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1997.

**APPENDIX A ZONING\***

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**\*Editor's note--**The zoning ordinance, consisting of Ord. No. 1053 as amended through Jan. 13, 1987, is set out herein as it appears in pamphlet form on file in the city clerk's office, with the exception that the editor has, as deemed appropriate, inserted words and figures in brackets; and also obvious misspellings have been corrected. Amendments will be cited in parentheses following amended provisions.

**Cross reference(s)--**City planning commission, § 18-1 et seq.; regional planning commission, § 18-9.  
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**ARTICLE I. PURPOSE, ENACTMENT, SHORT TITLE**

**Sec. 1.1. Purpose.**

The regulations set forth herein are enacted to implement the Community Development Plan for Citronelle in order to encourage the most appropriate use of land to maintain and stabilize the value of property, to prevent the overcrowding of land and undue concentrations of population and to create a comprehensive and stable pattern of land uses which will facilitate the planning and provision of public facilities; and to promote the health, safety and welfare of present and future inhabitants.

**Sec. 1.2. Enactment.**

Except as hereinafter provided, no building shall be erected, or structurally altered, nor shall any building or

premises be used for any purpose other than permitted in the zoning district in which the building or premises is located. No land or lot area shall be reduced or diminished that the yards or open spaces shall be smaller than prescribed herein, nor shall the lot area per family be reduced in any manner except in conformity with the regulations hereby established for the district in which such building is located. No yard or open space provided about any building for the purpose of complying with these regulations shall be considered as providing a yard or other open space for any other building.

**Sec. 1.3. Short title.**

These regulations shall be known and may be cited as "The Zoning Ordinance of the City of Citronelle, Alabama."

**ARTICLE II. ESTABLISHMENT OF DISTRICTS**

**Sec. 2.1. [Purpose.]**

The City of Citronelle, Alabama, is hereby divided into zoning districts as listed and described below and as shown on the official zoning district map, for the purpose of:

- 2.11 Providing a residential environment free of incompatible uses, safe from natural and man-made hazards;
- 2.12 Promoting, where possible, planned residential, commercial, and industrial areas in appropriate locations, with appropriate standards and minimum service cost to local government;
- 2.13 Providing a compact, convenient urban pattern for urban areas;
- 2.14 Providing a level of flexibility of control sufficient to promote innovation and creativity in community development, to encourage maximum living comfort and convenience at lowest cost; and,
- 2.15 Promoting the comprehensive plan for the city.

**Sec. 2.2. Residential districts.**

- 2.21 *R-1 Low Density Single-Family Residential District:* This district is provided to afford opportunity for choice of low density suburban residential environment consisting of single-family homes on large parcels of land.
- 2.22 *R-2 Medium Density Residential District:* This district is intended as a medium density single-family urban residential district and two (2) to four (4) family

units to a building structure with lots of moderate size.

2.23 *R-3 High Density Residential District:* The intent of this district is to provide opportunity, within a general protected residential environment, for the highest residential district density considered as appropriate to the environmental character of the city. Within this district it is also considered suitable to include other uses of a type considered not incompatible with a quality high density living environment and providing for needed community services. Public or community water and sewer facilities are required.

2.24 *R-4 Manufactured Home District:* The intent of this district is to provide the opportunity for affordable dwelling units and to allow construction of single family housing that is an alternative to "stick-built" homes. All manufactured homes, mobile homes, manufactured home developments, or manufactured home spaces, are limited to the "R-4 Manufactured Home" district, and no provision of the zoning regulations of the City should be construed otherwise. Such allowance shall be in accordance with the following considerations by the Planning Commission. Notwithstanding compatibility comparison requirements, nothing herein shall be considered or construed as a requirement that the Commission allow manufactured homes, mobile homes, said developments, or said home spaces, in the said district.

In order to qualify as a single-family residential dwelling, a manufactured home must be approved for compatibility by the Planning Commission. The manufactured home shall be compared to site-built and other housing in the immediate general area within the same district. A manufactured home shall be reviewed by the Planning Commission for compatibility standards set forth in this section. Approval shall be granted upon the finding that the manufactured home is substantially similar in size, siding material, roof material, foundation and general aesthetic appearance to existing development or proposed development in the same zoning district, and upon a finding that the approval does not materially affect the value of property or homes in the immediate or general area.

(1) *Shape and appearance.* The general shape and appearance of the manufactured home shall conform to housing in adjacent or nearby

locations to ensure compatibility of site-built houses and manufactured housing.

- (2) *Roof pitch, roof overhang, roofing materials.* The general shape and appearance of the roof of the manufactured home shall be compatible with the exterior appearance of the roofs of the housing in adjacent or nearby locations. Any roofing material may be used that will be compatible with other housing in adjacent or nearby areas.
- (3) *Exterior finish.* Any material may be used for exterior finish that is generally used in areas near the location where the manufactured home is to be sited.
- (4) *Site orientation.* Manufactured homes shall be placed on lots in a manner compatible with and reasonably similar in orientation to other structures in the area.
- (5) *Garages, carports.* Garages and/or carports for manufactured home shall be compatible with the manufactured home and site-built garages and/or carports of site-built house in adjacent or nearby locations.
- (6) *Underpinning.* The type of material and method used for underpinning shall be consistent with and compatible to the underpinning for site-built houses in adjacent or nearby locations.
- (7) *Electrical hook-ups.* Electrical service may be supplied to a manufactured home by means of a service pole so long as the planning commission gives prior approval. In considering whether to grant approval, the planning commission will consider both the proposed location and the style and appearance of the service pole to assure compatibility with adjacent or nearby locations.
- (8) The Planning Commission may consider the effect the manufactured home may have on the value of surrounding property, and surrounding homes in the general area.

(Ord. No. 1192, 9-14-06)

**Sec. 2.3. Business districts.**

- 2.31 *B-1 Local Shopping District:* This district is intended to provide for limited retail convenience goods and personal services establishments in residential neighborhoods and to encourage the concentration of these uses in one location for each residential neighborhood rather than in scattered sites occupied by individual shops throughout a neighborhood.
- 2.32 *B-2 General Business District:* This district is intended to provide opportunity for activities causing noise and heavy traffic, not considered compatible in the more restrictive business district. These uses also serve a regional as well as local market and require location in proximity to major transportation routes. Recreational vehicle parks, very light production and processing activities are included.

**Sec. 2.4. Industrial districts.**

- 2.41 *M-1 Light Industrial District:* The purpose of this light industrial district is to provide a suitable protected environment for manufacturing, research and wholesale establishments which are clean, quiet and free of hazardous or objectionable emissions, and generate little industrial traffic. Industrial parks should be encouraged. Locations should be in accordance with comprehensive plans.
- 2.42 *M-2 General Industrial District:* It is the intent of this district to provide opportunity for the location of industrial, manufacturing, processing, warehousing, or research and testing operations that, due to employment of heavy equipment or machinery or to the nature of the materials and processes employed, require special location and development safeguards to prevent pollution of the environment by noise, vibration, odors or other factors, and may also require extensive sites for storage and parking, may require extensive community facilities or generate heavy motor traffic. Access to major transportation facilities is usually needed. Locations should be in accordance with comprehensive plans and special review is required for some.

**Sec. 2.5. Flood hazard districts.**

- 2.51 *FH-1 Flood Hazard District:* This designation places the boundaries of flood hazard district "FH-1" determined as specified in this ordinance hereunder, over all other districts. The boundaries of this district are shown on the flood insurance rate map, which is hereby incorporated for reference. It is the intent of this

district to provide protection from the hazards and financial loss caused by flooding to the residents, businesses and industries and public uses of the community, and to protect sensitive natural environments that might be damaged by improper use of the floodway and floodway fringe.

**Cross reference(s)**--Flood insurance rate map, § 5-76.

**Sec. 2.6. The official zoning map.**

2.61 *Incorporation of the zoning map:* The official zoning map, with all notations, references and other information shown thereon shall be the official zoning map and is hereby made a part of this ordinance. The official zoning map is hereby made a public record and shall be kept permanently in the office of the city clerk, where the map will be accessible to the general public.

2.62 *Identification of the official zoning map:* The official zoning map shall be identified by the signature of the mayor, attested by the city clerk, signed and dated at the time of adoption of the ordinance.

2.63 *Map amendment:* If, in accordance with the provisions of this ordinance, changes are made in the district boundaries or other information portrayed on the official zoning map, changes shall be made on the map promptly after the amendment has been approved by the city council. Unauthorized alterations of the official zoning map shall be considered a violation of this ordinance and subject to penalties as prescribed under "Penalties."

**ARTICLE III. APPLICATION OF REGULATIONS**

**Sec. 3.1. Application of regulations.**

Except as hereinafter provided:

3.11 *Use.* No building, structure, or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved, or structurally altered except in conformity with all of the regulations herein specified for the district in which it is located.

**Sec. 3.2. Rules for determining boundaries.**

3.21 Where uncertainty exists with respect to the boundaries of any of the aforesaid districts as shown on the official zoning map, the following rules shall apply:

- (a) Unless otherwise indicated, the district boundaries are indicated as approximately following property lines, land lot lines, center lines of streets, highways, alleys, shorelines of streams, reservoirs, or other bodies of water, or civil boundaries, and they shall be construed to follow such lines.
- (b) Where district boundaries are approximately parallel to the center lines of streets, highways, or railroads, streams, reservoirs, or other bodies of water, or said lines extended, such district boundaries shall be construed as being parallel thereto and at such distance there from as indicated on the official zoning map. If no distance is given, such dimensions shall be determined by the use of the scale shown on the official zoning map.
- (c) Where a district boundary line as appearing on the official zoning map divides a lot which is in single ownership at the time of this enactment, the use classification of a larger portion may be extended to the remainder by the council without recourse to amendment procedure.
- (d) In case the exact location of a boundary cannot be determined by the foregoing methods, the board of adjustment shall upon application, determine the location of the boundary.

3.22 *Flood Hazard District*: The boundaries of the flood hazard districts shall be determined by scaling distances on the flood insurance rate map. Where interpretation is needed as to the exact location of the boundaries of the district as shown on the rate map (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), the board of adjustment shall make the necessary interpretation. The person contesting the location of the district boundary shall be given a reasonable opportunity to present his case to the board and to submit his own technical evidence if he so desires.

### **Sec. 3.3. Warning and disclaimer of liability.**

The degree of flood and erosion protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific methods of study. Larger floods may occur. This ordinance does not imply that areas outside the flood hazard districts boundaries or land uses permitted within such districts shall be free from flooding flood damages. This ordinance shall not create liability on the part of the city or any officer or employee thereof for any flood damages that result from reliance

on this ordinance or any administrative decision lawfully made thereunder.

**Cross reference(s)**--Similar provision, § 5-80.

**Sec. 3.4. Nonconformance.**

3.41 *Nonconforming building and uses*: It is the intent of this ordinance to recognize that the elimination of existing buildings and structures or uses that are not in conformance with the provisions of this ordinance is as much a subject of health, safety and general welfare as is the prevention of the establishment of new uses that would violate the provisions of this ordinance. It is also the intent of this ordinance to administer the elimination of nonconforming uses, buildings, and structures so as to avoid any unreasonable invasion of established private property rights. Therefore, any structure or use of land existing at the time of the enactment of this ordinance, and amendments thereto, not in conformity with its use, regulations and provisions, may be continued subject to the following provisions:

3.411 *Unsafe structures*: Any structure or portion thereof described unsafe by an authority may be restored to a safe condition, providing the requirements in this section are met.

3.412 *Alterations*: Any change in a nonconforming building site or yard area is subject to the following:

(a) A nonconforming building can be structurally altered or expanded provided that such alterations or expansions are in conformance with the side, front and rear yard requirements and with the height requirements of the district.

(b) Should a nonconforming building be moved, all nonconforming yard areas shall be eliminated.

3.413 *Extension*: A nonconforming use of land shall be restricted to the lot occupied by such use as of the effective date of this ordinance. A nonconforming use of a building or buildings shall not be extended to include either additional buildings or land after the effective date of this ordinance.

3.414 *Restoration of damaged buildings*: A nonconforming building, structure, or improvement, which is



thereafter damaged or destroyed, may be restored. If, however, in the opinion of the building inspector [building official] [codes inspector], the restoration exceeds 50% of the fair market value of the nonconforming structure, the matter will be referred to the planning commission prior to the issuance of a building permit.

(Ord. No. 1192, 9-14-06)

3.415 *Change in use*: A nonconforming use which is changed to a conforming use shall not be permitted to revert to the original or a less restrictive use.

3.416 *Discontinuance*: A nonconforming use which became such after the adoption of this ordinance and which has been discontinued for a continuous period of six (6) months shall not be re-established and any future use shall be in conformity with the provisions of this ordinance.

(Ord. No. 1192, 9-14-06)

3.417 *Adjacent land*: The presence of a nonconforming use in a zoning district shall not be allowable as legal grounds for the granting of variances for other surrounding properties by the board of adjustment.

3.418 *Access to public streets*: Access to public streets shall be maintained in accordance with the following requirements:

(a) Each principal use shall be placed on a lot or parcel which provides frontage on a public street having a right-of-way of not less than thirty (30) feet.

