is available as follows:
 - a. Credit for any protected tree preserved during building development will be given on a one for one basis required for the site as defined in 114-238(e).
 - b. Credit will be given on a one to one basis for each additional 6 inches up to a maximum of 36 inches total caliper above the minimum for any protected tree required for the site as defined in 114-238(e) (i.e. preserving a 36 inch tree is worth four canopy trees, $36 - 12 = 24/6 = 4$).
 - c. Credit may only be applied towards canopy trees.
- (4) **Exceptions.** This section shall not prohibit the removal of a tree.
 - a. That constitutes a safety hazard or a threat to property or other trees, provided that the planning commission may adopt procedures for demonstrating that such a safety hazard or a threat to property exists.
 - b. That creates a sight obstruction for public streets, provided, however, that the planning commission may adopt procedures for demonstrating that such a sight obstruction exists.
 - c. That, by virtue of harboring insects, vermin or other animals, constitutes a public health hazard, provided, however, that the

planning commission may adopt procedures for demonstrating that such a public health hazard exists.

- d. Whose removal is necessary to accommodate public infrastructure or public easements.
- e. Necessary for a public street or public right-of-way.
- f. Necessary to perform a boundary or topographical survey. However, only the minimum number of trees necessary to accomplish such a survey shall be removed.
- g. That is located on a lot or parcel in an R-1, R-2, R-3, or R-4 (three (3) attached dwelling units or less), zoning district on which a residential structure has been constructed or for which a permit to construct a residential structure has been issued.

B) Tree removal.

- (1) No tree, including non-protected trees or other vegetation, shall be removed from the residential buffer on any lot or parcel unless the property is zoned A-C or a tree removal plan has been approved in accordance with Article V, Development Plans, of this code.
- (2) No tree of twelve (12) inches or greater DBH, including non-protected trees, shall be removed from the portion of the tree protection area on any lot or parcel unless the property is zoned A-C or a tree removal plan has been approved in accordance with Article V, Development Plans, of this code.
- (3) Non-protected trees may be removed from the core area of a lot or parcel.
- (4) Except as provided for in Section 114-237 (A)(3) of this article, no protected tree shall be removed from the core area of any lot or parcel unless a tree removal plan has been approved in accordance with Article V, Development Plans, of this code.

C) Tree removal plan. Tree removal plans shall be submitted to the planning commission in the same manner as major development plans as provided for in Article V of this code. The planning commission shall consider a tree removal plan in the same manner as major development plans. The planning commission may approve a tree removal plan, disapprove it, or approve it with amendments or conditions. Tree removal plans may be approved by staff for minor development plans in accordance with Section 114-76 of this code. A tree removal plan shall include the following information:

- (1) An accurately drawn map on twenty-four inches by thirty-six inches (24" x 36") paper showing any residential buffers and any tree protection areas on the lot or parcel;

- (2) Inventory of all existing trees of twelve (12) inches or greater DBH located within any residential buffer, tree protection area, adjacent street right-of-way, utility right-of-way or public easement and any protected trees located in the core area. The inventory shall show: the approximate location of each tree, the size (expressed in DBH), and species of each tree;
- (3) Description of other vegetation in any residential buffer;
- (4) Identification of trees of twelve (12) inches or greater DBH to be removed from any residential buffer, tree protection area, street right-of-way, utility right-of-way or public easement and any protected trees to be removed from the core area of the property;
- (5) Names and addresses of owners of adjacent properties, including across any abutting streets;
- (6) An accurately drawn map on twenty-four inches by thirty-six inches (24" x 36") paper showing any proposed re-plantings or other proposed screen;
- (7) A description of the size, species, and number of any proposed replanting materials and a description of any other proposed screen; and
- (8) The clearing limits of the proposed project.

Sec. 114-238. Landscaping.

- A) **Application.** This section shall apply to any new development or construction in any R-A, MH-1, O & I, O-2, O-3, B-1, B-2, B-3, L-I, H-I, and R-4 (over three (3) attached dwelling units) districts and for property on which public and semi-public uses or buildings are located.
 - (1) For any development or construction that increases the gross floor area, lot area, or parking area of an existing structure or development located in any of the districts listed above by twenty-five percent (25%) or more.
 - (2) For any new development or construction for which development plans are required.
 - (3) For any development or construction that increases by twenty-five percent (25%) or more the gross floor area, lot area, or parking area of an existing structure or development for which development plans were required.
 - (4) If trees of eight (8) inches DBH or greater are removed from any street right-of-way or any tree protection area in order to accommodate the erection of a billboard, the site shall be landscaped according to the planting requirements in this article.
 - (5) Property for which development plans approved by the planning commission or staff prior to the effective date of this article shall not be subject to its provisions. However, any property for which development plan approval has lapsed will be subject to the provisions of this article.
- B) **Landscaping plan required.** A landscaping plan shall be required as follows:

- (1) Landscaping plans submitted must be designed only by an architect, civil engineer, landscape architect, or a professional landscape designer certified by the State of Alabama.
- (2) For developments or structures for which development plans are required to be reviewed, a tree removal/landscaping plan shall be included as part of the development plans. The approved landscaping plan, as approved or amended, shall be included as part of any subsequent submittal for a building permit.
- (3) For any other property, development, or construction to which this article applies, a landscaping plan shall be included as part of the submittal for a building permit.
- (4) At a minimum, landscaping plans shall include the following information. Additional information may be required by the planning commission.
 - a. Any tree removal plan previously approved for the property.
 - b. Location of any tree protection areas and residential buffers on the property.
 - c. A tree survey showing the location, species, and size of any existing trees of twelve (12) inches DBH or greater located within any residential buffer, tree protection area, adjacent street right-of-way, utility right-of-way or public easement and any protected trees in the core area and indicating any such trees that are proposed to be removed as part of the development of the property.
 - d. Information showing the location, type of tree (see 114-239) and sizes of all proposed landscaping materials, including existing trees and other plant materials that will be incorporated into the landscaping.
 - e. Calculations showing that the proposed plant materials will satisfy the planting requirements as described in this article.
 - f. Information about the type and coverage of the irrigation system.
 - g. The location of any existing or planned power lines or other utilities located on the proposed development or on any adjacent rights-of-way.
 - h. Measures to be taken to prevent damage to any existing trees that are to be incorporated into the landscaping plan.
 - i. Buffers shall be shown in plan view and cross section view.