(b) Any additional dwelling shall have access to a public street by means of a passageway open to the sky at least fifteen (15) feet in width.

3.419 *Lots of records*: Where the owner of a lot of record or his successor to the title thereto does not own sufficient land to enable him to conform to the dimensional requirements of this ordinance, the following exceptions may be allowed:

3.420 *Land use*: Where a lot, tract or parcel of land has an area or width that does not conform to the requirements of the district in which it is located, said lot may be used for a single-family

dwelling except in the M-1 and M-2 Industrial Districts. A single-family dwelling may be constructed in an R-1, R-2 or R-3 Residential District, provided the lot to be so used has a minimum area of four thousand (4,000) square feet and a minimum lot width at the building line of forty (40) feet, provided it is located on a public sewer.

- 3.421 *Replanning*: When two (2) or more adjoining and vacant lots with continuous frontage are in a single ownership at the time of application and such lots have a frontage or lot area less than is required by the use district in which they are located, such lots shall be platted or reparcelled so as to create one (1) or more lots which conform to the minimum frontage and area requirements of the use district.
- 3.422 *Improvements*: Buildings or structures located on substandard lots of record may be improved only when the addition of adequate plumbing is required by the laws and ordinances of the city.
- 3.423 *Yard requirements*: Yard requirements shall be modified subject to the following conditions:
- 3.4231 On double frontage lots (interior lots abutting two (2) streets) the required front yard shall be provided on each street.
- 3.4232 Whenever a rear property line of a lot abuts upon an alley one-half of the alley width shall be considered as a portion of the required rear yard.
- 3.4233 *Side yard requirements*: The side yard requirements for substandard lots of record may be reduced for each side yard at the rate of one (1) foot for each four (4) foot by which the lot width lacks fifty (50) feet, provided in no event shall such side yard be reduced to less than five (5) feet on each side.
- 3.4234 *Front and side yard setbacks for dwellings*:
- (a) The setback requirements for side yards on corner lots and/or front yards shall not apply to any lot where the average setback on residentially developed lots located, wholly or in part, one hundred (100) feet on each side of such lot and within the same block and zoning

district and fronting on the same streets as such lot, is less than the minimum required setback. In such cases, the setback on each lot may be less than the required setback, but not less than the average of the existing setbacks on the existing developed lots.

- (b) On corner lots the front and side yard setbacks shall be determined by the proposed location of the structure on the lot.

3.43 *Nonconforming mobile homes:* Nonconforming mobile homes existing in any zoning district prior to the adoption of this ordinance may remain. If the mobile home has to be moved in case of an emergency or is destroyed or damaged, said unit may be replaced or returned to its original location. If, however, in the opinion of the building inspector [building official] [codes inspector], the damage equals or exceeds 50 percent of the fair market value of the structure, said unit shall not be replaced with a nonconforming unit.

(Ord. No. 1192, 9-14-06)

3.44 *Special exemption:* As regards establishing the location of setback lines for new construction in developed areas, the zoning officer shall have the authority to establish the location based on the average setback lines that are used by the existing structures on the same street and city block, without board of adjustment approval. A variance appeal to the board of adjustment may still be made if the zoning officer's decision is not satisfactory to the builder or if the zoning officer deems an application hearing is necessary.

3.45 *Setback lines--Location of street and road right-of-ways:* For purposes of determining the location of setback lines for any new construction begun on or after the first day of September, 1996, and subject to the special exemption contained in Sec. 3.44, the following location of street and road right-of-ways shall be used:

- (a) All streets, roads and/or highways identified as main collectors and principal arterials located within the City of Citronelle, as designated by the State of Alabama Department of Transportation's highway map, will have an intended one hundred (100) foot right-of-way.

- (b) All roads and streets connecting to the main collectors and principal arterials as described above will have an intended right-of-way of sixty (60) feet.
- (c) All streets located in a residential zone or use area will have an intended right-of-way of fifty (50) feet, unless the street is an access street as described in Section 3.45(b).

(Ord. No. 1131, 2-22-96)

**Sec. 3.5. Screening, lighting and space.**

3.51 In any commercial or industrial district, any operation not conducted within a building, such as drive-in businesses, outdoor recreation, outdoor storage of materials, and outdoor servicing activities, must be enclosed by a wall or fence of solid appearance not less than eight (8) feet in height where necessary to conceal the building and all access areas from a residential district adjoining or facing across a street in the rear or on the side of the principal building or use.

In any district, any outdoor dumpster used for the temporary holding of trash and garbage for pickup or incinerator used for burning of trash and garbage that is visible from any city street or from any residence must be enclosed by a wall or fence of solid appearance of such height and of such construction so as to conceal the outdoor dumpster or incinerator from view. Additionally, the enclosure must be of such size so that any trash or garbage falling from or overflowing out of the outdoor dumpster or incinerator shall also be within the enclosure.

3.52 In any district where reference is made requiring adequate screening of a specified operation, such screening must be a wall or fence of solid appearance not less than eight (8) feet in height.

3.53 Outdoor lighting of all types shall be directed so as to reflect away from all residential dwellings, and shall be so situated as not to reflect directly into any public right-of-way.

(Ord. No. 1126, 2-23-95)

**ARTICLE IV. DISTRICT REQUIREMENTS**

**[Sec. 4.0. Purpose.]**

The following limitations and requirements are placed on uses in each district established by this ordinance, in accordance with the intent spelled out in the preamble and in articles I and II, as follows.

**Sec. 4.1. General residential district requirements.**

The following provisions apply unless provided for elsewhere in this ordinance, to all residential districts:

4.11 *Uses permitted:* Accessory structures; gardens, playgrounds; parks, public buildings, including schools and libraries; agriculture or farming, including horticulture. Plant nurseries, market gardening, field crops and orchards; subject to approval by the planning commission.

4.12 *Uses permitted on appeal:* Public utilities; general hospitals for humans; semi-public buildings and uses including private schools; churches; church-school; home occupations; convalescent or nursing homes and extended care facilities; clubs, including country clubs, golf, swimming, or tennis clubs, privately owned clubs or associations and similar uses of a recreational nature; cemeteries; kindergartens, playschools and day care centers, public or private, provided that all activities are carried on in an enclosed building or fenced in yard and that all applicable state and local requirements pertaining to building, fire and electrical codes are met. In the case of a conflict the most stringent code shall govern.

4.13 *Uses prohibited:* Any use not specifically permitted or permitted on appeal.

4.14 *Requirements for lot area, lot width coverage and other factors:*

4.141 *Public and semi-public buildings:*

(a) *Minimum lot area and lot width:* None specified, only that the lot be large enough to provide the yards specified herein.

(b) *Yard regulations:*

(1) *Front yard:* Each lot shall provide a front yard with a minimum depth of forty (40) feet.

(2) *Side yards:* Each lot shall have a side yard of a minimum of thirty-five (35) feet on each side.

- (3) *Rear yard*: Each lot shall have a rear yard with a minimum depth of thirty-five (35) feet.
- (c) *Maximum building height*: No structure shall exceed a height of thirty-five (35) feet, except a church may have a maximum height of fifty (50) feet, provided that one (1) foot shall be added to all minimum yard requirements for each additional foot of height in excess of thirty-five (35) feet. (Doesn't apply to church sanctuary.)
- (d) *Maximum building coverage*: The maximum land covered by a building shall be fifty (50) percent of the total lot area; a minimum of twenty (20) percent of the lot area shall be maintained as a landscaped open area.

4.142 *Accessory buildings*:

- (a) *Minimum lot area and lot width*: None specified, only that the lot be large enough to accommodate principal building plus the accessory building and/or buildings and meet the yard and other requirements specified in this ordinance.
- (b) *Yard regulations*:
  - (1) *Front*: A detached accessory building shall not be located or extend into the front yard.
  - (2) *Side yards*: Detached accessory buildings shall maintain a side yard of not less than five (5) feet.
  - (3) *Rear yard*: Detached accessory building shall maintain a rear yard of not less than five (5) feet.
- (c) *Maximum building height*: Detached accessory buildings shall not exceed one (1) story or fifteen (15) feet in height.
- (d) *Maximum building coverage*: None specified, only that the principal building together with accessory buildings must comply with the requirements applicable to maximum building coverage specified in this ordinance.

4.143 *Off-street parking regulations*: See requirements, Article VI, section 6.1.

- 4.15 *Fences and walls in residential districts.* No fence or wall that obstructs sight shall be erected or altered in any required front yard to exceed a height of four (4) feet, and no fence or wall that obstructs sight shall be erected or altered in any required side or rear yard to exceed a height of eight (8) feet.
- 4.16 A residential dwelling requires a building permit from the city, a permit for sewage hook-up or septic tank from the appropriate authorities and an individual water meter for the residence.
- 4.17 No residential dwellings shall have axles, wheels, tires, trailer tongues, tail lights, or license plates.
- 4.18 All residential dwellings must conform to city, county, and state regulations as they pertain to new home construction.
- 4.19 All residential dwellings are required to be supported by foundations that meet the requirements of the State of Alabama and the building codes of the city. The entire perimeter of the residential dwelling will have pinning compatible with the immediate area.
- 4.110 All residential dwellings and permitted structures must conform to any and all building restrictions for the areas or districts where they are to be located.
- 4.111 All residential dwellings shall have permanent steps on all outside doorways, i.e., masonry blocks or bricks on concrete foundation, or deck/porch with steps where support posts are permanently buried in the ground.
- 4.112 All residential dwellings must have electrical service hooked directly to the dwelling and be in compliance with Alabama Power's requirements. However, for the use of service poles to supply power to manufactured homes, see section 4.5(7).
- 4.113 All requirements of these ordinances shall be completed in their entirety prior to the residential dwelling being occupied.
- 4.114 All residential dwellings will be treated as permanent structures and all city regulations pertaining to taxes, appraisals, etc., will apply equally to all residential dwellings.

(Ord. No. 1099, § 1, 10-24-91; Ord. No. 1140, § 1, 9-25-96)

**Sec. 4.2. R-1 Low Density Single-Family Residential District.**

4.21 *Uses permitted:* Single-family dwellings and those uses permitted or permitted on appeal in section 4.1.

4.22 *Requirements for lot area, lot width, coverage and other factors:*

(a) *Minimum lot area and lot width:* Each lot shall have a minimum lot area of twelve thousand (12,000) square feet and a minimum lot width of one hundred (100) feet at the front building setback line, unless the county health department requires a greater area.

(b) *Yard regulations:*

(1) *Front:* Each lot shall have a minimum front yard of thirty-five (35) feet.

(2) *Side:* Each lot shall have a total side yard of a minimum of thirty (30) feet; with a minimum of ten (10) feet on one (1) side.

(3) *Rear:* Each lot shall have a minimum rear yard of forty (40) feet.

(c) *Maximum building height:* Except as provided for herein no structure shall exceed a height of two (2) stories or thirty (30) feet. Structures may exceed this height limit provided that the lot width is increased ten (10) feet for each additional foot added.

(d) *Maximum building coverage:* The maximum land coverage by building(s) shall be thirty (30) percent of the total lot area.

4.23 *Off-street parking requirements:* See Article VI, section 6.1.

(Ord. No. 1140, § 4, 9-25-96)

**Sec. 4.3. R-2 Medium Density Residential District.**

4.31 *Uses permitted:* Any use permitted in an R-1 and R-2 District, two-family (duplexes) and apartment clusters not exceeding four (4) units to a structure.

4.32 *Requirements for lot area, lot width, coverage and other factors:*

(a) *Minimum lot area and lot width:* Each lot shall have a minimum lot area and width as provided for in the following table:



	<i>Minimum Lot Area</i>	<i>Minimum Lot Width</i>
Single-family dwelling	7500 sq. ft.	60 ft.
Multi-family dwelling	7500 sq. ft. for one family unit plus 3000 sq. ft. for each additional family unit.	Plus 5 ft. for each additional unit needed.

(b) *Yard regulations:*

- (1) *Front:* Each lot shall have a minimum front yard of thirty (30) feet.
- (2) *Side:* Each lot containing a single-family dwelling shall have minimum side yard of ten (10) feet on each side; for lots containing two (2), three (3) or four (4) dwelling units the minimum side required is five (5) feet on each side. Where a side yard contains a driveway passing between a structure and lot line a minimum width of fifteen (15) feet shall be provided.
- (3) *Rear:* Each lot shall have a minimum rear yard of thirty-five (35) feet.

(c) *Maximum building height:* Except as provided for elsewhere in this ordinance no structure shall exceed a height of two (2) stories or a maximum height of thirty (30) feet.

(d) *Maximum building coverage:* The maximum land coverage by building(s) shall not exceed thirty (30) percent of the lot area.

4.33 *Off-street parking regulations:* See Article VI, section 6.1.

(Ord. No. 1140, § 4, 9-25-96)

**Sec. 4.4. R-3 High Density Dwelling Residential District.**

4.41 *Uses permitted:* Any use permitted in an R-1 or R-2 District, multiple family dwelling units consisting of apartments, town houses, condominiums and similar developments; such structures are allowed to contain

restaurants and enclosed recreation facilities when integrated with the building complex.

4.42 *Requirements for lot area, lot width, coverage and other factors:*

- (a) *Minimum lot area and lot width:* Each lot shall have a minimum lot area and lot width as provided for in the following table:

	<i>Minimum Lot Area</i>	<i>Minimum Lot Width</i>
Single-family dwelling	7500 sq. ft.	60 ft.
Multiple-family dwelling	7500 sq. ft. for one [family] unit plus 2500 sq. ft. for each additional unit.	Plus 5 ft. for each additional one family unit.

(b) *Yard regulations:*

- (1) *Front:* Each lot shall have a minimum front yard of thirty (30) feet.
  - (2) *Side:* Each lot containing a single-family dwelling shall have a minimum side yard of ten (10) feet on each side; lots containing two (2) or more dwelling units shall provide a minimum side yard of five (5) feet on each side. Where a side yard contains a driveway passing between a structure and lot line a minimum width of fifteen (15) feet shall be provided on each side affected.
  - (3) *Rear:* Each lot shall have a minimum rear yard of thirty-five (35) feet.
- (c) *Maximum building height:* Except as provided for in this ordinance no structure shall exceed a height of two (2) stories or a maximum height of thirty (30) feet.
- (d) *Maximum building coverage:* The maximum land coverage by building(s) shall not exceed thirty (30) percent of the lot area.

4.43 *Off-street parking requirements:* See Article VI, section 6.1.

(Ord. No. 1140, § 4, 9-25-96)

**Sec. 4.5. R-4 Manufactured Home District.**

4.51 *Uses permitted:* Any use permitted in an R-1 and R-4 District and those uses permitted or permitted on appeal in section 4.1.

4.52 *Requirements for lot area, lot width, converge and other factors:*

(a) *Minimum lot area and lot width:* Each lot shall have a minimum lot area of twelve thousand (12,000) square feet and a minimum lot width of one hundred (100) feet at the front building setback line, unless the county health department requires a greater area.

(b) *Yard regulations:*

(1) *Front:* Each lot shall have a minimum front yard of thirty-five (35) feet.

(2) *Side:* Each lot shall have a total side yard of a minimum of thirty (30) feet; with a minimum of ten (10) feet on one (1) side.

(3) *Rear.* Each lot shall have a minimum rear yard of forty (40) feet.

(c) *Maximum building height:* No dwelling unit shall be more than two times longer in one dimension than it is any other dimension.

(d) *Minimum Roof Standard:* All dwelling units shall have a roof pitch of at least 3:12 and eaves that overhang the exterior walls by a minimum of one foot.

4.53 *Off-street parking requirements:* See Article VI, section 6.1.

4.54 *Requirements for manufactured home development:* to ensure design standards that result in neighborhoods equivalent to those enjoyed by other single-family home developments and ensure location and design standards

compatible with community goals and surrounding property.

**(a) Site Requirements -**

1. The overall development is greater than 10 acres.

2. At least 15% of the project area is preserved as public or common open space. Open space shall be centrally located to the entire development and designed for community gathering.

3. Where any boundary of a manufactured home development directly abuts a residential district or use, an 8-foot fence or wall, or an evergreen barrier approved by the Building Official shall be provided.

4. Each development shall provide manufactured home spaces, and each space shall be clearly delineated. Each space shall have an area of not less than 3,200 square feet and a width of not less than 30 feet. The average width of all space shall be not less than 40 feet. Spaces may be platted as individual lots provided the Special Design Requirements in Section (d) 5. are met.

5. There shall be at least a 20-foot clearance between manufactured homes and between manufactured homes and any other structure.

6. All manufactured home spaces shall abut upon a driveway not less than twenty (20) feet in width, which shall have unobstructed access to a public street, alley or highway.

7. Walkways not less than two feet wide shall be provided from the manufactured home spaces to the service buildings.

8. All driveways and walkways within the development shall be hard surfaced and lighted at night with electric lamps of not less than 250 watts each, spaced at intervals of not more than 100 feet.

9. An electrical outlet supplying at least 100-115/220/250 volts, 100 amperes shall be provided for each manufactured home space. An association is established for on-going maintenance of the grounds.

10. All dwelling units shall be oriented to a public street, including a front door or porch with a four-foot wide sidewalk connecting to the public sidewalk.

11. All dwelling units on a single street shall have the same setback from the public right-of-way. The front setback shall be between 20 and 30 feet. Side setbacks shall be a minimum of eight feet. Rear setbacks shall be a minimum of 20 feet.

12. Vehicle access to individual lots shall be by a rear lane. Parking spaces, carports, or garages shall be located behind the dwelling units.

13. No dwelling unit shall be more than two times longer in one dimension than it is any other dimension.

14. All dwelling units shall have a roof pitch of at least 4:12 and eaves that overhang the exterior walls by a minimum of one foot.

15. The overall gross density for the project, including open areas, shall not be greater than six units per acre.

16. All dwelling units shall have individually metered utility connections to public facilities for sanitary sewer and water.

**(b) License** - It shall be unlawful for any person to maintain or operate a manufactured home development within the corporate limits of the City of Citronelle, Alabama, without first obtaining a license.

1. License Fees and Temporary Permit Fees:

a. The annual license fee for each manufactured home development shall be set by the city council.

b. The fee for transfer of a license shall be

five dollars.

2. Application for License:

- a. Application for initial manufactured home development license shall be filed with the City of Citronelle. The application shall be in writing, signed by the applicant and shall include the following:
  1. The name and address of the applicant;
  2. The location and legal description of the manufactured home development;
  3. A complete plan of the development in conformity with the requirements of this section;
  4. Specifications of all buildings, improvements and facilities constructed or to be constructed within the manufactured home development;
  5. Other information required by the planning commission to enable it to determine if the proposed development will comply with legal requirements.
  6. The application and all accompanying plans and specifications shall be filed in triplicate.
- b. Upon application in writing by a licensee for renewal of a license and upon payment of the annual license fee, the city shall issue a certificate renewing the license for another year.
- c. Revocation of License: The City of Citronelle, Alabama, may revoke any license to maintain and operate a manufactured home development when the licensee has been found guilty by a court of competent jurisdiction of violating any provision of this ordinance. After the correction of such condition and the payment of the penalties imposed by law and assurance given to the city council that such condition will not be repeated, the city council may issue a new license.
- d. Posting and Temporary Permit: The license

certificate or temporary permit shall be conspicuously posted in the office of or on the premises of the manufactured home development at all times.

**(c) Utilities, Public Services, and Safety -**

1. Water Supply: Adequate supply of pure water for drinking and domestic purposes shall be supplied by pipes to all buildings and manufactured home spaces within the park. Each manufactured home space shall be provided with a cold-water tap at least four inches above the ground.
2. Sewage and Refuse Disposal:
  - a. Each manufactured home space shall be provided with a sewer line at least four inches in diameter, which shall be connected to receive the all wastewater. The sewer in each space shall be connected to discharge the manufactured home waste into a public sewer system in compliance with applicable ordinance or septic tank systems for each lot meeting all applicable design standards to prevent health hazards.
  - b. Metal garbage cans with tight-fitting covers shall be provided in quantities adequate to permit disposal of all garbage and rubbish. No manufactured home space shall be more than 300 feet from a garbage can. The cans shall be kept in sanitary condition at all times. Garbage and rubbish shall be collected and disposed of as frequently as may be necessary to insure that the garbage cans shall not overflow.
  - c. Fire Protection: Fire protection shall be required to meet all regulations and conditions of other City codes and of the Citronelle Volunteer Fire Department.
  - d. Supervision: The licensee, or a duly authorized attendant, caretaker or association, shall be in charge at all times to keep the manufactured home

development, its facilities and equipment in a clean, orderly and sanitary condition. The attendant or caretaker shall be answerable, with the licensee, for the violation of any provision of this ordinance to which the licensee is subject.

(Ord. No. 1192, 9-14-06)

**Sec. 4.6. Business district requirements.**

The following provisions apply to business districts established by this ordinance:

*4.61 B-1 Local Shopping District:*

4.611 *Uses permitted:* Neighborhood retail stores and markets, including the following types of stores: food, general merchandise, apparel, furniture, household and hardware, radio and television, drugs and sundries, jewelry and gifts, florists, sporting goods, pet shops, and similar types. Neighborhood services including the following: dry cleaning services including pick-up stations, barber shops, beauty shops, shoe repair, offices, banks, post offices, theaters, and similar services. Any use permitted or permitted on appeal in an "R" district is subject to all district requirements.

4.612 *Uses permitted on appeal:* Service stations where no major repairs are made on automobiles.

4.613 *Uses prohibited:* Major automobile repairs, manufacturing, and any use prohibited in a B-2 Business District.

4.614 *Requirements for lot area, lot width, coverage and other factors:*

(a) *Minimum lot area and lot width:* None specified, only that the lot be of sufficient size to be used for the purpose intended and provide adequate parking and loading facilities in addition to space required for the conduct of other operations of the business.

(b) *Yard regulations:*



- (1) *Front*: Each lot shall have a minimum front yard of twenty (20) feet.
- (2) *Side*: None specified, except where a side lot line abuts a residential district a minimum side yard of ten (10) feet shall be provided.
- (3) *Rear*: Each lot shall have a minimum rear yard of twenty (20) feet.

(c) *Maximum building height*: No structure shall exceed a height of two (2) stories or a maximum height of thirty-five (35) feet.

(d) *Maximum building coverage*: None specified.

4.615 *Off-street parking, loading and unloading requirements*: See Article VI, sections 6.1 and 6.2.

#### 4.62 *B-2 General Business Districts*:

4.621 *Uses permitted*: Any use permitted in a B-1 Business District; recreational vehicle parks; retail and wholesale trade, major auto repair, places of amusement, assembly, hotels and motels and similar services not specifically prohibited.

4.622 *Uses permitted on appeal*: Dry cleaners and laundries; manufacturing incidental to a retail trade where articles are sold at retail on the premises, and any use not specifically prohibited.

4.623 *Uses prohibited*: Any use prohibited in an M-1 Light Industrial District, stockyard; yards for the storage of coal, lumber or for scrap or salvage operations, bulk petroleum products storage above ground in the excess of five hundred (500) gallons; and, any use which the board of adjustment upon appeal and after investigating similar uses elsewhere finds such use to be potentially noxious, dangerous or offensive to adjacent properties by reason of odor, smoke, noise, glare, fumes, gas, vibrations, or likely for other reasons to be incompatible with the character of the district or adjacent districts.

4.624 *Requirements for lot area, lot width, coverage and other factors*:

- (a) *Minimum lot area and lot width:* None specified, only that the lot be of sufficient size to be used for the purpose intended and provide adequate parking and loading facilities in addition to space required for the conduct of other operations of the business.
- (b) *Yard regulations:*
  - (1) *Front:* None specified, except where a lot abuts a residential district on either side, a building setback in line with adjacent residential structures is required.
  - (2) *Side:* None specified, except where a side lot abuts a residential district a minimum side yard of ten (10) feet shall be provided.
  - (3) *Rear:* None specified, except where a lot abuts a residential district a rear yard of twenty (20) feet shall be provided.
- (c) *Maximum building height:* Except as provided for elsewhere in this ordinance no structure shall exceed two (2) stories or thirty (30) feet.
- (d) *Maximum building coverage:* None specified.

4.625 *Off-street parking, loading and unloading facilities:* See Article VI, sections 6.1 and 6.2.

4.63 *Industrial district requirements:*

4.631 *M-1 Light Industrial District:*

4.6311 *Uses permitted:* All business, service and manufacturing uses permitted or permitted on appeal in a B-2 District, Light Industrial operations which are not obnoxious, offensive or detrimental to neighboring property by reason of dust, smoke, vibration, noise, odor, or effluent.

4.6312 *Uses permitted on appeal:* Any manufacturing or business use not specifically prohibited herein.

4.6313 *Uses prohibited:* Residential structures, mobile home parks, slaughter houses, stockyards, bag cleaning; central mixing

plant for cement, mortar, plaster, or paving materials; curing, tanning, or storage of hides; distillation or rendering processes; manufacturing or flammables, acids, chemicals; bricks, pottery, terra cotta, tile or concrete blocks; junk yards; cotton waste-reclaiming; and similar types of plants of operations.

4.6314 *Requirements for lot area, lot width, coverage and other factors:*

(a) *Lot area and lot width:* None specified, only that the lot be large enough to be used for the intended purpose and provide adequate parking and loading space in addition to space for other operations incidental to the principal use.

(b) *Yard regulations:*

(1)

*Front:* None specified, except where existing establishments (other than residential) are setback, any new structure shall be setback not less than the average setbacks of the existing establishments within one hundred (100) feet each side thereof.

(2) *Side*

*yard:* None specified, except where a side lot line abuts a residential district a minimum side yard of ten (10) feet shall be provided.

(3) *Rear:*

None specified, except where a lot abuts a residential district a minimum rear yard of twenty (20) feet shall be provided.

(c) *Maximum building height:* Except as provided for elsewhere in this ordinance no structure shall exceed a height of three (3) stories or forty-five (45) feet.

(d) *Maximum building coverage:* None specified.

4.6315 *Off-street parking, loading and unloading requirements:* See Article VI, sections 6.1 and 6.2.