- D) **Modifications.** The planning commission may modify the strict application of this section for major development plans and staff may modify the strict application of this section for minor development plans when:
- (1) The required plantings or planting area would conflict with utilities, easements, overhead power lines, or as otherwise recommended by staff.
 - (2) A proposed roadway improvement constructed for public purposes will encroach into the landscaping area.
 - (3) Topographical conditions warrant special consideration of the site design.
- C) **Plant diversity.**
- Diversity of plantings should be strived for in all required landscape plantings, and in no case should one species constitute more than fifty percent (50%) of total plantings on site. Landscaping shall largely utilize native or non-competing exotic plant species. Landscaping shall not utilize any exotic vegetation which is likely to out-compete or otherwise displace native vegetation, or require excessive use of fertilizers and water to maintain growth. In addition, the use of existing native species of plant material is strongly encouraged. Existing natural ground cover should be retained where possible by avoiding scraping, grading and sodding. Where the planting requirements require additional trees or shrubs to be installed in an existing natural area, it should be done in a manner which minimizes disturbances to native species.
- D) **Existing landscaping.** To encourage the preservation of existing vegetation on development sites, the following credit is available: Existing non-pine trees twelve (12) inches or greater DBH and pine trees eighteen (18) inches or greater DBH may be credited on a one for one basis for trees required by this article.
- E) **Canopy (shade) trees.** Canopy (shade) trees are required for all development sites under the following schedule:
- (1) At a minimum, one (1) canopy (shade) tree shall be provided per acre or any portion thereof for all industrial projects.
 - (2) At a minimum, two (2) canopy (shade) trees shall be provided per acre or any portion thereof for all commercial projects.
 - (3) In addition to the above, to encourage the use of canopy (shade) trees on development sites, canopy (shade) trees may be substituted for understory trees at two (2) understory trees for one (1) canopy (shade) tree.
- F) **Foundation (building) landscaping.** Though not required as part of this article, it is strongly encourage that foundation (building) landscaping be utilized on all development sites.
- G) **Required landscaped areas.** All developments shall include a perimeter landscaped area of at least ten (10) feet in depth adjacent to any public right-of-

way unless a shallower depth is approved by the planning commission in its approval of the landscaping plan and subject to the following provisions:

- (1) At a minimum, four (4) trees and eight (8) shrubs for each one-hundred (100) feet of linear foot frontage along the right-of-way shall be preserved or planted. The remaining area within the perimeter strip shall be landscaped with grass, ground cover, or other landscape treatment.
- (2) Trees and other landscaping required in the perimeter strip shall be maintained to assure unobstructed visibility between three (3) and nine (9) feet above the average grade of the adjacent street and the driveway intersections through the perimeter strip.
- (3) Understory trees shall be utilized when placing trees in the vicinity of power lines.
- (4) The landscaping should be evenly spaced throughout the perimeter strip; however, nothing in this article shall prohibit the clustering of this material.
- (5) A berm may be utilized in the perimeter landscaped area next to vehicular use areas and must be consistent with Section 98-10 of the City of Dothan Code of Ordinances for sight triangles. If plantings are to be utilized as part of the berm, the berm should be terraced in a manner that retains water for these plantings.

H) **Interior Planting Areas.** All vehicular use areas having forty (40) or more parking spaces shall be subject to the following provisions:

- (1) Interior planting areas are to be located within or adjacent to the parking area as tree islands at the end of parking bays. Interior planting areas shall be located to most effectively accommodate stormwater runoff and provide shade in large expanses of paving and contribute to orderly circulation of vehicular and pedestrian traffic. Interior planting areas shall incorporate pedestrian refuges as appropriate.
- (2) No more than fifteen (15) parking spaces shall be permitted in a continuous row, excluding spaces fronting buildings, without being interrupted by an interior planting area with the following provisions:
 - a. The interior planting area shall include, at a minimum, one (1) tree and four (4) shrubs.
 - b. Required trees and shrubs shall be selected from Section 114-239 (A) and trees shall be at least eight (8) feet in height and one-point-two-five (1.25) inches in diameter measured at six (6) inches above grade after planting. The remainder of the interior planting area shall be landscaped with ground cover or other approved material not to exceed three (3) feet in height.
- (3) In no case shall the minimum planting area contain less than one-hundred-fifty (150) square feet. The planted area of the island must be at least nine

(9) feet in width, measured from back of curb to back of curb and the full length of the parking space. The minimum width of any channeling or canoe type island shall be six (6) feet. All interior planting areas must be curbed to prevent vehicular encroachment.

(4) Compacted subgrade soil in parking islands shall be removed to a depth of twenty-four (24) inches and refilled with topsoil. Additional soil depth may be achieved by mounding.

I) **Detention areas.** The bottom of detention areas may be either seeded or sodded. The sides of detention areas may be either seeded with an erosion control blanket, hydro-seeded or sodded. However, for detention areas located adjacent to the public right-of-way of major thoroughfares, the sides must be sodded. Detention areas must be maintained as landscaped areas. If the seeding option is utilized, no certificate of occupancy will be issued for the project until such time as that seeding has taken root and grass is growing. A cash or surety bond may be utilized if necessary to ensure growth.

J) **Irrigation.** Irrigation for landscaping is required. A temporary system is allowable, but must remain functional for the first eight (8) months after planting. Proof of intent to water all new plantings is required. Landscape islands surrounded by pavement are required to have a permanent system. If a landscaped area contains primarily species native to the immediate region, or plants acceptable for xeric landscaping, the planning commission or staff may waive the requirement for installation of an irrigation system. Consideration of a waiver of the irrigation requirements shall be supported by appropriate documentation provided by the applicant.