4.64 *M-2 General industrial district:*

4.641 *Uses permitted:* Any industrial, service or commercial use, except those which after due review and study by the planning commission are concluded to cause noise, smoke, gas, vibrations which would be detrimental to the adjacent environment or to the city as a whole.

4.642 *Uses permitted on appeal:* Any industrial or service use, subject to such conditions and safeguards as the board of adjustment may require to preserve and protect sections of the city which could be affected.

4.643 *Uses prohibited:* Residential uses including mobile home parks, except living quarters for security guards and their family.

4.644 *Requirements for lot area, lot width, coverage and other factors:*

(a) *Lot area and lot width:* None specified, only that the lot be large enough to be used for the intended purpose and provide adequate parking and loading space in addition to space for other operations incidental to the principal use.

(b) *Yard requirements:*

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

(2) *Side yard:* None specified, except where a side lot line abuts a residential district, a minimum side yard of ten (10) feet shall be provided.

(3) *Rear:* None specified, except where a lot abuts a residential district a minimum

rear yard of forty (40) feet shall be provided.

(c) *Maximum building height:* None specified.

(d) *Maximum building coverage:* None specified.

4.645 *Off-street parking, loading and unloading requirements:* See Article VI, sections 6.1 and 6.2.

**Sec. 4.7. Reserved.**

**Editor's note--**Ord. No. 1192, adopted Sept. 14, 2006, repealed § 4.7, pertaining to placement of manufactured homes in zoning districts, as derived from Ord. No. 1140, adopted Sept. 25, 1996.

**Sec. 4.8. FH-1 Flood Hazard District.**

4.81 *District objectives:* The objective of this district is to provide protection from the flood hazards and financial loss caused by flooding to the residents, businesses and industries and public use of the community and to protect sensitive natural environments that might be damaged by improper use of floodway and floodway fringe.

4.82 *District boundaries:* The boundaries of the special flood hazard areas are shown on the most recent flood insurance rate map [of the] department of housing and urban development [for the] City of Citronelle. Land lying inside flood hazard areas shall be considered subject to flooding is such land at or below elevations shown within flood prone areas as delineated on U.S.G.S. quadrangle maps of Citronelle or the official special flood hazard areas delineated by the flood insurance program.

4.83 *General provisions:* Areas lying inside the flood hazard boundary on the flood insurance rate map, City of Citronelle, shall be subject to the following regulations in addition to the respective district over which the flood hazard area is located.

4.831 No building or structure shall be erected and no existing building shall be extended or moved unless the foundation of the structure is firmly anchored and interconnected to prevent the disjoining of the structure or major parts thereof and to prevent same from floating away and thus threaten life and property downstream.

- 4.832 Land may be filled within the flood hazard areas provided such fill extends twenty-five (25) feet beyond the limits of any structure erected thereon, and further provided that such fill is approved by the U.S. Corps of Engineers.
- 4.833 Any structure proposed to be located inside the flood hazard area must be approved by the board of zoning adjustment and the city engineer. The city engineer shall determine on the basis of the area of the watershed and the probable runoff, the openings needed for the stream or how close a structure may be built to the stream in order to assure adequate space for the flow of flood water.
- 4.84 *Rules for interpretation of flood hazard:* The boundaries of the flood hazard areas shall be determined by scaling distances on the flood insurance rate map. Where interpretation is needed as to the exact location of the boundaries of the district as shown on the rate map, as for example where there appears to be a conflict between a mapped boundary and actual field conditions, the zoning board of adjustment shall make the necessary interpretations. The person contesting the location of the flood hazard area shall be given a reasonable opportunity to present his case to the zoning board of adjustment and to submit his own technical evidence if he so desires.
- 4.85 *Compliance:* No structure, land or water, shall hereafter be used and no structure shall be located, extended, converted or structurally altered without full compliance with the terms of these regulations and other applicable regulations.
- 4.86 *Abrogation and greater restrictions:* It is not intended by these regulations to repeal, abrogate or impair any existing easements, covenants, or deed restrictions, the provision of these regulations shall prevail. All other provisions inconsistent with these are hereby repealed to the extent of the inconsistency only.
- 4.87 *Interpretations:* In their interpretations and application, the provisions of these regulations shall be held to be minimum requirements and shall be liberally construed in favor of the governing body and shall not be deemed a limitation or repeal of any other powers granted by state statutes.
- 4.88 *Warning and disclaimer of liability:* The degree of flood protection required by these regulations are considered reasonable for regulatory purposes and is based on engineering and scientific methods of study. Larger floods may occur on rare occasions or the flood

height may be increased by man-made or natural causes, such as bridge openings restricted by debris. These regulations do not imply that areas outside the flood hazard area boundaries or land uses permitted within such areas will be free from flooding or flood damages. These regulations shall not create liability or flood damages. These regulations shall not create liability on the part of the City of Citronelle or any officer or employee thereof for any flood damages that may result from reliance on the regulations or any decision lawfully made thereunder.

## **ARTICLE V. SPECIAL PROVISIONS**

### **Sec. 5.1. Lot of record.**

Where the owner of a lot of official record at the time of adoption of this ordinance does not own sufficient adjacent land to enable him to conform to the yard and other requirements of this ordinance, one (1) building and its accessory structures may be built, provided the yard space and other requirements conform as closely as possible, in the opinion of the zoning board of adjustment, to the requirements of the district in which it is located; and further provided that neither side yard shall be reduced to less than five (5) feet in width.

### **Sec. 5.2. Front yard setbacks.**

Where a new structure is to be built between two (2) existing structures not conforming to required front yard setbacks, the board of adjustment may rule separately on the required minimum setback of any structure to be erected or altered upon the request of the lot owner. In the absence of such request by owner or owner's agent prior to commencing of construction, the front yard setback shall be as specified for each district and measurement shall be from the property line. On double frontage lots, the required front yard shall be provided on each street.

### **Sec. 5.3. Advertising signs and structures.**

In all districts other than residential districts, where front yard of setback requirements are required, outdoor advertising structures may be placed within such front yard or setback area of a place of business subject to the following terms and conditions:

- 5.31 Only one (1) sign structure shall be used for the purposes of identifying the place of business at that location. Signs may be painted on or attached flat against walls.

5.32 No such structure shall be placed at intersection or locations which would obstruct the view of intersecting traffic.

5.33 No such structure exceeding in size, fifty (50) square feet, exclusive of necessary structural support, shall be placed within ten (10) feet of the front lot line or street right-of-way.

**Sec. 5.4. Height limitations.**

Height limitations shall not apply to church steeples, barns, silos, farm structures, chimneys, flag poles, public utility poles, radio and television towers, and aerials, cooling towers, water tanks; and industrial structures when required by manufacturing process.

**Sec. 5.5. Accessory uses; temporary buildings; fall-out shelters; home occupations.**

5.51 *Accessory uses:* Any use may be established as an accessory use to any permitted principal use in any district provided that such accessory use:

5.511 Is customarily incident to and is maintained and operated as a part of the principal use;

5.512 Is not hazardous to and does not interfere with the use of nearby property;

5.513 Does not create levels of noise, odors, vibration and lighting, or degrees of traffic congestion, dust or pollutants, in a greater amount than customarily created by principal use;

5.514 Is not located in minimum exterior yard; and,

5.515 In residential districts an accessory use will conform to the following requirements:

5.5151 Where an accessory building is attached to the main building, a substantial part of one (1) wall of the accessory shall be an integral part of the main building or such accessory building shall be attached to the main building in a substantial manner by a roof, and therefore, such requirements applicable to the main building shall apply.

5.5152 A detached accessory building shall not be closer than twenty (20) feet to the main building, nor closer than five (5) feet to the lot line.



5.5153 A detached accessory building, not more than one (1) story in height, may be constructed on not more than thirty (30) percent of the rear yard.

5.5154 No detached accessory building may be located on the front yard of a lot.

5.52 *Temporary buildings:* Temporary buildings used in conjunction with construction work only, may be permitted in any district and shall be removed immediately upon completion of construction.

5.53 *Fall-out shelters:* Fall-out shelters are permissible as principal or accessory uses and structures in any district, subject to the following conditions:

5.531 If any portion of the structure extends above the ground, that portion above the ground must comply with the yard and lot coverage regulations of the district in which it is located, and the site plan for such shelter must be approved by the building inspector [codes inspector].

5.532 If the structure is completely underground, it need not comply with yard requirements or percentage of lot coverage requirements.

5.533 A fall-out shelter, underground or above ground, shall be confined to a side or rear yard and shall not be located in the front yard between the main building and the street on which it fronts.

5.534 Fall-out shelters may contain or be contained in other structures or may be constructed separately.

5.54 *Home occupations:* Home occupations are permitted in all districts but must meet the following special requirements:

5.541 The applicant must be the owner of the property on which the home occupation is to be located, or must have written approval of the owner of the property if the applicant is a tenant.

5.542 The home occupation shall be operated only by the members of the family residing on the premises and no article or service shall be sold or offered for sale except as may be produced by members of the immediate family residing on the premises.

5.543 The home occupation shall be restricted to the main building only and shall not occupy more than

twenty-five (25) percent of the floor area within said building.

5.544 The home occupation shall not generate excessive traffic or produce obnoxious odors, glare, noise, vibration, electrical disturbance, or radio activity or other conditions detrimental to the character of the surrounding area.

5.545 The building in which the home occupation is to be located must be an existing structure ready for occupancy and not a proposed structure.

5.546 Any business sign placed on the premises shall not be larger than two (2) square feet in sign area.

**Sec. 5.6. Reserved.**

**Editor's note**--Ord. No. 1192, adopted Sept. 14, 2006, repealed § 5.6, pertaining to mobile home parks, as derived from Ord. No. 1053, adopted Jan. 13, 1987.

**Sec. 5.8. Reserved.**

**Editor's note**--Ord. No. 1192, adopted Sept. 14, 2006, repealed § 5.8, pertaining to mobile home subdivisions derived from Ord. No. 1053, adopted Jan. 13, 1987.

**Sec. 5.9. Reserved.**

**Editor's note**--Ord. No. 1140, adopted Sept. 25, 1996, repealed § 5.9, pertaining to mobile homes as temporary dwelling units, as derived from Ord. No. 1127, adopted Feb. 23, 1995.

**Sec. 5.10. Cemeteries.**

Within the districts permitting cemeteries, the following requirements shall apply:

5.101 The site proposed for a cemetery shall not interfere with the development of a system of collector or larger streets in the vicinity of such site. In addition, such site shall have direct access to a thoroughfare.

5.102 Any new cemetery shall be located on a site containing not less than twenty (20) acres.

5.103 All structures shall be set back no less than twenty-five (25) feet from any property line or minor street right-of-way.

5.104 All graves or burial lots shall be set back not less than twenty-five (25) feet from any property line or minor street right-of-way lines, and not less than fifty (50) feet from any collector or arterial street.

5.105 The entire cemetery property shall be landscaped and maintained.

5.106 An application must be made to the board of adjustment for any extension of existing cemeteries.

**Sec. 5.11. Minimum landscaping requirements.**

5.111 *Purposes and objectives:*

(a) *Purposes:* The purpose of this section is to prevent, protect and enhance the ecological and aesthetic environments of the City of Citronelle. Inasmuch as landscaped areas serve to protect soil erosion; reduce the hazards of flooding; absorb carbon dioxide and supply oxygen; reduce the effects of noise, glare, dust, and other objectionable activities generated by some land uses; safeguard and enhance property values; screen adjacent properties; promote the pleasant appearance and character of the neighborhoods and cities; provide shade; to preserve the economic base attached to the City of Citronelle by such factors; and facilitate the safe movement of traffic in vehicular use areas, it is further the purpose of this section to improve the appearance, quality, and quantity of landscaped areas throughout the City of Citronelle, with emphasis on vehicular use areas.

(b) *Objectives:* In pursuit of these purposes, the objectives to be met in enforcing the minimum landscaping requirements of this section are as follows:

(1) *Conservation:* To conserve and protect, insofar as possible, healthy, existing plant material.

(2) *Reforestation:* To replenish the local stock of plant material suitable for growing in the City of Citronelle.

(3) *Protection.* To protect and preserve the identity of neighborhoods as well as the City of Citronelle.

- (4) *Flexibility*: To allow flexibility in landscape development in order to encourage innovative and diversified design.
- (5) *Environment*: To offset the effects of large impervious surfaces.
- (6) *Attractiveness*: To provide an attractive appearance to streets.
- (7) *Tree preservation*: To encourage the preservation of native trees.

5.112 *Application of section:*

- (a) Such landscaping requirements shall become applicable as to each building site at the time an application for a building permit on a new commercial or industrial structure is made.
- (b) In order to encourage the renovation, upgrading and maintenance of existing structures, these landscaping requirements shall apply to sites with an existing structure(s) in the event that the total gross floor area of the presently existing structure(s) is increased or decreased by 50 percent. Increases or decreases can occur by either additions or deletions to existing structure(s), or the placement or removal of structure(s) on the site.
- (c) Existing landscaping on sites with existing structures or areas suitable for landscaping shall not be reduced below the landscape requirements established herein. These requirements shall remain with any subsequent owner.