Sec. 114-239. Plant list.

A) **Recommended plants.** This list is not meant to be all inclusive. It is the responsibility of the applicant to select species that are appropriate to the location in which they will be planted. Alternate species may be used as determined by the city horticulturist. A landscape architect licensed by the State of Alabama or a landscape designer licensed by the State of Alabama may recommend other species for consideration to the city horticulturist that are suited to the soils and climate of Dothan, Alabama.

(1) Recommended canopy (shade) trees.

Red Maple	Leyland Cypress (buffer only)
Chinese Pistache ²	Bald Cypress (wet areas only)
Oak (all varieties) ¹	Elm (all varieties) ^{1,2}
Ginkgo ²	Zelkova
Tulip Poplar ¹	Southern Magnolia ¹
River Birch	Sycamore ¹
Pine (all varieties) (mass planting only in buffers)	Palms (height a minimum of twenty (20) feet at maturity) (2 palms = 1 canopy tree) ¹
Deodar Cedar ²	
Canopy (shade) trees shall be a minimum of one-point-five (1.5) inches in caliper measured at six (6) inches above grade, eight (8) feet in height or fifteen (15) gallons.	

¹ Not recommended for buffers.

² Recommended for parking lots.

(2) Recommended understory trees.

Flowering Dogwood ²	Crepe Myrtle (excessive pruning not permitted)
Holly (all varieties)	Japanese Maple ²
Grancy Graybeard	Sourwood
Lilac Chaste	Yaupon (weeping, etc.)
Purple Leaf Plum	Magnolia (except Southern Magnolia)
Loquat ¹	Carolina Silver Bell ²
Althea ¹	Cherry Laurel ²
Red Bud ²	Ligustrum
Southern Wax Myrtle	
Understory trees must be a minimum of one-point-two-five (1.25) inches in caliper measured at six (6) inches above grade, eight (8) feet in height or fifteen (15) gallons for a single trunk or eight (8) feet in height with a minimum of three (3) trunks or fifteen (15) gallons for a multiple trunk.	

¹ Not recommended for buffers.

² Recommended for parking lots.

(3) **Recommended shrubs.**

Abelia	Deutzia ¹	Leucothoe Ligustrum
Anise	Elaeagnus	Loropetalum
Almond, Flowering	Fatsia ¹	Mahonia ¹
Arborvitae	Forsythia	Nandina ¹
Azalea	Holly Fern ¹	Oleander
Banana Shrub	Indian Hawthorn ¹	Osmanthus, Tea Olive
Barberry ¹	Hardy ferns ¹	Pittsoporum
Bottlebrush	Gardenia ¹	Roses
Boxwoods ¹	Hydrangeas	Spiraea (all varieties)
Camellia	Hollies	Viburnum
Sasanquas ¹	Junipers ¹	Yew
Chinese Quince	Italian Cypress ¹	
Shrubs shall be a minimum of eighteen (18) inches or three (3) gallons and ground cover shall be a minimum of three (3) one (1) gallon or nine (9) four (4) inch diameter cups.		

¹ Not recommended for buffers.

(4) **Prohibited plants.** The following plants shall not be installed as a landscape material:

- a. Bamboo
- b. Cogon grass
- c. Kudzu
- d. Popcorn or Chinese Tallow trees (Sapium Sebiferum)
- e. Water grass

Sec. 114-240. Maintenance and bonding.

A) **Maintenance of landscaping.**

- (1) All required plant material shall be maintained in good condition at all times. Landscaping materials, including preserved trees that die or become diseased or damaged shall be replaced. The replacement plants shall have size equal to or greater than those being replaced. Replacement plants shall also be the same type as those being replaced unless the city horticulturist determines that one or more alternate species would be more likely to thrive, in which case one of the alternate species may be used. A landscape architect licensed by the State of Alabama or a landscape designer licensed by the State of Alabama may recommend other species for consideration to the city horticulturist that are suited to the soils and climate of Dothan, Alabama. All plant material shall be kept free of weeds, refuse and debris.

- (2) Fences, walls, berms and other structures that deteriorate or are damaged by any cause shall be repaired and/or replaced.
 - (3) Buffers that are altered by erosion, construction, or other causes shall be restored.
 - (4) Commercial landscaping operations are required to remove all debris associated with these operations including grass trimmings, tree trimmings, shrub trimmings, etc.
 - (5) Failure to maintain landscaping materials, replace landscaping materials that have died or become diseased or damaged or remove debris from commercial landscaping operations shall be a violation of this article and shall be punishable as provided for in Section 114-236 (B).
- B) **Completion of landscaping or bond required.** No certificate of occupancy, for any building or development covered by this article shall be issued unless the required landscaping, including any required commercial or industrial landscape buffers has been completed. A certificate of occupancy may be issued if a cash or surety bond for the completion of the required landscaping is provided to the city as outlined below. In addition, no final subdivision plat approval will be granted unless the required landscaping, including any required residential landscape buffers has been completed. Final approval may be granted if a cash or surety bond for the completion of the required landscaping is provided to the city as outlined below.
- (1) **Performance bond.** A performance bond shall be provided to the city to ensure installation of the required landscaping. The performance bond may be in the form of cash or check equivalent to one-hundred percent (100%) of the estimated cost of installation or a contract for that amount. The timing of installation of required plant materials shall be designated by the city horticulturist. Estimates shall be from a licensed landscape contractor and good until installation is authorized. If a contract for the work is submitted, the contract time shall extend to the period so authorized for installation. A surety bond equivalent to one-hundred-twenty-five percent (125%) of the cost may be utilized instead of a cash bond accompanied by the submission of an estimate from a licensed contractor.

Sec. 114-241. Buffers/buffer-yards.

- A) **Purpose.** This section requires landscaped buffers to be provided and maintained when certain land uses are adjacent to or directly across from each other in order to protect uses from the traffic, noise, glare, trash, vibration and odor likely to be associated with a more intensive land use. Landscaped buffers are also required to conserve the values of land and buildings and to provide adequate light and air. The width of the buffer and the required plantings within the buffer vary depending upon the relative intensities of the abutting or adjacent uses. Understory trees shall be utilized when placing trees in the vicinity of power lines.

- B) **Natural landscape buffers.** Nothing in this section precludes the use of a natural landscape buffer. A natural buffer must contain the minimum number of plantings required for that buffer type. Natural buffers must be protected against heavy equipment and any grading activity during construction. Loss of trees in a designated natural buffer shall be replaced at a ratio of two (2) to one (1).
- C) **Landscaped buffer location.** Landscaped buffers shall be located at the perimeter of the development site for any given use, and shall not be located in any portion of a public right-of-way. If the proposed development or expansion of an existing development is located on a larger tract of land, the buffer shall extend only for the length of the development.
- D) **Landscaped buffer modifications.** The planning commission for major development plans or staff for minor development plans may require enhanced and/or alternative buffering, landscaping, or locations to ensure compliance with the intent of these regulations for obnoxious heavy impact uses such as wastewater treatment plants, tallow plants, slaughterhouses, landfills, etc.
- E) **Building setbacks and buffers.** In the event that the required landscape buffer exceeds the required building setback (Section 114-132), then the required building setback shall be equal to the required landscape buffer.
- F) **Accessory buildings and buffers.** Residential accessory buildings and/or structures shall not encroach into designated natural buffers. Residential accessory buildings and/or structures may be placed within non-designated natural buffers in compliance with Section 114-183 (B).

Sec. 114-242. Buffer types.

- A) **Minimum requirements.** The following buffers are the minimum required. There shall be no buffer required between land uses in the same classification. Illustrations of buffer types are available from the planning & development department.
 - (1) A Type 1 buffer shall be required between single-family residential adjacent to or across a right-of-way of no more than two (2) lanes from attached multi-family residential land uses (apartments). The buffer shall be at least twenty (20) feet in width and may contain either a privacy fence at a minimum of six (6) feet in height and a maximum of eight (8) feet in height or, at a minimum, seven (7) trees and twenty (20) shrubs per each one-hundred (100) linear feet. The construction of a privacy fence above six (6) feet in height must be approved by the building official [see Section 114-183 (B)(3)]. If the landscaping option is utilized, the landscaping should be as evenly spaced throughout this area as possible. Nothing in this section shall prohibit the use of a natural buffer, subject to Section 114-241 (B). Any disturbance of the approved buffer shall require full restoration. Refer to Table 1.

- (2) A Type 2 buffer shall be required between residential adjacent to or across a right-of-way of no more than two (2) lanes and non-residential land uses including apartments containing up to twenty-five thousand (25,000) square feet of gross floor area. The buffer shall be at least twenty-five (25) feet in width. The twenty-five (25) foot buffer must contain, at a minimum, eight (8) trees and thirty (30) shrubs per each one-hundred (100) linear feet. Where vacant single family residential abuts vacant or existing non-residential property, the Type 1 buffer shall apply on the residential side. Residential buffers shall be recorded on the final plat map. A Type 2 buffer shall apply where a new non-residential land use including apartments containing up to 25,000 square feet of gross floor area is adjacent to or across a right-of-way of no more than two (2) lanes from an existing or future residential land use and shown on the approved development plan. The landscaping should be as evenly spaced throughout this area as possible. Nothing in this section shall prohibit the use of a natural buffer, subject to Section 114-241 (B). Any disturbance of the approved buffer shall require full restoration. Refer to Table 1.
- (3) A Type 3 buffer shall be required between residential adjacent to or across a right-of-way of no more than two (2) lanes and non-residential land uses including apartments containing twenty-five thousand and one (25,001) to fifty-thousand (50,000) square feet of gross floor area. The buffer shall be at least thirty (30) feet in width. The thirty (30) foot buffer must contain, at a minimum, eight (8) trees and thirty (30) shrubs per each one-hundred (100) linear feet. Where vacant single family residential abuts vacant or existing non-residential property, the Type 1 buffer shall apply on the residential side. Residential buffers shall be recorded on the final plat map. A Type 3 buffer shall apply where a new non-residential land use including apartments containing twenty-five thousand and one (25,001) to fifty thousand (50,000) square feet of gross floor area is adjacent to or across a right-of-way of no more than two (2) lanes from an existing or future residential land use and shown on the approved development plan. The landscaping should be as evenly spaced throughout this area as possible. Nothing in this section shall prohibit the use of a natural buffer, subject to Section 114-241 (B). Any disturbance of the approved buffer shall require full restoration. Refer to Table 1.
- (4) A Type 4 buffer shall be required between residential adjacent to or across a right-of-way of no more than two (2) lanes and non-residential land uses including apartments containing fifty thousand and one (50,001) to seventy-five thousand (75,000) square feet of gross floor area. The buffer shall be at least forty (40) feet in width. The forty (40) foot buffer must contain, at a minimum, fifteen (15) trees and seventy-five (75) shrubs per each one-hundred (100) linear feet planted in offset double rows. Where vacant single family residential abuts vacant or existing non-residential property, the Type 1 buffer shall apply on the residential side. Residential buffers

shall be recorded on the final plat map. A Type 4 buffer shall apply where a new non-residential land use including apartments containing fifty thousand and one (50,001) to seventy-five (75,000) square feet of gross floor area is adjacent to or across a right-of-way of no more than two (2) lanes from an existing or future residential land use and shown on the approved development plan. The landscaping should be as evenly spaced throughout this area as possible. Nothing in this section shall prohibit the use of a natural buffer, subject to Section 114-241 (B). Any disturbance of the approved buffer shall require full restoration. Refer to Table 1.