5.113 *Landscaping requirements:*

- (a) *Landscaping percentage requirements*: On any building site which an application for a building permit is made, at least ten percent of the total building site shall be landscaped. At least 60 percent of this landscaping percentage requirement shall be located on the building site between the street line(s) and the building wall(s) facing the street, as illustrated in Figure 1 [not printed herein]. If new trees must be planted to meet the requirements of this section 5.111, they must be a minimum of one inch DBH, a minimum of six feet tall, and have a warranty of at least two years.
- (b) *Parking lots*:

- (1) *Parking lot requirements:* Parking lot landscaping shall be provided in parking lot use areas having uncovered parking at street level. Parking lots must be landscaped in the interior of the lot to break up the expanse of paving. A ratio of one tree for every 20 parking spaces shall be required.
- (2) *Sight visibility:* Landscape materials shall not obstruct visibility between the heights of three and eight feet above grade in vehicular use areas. There shall be an exception for existing trees as provided for in section 5.114(b).
- (c) *Installation:* All landscape material shall be installed in a sound workmanlike manner and in accordance with the landscape plan, as finally approved.
- (d) *Maintenance:* All landscaped areas shall be maintained by the owner of the property at all times. Maintenance shall include the prompt replacement of all dead or damaged landscaped material so as to insure continued compliance with the landscaping requirements of this section. This applies to right-of-way and median maintenance for developers who elect to take credits toward landscaping requirements. Any subsequent owner of property whose predecessor in interest took credits for right-of-way and median maintenance must continue to maintain said right-of-way or median in compliance with these landscape provisions.
- (e) *Irrigation:* All landscaped areas shall be provided with an adequate water supply through the use of one or more appropriate methods of irrigation, including hose bibbs and/or automatic or manual irrigation systems and/or any other appropriate methods.
- (f) *Sight visibility:* Landscape material shall not create an obstruction to visibility at intersections as required in section 6.3 of the zoning ordinance.
- (g) *Protection of landscaped areas:* All landscaped areas shall be protected by the use of protective tree grates, concrete curbs, wheel stops, continuous border plants of hedgerows, railroad ties, or other suitable barriers, not less than 20 square feet in diameter around each tree, to allow sufficient percolation of the water and air to the

root system of living landscape material and to protect from damage due to heavy foot traffic or vehicular encroachment.

5.114 *Credits toward landscaping requirements:* Allocations of credits, as set forth below, and approval of plans shall be made by the planning commission, with any disagreement of the determination made by the commission shall be resolved by the board of adjustments.

- (a) Where natural features and amenities, such as trees, water courses, historic sites, and similarly irreplaceable assets exist on a building site prior to development and provision is made to preserve the aforementioned permanently, up to 100 percent may be credited toward the landscaping percentage requirement for the total building site set out in section 5.113(a), provided it is determined that such credit satisfies all purposes, objectives, and requirements of this section.
- (b) Credit will be allowed toward the landscaping percentage requirements for the total building site for landscape materials in adjacent right-of-way and medians not to exceed three percent of the total landscape requirements, with the total landscaping requirements never being less than ten percent of the main site. Credit for right-of-way and median landscaping must be replanted as to meet all criteria in section 5.111 of the zoning ordinance entitled "Minimum landscaping requirements".

Total on-site landscaping requirements will not be reduced below ten percent except in cases of developments of historic districts or professional buildings with specific site criteria. Added credits may be issued upon documentation of the need.

- (c) *Tree credit:* Preservation of existing native trees with a minimum DBH of 12 inches can be credited toward the tree planting requirements of this ordinance according to the following ratio: the number of credited trees shall be determined by measuring at a height of four and one-half feet above grade level, the diameter (in inches) of each native tree and dividing the sum by six. To be included in the computation for credit for preserved trees, each preserved tree must be at least 12 inches in diameter; however, any existing tree less than 12 inches in diameter by meeting

the minimum tree planting size requirements of this ordinance, may be credited for one required tree.

Credited trees shall be uniformly encircled by a protected area of sufficient size to ensure the health of the tree. During any construction on the site, the protected area shall be clearly marked in the field.

No credit will be allowed for any tree that is unhealthy or dead. If any preserved tree being used for credit dies or fails to thrive, the owner must plant new trees equal to the number of credited trees and the replacement trees will be of the same species or variety as the credited tree(s) lost.

5.115 *Landscape plan approval*: A landscape plan shall be submitted for approval at the time that an application for a building permit is made on any land where the landscaping requirements of this section are applicable. Each landscape plan shall be drawn at the same scale and be provided in the same number of copies as the site plan, and shall contain the following information:

- (a) The date, scale, north arrow, title, and name of owner.
- (b) The approximate location of existing boundary lines and dimensions of the building site.
- (c) The location, species, and size of existing trees and other vegetation that the applicant proposes to remain on the site and have made part of the landscaping development.
- (d) The approximate center line of existing watercourses, the approximate location of significant drainage features; and the location and size of existing and proposed streets and alleys, existing and proposed utility easements on or adjacent to the building site, and existing proposed sidewalks adjacent to streets.
- (e) The location and size of proposed landscaped areas, in square feet.
- (f) The location, number, size, and name of proposed landscape material.

- (g) Statistics verifying the minimum percentage of landscaping required under this section will be met.
- (h) The locations, species, and DBH of existing trees indicating those to be retained, and those to be removed, and whether they are to be counted as part of the landscaping requirements. An indication of how healthy existing trees proposed to be retained will be protected during construction. The location and dimensions of the proposed landscape areas within the parking area(s) including a description and location of new trees and plant materials to be placed within the landscape area.
- (i) An indication, using written or graphic information of how the applicant plans to protect existing trees and other vegetation which are proposed to be retained from damage during construction.
- (j) The proposed irrigation type and design.
- (k) Certification that the landscape plan has been approved by one of the following: a registered landscape architect, professional engineer, architect, landscape designers, full-time builder designer, and that it satisfies all purposes, objectives, and requirements of this section.

(Ord. No. 1125, 2-23-95)

## **ARTICLE VI. SUPPLEMENTARY DISTRICT REGULATIONS**

### **Sec. 6.1. Parking requirements for all districts.**

6.11 *General*: Off-street automobile storage or parking space shall be provided with vehicular access to a street or alley, and shall be equal to at least the minimum requirements for the specific land use set forth.

6.111 The term "off-street parking space" shall mean a space at least ten (10) feet wide and twenty (20) feet in length with a minimum net area of two hundred (200) square feet, excluding area for egress and ingress and for maneuverability of vehicles.

6.112 The required number of parking spaces for any number of separate uses may be combined in one (1) lot, but the required space assigned to another use at the same time, except that portion of the parking space required for an existing church



whose peak attendance will be at night or on Sundays may be assigned to a use which will be closed at night or on Sundays.

6.113 Area reserved for off-street parking in accordance with the requirements of this ordinance shall not be reduced in area or changed to any other use unless the permitted use which it serves is discontinued or modified, except where equivalent parking space is provided to the satisfaction of the board of adjustment.

6.114 Off-street parking existing at the effective date of this ordinance in connection with the operation of an existing building or use shall not be reduced to an amount less than hereinafter required for a similar new building or use.

6.115 The requirements set forth herein do not apply to the Central Business District (Downtown) where off-street parking is permitted. However, wherever practicable, businesses are encouraged to provide off-street parking facilities.

6.12 For existing commercial uses in any business district and other similar areas desiring to expand but unable for good and sufficient reason to provide parking at the standard required in the following schedule, the board of adjustment may grant relaxation of the strict application of these requirements on appeal, subject to the regulations governing appeals and variances.

6.13 *Parking schedule:*

<i>Land Use</i>		<i>Parking Requirements</i>
6.131 <i>Dwellings:</i>		
1.	One and two families:	Two (2) space for each dwelling unit.

2.	Multiple:	One and one-half (1 1/2) spaces for each unit containing less than three (3) habitable rooms.
		Two (2) parking spaces for each unit containing three (3) or more habitable rooms.
3.	Hotels:	One (1) space for each bedroom plus one (1) additional space for each two (2) employees.
4.	Motels, tourist courts and homes, mobile home and parks:	One (1) space for each guest bedroom mobile home or travel trailer space, plus one (1) additional space for a resident manager or owner.
5.	Board and rooming houses, dormitories:	One (1) space for each guest bedroom.
6.132 <i>Public Assembly:</i>		
1.	Churches or other places of worship:	One (1) space for each four (4) seats in the main auditorium or sanctuary.
2.	Private clubs, lodges, and fraternal buildings not providing overnight accommodations:	One (1) space for each one hundred (100) sq. ft. of building under roof.

3.	Theaters, auditoriums, coliseums, stadiums and similar places of assembly:	One (1) space for each four (4) seats.
4.	Libraries, museums:	One (1) space for each five hundred (500) sq. ft. of gross floor area.
5.	Schools, including kindergartens, playschools and day care centers:	One (1) space for each four (4) seats in assembly hall, or one (1) space for each employee, including teachers and administrators, whichever is greater, plus five (5) spaces per classroom for high schools and colleges.
6.	Skating rinks, dance halls, exhibition halls, pool rooms and other places of amusement or assembly without fixed seating arrangements:	One (1) space for each 200 sq. ft. of floor area.
7.	Bowling alleys:	Four (4) spaces for each alley.
6.133 <i>Health facilities:</i>		
1.	Hospitals, sanitariums, nursing homes, homes for the aged and similar institutional uses:	One (1) space for each four (4) beds, plus one (1) space for each two (2) employees, including nurses.

2.	Kennels and animal hospitals:	A parking area equal to thirty (30) percent of the total enclosed or covered area.
3.	Medical, dental and health offices and clinics:	One (1) space for each two hundred (200) sq. ft. of floor area used for offices and similar purposes.
4.	Mortuaries and funeral parlors:	Five (5) spaces per parlor chapel unit, or one (1) space per four (4) seats, whichever is greater.
6.134 <i>Business:</i>		
1.	Commercial establishments and offices, including but not limited to the following types:	Four (4) parking spaces for up to four hundred (400) sq. ft. of floor area, plus one (1) parking space for each additional two hundred (200) sq. ft. of floor area, plus one (1) parking space for each additional one hundred fifty (150) sq. ft. of floor area over five thousand (5,000) sq. ft.
	Food stores, furniture stores, general business, commercial or personal service establishments catering to the retail trade.	Same as preceding.

	Governmental offices, office buildings, including banks, businesses, commercial, and professional offices and buildings but excluding medical, dental and health offices, and clinics.	One (1) space for each two hundred (200) square feet of floor area.
	Public utilities, such as telephone exchanges and substations, radio and TV stations.	One (1) space for each two (2) employees.
	Restaurants, including bars, grills, diners, cafes, taverns, night clubs, lunch counters, and all similar dining and/or drinking establishments.	One (1) space for each two (2) seating accommodations plus one (1) space for each two (2) employees on shift.
2.	Shopping centers:	Ten (10) spaces for each one thousand (1,000) sq. ft. of floor area designated for retail sales only for centers up to fifteen (15) acres in size and eight (8) spaces for each one thousand (1,000) sq. ft. of floor area designated for retail sales only for centers of fourteen (14) or more acres in size.
6.135 <i>Industries:</i>		

1.	Commercial, manufacturing and industrial establishments, not catering to the retail trade:	One (1) space for each two (2) employees on the maximum working shift, plus one (1) space/each vehicle operating from the premises.
2.	Wholesale establishments:	One (1) space for every fifty (50) sq. ft. of customer service area, plus two (2) spaces for each three (3) employees on the maximum working shift, plus one (1) space for each company vehicle operating from the premises.
3.	Electric power and gas substations:	Twenty-five (25) percent of the parcel on which located or four (4) spaces, whichever is smaller.

**Sec. 6.2. Off-street loading and unloading space.**

Off-street loading/unloading spaces shall be provided as hereinafter required by this ordinance.

6.21 *Size of spaces:* Each off-street loading/unloading space shall have minimum dimensions of fourteen (14) feet in height, twelve (12) feet in width, and fifty-five (55) feet in length. However, upon sufficient demonstration that a particular loading space will be used exclusively by shorter trucks, the board of adjustment may reduce the minimum length accordingly to as little as thirty-five (35) feet.

6.22 *Connection of street or alley:* Each required off-street loading/unloading space shall have direct access to a street or alley or have a driveway which offers satisfactory ingress and egress for trucks.

- 6.23 *Floor area over ten thousand square feet:* There shall be provided for each hospital, institution, hotel, commercial, or industrial building or similar use requiring the receipt or distribution of materials or merchandise and having a floor area of more than ten thousand (10,000) square feet, at least one (1) off-street loading/unloading space for each ten thousand (10,000) square feet of floor space or fraction thereof. Such space shall be so located as not to hinder the free movement of pedestrians and vehicles over a sidewalk, street or alley.
- 6.24 *Floor area less than ten thousand square feet:* There shall be provided for each commercial or industrial building requiring the receipt or distribution of materials or merchandise and having a floor area of less than ten thousand (10,000) square feet, sufficient off-street loading/unloading space (not necessarily a full space if shared by an adjacent establishment) so located as not to hinder the free movement of pedestrians and vehicles over a sidewalk, street or alley.
- 6.25 *Bus and truck terminals:* There shall be provided sufficient space to accommodate the maximum number of buses or trucks to be stored or to be loaded at the terminal at any one (1) time.
- 6.26 *Location:* All required off-street loading/unloading spaces shall be located on the same lot as the building which they are intended to serve, or on an adjacent lot when shared with the use occupying said adjacent lot.
- 6.27 *Permanent reservation:* Area reserved for off-street loading/unloading in accordance with the requirement of this ordinance shall not be reduced in area or changed to any other use unless the permitted use which is served is discontinued or modified except where equivalent loading/unloading space is provided and approved by the board of adjustment.