- (5) A Type 5 buffer shall be required between residential adjacent to or across a right-of-way of no more than two (2) lanes and non-residential land uses including apartments containing more than seventy-five (75,000) square feet of gross floor area. The buffer shall be at least fifty (50) feet in width. The fifty (50) foot buffer must contain, at a minimum, fifteen (15) trees and seventy-five (75) shrubs per each one-hundred (100) linear feet planted in offset double rows. Where vacant single family residential abuts vacant or existing non-residential property, the Type 1 buffer shall apply on the residential side. Residential buffers shall be recorded on the final plat map. A Type 5 buffer shall apply where a new non-residential land use including apartments containing more than seventy-five (75,000) square feet of gross floor area is adjacent to or across a right-of-way of no more than two (2) lanes from an existing or future residential land use and shown on the approved development plan. The landscaping should be as evenly spaced throughout this area as possible. Nothing in this section shall prohibit the use of a natural buffer, subject to Section 114-241 (B). Any disturbance of the approved buffer shall require full restoration. Refer to Table 1.
- (6) A Type 6 buffer shall be required between industrial uses containing up to twenty-five thousand (25,000) square feet of gross floor area and any other land use. The buffer shall be at least thirty (30) feet in width. The thirty (30) foot buffer must contain, at a minimum, eight (8) trees and thirty (30) shrubs per each one-hundred (100) linear feet. Where vacant single family residential is adjacent to or across a right-of-way of no more than two (2) lanes from vacant or existing industrial property, the Type 1 buffer shall apply on the residential side. Residential buffers shall be recorded on the final plat map. The landscaping should be as evenly spaced throughout this area as possible. Nothing in this section shall prohibit the use of a natural buffer, subject to Section 114-241 (B). Any disturbance of the approved buffer shall require full restoration. Refer to Table 1.
- (7) A Type 7 buffer shall be required between industrial uses containing twenty-five thousand and one (25,001) to fifty thousand (50,000) square feet of gross floor area and any other land use. The buffer shall be at least thirty-five (35) feet in width. The thirty-five (35) foot buffer must contain, at a minimum, eight (8) trees and thirty (30) shrubs per each one-hundred (100) linear feet. Where vacant single family residential is adjacent to or

across a right-of-way of no more than two (2) lanes from vacant or existing industrial property, the Type 1 buffer shall apply on the residential side. Residential buffers shall be recorded on the final plat map. The landscaping should be as evenly spaced throughout this area as possible. Nothing in this section shall prohibit the use of a natural buffer, subject to Section 114-241 (B). Any disturbance of the approved buffer shall require full restoration. Refer to Table 1.

- (8) A Type 8 buffer shall be required between industrial uses containing fifty thousand and one (50,001) to (seventy-five thousand (75,000) square feet of gross floor area and any other land use. The buffer shall be at least forty (40) feet in width. The forty (40) foot buffer must contain, at a minimum, fifteen (15) trees and seventy-five (75) shrubs per each one-hundred (100) linear feet planted in offset double rows. Where vacant single family residential is adjacent to or across a right-of-way of no more than two (2) lanes from vacant or existing industrial property, the Type 1 buffer shall apply on the residential side. Residential buffers shall be recorded on the final plat map. The landscaping should be as evenly spaced throughout this area as possible. Nothing in this section shall prohibit the use of a natural buffer, subject to Section 114-241 (B). Any disturbance of the approved buffer shall require full restoration. Refer to Table 1.
- (9) A Type 9 buffer shall be required between industrial uses containing more than seventy-five thousand (75,000) square feet of gross floor area and any other land use. The buffer shall be at least fifty (50) feet in width. The fifty (50) foot buffer must contain at a minimum, fifteen (15) trees and seventy-five (75) shrubs per each one-hundred (100) linear feet planted in offset double rows. Where vacant single family residential is adjacent to or across a right-of-way of no more than two (2) lanes from vacant or existing industrial property, the Type 1 buffer shall apply on the residential side. Residential buffers shall be recorded on the final plat map. The landscaping should be as evenly spaced throughout this area as possible. Nothing in this section shall prohibit the use of a natural buffer, subject to Section 114-241 (B). Any disturbance of the approved buffer shall require full restoration. Refer to Table 1.

**TABLE 1
BUFFER TYPES
WIDTH AND LANDSCAPE REQUIREMENTS**

LAND USE	TYPE	WIDTH	CONTENT (Each 100 linear feet along Buffer)	
			Trees	Shrubbery
Between each Use		Minimum Feet		
Detached Residential & Attached Multi-Family	1	20	7	20
Residential & Non-residential (Up to 25,000 sq. ft. of GFA)	2	25	8	30
Residential & Non-residential (25,001 to 50,000 sq. ft. of GFA)	3	30	8	30
Residential & Non-residential (50,001 to 75,000 sq. ft. of GFA)	4	40	15 Offset double rows	75 Offset double rows
Residential & Non-residential (Greater than 75,000 sq. ft. of GFA)	5	50	15 Offset double rows	75 Offset double rows
Industrial (Up to 25,000 sq. ft. of GFA) & Any Other Use	6	30	8	30
Industrial (25,001 to 50,000 sq. ft. of GFA) & Any Other Use	7	35	8	30
Industrial (50,001 to 75,000 sq. ft. of GFA) & Any Other Use	8	40	15 Offset double rows	75 Offset double rows
Industrial (Greater than 75,000 sq. ft. of GFA) & Any Other Use	9	50	15 Offset double rows	75 Offset double rows

- B) **Landscaped buffer reductions.** Requests for a buffer reduction may be approved by the planning commission. A statement from the developer justifying the proposed reduction and a detailed plan specifying species, size, height, spacing, etc. which illustrates that an effective buffer will be established if approved. Such statement and plan must accompany the application. The provision of this section cannot be further varied. Landscaped buffers may be reduced under the following circumstances:
- (1) A Type 1 buffer may not be reduced.
 - (2) A Type 2 buffer may be reduced five (5) feet with the addition of an eight (8) ft. wood privacy fence plus a twenty percent (20%) increase in plant material. In no event shall the buffer be less than twenty (20) ft. in width.
 - (3) A Type 3 buffer may be reduced five (5) feet with the addition of an eight (8) ft. wood privacy fence plus a twenty percent (20%) increase in plant material. In no event shall the buffer be less than twenty-five (25) feet in width.
 - (4) A Type 4 buffer may be reduced by ten (10) feet by adding an eight (8) ft. privacy fence plus a twenty percent (20%) increase in plant material. In no event shall the buffer be less than thirty (30) feet in width.
 - (5) A Type 5 buffer may be reduced by ten (10) feet by adding an eight (8) ft. privacy fence plus a twenty percent (20%) increase in plant materials. In no event shall the buffer be less than forty (40) feet in width.
 - (6) Unless adjacent to residential, a Type 6 buffer may be reduced by five (5) feet by adding an eight (8) ft. privacy fence in addition to the planting requirements. In no event shall the buffer be less than twenty-five (25) ft. in width.
 - (7) Unless adjacent to residential, a Type 7 buffer may be reduced by five (5) feet by adding an eight (8) ft. privacy fence in addition to the planting requirements. In no event shall the buffer be less than thirty (30) ft. in width.
 - (8) A Type 8 or 9 buffer may not be reduced.
 - (9) Regardless of the buffer-type required, if an existing development is proposed to be expanded and there is insufficient width available, all required plant materials for that buffer type shall be installed as practicable. The applicant may not take credit for existing trees and shrubs.
- C) **Landscape buffer requirements within mixed-use development.** Where a building site is used for a single mixed-use development, landscaped buffers shall not be required between the various constituent uses. Landscaped buffers required at the perimeter of the development shall be based upon the individual uses on each portion of the property.

D) **Vehicular use areas.** All non-residential vehicular use areas (parking, access and circulation) adjacent to or across a right-of-way of no more than two (2) lanes from any residentially zoned property and having forty (40) or more parking spaces shall be subject to the following provisions:

- (1) The vehicular use area shall be separated from the residential area by a continuous shrub hedge.
- (2) Shrubs shall be a minimum of two and one-half (2 $\frac{1}{2}$) feet in height at installation, and shall be spaced three (3) feet on center or closer. Said hedge shall be maintained at a height of no lower than three (3) feet.
- (3) Parking spaces facing into the shrub hedge shall include wheel stops unless the shrub hedge is planted four (4) feet or more back from a raised curb.
- (4) If a berm is utilized, it may act in lieu of the continuous shrub hedge.

Secs. 114-243 to 114-253. Reserved.

Article XIV. Telecommunication Facilities

Sec. 114-254. Definitions. Definitions specific to telecommunication facilities may be found in Article II of this Chapter.

Section 114-255. Purpose of section. The regulations contained in this section are adopted for the purpose of protecting the health, safety and welfare of the public by establishing location requirements, site criteria, development and modification standards for wireless communication towers and telecommunication facilities, in accordance with section 704(a) of the Federal Telecommunication Act of 1996.

Sec. 114-256. Intent of section. It is the intent of this section to regulate wireless communication towers and telecommunication facilities while not restricting free enterprise or interfering with the development of the competitive wireless communication marketplace of the city. This article is also intended to encourage and promote shared use/co-location of wireless communication towers and telecommunication facilities as a primary option and the construction of new communication towers and facilities as a last resort. This article is designed to achieve the following objectives:

- A) Protect the public health, safety and welfare by establishing location requirements, site criteria, development and modification standards for wireless communication towers and telecommunication facilities.
- B) Ensure that wireless communication towers and telecommunication facilities are compatible with adjacent land uses.
- C) Preserve the character of the community.
- D) Protect the downtown central business district, historical districts and other areas of city investment.
- E) Avoid adverse visual impacts to the city landscape.
- F) Protect residential zoning districts and other land uses from the potential adverse impact of wireless communication towers and telecommunication facilities.
- G) Avoid potential damage and destruction to property caused by wireless communication towers by ensuring such structures are soundly and carefully designed, constructed, modified, maintained and removed when no longer used or determined to be structurally unsound.
- H) Facilitate the provision of wireless communication service to the residents and businesses of the city.

Sec. 114-257. Construction of towers.

- A) Towers shall be permitted in zoning districts as designated in the Table of Permitted uses (114-131.3).

- B) No towers or telecommunication facilities shall be erected or constructed upon any parcel of land in the city unless all required building permits and approvals have been obtained from the permits and inspection office of the city.
- C) No tower shall exceed two-hundred (200) feet in height without the approval of the board of commissioners.
- D) The city may authorize the use of city property for towers subject to the approval of development plans by the planning commission. However, the city shall not be obligated to make city property available for such purposes.
- E) No tower shall be erected or constructed in the city unless it is capable of supporting another person's, firm or entity operating telecommunications facilities comparable in weight, size and surface area to the applicant's final design. The applicant's final design shall mean the telecommunications facilities installed on the applicant's tower within six (6) months of the completion of tower construction.
- F) An application shall be submitted to the department on a form provided by the department. The application shall be signed by the property owner or accompanied by an affidavit stating that the applicant is authorized to act on the owner's behalf.
- G) A filing fee of \$100.00 plus \$10.00 per acre, not to exceed \$250.00, is required for development plan review and shall be paid at the time of the application. This fee shall be nonrefundable, irrespective of the final disposition of the application.
- H) Development plans shall be submitted to the planning commission for construction of any tower as stipulated below. Development plans shall include, the following information:
 - (1) A letter addressed to the planning commission describing the request, location and zoning of the proposed development.
 - (2) The name, address and telephone number of the owner or lessee of the parcel of land on which the tower will be located. If the applicant is not the owner of the parcel of land in which the tower will be located, written consent of the owner shall be provided.
 - (3) The legal description, tax parcel number and address of the parcel of land on which the tower is to be located.
 - (4) The names, addresses and telephone numbers of owners of towers or usable antenna support structures within a one-mile radius of the proposed new tower site, including any located on city-owned property.
 - a. A letter from the applicant containing the following:
 - 1. Documentation that the applicant has made a good faith effort within forty-five (45) days prior to the submission of the application to install or co-locate the applicant's telecommunication facilities on towers or usable antenna

support structures owned by the city or other persons located within a one (1) mile radius of the proposed site.