**Sec. 6.3. Corner visibility in residence and local business district.**

In any district requiring a front yard setback, no fence, wall, shrubbery, sign, marquee, or other obstruction to vision between the heights of two and one-half (2 1/2) feet and ten (10) feet above street level shall be permitted within twenty (20) feet of the intersection of the right-of-way lines of two (2) streets or railroads or of a street and a railroad right-of-way. Accessory structures within twenty-five (25) feet of the rear yard line of a corner lot shall be setback the minimum front yard depth required on the side street.

#### **Sec. 6.4. Future street lines.**

On any lot which, at the time of adoption of this ordinance or at the time this ordinance is changed by amendment hereafter, may be reduced in area by widening a public street to a future street line as indicated on the "major street plan" or as same may be hereafter amended, the minimum required yards, the minimum required lot area, the minimum required lot width and the maximum building area shall be measured by considering the future street lines as the lot line of such lot.

#### **Sec. 6.5. Abatement of noise, smoke, gas, vibration, fumes, dust, fire and explosion hazard or other nuisance.**

The board of adjustment may require the conduct of any use, conforming or nonconforming, which results in unreasonable noise, gas, smoke, vibration, fumes, dust, fire, or explosion hazard or nuisance to surrounding property to be modified or changed to abate such hazard to health, comfort, and convenience. The board of adjustment may direct the municipal building inspector [codes inspector] to issue an abatement order, but such order may be directed only after a public hearing by the board, notice of which shall be sent by registered mail to the owners and/or operators of the property on which the use is conducted in addition to due notice of advertisement in the same manner used to advertise hearings on zoning changes. A hearing to consider issuance of an abatement order shall be held by the board of adjustment either upon petition signed by any person affected by the hazard or nuisance or upon the initiative of the board. An abatement order shall be directed by the board of adjustment only upon reasonable evidence of hazard or nuisance and such order shall specify the date by which the hazard or nuisance shall be abated.

### **ARTICLE VII. ZONING ADMINISTRATION**

#### **Sec. 7.1. Duties and powers of the zoning enforcement officer.**

- 7.11 The zoning enforcement officer shall be the municipal building inspector [codes inspector] as designated by the city council whose duties shall be as follows.
- 7.12 The zoning enforcement officer is authorized and empowered on behalf and in the name of the council to administer and enforce the provisions of this ordinance to include receiving applications, inspecting premises, and issuing certificates of zoning compliance and certificates of occupancy for uses and structures which are in conformance with the provisions of this ordinance.
- 7.13 The zoning enforcement officer does not have the authority to take final action on applications or matters involving variances, nonconforming uses, or



other exceptions which this ordinance has reserved for public hearings before the board of adjustment, the planning commission, and/or the city council.

- 7.14 The zoning enforcement officer shall keep records of all and any permits, the certificates of occupancy issued, maps, plats and other documents with notations of all special conditions involved. He shall file and safely keep copies of all sketches and plans submitted, and the same shall form a part of the records of the office and shall be made as a public record.

**Sec. 7.2. Permits and certificates.**

- 7.21 *Building permits:* It shall be unlawful to commence the excavation for or the construction of any building or other structure, including accessory structures, or to store building materials or erect temporary field offices, or to commence the moving, alteration, or repair of any structure, including accessory structures until the building inspector [codes inspector] of the municipality has issued for such work a building permit including a statement that the plans, specifications and intended use of such structure in all respects conforms with the provisions of this ordinance. Application for the building permit shall be made to the building inspector [codes inspector] of the municipality on forms provided for that purpose.
- 7.22 *Approval of plans and issuance of building permit:* It shall be unlawful for the municipal building inspector [codes inspector] to approve any plans or issue a building permit for any excavation or construction until he has inspected such plans in detail and found them in conformity with this ordinance. To this end, the municipal building inspector [codes inspector] shall require that every application for a building permit for excavation, construction, use of land, moving or alteration be accompanied by a plan or plat drawn to scale and showing sufficient detail to enable the municipal building inspector [codes inspector] to ascertain whether the proposed excavation, construction, use of land, moving or alteration is in conformance with this ordinance:
- (a) The actual shape, proportion and dimensions of the lot to be built upon.
  - (b) The shape, size and location of all buildings or other structures to be erected, altered or moved and of any building or other structures already on the lot.

- (c) The existing and intended use of all such buildings or other structures.

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

- 7.23 *Certificate of occupancy*: No land or building or other structure or part thereof hereafter erected, moved or altered in its use shall be used until the building inspector [codes inspector] of the municipality shall have issued a certificate of occupancy stating that such land or structure or part thereof if found to be in conformity with the provisions of this ordinance. Within three (3) days after the owner or his agent has notified the building inspector [codes inspector] of the municipality that a building or premises or part thereof is ready for occupancy or use, it shall be the duty of the building inspector [codes inspector] of the municipality to make a final inspection thereof, and to issue a certificate of occupancy if the building or premises or part thereof is found to conform with the provisions of this ordinance or, if such certificate is refused, to state the refusal in writing with the cause.

### **Sec. 7.3. Establishment of the board of adjustment.**

The board of adjustment of the City of Citronelle, Alabama, is hereby established, and the following rules set forth to govern its operation:

- 7.31 *Membership*: The board of adjustment shall consist of five (5) members, appointed by the council of Citronelle, Alabama, for overlapping terms of three (3) years. In addition, two (2) supernumerary members shall be appointed to serve at the call of the chairman, only in the absence of regular members. Such members shall be appointed for three (3) years and shall be eligible for reappointment.
- 7.32 *Initial appointment*: The initial appointment of the board of adjustment shall be as follows: two (2) members for one (1) year; two (2) members for two (2) years; and, one (1) member for three (3) years.

- 7.33 *Vacancies*: Any vacancy in the membership shall be filled for the unexpired term in the same manner as the initial appointment. Members shall be removable for cause by the city council upon written charges and after public hearing thereon.
- 7.34 *Public offices held*: No members shall hold any other public office or position, except that one (1) member may be a member of the city council.
- 7.35 *Rules of procedure*: The board of adjustment shall observe the following procedures:
- 7.351 Said board shall adopt rules in accordance with the provisions of this ordinance for the conduct of its affairs.
- 7.352 Said board shall elect one (1) of its members, other than a member of the planning commission, as chairman, who shall serve for one (1) year or until he is re-elected or his successor is elected. Said board shall appoint a secretary.
- 7.353 The meetings of said board shall be held at the call of the chairman and at such other times as said board may determine. The chairman, or in his absence, the acting chairman, may administer oaths and compel the attendance of witnesses by subpoena.
- 7.354 All meetings of said board shall be open to the public.
- 7.355 Said board shall keep minutes of its proceedings, showing the vote of such 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 immediately filed in the office of the clerk and shall be a public record.
- 7.36 *Duties and powers*: The board of adjustment shall have the following duties and powers:
- 7.361 *Administrative powers*: To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by rezoning enforcement officer, or other administrative official, in the enforcement of this ordinance.
- 7.362 *Special exceptions*: To hear and decide special exceptions of the terms of this ordinance upon

which said board is required to pass under this ordinance.

7.363 *Variances*: To authorize upon appeal in specific cases such variance from the terms of this ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this ordinance will, in an individual case, result in unnecessary hardship, so that the spirit of this ordinance shall be observed, public safety and welfare secured, and substantial justice done. Such variance may be granted in such individual case of unnecessary hardship upon a finding by the board of adjustment that:

- (a) There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography;
- (b) The application of their ordinance to this particular piece of property would create an unnecessary hardship;
- (c) Such conditions are peculiar to the particular piece of property involved; and,
- (d) Relief, if granted, would not cause substantial detriment to the public good or impair the purpose and intent of this ordinance; provided, however, that no variance may be granted for a use of land or building or structure that is prohibited by this ordinance.

7.364 *Uses not provided for*: Whenever, in any district established under this ordinance, a use is neither specifically permitted or denied and an application is made by a property owner to the zoning officer for such use, the zoning officer shall refer the application to the board of adjustment which shall have the authority to permit the use or deny the use. The use may be permitted if it is similar to and compatible with permitted uses in the district and in no way is in conflict with the general purpose and intent of this ordinance.

#### **Sec. 7.4. Procedure for requesting a hearing.**

Request for a hearing before the board of adjustment for an administrative review, special exception or a variance shall observe the following procedures:

- 7.41 A completed application form must be filed with the zoning enforcement officer from whom the appeal is taken and with the board of adjustment, at least two (2) calendar weeks prior to the regular meeting of the board of adjustment. The application must include all specified pertinent data [data] including an explanation of the grounds on which the appeal is being made.
- 7.42 An application shall be accompanied by an acceptable site plan with such reasonable information shown thereon as may be required by the zoning enforcement officer. Such site plan shall include, as a minimum, the following: lot dimensions with property line monuments located thereon; location and size of existing and proposed structures; yard dimensions and the use of structures; easements (private and public), water course, and if existing and proposed, fences, street names and street right-of-way lines; and such other information regarding abutting property as directly affects the application.
- 7.43 The board of adjustment shall hear the appeal at its next regularly scheduled meeting, or, if for good reason this is not feasible, shall fix a reasonable time within twenty (20) days after the date of its regularly scheduled meeting for hearing the appeal. Public notice of the hearing shall be given by all of the following methods: (1) a printed notice in one (1) or more newspapers of general circulation in the area affected by the appeal, in conformance with applicable state law and at least fifteen (15) days prior to the date of the hearing; such notice shall be printed in a type size easily readable by a person with normal vision; and, (2) notice by registered mail to the owners of all property within three hundred (300) feet of the affected property on the same side of the street, across the street, and to the rear of the affected property.
- 7.44 The board of adjustment shall render a decision on any appeal or other matter before it within forty-five (45) days from the date of the public hearing on it.
- 7.45 An appeal stays all legal proceedings in furtherance of the action appealed from, unless the zoning enforcement officer certifies to the board of adjustment after the notice of appeal shall have been filed with him that, by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life and property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by said board or by a court of record on notice

to the official from whom the appeal is taken and on due cause shown.

7.46 In exercising the powers granted the board of adjustment said board may, in conformity with the provisions of this ordinance, reverse or affirm, wholly or in part, or may modify the order, requirements, decisions or determination of the zoning enforcement officer and may issue or direct the issuance of a zoning compliance permit.

7.47 *Limitation, withdrawal, citizen appeals:*

7.471 A property owner, or his appointed agent, shall not initiate action for a hearing before the board of adjustment relating to the same parcel of land more often than once every year on the same variance.

7.472 Any petition for a hearing before the board may be withdrawn prior to action thereon by the board at the discretion of the person initiating such a request upon written notice to the secretary of the board.

7.473 Any person or persons severally or jointly aggrieved by any decision of the board of adjustment may take, within fifteen (15) days thereafter appeal to the circuit court or like jurisdiction, by filing with such board a written notice of appeal specifying the judgment or decision from which appeal is taken.

#### **Sec. 7.5. Procedure for requesting a zoning amendment.**

The city council may, from time to time, after examination, review and hold public hearing thereon, amend, supplement or change the regulations and zoning districts herein or subsequently established. Proposals for zoning amendments, whether initiated by the city council, the planning and zoning commission, or any persons, firm or corporation, shall be treated in accordance with the following procedure:

7.51 An application must be submitted on appropriate forms and in writing at least ten (10) days prior to the regular monthly meeting of the planning commission and must be accompanied by a site plan of the proposed use included in any petition for a zoning amendment.

7.52 The application shall be sent to the commission for review and recommendation, and said commission shall have forty-five (45) days within which to submit an application to the city council. If the commission fails to submit a report within the forty-five (45) day

period, it shall be deemed to have approved the proposed amendment.

7.53 Before enacting any amendment to this ordinance, a public hearing thereon shall be held by the planning commission with proper legal notice published in a newspaper of general circulation in the jurisdiction, at least fifteen (15) days prior to the said public hearing and notice by mail to the owners within three hundred (300) feet of the affected property.

7.54 The council shall hold a public hearing at the earliest possible time under the time limits spelled out above to consider the proposed zoning amendment, and shall take action on said proposed amendment within forty-five (45) days from the date of the public hearing except in the case where the tentative action is not in accordance with the planning commission's certified recommendation. In such case, the council shall not make any change in or departure from the text or maps, as recommended and certified by the commission, unless such change or departure be first submitted to the commission for an additional review and recommendation. The commission shall have thirty (30) days to resubmit its recommendation.

7.55 Any petition for zoning amendment may be withdrawn prior to action thereon by the council or planning commission at the discretion of the person, firm or corporation initiating such a request upon written notice to the clerk.