2. A letter from an engineer documenting that the proposed tower or telecommunication facilities cannot be installed or co-located on another person's tower or usable antenna support structure located within a one (1) mile radius of the proposed tower site and that it must be constructed at the proposed site in order to meet the coverage requirements of the applicant's wireless communication system.
- b. A letter from an engineer documenting that the proposed structure meets all structural standards as provided for in this article.
- c. A letter from an engineer documenting that the proposed site of the tower or telecommunication facilities does not pose a risk of explosion, fire or other danger due to its proximity to volatile, flammable, explosive or hazardous materials such as LP gas, propane, gasoline, natural gas, corrosive or other dangerous chemicals within the area.
- d. A map showing the design and location of the applicant's existing wireless telecommunication network. Such map shall also show the location of the proposed tower which is the subject of the application.
- e. A letter or other statement of proof of liability insurance and proof of renewals of such policy as required in this article.
- f. A letter of certification from an engineer documenting co-location capability of the applicant's proposed tower.
- g. An approval letter from the FAA and FCC if approval is required by federal law. Should the FCC or FAA not require approval, the applicant shall submit an engineer's certification that no such approval is required.
- h. The name and last known mailing address of the owner of record of any property within one-thousand (1,000) feet of the property on which the tower would be located.
- i. Development plans, eight (8) copies on twenty-four inch x thirty-six inch (24" x 36") paper and in PDF form on a CD shall be submitted, showing the following:
 1. A site plan, drawn to scale, showing property lines, lease lot lines, adjoining rights-of-way, easements, water and sewer lines, electrical lines, utility rights-of-way, utility substations, layout and location of all existing and proposed improvements, antenna support structures, telecommunication facilities, structures, mechanical and electrical equipment, setbacks, parking, security installations, signs, landscaping, fencing,

illumination, camouflage, tower height and existing towers within a one-mile radius of the site.

2. Topographic vicinity map. A current USGS quadrangle sheet, 1:24,000 or equivalent, showing the proposed site location and any residentially zoned property within a one (1) mile radius of the site.
3. Elevation. Elevation drawings of the facility adequate to convey an image of the facility at the proposed location.

Sec. 114-258. Notice required.

- A) Publication of legal notice. All development plans require publication of a legal notice. The administrative official shall cause the preparation of the notice for submission to a newspaper of general circulation for publication. Payment of the fee set out in Section 114-186 (D)(7) includes the cost of publication but shall not be required of employees or agents of the city submitting proposed plans in the course of their official duties.
- B) Posting notice. Public notice signs are required. Such posting shall be accomplished by the applicant as directed by the planning commission. Tabled applications shall be required to post notice before being heard by the planning commission.
- C) Written notice. Written notice shall be mailed to the last known address of the owner of record of any property located within one-thousand (1,000) feet of the property on which the proposed tower would be located. The applicant shall provide the names and addresses of property owners according to the official tax records of the appropriate county in which the proposal is located. The city shall send notice via first-class mail. The cost of said written notice shall be included in the initial application fee. Tabled applications shall be required to pay for additional direct notice before being heard by the planning commission.

Sec. 114-259. Setbacks.

The following setback requirements shall be applicable to wireless communication towers:

- A) Towers shall be set back at least thirty-five (35) feet from any property line. This setback requirement shall not be construed as reducing the minimum distance between a tower and any residentially zoned property as provided for elsewhere in this article.
- B) Setback shall be measured by determining the shortest direct distance to the nearest property line.
- C) No waiver from the setback requirement shall be considered unless the applicant submits an engineer's certification and otherwise demonstrates the necessity or desirability for its being located closer than thirty-five (35) feet to any property line.

Sec. 114-260. Distance requirement from residential structures. Regardless of the zoning district in which a tower is located, no tower shall be located within four-hundred (400) feet of any residential structure.

Sec. 114-261. Structural requirements.

- A) All wireless communication towers must be designed and certified by an engineer to be structurally sound and in compliance with the current building codes adopted by the city.
- B) Towers must be equipped with step bolts and ladders to provide access for inspection purposes. For safety purposes, the owner may remove step bolts and ladders within twelve (12) feet of the ground.
- C) Guy wires or other tower accessories must not cross or encroach upon any street or any electric power lines. In addition, guy wires shall not encroach upon any property without the written consent of the owner.
- D) Towers must be designed by an engineer to resist wind loads in accordance with the standard building codes adopted by the city.

Sec. 114-262. Illumination. Towers shall not be artificially lighted except as required by the Federal Aviation Administration (FAA). No tower shall be lighted by a strobe light unless such lighting is specifically required by the FAA.

Sec. 114-263. Fencing. Any fence constructed around or on any parcel of land for a tower, antenna support structure or telecommunication facilities shall be subject to the approval of the planning commission.

Sec. 114-264. Landscaping and screening.

- A) Generally. Except as otherwise provided for in this section, all parcels containing towers, antenna support structures or telecommunication facilities shall comply with Section 114-238. In addition, special consideration shall be given to the preservation of natural screening. Existing mature tree growth and natural land forms on the site shall be preserved to the maximum extent possible. Towers sited on large, wooded lots shall preserve substantial natural growth around the property perimeter to form a sufficient screen from surrounding off-site views.
- B) Reduced or modified screening methods.
 - (1) In areas of intensive commercial and industrial development, reduced or modified screening methods may include the use of earth-toned colored, vinyl-coated steel security fencing in combination with evergreen shrubs, trees, vines and/or other plantings necessary to achieve visual protection from surrounding off-site views, as determined by the planning commission.
 - (2) In certain locations where the facility cannot be seen beyond the property lines, such as remote agricultural or rural locations, standard screening requirements

may be waived by the planning commission, provided a natural screen is preserved.

(3) Screening requirements may be modified by the planning commission to allow the use of creative concealment methods which will enable the tower to blend with the surrounding environment to achieve visual compatibility.

- a. A screen fence shall be installed before the tower is made operational. Required plantings shall be installed before communications begin unless alternate arrangements have been specifically approved by the planning commission. All required plants shall be xeriscape tolerant. Screening shall be continuously maintained. Any dead, stolen or unhealthy plants shall be replanted at the next available planting opportunity and broken or rotting fencing shall be replaced.

Sec. 114-265. Parking. All parcels upon which towers are located must accommodate at least one (1) vehicle. The driveway or parking surface must be stabilized and dust-free, but need not be paved.

Sec. 114-266. Maintenance of towers.

- A) Generally. The tower owner shall be responsible for maintaining the structural integrity, safety, appearance, screening, landscaping, fencing, security and other installations required by this article and other applicable codes, ordinances, regulations, statutes or conditions of approval imposed by the planning commission. It shall also be the responsibility of the owner to submit an engineer's inspection report to the Public Works Director once every two (2) years certifying the installation requirements set forth in this article. If the report recommends repairs or maintenance, then a certification of completion of repairs or maintenance shall be submitted to the Public Works Director within thirty (30) days of the inspection.
- B) Liability insurance. The owner of the tower shall be responsible for personal injury or property damages that may be caused by the facility due to structural failure, falls or other failures which may cause injuries or damages and shall continuously maintain in full force and effect liability insurance in a reasonable amount to cover liability claims for personal injury or property damage.

Sec. 114-267. Signs and addressing requirements. There shall be no signs at the tower site except warning signs and emergency contact information. Tower sites shall comply with E-911 addressing requirements.

Sec. 114-268. Telecommunication facilities on antenna support structures.

- A) Telecommunication facilities shall be permitted on antenna support structures in zoning districts as designated in the Table of Permitted uses (114-131.3) provided the owner certifies that the following requirements are met:

- (4) The telecommunication facilities shall not extend more than twenty (20) feet above the maximum height of the antenna support structure.
- (5) The antenna support structure and telecommunication facilities comply with the current building code adopted by the city.
 - a. Any telecommunication facilities and their appurtenances located upon the roof of an antenna support structure are set back at least one (1) foot from the edge of the roof of the antenna support structure. However, this setback shall not apply to:
 - 1. Telecommunication facilities and their appurtenances located above the roof of an antenna support structure provided such facilities are appropriately screened from view through the use of panels, walls, fences or other screening techniques approved by the city.
 - 2. Camouflaged antennas which are mounted to the exterior of antenna support structures below the roof, but which do not protrude more than twenty-four (24) inches from the sides of the antenna support structure.
 - B) Telecommunication facilities extending more than twenty (20) feet above the maximum height of the antenna support structure shall be permitted only upon the approval by the planning commission.
 - C) The city may authorize the use of city owned structures as antenna support structures. However, the city shall be under no obligation to make any city-owned structure available for such use.

Sec. 114-269. Existing towers.

- A) No existing tower may be modified, demolished or rebuilt to accommodate co-location of additional telecommunication facilities unless development plans have been approved by the planning commission.
- B) A tower which is being rebuilt to accommodate the co-location of additional telecommunication facilities may be relocated on the same parcel of land subject to the setback requirements. However, if an engineer certifies that it is impossible for the tower to be rebuilt in compliance with the setback requirements, such setback requirement may be waived by the planning commission to allow the tower to be rebuilt in its previous location or within a twenty-five (25) foot radius of the previous location.

Sec. 114-270. Abandoned and nonconforming facilities.

- A) Abandoned towers. Any tower that is no longer in use for its original communications purpose shall be removed at the owner's expense. The owner shall provide the administrative official with a copy of the notice to the FCC of the intent to cease operation and shall be given ninety (90) days from the date of the cessation of operation to remove the tower and restore the site to its natural

condition. In the case of multiple users sharing use of a single tower, this provision shall not become effective until all users cease operations. If FCC notification of the intent to cease operation is not required, notice shall be given to the administrative official within the ninety (90) day period after the cessation of operations.

- B) Nonconforming facilities. The lawful use, on the effective date of the ordinance from which this article is derived, of a wireless communication tower that does not conform to the provisions of this section may be lawfully continued as provided for in the nonconforming use provisions of this chapter.

Sec. 114-271. Co-location requirements.

- A) No tower shall be erected within a one (1) mile radius of any existing tower or antenna support structure unless an engineer certifies that the proposed antenna or other communications facility cannot be accommodated on the existing tower or antenna support structure.
- B) Wireless communication towers of sixty (60) feet or more in height shall comply with the requirements of this subsection which are intended to encourage co-location. Co-location and shared use design standards shall count the original tower as one (1) party.
- C) Shared use design. Wireless communication towers shall be designed to maximize shared use, given the structural and technical limitations of the type of tower. Towers sixty (60) feet or more in height shall be designed for use by two (2) parties, including the owner, and towers one-hundred-twenty (120) feet or greater shall be designed for use of three (3) parties, including the owner. Wireless communication towers must be designed to allow for rearrangement of antennas upon the tower and to accept antennas mounted at varying heights. Any antenna support structure shall be planned to accommodate the maximum practicable number of shared users. An engineer shall certify compliance with these shared use design standards. When co-location is required under the terms of this article, tower owners shall make space available to other parties at a reasonable market lease rate.

Sec. 114-272. Appeals from actions of the planning commission. Appeals from actions of the planning commission concerning any application for a tower or telecommunications facility shall be made to the board of commissioners.

Sec 114-273. Conflict with other ordinances and codes. All ordinances or parts of ordinances of this code in conflict with the provisions of this article are hereby repealed to the extent of such conflict.

Secs. 114-274 to 114-284. Reserved