7.56 A property owner, or his appointed agent, shall not initiate action for a zoning amendment affecting the same parcel of land more often than once every twelve (12) months.

**Sec. 7.6. Continuance of previously issued permits.**

All permits which were previously issued shall not be affected by the provisions of this ordinance, except as otherwise provided herein.

**Sec. 7.7. Procedure for zoning newly annexed land.**

Any unzoned land annexed to the City of Citronelle, Alabama, hereafter shall be classified R-1, unless otherwise classified by the planning commission and city council at the time of annexation. Annexed land with an established zoning shall at the time of annexation be rezoned to a use compatible with the municipality's own zoning district or to an entirely new zone consistent with established procedure.

**Sec. 7.8. Duties and powers of the planning commission.**

- 7.81 The commission is charged with the responsibility to review, apply, and monitor the enforcement of this ordinance in accordance with the adopted comprehensive plan or portion thereof which are adopted.
- 7.82 The planning commission shall hear matters "on appeal" or [which] require commission "approval" as herein specified.
- 7.83 The commission shall hear and recommend to the city council on all matters of zoning, rezoning (and in the case of municipalities--all cases of annexation).
- 7.84 Requests before the commission shall adhere to the requirements specified herein and as may be established by the commission for the lawful rendering of its duty.

**Sec. 7.9. Penalties.**

Any person violating any provision of this ordinance shall be fined upon conviction, not less than five dollars (\$5.00) nor more than one hundred dollars (\$100.00) and costs of court for each offense. Each day such violation continues shall constitute a separate offense.

**Sec. 7.10. Remedies.**

In case any building or structure is to be erected, constructed, reconstructed, altered, or converted, in violation of this ordinance, the building inspector [codes inspector], legal officer, or other appropriate authority or any adjacent or neighboring property owner who would be specially damaged by such violation may, in addition to other remedies, institute injunction, mandamus, or other appropriate action or proceeding to prevent such unlawful erection, construction, reconstruction, alteration, conversion, maintenance, or use; or to correct or abate such violation; or to prevent the occupancy of said building, structure, or land. Each and every day such unlawful erection, construction, reconstruction, alteration, conversion, maintenance, or use continues shall be deemed a separate offense.

**ARTICLE VIII. DEFINITIONS OF TERMS**

**Sec. 8.1. General provisions.**

Except as otherwise provided herein, all words shall have the customary dictionary meaning. The present tense includes the future tense and the future tense includes the present tense. The singular number includes the plural and the plural includes the singular. The word "person" includes a firm, corporation, association, organization, trust or partnership. The word "lot" includes "plot" and "parcel." The word "used" or "occupied" as applied to any land or building shall be construed to include the



words "intended, arranged, or designed to be used or occupied." The word "map" means the "official zoning district map."

**Sec. 8.2. Specific definitions of certain terms used in this ordinance.**

*Accessory use or structure:* A use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.

*Agriculture:* The use of land for farming, dairying, pasturage, agriculture, horticulture, floriculture, viticulture, and animal poultry husbandry and the necessary accessory uses for packing, treating, or storing the produce; provided, however, that the operation of any such accessory uses shall be secondary to that of normal agricultural activities and provided further that the above uses shall not include the commercial feeding of garbage or offal to swine or other animals.

*Airport:* Any runway, land area or other facility designed, used either publicly or privately by any person for the landing and taking off of aircraft, including all necessary taxiways, aircraft storage and tie-down area, hangers, and other necessary buildings, and open spaces.

*Alteration, altered:* These terms shall include any changes in structural parts, stairways, type of construction, kind of class of occupancy, light or ventilation, means of ingress and egress, or other changes affecting or regulated by the building code or this ordinance, except for minor changes or repairs not involving the aforesaid features.

*Arterial street:* A street designed or utilized primarily for high speed vehicular movements and heavy volume of traffic.

*Automobile repair:* The repair, rebuilding or reconditioning of motor vehicles or parts thereof, including collision service, painting, and steam cleaning of vehicles.

*Automobile wrecking:* The dismantling or wrecking of used motor vehicles, mobile homes, trailers, or the storage, sale or dumping of dismantled, partially dismantled, obsolete or wrecked vehicles or their parts.

*Basement:* A story all or partly underground, but having at least one-half of its height below the average level of the adjoining ground.

*Block:* A piece or parcel of land entirely surrounded by public highways or streets, other than alleys.

*Boarding house, rooming house, lodging house, or dormitory:* A building or part thereof, other than a hotel, motel, or restaurant, where meals and/or lodging are provided for

compensation, for three (3) or more unrelated persons where no cooking or dining facilities are provided in individual rooms.

*Building*: Any structure attached to the ground and installed for shelter, housing, or enclosure of persons, animals, or chattels.

*Building, accessory*: A subordinate building, the use of which is incidental to that of the dominant use of the main building or land.

*Building, alteration of*: Any change in the supporting members of a building (such as bearing walls, beams, columns, and girders) except such change as may be required for its safety; and addition to a building; any changes in use resulting from moving a building from one (1) location to another.

*Building, height*: The vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof or flat roofs, to the deck line of mansard roofs, and the mean height between eaves and ridge for gable, hip and gambrel roofs.

*Building, line*: (See *Setback line*.)

*Building, principal*: A building in which is conducted the main or principal use of the lot on which said building is situated.

*Bulkhead*: A structure separating land and water areas, primarily designed to resist earth pressures.

*Cemetery*: Land used or intended to be used for the burial of the animal or human dead and dedicated for cemetery purposes, including crematories, mausoleums, and mortuaries if operated in connection with and within the boundaries of such cemetery.

*Change of occupancy*: The term "change of occupancy" shall mean a discontinuance of an existing use and the substitution therefor of a use of a different kind or class. Changes of occupancy is [are] not intended to include a change of tenants or proprietors unless accompanied by a change in the type of use.

*Channel*: A natural or artificial water course of perceptible extent, with bed and banks to confine and conduct continuously or periodically flowing water.

*Church*: A building, together with accessory buildings and uses, where persons regularly assemble for religious worship, and which building, together with its accessory buildings and uses, is maintained and controlled by a religious body organized to sustain public worship.

- a. *Accessory use:* Accessory uses for religious worship or church shall include, but not be limited to, church-school uses of the following types: preschool, nursery school, kindergarten, grades 1--12, and schools of collegiate grade but excluding residential occupancy.
- b. *Church-school:* An integral and inseparable ministry of a church operated primarily for religious reasons. Religion permeates every class and subject area, and the reason for the ministry is fundamentally religious in nature.

*Clinic:* A place used for the care, diagnosis and treatment of sick, ailing, infirm, or injured persons, and those who are in need of medical and surgical attention, but who are not provided with board.

*Club:* A building or portion thereof or premises owned or operated for a social, literary, political, educational, or recreational purpose primarily for the exclusive use of members and their guests.

*Club, private:* Any association or organization of a fraternal or social character, not operated or maintained for profit; does not include casinos, night clubs, or other institutions operated for a profit.

*Collector street:* A street which carries medium volumes of traffic collected primarily from minor streets and delivering it to arterial streets.

*Commercial vehicle:* Any vehicle designed, used for transportation of people, goods, or things, other than private passenger vehicles and trailers for private non-profit transport of goods and boats.

*Commission:* The City of Citronelle Planning Commission.

*Comprehensive plan:* The land use plan, housing plan, public facilities plan, and other planning elements adopted by the planning commission.

*Convalescent or nursing home:* A building, or portion thereof, wherein for compensation, living accommodations and care are provided for persons suffering from illness, other than mental or contagious, which is not of sufficient severity to require hospitalization, or for persons requiring further institutional care after being discharged from a hospital other than a mental hospital; includes extended care facilities.

*Day care center:* (See *Nursery schools*.)

*Density:* A unit of measurement; the number of dwelling units per acre of land.

- a. *Gross density*: The number of dwelling units per acre of the total land to be developed.
- b. *Net density*: The number of dwelling units per acre of land when the acreage involved includes only the land devoted to residential uses.

*District*: A section of the area zoned, within which the zoning regulations are uniform.

*Double frontage or through lot*: A lot or plot, but not a corner lot, that abuts upon two (2) streets, the two (2) frontages being non-contiguous.

*Dwelling or dwelling unit*: Any building, portion thereof, or other enclosed space or area used as or intended for use as the home of one (1) family, with separate cooking and housekeeping facilities, either permanently or temporarily.

- a. *Single family*: A detached building designed for and occupied by one (1) family as a home, with cooking and housekeeping facilities.
- b. *Two-family*: A detached building occupied by or designed for occupancy by two (2) families only, with separate cooking and housekeeping facilities for each.
- c. *Multiple family*: A building designed for or occupied by three (3) or more families, with separate cooking and housekeeping facilities for each.

*Easement*: A grant by a property owner of the use of land for a specific purpose or purposes by the general public, or a corporation or a certain person or persons.

*Erected*: The word "erected" includes built, constructed, reconstructed, moved upon or any physical operations on the premises required for building. Excavations, fill drainage, and the like shall be considered a part of erection.

*Expansion, building or use*: The addition of enclosed or unenclosed rooms or storage spaces, porches, or parking area, to an existing building or use on a parcel of land.

*Family*: One (1) or more persons occupying a single dwelling unit and using common cooking facilities, provided that unless all members are related by blood, adoption or marriage no such family shall contain over five (5) persons, but that such family may also include gratuitous guests and servants in addition.

*Filling station*: (See *Service station*.)

*Fixed dwelling:* A dwelling unit (or structure containing several units) attached to a permanent foundation.

*Flood:* A temporary rise in stream or surface water level that results in inundation of areas not ordinarily covered by water.

*Flood frequency:* The average frequency statistically determined, for which it is expected that a specific flood level may be equaled, or exceeded.

*Flood plain:* Those areas defined by the U. S. geological survey or the U. S. Army Corps of Engineers as subject to flooding once in one hundred (100) years, based on topography.

*Floodway:* That portion of the flood plain, including the channel, which is reasonably required to discharge the bulk of the regional flood waters. Floods of less frequent recurrence are usually contained completely within the floodway.

*Food processing:* The preparation, storage, or processing of food products on a large scale. Examples of these activities include bakeries, dairies, canneries, and other similar activities or businesses.

*Frontage, building:* The outside wall surface of a building or of an enclosed porch on a building that is nearest to the front lot line, or, in the case of a wall surface not parallel to the front lot line, the average of the longest and shortest distance of the wall from the front lot line.

- a. *Lot line:* shall mean the lot line which abuts a street or separates the lot from a street.
- b. *Street line:* All the property on the side of a street between two (2) intersecting streets (crossing or termination), or if the street is dead ended, then all the property abutting on one (1) side between an intersecting street and the dead end of the street.

*Garage, commercial:* A building or portion thereof used for equipping, servicing, repairing, rental, selling and/or storing self-propelled motor vehicles. Gasoline, oil, grease, batteries, tires and motor vehicles accessories may be supplied and dispensed at retail.

*Garage, private:* A building or part thereof designed and/or used for inside parking of self-propelled private passenger vehicles by the occupants of the house or other principal structure on the premises or by the occupants of or employees of a particular firm.

*Garage, public:* A building or part thereof designed or used for indoor or partially indoor (covered) parking of self-

propelled private passenger vehicles, operated as a commercial enterprise, accessory to a commercial enterprise, or as a governmental service and providing only incidental services for such vehicles.

*Habitable rooms:* All living spaces within a dwelling unit (house, apartment, townhouse, condominium, mobile home) arranged in such a fashion as to be commonly described as kitchen, dining room, dinette, family room, den, music room, library, bedroom and/or any other partitioned area that is designed to be used, or that may be used, in the opinion of the governing body, as a room for the carrying on of general family activities.

*Height of building:* The vertical distance from the established grade at the center of the front of the building to the highest point of the roof surface for a flat roof, to the deck line for a mansard roof and to the mean height level between eaves and ridge for gable, hip and gambrel roofs.

*Home association:* An incorporated, non-profit organization operating under recorded land agreements through which, (a) each lot and/or home owner in a planned or other described land area is automatically a member, and, (b) each share of the expenses for the organization's activities, such as maintaining a common property, and, (c) the charge if unpaid becomes a lien against the property.

*Home occupation:* An occupation for gain or support conducted only by members of a family residing on the premises and entirely within the main dwelling.

*Hotel:* A transient commercial lodging establishment consisting of one (1) or more buildings used only for this purpose, including accessory uses such as eating and drinking facilities, recreation facilities and parking. This category includes motels and motor hotels. Lodgings may consist of sleeping rooms only or may include cooking facilities also, but are not intended for long term occupancy.

*Institution:* Building and/or land designed to aid individuals in need of mental, therapeutic, rehabilitative counseling, or other correctional services includes both in and out patients.

*Institution or institutional:* A nonprofit organization building, or use, publicly or privately owned, for the benefit of the public (schools, churches, temples, hospitals, clubs, fire stations, police stations, sewerage lift pumps, libraries, museums, city offices, etc.)

*Jetty:* A projection of stone, brick, wood or other material, but generally formed of piles, serving as a protection against the encroachment or assault of the waves and current.

*Junk yard:* Place, structure or lot where junk, waste, discarded salvaged, or similar materials such as old metals, wood, slush, lumber, glass, paper, rags, cloth, bagging, cordage, barrels, containers, etc. are bought, sold, exchanged, baled, packed, disassembled, or handled, including auto wrecking yards, used lumber yards, house-wrecking yards, and yard or places for storage or handling of salvaged house wrecking and structural steel materials. This definition shall not include pawn shops and establishments for the sale, purchase, or storage of usable second hand cars, salvaged machinery, used furniture, radios, stoves, refrigerators or similar household goods and appliances. Nor shall it apply to the processing of used, discarded, or salvaged materials as part of manufacturing operations.

*Kenel:* Any place or premises where four (4) or more dogs over four (4) months of age are kept.

*Lot, corner:* A lot abutting upon two (2) or more streets at their intersection or upon two (2) parts of a street which form an interior angle of less than one hundred thirty-five (135) degrees. The point of intersection of the street lines is the corner.

*Lot, depth:* The mean (average) horizontal distance between the front and rear lot lines, measured at right angles to the street lines.

*Lot, interior:* A lot other than a corner lot.

*Lot line, front:* The lot line contiguous to the street right-of-way line of the principal street on which the lot abuts.

*Lot line, rear:* The lot line opposite to and most distant from the front lot line.

*Lot line, side:* Any lot line other than a front or rear lot line. A side lot line of a corner lot, separating a lot from a street, is called a side street lot line. A side lot line separating a lot from another lot is called an interior lot line.

*Lot of record:* A lot which is a part of a recorded plat or a plot described by metes and bounds, the map and/or description of which has been recorded according to Alabama law.

*Lot, width:* The mean (average) horizontal distance between the side lot lines, measured at right angles to the lot depth, with the minimum to comply with this code to be measured at the front setback line.

*Maintenance and storage facilities:* Land, buildings, and structures devoted primarily to the maintenance and storage of construction equipment and material.

*Maneuvering space:* The space entirely on private property required for maneuvering vehicles into and out of spaces in such

a manner as to provide the backing of any vehicle into any street right-of-way.

*Manufactured home:* A structure constructed in accordance with the National Manufactured Housing Construction and Safety Standards Act of 1974 as amended, U.S.C. 5401. Motor homes, house trailers, travel trailers, campers, mobile homes, mobile homes made to HUD standards and similar towed, transported, or self-propelled units are not manufactured homes.

*Manufactured Home Development:* Any plot of ground upon which two or more manufactured homes, occupied for dwelling purposes, are located, regardless of whether or not a charge is made for such accommodation.  
(Ord. No. 1192, Sept. 14, 2006)

*Manufactured Home Space:* A plot of ground within a manufactured home development designed for the accommodations of one manufactured home.  
(Ord. No. 1192, Sept. 14, 2006)

*Manufacturing, extractive:* Any mining, quarrying, excavating, processing, storing, separating, cleaning, or marketing of any mineral natural resource.

*Manufacturing, general:* Manufacturing, processing, assembling, storing, testing, and similar industrial uses which are generally major operations and extensive in character; require large sites, open storage and service areas, extensive services and facilities, ready access to regional transportation; and normally generate some nuisances such as smoke, noise, vibration, dust, glare, air pollution, and water pollution, but not beyond the district boundary.

*Manufacturing, light:* Manufacturing or other industrial uses which are usually controlled operations; relatively clean, quiet, and free of objectionable or hazardous elements such as smoke, noise, odor, or dust; operating and storing within enclosed structures; and, generating little industrial traffic and no nuisances.

Editor's note - Ord. No. 1192, adopted Sept. 14, 2006, repealed § 8.2 definitions; mobile home, mobile home park, mobile home space, mobile home subdivision, as derived from Ord. No. 1053, adopted Jan. 13, 1987

*Motel, motor hotel:* (See *Hotel*.)

*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. Does not include streets or public recreation or open spaces.



*Nightclubs:* A restaurant, dining room, bar, or other similar establishment providing food or refreshments wherein floor shows or other forms of entertainment by persons are provided for guests.

*Nonconforming use:* A use of land existing lawfully at the time of the enactment of this ordinance, or at the time of a zoning amendment and which does not conform with the regulations of the district in which it is located.

*Nursing home:* A home for aged, chronically ill, or incurable persons in which three (3) or more persons not of the immediate family are received, kept, or provided with food and shelter or care for compensation, but not including hospitals, clinics or similar institutions devoted primarily to the diagnosis and treatment of the sick or injured.

*Nursery, plant materials:* Land, building, structure, or combination thereof for the storage, cultivation, transplanting of live trees, shrubs, or plants offered for retail sale and the premises including products used for gardening or landscaping.

*Nursery school:* A place for the day care and instruction of children not remaining over night; includes day care centers.

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

- (a) *Open space, permanent usable, in planned unit development:* (1) privately-owned and occupied area of a separate lot, outside of any buildings on the lot; (2) privately-occupied open space assigned to an individual dwelling unit in a project and not occupied by the dwelling; (3) public open space. Any spaces not occupied by buildings or privately-owned lots or privately-occupied space. This public open space may consist of access driveways, off-street parking spaces, pedestrian walkways, play areas, landscaped areas, sports areas and any other areas suitable for the common enjoyment of the residents of the project.

*Parking space, off-street:* For the purpose of this ordinance an off-street parking space shall consist of an area adequate for parking an automobile with room for opening doors on both sides, together with properly related access to a public street or alley and maneuvering room, but shall be totally outside of any street or alley right-of-way.

*Planned unit development:* A planned unit development (1) 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; (2) includes principal and accessory uses and structures substantially related to the character of the development itself and the surrounding area of which it is a part; (3) is developed according to comprehensive and detailed plans which include not only streets, utilities, lots, or building sites and the like, but also site plans, floor plans, and elevations for all buildings as intended to be located, constructed, used, and related to each other, and detailed plans for other uses and improvements, facilities, and services as will be for common use by some or all of the occupants of the planned unit development, but will not be provided, operated, or maintained at public expense.

*Plat:* A map, plan or layout of a county, city, town, section or subdivision indicating the location and boundaries or properties.

*Porch:* A roofed-over space attached to the outside of a [an] exterior wall of a building, which has no enclosure other than the exterior walls of such building. Open mesh screening shall not be considered an enclosure.

*Recreational vehicle:* A self-propelled vehicle used for temporary housing of individuals and families during travel. This category, in this ordinance is assumed to include also campers, camping trailers, motor homes and smaller mobile homes (up to a length of twenty-eight (28) feet exclusive of hitch) capable of being towed by a passenger motor car.

*Regulatory flood:* The flood which is representative of large floods known to have occurred generally in the area and reasonably characteristic of what can be expected to occur. The regulatory flood generally has a flood frequency of approximately one hundred (100) years as determined from any analysis of floods at a particular site and other sites in the same general region.

*Regulatory flood protection elevation:* The elevation of the regulatory flood plus one (1) foot of freeboard to provide a safety factor.

*Revetment:* A facing of stone, concrete, etc., built to protect a scarp, embankment, or shore structure against erosion by wave action or current.

*Right-of-way:* A strip of land taken or dedicated for use as a public way. In addition to the roadway, it normally incorporates the curbs, lawn strips, sidewalks, lighting, and drainage facilities, and may include special features (required by the topography or treatment) such as grade separation, landscaped trees, viaducts, and bridges.

*Roadside stand:* A temporary structure designed or used for the display or sale of agricultural and related products.

*Rooming house:* A building, or part thereof, other than a motel or hotel, where sleeping accommodations are provided for hire more or less transiently without provisions for cooking by guests or for meals for guests.

*Seat:* For purposes of determining the number of off-street parking spaces for certain uses, the number of seats is the number of seating units installed or indicated, or each twenty-four (24) lineal inches of benches, pews, or space for loose chairs.

*Service station, automobile:* Any building or land used for retail sale and dispensing of automobile fuels or oils; may furnish supplies, equipment and minor services to private passenger vehicles incidental to sale and dispensing of automobile fuels and oils.

*Setback line:* A line established by the subdivision regulations and/or zoning ordinance, generally parallel with and measured from the lot line, defining the limits of a yard in which on building, other than accessory building, or structure, may be located above ground, except as may be provided in said codes. (See *Yard*.)

*Sewer, on-site:* A septic tank or similar installation on an individual lot which utilizes an aerobic bacteriological process or equally satisfactory process for the elimination of sewage and provides for the proper and safe disposal of the effluent, subject to the approval of health and sanitation officials having jurisdiction.

*Sewer, public or community:* An approved sewage disposal system which provides a collection network and disposal system and central sewage treatment facility for a single community, development, or region.

*Sign:* Any words, lettering, parts of letters, figures, numerals, phrases, sentences, emblems, devices, designs, trade names or marks or combinations thereof, by which anything is made known, such as the designation of an individual, a firm, an association, a profession, a business, a commodity, or product which are visible from any public way and used as an outdoor display.

*Special exception:* A land use to be carried on any premises, that is not similar in nature to the uses permitted in a district but that is desired in the community and for which a suitable district is not available. Such use may be permitted in the most nearly appropriate district where a location is available, upon appeal to and approval by the board of adjustment, which may set forth special conditions under which the use may be allowed.

*Structural alteration:* Any change, except for repair or replacement, in supporting members of a building or structure, such as bearing walls, columns, beams or girders.

*Structure:* Anything constructed or erected, the use of which requires a location on the ground, or attached to something having a location on the ground.

*Tourist home:* A building, or part thereof, other than a motel or hotel, where sleeping accommodations are provided for transient guests, with or without meals, and which also serves as the residence of the operator.

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

*Travel trailer park:* A development for the accommodation of tourists or vacationers on a short-term basis, providing rental spaces for each individual trailer, camper, motor home, etc., and recreation and service facilities for the use of the tenants.

*Use:* The specific purposes for which land or a building is designated, arranged, intended, or for which it is or may be occupied or maintained.

*Variance:* A modification of the strict terms of the relevant regulations in a district with regard to placement of structures, developmental criteria or provision facilities. Examples would be: (1) allowing smaller yard dimensions because an existing lot of record is of substandard size; (2) waiving a portion of required parking and/or parking space due to some unusual circumstances; allowing fencing and/or plant material buffering different from that required due to some unusual circumstances. Available only on appeal to the board of adjustment.

*Wholesale establishment:* Business establishments that generally sell commodities in large quantities or by the place to retailers, jobbers, other wholesale establishments, or manufacturing establishments. These commodities are basically for further resale, for use in the fabrication of a product, or for use by a business service.

*Yard:* A space on the same lot with a main building, such space being open, unoccupied land and unobstructed by buildings or structures from ground to sky except where establishments and accessory buildings are expressly permitted.

- a. *Yard, front:* An open, unoccupied space on the same lot with the main building, extending the full width of the lot and situated between the right-of-way line and the front line of the building projected to the side lines of the lot. The depth of the front yard shall be measured between the front lines of the building and

the right-of-way line. Covered porches, whether enclosed or unenclosed, shall be considered as part of the main building and shall not project into a required front yard. On corner lots the front yard shall be considered as parallel to the street upon which the lot has its least dimension. For the purpose of this ordinance, the front yard of waterfront lots is the yard that abuts the public street regardless of the orientation of the design of the structure.

- b. *Yard, rear:* An open space on the same lot with the main building, such space being unoccupied except possibly by an accessory building and extending the full width of the lot and the rear line of the main building projected to the side lines of the lot. On all corner lots the rear yard shall be at the opposite end of the lot from the front yard.
- c. *Yard, side:* An open, unoccupied space on the same lot with a main building, situated between the side line of the building and the adjacent side line of the lot extending from the rear line of the front yard to the front line of the rear yard. If no front yard is required, the rear boundary of the side yard shall be the rear line of the lot. On corner lots, the side yard shall be considered as parallel to the street upon which the lot has its greatest dimension.

*Yards, minimum exterior:* That yard space remaining if the property is developed to the fullest extent allowable under applicable ordinances.

(Ord. No. 1140, § 2, 9-25-96)

## **ARTICLE IX. LEGAL STATUS PROVISIONS**

### **Sec. 9.1. Relationship to other laws.**

Whenever regulations or restrictions imposed by this ordinance are either more or less restrictive than regulations or restrictions imposed by any governmental authority through legislation, rule or regulation, the regulations, rules or restrictions which are more restrictive or which impose higher standards or requirements shall govern. Regardless of any other provisions of this ordinance, no land shall be used and no structure erected or maintained in violation of any state or federal pollution control or environmental protection law or regulation.

### **Sec. 9.2. Separability and validity.**

Each phrase, sentence, paragraph, section or other provision of this ordinance is severable from all other such phrases, sentences, paragraphs, sections and provisions. Should any

phrase, sentence, paragraph, section or provision of this ordinance be declared by the courts to be unconstitutional or invalid, such declaration shall not affect any other portion or provision of this ordinance.

**Sec. 9.3. Repealed resolutions and ordinances.**

This is a comprehensive enactment of a plan of zoning and all prior zoning ordinances are hereby superseded and repealed.

**Sec. 9.4. Effective date.**

This ordinance shall take effect and be in force from and after the date of its adoption.